

AGENDA
Tompkins County Board of Health
Rice Conference Room
Tuesday, December 4, 2018
12:00 Noon

- 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 October 23, 2018 Minutes (2 mins.)
- 12:06** IV. Financial Summary (9 mins.)
- 12:15** V. Reports (15 mins.)
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| Administration | Children with Special Care Needs |
| Health Promotion Program | County Attorney’s Report |
| Medical Director’s Report | Environmental Health |
| Division for Community Health | CSB Report |
- 12:30** VI. New Business
- 12:30** **Administration** (10 mins.)
Discussion/Action:
1. Board of Health Nominating Committee Recommendation - Reappointment of Dr. David Evelyn (5 mins.)
 2. Board of Health Selection of Officers for 2019 (5 mins.)
- 12:40** **Environmental Health** (45 mins.)
Enforcement Action:
1. Resolution # EH-ENF-18-0011 – Scooby Steve’s Ice Cream, T-Danby, Violation of Subpart 5-1 of the New York State Sanitary Code (Water) (5 mins.)
 2. Resolution # EH-ENF-18-0035 – Barnes & Noble Booksellers #2122, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food) (5 mins.)
 3. Resolution # EH-ENF-18-0037 – Finger Lakes GrassRoots Festival, T-Ulysses, Violation of Article VI of the Tompkins County Sanitary Code (Sewage) (5 mins.)
 4. Resolution # EH-ENF-18-0038 – Finger Lakes GrassRoots Festival, T-Ulysses, Violation of Subpart 7-4 of the New York State Sanitary Code (Mass Gathering) (5 mins.)

AGENDA
Tompkins County Board of Health
Tuesday, December 4, 2018

Environmental Health (continued)

Enforcement Action:

5. Resolution # EH-ENF-18-0039 – Finger Lakes GrassRoots Festival, T-Ulysses, Violation of Subpart 5-1 of the New York State Sanitary Code (Water) (5 mins.)
6. Resolution # EH-ENF-18-0040 – Mitsuba Hibachi Sushi Restaurant, V-Lansing, Violation of Subpart 14-1 of the New York State Sanitary Code (Food) (5 mins.)
7. Resolution # EH-ENF-18-0041 – Apollo Restaurant, C-Ithaca, Violations of BOH Orders # EH-ENF-18-0003 and Subpart 14-1 of the New York State Sanitary Code (Food) (5 mins.)
8. Resolution # EH-ENF-18-0042 – Lao Village, C-Ithaca, Violations of BOH Orders # EH-ENF-18-0020 and Subpart 14-2 of the New York State Sanitary Code (Temporary Food) (5 mins.)
9. Resolution # EH-ENF-18-0043 – Taste of Thai, C-Ithaca, Violations of BOH Orders # EH-ENF-18-0005 and of Subpart 14-1 of the New York State Sanitary Code (Food) (5 mins.)

1:25 *Adjournment*

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MINUTES
Tompkins County Board of Health
October 23, 2018
12:00 Noon
Rice Conference Room

Present: Shawna Black; David Evelyn, MD, MPH; Edward Koppel, MD; Michael McLaughlin, Jr.; Susan Merkel; Janet Morgan, PhD; and Christina Moylan, PhD

Staff: Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Samantha Hillson, Director of Health Promotion Program; Frank Kruppa, Public Health Director; Deb Thomas, Director of Children with Special Care Needs; and Shelley Comisi, Administrative Assistant II

Excused: Brenda Grinnell Crosby, Public Health Administrator; William Klepack, MD, Medical Director; James Macmillan, MD, President, Board of Health Member; and Jonathan Wood, County Attorney

Guests: Karmjit Benipal, Operator, Sangam Restaurant; Amanda Champion, Tompkins County Legislator; Skip Parr, Senior Public Health Sanitarian; John P. Vico, Owner, Circus Truck; and Paula Winner, Community Mental Health Services Board Member

Call to Order: Vice President Michael McLaughlin called the regular meeting of the Board of Health (BOH) to order at 12:03 p.m.

Privilege of the Floor – Sangam Restaurant: Karmjit Benipal, operator of Sangam Restaurant, addressed the Board about the problem with his prep cooler. A few years ago, there was a problem with that cooler so he spent \$3,000 to repair it. This past summer, the health inspector visited the restaurant on a very hot day and the cooler was at 50°F. Committed to doing their best, he and his wife inspect the food themselves before it goes out. For 25 years, he has served many loyal customers without any complaints except this one. This is the first time he has been before the BOH. The cooler was fixed after the first inspection; unfortunately, there was a small gas leak. He presented a bill showing the cooler repair (Attachment 1).

Privilege of the Floor – Circus Truck: John Vico appeared before the BOH to discuss the two inspections of his Circus Truck. He noted the business is run professionally. Since he started serving food out of a “UPS type truck,” he has never had a single violation. When the first inspection occurred, it was one of the two hottest days of the year. Commercial refrigeration equipment is designed to be in a room at 70°F; however, the inspector’s thermometer read 99.8°F in the truck. In this hotter environment, the inspector observed some food items out of temperature in a sandwich cooler. Mr. Vico

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emphasized he would never feed anyone any food that he would not feed his own children. The second inspection was another hot day so the unit was working extra hard but he tried to keep the unit closed and checked temperatures. The invoice he previously submitted shows a refrigeration specialist checked the sandwich unit. It is working properly. Believing the problem was due to the inspections occurring on hot days, he would appreciate the BOH reducing the fine from \$400. In addition, he wanted to voice his concern about the inspector. Since the concern involves personnel, Mr. Kruppa assured Mr. Vico that TCHD will investigate the matter.

Privilege of the Floor – Proposal to Ban Single-Use Plastic Bags: Amanda Champion, Tompkins County Legislator, spoke to the Board on the proposal to ban the distribution of single-use plastic bags in retail stores throughout Tompkins County. She has been working with the Environmental Management Council (EMC) in a subcommittee for the past six months to consider the issues. The group would be happy to give a presentation outlining their work to the BOH. With the concern about plastics in the environment, at least 15 municipalities in New York State as well as California and Hawaii have passed laws banning single-use plastic bags so there is a precedent. She is aware of the BOH's concern about the sanitary aspect of reusable bags and that should be addressed. Part of the EMC plan is to devote six to twelve months of education and outreach to the public, restaurants, and business owners. As for socioeconomic issues, the EMC is working with the Park Foundation to obtain a grant to purchase reusable bags for distribution to community members. The timeline for moving forward is a challenging question to answer. Many people on the Legislature support the ban but County Administration wants more time to consider it. Ms. Champion thanked Board members for the opportunity to speak to them. She reiterated her request to have an in-depth discussion before the BOH makes a statement regarding the proposed ban.

Approval of September 25, 2018 Minutes: Ms. Black moved to approve the minutes of the September 25, 2018 meeting as written; seconded by Dr. Koppel. The minutes carried with Dr. Morgan abstaining.

Financial Summary: Ms. Grinnell Crosby was not present for the meeting. In her absence, Mr. Kruppa provided a financial update. Due to a significant uptick in rabies biologicals this year, a request has been made to the Legislature to transfer some money to account for spending. Fortunately, there are some underspent program areas where monies are available to be transferred. For 2019, the budget line for the rabies program has been increased and staff is looking at ways to reduce costs. Rabies is 100% fatal so treatment will be provided to those who need it.

Administration Report: Mr. Kruppa reported:

- Last month, he was in Albany advocating for public health and mental health needs. As part of the New York State Association of County Health Officials (NYSACHO), he met with staff in the Governor's office to talk about increasing state aid for public health. It was a positive meeting with some movement to potentially allow changes in items eligible for state aid. Currently, fringe costs are ineligible. That change would be helpful to counties who do not have the

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resources to create positions. There was also a good conversation about recreational marijuana. State officials showed some receptiveness to having Public Health representatives at the table as details are discussed. In addition, he met with state leadership regarding mental health and substance use issues. Time was spent advocating for the Alcohol and Drug Council's detox proposal. There is a letter of intent on a facility in the Village of Lansing; however, the State has not made a commitment for ongoing operational funds. Staff is working hard to obtain that commitment.

- The Kresge Foundation's Emerging Leaders in Public Health initiative has accepted and approved \$125,000 for our project proposal. He and Ms. Hillson are still working on the details of the project. So far, the focus has been on the following activities: identifying three staff members to participate in the Natural Leaders Initiative; meeting with local professional development coaches to select a suitable coach; and planning visits in November to two health departments from the previous Kresge grant cohort to learn from their experiences.
- Volunteers are needed for a Nominating Committee to consider and recommend: (1) a candidate to fill the impending vacancy in Dr. Macmillan's physician position, (2) Dr. Evelyn's application for reappointment, and (3) a slate of officers for 2019. Dr. Moylan, Ms. Black and Ms. Merkel volunteered to serve on the committee. To facilitate the decision-making process, the committee can communicate through email. After they decide on Dr. Evelyn's application and the slate of officers, a vote on their recommendations can occur at the December 4, 2018 meeting. The physician vacancy will be filled on a timeline that is driven by the applicants.
- On December 4th, TCHD will be providing a special holiday lunch for the BOH in appreciation for the service and contribution of our Board members.

Follow-up question to Mr. Kruppa's Report: With respect to state aid, Dr. Moylan asked about the impact on the county's contribution for services if the State increased its aid. Mr. Kruppa explained state aid supports core public health services. The State reimburses 100% for the first \$650,000 spent on eligible services and reimburses 36% after that amount is reached. Fringe benefits are considered an ineligible cost. In Tompkins County, fringe benefit costs are covered through grants, fees or support from the County Legislature. TCHD would like to reinvest increased money from the State into additional public health services so the department would need to put forward a request to the Legislature not to decrease its contribution.

Health Promotion Program Report: Ms. Hillson mentioned she is in the midst of reapplying for the Healthy Neighborhoods grant through the New York State Department of Health (NYSDOH). It should be completed by the November 2nd deadline.

Medical Director's Report: Dr. Klepack was not present for the meeting.

Division for Community Health Report: Ms. Bishop reported the nurses in her division are busy administering flu shots. She reminded everyone to get vaccinated.

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In appreciation, Ms. Merkel thanked the Communicable Disease Team of Nanette Scogin and Kevin Zippel for coming to her class to give a presentation on STIs. The two nurses did a great job of sharing information with her students about incidents and controlling STIs. Ms. Bishop will relay her comments to the team.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to the written report.

County Attorney's Report: Mr. Wood was not present for the meeting.

Environmental Health Report: Ms. Cameron had nothing to add to the written report.

Report on the Community Services Board (CSB) Meeting: Dr. Macmillan, Ms. Merkel, and Dr. Morgan attended the October 1, 2018 meeting. Speaking for the group, Dr. Morgan commented most of the time was spent discussing the recreational marijuana letter previously discussed by the BOH. The CSB reviewed the steps involved in formulating the letter before making their additions. At the end of the discussion, the letter was jointly signed by the two boards and sent to Tompkins County Legislators.

Mr. McLaughlin thought the BOH/CSB joint meeting went well as a first effort to work together. He would like to see that collaboration continue.

According to Ms. Black, the Health and Human Services Committee (HHS) passed a resolution to support decriminalizing and legalizing marijuana in New York State by a 5-0 vote. The resolution will appear in front of the full Legislature on Tuesday, November 20th at 5:30 p.m. There will be public comment at the beginning of the meeting. She invited BOH members to attend and be a part of the conversation. At the state level, Governor Cuomo has established a workgroup to write the legislation and figure out the tax implications. Talking group sessions around the state have been well attended. She believes the legislation will be up for a vote in January or February.

Resolution #EH-ENF-18-0030 – Sangam Restaurant, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Karmjit Benipal, owner/operator of the Sangam Restaurant, addressed the BOH earlier in the meeting regarding two temperature violations.

Ms. Merkel moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Black made a motion to amend the resolution by reducing the fine from \$400 to \$200. She pointed out the owner has been in business for several years and this was his first appearance before the BOH. Furthermore, he produced a receipt showing the problem was fixed. For purposes of discussion, Dr. Moylan seconded Ms. Black's motion to modify the fine to \$200.

Board members considered the case summary showing there have been previous temperature violations. In the past five years, Dr. Morgan noted there has been a problem with refrigeration about once a year except in 2017. During a brief discussion about fines, Mr. Parr explained Public Health Law sets \$250 as the maximum amount for the first violation and \$500 for the second violation; therefore, the maximum penalty for this case would be \$750. Ms. Cameron added TCHD usually sets \$400 for an initial repeat violation in food service establishments which is within the regulatory framework but not

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the maximum. Ms. Black felt it was appropriate to reduce the fine since the owner made a serious effort and took corrective actions. Other members did not feel there were any extenuating circumstances to support the reduction.

The vote on the motion to reduce the fine to \$200: Ayes – 1; Nays – 6.

Mr. McLaughlin directed attention to the original motion and opened the floor to discussion. There was no further discussion. The vote to accept the resolution as written: Ayes – 6; Nays – 1; motion carried.

Resolution #EH-ENF-18-0031 – Circus Truck, C-Ithaca, Violation of Subpart 14-4 of the New York State Sanitary Code (Food): John Vico appeared before the BOH earlier in the meeting to represent his small business consisting of a mobile food truck.

Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Black made a motion to amend the resolution by reducing the fine to \$200; the motion was not seconded. Concerned that many small businesses and restaurateurs struggle to make ends meet, Ms. Black believes the \$400 fine is a consequential amount for a small business. She requested a future time to discuss lower fees for a first infraction. According to Ms. Cameron, TCHD historically has not fined any food establishment for the first violation. Owner/operators are given the chance to correct problems after the first violation without paying a penalty. Circus Truck was given that same opportunity. Ms. Cameron agreed it would be beneficial to discuss and formalize a policy. Her staff has been working on a written policy to bring to the BOH at some future time. The conversation will continue.

Mr. McLaughlin called for a vote. The vote in favor of the resolution as written: Ayes – 6; Nays – 1; motion carried.

Resolution #EH-ENF-18-0029 – Asian Taste, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron stated the restaurant had repeat food out of temperature violations resulting in a first time fine of \$400.

Dr. Koppel moved to accept the resolution as written; seconded by Dr. Moylan. Ms. Black recused herself as she knows the owner. The vote: Ayes – 6; motion carried.

Resolution #EH-ENF-18-0032 – Tamarind, C-Ithaca, Violations of BOH Orders #EH-ENF-18-0018 and Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Parr stated Tamarind is before the BOH for the third time in one year. The restaurant continues to have issues with food out of temperature, some items not stored under refrigeration, and storage issues involving toxic chemicals. The facility operators came for a conference with TCHD staff to hear about our concerns regarding the repeated violations. A \$1,250 fine is proposed. In addition, TCHD will be issuing short-term (three months) operating permits to monitor compliance. If there are continued violations of BOH Orders, TCHD will not issue a new permit to operate the facility. There has been no indication there is a language barrier. The operator has completed a ServSafe course which she has translated for her cooks and other food workers.

Dr. Morgan moved to accept the resolution as written; seconded by Dr. Moylan; and carried unanimously.

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Resolution #EH-ENF-18-0036 – Sicilian Delight, V-Lansing, Violations of BOH Orders #EH-ENF-18-0017 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported Sicilian Delight appeared before the Board earlier this year. The facility continues to have violations. TCHD is proposing a \$1,000 penalty in addition to short-term operating permits. There is a payment plan for the previous penalties of \$1,100.

Dr. Morgan moved to accept the resolution as written; seconded by Dr. Moylan; and carried unanimously.

Discussion Regarding Public Health Concerns of a Plastic Bag Ban in Tompkins County: Mr. Kruppa expressed his appreciation to Ms. Champion for coming to the BOH to speak on the issue. In consultation with staff, he drafted the letter in the packet to provide a basis for discussion. It gives the Board an opportunity to be heard on this issue before any action is taken at the County level.

Main points from the discussion:

- There is no definitive timetable for Legislative action on the proposed ban.
- Mr. Wood brought this issue forward to the BOH at the last meeting. As County Attorney, he is responsible for crafting local law based on county policy and he also serves as the attorney for the BOH. Since Mr. Wood was aware that the NYSDOH had information related to reusable bags, he wanted to make sure the Board had a chance to consider the proposed ban.
- The National Environmental Health Association (NEHA) did a study using tracers on reusable bags and found contact on cashiers, baggers, counters, etc. but it was not connected to a disease study.
- It is reasonable to mention there are potential public health risks.
- The local law has not been written so the specifics of the ban have not been defined yet. EMC is putting forward some proposals. It would be helpful to have the EMC make a presentation to the BOH because the group has been studying and working on this issue for several years.
- Implementation and enforcement of the ban is currently outside the mission of TCHD so it would be new programming that would impact the department. However, there will be a need to educate the public about the safe practices for using reusable bags so there is the potential that TCHD would be involved.
- The BOH should make it clear to the Legislature that there needs to be appropriate funding to the department responsible for any new program.
- Perhaps a written statement in the form of a letter is unnecessary. The thoughts of the BOH could be verbally communicated. Ms. Champion and Ms. Black are two of the Legislators who were present to hear the conversation at this meeting.

After listening to Board members, Mr. Kruppa feels comfortable carrying their message forward. He will be making the BOH's concerns known to the people working on the issue.

Based on the discussion, Mr. McLaughlin summarized no action would be taken on the letter at this time. However, Dr. Moylan noted the issue could come back to the BOH at some future point in time.

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Review and Approval of Use of Enhanced Treatment Units (ETUs) in Onsite Wastewater Treatment Systems in Tompkins County: Policy and Procedures: Ms. Cameron announced the change in the way the onsite wastewater treatment system program is implemented requires a policy. Enhanced Treatment Units (ETUs) (Attachment 2) provide more degradation of the biodegradables in the waste stream. These units are more expensive, more difficult to install, and must be maintained. Currently, ETUs are not included in our local sanitary code. There are standing waivers for replacement sewage systems that cannot be brought up to meet current code. Through the State Septic System Replacement Fund, there is funding for lakeside properties that have small lots. ETUs could help those owners. TCHD would issue an operating permit to ensure the ETU was being maintained and track the unit through our Accela software system. The ETUs would be used for small lots or other lots with siting constraints where a traditional system would not be effective. Owners of three properties have expressed interest in the unit and there is the possibility for some other locations.

There was a brief discussion about ETUs. Ms. Cameron advised these units are being proposed only for replacement systems – not new systems. If an owner wanted to use an ETU in a new project, the owner would have to obtain a waiver from the BOH. Concerns about enforcement have been raised if the owner fails to maintain the system and it does not cause obvious failure. Our engineer has worked on these units in Tioga County. His experience has been that people maintain them. When issuing an operating permit, staff would want to see a service contract.

Dr. Evelyn moved to approve the *Use of Enhanced Treatment Units (ETUs) in Onsite Wastewater Treatment Systems in Tompkins County: Policy and Procedures*, as written; seconded by Dr. Moylan; and carried unanimously.

Mr. Kruppa added that he supports the policy change. It is the single best way to achieve more effective treatment on smaller lots. From his experience with these units in the Florida Keys, there will be logistical problems. Some of the issues will be coming to the BOH.

Adjournment: At 1:50 p.m. Mr. McLaughlin adjourned the meeting.

Aaron Duffy
 256 Prospect Valley Rd
 Willseyville NY 13854

Job Invoice

SOLD TO		DATE ORDERED	ORDER TAKEN BY
Sungam		28 Aug 18	
424 Edgely St		PHONE NO.	CUSTOMER ORDER #
Ithaca NY 14850		JOB LOCATION	
		JOB PHONE	STARTING DATE
		TERMS	

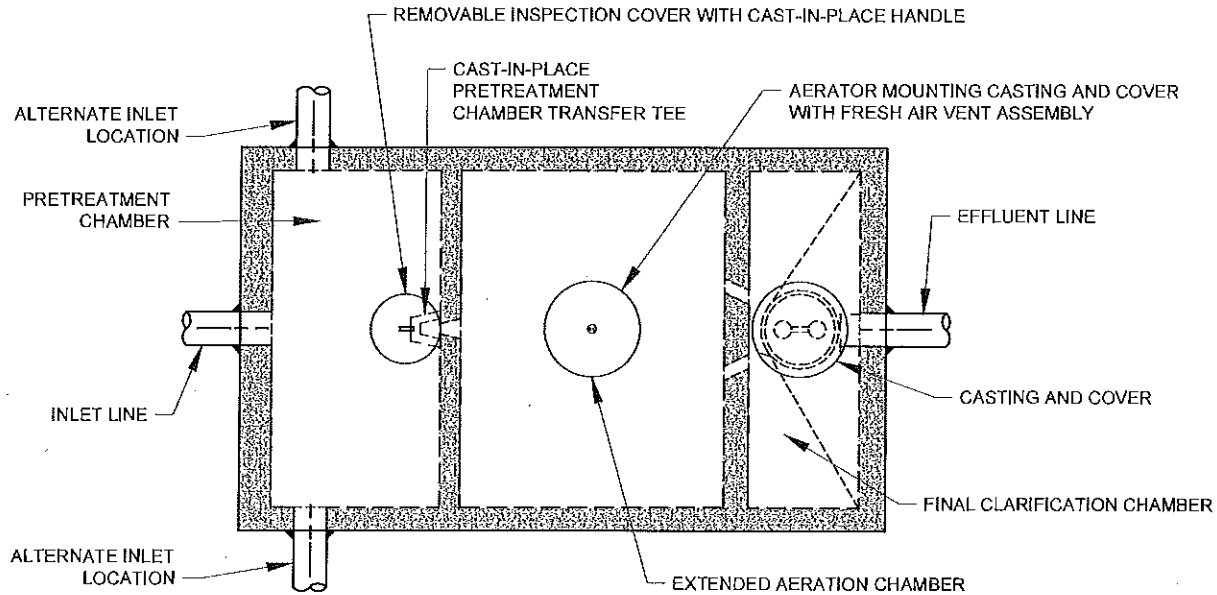
QTY	MATERIAL	UNIT	AMOUNT	DESCRIPTION OF WORK	
4	HOT SHOT II	22 LB	88	Cooler running wrong, found low	
1	Leak dye	\$ 27	27	on gas, leak checked system,	
1	Drazing, Recovery	\$ 35	35	Found leak, repaired, added Hotshot II, unit operational at this time	
MISCELLANEOUS CHARGES					
TOTAL MISCELLANEOUS					
		LABOR	HRS	RATE	AMOUNT
		Service	3	85	255
TOTAL MATERIALS			150		
				TOTAL LABOR	255

WORK ORDERED	TOTAL LABOR	255
DATE ORDERED	TOTAL MATERIALS	150
DATE COMPLETED	TOTAL MISCELLANEOUS	
CUSTOMER APPROVAL SIGNATURE	LABOR	
AUTHORIZED SIGNATURE	AMOUNT	
	GRAND TOTAL	405

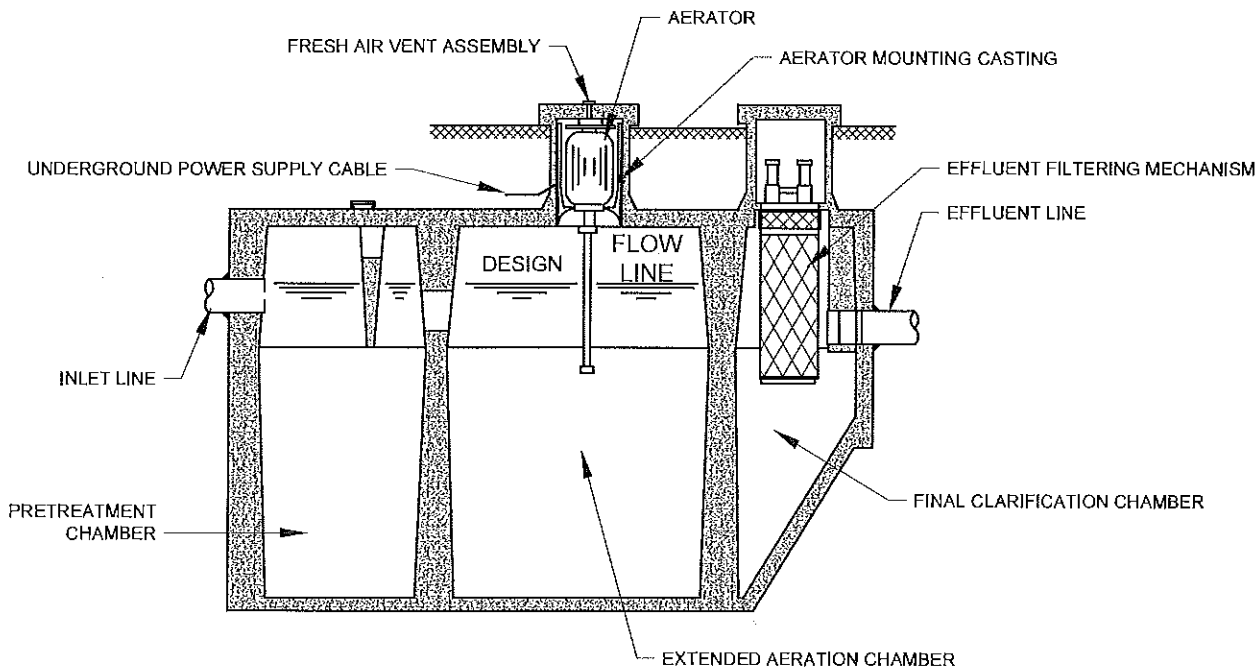
ENVIRONMENTAL HEALTH DIVISION
 www.tompkinscountyny.gov/health/eh

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



TOP VIEW - NOT TO SCALE



SECTION VIEW - NOT TO SCALE

ADDITIONAL SPECIFICATIONS:

1. REFER TO SEPARATION DISTANCES TABLE FOR MORE INFORMATION ON VERTICAL SEPARATION DISTANCES TO BEDROCK.
2. ETUS SHALL HAVE A LABEL INDICATING COMPLIANCE WITH THE STANDARDS FOR A CLASS I UNIT AS DESCRIBED IN THE NSF STANDARD 40, STANDARD 245 OR EQUIVALENT TESTING. THE MINIMUM RATED DAILY CAPACITY OF THESE UNITS SHALL BE 400 GALLONS.
3. ETUS SHALL HAVE AN EFFLUENT FILTERING MECHANISM AS PART OF THE MANUFACTURED PRODUCT OR AN EFFLUENT FILTER WITH A LABEL INDICATING COMPLIANCE WITH NSF STANDARD 46 OR EQUIVALENT INSTALLED ON THE SYSTEM OUTLET PRIOR TO DISCHARGE TO THE ABSORPTION AREA.
4. THE AEROBIC TREATMENT UNIT FILTRATION, PURIFICATION, AND PROCESSING EQUIPMENT SHALL BE MAINTAINED, REPAIRED AND REPLACED WHEN NECESSARY TO PROVIDE A CONTINUOUS PROPERLY OPERATING TREATMENT SYSTEM. YOU WILL NEED TO PRESENT THE TOMPKINS COUNTY HEALTH DEPARTMENT WITH A COPY OF YOUR SERVICE CONTRACT UPON FINAL SEPTIC INSPECTION.
5. CONTACT THE LOCAL CODE ENFORCEMENT OFFICER FOR REGULATIONS AND SPECIFICATIONS REGARDING THE NATIONAL ELECTRIC CODE, AS WELL AS LOCAL REGULATIONS. HEALTH DEPARTMENT APPROVAL OF A SEWAGE SYSTEM WITH AN ETU WILL NOT CONSTITUTE APPROVAL OF THE ELECTRICAL EQUIPMENT OR CONNECTIONS.

