

AGENDA
Tompkins County Board of Health
Rice Conference Room
Tuesday, May 23, 2023
12:00 Noon

Live Stream at Tompkins County YouTube Channel:

<https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>

12:00 I. Call to Order

12:01 II. Privilege of the Floor – Anyone may address the Board of Health (max. 3 mins.)

12:04 III. Approval of April 25, 2023, Minutes (2 mins.)

12:06 IV. Financial Summary (9 mins.)

12:15 V. Reports (15 mins.)

Administration

Health Promotion Program

Medical Director's Report

Division for Community Health

Children with Special Care Needs

County Attorney's Report

Environmental Health

CSB Report

12:30 VI. New Business

12:30 Environmental Health (EH) (20 mins.)

Enforcement Actions:

1. Resolution #EH-ENF-22-0052 – C&C Chuck's, C-Ithaca, Violations of Board of Health Orders and Article 13-F of NYS Public Health Law (ATUPA) (5 mins.)
2. Resolution #EH-ENF-23-0005 – Chili's Grill & Bar, C-Ithaca, Repeat Critical Violations of Subpart 14-1 of New York State Sanitary Code (Food) (5 mins.)
3. Resolution #EH-ENF-23-0006 – Chipotle Mexican Grill, C-Ithaca, Repeat Critical Violations of Subpart 14-1 of New York State Sanitary Code (Food) (5 mins.)
4. Resolution #EH-ENF-23-0007 – Authentic Jerk, C-Ithaca, Repeat Critical Violations of Subpart 14-1 of New York State Sanitary Code (Food) (5 mins.)

12:50 **Administrative Action: (EH)** (10 mins.)

1. Review of Proposed 2024 Environmental Health Division Fees (10 mins.)

01:00 **Adjournment**

Tompkins County Board of Health
April 25, 2023
12:00 Noon
Rice Conference Room and via Zoom

Present: Christina Moylan, Ph.D., President; Melissa Dhundale, MD, Vice-President; Susan Merkel; Shawna Black; Samara Touchton; Ravinder Kingra; and Andreia De Lima, MD

Staff: Elizabeth Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Rachel Buckwalter, Director of Community Health; Samantha Hillson, Director of Health Promotion Program; Dr. William Klepack, Medical Director; Deb Thomas, Director of Children with Special Care Needs; William Troy, County Attorney; Holly Mosher, Deputy County Attorney; Frank Kruppa, Whole Health Commissioner; Zoe Lincoln, Whole Health Planner; and Karan Palazzo, LGU Administrative Assistant.

Excused: Edward Koppel, MD

Guests: Anthony Pitts, Holiday Inn

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at noon.

Privilege of the Floor: Mr. Pitts explained that when the March 2022 inspection found the pool low on chlorine it was shut down but was under the assumption that when the chlorine levels were normal it could be reopened. He was confused when he received communication from EH about the pool's closure. Mr. Pitts said they maintain appropriate chlorine levels, submit monthly logs to EH, and agreed to pay the \$400 fine.

Approval of March 28, 2023, Minutes: Ms. Merkel moved to approve the March 28, 2023, minutes; second by Mr. Kingra; all were in favor as written.

Financial Summary: Ms. Grinnell Crosby referred to the report included in the packet. The report includes payroll through March 18th and reflects lower costs due to vacancies. Two nurses were hired and will start in May leaving one vacancy in Community Health Services. She said that they are reviewing the 2022 year-end books to do transfers to make sure the lines balance out to meet finance rules. There are some COVID grants still active with related expenses.

Administration Report: Mr. Kruppa reported that an internal team met to discuss the BOH agenda packet and believes it aligns with the BOH's interests. He anticipates an updated BOH agenda packet in July.

Health Promotion Program Report: Ms. Hillson shared that the internal team is looking to highlight shared issues and topics across the departments at the beginning of the reports by creating a template that would put interested data in an appendix of the updated BOH agenda packet.

An opening for a community health worker position has been posted on the Tompkins County website to add to the team. She anticipates providing caseload data and the needs addressed through the Perinatal and Infant Community Health Collaboratives (PICH) program.

DRAFT MINUTES

Ms. Hillson said that The New York State People's Health Partnership Conference is being held April 26 – 28th and Mr. Kruppa, Ms. Alvord (Communications Coordinator), public health fellows, and Ms. Hillson will be in attendance. They will make a presentation on “Navigating Public Health Communication Channels to Reach All Corners of Our County”. The presentation will be regarding the work that was done during COVID in Tompkins County(TC) around communication and how TC would continue to leverage those strategies for other public health issues.

They will also make a presentation as part of a panel discussion on public health workforce development called “Community Health Workers and Public Health Fellows - A Case Study in Public Health Training and Career Pathway Development.”

Medical Director's Report and Discussion: Dr. Klepack reported that recent FDA and CDC actions have removed monovalent vaccines from use and that from now on Bivalent vaccines are the only vaccines available. The bivalent booster is the most recent version of the COVID-19 vaccine. It contains both the original vaccine strain [of the virus] and a strain derived from the BA.5 omicron variant. Bivalent keeps people out of the hospital; Bivalent prevents people from getting severe COVID; and helps prevent long-term COVID. 30 – 40% of eligible people 65 years of age and older and even fewer in the younger age groups have gotten the Bivalent vaccine and he strongly encourages everyone eligible to get the Bivalent vaccine.

Eligibles:

The FDA and CDC actions have also changed the indications for booster doses. Individuals over the age of 65 can now receive a second bivalent COVID-19 vaccine booster if at least four months have passed since their last booster dose; aged 5 years and older if it has been at least two months since their last dose; and people ages 6 months of age and older who are moderately or severely [immunocompromised](#) can receive an additional updated COVID-19 vaccine if at least two months have passed since their last dose and their healthcare practitioner recommends it.

The actions by the FDA and the CDC confirm the safety of the Bivalent vaccine. It is in one's best interest to be vaccinated. Dr. Klepack predicts there will be further refinements in the Covid vaccine in the coming year. This fall there will likely be the opportunity to receive a COVID vaccination along with the flu vaccination at the same visit. However, he urged people not to wait for these future vaccines since science shows that becoming boosted now is important for a person's protection.

Dr. Klepack reported that (as expected) a new variant is rising and is currently at 7% nationally and is expected to rise further. The Bivalent vaccine is expected to protect us just as it has in the past.

It is important to note that of those who die from Covid, the vast majority are unvaccinated. If one has not received the Bivalent vaccine, they are unvaccinated and are not adequately protected. The Bivalent vaccine is so important to receive and is available free of charge in pharmacies and physicians' offices. Students attending a university should contact their health service.

Division for Community Health (DCH) Report: Ms. Buckwalter had nothing to add to her written report included in the packet. The nurse newly hired will start on May 15th.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to her written report included in the packet. She reported that two of their nurses are out on medical leave and they have had their highest number of referrals ever. She is not sure why the high referrals, but it might be COVID related.

DRAFT MINUTES

County Attorney's Report: Ms. Mosher, Deputy County Attorney reported meeting with Ms. Cameron and Mr. Parr to discuss the violations of establishments throughout the county selling flavored vapes. She found that NY State Law allows establishments in violation of revoked or suspended licenses to register a certificate under a different name and continue to do business. She will do more research to see if more can be done at the local level to hold the establishments accountable for violating the vaping laws.

Ms. Cameron added that EH is meeting with the Health and Human Services Committee on May 15th to further discuss this issue.

Environmental Health Report: Ms. Cameron reported a successful rabies clinic was held and 150 cats, dogs, and parrots were vaccinated.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported that April's CSB meeting included a presentation from CEO, Allan Connolly and Business Operations Vice President of Challenge/Mosaic, Ashley Burke, speaking about their new licensure to operate a marijuana dispensary in Tompkins County.

They explained that this is an opportunity to provide competitive jobs with benefits and will use the profits to support their other vocational services in the community. Their Article 16 clinic located at Challenges location on Danby Road, provides vocational and rehabilitative counseling services for people with developmental disabilities.

Resolution #EH-ENF-22-0055 – Holiday Inn Express Ithaca, C-Ithaca, Repeat Critical Violations of Subpart 6-1 of New York State Sanitary Code (Pool) – Ms. Black moved to accept the motion as written; seconded by Dr. Dhundale.

Ms. Cameron explained that this is a case of failing to maintain minimum chlorine levels. The pool is open and in compliance with the actions of the order. EH proposes a penalty of \$400.

Ms. Cameron explained that EH does not go back to any operator who has a problem until the operator/business notifies EH that all is corrected. The March 10th inspection report noted the details of the closure of the pool which the operator signed. EH was not notified of any corrective actions from March to December 2022 and no logs were submitted via email or mail during that time.

The vote to approve the resolution as written was unanimous.

The next meeting is Tuesday, May 23rd, 2023 @ Noon.

Adjournment: Adjourned at 12:38 p.m.

Tompkins County Financial Report for Public Health

Year: **23**

Month: **4**

Percentage of Year: 33.33%		<u>Expenditures</u>			<u>Revenues</u>			<u>Local Share</u>		
		Budget	Paid YTD	%	Budget	YTD	%	Budget	YTD	%
4010	PH ADMINISTRATION	2,633,517	669,235	25.41%	841,489	53,220	6.32%	1,792,028	616,015	34.38%
4012	WOMEN, INFANTS & CHILDREN	550,969	163,872	29.74%	550,969	63,796	11.58%	0	100,075	
4015	VITAL RECORDS	84,888	25,226	29.72%	115,000	39,470	34.32%	-30,112	-14,244	47.30%
4016	COMMUNITY HEALTH	2,001,693	523,375	26.15%	648,382	110,411	17.03%	1,353,311	412,964	30.52%
4018	HEALTHY NEIGHBORHOOD PROG	199,000	64,566	32.45%	199,000	0		0	64,566	
4047	PLNG. & COORD. OF C.S.N.	1,545,385	451,844	29.24%	524,224	59,083	11.27%	1,021,161	392,761	38.46%
4090	ENVIRONMENTAL HEALTH	2,152,414	617,934	28.71%	577,595	131,820	22.82%	1,574,819	486,115	30.87%
4092	PUB HLTH COVID SCHOOL GRN	1,000,000	0		1,000,000	0		0	0	
4095	PUBLIC HEALTH STATE AID				1,948,168	0		-1,948,168	0	
Non-Mandate		10,167,865	2,516,053	24.75%	6,404,827	457,800	7.15%	3,763,039	2,058,253	54.70%
2960	PRESCHOOL SPECIAL EDUCATI	5,942,000	818,212	13.77%	3,760,000	206,778	5.50%	2,182,000	611,434	28.02%
4017	MEDICAL EXAMINER PROGRAM	375,865	62,676	16.68%	0	0		375,865	62,676	16.68%
4054	EARLY INTERV (BIRTH-3)	641,000	108,096	16.86%	312,620	25,958	8.30%	328,380	82,137	25.01%
Mandate		6,958,865	988,983	14.21%	4,072,620	232,736	5.71%	2,886,245	756,247	26.20%
Total Public Health		17,126,730	3,505,036	20.47%	10,477,447	690,536	6.59%	6,649,284	2,814,500	42.33%

BALANCES (Including Encumbrances)

Non-Mandate		Available Budget	Revenues Needed	Mandate		Available Budget	Revenues Needed
4010	PH ADMINISTRATION	1,960,957	788,269	2960	PRESCHOOL SPECIAL EDUCATI	5,123,788	3,553,222
4012	WOMEN, INFANTS & CHILDREN	367,448	487,172	4017	MEDICAL EXAMINER PROGRAM	163,190	0
4015	VITAL RECORDS	59,662	75,530	4054	EARLY INTERV (BIRTH-3)	532,904	286,662
4016	COMMUNITY HEALTH	1,468,901	537,971			5,819,882	3,839,884
4018	HEALTHY NEIGHBORHOOD PROG	134,434	199,000				
4047	PLNG. & COORD. OF C.S.N.	1,093,541	465,141				
4090	ENVIRONMENTAL HEALTH	1,519,042	445,775				
4092	PUB HLTH COVID SCHOOL GRN	1,000,000	1,000,000				
4095	PUBLIC HEALTH STATE AID	0	1,948,168				
		7,603,985	5,947,026				

Total Public Health Balances
Available Budget Revenues Needed
13,423,867 **9,786,910**

Comments: April includes payroll through April 15. The department continues with recruitment for various positions or awaiting civil service exams. First quarter grant claims are in process.

HEALTH PROMOTION PROGRAM – May 2023

April 2023 Report

HPP staff strive to promote health equity and address underlying determinants of health, including but not limited to, health care access, health literacy, housing quality and environmental conditions, and food insecurity. We do this through education and outreach, community partnerships, home visits, public communication and marketing, and policy change.

Highlights

- HPP staff presented on two topics at the annual NYS Public Health Association conference:
 - How did you hear about us? Navigating Public Health Communication Channels
 - Community Health Workers and Public Health Fellows: A Case Study in Public Health Training and Career Pathway Development

Opioids

All calls that come into Tompkins County's 9-1-1 center are coded based on the type of emergency. To help direct the call, the dispatcher assigns each a "Nature." The Department of Emergency Response (DoER) sends the monthly totals to Whole Health for calls coded as "Overdose/Poisoning," and these are posted in graphic form [on the WH website](#). A 3-month summary is shown below.

Total 911 calls per month that are Nature coded as "Overdose/ Poisoning."

Source: DoER.

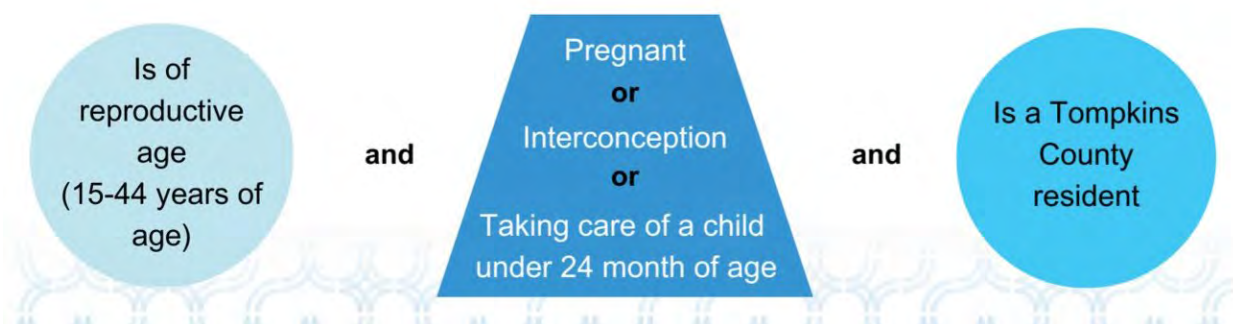
Month	2018	2019	2020	2021	2022	2023
FEB	23	16	35	19	19	45
MAR	31	34	24	23	17	35
APR	33	24	12	21	34	25
MAY	50	49	20	39	38	

Community Health Worker Initiative (CHWs) and PICHC (Perinatal and Infant Community Health Collaborative)

Program Highlights:

- The first PICHC client delivered a healthy baby in April!
- CHWs supported clients this month with transportation to prenatal appointments, doula support, peer support during labor, Reuse vouchers, connecting to other agencies

- PICHC Community Partner Workshop Planning: PICHC and the Maternal Child Health team are restarting a quarterly meeting in May. This workshop will be an overview of the PICHC goals and how the program connects to the Community Health Improvement goals to 1) Reduce infant mortality & morbidity. 2) Reduce racial, ethnic, economic, and geographic disparities in maternal and child health outcomes, and promote health equity for maternal and child health populations. The workshop will include breakout sessions to hear directly from the CHWs. There will be a group brainstorm to develop a new name for the program that is recognizable and meaningful.
- Both programs are building their caseloads.
 - General CHW: 6 clients
 - PICHC: Enrolled (screening questions complete): 7; Pending (CHW is developing relationship and working on screening forms): 11.
- The eligibility for PICHC includes:



CHW Training in April 2023:

- Meet and Greet with LawNY
- Public Health Law in the 21st Century: Exploring Authority, Equity and Advocacy
- Trauma Informed Care – Session 2
- Trauma Informed Care Practical Applications with DSS Deputy Commissioner Deana Bodnar

CHW Outreach events in April 2023:

- Tabling at Southworth Library (Dryden), Newfield Library, Groton Library, and Lansing Library
- Tabling at Ellis Hollow Senior Apartments
- Tabling at Henry St. John building – Resource Fair
- Tabling at YMCA Healthy Kids Day
- Flyers and other promotional materials distributed across county.