Enhanced Treatment Units (ETUs) General Information

Enhanced treatment units (ETU) are pre-treatment units that provide enhanced biological and physical treatment of wastewater that reduce the amount of organic content, measured as biochemical oxygen demand (BOD), and total suspended solids (TSS) prior to distribution to an absorption area. ETUs also reduce the number of pathogens, viruses and other organic contaminants in the effluent. With reduced BOD and TSS the probability of biological "clogging" of absorption areas is greatly reduced.

ETUs create an environment for aerobic wastewater decomposing bacteria to thrive and multiply by mechanically mixing air (oxygen) into the wastewater to develop a "suspended growth" treatment process and/or by providing a large amount of surface area for bacteria to grow known as an "attached growth" or "fixed film" treatment process. The large population of aerobic decomposing bacteria results in rapid and improved biological decomposition of organic matter.

The volume of liquid wastewater discharged by ETUs is equal to the volume discharged by a properly sized septic tank. ETUs are generally much more expensive than a septic tank and typically require electrical power to operate the pump(s), air compressor(s), or other device(s). Regular maintenance of ETUs is imperative to assure proper system operation for effective long-term wastewater treatment and effluent quality. To find units that are acceptable for use, go to the NSF website: <http://www.nsf.org/> and search for Class I, Standard 40 or Standard 245 wastewater treatment units.

Board of Health
December 4, 2018
Financial Report

October 2018 / Month 10

We continue to expect budget adjustments to be made by County Administration/ Legislature for approved white collar and management salaries. Several budget adjustments and transfers were posted in October to clean up lines as needed. Rollover funds were applied for the purchase of electric vehicles, electric work for charging stations, ergonomic education/equipment and Mental Health First Aid training.

Shortages in revenue (accounts 4010, 4012, 4018, and 4090) are due to timing of filing grant claims. In 4090 (Environmental Health) we continue to await final approval on the Drinking Water Enhancement Grant. The Tobacco Enforcement Grant has been approved, a claim has been processed through the Grants Gateway and has been posted in this report. The Public Health Preparedness Grant (4010) was approved in September, claims have been submitted, but not yet posted in the financial system. The Advancing Tobacco Free Communities Grant (4010) was recently approved in Cortland and three months of claims were filed end of October, payment has not been received as of this report period.

Third quarter state aid claim (Public Health Work/Article 6) is in process, filing expected prior to Thanksgiving.

Percentage of Year 83.33%

	Expenditures			Revenues			Local Share		
	Budget	Paid YTD	%	Budget	YTD	%	Budget	YTD	%
4010 PH ADMINISTRATION	1,350,129	878,927	65.10%	162,848	77,432	47.55%	1,187,281	801,495	67.56%
4011 EMERGING LEADERS IN PH	61,140	0	0.00%	61,140	0	0.00%		0	
4012 WOMEN, INFANTS & CHILDREN	547,818	446,170	81.44%	547,818	358,961	65.53%		87,209	
4013 OCCUPATIONAL HLTH.& SFTY.	94,117	54,376	57.77%	0	0	0.00%	94,117	54,376	57.77%
4014 MEDICAL EXAMINER	19,237	18,987	98.70%	0	0	0.00%	19,237	18,987	98.70%
4015 VITAL RECORDS	72,374	56,262	77.74%	108,000	95,857	88.76%	-35,626	-39,595	110.92%
4016 COMMUNITY HEALTH	1,612,336	1,243,635	77.13%	371,330	316,710	85.29%	1,241,006	926,925	78.28%
4018 HEALTHY NEIGHBORHOOD PROG	187,319	126,139	67.34%	187,319	63,832	34.08%		62,307	
4047 PLNG. & COORD. OF C.S.N.	1,348,028	1,052,890	78.11%	396,520	255,018	64.31%	951,508	797,872	84.01%
4048 PHYS.HANDIC.CHIL.TREATMNT	8,000	0	0.00%	4,000	0	0.00%	4,000	0	
4090 ENVIRONMENTAL HEALTH	1,644,475	1,278,128	77.72%	594,293	385,029	64.79%	1,050,182	893,099	86.22%
4095 PUBLIC HEALTH STATE AID	0	0	0.00%	1,162,409	735,464	63.27%	-1,162,409	-735,464	63.27%
Total Non-Mandate	6,944,973	5,155,514	74.23%	3,595,677	2,288,302	63.64%	3,349,296	2,867,212	85.61%
2960 PRESCHOOL SPECIAL EDUCATI	5,181,203	3,290,162	63.50%	2,885,000	1,818,266	63.02%	2,296,203	1,471,896	80.39%
4017 MEDICAL EXAMINER PROGRAM	247,092	145,804	59.01%	0	0	0.00%	247,092	145,804	59.01%
4054 EARLY INTERV (BIRTH-3)	655,000	424,633	64.83%	318,500	280,005	87.91%	336,500	144,628	42.98%
Total Mandate	6,083,295	3,860,599	63.46%	3,203,500	2,098,272	65.50%	2,879,795	1,762,328	61.20%
Total Public Health	13,028,268	9,016,114	69.20%	6,799,177	4,386,574	64.52%	6,229,091	4,629,540	74.32%

BALANCES (Includes Encumbrances)

	Available Budget	Revenues Needed		Available Budget	Revenues Needed
NON-MANDATE			MANDATE		
4010 Administration	470,565	85,416	2960 Preschool	1,516,978	1,066,734
4012 WIC	99,682	188,857	4054 Early Intervention	230,367	38,495
4013 Health & Safety	39,741	0	4017 Medical Examiner	76,300	0
4014 Medical Examiner	250	0		<u>1,823,644</u>	<u>1,105,228</u>
4015 Vitals	16,032	12,144			
4016 Community Health	324,177	54,620			
4018 Healthy Neighborhood	59,408	123,487			
4047 CSCN	293,611	141,502			
4048 PHCP	8,000	4,000			
4090 Environmental Health	353,956	209,264			
4095 State Aid	0	426,945			
	<u>1,665,422</u>	<u>1,246,235</u>			

Total Public Health Balances	
Available Budget	Revenues Needed
3,489,067	2,351,463

Public Health Director Report November/December 2018

- Samantha Hillson and I traveled to the Boston Public Health commission and the Rhode Island Department of Health for site visits as part of our Kresge grant work. We were able to meet the Boston Health Equity Team to learn about the work they have been doing around addressing health for everyone. They have done some great work that we hope to learn from. Rhode Island has developed a program called Health Equity Zones. Five years ago, they put out an RFP looking for communities that would address health inequities. There were minimal requirements including the need to address a minimum population of 5,000 people, there needs to be a “backbone” organization that can serve as fiscal coordinator and a health inequity must be addressed. Rhode Island is a state department and they were able to cobble together state and federal monies to fund the program. They have adapted the program as they have learned over the years and have seen success. It was a great trip and really motivated us.

<http://www.bphc.org/whatwedo/health-equity-social-justice/Pages/Health-Equity-and-Social-Justice.aspx>

http://health.ri.gov/programs/detail.php?pgm_id=1108

- I attended the semiannual Family Treatment Court Steering committee and heard reports about the good work being done there. The SafeCare program administered by our CHS Division was lauded for the successful completion rates and the lack of recidivism in FTC from its participants. Judge Rowley was very complimentary of our staff.
- We have begun implementing the proactive ergonomic assessment program for staff at the Department. Each Division had a group learning session with the consultant and we are now scheduling the individual assessments for staff workspaces.
- Shelley Comisi has accepted a promotion to my Administrative Assistant. This will likely be her last meeting taking minutes for the BOH. We are working on a replacement for the BOH secretary and hope to have one in place by your January meeting.
- I want to thank Dr. Macmillan for his many years of service to BOH as both a member and President. His contributions were invaluable and I wish him well. We are still seeking a physician applicant for the vacancy.

HEALTH PROMOTION PROGRAM – October 2018

Samantha Hillson, Director, PIO
Ted Schiele, Planner/ Evaluator
Susan Dunlop, Community Health Nurse
Maya Puleo, Healthy Neighborhoods Education Coordinator
Pat Jebbett, Public Health Sanitarian

HIGHLIGHTS

The NYSDOH released an RFA for the next 5-year grant cycle for their Healthy Neighborhoods Program, to run April 2019 to March 2024. HPP staff worked as a team to complete the application, which Sam compiled and uploaded by the end of the month via the Grants Gateway.

Two representatives of the national COPD Foundation spent a day with Sam and Susan to observe HPP's Harmonicas for Health (H4H) program. The [COPD Foundation](#) co-founded and publishes guidance materials for the H4H program. The reps then attended an H4H class at the Freeville United Methodist Church.

Community Outreach

- Be the One campaign graphic design work (TS)
- Meeting with H4H volunteer to review education material for chronic disease presentation (SD, 10/2)
- Meeting with HSC and Cornell representatives to discuss and frame outline for the "Older Youngers" group that will be presented at the Feb. 2019 Long Term Care Committee meeting. (SD, 10/9)
- Tompkins County Benefits Day, support for [Health Insurance Consortium](#) (TS) and tabling for TCHD (SD, 10/17)
- Fall Prevention Screening Event (McGraw House) (SH, MP, 10/24)
- Tabling at the Lansing Lions Club Wellness Fair (SD, PJ, 10/20)
- Collective Impact Childhood Nutrition Collaborative (CNC) (SH, 10/19)
- Community Foundation Collective Impact Presentations (SH, 10/31)
- CCE Nutrition Committee (SH, 10/22)
- Owing Your Own Health Committee, Health Insurance Consortium (TS, 10/31)
- Joint Committee on Plan Structure & Design, Health Ins. Consortium (TS, 10/4)

TCHD Participation and Support

- Immunization Coalition (SH, 10/2)
- Lead Poisoning Prevention Network (SH, 10/4)
- All staff meeting (all, 10/18)
- HPP Team meeting (all, 10/11)

Diabetes Prevention Program ([DPP](#)) (Dunlop, *CDC Certified Lifestyle Coach*)

- Phone DPP session for a client who is unable to attend regular DPP meeting (SD, 10/9)
- Leader for Diabetes Prevention Program group, 5 attendees (SD, 10/23)

Community Health Assessment & Improvement Plan (CHA/ CHIP)

- Key U.S. Census data compiled for Tompkins County and its subdivisions (towns, city).
Source: American Community Survey, 2012-2016 Estimates (TS)
- Meetings with Cornell MPH students. Collaboration with 2 MPH classes, 1st year class on data assessment & 2nd year class on methods & evaluation (M&E). Assessment students are preparing selected epidemiology profiles to support the CHA; M&E students are drafting a survey instrument through which primary input related to health access and social determinants will be gathered from the community. (SH, TS)

Healthy Lungs for Tompkins County

- Harmonicas for Health (H4H): Freeville United Methodist Church (SH, SD)
 - COPD Foundation visit and presentation/info. session with participants 10/3. Two representatives from the national organization came to Ithaca to learn about our H4H program and facilitate a discussion with participants, CAP, and the CMC Respiratory Unit about access to information about COPD and best practices
 - Final Concert 10/10
- Planning meetings for COPD Awareness event, co-sponsored by the TC League of Women Voters, held 11/14 at Tompkins County Public Library (SH, SD, 10/10, 10/15)

Healthy Neighborhoods Program

- New grant application (RFA for period 4/1/2019-3/31/2024) written, with submission via Grants Gateway completed 10/31 (SH, MP, TS)
- Met with Ithaca Neighborhood Housing Services (INHS) Executive Director and Repair Program Coordinator to discuss partnership and system for referrals. (MP, SH, 10/4)
- NYS HNP Asthma Webinar (SH, MP, 10/12)
- Outreach
 - Flyers were distributed to Freeville Elementary School, Enfield Elementary School, Enfield town hall, Congers mobile home park, and Varna Community Center.
 - 10/20 Outreach at Lansing Lions Club Health Fair (PJ, reached 45)

October 2018

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2018	YTD 2017	TOTAL 2017*
# of Initial Home Visits (including asthma visits)	34	354	357	438
# of Revisits	7	133	101	122
# of Asthma Homes (initial)	3	40	49	49
# of Homes Approached	0	1,401	1,126	1,126

- *Covers the calendar year (January through December); the HNP grant year is April-March.

Tobacco Control Program (Schiele)

- Initiated, planned, facilitated meeting with Legislature Vice Chair Anna Kelles and Cornell freshman Jack Waxman, 10/11. Jack has an interest in community education about electronic nicotine delivery systems (ENDS), and [JUUL](#) in particular. Anna Kelles is

interested in local licensing of retailers selling tobacco products, ENDS, and paraphernalia. Licensing was included in the initial discussions about T21 (HHS, July 2016), but broken off early on to be revisited after T21.

- Conifer/ Ellis Hollow Apartments (EHA): Correspondence with EHA tenant and with legislators in follow-up to Sept meeting. Mid-month it was learned that Conifer is planning to make all of their properties smoke-free by February 2019. A letter to Conifer senior staff member Colleen DiBiase was emailed requesting prompt consideration of a smoke-free policy for EHA. Conifer replied, confirming that smoke-free policy planning was in process, and that the local property managers would be fulfilling the planned policy at each site.
- Regular local and statewide meetings.

Web site postings

- Press Releases: [Lead Poisoning Prevention Week](#) (10/25)
- Met with videographer, Jim Blizzard, and Marcia Lynch (County PIO) to discuss short, informational videos for the Health Department (SH, 10/1)

Meetings, Trainings, Continuing Ed

- De-escalation Training (SH & SD, 10/31; MP & TS 11/8)
- C.E.: “Daily Intellectual Activity May Prevent/ Delay Dementia,” Medscape 0.25 credits (SD)

Emerging Leaders in Public Health (ELPH) Cohort III – Kresge Foundation (Hillson)

- Planning meetings (10/5, 10/12, 10/18, 10/19) for All Staff meetings at TCHD (10/18) and Mental Health (10/26); site visit trip to Boston and Rhode Island (11/5)
- Purpose of site visit: learn about approach and integration of health equity throughout the health department/commission, learn about planning and activities from the Kresge program, both Boston and Rhode Island participated in Cohort 2.
- Network for Public Health Law webinar – coordinated by UNC (SH, 10/22)

**Medical Director's Report
Board of Health
November/December 2018**

Emergency Medical Services (EMS):

Met with Beth Harrington of Emergency Medical Services (EMS) to update and sign off on some protocols that are standard for EMS. It allows dispatch to ask key questions and initiate therapies to individuals who may have a heart attack, stroke, may need help with their pregnancy, etc. - as well as assist in the management of individuals who are obviously deceased.

Also, I clarified some questions that arose at the last Board of Health meeting regarding the Narcan that is being supplied at Automatic Electric Defibrillator (AED) locations. The Narcan will be a nasal spray at a 4 mg dose. There will be one dose in the AED box. Opening the cabinet initiates a call to EMS and responders will arrive in short order with additional Narcan doses. In the cabinet, there is also a pocket mask for rescue breathing and instructions on using it. Staff will be trained in the use of Narcan as they have been in using pocket masks and AEDs.

Marijuana:

I submitted a position paper reflecting my views to the Health and Human Services (HHS) Committee of the Legislature. A copy is attached for your reference. I also attach a resolution from the Medical Society of State of New York Onondaga branch addressing retail sales of marijuana.

My comments about this topic are as follows. One of the troubling aspects of legalizing marijuana is what corporate America will do with it. As we have seen with tobacco, e-cigarettes and alcohol, corporate America often has no scruples about broadening their market with advertising and products that appeal to youth in ways that evade the spirit of the law without violating the letter of the law.

Since the time required to build a case against the companies is long and the process complex, bringing the companies to a reckoning occurs many years down the road after evidence accumulates that youth are being adversely affected. As a case in point, consider the recent FDA actions about e-cigarettes and the historical record regarding tobacco.

In that light, the attached resolution appeals to me since there is some hope that NYS would have higher ethical standards in marketing marijuana.

There is precedent for such state sales of a product. Alcohol is still sold in state stores in Pennsylvania (I believe). Alcohol is sold in provincial stores in Ontario. While we do not do so in NYS, there is no reason in my mind that marijuana could not be. I believe the public's health

would be served by such a move. Alternatively, I am sure that some mechanism could be created – perhaps by licensing retail outlets with strict inspections and appropriate penalties for violations. If one did so then, costs to NYS would be perhaps lower in that the state would not build such outlets and staff them. But NYS would have costs in regulating them which would be recouped by sales taxes/receipts.

The deleterious effects of marijuana on youth are too important to not consider seriously this precaution. Public health law should protect our youth from exploitation.

I have reviewed S3040 in detail (the Marijuana regulation and taxation act). Its strengths are that it goes into great detail about the details as to how such business will be conducted and administratively regulated. It also clearly sets 21 at the legal age. It models itself and embeds itself into public health law as well as alcohol beverage control law, tax law and penal law. It specifically calls upon the alcohol commission to collaborate with NYSDOH regarding the creation of regulations to safeguard human health. It recognizes the various forms THC can be put into and the strengths that can be created of it. However, the law leaves it to rules and regulations to address those strengths and handle the important details regarding “serving size”, what forms of THC are to be allowed etc.

It is very common to leave the important details unresolved in this manner. Public hearings and input from concerned experts and the general public is usually a part of creating the rules and regulations. Should the Act become law that input will be very important.

Opioids:

A Small Group Discussion with Sam Quinones (reporter and author of *Dreamland: The True Tale of America's Opiate Epidemic*) was held Wednesday, November 7, 2018 from 2:30-3:30 pm at Martha Van Rensselaer Hall 1300H (Dean's Suite) sponsored by Cornell Cooperative Extension.

I attended along with Anna Steinkraus and other members of Cooperative Extension, Bill Rusen, (CEO of Cayuga Addiction Recovery Services), a representative of Tompkins County Drug Court and members of the Alcohol and Drug Council. About 14 people attended.

Discussion mostly revolved around involving as broad a range of community partners as possible in the process of brainstorming about strategies to improve the opioid problem, e.g., involving Rotary, pastors, the business community, etc.

The author's comments were apt summations of what he has learned in writing the book and in meeting with people across the country but were not particularly new or inspirational compared to what I have read and what we usually do in public health.

Mr. Rusen read his book some years ago and continues to be much impressed by it. He found especially important the final comments wherein the author talks about the need for reshaping community to address root causes of substance addiction. Mr. Rusen stated that, “One need only to read this one book to understand addiction.”

Having read Gabor Mate's book, *In the Realm of Hungry Ghosts*, which addresses many of the same ideas, I find themes to be resonating across several sources. Coincidentally, a recent CMC Friday morning Continuing Medical Education lecture was on childhood and adolescence and the evidence that traumatic upbringing, prenatal and postnatal stress does physiologically set the stage for substance use, addiction and chronic medical problems. The speaker emphasized that, while not all traumas are preventable, more public health messages about: the root causes of substance abuse, trauma's link to chronic disease, and the need for us to foster communities wherein resources are dedicated to identifying and supporting at risk and affected youth are our best strategies. Blaming substance use on moral weakness is not accurate or scientific and is not helpful.

I plan to attend another gathering – a Community Café conversation on The Opioid Epidemic in Tompkins County: Impacts and Responses on Wednesday, November 28, 2018 from 10:00am-12:30pm in the BorgWarner Room at the Tompkins County Public Library, 101 East Green Street. The focus will be on community response.

Other Activities:

Reviewed medical evaluation forms for Children with Special Care Needs staff.

Reviewed Tuberculosis Control Policy and Procedure with revisions.

Reviewed SafeCare Policy.

Gave an interview to WRFI regarding marijuana. I reviewed the proposed resolution coming before the County Legislature; the Board of Health/Community Mental Health Services Board letter; and the details of the New York State Department of Health July 2018 position statement endorsing the legalization of marijuana.

Office of the Medical Director

William A. Klepack M.D.

55 Brown Road

Ithaca, N.Y. 14850

Phone: 607 274-6674, Fax: 607 274-6680

www.tompkinscountyny.gov/health

October 12, 2018

Statement to Tompkins County Legislature regarding: Resolution in support of Marijuana legalization in New York State

Brief Personal Statement

I have reviewed in detail the NYSDOH report of July 2018 which was developed in consultation with the Department of Health, the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services, the NYS Police, the Office of Children and Family Services, the Department of Taxation and Finance and the Department of Transportation.

I have also reviewed the resolution before you (Resolution in Support of Marijuana Legalization in New York State) and the letter sent you by the Board of Health and the Community Services Board.

I have also reviewed some of the literature from Colorado and Washington state about their experience with legalization, statements of the National Institute on Drug Abuse (NIH), the Drug Policy Alliance and the New York State Academy of Family Physicians (among others).

At the conclusion of my readings thus far I find that I can support the recommendations found in the July 2018 report (Assessment of the Potential Impact of Regulated Marijuana in New York State) which conclude: "The positive effects of a regulated marijuana market in NYS outweigh the potential negative impacts. Areas that may be a cause for concern can be mitigated with regulation and proper use of public education ...Incorporating proper metrics and indicators will ensure rigorous and ongoing evaluation."

Therefore I can support the general thrust of your resolution.

I must emphasize that I am expressing my personal opinion and not expressing a position of the Department.

Medical Director's Report

Additional comment

I believe the statement by the TCHD BOH and the Community Services Board rightfully emphasizes some possible adverse consequences (which are also addressed in more detail in the NYSDOH July 2018 document).