COVID-19

- Collaborated with Cayuga Health to inform the public about closure to the Shops at Ithaca Mall COVID-19 testing site.
- Continue to promote bivalent booster through social media, outreach, etc.

Healthy Neighborhoods Program

During the month of April HNP staff canvassed a mobile home park for senior citizens. HNP staff observed that many residents either don't have smoke detectors and carbon monoxide alarms, or if they have them many were outdated. HNP staff were able to provide smoke detectors, carbon monoxide alarms and fire extinguishers to residents needing them along with many other injury prevention products including bathtub strips, nightlights, etc. Along with those items, we also provided many referrals to programs like FoodNet Meals on Wheels, TCOFA, Catholic Charities, and others.

Outreach/Training:

- Homeless and Housing Task Force
- Strengthening Women's Health Access: Medicaid and Family Planning
- Webinar: Active Shooter Guidance
- Webinar: Until Help Arrives
- Staying Informed: Understanding Local Impacts of the Public Health Emergency Ending
- Lead Poisoning Prevention (LPP) internal staff meeting
- Webinar: Driving Progress
- Aging Services Network Meeting
- Trauma Informed Care Practical Applications

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2023	April 2022	TOTAL 2022*
# of Initial Home Visits (including asthma visits)	11	59	12	219
# of Revisits	0	0	0	16
# of Asthma Homes (initial)	3	7	5	42
# of Homes Approached	28	39	5	392

Tobacco Free Tompkins

- Collaborating with the Community Coalition for Healthy Youth to develop an anti-vaping campaign. The campaign will be a photo series featuring local youth and popular landmarks throughout Tompkins County. Target audience will be youth aged 11-18.

- We hope to incorporate messaging regarding the dangers of flavored tobacco products, despite the flavor ban not being passed at the state level

Media, Website, Social Media

- Social media focus on “awareness days/months/etc/” with Whole Health lens, CHA/CHIP focus, and promotion of services. Example: National Public Health Week, April 3-9. Highlighted services, WH mission, and CHA/CHIP connections within central themes:
 - Community
 - Violence Prevention
 - Reproductive & Sexual Health
 - Mental Health
 - Rural Health
 - Accessibility
 - Food & Nutrition

Press Releases in April 2023:

- [Monday, April 24](#): Announcing National Infant Immunization Week, April 24 to 30
- [Tuesday, April 25](#): Appointments Available at Spring Rabies Vaccination Clinic in Danby
- [Friday, April 28](#): COVID-19 Update: Covid Sampling Site at the Shops at Ithaca Mall to Close; Thank you to Tompkins County Legislature

Strategic Planning

- Comprehensive planning and work on updating program brochures across Whole Health to maintain WH branding and mission.

Training/Professional Development

- Webinar: “Staying Informed: Understanding Local Impacts of the Public Health Emergency Ending” (Vaccine Equity Cooperative).

Appendix

Committee and Partnership Meetings

Group, Organization	Activity/Purpose	Date
CATCHI Working Group (Coordinated Approach to Community Health Integration)	Combines Social Determinants of Health, CHW initiative and Childhood Nutrition Collaborative into one working group.	monthly

Long Term Care Committee	Planning and sharing resources for long-term care in the community.	quarterly
Health Planning Council	Advisory Board and Executive Committee, Hillson reappointed as Secretary and Co-Chair of Community Health and Access Cte	Bi-monthly
Community Health and Access Committee	Sub-committee of the HPC. Focus on telehealth, maternal health, etc.	quarterly
COFA Advisory Board	Updates and Age Friendly	quarterly
Suicide Prevention Coalition	In partnership with the Sophie Fund	monthly
Immunization Coalition	Quarterly meeting, updates about COVID-19 vaccine and discussion/feedback, youth vaccination promo	quarterly
Lead Poisoning Prevention Network	Quarterly meeting, review lead cases, prevention, new regulation	quarterly
Cayuga Health Data Governance Committee	Oversight/advisory committee for the health equity team at Cayuga Health, focus on data collection for health equity, We Ask Because We Care campaign.	quarterly
TC Cancer Screening Working Group	Regular meeting	monthly
Aging Services Network	Regular meeting	monthly
Homeless & Housing Taskforce	Regular meeting	Bi-monthly
PICHC Partners Meeting	Weekly meeting to discuss community health worker roles, align program design, collaborate w/community partners	weekly
PICHC State Call	Monthly meeting for PICHC programs in NYS	monthly
LATCH: Lactation Alliance for Tompkins County Health	Monthly meeting of community partners/stakeholders. Mission: To protect, promote, & support breastfeeding/chestfeeding in Tompkins County, and to protect, promote, & support the rights of families to achieve their infant feeding goals.	monthly

**Medical Director's Report
Board of Health
May 2023**

Mpox CDC projection

The CDC released this assessment regarding **Mpox**. The bolded text in the final paragraph is mine and is meant to convey the need for people in our region to become vaccinated if they are eligible. The cases we have had have been related to travel and experiences in other localities.

The 2022 Mpox outbreak in the United States has receded to very low levels. However, most jurisdictions in the United States may be at risk of resurgence or new Mpox outbreaks without continued efforts to vaccinate people at risk, based on new modeling analyses. The chance of an outbreak and its predicted size will likely increase over time without continued efforts to vaccinate people at the highest risk of Mpox exposure.

If Mpox reintroduction occurs and no additional vaccination or sexual behavior adaptations occur, the risk of a resurgent Mpox outbreak is greater than 35% in most jurisdictions in the United States. Resurgent outbreaks in these communities could be as large or larger than the 2022 outbreak. This is because immunity is relatively low in populations who are highly affected, including sexually active men who have sex with men (MSM) in these jurisdictions. In jurisdictions where immunity is higher in these populations, the risk is anticipated to be low over the next year, although a renewed outbreak could occur. These jurisdictions include most jurisdictions that had large Mpox outbreaks in 2022, such as California, the District of Columbia (DC), Illinois, and New York.

We have moderate confidence^[1] in our assessment

Implications

The risk of **Mpox resurgence in the United States warrants continued efforts to vaccinate people** who are most likely to be exposed to Mpox, including MSM who have had more than one sexual partner in the last six months and other risk groups outlined in the U.S. National Mpox Vaccination Strategy.^[1] Outreach, education, and other public health interventions among affected populations, including the young and newly sexually active, could help improve vaccination targeting and other response measures.

<https://www.cdc.gov/poxvirus/Mpox/response/2022/risk-assessment-of-resurgence.html>

Covid primary and booster vaccination

Recently my interview with WHCU focused on the recent World Health Organization announcement that it is declaring the Covid worldwide emergency to be at an end (at least for now), and on the ending of the federal emergency provisions. Since we are not in an endemic state regarding Covid people are left wondering what state are we in? It occurred to me that a fire analogy was appropriate.

Covid burst into flames in the winter of 2020. Due to the delay in getting testing going, mixed messages about taking proper precautions, and the time needed to create a vaccine, it was uncontrolled and more than 1,124,000 people have died.

The good news is that Covid is declining nationwide in the number of cases and deaths yet recently I got my 2nd bivalent Covid booster vaccine dose, and I am urging the more than 70% of New Yorkers who have not gotten their booster dose to do so and the nearly 20% who are not vaccinated at all to do so. Why? Our best experts express concerns about future flare-ups.

Suppose that your home and the community surrounding it have a terrible fire. The fire department rushes in but, despite their best efforts, your home and buildings around burn down. A mass of smoldering embers results that the fire department is unable to put out completely.

We all know that in such cases the fire department cannot leave. That it must stick around and take precautions in case the fire flares up again. Here is the link: In the case of Covid we got the fire of infectious disease down to a smoldering state but are unable to extinguish it. It is still possible for it to flare up again.

We can't wait and put our lives on hold forever. We must restart our lives and rebuild, but we need to be cautious not to bring flammable materials near the embers or a vigorous fire will recur. Here is the problem: as we go about our daily lives we unavoidably must bring potentially flammable material (ourselves) near these disease embers (infected contagious people). To prevent a resurgence of the fire uninfected people must be vaccinated and rendered relatively protected. Persons unvaccinated and susceptible to infection can result in an out-of-control fire.

If we bring too many people who are not vaccinated or have lost their immunity near the people infected with the infectious disease the fires of sickness and death will flare and burn brightly.

We need to maintain and update vaccination and use precautions as are warranted until such time as the smoldering embers can be completely extinguished - if they ever can be.

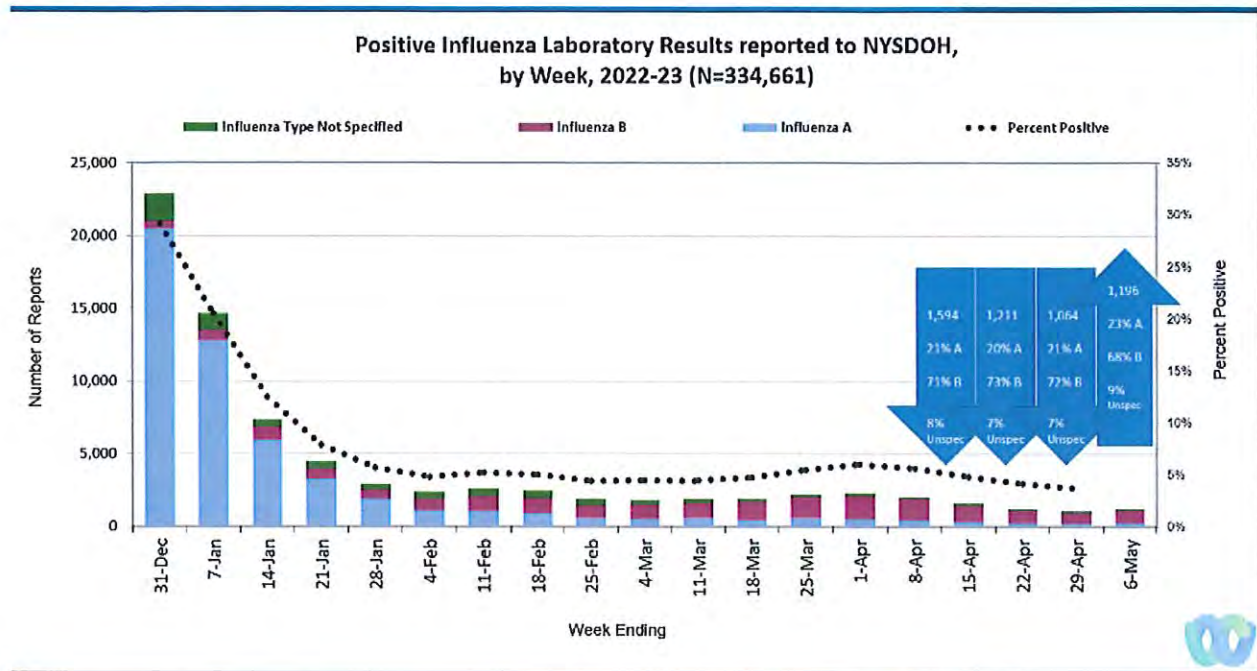
We know how to do this. We have done this kind of control with diseases like measles and polio (whose embers still glow in the world). With enough understanding and resolve we can do it with Covid. Covid is still killing 1,100 people per week (57,000 per year) – a tragedy. Of those 1,100 dying every week, 935 of them are not vaccinated. They die needlessly.

So, my WHCU message was: if you are eligible and have not been vaccinated, you should be. If you have not had your bivalent booster and you are eligible to get one, do so. And that is my message today.

My previous interview on WHCU outlined the role of Community Health Workers.

Influenza –

A slight uptick has been seen:



A small increase in cases The small increase is in A cases 1,196 Lab Confirmed

23% Flu A, 68% flu B and 9% Flu type not specified

We have gone back to widespread activity (hopefully only for a little while)

Other topics:

An RSV vaccine was approved recently. First for adults 60 and up (a major risk for those with chronic lung disease), more vaccines for RSV are likely to come.

<https://www.vox.com/health/2023/5/4/23710959/rsv-vaccine-for-adults-arexvy-fda-approval>

43 years ago yesterday, smallpox was declared eradicated, thanks primarily to vaccines:

<https://www.vox.com/future-perfect/2023/5/3/23709475/smallpox-world-health-organization-disease-covid-vaccination-health>

COMMUNITY HEALTH SERVICES

tomkinscountyny.gov/health/chs

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Division for Community Health

May 23rd, 2023 Board of Health meeting

April 2023 monthly report

By Jess Clark Manderville, Senior Community Health Nurse, Celeste Rakovich, Senior Community Health Nurse and Michelle Hall, WIC director

Communicable Disease:

- **COVID:** Mid-April the FDA authorized changes to simplify the use of Bivalent mRNA COVID-19 vaccines. This change includes authorizing the current bivalent vaccines to be used for all doses administered to individuals 6 months of age and older, including for an additional dose or doses for certain populations. The Monovalent Moderna and Pfizer COVID-19 vaccines were no longer authorized for use in the United States at this time. CHS nurses continue to provide guidance to healthcare facilities and community members on Covid as needed.
- **Flu:** Flu continues to be widespread in New York State and Tompkins County during the month of April. CHS nurses continue to encourage flu vaccine and education regarding illness. Flu vaccine is being offered during out Friday on-site immunization clinics and our monthly homebound clinic. The NYSDOH Healthcare Personnel Influenza Vaccination Report opened in April and must be submitted by June 1, 2023. Support staff is collecting data to be submitted in the month of May.
- **Other Communicable Diseases:**
 - **Salmonellosis:** 2 cases reported in April, both related to travel to Mexico.
 - **Campylobacteriosis:** 2 cases reported in April, neither related to travel and both cases had months of ongoing GI symptoms.
 - **Cryptosporidium:** 1 case in April, several attempts to interview; lost to follow up and no information could be obtained from the medical record.
 - **Giardia:** 1 case in April, related to travel to S. France.
 - **E-Choli Shiga Toxin:** 2 cases in April, both related to travel – one to Mexico, the other traveled to several different countries, including Mexico.
 - **Strep Group A Invasive:** 2 cases in April, both were residents of LTC facilities and needed to be hospitalized for treatment.
 - **Anaplasmosis:** 2 confirmed cases in April, one case needing to be hospitalized.

SafeCare Program:

- Three families are currently enrolled in SafeCare and are progressing through the program. We continue to collaborate with DSS on program coordination and implementation.

Moms PLUS+:

- There were 33 referrals and 14 admissions to the Moms PLUS+ program for the month of April. We continue to get referrals primarily from Cayuga Birthplace and other community agencies. Nurses meet bi-weekly to discuss home visit efficiency and leadership meets monthly and quarterly to discuss data collection and the use of that data to increase program efficiency.
- Moms PLUS+ nurses have shared clients with community health workers from the PICHC program. The two collaborate to meet the medical, socioeconomic, and mental health needs of each client as needed.
- Discussions are happening among stakeholders to coordinate lactation services for patients between pediatric offices, OB, primary care and the hospital. The first meeting is tentatively set for June. Meetings are held internally monthly to increase the use of social media platforms to spread awareness of our program services and to engage the community.

Immunization:

- There were 22 clients vaccinated in the month of April during our regular Friday on-site clinic. There were 4 children vaccinated, 9 adults vaccinated and 9 rabies vaccines administered.
- We placed and read 1 TST for employment purposes.
- The demand for homebound continues to slow. We did not immunize anyone in April.
- Jess Clark Manderville attended the NYSDOH audit of the immunization records and Meningococcal Meningitis Response forms from Tompkins-Cortland Community College on April 25th. The purpose: to determine compliance with Public Health Law (PHL) § 2165 (requiring students to be adequately immunized against measles, mumps, and rubella) and 2167 (requiring students to complete a Meningococcal Meningitis Response form). These audits are included in the workplan for the Immunization Action Plan Grant from NYSDOH.
- Jess Clark Manderville, and Community Health Nurse, Rachel Fried, shadowed a VFC site visit at Well Being Pediatrics on April 26th.

Rabies:

- There were 4 individuals who received rabies post exposure prophylaxis treatment in April— these were due to a mix of other wildlife (unknown dog and a raccoon) and bat exposures. EH continues to authorize treatment that is followed up by CHS for care coordination.
- Jess Clark Manderville and Celeste Rakovich met with the SPCA to review Rabies preexposure prophylaxis (PrEP) and determine agency defined risk roles in their organization.
- Jess Clark Manderville has been in communication with CMC ER staff regarding correct treatment for rabies post exposure prophylaxis.

Lead:

- CHS and EH met internally in April to discuss case coordination including inspections, home visits and nursing care. There was one new patient with an elevated Blood Lead Level admitted to the program in April. Next quarterly community stakeholder meeting is planned for June.

HIV:

- There were 6 anonymous HIV tests performed in April. CHS continues to have a nurse at STAP downtown Ithaca every Thursday to offer HIV anonymous testing to community members. Testing is also available at Tompkins Whole Health on Brown Rd by appointment.

Staffing:

- We are pleased to announce that Karen Whetzel has accepted our offer for the Community Health Nurse position focused on Communicable Disease. Karen comes to us with many years of nursing experience in the community. She will start on May 15th. We are excited to have her join the team.

**BOH Report- Tompkins County WIC Program
May 2023**

Caseload Data:

	Oct	Nov	Dec	Jan	Feb	March	April
Participation	1073	1092	1121	1123	1127	1158	1146
Enrollment	1173	1156	1182	1198	1202	1229	1207
Participation/Enrollment	91.47%	94.46%	94.84%	93.74%	93.76%	94.22%	94.95%
Part/Target Caseload	71.53%	72.80%	74.73%	74.87%	75.13%	77.20%	76.04%

Total participants seen in March: 509

Appointment show rate: 98%

Total participants seen in April: 487

Appointment show rate: 96%

Program Highlights

1. With the Public Health Emergency ending May 11th , WIC physical presence and remote benefits issuance waivers are set to expire August 9th. In May our program will begin offering in-person appointments to newly enrolling families and to other families that prefer to be in person.
2. The formula shortage has decreased substantially. We are not seeing the same volume of families unable to find formula or an acceptable alternative.

N.Y.S. Department of Health
Division of Epidemiology
Communicable Disease Monthly Report*, DATE: 02MAY23
Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=April

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	2	23.5	3	35.2	0	0.0	0	0.0	1	11.7
BABESIOSIS**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
CAMPYLOBACTERIOSIS**	2	23.5	0	0.0	1	11.7	1	11.7	1	11.7
COVID-19	136	1597.2	1858	21820	260	3053.4	72	845.6	730	8573.1
CRYPTOSPORIDIOSIS**	1	11.7	1	11.7	0	0.0	2	23.5	1	11.7
ECOLI SHIGA TOXIN**	3	35.2	0	0.0	0	0.0	2	23.5	1	11.7
ENCEPHALITIS, OTHER	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
GIARDIASIS	1	11.7	0	0.0	0	0.0	1	11.7	0	0.0
HAEMOPHILUS INFLUENZAE, NOT TYPE B	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
HEPATITIS B,CHRONIC**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
HEPATITIS C,CHRONIC**	3	35.2	1	11.7	3	35.2	2	23.5	2	23.5
INFLUENZA A, LAB CONFIRMED	4	47.0	124	1456.3	0	0.0	0	0.0	41	481.5
INFLUENZA B, LAB CONFIRMED	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
INFLUENZA UNSPECIFIED, LAB CONFIRMED	0	0.0	3	35.2	0	0.0	0	0.0	1	11.7
LYME DISEASE** ****	29	340.6	12	140.9	0	0.0	0	0.0	4	47.0
SALMONELLOSIS**	2	23.5	1	11.7	1	11.7	3	35.2	2	23.5
STREP,GROUP A INVASIVE	2	23.5	0	0.0	1	11.7	0	0.0	0	0.0
STREP,GROUP B INV,EARLY/LATE ONSET	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
STREP PNEUMONIAE,INVASIVE**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
SYPHILIS TOTAL.....	0	0.0	4	47.0	0	0.0	1	11.7	2	23.5
- EARLY LATENT	0	0.0	3	35.2	0	0.0	1	11.7	1	11.7
- CONGENITAL SYPHILIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	8	94.0	7	82.2	11	129.2	4	47.0	7	82.2
- GONORRHEA	8	94.0	7	82.2	11	129.2	4	47.0	7	82.2
CHLAMYDIA	25	293.6	30	352.3	29	340.6	22	258.4	27	317.1

*Based on month case created, or December for cases created in Jan/Feb of following year

**Confirmed and Probable cases counted

***Not official number

**** In 2017, 27 counties investigated a sample of positive laboratory results; in 2018, 30 counties sampled; in 2019, 33 counties sampled; in 2020, 36 counties sampled.

N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 02MAY23
 Through April
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	4	11.7	66	193.8	86	252.5	31	91.0	61	179.1
BABESIOSIS**	0	0.0	11	32.3	20	58.7	8	23.5	13	38.2
CAMPYLOBACTERIOSIS**	6	17.6	28	82.2	19	55.8	17	49.9	21	61.7
COVID-19	1519	4459.8	16044	47105	9627	28265	2446	7181.4	9372	27516
CRYPTOSPORIDIOSIS**	4	11.7	11	32.3	14	41.1	14	41.1	13	38.2
DENGUE FEVER**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
ECOLI SHIGA TOXIN**	3	8.8	3	8.8	6	17.6	5	14.7	5	14.7
EHRlichiosis (CHAFEENSIS)**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
EHRlichiosis (EWINGII)**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, ARBO**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, OTHER	0	0.0	0	0.0	1	2.9	2	5.9	1	2.9
ENCEPHALITIS, POST	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
GIARDIASIS	3	8.8	13	38.2	15	44.0	7	20.6	12	35.2
HAEMOPHILUS INFLUENZAE, NOT TYPE B	0	0.0	4	11.7	0	0.0	2	5.9	2	5.9
HEPATITIS A	0	0.0	1	2.9	7	20.6	12	35.2	7	20.6
HEPATITIS B,CHRONIC**	3	8.8	15	44.0	18	52.8	9	26.4	14	41.1
HEPATITIS C,ACUTE**	2	5.9	4	11.7	3	8.8	9	26.4	5	14.7
HEPATITIS C,CHRONIC**	8	23.5	20	58.7	30	88.1	32	94.0	27	79.3
HEPATITIS C,PERINATAL	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
INFLUENZA A, LAB CONFIRMED	91	267.2	1341	3937.2	265	778.0	526	1544.3	711	2087.5

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
INFLUENZA B, LAB CONFIRMED	10	29.4	11	32.3	6	17.6	738	2166.8	252	739.9
INFLUENZA UNSPECIFIED, LAB CONFIRMED	0	0.0	3	8.8	1	2.9	0	0.0	1	2.9
LEGIONELLOSIS	0	0.0	6	17.6	3	8.8	0	0.0	3	8.8
LISTERIOSIS	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
LYME DISEASE** ****	114	334.7	339	995.3	44	129.2	37	108.6	140	411.0
MALARIA	2	5.9	3	8.8	0	0.0	2	5.9	2	5.9
MENINGITIS, ASEPTIC	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
MONKEYPOX	0	0.0	3	8.8	0	0.0	0	0.0	1	2.9
PERTUSSIS**	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
ROCKY MTN SPOT FEVER**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
SALMONELLOSIS**	6	17.6	20	58.7	13	38.2	8	23.5	14	41.1
SHIGELLOSIS**	0	0.0	2	5.9	1	2.9	0	0.0	1	2.9
STREP,GROUP A INVASIVE	3	8.8	5	14.7	3	8.8	2	5.9	3	8.8
STREP,GROUP B INVASIVE	0	0.0	6	17.6	10	29.4	6	17.6	7	20.6
STREP,GROUP B INV,EARLY/LATE ONSET	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
STREP PNEUMONIAE,INVASIVE**	1	2.9	8	23.5	4	11.7	6	17.6	6	17.6
TUBERCULOSIS***	0	0.0	1	2.9	1	2.9	2	5.9	1	2.9
TYPHOID FEVER	1	2.9	0	0.0	0	0.0	0	0.0	0	0.0
VIBRIO - NON 01 CHOLERA**	0	0.0	2	5.9	1	2.9	0	0.0	1	2.9
YERSINIOSIS**	0	0.0	6	17.6	1	2.9	0	0.0	2	5.9
SYPHILIS TOTAL.....	0	0.0	34	99.8	24	70.5	20	58.7	26	76.3
- P&S SYPHILIS	0	0.0	16	47.0	7	20.6	8	23.5	10	29.4
- EARLY LATENT	0	0.0	15	44.0	11	32.3	8	23.5	11	32.3
- LATE LATENT	0	0.0	2	5.9	6	17.6	4	11.7	4	11.7
- CONGENITAL SYPHILIS	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	46	135.1	109	320.0	142	416.9	97	284.8	116	340.6

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
- GONORRHEA	46	135.1	109	320.0	142	416.9	96	281.9	116	340.6
- GONORRHEA,DISSEMINATED	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
CHLAMYDIA	118	346.4	377	1106.9	337	989.4	396	1162.7	370	1086.3

*Based on month case created, or December for cases created in Jan/Feb of following year

**Confirmed and Probable cases counted; Campylobacter confirmed and suspect

***Not official number

**** In 2017, 27 counties investigated a sample of positive laboratory results; in 2018, 30 counties sampled; in 2019, 33 counties sampled; in 2020, 36 counties sampled.

Children with Special Care Needs Division — (607) 274-6644

Children with Special Care Needs Highlights April 2023

Staff Group Trainings-

- Trauma informed Practices Part 1
- CPR for 3 nurses

Committees/Meetings

- CSCN Staff meeting-4/18/23
- Early Childhood Collaborative meetings once a month with community partners.
- Collaborative Solutions Network meeting regarding the new Systems of Core initiative.
- 2 CSCN staff participating in Strategic Planning Cross Functional Team meetings.
- Collaborative meetings with DSS, CHS, MH and CSCN- training focused once a month.

Program Work:

Early Intervention

- Early Intervention experiencing wait lists for speech services, Special Instruction (approx. 15) Teachers and Social Work services (approx. 8). Long wait list for Speech (approximately 30+)
- 2 Service Coordinator out on medical leave and 1 vacant position- new nurse to start on 5/15/23.
- Development of a Child Find program completed by software company- CSCN to build forms and checklists to finish.
- Currently serving 218 active/qualified children in Early Intervention

Preschool

- Currently serving 198 children in Preschool Special Education with 63 in special integrated classrooms

CYSHCN

- Monthly meetings with Regional Support Centers for work on Social Media platforms, website development, developing a resource Guide, development of promotional materials, development of a resource library, and a new family survey for the program.
- Increased referrals to this program for high needs children with medical needs, referrals to OPWDD, Health homes and other needs.

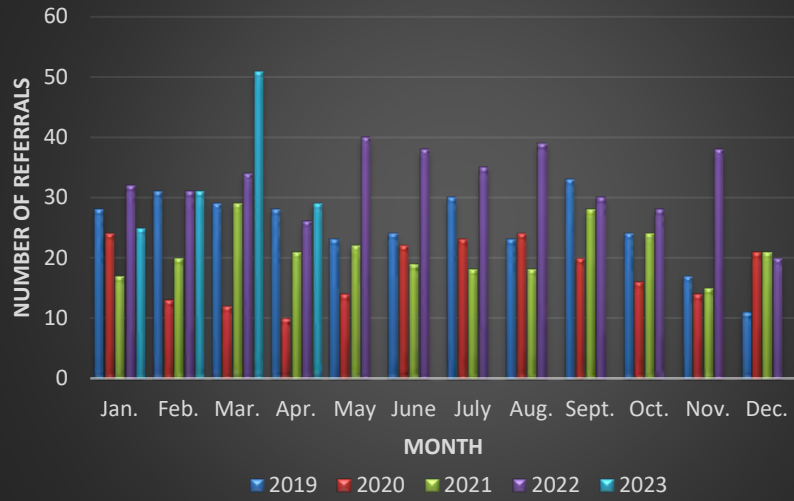
CSCN Director Program work:

- Meetings include a statewide EI Fiscal work group mtgs, statewide Maternal Child Committee mtg, Strategic Planning meetings with SR Leadership on Integrating Children's services, Early Intervention Coordinating Council mtg, Sr Leadership mtgs 1 x month, Preschool software meetings, Preschool Chairperson meeting, EI software mtg, and CYSHCN regional meetings on social media use, advertising, outreach support, and collaboration meetings.
- Chair of monthly Early Childhood Development Collaborative-mtg every month

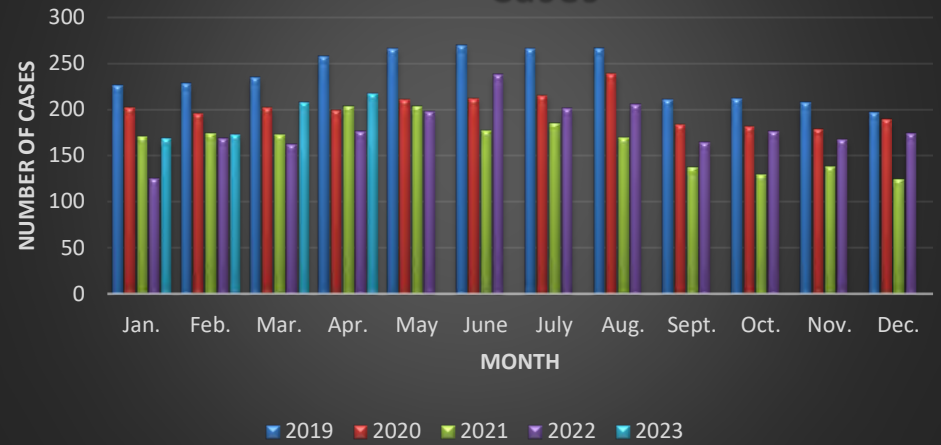
- Participating in development of chart work for a third Cross Functional Team focused on diversity, equity, and inclusion work with other Sr Leadership staff. (DEIB) Met with consultant from Cornell Jerel Ezell to support this Cross Functional Team development.
- Development work with the Fiscal Administrator and CSCN Administrative Coordinator to collaborate on shared supervision processes with the merger of PH and MH. Developed a new streamlined way to record staff activity time for better reporting and less support staff time.
- Started mandate budget work and meetings with fiscal administrator, PHD, and Deputy.