One concern mentioned is whether Marijuana is a gateway drug. A 2014 NIH National Institute on Drug Abuse paper is cited to support this theory. However, a more recent (June 2018) paper found at <https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-gateway-drug> casts doubt on this theory and clarifies the issue somewhat:

“...These findings are consistent with the idea of marijuana as a “gateway drug”. However, the majority of people who use marijuana do not go on to use other, “harder” substances. Also, cross-sensitization is not unique to marijuana. Alcohol and nicotine also prime the brain for a heightened response to other drugs and are, like marijuana, also typically used before a person progresses to other, more harmful substances.” The “findings” that they mention are from studies in rodents and “...that most epidemiological studies have reported...” that for people who use marijuana early in life increased vulnerability to addiction seems to be evident. “It is also consistent with animal experiments...”

They go on to say further:

“It is important to note that other factors besides biological mechanisms, such as a person’s social environment, are also critical in a person’s risk for drug use. An alternative to the gateway-drug hypothesis is that people who are more vulnerable to drug taking are simply more likely to start with readily available substances such as marijuana, tobacco, or alcohol, and their subsequent social interactions with others who use drugs increases their chances of trying other drugs. Further research is needed to explore this question.” Gabor Mate in his writings emphasizes that it is not the drug per se which inherently leads to intensive drug use or addiction since the majority of people can use without becoming dependent. Rather, he states, a person’s life experience plays a major priming role (e.g. child neglect, abuse, and other traumatic developmental experiences are factors increasing vulnerability to dependency/addiction).

The board’s letter mentions that incarceration has a “devastating effect “without going into more detail about its public health implications. Arresting, charging, incarcerating individuals for “low level” marijuana offenses has serious public health impacts since a criminal record affects one’s success in life. The resultant poverty and lack of success correlates with reduced access to health care and reduced contributions to society. Reduced access to health care correlates to poorer health, earlier death and increased need for medical services.

From a purely economic point of view the increased cost of Medicaid and unreimbursed health care services are paid for by all of us.

The letter does not detail the benefits of regulating a product that unregulated is often polluted with unwanted and unsafe substances (several people in our county in the recent past have had to have emergency treatment due to using such a product). It also does not detail the easy access to these impure products that our population (including our young people) have currently.

Medical Director's Report

Anecdotal statements of youth attending our high schools show how easy it is to get marijuana if you want it. Notably, data from other states show no increase in youth use after legalization. Youth that are using in those states are (presumably) more likely to be using a regulated, safer product.

The Boards emphasize the need for the reinvestment of any funds for “strengthening substance use treatment, supports for children and families, and prevention programs” I agree with this and, in addition, I believe funds need to come to the state and county health departments to fund the aggressive public education campaign that needs to be a part of this initiative . The legislation needs to be specific on this point.

Given the corporatization of marijuana products which has led to tobacco style advertising and also to products stronger by factors of ten compared to marijuana of the 70s it is wise that the legal age of use has been chosen to be 21 and that education should be intensive for all the public.

In closing, I would be remiss if I did not speak out against smoking any product including marijuana. The combustion products are toxic. I believe that this form of product should be most actively discouraged for obvious reasons.

Thank you for your attention.

Sincerely yours,

William Klepack MD

Subsequent letter to Martha Robinson, Chair TC Legislature; Shawna Black, Chair HHS; and Assemblywoman Barbara Lifton

I write now to add a little more fuel to my fire regarding the fear of corporation subverting the intent of the law with the intent of us all taking every step possible to ensure that a well intentioned law is not coopted by the for profit world.

Let me be clear....

Due to the change in the product being sold in states like Colorado we must think not in terms of "marijuana" regulation but, rather, of THC regulation. THC is the active non medicinal, psychoactive chemical in the plant marijuana that the corporate world is so heavily commercializing and selling with little regulation in Colorado. Unless we put this dynamic in the forefront of our thinking we run the risk of thinking in terms of the marijuana plant and not the THC which is being marketed in other states (but we should **absolutely prevent** from being marketed here).

Medical Director's Report

A few important points:

in the 1970s THC was 2-3% of what we called marijuana.

Over the years THC has become 16% and now up to **95%** of the product sold

Scientific data on health effects is limited to **16%** THC and lower - We don't know the safety data on higher dose!

Short term effects of high % THC can be dramatic including acute psychosis which has in some cases been linked to suicide and homicide

High concentrations of THC result in the "serving size " of products being **less than a pin head** (an obvious recipe for overdosing)

Products sold often have 10 to 35 times the recommended dose of THC in each piece (e.g. edibles)- the directions state to cut the product into 10 or 20 parts and take only one part!

(seriously ?? - not likely to happen and reports are it does not)

(Like tobacco, e cigs and vaping) THC products have been marketed in such a way as to appeal to kids

Insecticides and pesticides have found their way into products due to a couple of reasons: high volume, monoculture, agricultural production and the *inability* of federal agencies to take action because marijuana is federally illegal and federal agencies cannot get involved...that leaves it to state agencies to regulate and take action

Big money and heavy lobbying and political contributions allegedly have prevented states from enacting sensible public health measures and such money makes it hard for prosecutors to prosecute cases

These issues come from my consideration of MSSNY Onandag's suggested resolution and my reading the book "Weed, Inc" by Ben Cort who states he helped in writing the NY medical marijuana law. His Ted talk is at:

https://www.ted.com/talks/ben_cort_surprising_truths_about_legalizing_cannabis

I certainly haven't been able to read everything about this but I take him as a reputable person and to be heeded.

Let me be clear I think the resolution before us here in TC is trying to avoid making a mistake - and I still have faith that the NYSDOH is not so politically motivated as to make an unwise public health pronouncement in their July 2018 position statement. But it troubles me that NYSDOH did not address THC as such nor the commercialization of THC nor recommendations to control the market. So I still have faith that their bottom line assessment is still valid.

Its just that the devil in in the details and corporate America knows there is a lot of money at stake and they are very good at loopholes. TC and our region needs to be clear about these issues- very clear. And we have to be prepared to deliver an aggressive media campaign educating the public about THC - even if there is no new law in NYS.

The general public thinks in terms of marijuana not THC. THC is not being sold in "natural" forms or amounts and it is not the substance people would generally think it is.

TCHD should launch a multiarticle / media effort to introduce the term THC to people and discuss what we know about its effects on our youth and our adults.

Medical Director's Report

Given the usual retail market I still think State Owned outlets are the way to go.

One concern is that by NYS regulating and controlling outlets that we will have more trouble with black markets. But that is where public health messaging has to take the lead.

Please share this message with other legislators and I remain open to discussion.

Dr. William Klepack
Medical Director
Tompkins County Health Department
55 Brown Rd
Ithaca, NY 14850
phone 607 274 6674
fax 607 274 6680

Onondaga County Medical Society and MSSNY Psychiatry and Addiction Medicine Committee Resolution on Public Health Stance Regarding Sales of Cannabis

Whereas 8 states currently have legalized recreational cannabis, sold by for-profit companies.

Whereas the State of New York is considering legalizing recreational cannabis.

Whereas tort law regarding injuries from a defective product has specifically excluded producer/sellers of addictive drugs; income from tobacco in the United States is \$124 billion/year (1) and costs to the taxpayer is \$300 billion including \$170 billion in direct medical care (2), income from alcohol in the United States is \$223 billion (3) and cost to the taxpayer is \$249 billion including (4) \$1.7 billion in medical costs to the State of New York (5).

Whereas for-profit sales of addictive drugs encourages development of drug delivery innovations and recruiting children to the use of drugs. For example, in 2016 one in four students in grades 6 – 12 were vaping nicotine with e-cigarettes. Of those, one in four middle school students and one in three high school students, were also vaping cannabis (6). The frightening consequence is a significant minority of children leaving high school already addicted to two drugs using the lung as the route of administration.

Whereas the cost of providing medical care for complications of cannabis use are likely to be approximately equal to the income derived from sales of marijuana. Cannabis use produces psychosis in vulnerable persons (7). The main burden will doubling the cost of schizophrenia, currently \$156 billion in the US (8). Other costs are expected to be, the care for in utero exposure complications, vascular complications such as stroke and myocardial infarction, hyperemesis, the pulmonary damage caused by using the lung to get marijuana to the brain, more addiction due to wider availability, accidents caused by intoxication, increased emergency visits for emotional complications of intoxication such as panic.

Whereas, as a public health measure, sales of addictive drugs can be made a state monopoly. For example, all alcohol in Ontario, Canada is sold by a state monopoly.

Resolved if and when the State of New York approves recreational cannabis that it sell cannabis as an activity of state government. This approach will contain, regulate and discourage use, and provide addiction treatment at point of sale. Suggested site of sale is the Public Health Department of each New York State County. All revenues will accrue to the state so as to fully compensate citizens of New York State for the direct and indirect costs of legalizing an addictive drug.

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- (8) MillerB. The heavy economic burden of schizophrenia. *Psychiatric Times* 2016;33/10:54

Division for Community Health
November/December 2018 Board of Health Meeting

Karen Bishop, Director of Community Health
October 2018 Report

Administration –

- Conducted a favorable interview for internship in CHS/WIC for Spring 2019: SUNY Cortland graduate student in Public/Community Health interested in maternal child health, nutrition and sexual health experience. She will intern in both CHS and WIC.
- Updated the Tuberculosis Control Policy and Procedure to reflect current practice and obtained approval by both TCHD Medical Director and TB Consulting Physician.
- Updated the Rabies Post-Exposure Vaccination Policy to clarify TCHD's fiscal responsibility for authorized treatment and to include documentation expectations for staff in the new EHR.
- Participated on weekly conference calls with the software vendor TenEleven to further readiness for software development for public health needs.
- Participated on the Immunization Coalition of Tompkins County quarterly meeting on 10/02/18.
- Participated on an IHANS communications drill on 10/9/18 testing our ability to send messages to key internal staff via phone, email and text. Text and email messages were sent/received very timely, however automated phone messaging was delayed ~2 hours in the statewide system.
- Completed the annual SafeCare® accreditation application and received approval from the National SafeCare Training and Research Center on 10/30/18!
- Completed the annual LHCSA Statistical Report on 10/30/18 and successfully uploaded to NYSDOH. The report included registering the LHCSA for operation in 2019.
- Attended De-escalation training on 10/31/18 at TCHD for county employees for 2+ hours.

Statistical Reports –

- Division statistical reports – see attached reports.

WIC -

- WIC Director and WIC Clerk provided NYWIC software training to local WIC staff 10/1 – 10/5. WIC office was closed to participants during that week and reopened on 10/9 with rollout of eWIC with limited appointment schedule. IT challenges occurred which significantly slowed clinic processes. Conference calls with the software developer, local IT and WIC Director occurred to identify the problems and strategize solutions. The week of 10/15 was much better with minimal IT issues. WIC Director continues to work with the Tompkins County IT Department to make improvements in utilizing the new Web based system. Plans in place to install a public access point in the WIC hallway to improve program functionality.
- Prior to October's eWIC rollout, WIC's caseload was beginning to increase.

- November 2 Tompkins County WIC program hosted a media event announcing the launch of the state's eWIC program expanding into Tompkins and surrounding central NY counties. The media event was held at the Ithaca Wegmans with Lt. Governor Hochul as the featured speaker. Her remarks included why the transition to the debit card type benefits dispersal removes the stigma of receiving WIC benefits as well as helps beneficiaries better use their WIC benefits, prevents fraud in the program statewide, and makes for easier use of benefits for both consumer and merchant. A local mother and recipient of WIC benefits also spoke on how the eWIC program has impacted her (and her child's) lives. Frank Kruppa and Barbara Lifton were also guest speakers at the event.

October 2018 BOH Report

Community Health Services

By Melissa Gatch, Supervising Community Health Nurse

Staffing-

- Community Health Nurse Kevin Zippel submitted his resignation effective October 19. CHS will not be filling his vacated position at this time. The communicable disease responsibilities of this position have been distributed amongst existing CHS staff nurses.

Continuing Education-

- Community Health Nurses Deb Axtell, Gail Birnbaum, Rachel Buckwalter, Karen LaCelle and Celeste Rakovich attended a Breastfeeding Conference in Auburn, New York on October 11.
- Community Health Nurses Karen LaCelle and Celeste Rakovich and Community Health Nurse Supervisor Melissa Gatch attended the Annual Adult Immunization Conference in Syracuse, New York on October 12.

Immunizations- During the month of October CHS staff administered **141 vaccines to 99 children** (see CHS clinic statistics). **Kudos to CHS staff** for their work in assuring children attending school meet the New York State immunization requirements for school entrance and attendance.

Lead Poisoning Prevention- (2 cases) Lead nurse Gail Birnbaum is case managing two children with elevated Blood Lead Levels (BLL's). Cases are ongoing and are being followed to ensure repeat testing is done as ordered and BLLs are decreasing.

Communicable Disease-

- **Influenza:** CHS staff began providing flu clinics on September 25th to senior facilities, fire departments and weekly at the Health Department. To date staff has administered approximately 525 flu vaccines to the community and staff. The NYSDOH weekly flu report is posted on the Health Commerce System and will be blast faxed to community partners each week through May 2017. During October we had 2 reported confirmed cases of Influenza.
- **Anaplasmosis:** 51 year old female with symptoms of fever, chills, malaise, myalgia, headache and arthralgia. No known travel history. Treated and is recovering.
- **Aseptic Meningitis:** 32 year old male presented to the ER with a 3-day history of headache, joint pain, fever, muscle weakness/pain, neck rigidity and photophobia. Work-up included a lumbar puncture; providers noted the pattern of CSF consistent with viral and/or aseptic meningitis. Case was treated with anti-viral medications for several days, with improvement in symptoms.
- **HIV Testing/Counseling:** During the month of October, the Health Department offered 8 clinic dates between multiple testing sites. There were 14 people tested; there were *no* positive results.
- **Health Advisories and Informational Messages Blast Faxed to Providers:**
 - Measles Exposures in NYS
 - Statewide Mosquito-Borne Disease Activity
 - Weekly Influenza Surveillance Report
 - Key Points- Acute Flaccid Myelitis in the US 2014-18

- Influenza Surveillance and Reporting Requirements 2018-19

Tuberculosis- (3 active cases)

Case #1: (ongoing) 28-year old female student from China, entered the USA in 2013. Symptom onset April 2018; cough, fatigue, chest pain, and diminished lung sounds. Positive QFT (6/25), abnormal CXR (6/11). Three sputa were collected (6/27, 6/28, 6/29); were smear negative, PCR inconclusive, and culture positive. Isolation was not warranted per NYSDOH and TB consultant. Case was started on 4-drug treatment on 7/10/2018 with daily DOT; thus far client is tolerating treatment well. Susceptibility came back as pan sensitive; however, the genetic indicators suggest a possibility of Rifampin resistance. As a result, TB consultant ordered an additional medication to her treatment, Moxifloxacin. Treatment completion date is set for January 2019.

Case #2 (ongoing): 19 year US born male with parents from the Philippines. Case attended college locally for one year, leaving Ithaca in May 2018. In June 2018, he joined the military. During basic training out of state, work-up revealed a positive TST & QFT (6/22/18); abnormal CXR & CT scan (6/22/18). He underwent a bronchioalveolar lavage (BAL) on 6/23/18; specimen was culture positive for MTB with sensitivities still pending. Sputum smear and culture (6/25/18) were negative. The client was isolated at a military hospital for 2 weeks and began 4 drug therapy with decrease to 2 drug therapy in August 2018. Case returned to Tompkins County in August and was evaluated by our TB consultant and will continue daily visits for DOT with treatment completion date in January 2019.

Case #3: (new) A 34 year old male from Guatemala, came to the USA in October 2018. Case became ill and was seen at area hospital and then transferred to regional hospital for further evaluation and care. He presented with multiple complaints, including cough, night sweats, 20 pound weight loss over 2 months and abdominal pain. Work-up included, sputa collection on 10/27/18; AFB smear negative and PCR positive for MTB; retroperitoneal lymph node biopsied, resulted in both AFB smear & MTB positive culture. Chest x-ray noted a right upper lobe nodule. He began 4 drug therapy on 10/28 and spent the first 2 weeks of treatment in a regional hospital in a negative pressure room with airborne precautions. Case discharged to the care of family in Tompkins County on 11/15 where he began daily directly observed therapy (DOT) by Tompkins County Health Department and follow-up with our TB physician consultant. We initiated contact investigation involving multiple family members. Two family members are children under the age of 5 who will receive at least 8 weeks of LTBI treatment (window prophylaxis) due to their age and risk of life-threatening forms of TB disease. The children will be retested in 8-10 weeks and their treatment will be discontinued if screening is negative.

LTBI (Latent Tuberculosis Infection): There were 67 Tuberculin Screening Tests (TST) placed during the month of October; all were evaluated, there were *no* positives.

N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 05NOV18
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=October

Disease	2018		2017		2016		2015		Ave (2015-2017)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	0	0.0	1	11.4	1	11.4	0	0.0	1	11.4
ANAPLASMOSIS**	1	11.4	0	0.0	0	0.0	1	11.4	0	0.0
CAMPYLOBACTERIOSIS**	0	0.0	3	34.3	1	11.4	2	22.9	2	22.9
CRYPTOSPORIDIOSIS**	2	22.9	1	11.4	2	22.9	1	11.4	1	11.4
ECOLI SHIGA TOXIN**	1	11.4	0	0.0	1	11.4	0	0.0	0	0.0
GIARDIASIS	1	11.4	1	11.4	1	11.4	3	34.3	2	22.9
HEPATITIS B,CHRONIC**	1	11.4	2	22.9	1	11.4	2	22.9	2	22.9
HEPATITIS C,ACUTE**	1	11.4	1	11.4	0	0.0	0	0.0	0	0.0
HEPATITIS C,CHRONIC**	7	80.1	8	91.5	3	34.3	13	148.8	8	91.5
INFLUENZA A, LAB CONFIRMED	1	11.4	1	11.4	0	0.0	1	11.4	1	11.4
INFLUENZA B, LAB CONFIRMED	1	11.4	0	0.0	0	0.0	1	11.4	0	0.0
LEGIONELLOSIS	0	0.0	1	11.4	1	11.4	0	0.0	1	11.4
LYME DISEASE** *****	4	45.8	3	34.3	1	11.4	3	34.3	2	22.9
MENINGITIS, ASEPTIC	1	11.4	0	0.0	0	0.0	0	0.0	0	0.0
PERTUSSIS**	0	0.0	2	22.9	0	0.0	1	11.4	1	11.4
SALMONELLOSIS**	3	34.3	0	0.0	1	11.4	0	0.0	0	0.0
SHIGELLOSIS**	1	11.4	0	0.0	0	0.0	0	0.0	0	0.0
STREP PNEUMONIAE,INVASIVE**	2	22.9	1	11.4	1	11.4	0	0.0	1	11.4
TUBERCULOSIS***	1	11.4	1	11.4	1	11.4	0	0.0	1	11.4

Disease	2018		2017		2016		2015		Ave (2015-2017)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
ZIKA VIRUS (SYMPTOMATIC)**	0	0.0	2	22.9	0	0.0	0	0.0	1	11.4
SYPHILIS TOTAL.....	1	11.4	0	0.0	3	34.3	0	0.0	1	11.4
- P&S SYPHILIS	0	0.0	0	0.0	2	22.9	0	0.0	1	11.4
- EARLY LATENT	1	11.4	0	0.0	1	11.4	0	0.0	0	0.0
GONORRHEA TOTAL.....	7	80.1	14	160.2	17	194.5	5	57.2	12	137.3
- GONORRHEA	7	80.1	14	160.2	17	194.5	5	57.2	12	137.3
CHLAMYDIA	34	389.0	43	492.0	32	366.2	30	343.3	35	400.5

*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 2015-2016, 25 counties investigated a sample of positive laboratory results; in 2017, 27 counties sampled; in 2018, 30 counties sampled.

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N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 05NOV18

Through October

Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS

Disease	2018		2017		2016		2015		Ave (2015-2017)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	0	0.0	2	2.3	2	2.3	0	0.0	1	1.1
ANAPLASMOSIS**	6	6.9	5	5.7	0	0.0	2	2.3	2	2.3
BABESIOSIS**	1	1.1	1	1.1	1	1.1	1	1.1	1	1.1
CAMPYLOBACTERIOSIS**	23	26.3	23	26.3	16	18.3	17	19.5	19	21.7
CRYPTOSPORIDIOSIS**	13	14.9	15	17.2	9	10.3	7	8.0	10	11.4
DENGUE FEVER**	0	0.0	1	1.1	0	0.0	0	0.0	0	0.0
ECOLI SHIGA TOXIN**	4	4.6	5	5.7	3	3.4	6	6.9	5	5.7
EHRlichiosis (CHAFEENSIS)**	0	0.0	2	2.3	0	0.0	1	1.1	1	1.1
EHRlichiosis (UNDETERMINED)**	0	0.0	0	0.0	0	0.0	1	1.1	0	0.0
ENCEPHALITIS, OTHER	2	2.3	3	3.4	1	1.1	0	0.0	1	1.1
ENCEPHALITIS, POST	1	1.1	1	1.1	1	1.1	0	0.0	1	1.1
GIARDIASIS	23	26.3	7	8.0	14	16.0	12	13.7	11	12.6
HAEMOPHILUS INFLUENZAE, NOT TYPE B	3	3.4	0	0.0	2	2.3	3	3.4	2	2.3
HEPATITIS B,CHRONIC**	10	11.4	23	26.3	12	13.7	10	11.4	15	17.2
HEPATITIS C,ACUTE**	4	4.6	4	4.6	6	6.9	2	2.3	4	4.6
HEPATITIS C,CHRONIC**	59	67.5	56	64.1	45	51.5	81	92.7	61	69.8
INFLUENZA A, LAB CONFIRMED	464	530.9	391	447.4	332	379.9	294	336.4	339	387.9

Disease	2018		2017		2016		2015		Ave (2015-2017)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
INFLUENZA B, LAB CONFIRMED	561	641.9	147	168.2	82	93.8	69	79.0	99	113.3
INFLUENZA UNSPECIFIED, LAB CONFIRMED	0	0.0	2	2.3	2	2.3	0	0.0	1	1.1
LEGIONELLOSIS	1	1.1	3	3.4	3	3.4	1	1.1	2	2.3
LISTERIOSIS	1	1.1	0	0.0	1	1.1	0	0.0	0	0.0
LYME DISEASE** ****	53	60.6	66	75.5	36	41.2	32	36.6	45	51.5
MALARIA	0	0.0	1	1.1	1	1.1	1	1.1	1	1.1
MENINGITIS, ASEPTIC	2	2.3	3	3.4	1	1.1	1	1.1	2	2.3
MENINGOCOCCAL**	0	0.0	0	0.0	1	1.1	0	0.0	0	0.0
MUMPS**	2	2.3	0	0.0	0	0.0	0	0.0	0	0.0
PERTUSSIS**	12	13.7	11	12.6	1	1.1	3	3.4	5	5.7
ROCKY MTN SPOT FEVER**	0	0.0	1	1.1	2	2.3	0	0.0	1	1.1
SALMONELLOSIS**	21	24.0	8	9.2	13	14.9	9	10.3	10	11.4
S.PARATYPHI	1	1.1	0	0.0	0	0.0	0	0.0	0	0.0
SHIGELLOSIS**	2	2.3	0	0.0	7	8.0	1	1.1	3	3.4
STREP, GROUP A INVASIVE	4	4.6	2	2.3	3	3.4	3	3.4	3	3.4
STREP, GROUP B INVASIVE	5	5.7	4	4.6	7	8.0	6	6.9	6	6.9
STREP, GROUP B INV, EARLY/LATE ONSET	1	1.1	0	0.0	0	0.0	0	0.0	0	0.0
STREP PNEUMONIAE, INVASIVE**	6	6.9	5	5.7	9	10.3	2	2.3	5	5.7
TUBERCULOSIS***	4	4.6	3	3.4	2	2.3	2	2.3	2	2.3
TYPHOID FEVER	1	1.1	0	0.0	0	0.0	1	1.1	0	0.0
VIBRIO - NON 01 CHOLERA**	0	0.0	0	0.0	0	0.0	1	1.1	0	0.0
YERSINIOSIS	1	1.1	0	0.0	0	0.0	0	0.0	0	0.0

Disease	2018		2017		2016		2015		Ave (2015-2017)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
ZIKA VIRUS (SYMPTOMATIC)**	0	0.0	3	3.4	3	3.4	0	0.0	2	2.3
SYPHILIS TOTAL.....	12	13.7	10	11.4	12	13.7	5	5.7	9	10.3
- P&S SYPHILIS	4	4.6	4	4.6	4	4.6	3	3.4	4	4.6
- EARLY LATENT	4	4.6	2	2.3	6	6.9	1	1.1	3	3.4
- LATE LATENT	4	4.6	4	4.6	2	2.3	1	1.1	2	2.3
GONORRHEA TOTAL.....	91	104.1	70	80.1	62	70.9	49	56.1	60	68.7
- GONORRHEA	90	103.0	70	80.1	62	70.9	49	56.1	60	68.7
- GONORRHEA,DISSEMINATED	1	1.1	0	0.0	0	0.0	0	0.0	0	0.0
CHLAMYDIA	370	423.4	358	409.6	308	352.4	287	328.4	318	363.9
CHLAMYDIA PID	1	1.1	1	1.1	0	0.0	0	0.0	0	0.0

*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 2015-2016, 25 counties investigated a sample of positive laboratory results; in 2017, 27 counties sampled; in 2018, 30 counties sampled.