Statistics Based on Calendar Year 2019-2023

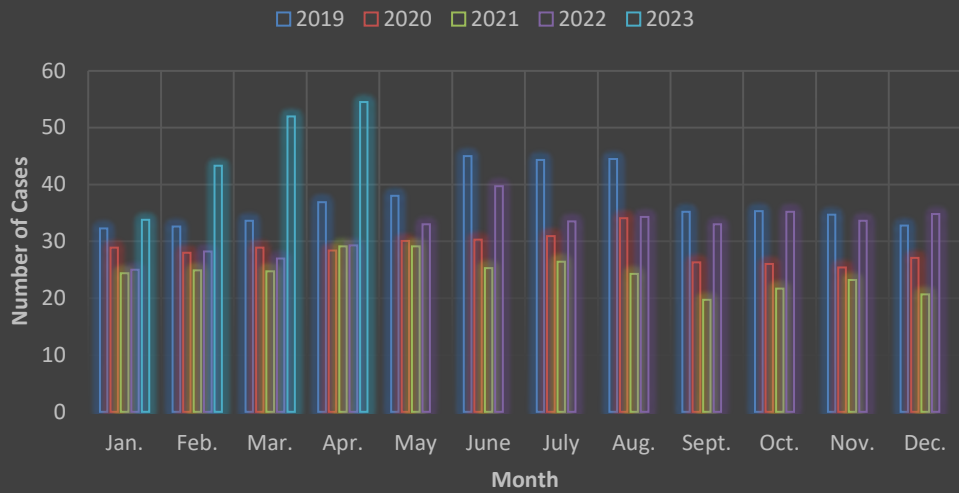
Total Number of CSCN Referrals



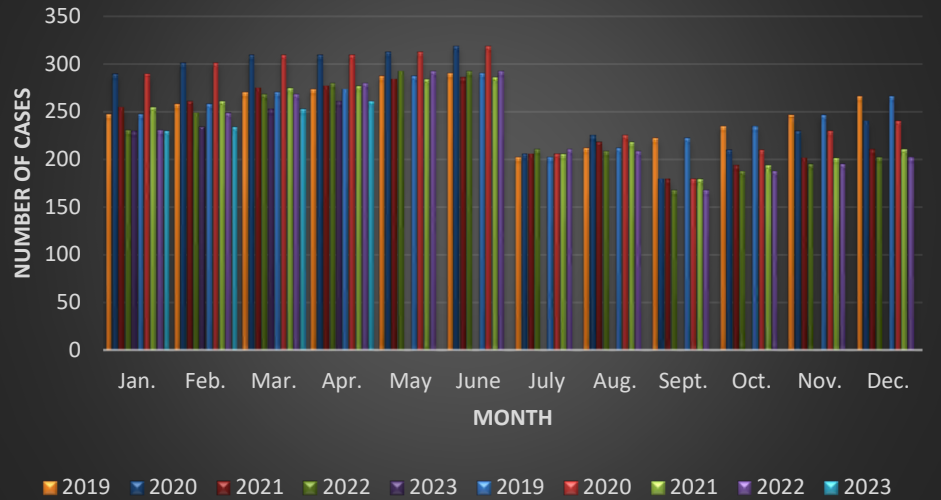
Total Number of Early Intervention Cases



Average Service Coordinator Caseloads**



Total Number of Preschool Cases



****Average Service Coordinator Caseloads showing decrease due to increase in fully oriented Ongoing Service Coordinators, until June 2019 when we experienced staff retirement and leave.**

EARLY INTERVENTION PROGRAM

Family/Client visits	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2023 Totals	2022 Totals
-- Intake visits	13	18	29	21									81	241
-- IFSP Meetings	31	15	33	30									109	261
-- Core Evaluations	18	11	20	18									67	221
-- Supplemental Evaluations	2	5	6	2									15	50
-- Observation Visits	24	16	22	27									89	314
-- CPSE meetings	6	2	6	0									14	57
-- Family Training/Team Meetings	0	0	1	0									1	2
-- Transition meetings	5	9	6	0									20	38
														1184
Services and Evaluations Pending & Completed														
Children with Services Pending(Needs List)														
-- Feeding	1	3	2	4									10	42
-- Nutrition	0	0	0	0									0	0
-- Occupational Therapy	4	3	3	6									16	18
-- Physical Therapy	6	7	5	8									0	62
-- Social Work	5	3	4	4									16	13
-- Special Education	11	11	16	17									0	106
-- Speech Therapy	46	41	31	30									148	486
													0	727

EARLY INTERVENTION PROGRAM

Early Intervention Discharges	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2023 Totals	2022 Totals
-- To CPSE	7	1	1	1									10	59
-- Aged out	3	2	4	5									14	15
-- Skilled out	2	1	0	0									3	27
-- Moved	0	2	0	1									3	27
-- Not Eligible/DNQ	4	4	6	6									20	79
-- Family Refused/Unable to Locate	2	5	2	5									14	1
--Child Deceased	0	0	1	0									1	1
Total Number of Discharges	18	15	14	18									65	44
														252
Child Find														
Total # of Referrals	0	0	0	0									0	53
Total # of Children in Child Find	9	8	8	5									30	
													0	
Total # Transferred to Early Intervention	0	0	0	0									0	14
Total # of Discharges	10	1	0	3									14	32

PRESCHOOL SPECIAL EDUCATION PROGRAM

Number of Children Served Per School District Attending Tuition Based Programs	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec		
-- Ithaca	32	30	31	37										
-- Dryden	11	10	9	9										
-- Groton	4	4	4	4										
-- Lansing	5	5	5	5										
-- Newfield	2	0	2	2										
-- Trumansburg	7	7	6	6										
-- Odessa-Montour	0	0	0	0										
-- Spencer VanEtten	0	0	0	0										
-- Moravia	0	0	0	0										
-- # attending Dryden Central School	6	5	4	4										
-- # attending Franziska Racker Centers	30	33	32	28										
-- # attending Ithaca City School District	25	21	21	31										
Total # attending Special Ed Integrated Tuition Progr.	61	59	57	63										

Municipal Representation Committee on Preschool Special Education													2023 Totals	2022 Totals
-- Ithaca	22	12	35	23									92	219
-- Candor	0	0	0	0									0	1
-- Dryden	9	2	8	1									20	64
-- Groton	4	0	12	13									29	50
-- Homer	0	0	0	0									0	2
-- Lansing	1	0	2	3									6	23
-- Newfield	3	0	1	3									7	19
-- Trumansburg	0	2	3	2									7	26
-- Spencer VanEtten	0	0	0	0									0	1
-- Moravia	0	0	0	0									0	1
Total CPSE Meetings Attended	39	16	61	45									161	390

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688
Fax: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

April 21, 2023

C&C/Chuck's
Attention: Jane Oper
109 North Meadow Street
Ithaca, NY 14850

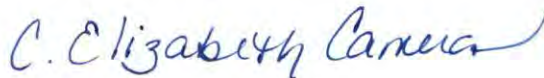
**Re: Tompkins County Board of Health Draft Resolution # 22-0052
C&C/Chuck's, C-Ithaca**

Dear Jane Oper:

Enclosed is the Hearing Officer's Findings of Fact and Recommendations from the March 13, 2023, hearing and a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 23, 2023**.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Skip Parr or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.
Director of Environmental Health

Enclosure (s) –Draft Resolution 22-0052, Resolution 22-0005, and Hearing Officer's Recommendations

pc: F:\EH\TOBACCOATUPA\Facilities\C&C Chucks\Enforcement\Underage Sale Oct 22\Draft Res 22-0052.docx
Tompkins County Board of Health (via; Karan Palazzo, TCWH)
ec: Aubry Hetznecker, Attorney for C&C; Holly Mosher, Deputy County Attorney; Mayor Laura Lewis, City of Ithaca;
Travis Brooks, TC Legislature; Shawna Black; TC Legislature; Tim Wiant, NYSDOH; TCWH: Elizabeth Cameron,
P.E., Director of Environmental Health; Frank Kruppa, Whole Health Commissioner; Sarah Strapach; Skip Parr;
Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

DRAFT RESOLUTION # ENF-22-0052

**C&C/Chuck's
Jane Oper, Chuck's Gas Mart, Inc., Operator/Owner
109 North Meadow Street
Ithaca, New York 14850**

Whereas, businesses that hold a Certificate of Registration from New York State Department of Taxation and Finance (NYSDTF) for tobacco and/or vapor retail sales must comply with the regulations of Article 13-F of New York State Public Health Law (NYSPHL); **and**

Whereas, Article 13-F, Section 1399-cc of NYSPHL and Tompkins County Local Law No. b of 2019 prohibit the sale of tobacco or vapor products to individuals under 21 years of age; **and**

Whereas, on March 22, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0005 ordered Chuck's Gas Mart, Inc., to prohibit the sale of tobacco products, including liquid vapor products containing nicotine, to people under the age of 21, as a result of the underage sale of a tobacco flavored vapor product observed on February 16, 2022; **and**

Whereas, Resolution EH-ENF-22-0005 notified Chuck's Gas Mart, Inc., that future sales of tobacco or vapor products containing nicotine, that result in the assignment of three or more points will result in a referral for suspension of its registration to sell tobacco and vapor products as well as its lottery license; **and**

Whereas, Article 13-F, Section 1399-ee of NYSPHL requires that the sale of a vapor product to an individual under 21 results in the assignment of two points to the NYSDTF registration to sell tobacco and/or vapor products, unless it is demonstrated that at the time of the sale the seller possessed a valid certificate from a State tobacco sales training program, in which case one point will be assigned; **and**

Whereas, C&C/Chuck's was assigned two points effective April 1, 2022; **and**

Whereas, on October 18, 2022, the Environmental Health Division observed the sale of a tobacco flavored vapor product containing nicotine to an individual under the age of 21 years old at C&C/Chuck's; **and**

Whereas, a hearing was held on March 13, 2023, and the hearing officer concluded that C&C/Chuck's was in violation of Section 1399-cc of New York State Public Health Law (NYSPHL) on October 18, 2022; **and**

Whereas, the hearing officer recommended a penalty of \$2,750, reduced from the Environmental Health Division's recommended penalty of \$4,250; **and**

Whereas, upon adoption of this resolution, C&C/Chuck's will be assigned three or more points which will result in a notification to the appropriate agencies for suspension of its registration to sell tobacco and vapor products as well as its lottery license for one year; **and**

Whereas, Chuck's Gas Mart, Inc., has been notified if there is a violation of ATUPA law during the period that C&C/Chuck's tobacco and vapor registrations are suspended that its tobacco and vapor license will be referred to the appropriate New York State agency for permanent revocation and a new license to sell tobacco and vapor products will not be issued. In addition, a fine of \$2,500 will be assessed. When the suspension ends, three points will be removed, and any remaining points will count toward another suspension; **and**

Whereas, based upon review of the Findings of Fact and Recommendations of the hearing held on March 13, 2023, presented to the Environmental Health Division by the Hearing Officer, the Board of Health finds that C&C/Chuck's is in violation of Article 13-F, Section 1399-cc of the New York State Public Health Law (NYSPHL); **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Chuck's Gas Mart, Inc, Owner, is ordered to:**

1. Pay a penalty of \$2,750 for the sale of vapor product to a person under the age of 21, due July 14, 2023 (**Do Not** submit penalty payment until notified by the Environmental Health Division); **and**
2. Cease the sale of all tobacco and vapor products during the one-year suspension period; **and**
3. Prohibit the sale of tobacco and vapor products to people under the age of 21; **and**
4. Prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
5. Comply with all the requirements of New York State Public Health Law, Article 13F.



Frank Kruppa
Public Health Director
55 Brown Road
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688
Fx: (607) 274-6695

RESOLUTION # EH-ENF-22-0005 FOR

**C&C/Chuck's
Jane Oper, Chuck's Gas Mart, Inc., Operator/Owner
109 North Meadow Street
Ithaca, New York 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-cc of the New York State Public Health Law (NYSPHL) and Tompkins County Local Law No.b of 2019; **and**

Whereas, on February 16, 2022, the Tompkins County Health Department observed the sale of a tobacco product to an individual under the age of 21 years old at C&C Tobacco located on 109 North Meadow Street in the City of Ithaca; **and**

Whereas, C&C/Chuck's will be assigned two points for this violation of the ATUPA law because it was not demonstrated that the seller possessed a certificate from a state certified tobacco sales training program at the time of the sale; **and**

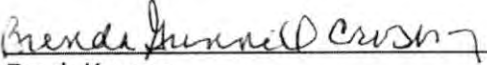
Whereas the Health Department will conduct at least three inspections with an underage individual each year for the next three years at C&C/Chuck's and, if C&C/Chuck's is assigned a total of three or more points due to future sales to a person under the age of 21 years, its registration to sell tobacco and, if a lottery agent, its lottery license will be suspended for 6 months; **and**

Whereas, Jane Oper, Operator, signed a Stipulation Agreement with Public Health Director's Orders on March 3, 2022, agreeing that C&C/Chuck's violated Article 13-F, Section 1399-cc of the New York State Public Health Law (NYSPHL) and Tompkins County Local Law No.b of 2019; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Chuck's Gas Mart, Owner, is ordered to:**

1. Pay a penalty, not to exceed \$500 plus a \$250 state mandatory surcharge for this violation, due by **May 13, 2022; and**
2. To prohibit the sale of tobacco products, including liquid vapor products containing nicotine, to people under the age of 21.
3. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

This action was adopted by the Tompkins County Board of Health at its regular meeting on March 22, 2022.


Frank Kruppa
Public Health Director

3/25/2022
Date

Matter of C & C Chuck's

Recommendation

BACKGROUND

C & C Chuck's aka C&C Tobacco (respondent) is a vender of tobacco products in Ithaca, New York. Tompkins County Whole Health (the County Health Department) alleges that on October 18, 2022 respondent violated New York State Public Health Law, Article 13-F Section 1399-cc by selling a tobacco product to a person under 21 years of age.

The Health Department also alleges that the sale violated an order of the Tompkins County Board of Health.

RELEVANT LAW

Relevant sections of law read as follows:

SELLING TO PERSONS UNDER 21 YEARS OF AGE

§ 1399-cc

2. Any person operating a place of business wherein tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes, are sold or offered for sale is prohibited from selling such products, herbal cigarettes, liquid nicotine, shisha, electronic cigarettes or smoking paraphernalia to individuals under twenty-one years of age...

The penalties for a violation of the law are set forth in Section 1399-ee of the Public Health Law. That Section reads in relevant part as follows:

2. If the enforcement officer determines after a hearing that a violation of this article has occurred, he or she shall impose a civil penalty of a minimum of three hundred

dollars, but not to exceed one thousand five hundred dollars for a first violation, and a minimum of one thousand dollars, but not to exceed two thousand five hundred dollars for each subsequent violation, unless a different penalty is otherwise provided in this article. The enforcement officer shall advise the retail dealer that upon the accumulation of three or more points pursuant to this section the department of taxation and finance shall suspend the dealer's registration.

3. (a) *Imposition of points.* If the enforcement officer determines, after a hearing, that the retail dealer violated subdivision one of section thirteen hundred ninety-nine-cc of this article with respect to a prohibited sale to a minor, he or she shall, in addition to imposing any other penalty required or permitted pursuant to this section, assign two points to the retail dealer's record where the individual who committed the violation did not hold a certificate of completion from a state certified tobacco sales training program and one point where the retail dealer demonstrates that the person who committed the violation held a certificate of completion from a state certified tobacco sales training program.

(e) *Suspension.* If the department determines that a retail dealer has accumulated three points or more, the department shall direct the commissioner of taxation and finance to suspend such dealer's registration for one year...

(f) *Surcharge.* A two hundred fifty-dollar surcharge to be assessed for every violation will be made available to enforcement officers and shall be used solely for compliance checks to be conducted to determine compliance with this section.

Sections 1399-aa and 1399-t of the Public Health Law establishes that the Tompkins County Board of Health is the enforcement officer for violations of this law within Tompkins County.

HEARING

A hearing was initially scheduled for January 9, 2022. An attorney for the respondent requested an adjournment and the hearing was rescheduled for March 13, 2023. A hearing was held on that date.

A representative of the respondent, William Oper and an attorney, Aubrey D. Hetznecker, Esq., appeared at the hearing on behalf of respondent.

At the hearing, Deputy County Attorney Holly Mosher represented the Health Department. A member of the Health Department staff, Skip Parr appeared at the hearing and gave sworn testimony on behalf of the Health Department. Becky Sims, a former employee of the Health Department, appeared by video and gave sworn testimony on behalf of the Department.

As hearing officer, I am responsible for conducting the hearing and making a recommendation to the Tompkins County Board of Health. As a result of the testimony and evidence presented at the hearing, I make the following findings of facts, conclusions of law and recommendations to the Tompkins County Board of Health:

FACTS

On October 18, 2022 Becky Sims (then an employee of the Health Department) performed a tobacco compliance check at respondent's facility with an underage inspector. The underage inspector asked the cashier at respondent's facility to sell her a Hyde flavored vape product. The cashier informed her that the store did not sell this product. Thereafter, the underage inspector requested a Juul pod 2-pack (a tobacco product that is not flavored). The cashier requested identification and the underage inspector said that they did not have identification. The cashier then asked if the inspector was 21 and stated that if the customer was not 21 then they would be lying if it went to court. The underage inspector did not respond.

The cashier then sold the requested product to the underage inspector for \$14.07. The inspector paid with a twenty-dollar bill and received \$5.93 in change.

Ms. Sims, who was nearby listening to the entire conversation, then purchased a cigar box. She left the store and met with the underage inspector. Thereafter, she returned to the store and informed the cashier that he made a sale to an underage person.

This was not the first violation by the respondent. A prior 2022 order of the Board of Health assessed a fine for an underage sale. The fine was paid by respondent. The order apparently informed the respondent that a future violation would result in a license suspension for 6 months. Skip Parr (the Health Department supervisor) acknowledged that the 6-month statement was based on out-of-date law and that the order should have said one year, not six months. Interestingly, neither party introduced the prior order into evidence.

Respondent offered no sworn testimony. It did, however, submit an affidavit which was received in evidence with the understanding that it could be given less weight than sworn testimony. The affidavit does not address the facts of the alleged violation but instead speaks to the efforts that the respondent has made to avoid a reoccurrence, including additional signage and employee training. It also discusses the devastating impact a license suspension would have on the business. Counsel for the Department had an opportunity to review the affidavit and dispute any facts alleged therein, but offered no objection or contradictory evidence.

CONTENTIONS OF RESPONDENT

Counsel for respondent raises several objections. She argues that the chain of custody of the purchased product was defective. I reject this argument. The package was clearly dated and labeled with relevant information and in the custody of the Health Department from the date of the incident until the hearing.

Counsel also argues that the product was not tested to confirm that it contained tobacco. This argument is not persuasive. The unopened package clearly states that it contains tobacco. Furthermore, the package contains bold typed Nicotine warnings on both the front and the back.

Counsel for respondent raises two objections that merit more serious consideration. Counsel for the respondent argues that the proof presented regarding the age of the underage purchaser was insufficient as a matter of law, primarily because the Health Department did not present a copy of the birth certificate or produce the underage person at the hearing. She cites two cases in support of this argument, Quick Chek

v. NY State Department of Health, 129 AD3d 1090 (2d Dept 2015) and Hoch v. New York State Department of Health, 1 Ad3d 994 (4th Dept 2003).

Those cases are distinguishable. In Quick Chek the Health Department introduced a redacted copy of the underage person's birth certificate as well as testimony from the investigator and other health department employees that they "personally viewed the minor's birth certificate and verified the minor's age". The Court held that the Health Department satisfied the substantial evidence test applicable to a court challenge. The Court did not discuss any situation which would not have met the legal standard or suggest that this evidence was the only way to meet the substantial evidence standard.

In Hoch the sole evidence regarding the purchaser's age was the testimony of the investigator that in order to be hired the person was required to submit proof of age. The investigator testified that he did not personally verify the person's age and the Health Department presented no other evidence (testimony or documentation) corroborating the person's age. In light of these facts, including "the total lack of corroboration", the Court held that the Health Department failed to meet the substantial evidence standard.

In this case the Health Department did not introduce the birth certificate or present the underage person as a witness. However, the investigator (Ms. Sims) testified that she knew the person's age and had worked with her on over 50 cases. She testified that the person's birth certificate was on file at the Health Department and that she personally verified the person's age. The supervisor, Skip Parr, also testified that he had personally worked with this underage person and that he too had personally verified her age. In addition, there is a statement in the report (Exhibit 2) with the date of birth of the underage person and it is initialed by that person.

In my view, this evidence satisfies the requirement that substantial evidence support this element of the offense.

The second argument is more problematic. Respondent argues that the points assigned as a result of the violation would result in a manifestly extreme penalty. The argument is supported by several assertions including: a) the respondent has been in business for over 20 years; b) the assignment of points would result in the closure of the business; c) the respondent, unlike some other establishments, has paid the fines assessed against it; d) the establishment does not sell flavored products in compliance with the law; e) employees were at all times trained to ask for identification; f) the respondent has taken additional steps to avoid a reoccurrence, including State sanctioned employee training and additional signage.

I agree with the respondent that the Board of Health should be able to consider all these (and other) factors in determining whether to assess points that could result in the closure of a long-term business. However, the law does not allow for such discretion. The law cited above states that upon the finding of a violation, points "shall" be assigned.

CONCLUSIONS OF LAW

The respondent was in violation of Section 1399-cc by selling a tobacco product to an underage person.

RECOMMENDATION:

Sale to underage person --- The Health Department recommends a penalty of \$4250 (\$2500 for the sale in violation of Section 1399-cc -sale to an underage person-plus \$250 surcharge and a \$1500 penalty for violating a Board of Health order).

The \$2,500 is the maximum penalty permissible under section 1399-ee cited above and I think it appropriate in this case. The \$250 surcharge is authorized by the statute and appropriate in this case.

The proposed addition of a \$1500 penalty for violating a Board of Health order raises a different issue. The order was not introduced in the hearing. The only evidence regarding the proposed penalty was the introduction into evidence of the draft resolution (which includes that proposed penalty) and Mr. Parr's testimony that the Department was seeking the penalties set forth in that document. The requested penalty would be over and above the statutory maximum penalty addressing the same offense and one could argue that the maximum statutory penalty is sufficient. I do not decide that now because the order was not introduced in the hearing and, as hearing officer, I am constrained to find a violation of an order that was not introduced in the hearing.

Accordingly, I accept the staff's recommendation as to the statutory penalty and recommend that the Board of Health impose the maximum statutory penalty of \$2,500 and the \$250 surcharge for a total penalty of \$2,750.

The penalty also carries the assignment of at least one point and, given the fact that the respondent had previously been assigned two points, this will result in a suspension of the respondent's registration for a one-year period by the State Commissioner of Taxation and Finance. Again, I think it is unfortunate that the Board of Health does not have discretion to determine the appropriateness of that sanction.

Jonathan Wood
Hearing Officer

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

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Fax: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

April 26, 2023

Katherine Lewis
Pepper Dining Inc.
3000 Olympus Blvd.
Dallas, TX 75019

**Re: Tompkins County Board of Health Draft Resolution #EH-ENF-23-0005
Chili's Grill & Bar, C-Ithaca**

Dear Katherine Lewis:

Thank you for signing the Stipulation Agreement on April 19, 2023, for Chili's Grill & Bar. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 23, 2023**.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Kristee Morgan or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.
Director of Environmental Health

Enclosure (s) – Draft Resolution, Stipulation Agreement and Orders, Inspection Report, and Case Summary

pc: F:\EH\FOOD\FSE\Facilities\Chili's\Enforcement\Draft Resolution 23-0005
Tompkins County Board of Health (via; Karan Palazzo, TCWH)
ec: CEO C-Ithaca; TC Legislature: Rich John; TCWH: Elizabeth Cameron, P.E., Director of Environmental Health;
Frank Kruppa, Whole Health Commissioner; Brenda Crosby, Deputy Whole Health Director, Kristee Morgan; Skip
Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

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DRAFT RESOLUTION # EH-ENF-23-0005

**Chili's Bar & Grill
Pepper Dining, Inc., Owner; Katherine Lewis, Operator
608 S. Meadow St., C-Ithaca, Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain refrigerated storage equipment so that potentially hazardous foods are kept at or below 45°F during cold holding; **and**

Whereas, on February 6, 2023, and February 28, 2023, the Environmental Health Division (EHD) observed critical violations of Subpart 14-1 of the NYSSC where potentially hazardous foods were observed at temperatures between 50-52°F and 54-57°F; **and**

Whereas, Jennifer Josselyn, Operator, signed a Stipulation Agreement with Whole Health Commissioners Orders on April 19, 2023, agreeing that Pepper Dining, Inc., violated Subpart 14-1 of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Pepper Dining, Inc., is ordered to:**

1. Pay a penalty of \$200 for these violations, due by **July 14, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain refrigerated equipment so that temperatures of potentially hazardous foods stay below 45°F during cold holding; **and**
3. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



TOMPKINS COUNTY

Whole Health

55 Brown Road
Ithaca, NY 14850
(607) 274-6600

201 East Green Street
Ithaca, NY 14850
(607) 274-6200

tompkinscountyny.gov/health

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688
Fax: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-23-0005

Chili's Bar & Grill
Pepper Dining, Inc., Owner; Roberto Frano, Operator
608 S. Meadow St., C-Ithaca, Ithaca, NY 14850

I, Roberto Frano, as a representative for Pepper Dining, Inc., agree that on February 6, 2023, and February 28, 2023, Chili's Bar & Grill was in violation of Subpart 14-1 of the New York State Sanitary Code for failure to maintain enough refrigerated storage equipment to keep potentially hazardous foods below 45°F in cold holding.

I agree to pay a penalty not to exceed \$200 for these violations following adoption of a resolution by the Board of Health. *(Do not submit penalty payment until notified by Tompkins County Whole Health).*

I also agree to comply with the following Orders when signed by the Tompkins County Whole Health Commissioner:

1. Maintain refrigerated storage equipment so that potentially hazardous foods are kept below 45°F during cold holding; **and**
2. Properly store in-use wiping cloths in sanitizing solution; **and**
3. Keep handwash facilities accessible and properly stocked with soap and paper towels at all times during operation; **and**
4. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

I understand this agreement is offered as an alternative to a formal administrative hearing and that Pepper Dining, Inc. is subject to further action if I fail to comply with the orders.

Signed: James Joseph Date: 4-19-23

Pepper Dining, Inc., is hereby ordered to comply with these Orders of the Whole Health Commissioner.

Signed: Brenda Gunnel Crush Date: 4/19/2023
Frank Kruppa
Whole Health Commissioner

Food Service Establishment Inspection Summary Report

Operation: CHILI'S GRILL & BAR (ID: 562461)
Facility Name: CHILI'S GRILL & BAR
Facility Code: 54-A117 Facility Email: roberto.frano@brinker.com
Facility Address: 608 South Meadow Street, Ithaca, NY 14850

To the Attention of:

Roberto Frano
PEPPER DINING INC
3000 Olympus
Attn: Licensing Dept
Dallas, TX 75019
Email: roberto.frano@brinker.com

Inspection

Date: February 6, 2023 01:40 PM
Inspector: Rene Borgella (rborgella@tompkins-co.org)
Responsible Person: Ashley Morse
Additional Email(s): c00951@chilis.com

Summary

Number of Public Health Hazards Found: 1
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 3

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5E WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Enough refrigerated storage equipment is not present, properly designed, maintained or operated so that all potentially hazardous foods are cooled properly and stored below 45°F as required.

Inspector Findings: Observed: On service line, at the end closest to the fry station, a container of sliced tomatoes were at 50-52°F. Operator states the tomatoes were moved from walk in cooler to line over two hours before inspection. Cooling unit was not operating correctly, so operator had items in top of unit in ice baths.

Correction: Item was voluntarily discarded by operator during inspection.

Action: Refrigeration equipment must be able to hold temperature controlled items at 45°F or less.

FOOD NOT PROTECTED IN GENERAL

ITEM # 8A WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Food not protected during storage, preparation, display, transportation and service, from potential sources of contamination (e.g., food uncovered, mislabeled, stored on floor, missing or inadequate sneeze guards, food containers double stacked)

Inspector Findings: Observed:
The dedicated dessert refrigerator was at 59°F. Items within (chocolate cake) had been moved from freezer to cooler approximately an hour before inspection. During the inspection, operator discovered that the cooler had been unplugged. No temperature controlled items (e.g. cheesecake, cream or other items containing dairy) were observed in this cooler during the inspection.

Correction: Items were moved to freezer for rapid chilling and cooler was plugged back in. Operator would ensure it reached appropriate temperatures before desserts were moved back into refrigerator.

Action: Refrigeration equipment must be able to hold temperature controlled items at 45°F or less.

IMPROPER CLEANING, WASHING AND SANITIZING OF EQUIPMENT AND UTENSILS.

ITEM #11B WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Wiping cloths dirty, not stored properly in sanitizing solutions

Inspector Findings: Observed: Sanitizing solution in one of the sanitizer buckets was tested and found to have insufficient concentration of sanitizer agent.

Action: Sanitizer solution must be maintained and tested regularly to ensure that the required concentration of sanitizer is available during food preparation and service.

IMPROPER CLEANING, WASHING AND SANITIZING OF EQUIPMENT AND UTENSILS.

ITEM #11D WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Non food contact surfaces of equipment not clean

Inspector Findings: Observed: Throughout facility, there are various locations with accumulations of food and grease debris. (see photos).

Action: Non food contact surfaces should be maintained and kept clean to reduce attraction to pests and vermin and for general cleanliness and sanitation.

Additional Information Collected During Inspection

Comments: Part 1: One critical violations
Part 2: Three violations

Reinspection Required




RB

Inspector: Rene Borgella (rborgella@tompkins-co.org)

AM

Received by: Ashley Morse

Kriste Morgan 2/7/2023

Photo	Caption
	<p>Dried residue along the side of hood unit by fry station.</p>
	<p>Accumulation of food debris</p>
	<p>Accumulation of food debris</p>

Food Service Establishment Inspection Summary Report

Operation: CHILI'S GRILL & BAR (ID: 562461)
Facility Name: CHILI'S GRILL & BAR
Facility Code: 54-A117 Facility Email: roberto.frano@brinker.com
Facility Address: 608 South Meadow Street, Ithaca, NY 14850

To the Attention of:

Roberto Frano
PEPPER DINING INC
3000 Olympus
Attn: Licensing Dept
Dallas, TX 75019
Email: roberto.frano@brinker.com

Re-Inspection

Date: February 28, 2023 02:00 PM
Inspector: Rene Borgella (rborgella@tom-pkins-co.org)
Responsible Person: Jennifer Josselyn

Summary

Number of Public Health Hazards Found:	1
Number of Public Health Hazards NOT Corrected:	0
Number of Other Violations Found:	1

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5E WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Enough refrigerated storage equipment is not present, properly designed, maintained or operated so that all potentially hazardous foods are cooled properly and stored below 45°F as required.

Inspector Findings: Observed: At same refrigerated unit cited during inspection on 2/6/23, temperature controlled items were out of temperature: tomatoes were at 57.2°F and shredded cheese was at 54.6°F (see attached pictures).

Correction: Items were moved to walk in cooler for rapid chilling before being returned to service.

Action: Refrigeration equipment that holds temperature controlled items must be able

to maintain food temperatures at 45°F or below.

IMPROPER SANITARY FACILITIES AND CONTROLS.

ITEM #12E WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Handwashing facilities inaccessible, improperly located, dirty, in disrepair, improper fixtures, soap, and single service towels or hand drying devices missing

Inspector Findings: Observed: Hand washing sink in kitchen area by the prep counter along back wall has a soap dispenser that is malfunctioning or empty.

Action: Food service hand wash sinks must have soap and single service hand towels or a hand drying device.

Additional Information Collected During Inspection

Comments: Part 1: One critical violation observed
Part 2: One violation observed

Comments:

Cited cooler is not functioning correctly so it's being used with an ice bath. Operator does not have a sufficient quantity of ice to effectively cool the temperature controlled items -- the level of food items being kept cold should match the level of ice water. Items above the level of ice water will not be cooled effectively. Inspector also showed manager on duty the area of range hood where grease is running down from an upper portion of the hood. The area has been cleaned since the last inspection, but grease is still running down the side from an upper portion of the hood. For the hand wash sink, operator should provide soap at the sink so staff may wash hands as required.


Board of Health Action to follow.