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Division for Community Health
PROGRAM Statistical Highlights for Board of Health - 2018

Community Health Services Program Statistics	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2018	Total 2017	Total 2016
Maternal Child / MOMS Services															
Client Caseload	85	80	77	74	68	60	67	65	64	60					
# of Client Admissions	21	14	9	8	13	8	12	16	13	9			123	181	254
# of Client Discharges	17	10	12	17	16	5	16	14	13	13			133	217	241
Maternal & Infant Office Visit**	9	4	10	4	5	6	10	11	7	6			72	99	163
Maternal & Infant Home Visit	68	59	48	58	65	51	47	56	46	37			535	918	928
Total Home & Office Visits	77	63	58	62	70	57	57	67	53	43	0	0	607	1017	1091

SafeCare															
# of Clients in program	5	6	6	8	6	7	5	9	8	8			16		
# Home Visits	10	14	10	30	23	18	13	13	7	19			157		

On-Call (Weekend) Nursing Visits to Patients															
Maternal & Infant On Call Visits	0	0	0	0	0	0	0	0	0	0			0	0	0
Rabies On Call Vaccinations	0	1	1	0	7	5	1	17	16	0			48	36	33
TB DOT On Call Visits	4	0	0	0	5	1	2	0	0	0			12	9	4
Total # On-Call Visits	4	1	1	0	12	6	3	17	16	0	0	0	60	45	37

Total Home, Office, SafeCare, On-Call Visits	91	78	69	92	105	81	73	97	76	62	0	0	824	1062	1128
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Childbirth Education															
# of Childbirth Education Classes	0	0	0	0	0	0	0	0	0	0			0	3	3
# of Childbirth Education Moms*	0	0	0	0	0	0	0	0	0	0			0	15	13

DOT = Direct Observe Therapy Visits

MOMS = Medicaid Obstetrical and Maternal Services

Shaded areas indicate revisions from the previous report

* CBE Moms is duplicated count

** Office visit includes intake visits

Community Health Services Clinic Statistics	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD 2018	Total 2017	Total 2016
Immunization Program (does not include counts for rabies vaccinations or PPD)															
Immunization Clients Served: Children	22	17	22	15	9	11	9	27	57	99			288	274	263
Immunization Clients Served: Age19 +	26	32	4	7	8	11	12	17	40	401			558	599	553
Total Immunization Clients	48	49	26	22	17	22	21	44	97	500	0	0	846	873	816
Immunizations Administered: Children	46	39	40	24	15	22	13	52	116	141			508	553	496
Immunizations Administered: Age 19 +	33	40	5	8	10	14	15	24	42	411			602	668	578
Total Immunizations Administered	79	79	45	32	25	36	28	76	158	552	0	0	1110	1221	1074
# of Influenza Immunizations	30	34	11	3	4	2	0	1	35	466			586	591	536
# of All Other Immunizations	49	45	34	29	21	34	28	75	123	86	0	0	524	630	538
Rabies Vaccination Program (Internal data, reporting to NYSIIS may be ongoing)															
Post-Exposure Clients	3	9	2	2	20	15	11	68	29	5			164	139	104
Post-Exposure Vaccinations	8	19	3	3	45	25	20	162	50	11			346	277	228
Tuberculosis Program															
Cumulative Active TB clients	2	3	3	3	4	4	5	6	6	6			3	5	4
Active TB Admissions	1	0	0	0	1	0	1	1	0	0			4	4	3
Active TB Discharges	0	1	1	0	0	0	1	1	0	0			4	3	2
Current Active Clients	3	2	1	1	2	2	2	2	2	2			N/A	N/A	N/A
TB Direct Observe Therapy Home Visits	38	44	33	12	22	44	32	21	33	39			318	353	102
# of Tuberculosis Screening Tests	20	6	24	6	4	18	27	15	15	67			202	231	312
Anonymous HIV Counseling & Testing Clinics															
# of HIV Clinics - including Walk-Ins	3	6	10	6	10	7	11	8	10	8			79	89	121
# of Clients Counseled & Tested	1	10	4	8	6	4	16	7	1	14			71	73	101
HIV Positive Eliza & Western Blot	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
Women, Infants, Children Clinic															
Monthly New Enrollments	42	47	40	49	59	55	51	50	42			41	476	535	669
Total Participants Served	471	370	383	450	411	428	444	414	555			414	4340	5230	6240
Participants w/Active Checks	1079	1059	1051	1024	1040	1048	1043	1061	982			1075	1046	1160	1289
Total Enrolled (Summary is an Average)	1284	1257	1240	1190	1214	1193	1225	1237	1206			1269	1232	1399	1512
% No-Show	16.0%	15.8%	15.2%	13.9%	14.3%	12.2%	14.9%	14.2%	18.6%			15.3%			
% Active Participation	71.9%	70.6%	70.1%	68.3%	69.3%	69.9%	69.5%	70.7%	65.5%			71.7%			
% Caseload Target (FY17 Target = 1500)	85.6%	83.8%	82.7%	79.3%	79.5%	79.5%	81.7%	82.5%	80.4%			84.6%			

123 Red numbers indicate preliminary data; subject to revision

UA = Unavailable at this time



yellow cells are averages

This count includes TB DOT office visits for one client

Not yet available in NYWIC, new WIC system which went live in October

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

Children with Special Care Needs Highlights

October 2018

Staff Activities

Staff Committees & Meetings

- CSCN Software committee meets weekly (Michele Card, Cindy Lalonde, Barb Wright, Deb Thomas, Greg Potter IT Director and Roger Cotrofeld, IT
- Weekly meetings for building of checklists for the software with Roger Cotrofeld and the committee.
- CSCN Staff meeting on 10/15/18
- Staff attended the All Staff Meeting on 10/18/18
- Margo Polikoff attended 'Be the One' Print/Copy subcommittee on 10/26/18
- Capri Prentice, Margo Polikoff and Diane Olden attended Workplace Climate Survey Meeting on 10/26/18
- Cindy LaLonde attended Post-Partum Depression Symposium on 10/29/18

Staff Training

- Julie Norton attended Supervising for Success on 10/4/18 & 10/18/18
- Margo Polikoff attended Natural Leaders Initiative on 10/9/18 & 10/24/18
- Pat Washburn & Capri Prentice participated on Childhood Trauma webinar on 10/17/18
- Margo attended Ethical Considerations for a fair and effective health care system for Children with Medical Complexity webinar on 10/24/18
- Margo provided CSHCN presentation for Racker Clinical Staff on 10/31/18
- De-Escalation Training attended by: Matt Phillips, Capri Prentice, Julie Norton, Stephanie Sampson Magill on 10/31/18

Division Managers

- Deb and Cindy Lalonde met to discuss orientation progress with 2 orientees and developed next steps.
- Deb and Cindy met with Erin Worsell on orientee work plan 10/16/18
- Deb and Cindy met with Stephanie Sampson Magill for her 6 -month performance review 10/17/18
- Deb and Barb attended the Laserfiche Software Training 10/24/18
- Deb and Barb listened to the NYS DOH BEI all county conference call 10/25/18
- Barb and Deb met with Matt Phillips and Linda Taylor-Preschool Billing to discuss current needs in the department 10/31/18

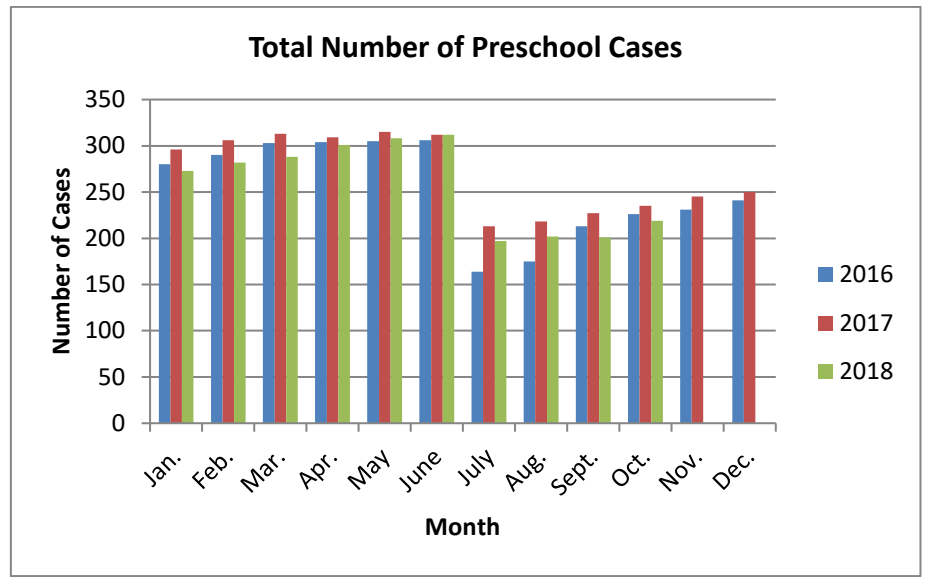
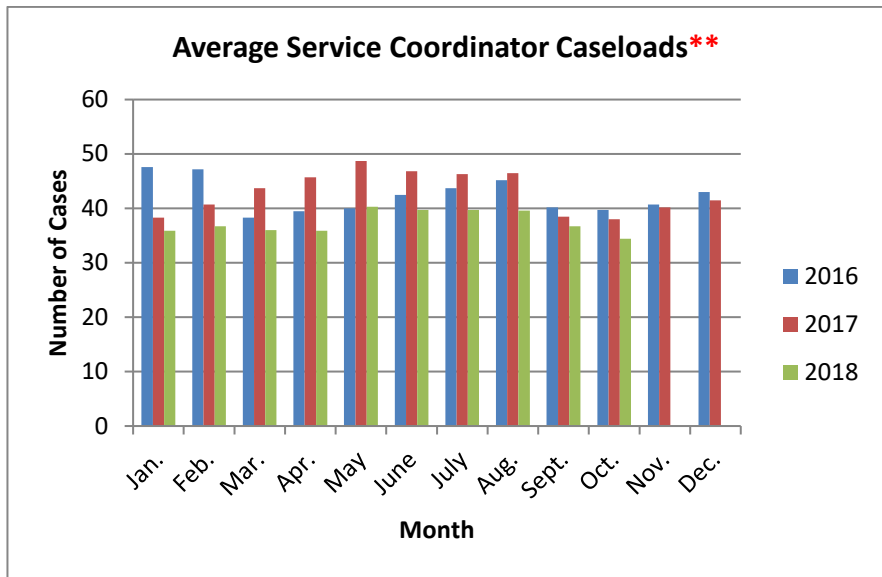
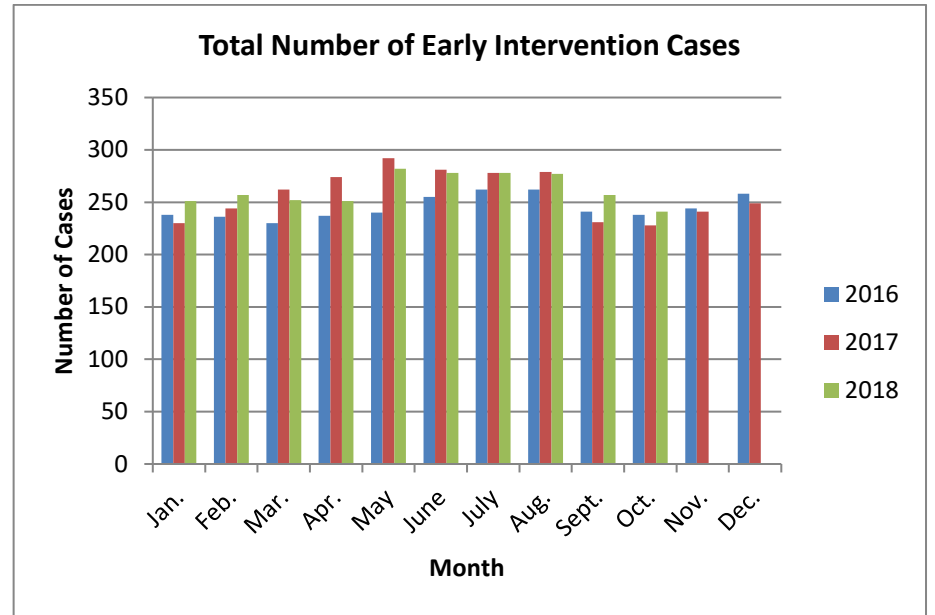
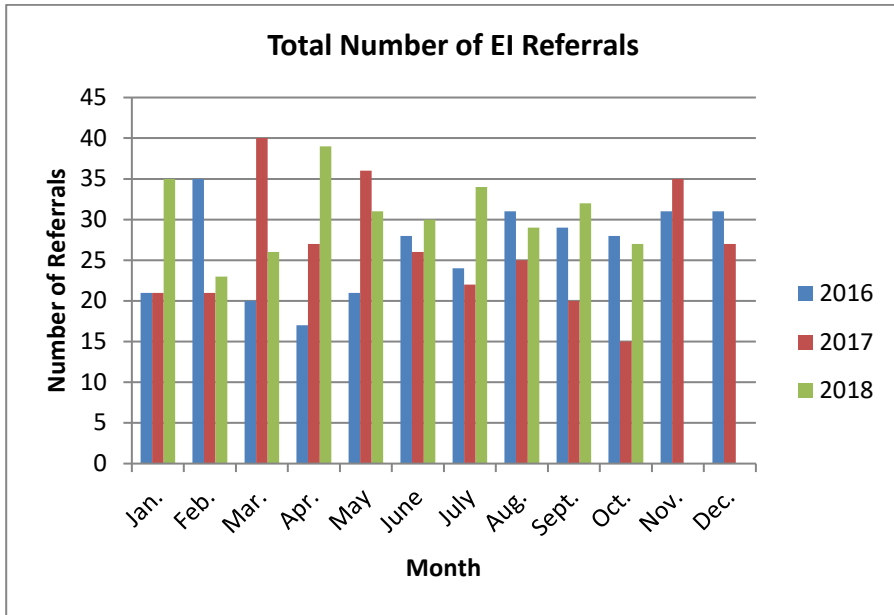
Deb Thomas:

- Senior Leadership Meeting 10/17/18
- CSCN program meeting with Frank Kruppa 10/17/18
- NYSSIP Team met and participated in a conference call with Rochester UCED 10/15/18
- Meeting with Michele Card and Roger Cotrofeld to develop software templates for webforms, trial forms and build checklists 10/5/18, 10/10/18, 10/19/18, 10/22/18, 10/23/18, 10/29/18,
- Meeting with Bev Hartz Racker Center Clinic Director for quarterly update 10/9/18
- Attended the De-Escalation Training on 10/31/18

Other:

- Stephanie Sampson-Magill attended Lifelong Flu Clinic on 10/2/18 and IC Flu Clinic on 10/16/18

Children with Special Care Needs Statistics Based on Calendar Year



****Average Service Coordinator Caseloads showing decrease due to increase in fully oriented Ongoing Service Coordinators**

**Children with Special Care Needs Division
Statistical Highlights 2018**

EARLY INTERVENTION PROGRAM

Number of Program Referrals	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
Initial Concern/reason for referral:														
-- DSS Founded Case	4	1	1	1	1		1						9	13
-- Gestational Age				1	1	2		1	3				8	15
-- Gestational Age/Gross Motor									1				1	0
-- Gestational Age/Social Emotional									1					
-- Cognitive Delay													0	1
-- Global Delays						1	1		1	1			4	4
-- Hearing					1	1	2	2		1			7	1
-- Physical													0	0
-- Feeding	2		2	3		1		2	3				13	19
-- Feeding & Gross Motor										1			1	0
-- Feeding & Social Emotional													0	0
-- Gross Motor	6	4	6	7	5	8	3	4	1	4			48	74
-- Gross Motor & Feeding			1	1		1			3				6	1
-- Gross Motor & Fine Motor	2				1								3	0
-- Gross Motor & Social Emotional													0	1
-- Fine Motor				1			1	1					3	1
-- Fine Motor & Cognitive													0	0
-- Social Emotional		1				1	1	2	2	1			8	11
-- Social Emotional & Adaptive													0	0
-- Speech	12	14	14	21	21	13	20	10	14	18			157	155
-- Speech & Feeding	1			1			2	1					5	3
-- Speech & Fine Motor					1								1	2
-- Speech & Gross Motor	1	1	1	2		1		2	2	1			11	3
-- Speech & Sensory			1										1	0
-- Speech & Social Emotional	1	2		1				2	1				7	3
-- Adaptive													0	0
-- Adaptive/Sensory	3												3	3
-- Adaptive/Fine Motor													0	0
-- Qualifying Congenital / Medical Diagnosis	1						3						4	0
-- Child Find (At Risk)	2					1		2					5	0
Total Number of Early Intervention Referrals	35	23	26	39	31	30	34	29	32	27	0	0	305	310

Caseloads	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
Total # of clients qualified and receiving svcs	214	225	219	201	235	242	248	248	230	221				
Total # of clients pending intake/qualification	37	32	33	50	47	36	30	29	27	20				
Total # qualified and pending	251	257	252	251	282	278	278	277	257	241				
Average # of Cases per Service Coordinator	35.9	36.7	36.0	35.9	40.3	39.7	39.7	39.6	36.7	34.4	0.0	0.0		

**Children with Special Care Needs Division
Statistical Highlights 2018**

EARLY INTERVENTION PROGRAM

Family/Client visits	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
-- Intake visits	22	27	17	34	37	21	29	29	14	26			256	276
-- IFSP Meetings	48	35	39	45	41	42	32	36	37	40			395	479
-- Amendments	16	21	8	29	19	31	14	22	23	21			204	179
-- Core Evaluations	23	19	20	21	25	32	27	22	21	27			237	237
-- Supplemental Evaluations	7	9	6	11	12	7	12	8	8	10			90	80
-- DSS Visit	0	0	0	0	0	0	0	0	0	0			0	1
-- EIOD visits	3	3	1	2	2	3	2	2	0	1			19	36
-- Observation Visits	54	25	40	65	68	51	48	49	39	59			498	553
-- CPSE meetings	7	12	6	5	8	9	5	10	2	8			72	80
-- Program Visit	0	0	2	0	0	0	0	0	0	0			2	10
-- Family Training/Team Meetings	0	0	2	0	5	1	0	1	0	1			10	7
-- Transition meetings	15	15	13	6	7	6	7	8	13	7			97	118
-- Safe Care Visits	0	0	0	0	0	0	0	0	0	0			0	31
-- Other Visits	4	0	0	0	2	0	1	0	1	1			9	32
IFSPs and Amendments														
# of Individualized Family Service Plans Completed	48	35	39	45	41	42	32	36	37	40			395	479
# of Amendments to IFSPs Completed	31	35	15	34	19	44	21	30	26	25			280	238
Services and Evaluations Pending & Completed														
Children with Services Pending														
-- Audiological	1	0	2	0	0	0	0	0	3	2				
-- Feeding	0	0	0	0	0	1	1	0	0	1				
-- Nutrition	0	0	1	0	0	0	0	0	0	0				
-- Occupational Therapy	1	1	1	1	1	0	2	1	0	3				
-- Physical Therapy	2	1	4	2	2	2	3	2	1	1				
-- Social Work	1	1	0	1	0	0	0	0	0	0				
-- Special Education	0	0	0	1	2	1	0	0	0	0				
-- Speech Therapy	0	1	2	4	5	5	4	3	4	4				
# of Supplemental Evaluations Pending	11	5	14	12	7	15	1	9	10	10				
Type:														
-- Audiological	4	3	6	5	2	4	0	4	4	5				
-- Developmental Pediatrician	1	0	0	0	0	0	0	0	0	1				
-- Diagnostic Psychological	0	0	0	0	1	1	1	1	1	0				
-- Feeding	1	1	1	2	0	1	0	0	0	1				
-- Physical Therapy	0	0	2	0	0	1	0	0	0	1				
-- Speech	2	0	4	3	2	4	0	3	0	0				
-- Occupational Therapy	3	1	1	2	2	4	0	1	5	2				
-- Vision	0	0	0	0	0	0	0	0	0	0				
-- Other	0	0	0	0	0	0	0	0	0	0				

**Children with Special Care Needs Division
Statistical Highlights 2018**

EARLY INTERVENTION PROGRAM

Services and Evaluations Pending & Completed (continued)	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
# of Supplemental Evaluations Completed	12	17	7	16	16	5	13	8	8	13	0	0	115	123
Type:														
-- Audiological	3	6	2	5	7	0	2	1	0	4				36
-- Diagnostic Psychological	1	1	1	1	0	0	0	0	0	0				2
-- Developmental Pediatrician	1	1	0	0	0	1	0	0	0	0				1
-- Feeding	0	1	2	0	3	1	1	1	0	1				14
-- Occupational Therapy	3	6	1	2	0	0	6	3	4	7				27
-- Physical Therapy	2	0	0	1	1	1	1	1	0	1				14
-- Speech Therapy	2	2	1	7	5	2	3	2	4	0				29
-- Vision	0	0	0	0	0	0	0	0	0	0				0
-- Other	0	0	0	0	0	0	0	0	0	0				0
Diagnosed Conditions														
Autism Spectrum														
-- Children currently diagnosed:	2	3	3	2	3	2	2	3	0	1				
-- Children currently suspect:	12	13	23	13	5	13	11	11	10	9				
Children with 'Other' Diagnosis														
-- Agenesis of Corpus Collosum	1	1	1	1	1	1	0	0	1	1				
-- Agenesis of Pectoral Muscle	1	1	1	1	0	0	0	0	0	0				
-- Aperture Stenosis	0	0	0	0	0	1	0	0	0					
-- Apraxia	0	1	0	0	0	0	0	0	0	1				
-- Athrogryposis	0	1	1	1	1	0	1	1	1	1				
-- Brachicephaly	0	0	0	0	0	0	0	1	0	0				
-- Brain Anomalies	1	1	0	0	0	0	1	0	1	1				
-- Cardiac Anomaly	2	2	1	1	1	2	1	1	0	1				
-- Cerebral Palsy (CP)	2	2	3	2	2	1	0	1	1	1				
-- Chromosome Abnormality	3	2	1	2	2	2	0	0	0	0				
-- Cleft Lip/Palate	6	6	4	3	1	2	1	2	2	2				
-- Congenital CMV	0	0	0	0	0	0	0	0	1	1				
-- Cri Du Chat	0	0	0	0	0	1	1	0	0	0				
-- Crouzon Syndrome	1	1	1	1	1	1	1	1	1	1				
-- DiGeorge Syndrome	1	1	1	1	1	1	1	1	1	0				
-- Down Syndrome	5	5	5	5	5	5	5	5	3	3				
-- Ectrodactyly	1	1	1	1	1	1	1	1	0	0				
-- Failure to Thrive	2	1	0	0	0	1	1	0	0	0				
-- Feeding Difficulties	12	9	9	26	24	24	26	26	27	27				
-- GERD	2	2	0	2	1	2	3	2	2	2				
-- Hearing Loss	3	6	5	5	3	2	3	3	2	4				
-- Hydrocephalus	1	1	1	1	1	1	1	1	0	0				
-- Hydronephrosis	1	1	1	0	0	0	0	0	0	0				
-- Hypotonia	2	1	0	2	2	3	2	2	2	2				
-- Intrauterine Stroke	1	0	0	1	1	1	1	1	0	0				
-- Leukodystrophy	0	0	0	0	0	0	0	0	0	1				
-- Macrocephaly	2	2	1	1	1	1	1	1	1	1				
-- Malabsorption	1	1	1	1	1	1	1	1	1	0				
-- Microcephaly	2	2	1	1	1	1	0	0	1	1				
-- Noonan's Syndrome	0	1	1	0	1	1	1	1	1	1				
-- Osteogenesis Imperfecta	0	0	0	1	0	0	0	0	0	0				
-- Plagiocephaly	4	4	1	1	1	1	1	1	1	1				

**Children with Special Care Needs Division
Statistical Highlights 2018**

EARLY INTERVENTION PROGRAM

Diagnosed Conditions (continued)	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
-- Polymicrogyria	0	0	0	0	0	0	0	0	0	1				
-- Prematurity	11	13	12	17	20	22	20	20	20	21				
-- Pyriform Aperture Stenosis w/ Hard Palate Cleft	1	1	1	1	1	1	1	1	1	1				
-- Reduction of Upper Limb	1	1	1	1	1	1	1	1	1	1				
-- Seizure Disorder	0	0	0	1	1	1	1	1	1	0				
-- Selective Mutism	1	1	1	1	1	1	1	1	0	0				
-- Spina Bifida	1	1	1	1	1	1	1	1	1	1				
-- Torticollis	8	5	1	2	2	5	5	3	3	1				

Early Intervention Discharges														
-- To CPSE	3	0	0	0	0	1	1	55	4	3			67	84
-- Aged out	0	2	0	0	1	0	0	0	1	0			4	5
-- Declined	6	4	5	3	2	5	5	4	12	9			55	51
-- Skilled out	2	3	8	5	2	4	1	2	4	3			34	35
-- Moved	1	0	4	0	5	7	2	3	0	1			23	31
-- Not Eligible	8	11	6	8	15	7	14	13	11	7			100	63
-- Other	2	2	2	1	3	1	0	2	0	9			22	21
Total Number of Discharges	22	22	25	17	28	25	23	79	32	32	0	0	305	290

Child Find														
Total # of Referrals	2	0	0	1	0	1	1	2	3	0			10	5
Total # of Children in Child Find	5	4	4	5	3	2	3	5	8	7				
Total # Transferred to Early Intervention	1	0	0	2	0	1	0	0	0	1			5	3
Total # of Discharges	1	0	0	0	0	0	0	0	0	0			1	7

**Children with Special Care Needs Division
Statistical Highlights 2018**

PRESCHOOL SPECIAL EDUCATION PROGRAM

Clients Qualified and Receiving Services	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
Children per School District														
-- Ithaca	131	136	138	147	149	148	105	105	107	114				
-- Dryden	48	48	48	47	51	54	40	41	43	49				
-- Groton	20	21	21	22	22	22	10	10	11	10				
-- Homer	1	1	1	1	1	1	0	1	0	0				
-- Lansing	24	27	27	28	29	31	14	16	13	14				
-- Newfield	27	27	29	31	30	30	17	17	15	17				
-- Trumansburg	17	17	19	20	21	21	10	11	11	14				
-- Spencer VanEtten	2	2	2	2	2	2	1	1	1	1				
-- Newark Valley	1	1	1	1	1	1	0	0	0	0				
-- Odessa-Montour	2	2	2	2	2	2	0	0	0	0				
-- Candor	0	0	0	0	0	0	0	0	0	0				
-- Moravia	0	0	0	0	0	0	0	0	0	0				
-- Cortland	0	0	0	0	0	0	0	0	0	0				
Total # of Qualified and Receiving Services	273	282	288	301	308	312	197	202	201	219	0	0		

Services Provided	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec		
Services /Authorized by Discipline														
-- Speech Therapy (individual)	171	176	182	191	198	193	77	82	119	131				
-- Speech Therapy (group)	15	15	16	19	17	16	0	0	4	5				
-- Occupational Therapy (individual)	51	50	52	59	65	63	50	53	38	41				
-- Occupational Therapy (group)	3	3	3	3	3	1	0	0	2	3				
-- Physical Therapy (individual)	31	29	32	34	36	30	16	17	28	27				
-- Physical Therapy (group)	3	4	4	5	4	2	0	0	1	1				
-- Transportation														
-- Birnie Bus	26	26	27	27	27	27	27	26	23	23				
-- Ithaca City School District	42	41	41	41	41	40	40	40	31	37				
-- Parent	1	2	2	2	2	2	2	3	1	4				
-- Service Coordination	31	33	35	37	38	35	10	14	26	29				
-- Counseling (individual)	42	45	46	52	55	55	45	47	32	34				
-- Counseling (group)	0	0	0	0	0	0	0	0	0	0				
-- 1:1 (Tuition Program) Aide	7	8	8	8	8	7	6	6	0	4				
-- Special Education Itinerate Teacher	19	20	21	23	22	26	25	29	17	21				
-- Parent Counseling	34	35	36	38	37	35	22	23	22	28				
-- Program Aide	1	1	1	1	1	1	2	1	0	1				
-- Teaching Assistant	1	1	1	1	1	1	1	1	0	0				
-- ASL Interpreter	0	0	0	0	0	0	0	0	0	0				
-- Audiological Services	4	5	4	5	5	3	3	3	0	0				
-- Teacher of the Deaf	3	3	3	3	3	3	1	2	2	2				
-- Auditory Verbal Therapy	0	0	0	0	0	0	0	0	0	0				
-- Teacher of the Visually Impaired	0	0	0	0	1	1	1	1	0	0				
-- Nutrition	9	10	10	12	12	9	5	5	4	6				
-- Assistive Technology Services	0	1	1	4	4	4	0	0	0	0				
-- Skilled Nursing	0	0	0	0	0	0	0	0	0	0				
-- Vision	0	0	0	1	0	0	0	0	0	0				
Total # of children rcvng. home based related svcs.	204	213	218	231	238	243	128	133	146	155				

**Children with Special Care Needs Division
Statistical Highlights 2018**

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	2018 Totals	2017 Totals
-- Ithaca	42	42	42	42	42	41	41	41	33	37				
-- Dryden	15	15	15	15	16	16	15	15	13	16				
-- Groton	3	3	3	3	3	3	2	2	2	2				
-- Lansing	3	3	3	3	3	3	4	4	1	2				
-- Newfield	4	4	4	4	3	3	4	4	3	3				
-- Trumansburg	2	2	3	3	3	3	3	3	3	5				
-- Odessa-Montour	0	0	0	0	0	0	0	0	0	0				
-- Spencer VanEtten	0	0	0	0	0	0	0	0	0	0				
-- Moravia	0	0	0	0	0	0	0	0	0	0				
-- # attending Franziska Racker Centers	42	41	42	43	43	41	41	41	31	40				
-- # attending Ithaca City School District	27	28	28	27	27	28	28	28	24	25				
Total # attending Special Ed Integrated Tuition Progr.	69	69	70	70	70	69	69	69	55	65	0	0		

Municipal Representation Committee on Preschool Special Education	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2018 Totals	2017 Totals
-- Ithaca	18	18	17	25	40	20	3	19	10	7			177	185
-- Candor	0	0	0	0	0	0	0	0	0	0			0	2
-- Dryden	10	11	8	7	10	14	11	0	7	13			91	72
-- Groton	1	2	1	0	6	1	2	1	1	1			16	21
-- Lansing	0	1	1	0	3	7	0	0	0	3			15	19
-- Newfield	2	5	2	1	10	5	0	4	0	4			33	23
--Trumansburg	0	0	1	1	2	1	3	4	2	2			16	11

ENVIRONMENTAL HEALTH DIVISION
<http://www.tompkinscountyny.gov>

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

ENVIRONMENTAL HEALTH HIGHLIGHTS

October 2018

Outreach and Division News

NYSDOH Incentive Funds: Environmental Health participated in the Article 6 Year 6 Local Health Department (LHD) Performance Incentive. The Year 6 Performance Incentive included a base award to support enhanced coordination related to Legionella Outbreak Response with State DOH and a competitive award based on an assessment of a maintenance of effort for electronic inspection submittals through eForms. LHDs were grouped by the number of active operations and based on the grouping, monetary awards were granted to the highest percentage of electronic submissions through eForms during the period of December 2017 through June 2018. TCEH scored in the top 5 for the medium sized grouping by submitting 99% of inspection forms electronically. As a result, it is anticipated that TCEH will be awarded \$30,000 for the eForm incentive and \$10,000 for the Legionella base award. The awarded funds will be available for use in 2019.

Lead in Drinking Water at Schools: In response to a request from NYSDOH, Adriel Shea worked with all the school districts in Tompkins County to complete and correct the complicated data entry of the results from lead testing of consumptive use outlets into the NYSDOH Health Electronic Response Data System (HERDS). The process for entering data and what information needed to be submitted was not necessarily clear to the school districts and has evolved since the initial requirements. NYSDOH will use the data from all counties to prepare a required summary report for the Governor.

Hydrilla: Mikhail Kern and Anne Wildman attended the October meeting of the Hydrilla Local Task Force (LTF), focused primarily on evaluation of the season's treatment of several discrete patches of hydrilla identified off the shoreline of Stewart Park during 2017. The herbicide Komeen, a copper-containing compound that had been used at the Aurora infestation and the Erie Canal site near Tonawanda, NY, was applied. The Stewart Park treatment yielded mixed results, with most plants showing minimal damage. Water quality sampling indicated that maintaining the concentration of the chemical at an effective level had not been successful. Planning for next year's treatment will include a phone consultation with scientists around the country that have shared their expertise with the LTF since the discovery of hydrilla in Cayuga Lake in 2011.

State Septic System Replacement Fund: On October 19, EH issued its first award letter authorizing funds from the State Septic System Replacement fund. Funds were authorized for a property that had an existing Onsite Wastewater Treatment System (OWTS) permit.

We currently have approximately 6 applications for funding pending. Subsequent to the Board of Health's approval of the EH Division policy for the use of Enhanced Treatment Units (ETUs) for some sewage treatment systems, EH has finalized ETU technical specifications. ETUs will be considered as these permits are developed.

CEHD Fall Meeting: Skip Parr and Liz Cameron attended the Fall meeting of the Conference of Environmental Health Directors (CEHD) from October 1 to 3 at the Carey Institute for Global Good in Rensselaerville. There were presentations on vector-borne issues (rabies and ticks), and invasive species (wild parsnip and giant hogweed). The NYS Association of County Health Officials (NYSACHO), the NYS Association of Counties (NYSAC) and the NYSDOH Center for Environmental Health (CEH) gave updates and presentations, including a keynote address by Dr. Gary Ginsberg, the new CEH Director.

At the CEHD business meeting on October 3, Liz Cameron was elected as Chair of the CEHD. The term lasts two years.

Training:

Environmental Health Division staff attended *De-escalation Training for the Workplace* on October 31 or November 1. Dan Cornell from Probation and Rick Shaw from Mental Health provided the training. All Health Department staff will attend the training.

Skip Parr, Liz Cameron, Cynthia Mosher, Caitlin Feller and Brenda Coyle attended Laserfiche training on October 24.

Scott Freyburger attended Pictometry Training on October 11.

Liz Cameron attended the Owasco Lake Water Quality Information Session in Auburn on October 22. The meeting included presentations by the NYS Department of Environmental Conservation Division of Water and the NYS Department of Agriculture and Markets Division of Land and Water Resources.

Rabies Control Program

There were two confirmed case of rabies in Tompkins County during October 2018. A bat was found in a stairwell at a business and brought to a wildlife rehabilitator, where it later began to display signs indicative of rabies, was euthanized, and submitted. Another bat was captured and submitted to the Health Department after cats had grounded it. Both cats were up to date on vaccinations and promptly boosted. In both situations, the persons locating the bat captured it using techniques that ensured no contact with it occurred, and neither required post exposure vaccination.

Fall Rabies Clinics have ended, with a fall attendance of 524 pets, and a total of 1113 pets vaccinated in 2018.

Key Data Overview				
	This Month	YTD 2018	YTD 2017	TOTAL 2017
Bites¹	25	269	243	275
Non Bites²	4	221	195	203
Referrals to Other Counties	3	34	21	22
Submissions to the Rabies Lab	9	208	200	218
Human Post-Ex Treatments	6	142	131	140
Unvaccinated Pets 6-Month Quarantined³	0	3	0	0
Unvaccinated Pets Destroyed⁴	0	0	1	1
Rabid Animals (Laboratory Confirmed)	2	16	13	13

¹"Bites" include all reported bites inflicted by mammals and any other wounds received while saliva is present.

²"Non-bites" include human exposures to saliva of potentially rabid animals. This also includes bats in rooms with sleeping people or young children where the bat was unavailable for testing.

³When an otherwise healthy, unvaccinated pet has contact with a rabid animal, or suspect rabid animal, that pet must be quarantined for 6 months or euthanized. Quarantine must occur in a TCHD-approved facility (such as a kennel) at the owner's expense. If the pet is still healthy at the end of 6 months, the exposure did not result in rabies and the pet is released.

⁴ Pets must be euthanized if they are unvaccinated and have been in contact with a rabid or suspect rabid animal and begin to display signs consistent with rabies. Alternatively, a pet is euthanized if a prescribed 6-month quarantine cannot be performed or the owners elect euthanasia instead of quarantine.

Reports by Animal Type												
	Bites				Animals sent to the NYS Rabies Laboratory				Rabid Animals			
	Mo	YTD 2018	YTD 2017	Total 2017	By TCHD	By Cornell	Totals		Mo	YTD 2018	YTD 2017	Total 2017
							Mo	YTD				
Cat	7	99	97	108	0	1	1	17	0	0	1	1
Dog	13	139	129	146	0	1	1	8	0	0	0	0
Cattle	0	1	0	0	0	0	0	6	0	0	0	0
Horse/Mule	0	0	0	0	0	0	0	0	0	0	0	0
Sheep/Goat	0	0	1	1	0	0	0	0	0	0	0	0
Domestic Raccoon	0	0	1	2	0	0	0	0	0	0	0	0
Raccoon	1	4	2	2	0	0	0	6	0	3	4	4
Bats	3	9	7	9	5	1	7	153	2	7	5	5
Skunks	0	3	0	0	0	0	0	3	0	1	0	0
Foxes	0	6	4	4	0	0	0	5	0	3	3	3
Other Wild	1	8	2	3	0	1	0	10	0	2	0	0
Totals	25	269	243	275	5	4	9	208	2	16	13	13

Food Program

The results of food service establishment inspections conducted in Tompkins County can be viewed directly on the Environmental Health website (<http://www.tompkinscountyny.gov/health/eh/food/index>). Inspections can be sorted to meet the needs of the viewer (by facility, date, etc.) by clicking on the column heading of interest. This is a valuable tool for easily providing information to the public.

***Routine facility inspections** are conducted to protect public health. The inspections are made without advance notice to ensure that food processes are adequate, safe, and meet code requirements. It is important to keep in mind that inspections are only a "snapshot" in the entire year of a facility's operation and they are not always reflective of the day-to-day operations and overall condition of the operation.*

The following inspections were conducted with no critical violation(s) noted:

- | | |
|--|--|
| Benn Conger Inn, V-Groton | ICSD – Belle Sherman Annex, C-Ithaca |
| Bol, C-Ithaca | ICSD – Belle Sherman Elementary, C-Ithaca |
| Casita del Polaris, C-Ithaca | ICSD – Boynton Middle School, C-Ithaca |
| Cornell Cooperative Extension of Tompkins County, C-Ithaca | ICSD – Dewitt Middle School, T-Ithaca |
| CU – 104 West, C-Ithaca | ICSD – Fall Creek Elementary School, C-Ithaca |
| CU – Becker House, C-Ithaca | ICSD – Northeast Elementary School, T-Ithaca |
| CU – Café Jennie, C-Ithaca | Just a Taste Wine & Tapas Bar, C-Ithaca |
| CU – Carol's Café, C-Ithaca | Maxie's Supper Club, C-Ithaca |
| CU – Jansen's at Bethe House, C-Ithaca | New Roots Charter School, C-Ithaca |
| CU – Risley Dining, C-Ithaca | Newfield Elementary School, T-Newfield |
| CU – Sage Dining, C-Ithaca | Newfield Middle/High School, T-Newfield |
| CU – Willard Straight, C-Ithaca | The Nines, C-Ithaca |
| Dottie's Cakes, T-Lansing | Northstar House, C-Ithaca |
| Downtown Children's Center, C-Ithaca | Pudgies Pizza & Subs, C-Ithaca |
| Dryden Middle School, T-Dryden | Smart Start Preschool, T-Ulysses |
| Fabrizio New York Pizzeria, V-Trumansburg | Souvlaki House, C-Ithaca |
| Groton Elementary School, T-Groton | St. Catherine's Church, C-Ithaca |
| Groton Middle School, T-Groton | Subway – Trumansburg, T-Ulysses |
| IC – CHS Coffee Kiosk, T-Ithaca | TC Action – Harriet Giannelis Center, C-Ithaca |
| IC – Dillingham Theater Arts Coffee Kiosk, T-Ithaca | That's How I Roll, Throughout Tompkins |
| IC – Terrace Dining Hall, T-Ithaca | |

The Hazard Analysis Critical Control Point (HACCP) Inspection is an opportunity for the establishment to have the health department review food processes in the facility to make sure that all potential hazards are identified and to assure that the best food safety practices are being used.

No HAACP inspections were conducted this month.

***Re-Inspections** are conducted at any establishments that had a critical violation(s) to ensure that inadequate or unsafe processes in a facility have been corrected.*

The following re-inspections were conducted with no violations noted:

- | | |
|----------------------------------|---|
| AGAVA, T-Ithaca | Plum Tree Japanese Restaurant, C-Ithaca |
| Chili's Grill & Bar, C-Ithaca | Shahi Pakwan, C-Ithaca |
| Dryden Hotel, V-Dryden | Sopoong, C-Ithaca |
| Enzo's Pizzeria, C-Ithaca | Spring Buffet, C-Ithaca |
| Futai Buffet, C-Ithaca | TC3 Main Cafeteria, T-Dryden |
| Hawi Ethiopian Cuisine, C-Ithaca | Ten Forward Café, C-Ithaca |
| Loco/Luna, C-Ithaca | Thai Basil, C-Ithaca |
| Old Mexico Express, C-Ithaca | U Tea, C-Ithaca |

Critical violations may involve one or more of the following: the condition of food (e.g. food that may be at improper temperatures on delivery or damaged by rodents), improper food cooking and storage temperatures (e.g. food cooked to and/or held at improper temperatures), improper food preparation practices (e.g. preparing ready-to-eat foods with bare hands), and water and/or sewage issues (e.g. low disinfection levels in the water system). These critical violations relate directly to factors that could lead to food related illness.

Critical Violations were found at the following establishments:

TC3 Main Cafeteria, T-Dryden

Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in a refrigerated storage unit was observed to be at 54-58°F. The product was rapidly chilled to 45°F or less before use.

Potentially hazardous foods were not prepared as recommended using prechilled ingredients and not prechilled to 45°F or less before being put into service. Products in a grab and go cooler were observed to be at 55-57°F. The products were removed from service and rapidly chilled to 45°F or less.

Aladdin's Natural Eatery, C-Ithaca

Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in hot holding was observed to be at 122-136°F. The product was removed from service and rapidly reheated to 165°F or greater before use.

Tokyo Hibachi, Sushi & Asian Bistro, C-Ithaca

Cooked or prepared foods were subject to cross-contamination from raw foods. Storage was rearranged during the inspection.

Potentially hazardous foods were not stored under refrigeration. Product that had been out and was placed in the cooler was observed to be at 72°F. The product was discarded during the inspection.

Enough refrigerated storage was not maintained so that potentially hazardous foods were stored below 45°F as required. Products in a refrigerated storage unit were observed to be at 49-50°F. The products were discarded during the inspection.

Spicy Asian, C-Ithaca

Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in cold holding was observed to be at 52°F. The product was moved to the walk-in cooler to be rapidly chilled to 45°F or less before use.

Potentially hazardous foods were not stored under refrigeration. Product on a counter was observed to be at 58°F, product in a container was observed to be at 96-97°F. The products were either discarded during the inspection or moved to refrigerated storage to be rapidly chilled to 45°F or less before use.

Four Seasons, C-Ithaca

Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in a cold holding unit was observed to be at 56-60°F. The product was removed from service and rapidly chilled to 45°F or less before use.

Potentially hazardous foods were not cooled by an approved method. Product in the top of a sandwich preparation cooler was observed to be at 128-136°F. The product was moved to a large reach in cooler to be rapidly cooled using an approved method.

Potentially hazardous foods were not stored under refrigeration. Product in cold holding was observed to be at 66-68°F. Product was rapidly chilled to 45°F or less.

Ten Forward Café, C-Ithaca

Potentially hazardous foods were not stored at or below 45°F during cold holding. Product in cold holding was observed to be at 49-52°F. The products were removed from service and rapidly chilled to 45°F or below before use.

Hawi Ethiopian Cuisine, C-Ithaca

Cooked or prepared foods were subject to cross-contamination. Storage was rearranged during the inspection.

Maru Ramen, C-Ithaca

Potentially hazardous foods were not cooled by an approved method. Product cooling on a counter was observed to be at 95-110°F. The products were moved to refrigerated storage to be rapidly chilled to 45°F or less using approved methods.

Potentially hazardous foods are not stored under refrigeration. Product on a counter was observed to be at 85°F. The product was discarded during the inspection.

Precooked, refrigerated potentially hazardous food was not reheated to 165°F or above within two hours. Product in hot holding was observed to be at 110-115°F. The product had been cooked and placed in the unit within two hours of the inspection. The product was removed from service and rapidly reheated to 165°F or above.

Loco/Luna, C-Ithaca

Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in hot holding was observed to be at 131°F. The product was removed from service and rapidly reheated to 165°F or above before use.

Old Mexico Express, C-Ithaca

Potentially hazardous foods were not cooled by an approved method. Product cooked the day before and stored in a refrigerated storage unit was observed to be at 49-51°F. The product was discarded during the inspection.

Mitsuba Hibachi Sushi Restaurant, V-Lansing

Toxic chemicals were stored so that contamination of food could occur. Storage was rearranged during the inspection.

Enough refrigerated storage equipment is not maintained so that all potentially hazardous foods are stored below 45°F as required. Products in a refrigerated storage unit were observed to be at 50-51°F. Products were rapidly chilled to 45°F or less before being returned to service.

Taste of Thai, C-Ithaca

Enough refrigerated storage equipment is not maintained so that all potentially hazardous foods are stored below 45°F as required. Products in a refrigerated storage unit were observed to be at 50-55°F. Products were rapidly chilled to 45°F or less before being returned to service.

Sopoong, C-Ithaca

Potentially hazardous foods were not kept at or above 140°F during hot holding. Products in hot holding was observed to be at 132°F and 111-114°F. The products were removed from service and rapidly reheated to 165°F or above before use.

Plum Tree Japanese Restaurant, C-Ithaca

An accurate thermometer was not available to evaluate potentially hazardous food temperatures. Thermometers were calibrated during the inspection.

Express Fork & Gavel, C-Ithaca

Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in cold holding was observed to be at 59°F. The product was discarded during the inspection.

Fork & Gavel, C-Ithaca

Potentially hazardous foods were not kept at or below 45°F in cold holding. Products in cold holding were observed to be at 50°F. Products were removed from service and rapidly chilled to 45°F or less before use.

Ko Ko Restaurant, C-Ithaca

Potentially hazardous foods were not cooled by an approved method. Product for service was observed at 60°F. The product had been cooled using unapproved methods and was discarded during the inspection.

Moe's Southwest Grill, C-Ithaca

Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in hot holding was observed to be at 122°F. The product was discarded during the inspection.

Enough hot holding equipment was not operated so that potentially hazardous foods were kept at or above 140°F in hot holding. Products in hot holding at a steam table were observed to be at 109-122°F. The products were removed from service and either rapidly reheated to 165°F or above before being returned to service or discarded during the inspection.

BOCES – The Horizon Café, T-Ithaca

Potentially hazardous foods were not stored under refrigeration. Product for service was observed to be at 49-58°F. The product was moved to refrigerated storage to be rapidly chilled to 45°F or less before use.

Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in hot holding was observed to be at 49-58°F. The product was removed from service and rapidly reheated to 165°F or above before use.

Silky Jones, C-Ithaca

An accurate thermometer was not available to evaluate potentially hazardous food temperatures.

Temporary Food Service Operation Permits are issued for single events at one location. The Food Protection Program issued 18 temporary permits.

Temporary food operation inspections are conducted to protect public health. The inspections are made without advance notice to ensure that the food processes at the event are adequate, safe, and meet code requirements. The operation must correct Critical Violations during the inspection. When a Temporary Food Operation has Critical Violation/s, a re-inspection is conducted when the event is longer than one day.