Inspector: Rene Borgella (rborgella@tompkins-co.org)



Received by: Jennifer Josselyn

 2/28/2023

Photo

Caption



Tomatoes that were in cited cooler



Shredded cheese in cited cooler

ENVIRONMENTAL HEALTH DIVISION

Phone: (607) 274-6688

tompkinscountyny.gov/health/eh

Fax: (607) 274-6695

CASE SUMMARY – FOR RESOLUTION # EH-ENF-23-0005

**Chili's Grill & Bar
Pepper Dining, Inc., Owner; Roberto Frano, Operator
608 S Meadow St.
Ithaca, NY 14850**

March 2023

Date	Action
02/28/2023	Re-inspection by TCWH. Violation: See attached report.
02/6/2023	Inspection by TCWH. Violation: See attached report.
08/10/2022	Inspection by TCWH. No violations observed.
04/12/2022	Inspection by TCWH. No violations observed.
11/17/2021	Complaint investigation by TCWH. No violations observed.
10/01/2021	Re-inspection by TCWH. Violations cited on 9/2/2021 were corrected.
09/02/2021	Inspection by TCWH. Violation: Improper cooling and refrigerated storage of potentially hazardous foods.
06/21/2021	Inspection by TCWH. No violations observed.
12/01/2020	Inspection by TCWH. No violations observed.
10/01/2020	Field Visit by TCWH. No violations observed.
08/31/2020	Inspection by TCWH. No violations observed.
01/13/2020	Inspection by TCWH. No violations observed.
08/22/19	Re-inspection by TCWH. Violations cited on 7/29/2019 were corrected.
07/29/2019	Inspection by TCWH. Violation: Two instances of improper cooling and refrigerated storage of potentially hazardous foods. One instance of improper hot holding of potentially hazardous foods.
02/21/2019	Inspection by TCWH. No violations observed.
10/16/2018	Re-inspection by TCWH. Violations cited on 9/13/2018 were corrected.
09/13/2018	Inspection by TCWH. Violation: Improper cooling and refrigerated storage of potentially hazardous foods.
01/16/2018	Inspection by TCWH. No violations observed.

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

April 18, 2023

Joshua Allen
Chipotle Mexican Grill of Colorado, LLC.
PO Box 182566
Columbus, OH 43218

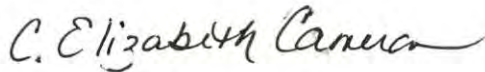
**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-23-0006
Chipotle Mexican Grill #1661, C-Ithaca**

Dear Joshua Allen:

Thank you for signing the Stipulation Agreement on April 11, 2023, for Chipotle Mexican Grill #1661. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 23, 2023**.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Kristee Morgan or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.
Director of Environmental Health

Enclosure (s) – Draft Resolution, Stipulation Agreement and Orders, Inspection Report, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Chipotle\Enforcement\Draft Resolution 23-0006.docx
Tompkins County Board of Health (via; Karan Palazzo, TCWH)
ec: CEO City of Ithaca; TC Legislature: Rick John; TCWH: Elizabeth Cameron, P.E., Director of Environmental Health;
Frank Kruppa, Whole Health Commissioner; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688
Fax: (607) 274-6695

DRAFT RESOLUTION # EH-ENF-23-0006

**Chipotle Mexican Grill #1661
Chipotle Mexican Grill of Colorado, LLC., Owner; Joshua Allen, Operator
740 S. Meadow St., C-Ithaca
Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods at or above 140°F during hot holding; **and**

Whereas, on February 6, 2023, and February 28, 2023, the Environmental Health Division (EHD) observed critical violations of Subpart 14-1 of the NYSSC where potentially hazardous foods were observed at temperatures between 102-112°F and 132-134°F; **and**

Whereas, Joshua Allen, Operator, signed a Stipulation Agreement with Whole Health Commissioners Orders on April 13, 2023 agreeing that Chipotle Mexican Grill of Colorado, LLC., violated Subpart 14-1 of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Chipotle Mexican Grill of Colorado, LLC., is ordered to:**

1. Pay a penalty of \$200 for these violations, due by **June 23, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Monitor temperatures of potentially hazardous foods so they are kept at or above 140°F during hot holding; **and**
3. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



TOMPKINS COUNTY

Whole Health

55 Brown Road
Ithaca, NY 14850
(607) 274-6600

201 East Green Street
Ithaca, NY 14850
(607) 274-6200

tompkinscountyny.gov/health

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688
Fax: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-23-0006

Chipotle Mexican Grill #1661
Chipotle Mexican Grill of Colorado, LLC., Owner; Joshua Allen, Operator
740 S. Meadow St., C-Ithaca, Ithaca, NY 14850

I, Joshua Allen, as a representative for Chipotle Mexican Grill of Colorado, LLC., agree that on February 6, 2023, and February 28, 2023, Chipotle Mexican Grill #1661 was in violation of Subpart 14-1 of the New York State Sanitary Code for failure to keep potentially hazardous foods above 140°F in hot holding.

I agree to pay a penalty not to exceed \$200 for these violations following adoption of a resolution by the Board of Health. *(Do not submit penalty payment until notified by Tompkins County Whole Health).*

I also agree to comply with the following Orders when signed by the Tompkins County Whole Health Commissioner:

1. Keep temperatures of potentially hazardous foods at or above 140°F during hot holding; and
2. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

I understand this agreement is offered as an alternative to a formal administrative hearing and that Chipotle Mexican Grill of Colorado, LLC. is subject to further action if I fail to comply with the orders.

Signed:

Date: April 11, 2023

JOSHUA ALLEN - FIELD LEADER, CHIPOTLE MEXICAN GRILL

Chipotle Mexican Grill of Colorado, LLC., is hereby ordered to comply with these Orders of the Whole Health Commissioner.

Signed:

Date: 4/13/2023

Frank Kruppa
Whole Health Commissioner

Food Service Establishment Inspection Summary Report

Operation: CHIPOTLE MEXICAN GRILL #1661 (ID: 765539)
Facility Name: CHIPOTLE MEXICAN GRILL #1661
Facility Code: 54-AK40 Facility Email: licensing@chipotle.com
Facility Address: 740 South Meadow Street, Ithaca, NY 14850

To the Attention of:

Raj Kapadia
CHIPOTLE MEXICAN GRILL OF COLORADO LLC
Attn: Licensing
Po Box 182566
Columbus , OH 43218
Email: licensing@chipotle.com

Inspection

Date: February 6, 2023 11:40 AM
Inspector: Rene Borgella (rborgella@tomkins-co.org)
Responsible Person: Tyler Sabin
Additional Email(s): ny.1661.ithaca@chipotle.com

Summary

Number of Public Health Hazards Found: 1
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

IMPROPER HOT HOLDING OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 6A WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or above 140°F during hot holding.

Inspector Findings: Observed: Approximately 2 lbs of garlic steak was at 102-112°F on the serving line. Other items in hot holding were all at appropriate temperatures. Operator stated items was out for service about 30-40 mins.

Correction: Item was removed from service and reheated on grill to 165°F before returning to service.

Action: Temperature controlled items in hot holding must be held at 140°F or above. If reheating an item, it must first be reheated to 165°F before being held at 140°F or above.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

Comments: Part 1: One critical violation observed
Part 2: No violations observed

Comments: Discussed with operator keeping product in hot holding in a container with less surface area as well as frequent stirring of item to help hold appropriate temperature.

Reinspection Required

RB

Inspector: Rene Borgella (rborgella@tompkins-co.org)

Tyler Sabin

Received by: Tyler Sabin

Krista Morgan 2/7/2023

Food Service Establishment Inspection Summary Report

Operation: CHIPOTLE MEXICAN GRILL #1661 (ID: 765539)
Facility Name: CHIPOTLE MEXICAN GRILL #1661
Facility Code: 54-AK40 Facility Email: licensing@chipotle.com
Facility Address: 740 South Meadow Street, Ithaca, NY 14850

To the Attention of:

Raj Kapadia
CHIPOTLE MEXICAN GRILL OF COLORADO LLC
Attn: Licensing
Po Box 182566
Columbus , OH 43218
Email: licensing@chipotle.com

Re-Inspection

Date: February 28, 2023 02:35 PM
Inspector: Rene Borgella (rborgella@tompkins-co.org)
Responsible Person: Andrew Demellier
Additional Email(s): ny.1661.ithaca@chipotle.com

Summary

Number of Public Health Hazards Found:	1
Number of Public Health Hazards NOT Corrected:	0
Number of Other Violations Found:	0

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

IMPROPER HOT HOLDING OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 6A WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or above 140°F during hot holding.

Inspector Findings: Observed: On the serving line, at the same location cited on 2/6/23, there was approximately 2-1/2 lbs of chicken at 132°F and a similar quantity of steak was at 134°F. These items were out for service for less than one hour.

Correction: Operator reheated items on grill to 165°F before returning to service.

Action: Temperature controlled items in hot holding must be kept at or above 140°F

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

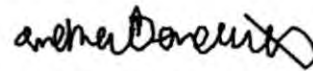
Comments: Part 1: One critical violation
Part 2: No violations observed

Comment: Violation cited on 2/6/23 of potentially hazardous food not being held at or above 140°F continues. Discussed with shift manager monitoring the temperature of these items and the water level in steam table more frequently; also to investigate the possibility of the unit not operating correctly.

Board of Health Action to follow.



Inspector: Rene Borgella (rborgella@tompkins-co.org)



Received by: Andrew Demellier



2/28/2023

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

CASE SUMMARY – FOR RESOLUTION # EH-ENF-23-0006

Chipotle Mexican Grill #1661

**Chipotle Mexican Grill of Colorado, LLC., Owner; Joshua Allen, Operator
740 S Meadow St.
Ithaca, NY 14850**

March 2023

Date	Action
02/28/2023	Re-inspection by TCWH. Violation: See attached inspection report.
02/06/2023	Inspection by TCWH. Violation: See attached inspection report.
09/08/2022	Inspection by TCWH. No violations observed.
05/09/2022	Re-inspection by TCWH. Violations cited on 3/24/2022 were corrected.
03/24/2022	Inspection by TCWH. Violations: Improper cooling and refrigerated storage of potentially hazardous foods.
10/01/2021	Re-inspection by TCWH. Violation cited on 9/24/2021 was corrected.
09/24/2021	Inspection by TCWH. Violation: Improper hot holding of potentially hazardous foods.
04/14/2021	Complaint investigation by TCWH. No violations observed.
03/04/2021	Re-inspection by TCWH. Violation cited on 1/27/2021 was corrected.
01/27/2021	Inspection by TCWH. Violation: Improper hot holding of potentially hazardous foods.
12/04/2020	Field visit by TCWH. No violations observed.
11/18/2020	Field visit by TCWH. No violations observed.
10/01/2020	Field visit by TCWH. No violations observed.
09/28/2020	Inspection by TCWH. No violations observed.
06/30/2020	Inspection by TCWH. No violations observed.
02/06/2020	Complaint investigation by TCWH. No violations observed.
01/09/2020	Inspection by TCWH. No violations observed.
08/26/2019	Re-inspection by TCWH. Violation cited on 7/29/2019 was corrected.
07/29/2019	Inspection by TCWH. Violation: Improper hot holding of potentially hazardous foods.
01/17/2019	Inspection by TCWH. No violations observed.
11/05/2018	Field visit by TCWH. No violations observed.
09/13/2018	Re-inspection by TCWH. No violations observed.
08/29/2018	Inspection by TCWH. Violation: Foods not protected from contamination; temperatures not measured.
01/04/2018	Inspection by TCWH. No violations observed.

Diversity Through Inclusion

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

April 27, 2023

Boblette Davidson
Authentic Jerk
222 Apt. 2B Sapsucker Woods Rd.,
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # ENF-23-0007
Authentic Jerk, C-Ithaca**

Dear Boblette Davidson:

Thank you for signing the Stipulation Agreement on April 19, 2023, for Authentic Jerk. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 23, 2023.**

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Kristee Morgan or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.
Director of Environmental Health

Enclosure (s) – Draft Resolution, Stipulation Agreement and Orders, and Inspection Reports

pc: F:\EH\FOOD\TEMP FSE\Facilities\Authentic Jerk\ Draft Resolution 23-0004
Tompkins County Board of Health (via; Karan Palazzo, TCWH)
ec: CEO C-Ithaca; TC Legislature: Shawna Black; TCWH: Elizabeth Cameron, P.E., Director of Environmental Health;
Frank Kruppa, Whole Health Commissioner; Brenda Crosby, Deputy Public Health Director; Kristee Morgan; Mik
Kern; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

DRAFT RESOLUTION # ENF-23-0007

**Authentic Jerk
Boblette Davidson, Operator
222 Apt. 2B Sapsucker Woods Rd., Ithaca, NY 14850**

Whereas, the owner/operator of a Temporary Food Service Establishment must comply with the regulations established under Part 14-2 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-2 of the NYSSC to hold potentially hazardous foods at a temperature between 45°F and 140°F; **and**

Whereas, on February 24, 2023, and March 10, 2023, the Environmental Health Division (EHD) observed critical violations of Subpart 14-2 of the NYSSC where potentially hazardous foods were observed at temperatures between 97-125°F and 120-130°F; **and**

Whereas, Boblette Davidson, Operator, signed a Stipulation Agreement with Whole Health Commissioners Orders on April 19, 2023, agreeing that Authentic Jerk violated Sub Part 14-2 of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Boblette Davidson, Operator, is ordered to:**

1. Pay a penalty of \$200 for these violations, due by **July 14, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain potentially hazardous foods below 45°F during refrigeration; **and**
3. Provide an accurate food probe thermometer to evaluate temperatures of potentially hazardous foods during storage, preparation and hot holding; **and**
4. Comply with all the requirements of Subpart 14-2 of the New York State Code for Temporary Food Service Establishments.

ENVIRONMENTAL HEALTH DIVISION
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688
Fax: (607) 274-6695

APR 20 2023

STIPULATION AGREEMENT AND ORDERS # EH-ENF-23-0007

TOMPKINS COUNTY
HEALTH DEPARTMENT

Authentic Jerk
Boblette Davidson, Operator
222 Apt.2B Sapsucker Woods Rd., Ithaca, NY 14850

I, Boblette Davidson, as a representative for Authentic Jerk, agree that on February 24, 2023, and March 10, 2023, Authentic Jerk was in violation of Subpart 14-2 of the New York State Sanitary Code for failure to maintain potentially hazardous foods at proper temperatures.

I agree to pay a penalty not to exceed \$200 for these violations following adoption of a resolution by the Board of Health. (**Do not** submit penalty payment until notified by Tompkins County Whole Health).

I also agree to comply with the following Orders when signed by the Tompkins County Whole Health Commissioner:

1. Maintain potentially hazardous foods below 45°F during refrigeration; **and**
2. Maintain potentially hazardous foods above 140°F during hot holding; **and**
3. Provide an accurate food probe thermometer to evaluate temperatures of potentially hazardous foods during storage, preparation and hot holding; **and**
4. Comply with all the requirements of Subpart 14-2 of the New York State Code for Temporary Food Service Establishments.

I understand this agreement is offered as an alternative to a formal administrative hearing and that Authentic Jerk is subject to further action if I fail to comply with the orders.

Signed: Boblette Davidson Date: 4/19/23

Boblette Davidson, is hereby ordered to comply with these Orders of the Whole Health Commissioner.

Signed: Brenda Annick Cross Date: 4/24/23
for Frank Kruppa
Whole Health Commissioner

Temporary Food Service Establishment Inspection Summary Report

Event: Authentic Jerk at 2023 - Authentic Jerk Pop Up at Center Ithaca (ID: 1107351)
Location Name: ITHACA (C) -TEMP FSE ONLY
Location Code: 54-5401
Location Address: Various Street, Ithaca, NY 14850

To the Attention of:

Boblette Davidson
222 Sapsucker Woods, Apt 2b
Ithaca, NY 14850

Inspection

Date: February 24, 2023 11:54 AM
Inspector: Sarah Heath (sheath@tom-pkins-co.org)
Responsible Person: Javourghn Mckenzie
Additional Email(s): authenticjerk876@gmail.com; kmorgan@tom-pkins-co.org

Summary

Number of Public Health Hazards Found: 7
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

CRITICAL ITEM

ITEM # 3 WAS FOUND IN VIOLATION 6 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous food at improper temperature (45 degree F - 140 degree F) [14-2.3(b)(c)]

Inspector Findings: Observed six instances of cooked hot-held potentially hazardous food items being served at improper temperatures: one full sized pan of rice and beans stored at room temperature measured at 115 F, one round pan containing approximately 8 cups of white rice measured at 125 F, one full sized pan of a vegetable mixture containing snow peas measured at 115 F, one full sized pan of fried chicken measured at 97 F, one full sized pan of oxtail measured at 117 F, and one full sized pan of goat meat measured at 115 F. All items were being heated with sternos except for the pan of rice and beans, which was stored at room temperature. Operator stated all food had finished cooking around 10:30 AM and was transported downtown for service. Inspection began at 11:30 AM, so items had been out of temperature for less than two hours.

Action: Potentially hazardous food items must be hot-held at or above 140 degrees F.