The following inspections were conducted with no violation(s) noted:

Meat The Press at Wizarding Weekend, C-Ithaca
The Great British Food Truck at Wizarding Weekend, C-Ithaca
Northeast Old Fashioned Soda at Wizarding Weekend, C-Ithaca

Critical Violations were found at the following establishments:**Ghanaians @ Cornell at African Night Market, C-Ithaca**

Potentially hazardous food was held at an improper temperature. Product was observed to be at 118°F. The product was rapidly reheated to 165°F or above before use.

Pre-Operational inspections are conducted, following a thorough review of proposed plans, at new or extensively remodeled facilities to ensure code compliance prior to opening to the public.

The following pre-operational inspections were conducted:

Luna Street Food Truck, C-Ithaca
Pasta Vitto, C-Ithaca

Plans Approved:

DP Dough, C-Ithaca

New Permits Issued:

Luna Street Food Truck, C-Ithaca

The Food Protection Program received and investigated one complaint related to issues and/or problems at permitted food service establishments.

Engineering Plans Received

- OWTS Plan for Replacement System – Crossroads Bar and Grill, Town of Lansing
- Public Water System – Raw Water Pump Station SCLIWC, Town of Lansing
- Public Water System –Water Distribution Main Replacement Coddington Rd., Town of Ithaca

Problem Alerts/Emergency Responses

A boil water order was issued at Dollar General in the Town of Enfield on October 12, due to no chlorine found in the water system because of the chlorine pump not functioning. The issue was eventually corrected and the boil water order was released on November 13, following the receipt of satisfactory sampling results.

Childhood Lead Program

CHILDHOOD LEAD PROGRAM	MONTH	YTD 2018	YTD 2017	TOTAL 2017
A: Active Cases (total referrals):				
A1: # of Children w/ BLL >19.9ug/dl	0	1	1	1
A2: # of Children w/ BLL 10-19.9ug/dl	0	5	3	3
B: Total Environmental Inspections:				
B1: Due to A1	0	1	1	1
B2: Due to A2	0	5	3	3
C: Hazards Found:				
C1: Due to B1	0	1	1	1
C2: Due to B2	0	5	3	3
D: Abatements Completed:	0	0	0	0
E: Environmental Lead Assessment Sent:	0	4	2	2
F: Interim Controls Completed:	2	3	0	0
G: Complaints/Service Requests (w/o medical referral):	7	48	48	56
H: Samples Collected for Lab Analysis:				
- Paint	0	0	2	2
- Drinking Water	0	0	0	0
- Soil	0	0	2	2
- XRF	0	5	3	3
- Dust Wipes	0	6	5	5
- Other	0	1	1	1

Summary of Open BOH Enforcement Actions:

Date of BOH Action	Facility	Owner/ Operator	Basis for Action	Penalty Assessed	Next BOH Order Deadline	Status
10/23/18	Sicilian Delight	Frank Crocilla	Food Service Establishment – Violation of Board of Health Orders	\$1,000	Payment due 12/14/18.	Monitoring Compliance
10/23/18	Tamarind	Sadudee Pancharoen	Food Service Establishment – Violation of Board of Health Orders	\$1,250	Payment due 12/14/18.	Monitoring Compliance
10/23/18	Circus Truck	John Vico	Food Service Establishment – Repetitive Critical Violations	\$400	Payment due 12/14/18.	Monitoring Compliance
10/23/18	Sangam Restaurant	Karmjit Benipal	Food Service Establishment – Repetitive Critical Violations	\$400	Payment due 12/14/18.	Monitoring Compliance
8/28/18	Jimmy John's Gourmet Sandwiches	Troy Legg	Food Service Establishment – Operating without a Permit	\$400	Payment due by 10/15/18	Late Notice Sent – Awaiting Payment
8/28/18	Ko Ko Restaurant	Sungyoon Hwang	Food Service Establishment – Violation of Board of Health Orders	\$800 (paid 9/20)	Food Safety Training due by 10/15/18	Awaiting receipt of 2 nd Serv-Safe Certificate
06/26/18	Sicilian Delight Pizzeria	Frank Crocilla	Food Service Establishment – Violation of Board of Health Orders	\$800 (\$500 paid)	Final payment due 11/30/18.	Awaiting Payment to Close
06/26/18	Hope's Events and Catering	Hope Rich	Food Service Establishment – Violation of Board of Health Orders and Repeat Critical Violations	\$900 (\$600 paid)	Final payment due by 12/10/18.	Awaiting Payment to Close
2/27/18	Ulysses WD #3	Town of Ulysses	Prior Public Water System Violations – Disinfection Byproducts	N/A	Submission of quarterly compliance reports for 1 year.	Monitoring Compliance
10/25/16	City of Ithaca WTP	City of Ithaca	Public Water System Violations – Maximum Contaminant Level exceedances	\$500 (Paid)	NA	Monitoring Compliance
12/11/12	Village of Dryden PWS	Village of Dryden	Public Water System Violations – Arsenic and Storage Tank Replacement	N/A	Complete New TC3 and Ferguson Road Water Storage Tanks by 10/5/18.	Additional Draft Resolution Pending



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

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 9, 2018

Steve Willcox
1415 Danby Road
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0011
Scooby Steve's Ice Cream, T-Danby**

Dear Steve Willcox:

Thank you for providing the signed Stipulation Agreement on November 2, 2018, for the Scooby Steve's Ice Cream.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. 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, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\ScoobySteves\Enforcement\Draft Res 18-0011.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
CEO T-Danby; Supervisor T-Danby; Daniel Klein, TC Legislature; John Strepelis, P.E., NYSDOH; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Adriel Shea, Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

DRAFT RESOLUTION # EH-ENF-18-0011 FOR

Scooby Steve's Ice Cream
Steve Willcox, Owner/Operator
1415 Danby Road
Ithaca, NY 14850

Whereas, Scooby Steve's Ice Cream is a food service establishment regulated under Subpart 14-1 of the New York State Sanitary Code (NYSSC) and is required to comply with Subpart 5-1 of the NYSSC as a public water system; **and**

Whereas, Subpart 5-1.51(b) of the NYSSC requires quarterly total coliform sampling when in operation; **and**

Whereas, Subpart 5-1.30(a) of the NYSSC requires that a free chlorine residual be maintained in the water system; **and**

Whereas, quarterly total coliform sample results were not submitted for the second and third quarters of 2018 and the owner stated that the samples was not collected; **and**

Whereas, on July 10, 2018, the Tompkins County Health Department (TCHD) issued a boil water order to Scooby Steve's Ice Cream because there was no free chlorine residual in the water system. The boil water order remained in effect until the operation closed on September 6, 2018; **and**

Whereas, previous violations were cited in 2017 for failing to submit total coliform sample results and the annual nitrate sample result to the TCHD; **and**

Whereas, Steve Willcox, Owner/Operator, signed a Stipulation Agreement with Public Health Director's Orders dated October 23, 2018, agreeing that Scooby Steve's Ice Cream violated these provisions of the New York State Sanitary Code; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,
That Steve Willcox, Owner/Operator, is ordered to:

1. Pay a penalty of \$400 for these violations, **due by January 15, 2019 (Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Submit a nitrate sample result from Scooby Steve's water system to the Tompkins County Health Department (TCHD) **by December 15, 2018; and**
3. Beginning in 2019, provide a total coliform sample result and nitrate sample result from Scooby Steve's water system to the TCHD after system start-up and prior to opening to the public for the season each year of operation. The operating permit for your food service establishment will not be issued until satisfactory laboratory reports are received; **and**
4. Beginning in 2019, submit total coliform sample test results for each quarter of operation **by the 10th day of the following month; and**

5. Submit completed monthly operation reports of daily free chlorine residual readings for Scooby Steve's Ice Cream **by the 10th day of the following month** for every month you are in operation; **and**
6. Maintain acceptable free chlorine residuals **at all times** in Scooby Steve's Water Treatment System. The free chlorine residual in the water disinfection system must be at least 0.2 milligrams per liter (mg/l) and not more than 4.0 mg/l; **and**
7. Comply with all the requirements of Subpart 5-1 and Subpart 14-1 of the NYSSC.

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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0011

Scooby Steve's Ice Cream
Steve Willcox, Owner/Operator
1415 Danby Road
Ithaca, NY 14850

I, Steve Willcox, as a representative for Scooby Steve's Ice Cream, agree that I am in violation of:

Subpart 5-1.51(b) of the New York State Sanitary Code (NYSSC) for not submitting required total coliform sampling results the second and third quarters of 2018; **and**

Subpart 5-1.30(a) of the NYSSC for not maintaining a free chlorine residual in the water system at Scooby Steve's Ice Cream on July 10, 2018; **and**

Subpart 14-1.120 of the NYSSC for not meeting the requirements of Part 5 of the NYSSC.

I acknowledge that previous violations have been cited in 2017 for failure to submit required total coliform sampling and the annual nitrate sample.

I agree to pay a penalty not to exceed \$400 for these violations following adoption of a resolution by the Board of Health. (**Do not submit penalty payment until notified by the Tompkins County Health Department.**)

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

1. Submit a nitrate sample result from Scooby Steve's water system to the Tompkins County Health Department (TCHD) **by December 15, 2018; and**
2. Beginning in 2019, provide a total coliform sample result and nitrate sample result from Scooby Steve's water system to the TCHD after system start-up and prior to opening to the public for the season each year of operation. The operating permit for your food service establishment will not be issued until satisfactory laboratory reports are received; **and**
3. Beginning in 2019, submit total coliform sample test results for each quarter of operation **by the 10th day of the following month; and**
4. Submit completed monthly operation reports of daily free chlorine residual readings for Scooby Steve's Ice Cream **by the 10th day of the following month** for every month you are in operation; **and**
5. Maintain acceptable free chlorine residuals **at all times** in Scooby Steve's Water Treatment System. The free chlorine residual in the water disinfection system must be at least 0.2 milligrams per liter (mg/l) and not more than 4.0 mg/l; **and**
6. Comply with all the requirements of Subpart 5-1 and Subpart 14-1 of the NYSSC.

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

Signed: Steve Willcox Date: 10/23/18

Steve Willcox is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Brenda Gunnell Crosby Date: 11/2/18
for Frank Kruppa
Public Health Director



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

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Fx: (607) 274-6695

CASE SUMMARY – FOR RESOLUTION # EH-ENF-18-0011

**Scooby Steve’s Ice Cream
Steve Willcox, Owner/Operator
1415 Danby Road
Ithaca, NY 14850**

November 2018

Date	Action
11/2/2018	Office conference held with Steve Willcox. Violations were discussed along with requirements of the stipulation agreement. The signed stipulation was provided to TCHD at the office conference.
10/19/18	Stipulation Agreement sent by TCHD to Scooby Steve’s. Office Conference scheduled for 11/2/18.
10/17/18	Email sent by TCHD regarding missing 3 rd quarter Total Coliform sample and missing September MOR.
9/30/2018	Current operating permit for Scooby Steve’s Ice Cream expired. TCHD did not re-issue permit due to pending enforcement action and given that Scooby’s Steve’s is a seasonal operation that is scheduled to re-open in May of 2019.
9/6/18	Scooby Steve’s closed for the season.
8/29/18	MORs for July and August 2018 received by TCHD.
8/24/2018	Application to renew food service operation permit received by TCHD.
7/27/18	Re-inspection. No chlorine residual observed.
7/13/18	MORs for May and June 2018 received by TCHD.
7/10/18	Water system inspection by TCHD. Violation - No chlorine residual observed. Boil Water notice sent to Steve Wilcox by TCHD.
7/13/18	2018 June and July MORs received by TCHD.
10/17/18	Email sent by TCHD regarding missing 3 rd quarter Total Coliform sample and missing September MOR.
7/19/18	Email sent by TCHD regarding missing 2 nd quarter Total Coliform sample.
6/18/18	Email sent by TCHD regarding missing MOR for May.
3/08/18	2017 May through September MORs received by TCHD.
2/23/18	Notice of Violation sent for missing 2017 samples and MORs. Missing 2 nd and 3 rd quarter samples and nitrate.
8/30/17	Total Coliform sampled collected by TCHD was satisfactory



Frank Kruppa
Public Health Director
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CERTIFIED, REGULAR, & ELECTRONIC MAIL

October 25, 2018

Barnes & Noble Booksellers Inc.
#2122 ATTN: Business Licenses
1400 Old Country Road
Westbury, NY 11590

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0035
Barnes & Noble Booksellers #2122, Food Service Establishment, C-Ithaca**

Dear Erik Powell:

Thank you for signing the Stipulation Agreement on October 11, 2018, for Barnes & Noble Booksellers #2122.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. 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, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Barnes & Noble\Enforcement\Draft Res 18-0035.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Erik Powell, B&N District Manager; Mike Niechwiadowicz, Ithaca Building Department; Mayor Svante Myrick; Leslyn McBean-Clairborne, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

DRAFT RESOLUTION # EH-ENF-18-0035 FOR

Barnes & Noble Booksellers #2122
Barnes & Noble Booksellers Inc., Owner; Erik Powell, Operator
614 S. Meadow Street, C-Ithaca
Ithaca, NY 14850

Whereas, the Owner/Operator of a Food Service Establishment must comply with the regulations established under Subpart 14-1 of the New York State Sanitary Code; **and**

Whereas, this subpart requires a Food Service Establishment Permit to operate a Food Service Establishment and requires potentially hazardous foods to be maintained at or below 45°F during cold holding; **and**

Whereas, on July 5, 2018, the Tompkins County Health Department observed a critical violation where half and half was observed on the counter for service to patrons at a temperature of 49°F; **and**

Whereas, on August 20, 2018, and September 19, 2018, the Tompkins County Health Department observed repeat critical violations where half and half was observed on the counter for service to patrons at a temperatures of 48°F and 54°F, respectively; **and**

Whereas, Erik Powell, Operator, signed a Stipulation Agreement with Public Health Director's Orders on October 11, 2018, agreeing that Barnes & Noble Booksellers #2122 violated this provision of the New York State Sanitary Code; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,
That Barnes & Noble Booksellers, Inc., Owner, is ordered to:

1. Pay a penalty of \$400 for these violations, **due by January 15, 2019.** (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain potentially hazardous food at or below 45°F during at all times during cold holding; **and**
3. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0035

Barnes & Noble Booksellers #2122 *Eric Powell*
Barnes & Noble Booksellers Inc., Owner; Eric Powell, Operator
614 S. Meadow Street, C-Ithaca
Ithaca, NY 14850

Eric Powell
I, ~~Eric Powell~~, as a representative for Barnes & Noble Booksellers Inc., agree that on July 5, 2018, August 20, 2018, and September 19, 2018, Barnes & Noble Booksellers #2122 was in violation of Subpart 14-1 of the New York State Sanitary Code for failure to maintain potentially hazardous food at or below 45°F during cold holding.

I agree to pay a penalty not to exceed \$400 for these violations following adoption of a resolution by the Board of Health. *(Do not submit penalty payment until notified by the Tompkins County Health Department.)*

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

- 1. Maintain potentially hazardous food at or below 45°F during at all times during cold 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 I am subject to further action if I fail to comply with the orders.

Signed: *[Signature]* Date: *10/11/18*

Barnes and Noble Booksellers is hereby ordered to comply with these Orders of the Public Health Director.

Signed: *Brenda Gunnell Cross* Date: *10/15/18*
[Signature] Frank Kruppa
Public Health Director



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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-18-0035

Barnes & Noble Booksellers #2122
Barnes & Noble Booksellers Inc., Owner; Erik Powell, Operator
614 S. Meadow Street, C-Ithaca
Ithaca, NY 14850

October 2018

Date	Action
10/11/2018	TCHD received an email copy of the signed stipulation agreement.
10/10/2018	TCHD spoke with the local manager regarding the office conference and later corresponded with the District Manager who requested changes to contact information on the stipulation agreement.
09/25/2018	TCHD sent stipulation agreement to Barnes & Noble. Office conference scheduled for October 10 th .
09/19/2018	Re-inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product for customer service was observed to be at 54°F.
08/20/2018	During a re-inspection in the morning the violation cited on 7/5/18 was corrected. In a subsequent re-inspection that afternoon potentially hazardous foods were not kept at or below 45°F during cold holding. Product for customer service was observed to be at 49°F.
07/05/2018	Inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product for customer service was observed to be at 49°F. Enough refrigerated storage equipment was not maintained so that foods were kept below 45°F in cold holding. Products in a refrigerated storage unit were observed to be at 48-49°F.
01/10/2018	Inspection by TCHD. No violations were noted.
07/06/2017	Inspection by TCHD. No violations were noted.
02/08/2017	Inspection by TCHD. No violations were noted.
07/19/2016	Inspection by TCHD. No violations were noted.
01/15/2016	Inspection by TCHD. No violations were noted.
07/13/2015	Inspection by TCHD. No violations were noted.
01/27/2015	Inspection by TCHD. No violations were noted.
10/09/2014	Inspection by TCHD. No violations were noted.
02/11/2014	Inspection by TCHD. No violations were noted.
09/11/2013	Inspection by TCHD. No violations were noted.
02/14/2013	Re-inspection by TCHD. The violation observed on 2/5/13 was corrected. No violations were noted.
02/05/2013	Inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in cold holding was observed to be above 45°F.

Inclusion Through Diversity



Your Partner for a Healthy Community

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

ENVIRONMENTAL HEALTH DIVISION
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Fx: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 20, 2018

Elaine Springer
Fingerlakes GrassRoots Festival
PO Box 941
Trumansburg, NY 14886

**Re: Tompkins County Board of Health Draft Resolutions # EH-ENF-18-0037,
EH-ENF-18-0038 & EH-ENF-18-0039
Finger Lakes GrassRoots Festival, Mass Gathering, T-Ulysses**

Dear Ms. Springer:

Thank you for signing the Stipulation Agreements on November 16, 2018, for the 2018 operations at the Finger Lakes GrassRoots Festival.

Enclosed are copies of the Draft Resolutions that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. 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,

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

Enclosures: Draft Resolutions and Stipulation Agreements and Orders

pc: F:\EH\MASS GATHERING\Facilities\GrassRoots\2018\Enforcement\Draft Resolutions Cover letter.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Lissa Farrell; Charles Guttman, Esq.; Rosa Fox; Supervisor T-Ulysses; Anne Koreman, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Scott Freyburger; Cynthia Mosher; Becky Sims; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela



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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

DRAFT RESOLUTION # EH-ENF-18-0037 FOR

**Finger Lakes GrassRoots Festival – Holding Tanks
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

Whereas, Article VI of the Tompkins County Sanitary Code and Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings require a permit or written approval from the permit-issuing official for sewage system plans; **and**

Whereas, on April 4, 2018, Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots) submitted holding tank permit applications (EH-OW-18-0051 & EH-OW-18-0052) to operate greywater (sewage) holding tanks at the Culture Camp Across the Way and Onsite Campgrounds and at Across the Way and Onsite during the mass gathering event, and completed the application submittal when the fee was paid on July 10, 2018; **and**

Whereas, GrassRoots did not provide required information to the Tompkins County Health Department (TCHD) in order to approve plans and issue permits prior to the campgrounds and mass gathering beginning operation; **and**

Whereas, GrassRoots operated greywater (sewage) holding tanks at Across the Way and Onsite during the mass gathering event without obtaining a permit from the Health Department; **and**

Whereas, Elaine Springer, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 16, 2018, agreeing that GrassRoots violated these provisions of the New York State Sanitary Code and the Tompkins County Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Finger Lakes GrassRoots Festival Org., Inc., Owner, is ordered to:**

1. Pay a penalty of \$200 for these violations, **by January 15, 2019**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Submit holding tank permit applications including payment of the fee for greywater tanks at Across the Way and Onsite at least 45 days prior to the start of Culture Camp in 2019; **and**
3. Submit all required information to obtain the holding tank permits for greywater tanks at least 30 days prior to the start of Culture Camp in 2019; **and**
4. Comply with all provisions of Article VI of the Tompkins County Sanitary Code and Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.



RECEIVED

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

NOV 16 2018

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TOMPKINS COUNTY HEALTH DEPARTMENT Ph: (607) 274-6688
Fx: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0037

**Finger Lakes GrassRoots Festival – Holding Tanks
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

I, Elaine Springer, as a representative for Finger Lakes GrassRoots Festival Org., Inc., agree that Finger Lakes GrassRoots Festival Org., Inc. was in violation of:

- Article VI (Sewage, Holding and Disposal) of the Tompkins County Sanitary Code; **and**
- Section 7-3.14 (Sewage Treatment) of the New York State Sanitary Code (NYSSC) for Campgrounds; **and**
- Section 7-4.5 (Water and Sewage) of the NYSSC for Mass Gatherings.

These violations occurred between July 15, 2018, through July 23, 2018, for operating holding tanks at the Culture Camp campgrounds and during the mass gathering at Across the Way and Onsite without a permit.

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 the Tompkins County Health Department.)

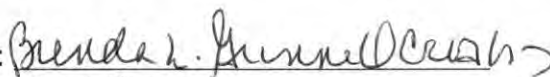
I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

1. Submit holding tank permit applications including payment of the fee for greywater tanks at Across the Way and Onsite at least 45 days prior to the start of Culture Camp in 2019; **and**
2. Submit all required information to obtain the holding tank permits for greywater tanks at least 30 days prior to the start of Culture Camp in 2019; **and**
3. Comply with all provisions of Article VI of the Tompkins County Sanitary Code and Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

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

Signed:  Date: 11/16/18

Finger Lakes GrassRoots Festival Org., Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 11/19/18
for Frank Kruppa
Public Health Director



Your Partner for a Healthy Community

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

DRAFT RESOLUTION # EH-ENF-18-0038 FOR

**Finger Lakes GrassRoots Festival – Campgrounds and Mass Gathering
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

Whereas, Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots), operated campgrounds subject to Subpart 7-3 of the New York State Code (NYSSC) from July 15, 2018, through July 18, 2018, **and**

Whereas, Subpart 7-3 of the NYSSC for Campgrounds states plans and specifications required by the permit-issuing official shall be submitted to the permit-issuing official. Construction, enlargement, development, improvement or conversion shall not commence until required plans or specifications have been approved by the permit-issuing official; **and**

Whereas, Subpart 7-3.8(b) requires that campsites shall be a minimum of 1250 sq. ft. with 5' clearance between the boundaries of the campsite and camping structures; **and**

Whereas, on July 14, 2018, Tompkins County Health Department (TCHD) issued Campground Permits # EH-CG-18-353 for Onsite and # EH-CG-18-354 for Across the Way with conditions that campsites less than 1250 sq. ft. were required to maintain 5' between structures (no fires/cooking were allowed at these sites); **and**

Whereas, on July 17, 2018, GrassRoots submitted revised campground plans for Across the Way that differed from the approved plans; **and**

Whereas, there were multiple observations of camping separation distances violations during the inspection on July 17, 2018; **and**

Whereas, GrassRoots' oversight and enforcement of camping separation distances was significantly improved compared to 2017 and these violations were generally corrected by GrassRoots; **and**

Whereas, GrassRoots, operated a mass gathering subject to Subpart 7-4 of the NYSSC during the period of July 18, 2018, through July 23, 2018; **and**

Whereas, Subpart 7-4 requires that:

- The application for a permit be submitted at least 45 days before the first day of the gathering and the application shall include all plans, reports, and specifications.
- All construction and installation of services and facilities including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, and all work for noxious weed and insect control, be completed at least at least 48 hours prior to the commencement of the event; **and**

Whereas, GrassRoots submitted a mass gathering permit application on May 2, 2018, and completed payment of the permit fee on July 10, 2018; **and**

Whereas, a complete permit application including the engineering report and final maps was not submitted prior to the start of the festival; **and**

Whereas, revisions to the campground at Across the Way, were provided to the TCHD during the pre-operational inspection on July 17, 2018, for the mass gathering; **and**

Whereas, deficiencies noted during the pre-operational inspection on July 17, 2018, included incomplete plumbing for the greywater tank for the showers and utility sinks at Across the Way, insufficient number of portable toilets and handwash stations, insufficient signage, incomplete fencing, flow restrictors on water faucets were not secured, and inadequate lighting; **and**

Whereas, due to the number of significant deficiencies identified during the pre-operational inspection, the mass gathering permit was not issued prior to the start of the festival and GrassRoots was operating without a permit until the permit was issued after the re-inspection on July 18, 2018; **and**

Whereas, the number of significant deficiencies identified during the pre-operational inspection required the Tompkins County Health Department to essentially conduct a complete reinspection on July 18, 2018; **and**

Whereas, the Tompkins County Health Department was made aware of emergency medical situations connected with the mass gathering that were not reported to the GrassRoots medical personnel; **and**

Whereas, campsite spacing violations were observed especially at the start of the festival; **and**

Whereas, there were significant improvements in the operation of the mass gathering especially with respect to the violations cited in 2017 (security, flammables); **and**

Whereas, Elaine Springer, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 16, 2018, agreeing that GrassRoots violated these provisions of the New York State Sanitary Code and the Tompkins County Sanitary Code; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health, That Finger Lakes GrassRoots Festival Org., Inc., Owner, is ordered to:

1. Pay a penalty of \$800 for these violations, due **by January 15, 2019**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Attend a pre-application meeting at the Health Department no later than **January 18, 2019**; **and**
3. Submit a waiver request **by March 1, 2019**, to be approved by the NYSDOH if campsites less than 1250 sq. ft. will be proposed for 2019; **and**
4. Submit the initial Mass Gathering application **by April 1, 2019**. The application must include the following:
 - a. An engineering report that complies with Section 7-4.7 of the NYSSC. Submission by a NYS licensed design professional may be required if this submission is inadequate. The engineering report must include the appropriate environmental assessment form as prescribed by State Environmental Quality Review (SEQR) for a Type 1 action for construction at Across the Way.
 - b. Plan changes to medical oversight that include coordination between law enforcement and onsite medical services.
 - c. Plan must incorporate pertinent preparedness and security recommendations from the June 2018 NYS Mass Gathering Planning Guide.
 - d. Approvable procedures for Onsite and Across the Way for ensuring that campsite spacing will be enforced as campsites are being set up in 2019; **and**

5. Submit complete final application **by June 3, 2019**. (Once the final application is submitted and approved, no changes will be approved); **and**
6. Complete construction and installation of services and facilities including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, and all work for noxious weed and insect control, at least at least 48 hours prior to the commencement of the event; **and**
7. Comply with all permit conditions in future mass gathering and campground permits issued to Finger Lakes GrassRoots Festival; **and**
8. Comply with all provisions of Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.