Correction: Informed operator that hot held potentially hazardous food items must be rapidly reheated to 165 for one minute before serving. Operator placed aluminum foil around base of hot pans to insulate sternos and focus the heat into the chafing dishes. Following this correction, food items were measured at 140 degrees F or above.

CRITICAL ITEM

ITEM # 9 WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Accurate food thermometers not available or used [14-2.3(f)]

Inspector Findings: Operators were not observed using probe thermometer to measure the internal temperature of hot-held potentially hazardous food items. An hour and half into service, operator was searching to locate probe thermometer.

Action: Calibrated probe thermometers must be available and used whenever potentially hazardous food items are being served.

Correction: Operator located probe thermometer.

NO ADDITIONAL VIOLATIONS REPORTED

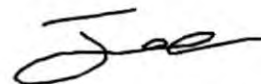
Additional Information Collected During Inspection

Comments: Part 1: Observed six instances of Item 3- Potentially hazardous food items held at improper temperatures. Observed one instance of Item 9- Probe thermometer not available or used.
Part 2: No non-critical violations observed.

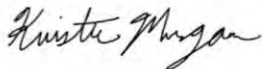
Reinspection required.



Inspector: Sarah Heath (sheath@tompkins-co.org)



Received by: Javourghn Mckenzie



2/28/2023

Temporary Food Service Establishment Inspection Summary Report

Event: Authentic Jerk at 2023 - Authentic Jerk Pop Up at Center Ithaca (ID: 1107351)
Location Name: ITHACA (C) -TEMP FSE ONLY
Location Code: 54-5401
Location Address: Various Street, Ithaca, NY 14850

To the Attention of:

Boblette Davidson
222 Sapsucker Woods, Apt 2b
Ithaca, NY 14850

Re-Inspection

Date: March 10, 2023 11:15 AM
Inspector: Sarah Heath (sheath@tom-pkins-co.org)
Responsible Person: Javourghn Mckenzie
Additional Email(s): kmorgan@tom-pkins-co.org; authenticjerk876@gmail.com

Summary

Number of Public Health Hazards Found:	1
Number of Public Health Hazards NOT Corrected:	0
Number of Other Violations Found:	0

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

CRITICAL ITEM

ITEM # 3 WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous food at improper temperature (45 degree F - 140 degree F) [14-2.3(b)(c)]

Inspector Findings: Observed two full size pans of fried chicken breasts and drumsticks that measured at 130 degrees F and 120 degrees F. All other instances of Item 3 violations from the initial inspection have been corrected.

Action: All potentially-hazardous food items in hot-holding must measure at an internal temperature of 140 degrees F or higher.

Correction: All potentially hazardous hot-held food items out of proper range must reach 165 degrees F for one minute before serving. With aluminum foil, operator wrapped base of pan where sternos are located to insulate them in order to rapidly reheat chicken. Operator stated they will look into purchasing an electric warmer for the chicken for future events.

NO ADDITIONAL VIOLATIONS REPORTED

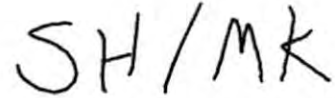
Additional Information Collected During Inspection

Comments: Part 1: One instance of Item 3 observed. All other critical violations from previous inspection corrected.
Part 2: No non-critical violations observed.

Enforcement to follow.



Inspector: Sarah Heath (sheath@tomkins-co.org)



Received by: Javourghn Mckenzie



3/10/2023

ENVIRONMENTAL HEALTH DIVISION

tompkinscountyny.gov/health/eh

Phone: (607) 274-6688

Fax: (607) 274-6695

Date: May 15, 2023
Memo to: Members of the Tompkins County Board of Health
From: Elizabeth Cameron, Director of Environmental Health

Subject: Recommended Environmental Health Division Fees for 2024

The information in this packet addresses our proposed facility operating and plan review fees and other revenue projections for 2024.

We are proposing the following changes to our fees:

- **Mass Gathering Operating Permit Fees:** We currently have different permit fees for a mass gathering depending on whether the operating is new or has been held in the past. Since the permit fee primarily covers inspections and that the time for conducting inspections at the existing GrassRoots festival do not appear to be decreasing, we are proposing to have one permit fee (\$4,100) for both new and existing mass gathering events.
- **Mass Gathering Plan Review Fees:** We are proposing to increase the plan review fee for existing facilities to \$7,500 and limit this to covering 2 rounds of review of the application. We are also adding an additional review fee of \$3,750 for each additional round of reviews after that. We increased the new facility fee to \$15,000 based in part on the amount of time we spend on the existing operation.
 - Note that this brings the mass gathering plan review and permitting fees for the Finger Lakes GrassRoots Festival to a total of \$11,600, an increase of \$3,500 over their 2023 fees. With these increases, fee revenue is expected to cover approximately 20% of our staff time for the event.
- **Onsite Wastewater Treatment System (OWTS) Fees:** We are proposing a slight increase in the OWTS permit fee for new sewage systems - \$450 up from \$425 in 2023. We are seeing a slight decrease in our cost recovery for these permits and this fee has not been increased since 2015. We are also increasing our fees for new systems that are designed by an outside engineer and eliminating the discount for replacement systems designed by an outside engineer. We are not generally finding a noticeable time difference between these permits and those that are done in-house. Similar to the mass gathering plan review fees, we are proposing to add a \$100 re-design fee. Re-designs are typically requested by the owner or required due to changes the owner made at the site. (Note, this fee would not be assessed for unanticipated site conditions that arise during construction.)

The financial information used to prepare the attached tables is based on 2022 information. Based on the proposed fees, the sources of estimated revenue for 2024 are:

Estimated Revenue:

Operating/permit fees	\$346,474
Plan review/other fees	\$28,310
<u>Fines/penalties/late fees/other</u>	<u>\$28,375</u>
Subtotal*:	\$403,159
<u>Less credit card processing cost</u>	<u>\$3,521</u>

Total Estimated EH Revenue*: **\$399,638**

* Does not include revenue from Grants and State Aid.

The following information is attached for your review:

- Table 1. Proposed Environmental Health Fee Schedule 2024 – Operating & Other Fees
- Table 2. Proposed Operating and Permit Fees Detail Sheet 2024
- Table 3. Proposed Plan Review Fees Detail Sheet 2024
- Table 4. Estimated Revenue from Other Fees



ENVIRONMENTAL HEALTH DIVISION

55 Brown Road, Ithaca, NY 14850
 Ph: (607) 274-6688; Fx: (607) 274-6695
 On-line Services - <https://permits.tompkins-co.org/CitizenAccess/>

Draft for BOH Review May 2023
Effective January 1, 2024

Table 1 - 2024 Proposed Environmental Health Fee Schedule

2024 OPERATING PERMIT, PLAN REVIEW, & OTHER FEES	
Agricultural Fairground Operating Permit	\$400 <input type="checkbox"/>
Campground Operating Permit \$150 plus \$2.75 per unit/site	<input type="checkbox"/>
Campground Plan Review	\$200 <input type="checkbox"/>
Children's Camp Operating Permit	\$200 <input type="checkbox"/>
6) Mass Gathering Operating Permit	\$4,100 <input type="checkbox"/>
6) New Event Per Day	\$4,100 <input type="checkbox"/>
6) Existing Event	\$3,100 <input type="checkbox"/>
Mass Gathering Plan Review	<input type="checkbox"/>
New Event; 1st 2 Submissions	\$15,000 <input type="checkbox"/>
Existing Event; 1st 2 Submissions	\$7,500 <input type="checkbox"/>
Additional Submissions; New/Existing	\$3,750 <input type="checkbox"/>
Migrant Farmworker Housing Operating Permit	No Fee <input type="checkbox"/>
Mobile Home Park Operating Permit \$150 plus \$3.50 per unit/lot	<input type="checkbox"/>
Mobile Home Park Plan Review \$460 plus \$30 per unit/lot	<input type="checkbox"/>
Recreational Aquatic Facility Operating Permit	<input type="checkbox"/>
Swimming Pool/Bathing Beach	\$335 <input type="checkbox"/>
Slide & Wave Pool/Spray Park/Other Aquatic Facility	\$360 <input type="checkbox"/>
Recreational Aquatic Facility Plan Review	<input type="checkbox"/>
Swimming Pool/Bathing Beach/Other Aquatic Facility ≤ 5,000 sqft	\$360 <input type="checkbox"/>
Slide & Wave Pool/Spray Park/Other Aquatic Facility > 5,000 sqft	\$770 <input type="checkbox"/>
Temporary Residence Operating Permit \$175 plus \$3.50 per unit/site	<input type="checkbox"/>
Food Service Establishment Operating Permit	<input type="checkbox"/>
High Risk	\$450 <input type="checkbox"/>
Medium Risk	\$375 <input type="checkbox"/>
Low Risk	\$210 <input type="checkbox"/>
Additional Mobile Unit or Vending Machine	\$85 <input type="checkbox"/>
Food Service Establishment Plan Review	<input type="checkbox"/>
High & Medium Risk	\$210 <input type="checkbox"/>
Low Risk	\$150 <input type="checkbox"/>
Push Cart	\$100 <input type="checkbox"/>
Temporary Food Service Establishment - Simple Menu	<input type="checkbox"/>
1 Day Event	\$65 <input type="checkbox"/>
Multiple Events; Consecutive or Non-Consecutive Days <i>(up to 8 days in 120 days)</i>	\$100 <input type="checkbox"/>
Temporary Food Service Establishment - Complex Menu	<input type="checkbox"/>
1 Day or Multiple Days; Single Event	\$150 <input type="checkbox"/>
5) Late Application - Received less than 2 weeks before even	\$25 <input type="checkbox"/>
5) Additional Expedited Permit Processing Fee - 3 days or less	\$25 <input type="checkbox"/>
OTHER FEES	
5) Late Application/Water Fee	\$75 <input type="checkbox"/>
5) Additional Expedited Permit Processing Fee - 7 days or less	\$50 <input type="checkbox"/>
Waiver/Variance Request <i>(Requiring Board of Health Action)</i>	\$75 <input type="checkbox"/>
Waiver from NYS Appendix 75-A <i>(Unless due to TCHD Referral)</i>	\$75 <input type="checkbox"/>
Copies <i>(Cost per page)</i>	\$0.25 <input type="checkbox"/>
Refund Request <i>(within 6 months of receipt)</i>	\$25 <input type="checkbox"/>
Environmental Impact Statement Review	<input type="checkbox"/>
<i>(Where Tompkins County is the lead Agency fee assessed as allowed by 6NYCRR 617.7)</i>	
Total Fees - Page 1	<input type="checkbox"/>
Total Fees - Page 2	<input type="checkbox"/>
TOTAL FEES DUE - Page 1 & 2	<input type="checkbox"/>

Preparer/Date: _____
 pc: Support Staff

- Notes:**
- 1) A check mark indicates fee applies to your facility. Fees are additive for all operations
 - 2) Checks should be made payable to: Tompkins County Health Department.
 - 3) There will be a \$20 service charge on all returned checks.
 - 4) Payment methods: check, cash, money order, or online w/credit card (Visa, MC, Discover).
 - 5) Fee may be waived at TCWH Environmental Health discretion.
 - 6) Plus \$80 per staff/hr for incident response, if needed.



ENVIRONMENTAL HEALTH DIVISION

55 Brown Road, Ithaca, NY 14850
 Ph: (607) 274-6688; Fx: (607) 274-6695
 On-line Services - <https://permits.tompkins-co.org/CitizenAccess/>

Draft for BOH Review May 2023
Effective January 1, 2024

Table 1 - 2024 Proposed Environmental Health Fee Schedule

2024 WATER SYSTEM OPERATING, ON-SITE WASTEWATER TREATMENT, & DEVELOPMENT FEES	
On-Site Wastewater Treatment System (OWTS) Construction Permit	
New Construction/Conversion	\$450
w/ Engineer Plans; no Site Evaluation	\$325
Replacement System	\$335
w/ Engineer Plans; no Site Evaluation or TCHD Referral	\$175
⁵⁾ Permit Re-Design; New/Conversion/Replacement	\$100
Septic Tank/Pump Chamber Replacement	\$105
⁵⁾ Holding Tank or ETU Permit Renewal	\$50
OWTS Permit/Application Renewal or Transfer	
⁵⁾ Permit Renewal (may be renewed 1x prior to expiration)	\$80
⁵⁾ Permit Transfer (prior to expiration)	\$80
Application Renewal (may be renewed 1x prior to expiration)	\$80
Application Transfer (prior to expiration)	\$80
OWTS Plan Review by Design Professional	
0 – 499 gpd design rate	\$190
500 – 999 gpd design rate	\$230
1,000 – 1,999 gpd design rate	\$340
2,000+ gpd design rate	\$540
Other OWTS Modifications/Multiple Submissions	\$160
Holding Tank Initial Permit & Plan Review	\$160
Collector Sewer - 6" & larger (DEC & Health Dept Projects)	
< 5,000'	\$150
≥ 5,000'	\$250
Preliminary Development Review (where soil testing is required)	
(Preliminary Development fees are applied to the Realty Subdivision fee upon full plan submittal when submitted within 12 months)	\$400
Realty Subdivision Development Review	
Plus \$12.50 per lot NYS filing fee	\$800
Add \$35 per lot with individual water	
Add \$55 per lot with individual sewage	
(Subtract Preliminary Development fees paid)	
Realty Subdivision Approval Renewal	
	\$200
⁵⁾ Other Engineering Review	\$160
Total Fees - Page 2	

Water System Operating Fee	
Community Water System (with sources)	
Groundwater System	\$200
Surface Water System	\$1,800
Non-Community Water System (with sources)	\$105
Bottled/Bulk Haulers, Ice Plants	\$360
Water System Construction Permit & Plan Review	
Community Water System (Part 5, NYSSC) < 100,000 gpd	\$450
Community Water System (Part 5, NYSSC) ≥ 100,000 gpd	\$1,000
Non-Community Public Water System	\$210
Distribution Water Main - 6" or larger	
< 5,000'	\$300
≥ 5,000'	\$400
Cross-Connection Control	
\$200 plus \$50/device	
Water Storage Tank > 500,000 gal	
	\$500
⁵⁾ Other Water System Modification	\$160

OTHER FEES	
⁵⁾ Late Application/Water Fee	\$75
⁵⁾ Additional Expedited Permit Processing Fee 7 days or less	\$50
Waiver/Variance Request (Requiring Board of Health Action)	\$75
Waiver from NYS Appendix 75-A (Unless due to TCHD Referrals)	\$75
Copies (Cost per page)	\$0-25
Refund Request (within 6 months of receipt)	\$25
Environmental Impact Statement Review	
(Where Tompkins County is the lead Agency fee assessed as allowed by 6NYCRR 617.7)	

Preparer/Date: _____
 pc: Support Staff

- Notes:**
- A check mark indicates fee applies to your facility. Fees are additive for all operations
 - Checks should be made payable to: Tompkins County Health Department.
 - There will be a \$20 service charge on all returned checks.
 - Payment methods: check, cash, money order, or online w/credit card (Visa, MC, Discover).
 - Fee may be waived at TCWH Environmental Health discretion.
 - Plus \$80 per staff/hr for incident response, if needed.