Your Partner for a Healthy Community

RECEIVED Frank Kruppa
Public Health Director
55 Brown Road
Ithaca, NY 14850-1247
NOV 16 2018

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

TOMPKINS COUNTY Ph: (607) 274-6688
HEALTH DEPARTMENT Fx: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0038

**Finger Lakes GrassRoots Festival – Campgrounds and Mass Gathering
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

I, Elaine Springer, as a representative for Finger Lakes GrassRoots Festival Org., Inc., agree that on July 15, 2018, through July 23, 2018, Finger Lakes GrassRoots Festival Org., Inc. was in violation of:

- Subpart 7-4 of the New York State Sanitary Code (NYSSC) for Mass Gatherings for:
 - Failing to submit the permit application at least 45 days before the first day of the gathering (the application shall include all plans, reports, and specifications); **and**
 - Failing to complete construction and installation of services and facilities including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, and all work for noxious weed and insect control, at least 48 hours prior to the commencement of the event; **and**
- Across the Way Campground Operating Permit # EH-CG-18-354 for failing to meet the conditions of the permit variance for minimum size and separation requirements for campsites less than 1250 sq. ft.; **and**
- Section 7-3.7 (Prior Approval) of the NYSSC for Campgrounds for revising the Across the Way campground map without prior approval and Section 7-3.8 (Campsite Space Requirements) of the NYSSC.

I agree to pay a penalty not to exceed \$800 for these violations following adoption of a resolution by the Board of Health. (**Do not** submit penalty payment until notified by the Tompkins County Health Department.)

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

1. Attend a pre-application meeting at the Health Department no later than **January 18, 2019; and**
2. Submit a waiver request **by March 1, 2019**, to be approved by the NYSDOH if campsites less than 1250 sq. ft. will be proposed for 2019; **and**
3. Submit the initial Mass Gathering application **by April 1, 2019**. The application must include the following:
 - a. An engineering report that complies with Section 7-4.7 of the NYSSC. Submission by a NYS licensed design professional may be required if this submission is inadequate. The engineering report must include the appropriate environmental assessment form as prescribed by State Environmental Quality Review (SEQR) for a Type 1 action for construction at Across the Way.
 - b. Plan changes to medical oversight that include coordination between law enforcement and onsite medical services.
 - c. Plan must incorporate pertinent preparedness and security recommendations from the June 2018 NYS Mass Gathering Planning Guide.
 - d. Approvable procedures for Onsite and Across the Way for ensuring that campsite spacing will be enforced as campsites are being set up in 2019; **and**

4. Submit complete final application **by June 3, 2019**. (Once the final application is submitted and approved, no changes will be approved); **and**
5. Complete construction and installation of services and facilities including water supply, toilet and handwashing facilities, sewage disposal, roads, food service equipment and refuse handling facilities, and all work for noxious weed and insect control, at least at least 48 hours prior to the commencement of the event); **and**
6. Comply with all permit conditions in future mass gathering and campground permits issued to Finger Lakes GrassRoots Festival; **and**
7. Comply with all provisions of Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

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

Signed:  Date: 11/16/18

Finger Lakes GrassRoots Festival Org., Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Brenda L. Guane O'Connell Date: 11/19/18
fr Frank Kruppa
Public Health Director



Your Partner for a Healthy Community

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

DRAFT RESOLUTION # 18-0039 FOR

**Finger Lakes GrassRoots Festival – Water Supply
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

Whereas, Subparts 7-3 and 7-4 of the New York State Code (NYSSC) for Campgrounds and Mass Gatherings state that campgrounds and mass gatherings with potable water supply must comply with Subpart 5-1 and that plans be submitted at least 30 days in advance of construction or modification to a water system; **and**

Whereas, Subpart 5-1 of the NYSSC requires plans be approved prior to making, installing, constructing or modifying a public water system; **and**

Whereas, under Subpart 5-1 of the NYSSC, disinfection that is inadequate to destroy harmful microorganisms or maintain a specified chlorine residual is a public health hazard; **and**

Whereas, Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots) modified and constructed public water systems without approval at Onsite and Across the Way; **and**

Whereas, the use of flow restriction and vacuum breakers were required in order to meet the required minimum water pressure of 20 psi; **and**

Whereas, the Health Department approved as-built plans for the water systems with conditions on July 13, 2018, allowing temporary operation of the system; **and**

Whereas, GrassRoots failed to adequately disinfect the temporary water supply lines Onsite in the infield area, resulting in a positive bacteriological test result and the addition of a condition on their campground permit that no camping be allowed in the infield area or any area on the new water line and that these water spigots be posted "Do Not Use;" **and**

Whereas, because of the lack of sufficient potable water, the Onsite campground permit was issued for only 40 sites; **and**

Whereas, 92 Onsite campsites were observed in use during the inspection on July 17, 2018; **and**

Whereas, camping was observed Onsite in the infield during the inspection on July 17, 2018; **and**

Whereas, Elaine Springer, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 16, 2018, agreeing that GrassRoots violated these provisions of the New York State Sanitary Code and the Tompkins County Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Finger Lakes GrassRoots Festival Org., Inc., Owner, is ordered to:**

1. Pay a penalty of \$1,500 for these violations, **by January 15, 2019**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. **By February 15, 2019**, submit approvable plans for the drinking water systems at Onsite and Across the Way prepared by a design professional licensed in New York State. The plans for the water system must show that the minimum pressure of 20 psi will be present at all locations in the water supply; **and**
3. Not purchase materials, construct or operate the water systems at Onsite or Across the Way without approval from the Tompkins County Health Department; **and**
4. Submit an approvable distribution system disinfection plan (storage and start-up procedures) for the temporary water distribution systems at Onsite and Across the Way **by February 15, 2019; and**
5. Implement the disinfection procedures so that bacteriological samples for the water systems at Onsite and Across the Way can be collected **by July 3, 2019; and**
6. Comply with all provisions of Subpart 5-1 of the New York State Sanitary Code and Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.



Your Partner for a Healthy Community

RECEIVED

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

NOV 16 2018

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

TOMPKINS COUNTY
HEALTH DEPARTMENT

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0039

**Finger Lakes GrassRoots Festival – Water Supply
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
1 County Fairgrounds Driveway & Falls Road
Trumansburg, NY 14886**

I, Elaine Springer, as a representative for Finger Lakes GrassRoots Festival Org., Inc., agree that GrassRoots Festival Org., Inc. was in violation of:

- Subpart 5-1.22 of the New York State Sanitary Code (NYSSC) for:
 - Failure to adequately disinfect temporary water distribution lines in the infield area Onsite prior to the event; **and**
 - Failure to submit water supply plans for Across the Way at least 30 days prior to constructing a public water system and construction of the water supply without approval; **and**
 - Failure to submit water supply plans for Onsite at least 30 days prior to modifying a public water system and construction of the water supply without approval; **and**
- Section 7-3.13 (Water Supply) of the NYSSC for Campgrounds; **and**
- Section 7-4.5 (Water and Sewage) of the NYSSC for Mass Gatherings; **and**
- Operating conditions on Onsite Culture Camp Campground Operating Permit # EH-CG-18-353 for:
 - Exceeding the Onsite campground capacity of 40 sites on July 17, 2018; **and**
 - Allowing camping in the infield on July 17, 2018; **and**

These violations occurred during the period of July 15, 2018, through July 23, 2018, when the Culture Camp campgrounds and the mass gathering at Across the Way and Onsite were in operation.

I agree to pay a penalty not to exceed \$1,500 for these violations following adoption of a resolution by the Board of Health. (**Do not** submit penalty payment until notified by the Tompkins County Health Department.)

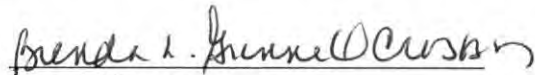

I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

1. **By February 15, 2019**, submit approvable plans for the drinking water systems at Onsite and Across the Way prepared by a design professional licensed in New York State. The plans for the water system must show that the minimum pressure of 20 psi will be present at all locations in the water supply ~~without the use of flow restrictors or other devices;~~ **and** *etc*
2. Do not purchase materials, construct or operate the water systems at Onsite or Across the Way without approval from the Tompkins County Health Department; **and**
3. Submit an approvable distribution system disinfection plan (storage and start-up procedures) for the temporary water distribution systems at Onsite and Across the Way **by February 15, 2019; and**
4. Implement the disinfection procedures so that bacteriological samples for the water systems at Onsite and Across the Way can be collected **by July 3, 2019; and**
5. Comply with all provisions of Subpart 5-1 of the New York State Sanitary Code and Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

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

Signed:  Date: 11/16/18

Finger Lakes GrassRoots Festival Org., Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 11/19/18
 Frank Kruppa
Public Health Director



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

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 9, 2018

Eric Jiang
Mitsuba Hibachi Sushi Restaurant INC
34 Arbor Drive
New Hartford, NY 13413

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0040
Mitsuba Hibachi Sushi Restaurant, Food Service Establishment, V-Lansing**

Dear Eric Jiang:

Thank you for signing the Stipulation Agreement on November 6, 2018 for the Mitsuba Hibachi Sushi Restaurant.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. 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, Stipulation Agreement and Orders, and Case Summary

- pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Mitsuba\Enforcement\2018\Draft Res 18-0040.docx
Mitsuba Hibachi Sushi Restaurant, 2300 North Triphammer Road #3, Ithaca, NY 14850
- ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Supervisor V-Lansing; Deborah Dawson, TC Legislature; Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan, TCHD; Skip Parr, TCHD; Brenda Coyle, TCHD
- scan: Signed copy to Accela

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Fx: (607) 274-6695

DRAFT RESOLUTION # # EH-ENF-18-0040 FOR

**Mitsuba Hibachi Sushi Restaurant
Mitsuba Hibachi Sushi Restaurant Inc., Owner; Eric Jiang, Operator
2300 North Triphammer Road #3, V-Lansing
Ithaca, NY 14850**

Whereas, an owner/operator of a Food Service Establishment must comply with the regulations established under Subpart 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 store toxic chemicals to prevent the contamination of food; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to provide enough refrigerated storage so that all potentially hazardous foods are cooled properly and stored below 45°F; **and**

Whereas, on August 28, 2018, the Tompkins County Health Department (TCHD) observed a can of gasoline on top of beverage containers by the back door, approximately ten pounds of cooked rice at the sushi prep station at a temperature of 81°F and approximately two pounds of mackerel and salmon in the sushi display cooler were observed at temperatures between 56°F and 58°F; **and**

Whereas, during a re-inspection on October 9, 2018, TCHD staff observed repeat critical violations where a can of gasoline was observed next to boxes of drinks in the dry storage area and fish in the sushi prep cooler was observed at temperatures between 50°F and 51°F; **and**

Whereas, Eric Jiang, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 6, 2018, agreeing that Mitsuba Hibachi Sushi Restaurant violated these provisions of the NYSSC; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Mitsuba Hibachi Sushi Restaurant Inc., Owner, is ordered to:**

1. Pay a penalty of \$400 for these violations, **due by January 15, 2019**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Store poisonous and toxic materials in areas designated for such use and for no other purpose; **and**
3. Store potentially hazardous food under refrigeration at all times except during necessary preparation or approved precooling procedures; **and**
4. Provide an adequate amount of refrigeration storage to maintain potentially hazardous food at or below 45°F at all times during cold storage; **and**
5. Provide proof of repair of the existing refrigerated storage units or provide proof of purchase of replacement refrigeration equipment that is commercial grade and meets NSF (National Sanitation Foundation) standards to the Health Department no later than **November 30, 2018**; **and**
6. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-18-0040

**Mitsuba Hibachi Sushi Restaurant
Mitsuba Hibachi Sushi Restaurant Inc., Owner; Eric Jiang, Operator
2300 North Triphammer Road #3, V-Lansing
Ithaca, NY 14850**

I, Eric Jiang, as a representative for Mitsuba Hibachi Sushi Restaurant Inc., agree that on August 28, 2018, and October 9, 2018, Mitsuba Hibachi Sushi Restaurant was in violation of Subpart 14-1 of the New York State Sanitary Code for failure to store toxic chemicals to prevent the contamination of food and failure to provide enough refrigerated storage so that all potentially hazardous foods are cooled properly and stored below 45°F.

I agree to pay a penalty not to exceed \$400 for these violations following adoption of a resolution by the Board of Health. (*Do not submit penalty payment until notified by the Tompkins County Health Department.*)

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

1. Store poisonous and toxic materials in areas designated for such use and for no other purpose; **and**
2. Store potentially hazardous food under refrigeration at all times except during necessary preparation or approved precooling procedures; **and**
3. Provide an adequate amount of refrigeration storage to maintain potentially hazardous food at or below 45°F at all times during cold storage; **and**
4. Provide proof of repair of the existing refrigerated storage units or provide proof of purchase of replacement refrigeration equipment that is commercial grade and meets NSF (National Sanitation Foundation) standards to the Health Department no later than **November 30, 2018; and**
5. 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 I am subject to further action if I fail to comply with the orders.

Signed:  Date: 11/6/18

Mitsuba Hibachi Sushi Restaurant Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed: 
for Frank Kruppa
Public Health Director Date: 11/6/18

ENVIRONMENTAL HEALTH DIVISION
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CASE SUMMARY – FOR RESOLUTION # EH-ENF-18-0040

Mitsuba Hibachi Sushi Restaurant
Mitsuba Hibachi Sushi Restaurant Inc., Owner; Eric Jiang, Operator
2300 North Triphammer Road #3, V-Lansing
Ithaca, NY 14850

November 2018

Date	Action
11/06/2018	Representative from Mitsuba Hibachi Sushi Restaurant came into TCHD and discussed violations with TCHD staff and signed the stipulation agreement.
11/02/2018	Stipulation Agreement and Orders were sent to Mitsuba Hibachi Sushi Restaurant by TCHD.
10/09/2018	Re-inspection by TCHD. Violations: Toxic chemicals were stored so that contamination of food could occur. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept below 45°F. Products in a refrigerated storage unit were observed to be at 50-51°F.
08/28/2018	Inspection by TCHD. Violations: Toxic chemicals were stored so that contamination of food could occur. Potentially hazardous foods were not stored under refrigeration. Product by the sushi counter was observed to be at 81°F. The facility has a waiver for time as a public health control for the product but was not completing the log sheets as required, and was not discarding the remaining food after the agreed upon period of time. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept below 45°F. Products in a refrigerated storage unit were observed to be at 56-58°F.
03/28/2018	Re-inspection by TCHD. Violation cited on 09/26/2018 was corrected.
02/26/2018	Inspection by TCHD. Violations: Potentially hazardous foods were not kept below 45°F during cold holding. Product for service in a refrigerated storage unit was observed to be at 51°F.
11/01/2017	Re-inspection by TCHD. Violations cited on 10/17/2017 were corrected.
10/17/2017	Re-inspection by TCHD. Violations: An accurate thermometer was not available to evaluate temperatures of potentially hazardous foods. Potentially hazardous foods were not kept below 45°F during cold holding. Product for service in a refrigerated storage unit was observed to be at 50-53°F. Product by the sushi counter was observed to be at 112°F. The facility has a waiver for time as a public health control for the product but was not completing the log sheets as required.
09/21/2017	Field visit by TCHD to investigate a complaint received by TCHD. Violations: Potentially hazardous foods were not cooled by an approved method. Product on a tray in the kitchen was observed to be at 92-102°F.
09/05/2017	Inspection by TCHD. No critical violations were noted.
05/12/2017	Re-inspection by TCHD: Violations observed on 04/04/2017 were corrected.
04/04/2017	Inspection by TCHD. Violations: Food on premises was adulterated. Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in the top of a refrigerated

Inclusion Through Diversity

	storage unit was observed to be at 55°F. Potentially hazardous foods were not stored under refrigeration. Product by the sushi counter was observed to be at 115°F. The facility has a waiver for time as a public health control for the product but was not completing the log sheets as required. Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in hot holding was observed to be at 112°F.
10/13/2016	Re-inspection by TCHD: Violation observed on 09/21/2016 was corrected.
09/21/2016	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Product on a counter by the sink was observed at 78°F.
06/08/2016	Re-inspection by TCHD: Violation observed on 05/06/2016 was corrected.
05/06/2016	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Product on a counter for service was observed at 50-55°F.
10/29/2015	Inspection by TCHD. No critical violations were noted.
05/28/2015	Inspection by TCHD. No critical violations were noted.
12/09/2014	Inspection by TCHD. No critical violations were noted.
08/12/2014	Inspection by TCHD. No critical violations were noted.
11/20/2013	Inspection by TCHD. No critical violations were noted.
11/20/2013	Permit to Operate issued to Mitsuba Hibachi Sushi Restaurant Inc.



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

ENVIRONMENTAL HEALTH DIVISION
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Fx: (607) 274-6695

CERTIFIED, ELECTRONIC AND REGULAR MAIL

November 14, 2018

Run Wen Li & Gegezeren Nfn
125 Pine Tree Road
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0041
Apollo Restaurant, C-Ithaca**

Dear Run Wen Li and Gegezeren Nfn:

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. On January 23, 2018, the Tompkins County Board of Health adopted Resolution EH-ENF-18-0003 requiring you to maintain potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage.

On September 24, 2018, the Tompkins County Health Department observed two critical violations of Subpart 14-1 of the New York State Sanitary Code where potentially hazardous foods were not stored under refrigeration. These are violations of Board of Health Orders.

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

Enclosures – Draft Resolution, Resolution EH-ENF-18-0003, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Apollo\Enforcement\2018\Draft Res 18-0041.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Ithaca Building Department; Mayor Myrick C-Ithaca; Rich John, TC Legislature; TCHD: Elizabeth Cameron, P.E.,
Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

DRAFT RESOLUTION # EH-ENF-18-0041 FOR

**Apollo Restaurant
Gegezeren Nfn, Operator
405 College Avenue
Ithaca, NY 14850**

Whereas, an owner/operator of a Food Service Establishment must comply with the regulations established under Subpart 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 under refrigeration except during necessary preparation or approved precooling procedures; **and**

Whereas, on January 23, 2018, Tompkins County Board of Health Resolution #ENF-18-0003 ordered Gegezeren Nfn to maintain all potentially hazardous food at or below 45°F or at or above 140°F at all times during hot holding, cold holding and storage; **and**

Whereas, on March 13, 2018, the TCHD performed an inspection at Apollo Restaurant and observed no critical violations; **and**

Whereas, on September 24, 2018, the TCHD observed approximately three to four pounds of bean sprouts on a shelf next to a sandwich cooler at temperatures between 48°F and 52°F and three to four pounds of fried tofu on the rack next to the sandwich cooler at 77°F; **and**

Whereas, on September 24, 2018, Apollo Restaurant had the required trained food service worker onsite and was maintaining temperature monitoring logs; **and**

Whereas, Gegezeren Nfn and Run Wen Li are informed that, if any of the Orders are not met from this day forth, the TCHD may not issue a subsequent permit to operate a food service establishment in Tompkins County for a period of three (3) years; **and**

Whereas, on September 24, 2018, Apollo Restaurant violated these provisions of the New York State Sanitary Code and the provisions of Board of Health Resolution #ENF-18-0003 were not met; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Run Wen Li and Gegezeren Nfn, Owners, are ordered to:**

1. Pay a penalty of up to \$1,500 for these violations, **due January 15, 2019**. (**Do Not** submit penalty payment until notified by the TCHD.); **and**
2. At least one employee who has successfully completed the food safety training must be on-site during hours of operation. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
3. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**

4. Store potentially hazardous food under refrigeration at all times except during necessary preparation or approved precooling procedures; **and**
5. Ensure that food service workers always wash hands after visiting the toilet, coughing sneezing, smoking or otherwise contaminating their hands.
6. Monitor potentially hazardous food temperatures during cooking, cooling, storage, and holding and record temperatures on a log sheet twice a day during business hours. The temperature log shall contain the name of the food checked, the temperature of the food, the person's initials taking the temperatures, and the time the temperature is taken. The temperature logs shall be available at all times; **and**
7. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



Your Partner for a Healthy Community

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

ENVIRONMENTAL HEALTH DIVISION
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Fx: (607) 274-6695

RESOLUTION # EH-ENF-18-0003 FOR

**Apollo Restaurant
Gegezeren Nfn, Operator
405 College Avenue
Ithaca, NY 14850**

Whereas, an owner/operator of a Food Service Establishment must comply with the regulations established under Subpart 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 a temperature of 140°F or below during hot holding; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods under refrigeration except during necessary preparation or approved precooling procedures; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC when food workers do not wash hands thoroughly after visiting the toilet, coughing, sneezing, smoking or otherwise contaminating their hands; **and**

Whereas, on October 24, 2017, Tompkins County Board of Health Resolution #ENF-17-0037 ordered Gegezeren Nfn to maintain all potentially hazardous food at or below 45°F or at or above 140°F at all times during hot holding, cold holding and storage. In addition, a certification demonstrating that at least one additional food service worker attended and successfully completed a food safety training course approved by the Tompkins County Health Department (TCHD) was to be submitted by December 15, 2017; **and**.