Draft for BOH Review - May 2023
Table 2 - Environmental Health Division
Proposed Operating and Permit Fees Detail Sheet 2024

PROGRAM	FEES			# FACILITIES				STAFF TIME (days)		COST PER FACILITY			PROGRAM COST		REVENUE		REVENUE / PROGRAM COST	
	2024 PROPOSED	2023 FINAL	2022 FINAL	2024-EST TOTAL	2024-EST INVOICED	2022 TOTAL	2022 INVOICED	2024 ESTIMATE	2022 FINAL	2024-EST TOTAL	2024-EST INVOICED	2022 FINAL	2024 ESTIMATE	2022 FINAL	2024 ESTIMATE	2022 FINAL	2024 ESTIMATE	2022 FINAL
FOOD SERVICE ESTABLISHMENTS (FSE)				555	480	566	474	628	632	\$705	\$816	\$831	\$391,483	\$393,962	\$172,800	\$170,430	0.44	0.43
High Risk	\$450	\$450	\$450	170	160	167	154	334	328	\$1,224	\$1,300	\$1,327	\$208,004	\$204,333	\$72,000	\$69,300	0.35	0.34
Medium Risk	\$375	\$375	\$375	280	215	285	217	238	242	\$530	\$691	\$697	\$148,492	\$151,143	\$80,625	\$81,375	0.54	0.54
Low Risk	\$210	\$210	\$210	90	90	99	88	56	62	\$389	\$389	\$437	\$34,987	\$38,486	\$18,900	\$18,480	0.54	0.48
Additional Mobile Unit/Push Cart/Vending Machine	\$85	\$85	\$85	15	15	15	15								\$1,275	\$1,275		
TEMPORARY FOOD SERVICE				147	87	151	86	91	94	\$388	\$656	\$681	\$57,030	\$58,569	\$10,050	\$10,120	0.18	0.17
Simple Menu 1 Day Event	\$65	\$65	\$65	65	25	66	23	40	41	\$385	\$1,000	\$1,104	\$25,006	\$25,391	\$1,625	\$1,495	0.06	0.06
Simple Menu Multiple Events	\$100	\$100	\$100	80	60	83	61	49	51	\$385	\$513	\$523	\$30,777	\$31,931	\$6,000	\$6,100	0.19	0.19
Complex Menu Single Event	\$150	\$150	\$150	2	2	2	2	2	2	0	0	0	\$1,247	\$1,247	\$300	\$300	0.24	0.24
Late Application < 2 weeks, > 3 days	\$25	\$25	\$25	65	65	68	68								\$1,625	\$1,700		
Late Application 3 days or <	\$25	\$25	\$25	20	20	21	21								\$500	\$525		
TEMPORARY RESIDENCE	\$175	\$175	\$175	35	35	35	34	99	99	\$1,766	\$1,766	\$1,818	\$61,824	\$61,824	\$13,962	\$13,416	0.23	0.22
Per unit/site	\$3.50	\$3.50	\$3.50	2,239	2,239	2,235	2,133								\$7,837	\$7,466		
CAMPGROUNDS	\$150	\$150	\$150	10	10	10	10	31	31	\$1,917	\$1,917	\$1,917	\$19,172	\$19,172	\$3,700	\$3,686	0.19	0.19
Per unit/site	\$2.75	\$2.75	\$2.75	800	800	800	795								\$2,200	\$2,186		
MOBILE HOME PARKS	\$150	\$150	\$150	39	39	39	40	90	90	\$1,433	\$1,433	\$1,397	\$55,884	\$55,884	\$12,903	\$13,088	0.23	0.23
Per unit/lot	\$3.50	\$3.50	\$3.50	2,015	2,015	2,015	2,025								\$7,053	\$7,088		
AGRICULTURAL FAIRGROUND	\$400	\$400	\$400	1	1	1	1	14	14	\$8,691	\$8,691	\$8,691	\$8,691	\$8,691	\$400	\$400	0.05	0.05
MASS GATHERING (NEW)	\$0	\$4,100	\$4,100	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
MASS GATHERING (New & Existing)	\$4,100	\$3,100	\$2,000	1	1	1	1	60	60	\$37,695	\$37,695	\$37,695	\$37,695	\$37,695	\$4,100	\$2,000	0.11	0.05
CHILDREN'S CAMPS	\$200	\$200	\$200	32	10	27	7	120	101	\$2,334	\$7,470	\$9,003	\$74,695	\$63,024	\$2,000	\$1,400	0.03	0.02
SWIMMING POOLS/BATHING BEACHES	\$335	\$335	\$335	52	52	52	52	78	78	\$938	\$938	\$938	\$48,753	\$48,753	\$17,420	\$17,420	0.36	0.36
PUBLIC WATER SYSTEMS				152	152	152	147	667	667	\$1,844	\$1,844	\$1,906	\$280,247	\$280,247	\$29,215	\$28,500	0.10	0.10
Community Groundwater System	\$200	\$200	\$200	86	86	86	84	500	500	\$2,440	\$2,440	\$2,499	\$209,882	\$209,882	\$17,200	\$16,800		
Community Surface Water System	\$1,800	\$1,800	\$1,800	3	3	3	3	4	4	\$570	\$570	\$570	\$1,709	\$1,709	\$5,400	\$5,400		
Non-Community Water System	\$105	\$105	\$105	63	63	63	60	164	164	\$1,090	\$1,090	\$1,144	\$68,657	\$68,657	\$6,615	\$6,300		
ON-SITE WASTEWATER SYSTEMS (OWTS)				210	210	201	209	823	798	\$2,442	\$2,442	\$2,380	\$512,864	\$497,474	\$79,925	\$76,540	0.16	0.15
New Construction/Conversion	\$450	\$425	\$425	90	90	81	95	366	329	\$2,532	\$2,532	\$2,159	\$227,914	\$205,123	\$40,500	\$40,375	0.18	0.20
New/Conv App w/ Plans; no Site Evaluation	\$325	\$250	\$250	15	15	18	13	49	59	\$2,052	\$2,052	\$2,841	\$30,777	\$36,932	\$4,875	\$3,750	0.16	0.10
Replacement System	\$335	\$335	\$335	95	95	88	88	386	358	\$2,532	\$2,532	\$2,532	\$240,576	\$222,849	\$31,825	\$29,480	0.13	0.13
Permit Re-Design; New/Conversion/Replacement	\$100	na	na	5	5	0	0	2	0	\$187	\$187	\$0	\$935	\$0	\$500	\$0	0.53	0.00
Replacement App w/ Plans; no Site Evolution or TCHD referral	\$0	\$175	\$175	0	0	6	5	0	20	\$0	\$0	\$2,462	\$0	\$12,311	\$0	\$875	0.00	0.07
Septic Tank/Pump Chamber Replacement	\$105	\$105	\$105	5	5	8	8	20	33	\$2,532	\$2,532	\$2,532	\$12,662	\$20,259	\$525	\$840	0.04	0.04
Holding Tank or ETU Permit Renewal	\$50	\$50	\$50	10	10	3	2								\$500	\$100		
Application/Permit Transfer/Renewal	\$80	\$80	\$80	15	15	14	14								\$1,200	\$1,120		
OPERATING PERMITS													\$1,548,339	\$1,525,297	\$346,474	\$336,999	0.22	0.22
PLAN REVIEWS															\$28,310	\$24,335		
OTHER REVENUE															\$28,375	\$50,375		
TOTAL OPERATING, PERMIT, PLAN REVIEW & OTHER FEES													\$2,033,178	\$403,159	\$411,709	0.20	0.20	
ESTIMATED OFFICIAL PAYMENTS CREDIT CARD PROCESSING COST													\$3,521	\$3,442				
TOTAL ALL ENVIRONMENTAL HEALTH PROGRAM FEES													\$399,638	\$408,267	0.20	0.20		

NOTES:

2022 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2021 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2020 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2019 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2018 EH Annual Cost & Staff Time	\$1,791,519.00	3238.4	Staff Cost =	\$553.22	per day	\$79.03	per hr

PWS - Surface Water Staff Time is calculated by facility only. This is an underestimate of the total program costs.

2022 Revenue Submitted through Official Payments \$122,301.00 36% of total revenue

-\$8,629

Draft for BOH Review - May 2023
Table 3 - Environmental Health Division
Proposed Plan Review Fees Detail Sheet 2024

PROGRAM	FEES			# PLANS			LAST YEAR PLANS REVIEWED	TOTAL PROGRAM HOURS 2022	ESTIMATE D HOURS PER PLAN	COST PER PLAN REVIEW	PROGRAM COST		REVENUE		REVENUE / PROGRAM COST	
	2024 PROPOSED	2023 FINAL	2022 FINAL	2024-EST INVOICED	2022 APPROVED	2022 INVOICED					2022-or ESTIMATE	2024 ESTIMATE	2024 Final	2024 ESTIMATE	2022 FINAL	2024 ESTIMATE
PUBLIC WATER SYSTEMS								26.0			\$8,549	\$4,809	\$7,150	\$6,160	0.84	
Community Water System Facility < 100,000 gpd	\$450	\$450	\$450	1	0	0	2021		8.0	\$712	\$712	\$0	\$450	\$0	0.63	
Community Water System Facility ≥ 100,000 gpd	\$1,000	\$1,000	\$1,000	0	0	0	na		20.0	\$1,781	\$0	\$0	\$0	\$0	0.00	
Water Main Ext < 5,000'	\$300	\$300	\$300	10	5	9	2022		4.0	\$356	\$3,562	\$1,781	\$3,000	\$2,700	0.84	
≥ 5,000'	\$400	\$400	\$400	0	0	0	2018		6.0	\$534	\$0	\$0	\$0	\$0	0.00	
Cross-Connection Control	\$200	\$200	\$200	10	6	8	2022		3.5	\$312	\$3,117	\$1,870	\$2,000	\$1,600	0.64	
Add per device	\$50	\$50	\$50	15		14	2022						\$750	\$700		
Non-Community Water System	\$210	\$210	\$210	3	1	4	2022		3.0	\$267	\$801	\$267	\$630	\$840	0.79	
Water Storage Tank	\$500	\$500	\$500	0	0	0	2018		8.0	\$712	\$0	\$0	\$0	\$0	0.00	
Other Water System Modification	\$160	\$160	\$160	2	5	2	2022		2.0	\$178	\$356	\$890	\$320	\$320	0.90	
FOOD SERVICE ESTABLISHMENTS											\$2,850	\$2,048	\$2,250	\$1,410	0.79	
High & Medium Risk	\$210	\$210	\$210	10	7	6	2022	24.0	3.0	\$267	\$2,671	\$1,870	\$2,100	\$1,260	0.79	
Low Risk	\$150	\$150	\$150	1	1	1	2022	2.0	2.0	\$178	\$178	\$178	\$150	\$150	0.84	
Push Cart Medium/Low Risk	\$100	\$100	\$100	0	0	0	2015	0.0	1.0	\$89	\$0	\$0	\$0	\$0	0.00	
MOBILE HOME PARKS	\$460	\$460	\$460	0	2	2	2022	0.0			\$0	\$0	\$0	\$850		
Add per unit/lot	\$30	\$30	\$30	0	0	0	2007	0.0			\$0	\$0	\$0	\$0		
CAMPGROUNDS	\$200	\$200	\$200	2	2	2	2022	2.0	3.0	\$267	\$534	\$534	\$400	\$400	0.75	
SWIMMING POOLS/BATHING BEACHES ≤ 5,000 sqft	\$360	\$360	\$360	0	1	2	2022	17.0	6.0	\$534	\$0	\$534	\$0	\$720		
Swimming Pools > 5,000 sqft	\$770	\$770	\$770	0	0	0	2008	0.0	12.0	\$1,069	\$0	\$0	\$0	\$0		
MASS GATHERING (NEW; 1st 2 Submissions)	\$15,000	\$12,000	\$12,000	0	0	0	na		800.0	\$71,238	\$0	\$0	\$0	\$0		
MASS GATHERING (EXISTING; 1st 2 Submissions)	\$7,500	\$5,000	\$5,000	1	1	1	2022	1347.3	1051.6	\$93,646	\$93,646	\$93,646	\$7,500	\$5,000	0.08	
MASS GATHERING Multiple Submissions New/Existing	\$3,750	\$0	\$0	1	0	0	na		295.7	\$26,330	\$26,330	\$0	\$3,750	\$0	0.14	
ON-SITE WASTEWATER TREATMENT SYSTEMS								117.5			\$11,220	\$14,515	\$6,460	\$5,970	0.58	
0 - 499 gpd Design Rate	\$190	\$190	\$190	15	16	15	2022	27.0	4.0	\$356	\$5,342.83	\$5,699	\$2,850	\$2,880	0.53	
500 - 999 gpd Design Rate	\$230	\$230	\$230	5	3	2	2022	23.0	5.0	\$445	\$2,226	\$1,336	\$1,150	\$460	0.52	
1,000 - 1,999 gpd Design Rate	\$340	\$340	\$340	1	0	0	2021	39.5	6.0	\$534	\$534	\$0	\$340	\$0	0.64	
2,000+ gpd Design Rate	\$540	\$540	\$540	2	7	3	2022	28.0	10.0	\$890	\$1,781	\$6,233	\$1,080	\$1,620	0.61	
Other OWTS Modifications/Multiple Submissions	\$160	\$160	\$160	2	0	0	na	0.0	2.0	\$178	\$356	\$0	\$320	\$0	0.90	
Holding Tank Plan Review & Initial Permit	\$160	\$160	\$160	2	1	1	2022	0.0	3.0	\$267	\$534	\$267	\$320	\$160	0.60	
Collector Sewer < 5,000'	\$150	\$150	\$150	1	4	4	2022	0.0	2.0	\$178	\$178	\$712	\$150	\$600	0.84	
≥ 5,000'	\$250	\$250	\$250	1	1	1	2022	0.0	3.0	\$267	\$267	\$267	\$250	\$250	0.94	
REALTY SUBDIVISION TOTAL								25.5			\$0	\$1,514	\$0	\$3,665		
REALTY SUBDIVISIONS *	\$800	\$800	\$800	0	1	3	2022		5.0	\$445	\$0	\$445	\$0	\$2,550		
Add per lot NYS filing fee	\$12.50	\$12.50	\$12.50	0	46	46	2022						\$0	\$575		
with Individual Water	\$35	\$35	\$35	0	6	6	2022		1.0	\$89	\$0	\$534	\$0	\$210		
with Individual OWTS	\$55	\$55	\$55	0	6	6	2022		1.0	\$89	\$0	\$534	\$0	\$330		
Subdivision Renewal	\$200	\$200	\$200	0	0	0	2020		2.0	\$178	\$0	\$0	\$0	\$0		
Preliminary Development Review	\$400	\$400	\$400	0	0	0	2014		5.0	\$445	\$0	\$0	\$0	\$0		
Add per lot	n/a	n/a	n/a	0	0	0	2014		1.0	\$89	\$0	\$0	\$0	\$0		
OTHER PLAN REVIEW	\$160	\$160	\$160	5	7	1	2022		2.0	\$178	\$890	\$1,247	\$800	\$160	0.90	
TOTAL PLAN REVIEW FEES												\$144,019	\$118,846	\$28,310	\$24,335	0.20

NOTES:

2022 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2021 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2020 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2019 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2018 EH Annual Cost & Staff Time	\$1,791,519.00	3238.4	Staff Cost =	\$553.22	per day	\$79.03	per hr

Hours per plan are estimated - actual time for each submittal varies significantly.

\$3,975

Draft for BOH Review - May 2023

Table 4 - Environmental Health Division Other Fees

Other Fees	2024 Proposed	5 Year Average	2022	2021	2020	2019	2018
Copies	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Late Fees	\$5,625.00	\$5,300.00	\$7,950.00	\$3,950.00	\$3,550.00	\$5,250.00	\$5,800.00
*Expedited Permit 7 days or less	\$1,000.00	\$610.00	\$750.00	\$800.00	\$700.00	\$800.00	NA
Penalties/Fines	\$20,000.00	\$25,370.00	\$40,500.00	\$8,000.00	\$10,500.00	\$36,333.00	\$31,517.00
Rabies Donations	\$1,500.00	\$1,462.38	\$1,075.00	\$1,821.75	\$1,847.00	\$1,281.16	\$1,287.00
Refunds Request	\$100.00	\$115.00	\$100.00	\$100.00	\$100.00	\$150.00	\$125.00
Waivers	\$150.00	\$120.00	\$0.00	\$150.00	\$225.00	\$150.00	\$75.00
**Waiver from NYS Appendix 75-A (OWTS)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	NA	NA
Total Other Fees	\$28,375.00	\$32,977.38	\$50,375.00	\$14,821.75	\$16,922.00	\$43,964.16	\$38,804.00

Notes:

Late Application	\$75	\$5,625	\$7,500	<i>Est. 75-100 per year</i>
*Expedited Permit 7 days or less - May be waived at TCHD discretion	\$50	\$750	\$1,000	<i>Est. 15-20 per year</i>
**Waiver from NYS Appendix 75-A OWTS (Est. 5 or less per year)	\$75			