Whereas, on December 4, 2017, the TCHD observed approximately 20 pounds of dried tofu on a counter at 65°F, 30 pounds of raw beef ribs on the counter at 56°F, 10 quarts of cooked rice on a counter at 60°F, two pounds of cooked pork at 90°F, three pounds of cooked beef on a shelf at 74°F and four pounds of cooked chicken in a bucket in the kitchen at 65°F; **and**

Whereas, on December 4, 2017, the TCHD observed egg rolls at 110°F and sweet and sour pork at 115°F on the hot line ready for customer service; **and**

Whereas, on December 4, 2017, TCHD observed three separate food service workers use the restroom, clean tables and take out the garbage without washing their hands prior to returning to work with food; **and**


Whereas, Gegezeren Nfn, is informed that, if any of the Orders are not met from this day forth, the TCHD may not issue a subsequent permit to operate a food service establishment in Tompkins County for a period of three (3) years; **and**

Whereas, on December 4, 2017, Apollo violated these provisions of the New York State Sanitary Code and the provisions of Board of Health Resolution #ENF-17-0037 were not met; **now therefore be it**

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

1. Pay a penalty of \$2,000 for these violations, **due March 15, 2018; and**
2. Ensure that at least one additional food service worker attends and successfully completes a food safety training course approved by the TCHD. The certificates documenting successful completion of the course must be submitted to the TCHD by **March 15, 2018; and**
3. At least one employee who has successfully completed the food safety training must be on-site during hours of operation. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
4. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**
5. Ensure that food service workers always wash hands after visiting the toilet, coughing sneezing, smoking or otherwise contaminating their hands.
6. Monitor potentially hazardous food temperatures during cooking, cooling, storage, and holding and record temperatures on a log sheet twice a day during business hours. The temperature log shall contain the name of the food checked, the temperature of the food, the person's initials taking the temperatures, and the time the temperature is taken. The temperature logs shall be available at all times; **and**
7. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

**This action was adopted by the Tompkins County Board of Health at its regular meeting on
January 23, 2018.**


for Frank Kruppa
Public Health Director

1/26/18
Date



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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-18-0041

Apollo Restaurant
Gegezeren Nfn and Run Wen Li, Owners
405 College Ave.
Ithaca, NY 14850

October 2018

Date	Action
09/24/2018	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Product on a counter and product on a holding rack were observed to be at 48-52°F and 77°F. The products were either discarded during the inspection or moved to refrigerated storage to be rapidly chilled to 45°F or less before use.
03/15/2018	Penalty payment in the amount of \$2,000 received by TCHD.
03/13/2018	Inspection by TCHD. No critical violations noted.
01/24/2018	ServSafe certificate for Gegezeren Nfn received by TCHD.
01/23/2018	BOH adopts Resolution #EH-ENF-18-0003.
12/12/2017	Penalty payment in the amount of \$1,000 received by TCHD.
12/04/2017	Re-inspection following Board of Health. Violations: Food workers did not wash hands thoroughly after visiting the toilet, coughing, sneezing, smoking or otherwise contaminating their hands. Potentially hazardous foods were not stored under refrigeration except during necessary preparation. Products in 6 different unrefrigerated locations were observed to be at: 65°F, 56°F, 60°F, 90°F, 74°F and 65°F. The products were either removed from service and rapidly chilled to 45°F or less before use or discarded during the inspection. Potentially hazardous foods were not kept at or above 140°F during hot holding. Products in hot holding were observed to be at 110-115°F. The products were removed from service and rapidly reheated to 165°F or above.
10/24/2017	BOH adopts Resolution #EH-ENF-17-0037.
09/01/2017	Re-inspection following Board of Health. Violation: Potentially hazardous foods were not kept at or below 45°F during cold holding. Products in two sandwich units were observed at 48-53°F and 54-56°F. The products were removed from service and rapidly chilled to 45°F or less before use.
08/24/2017	ServSafe certificate for Ke Shao received by TCHD.
05/31/2017	Penalty payment in the amount of \$800 received by TCHD.
04/25/2017	BOH adopts Resolution #EH-ENF-17-0011.
04/11/2017	Penalty payment in the amount of \$400 received by TCHD.
04/07/2017	Inspection by TCHD. Violation: Potentially hazardous foods were not stored under refrigeration except during necessary preparation. Product stored on shelves next to the

Inclusion Through Diversity

	sandwich unit were observed to be at 52-62°F. The products were moved to the walk-in to be rapidly chilled to 45°F or less.
2/28/2017	Resolution EH-ENF-16-0027 adopted by the BOH requiring Apollo to maintain temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding and storage of potentially hazardous foods. In addition, a fine in the amount of \$400 due by 4/14/17 was required.
12/13/2016	Re-inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration except during necessary preparation. Product in the walk-in was observed to be at 60-62°F. The product had been on the counter for an extended period of time before being moved back into the walk-in.
11/30/2016	Re-inspection by TCHD, initial violation corrected, different critical violation observed. Violations: Potentially hazardous foods were not stored under refrigeration except during necessary preparation. Product in the walk-in was observed to be at 52-59°F. The product had been on the counter for an extended period of time before being moved back into the walk-in.
10/19/2016	Inspection by TCHD. Violations: Potentially hazardous food were not cooled by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45° within four hours. Product in the walk-in cooler was observed to be at 65°F and was not stored in a manner that would allow for proper cooling.
06/16/2016	Inspection by TCHD. No violations noted.
06/15/2016	Permit to Operate Apollo Restaurant issued.



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

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 9, 2018

Vicky Sisombath
Lao Village
305 N. Fulton Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0042
Lao Village, Temporary Food Service Establishment, Apple Harvest Festival, C-Ithaca**

Dear Ms. Sisombath:

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. On June 26, 2018, the Tompkins County Board of Health adopted Resolution EH-ENF #18-0020 requiring you to maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage.

On September 28, 2018, the Tompkins County Health Department (TCHD) observed a critical violation of subpart 14-2 of the NYSSC where potentially hazardous food was observed at an improper temperature. One gallon of cooked rice was observed in a rice cooker at a temperature of 131°F. This is a violation of Board of Health Orders.

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

Enclosures – Draft Resolution, Resolution EH-ENF-18-0020, and Case Summary

pc: F:\EH\FOOD (SF)\TEMP FSE (STF)\Facilities\Lao Village\2018\Ithaca Apple Havest Festival\Draft Resolution 18-0042.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Mayor C-Ithaca; Leslyn McBean-Clairborne, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Mik Kern; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # EH-ENF-18-0042 FOR

**Lao Village
Vicky Sisombath, Owner/Operator
305 North Fulton Street
Ithaca, NY 14850**

Whereas, the Owner/Operator of a Temporary Food Service Establishment must comply with the regulations established under Subpart 14-2 of the New York State Sanitary Code; **and**

Whereas, it is a violation of Part 14-2 of the New York State Sanitary Code (NYSSC) to store potentially hazardous foods at improper temperatures; **and**

Whereas, on June 26, 2018, Tompkins County Board of Health Resolution #ENF-18-0020 ordered Vicky Sisombath to maintain all potentially hazardous food at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**

Whereas, on September 28, 2018, while operating at the Apple Harvest Festival, the Tompkins County Health Department (TCHD) observed a critical violation where potentially hazardous food was stored at an improper temperature between 45°F and 140°F. Approximately one gallon of cooked rice in a rice cooker was observed at a temperature of 131°F; **and**

Whereas, on September 28, 2018, Lao Village had the required trained food service worker onsite and was maintaining temperature monitoring logs; **and**

Whereas, on September 29, 2018, while operating at the Apple Harvest Festival, the TCHD observed no violations during a re-inspection; **and**

Whereas, September 28, 2018, Vicky Sisombath, Owner/Operator, violated this provision of the NYSSC and of Board of Health Resolution #ENF-18-0020; **now therefore be it**

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

1. Pay a penalty of up to \$1000 for these violations, **due January 15, 2019. (Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**
3. Maintain at least one employee who has successfully completed the food safety training on-site during hours of operation. Valid food safety training certificates must be provided to the TCHD before any future temporary food service operating permit is issued; **and**
4. Monitor potentially hazardous food temperatures during cooking, cooling, storage, and holding and record temperatures on a log sheet twice a day during business hours when providing temporary food service in Tompkins County. The temperature log shall contain the name of the food checked, the temperature of the food, the person's initials taking the temperatures, and the time the temperature is taken. The temperature logs shall be available at all times; **and**
5. Comply with all the requirements of Subpart 14-2 of the New York State Code for Food Service Establishments.

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

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

RESOLUTION # EH-ENF-18-0020 FOR

**Lao Village
Vicky Sisombath, Owner/Operator
305 North Fulton Street
Ithaca, NY 14850**

Whereas, the Owner/Operator of a Temporary Food Service Establishment must comply with the regulations established under Subpart 14-2 of the New York State Sanitary Code; **and**

Whereas, it is a violation of Part 14-2 of the New York State Sanitary Code (NYSSC) to store potentially hazardous foods at improper temperatures; **and**

Whereas, on September 26, 2017, Tompkins County Board of Health Resolution #ENF-17-0032 ordered Vicky Sisombath to maintain all potentially hazardous food at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**

Whereas, on June 1, 2018, while operating at the Ithaca Festival, the Tompkins County Health Department (TCHD) observed a critical violation where potentially hazardous food was stored at an improper temperature between 45°F and 140°F. Approximately two one-gallon bags of tofu in an iced cooler were observed at a temperature of 55°F; **and**

Whereas, on June 1, 2018, Lao Village was in compliance with the Orders of Board of Health Resolution #ENF-17-0046 requiring a trained food service worker to be onsite and maintenance of temperature monitoring logs; **and**

Whereas, on June 2, 2018, while operating at the Ithaca Festival, the TCHD observed no violations during a re-inspection; **and**

Whereas, June 1, 2018, Vicky Sisombath, Owner/Operator, violated these provisions of the New York State Sanitary Code and of Board of Health Resolution #ENF-17-0032; **now therefore be it**

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

1. Pay a penalty of \$1000 for these violations, **due August 15, 2018; and**
2. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**
3. Maintain at least one employee who has successfully completed the food safety training on-site during hours of operation. Valid food safety training certificates must be provided to the TCHD before any future temporary food service operating permit is issued; **and**
4. Monitor potentially hazardous food temperatures during cooking, cooling, storage, and holding and record temperatures on a log sheet twice a day during business hours when providing temporary food service in Tompkins County. The temperature log shall contain the name of the food checked, the temperature of the food, the person's initials taking the temperatures, and the time the temperature is taken. The temperature logs shall be available at all times; **and**

5. Comply with all the requirements of Subpart 14-2 of the New York State Code for Food Service Establishments.

This action was adopted by the Tompkins County Board of Health at its regular meeting on June 26, 2018.


Frank Kruppa
Public Health Director

6-27-18
Date

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

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

CASE SUMMARY – FOR RESOLUTION #EH-ENF-18-0042

Lao Village/Temporary Food Service
Vicky Sisombath, Owner/Operator
305 North Fulton Street
Ithaca, NY 14850

October 2018

Date	Action
9/29/2018	Re-inspection at Ithaca Apple Harvest Festival. The violation cited on 9/28/2018 was corrected. No additional violations were observed.
9/28/2018	Inspection at Ithaca Apple Harvest Festival. Critical violation cited for cited for potentially hazardous foods held at an improper temperature. Product in hot holding was observed to be at 131°F. Temperature log sheets were observed and a ServeSafe certified worker was on-site.
7/19/2018	Inspection at Grassroots Festival. No violations noted.
7/11/2018	Lao Village paid \$1000 penalty.
6/26/2018	Board of Health adopted Resolution #EH-ENF-18-0020.
6/02/2018	Re-inspection at Ithaca Festival. The violation cited on 6/1/2018 was corrected. No additional violations were observed.
6/01/2018	Inspection at Ithaca Festival: Critical violation cited for potentially hazardous foods held at an improper temperature. Product in cold holding was observed to be at 55°F. Temperature log sheets were observed and a ServeSafe certified worker was on-site.
5/30/2018	ServeSafe Certification received by TCHD for Vicky Sisombath.
9/27/2018	Lao Village paid \$800 penalty.
9/26/2017	Board of Health adopted Resolution # EH-ENF-17-0032.
7/21/2017	Re-inspection at Grassroots Festival. Critical violation cited for potentially hazardous foods held at an improper temperature. Product in cold holding was observed to be at 51°F. Product in hot holding was observed to be at 111-113°F.
7/20/2017	Inspection at Grassroots Festival. Critical violation cited for potentially hazardous foods held at an improper temperature. Product in cold holding was observed to be at 50-54°F. Product in hot holding was observed to be at 109-130°F.
6/02/2017	Inspection at Ithaca Festival: No violations noted.
9/30/2016	Inspection at Ithaca Apple Festival: No violations noted.
9/29/2016	Lao Village paid \$400 penalty.
9/27/2016	Board of Health adopted Resolution # EH-ENF-16-0020 requiring a penalty of \$400 and potentially hazardous foods to be maintained at or below 45°F or at or above 140°F at all times during hot holding, cold holding and storage.
7/22/2016	Re-inspection at Grassroots Festival. Critical violation cited for potentially hazardous foods held at an improper temperature. Product in cold holding was observed to be at 65-70°F.

Inclusion Through Diversity

7/21/2016	Inspection at Grassroots Festival. Critical violation cited for potentially hazardous foods held at an improper temperature. A refrigerator was observed to be holding food at 56°F. Products in hot holding were observed to be at 114-132°F.
10/03/2015	Inspection at Ithaca Apple Festival: No violations noted.
7/18/2015	Inspection at Grassroots Festival: No violations noted.
July 2015	Lao Village operating under new operator. Permits issued from this point forward to Vicky Sisombath.

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 14, 2018

Sadudee Pancharoen
ANAK INC, Taste of Thai
216 East State Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-18-0043
Taste of Thai, Food Service Establishment, C-Ithaca**

Dear Sadudee Pancharoen:

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. On January 29, 2018, the Tompkins County Board of Health adopted Resolution EH-ENF-18-0005 requiring Taste of Thai to comply with all requirements of Subpart 14-1 of the New York State Sanitary Code for Food Service Establishments.

On March 6, 2018, April 6, 2018, and October 10, 2018, the TCHD observed critical violations of Subpart 14-1 of the New York State Sanitary Code. In addition, violations related to insect and rodent control have been cited. These are violations of Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 4, 2018**. 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

Enclosures – Draft Resolution, BOH Orders # EH-ENF-18-0005, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Taste of Thai\Enforcement\2018\Draft Resolution 18-0043.docx
ec: Tompkins County Board of Health (via; Shelley Comisi, TCHD)
Ithaca Building Department; Gillian Haines-Sharp, Ithaca Fire Department; Richard John, TC Legislature; TCHD:
Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan;
Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # EH-ENF-18-0043 FOR

**Taste of Thai
Sadudee Pancharoen, ANAK INC, Owner/Operator
216 The Commons, 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 store potential hazardous foods under refrigeration except during necessary preparation or approved precooling procedures; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to store potential hazardous foods at or below 45°F during cold holding; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to protect cooked or prepared foods from cross-contamination; **and**

Whereas, on January 29, 2018, the Tompkins County Board of Health adopted Resolution #EH- ENF-18-0005 requiring Taste of Thai to comply with all requirements of Subpart 14-1 of the NYSSC; **and**

Whereas, in January 2018, Taste of Thai was managed by a new operator but remained under the same legal owner; **and**

Whereas, on March 6, 2018, the Tompkins County Health Department (TCHD) observed multiple critical violations of Subpart 14-1 of the NYSSC including raw meat, seafood and eggs stored above ready to eat foods and raw sliced tomatoes were in a garnish tray at a temperature of 53°F; **and**

Whereas, on April 6, 2018, the TCHD observed approximately one pound of sliced tomatoes in a sandwich unit at a temperature of 50°F during cold holding; **and**

Whereas, on May 7, 2018, the TCHD observed no critical violations at Taste of Thai during a re-inspection; **and**

Whereas, on October 10, 2018, the TCHD observed approximately one pound of cooked sausage at a temperature of 60°F, two quarts of bean sprouts at a temperature of 55°F and approximately two to three pounds of raw chicken at temperatures of 46°F to 47°F; **and**

Whereas, Taste of Thai has been cited for insect and rodent control during inspections by TCHD four times since January 2018; **and**

Whereas, Taste of Thai has been submitting monthly pest control receipts to TCHD; **and**

Whereas, ANAK INC, violated these provisions of the New York State Sanitary Code and Board of Health Orders adopted on January 29, 2018; **now therefore be it**

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

1. Pay a penalty of up to \$1,500 for these violations, **due by January 15, 2019**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Provide proof of repair of the existing refrigerated storage unit or provide proof of purchase of replacement refrigeration equipment that is commercial grade and meets NSF (National Sanitation Foundation) standards to the Health Department no later than **December 15, 2018**; **and**
3. Increase monthly pest control visits to at least two times each month **beginning January 1, 2019**. Provide copies of receipts from a licensed pest control professional detailing work performed and outlines recommendations for timely and effective mitigation and prevention of rodent harborage. Recommendations must be implemented by Taste of Thai. Receipts and recommendations must be received by the 10th of each month beginning October 10th until the Health Department determines the issue has been adequately addressed; **and**
4. Store potentially hazardous food under refrigeration at all times except during necessary preparation or approved precooling procedures; **and**
5. Maintain potentially hazardous food at or below 45°F at all times during cold holding except during necessary preparation or approved precooling procedures; **and**
6. Arrange and store cooked or prepared foods to prevent cross-contamination from raw foods; **and**
7. Maintain at least one employee on-site during hours of operation, who has successfully completed the food safety training. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
8. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



Your Partner for a Healthy Community

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-18-0005 FOR

**Taste of Thai
Angsana Pancharoen, ANAK INC, Owner/Operator
216 The Commons, 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; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to store potential hazardous foods under refrigeration except during necessary preparation or approved precooling procedures; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC when food workers do not wash hands thoroughly after visiting the toilet, coughing, sneezing, smoking or otherwise contaminating their hands; **and**

Whereas, on September 27, 2017, the Tompkins County Board of Health adopted Resolution #EH-ENF-17-0027 requiring Taste of Thai to maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**

Whereas, on December 19, 2017, the Tompkins County Health Department (TCHD) observed multiple critical violations of Subpart 14-1 of the NYSSC including ten gallons of rice noodles in water at a temperature of 68°F, one quart of fried tofu stored on a shelf at a temperature of 83°F, one quart of cooked rice stored on a shelf at a temperature of 91°F; **and**

Whereas, on December 19, 2017, the TCHD observed a food worker contaminating hands by handling hair and then working with food without washing hands; **and**

Whereas, ANAK INC, violated these provisions of the New York State Sanitary Code and Board of Health Orders adopted on September 27, 2017; **now therefore be it**

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

1. Pay a penalty of \$1200 for these violations, **due by March 15, 2018; and**
2. Continue to provide monthly receipts from a licensed pest control professional detailing work performed and outlines recommendations for timely and effective mitigation and prevention of rodent harborage. Recommendations must be implemented by Taste of Thai. Receipts and recommendations must be received by the 10th of each month beginning October 10th until the Health Department determines the issue has been adequately addressed; **and**

3. Ensure that at least two food service workers attend and successfully complete a food safety training course approved by the TCHD. The certificates documenting successful completion of the course must be submitted to the TCHD by **March 15, 2018; and**
4. After March 15, 2018, maintain at least one employee on-site during hours of operation, who has successfully completed the food safety training. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
5. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

This action was adopted by the Tompkins County Board of Health at its regular meeting on January 29, 2018.

for 
Frank Kruppa
Public Health Director

1/26/18
Date

ENVIRONMENTAL HEALTH DIVISION
<http://www.tompkinscountyny.gov/health/eh>

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

CASE SUMMARY OF CRITICAL VIOLATIONS
FOR RESOLUTION # EH-ENF-0043

Taste of Thai
Sadudee Pancharoen, ANAK INC, Operator/Owner
216 The Commons, C-Ithaca
Ithaca, NY 14850

Compiled October 2018

Date	Action
10/10/2018	Inspection by TCHD. Violations: Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept below 45°F in cold holding. Products in a refrigerated storage unit were observed to be at 46-55°F. In addition, live roaches were observed in mop room, basement and kitchen area.
07/12/2018	Penalty payment of \$200 received by TCHD.
05/07/2018	Re-inspection by TCHD. Critical violations cited on 04/06/2018 were corrected. No other critical violations were cited. However, cockroaches were observed in monitors.
05/04/2018	Penalty payment of \$400 received by TCHD.
May 2018	TCHD received ServSafe certificates for three employees.
04/06/2018	Re-inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in a refrigerated storage unit was observed to be at 50°F. In addition, cockroaches were observed in monitors in kitchen and basement.
04/05/2018	Penalty payment of \$300 received by TCHD.
03/06/2018	Inspection by TCHD. Violations: Cooked or prepared foods were subject to cross-contamination. Potentially hazardous foods were not stored under refrigeration. Product on a counter was observed to be at 53°F.
02/28/2018	Penalty payment of \$300 received by TCHD.
02/22/2018	TCHD met with new operator to discuss the requirements of the enforcement action. In addition, a payment plan was set up for the penalty amount of \$1500.
January 2018	The former operator of Taste of Thai passed away and a new operator took over. Anak Inc. remains the owner of the business.
01/23/2018	BOH adopts Resolution EH-ENF-18-0005.

12/19/2017	Inspection by TCHD. Violations: Food workers did not wash hands thoroughly after contaminating their hands. Observed food worker handling hair and then working with food without conducting proper hand washing. Potentially hazardous foods were not stored under refrigeration except during necessary preparation. Product by the wok was observed to be at 68°F and two additional products on a shelf by the sandwich unit were observed to be at 83°F and 91°F. The products were moved to refrigerated storage to be properly chilled to 45°F or less before service.
11/06/2017	Penalty payment of \$800 received by TCHD.
09/26/2017	BOH adopts Resolution EH-ENF-17-0027.
07/12/2017	Re-inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Products on a counter were observed to be at 53°F, 70°F and 67°F. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were stored below 45°F during cold holding. Products in a refrigerated storage unit were observed to be at 49-52°F.
05/31/2017	Re-inspection by TCHD. Violation cited on 3/28/17 was corrected. Additional violation cited for potentially hazardous foods not stored under refrigeration. Product by the wok station was observed to be at 68°F.
03/28/2017	Inspection by TCHD. Violation: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in cold holding was observed to be at 48-53°F.
12/19/2016	Re-inspection by TCHD. Violation cited on 12/7/16 was corrected.
12/07/2016	Re-inspection by TCHD. Violations cited on 11/29/16 were corrected. Additional violation cited for toxic chemicals stored improperly so that contamination of food could occur.
11/29/2016	Inspection by TCHD. Violations: Food workers did not use proper utensils to eliminate bare hand contact with prepared foods. Potentially hazardous foods were not stored under refrigeration. Product on a counter was observed to be at 58°F. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were not stored below 45°F during cold holding. Product in cold holding was observed to be at 51°F.
04/27/2016	Re-inspection by TCHD. Violation cited on 3/30/16 was corrected.
03/30/2016	Inspection by TCHD. Violation: Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept below 45°F during cold holding. Product in cold holding was observed to be at 51-54°F.
12/15/2015	Re-inspection by TCHD. Violation cited on 12/1/15 was corrected.
12/01/2015	Inspection by TCHD. Violation: Potentially hazardous foods were not stored under refrigeration. Product on a counter was observed to be at 56°F.
06/23/2015	Re-inspection by TCHD. Violation cited on 6/18/15 was corrected. No violations were cited.
06/18/2015	Inspection by TCHD. Violation: Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept below 45°F during cold holding.
11/19/2014	Inspection by TCHD. No violations were cited.
08/28/2014	Re-inspection by TCHD staff. Violations cited on 7/22/14 were corrected. No violations were cited.
08/26/2014	BOH Action – Resolution #14.10.17 adopted requiring penalty of \$1,500 and replacement of grease trap.
07/22/2014	Inspection by TCHD. Violations: Enough refrigerated storage was not maintained to keep potentially hazardous food below 45° in cold holding. Re-

	inspection pending in 2-3 weeks.
07/14/2014	TCHD staff in conjunction with the City of Ithaca Plumbing Inspector verified the repairs to the grease trap. Placard was removed by TCHD staff allowing the restaurant to resume food service operations.
07/08/2014	City of Ithaca Plumbing Inspector informs TCHD that grease trap needs replacement.
06/30/2014	Inspection by TCHD staff. Staff observed sewage leaking from the grease trap in basement area. TCHD staff closed restaurant with placard.
06/25/2014	Re-inspection by TCHD staff. Staff noted repairs to drain pipes and that area was sanitized. Restaurant was allowed to re-open. Staff noted on inspection report that restaurant must close immediately if further leaks.
06/24/2014	Complaint received by TCHD for sewage back-up in the restaurant. Inspection by TCHD. Staff observed a quarter inch of liquid in basement and noted foul odors. Restaurant was open and serving customers. Workers stated it was due to grease trap overflow. TCHD staff closed restaurant with a placard.
10/28/2013	Re-inspection by TCHD. No violations cited.
10/11/2013	Inspection by TCHD. Violation: Potentially hazardous foods were not cooled by an approved method.
02/21/2013	Inspection by TCHD. No violations cited.
10/16/2012	Re-Inspection by TCHD. Violation cited on 9/13/12 was corrected.
09/13/2012	Inspection by TCHD. Violation: Potentially hazardous foods were not cooled by an approved method.
06/11/2012	Field visit performed by TCHD staff as follow-up to a complaint that grease was leaking into alley way from hood system.
02/14/2012	Re-inspection by TCHD staff. Violations cited on 1/31/12 were corrected.
01/31/2012	Inspection by TCHD. Violations: Potentially hazardous food was not kept below 45°F during cold holding and potentially hazardous food was not stored under refrigeration.
Prior to 2009	Restaurant issued permit to operate. Renewed annually.