

AGENDA
Tompkins County Board of Health
Rice Conference Room
Tuesday, May 24, 2022
12:00 Noon
Via Zoom

Live Stream at Tompkins County YouTube Channel:

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

- 12:00 I.** Call to Order
- 12:01 II.** Privilege of the Floor – Anyone may address the Board of Health (max. 3 mins.)
- 12:04 III.** Approval of the March 22, 2022 and April 26, 2022 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 Environmental Health** (60 mins)
Enforcement Action:
1. Resolution #EH-ENF-22-0007 – Cayuga Smoke Shop, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) (5 mins.)
 2. Resolution #EH-ENF-22-0008 – Dream Vape, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product and Underage Sale of Tobacco Product (ATUPA) (5 mins.)
 3. Resolution #EH-ENF-22-0009 – Commons Market, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) (5 mins.)
 4. Resolution #EH-ENF-22-0012 – Jason’s Grocery & Deli., C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) (5 mins.)

5. Resolution #EH-ENF-22-0013 – Ayra Convenience Inc., C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) (5 mins.)
6. Resolution #EH-ENF-22-0014 – Ithaca Convenience LLC, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) (5 mins.)
7. Resolution # EH-ENF-22-0015 – Hilton Garden at Seneca Place Spa Pool, C-Ithaca, Violation of Subpart 6-1 of New York State Sanitary Code (Pool) (5 mins.)
8. Resolution # EN-ENF-22-0016 – Finger Lakes GrassRoots Festival, T-Ulysses, Violation of BOH Orders #EH-ENF-21-0011 (Water) (5 mins.)

1:30 Administrative Action:

1. Review of Proposed 2023 Environmental Health Division Fees (10 mins.)
2. Review of Draft Policy for Video Observed Therapy for TB and related consent form for BOH Approval (10 mins.)

**1:50 Administration (5 mins.)
Discussion/Action:**

1. Merger Update (5 mins.)

1:55 Adjournment

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MINUTES
Tompkins County Board of Health
March 22, 2022
12:00 Noon
Virtual Meeting via Zoom

Present: Christina Moylan, Ph.D., President; Edward Koppel, MD; David Evelyn, MD; Shawna Black; Samara Touchton; Susan Merkel; and Ravinder Kingra

Staff: Samantha Hillson, Director of Health Promotion Program; Deb Thomas, Director of Children with Special Care Needs; Claire Espey, Director of Community Health; Liz Cameron, Director of Environmental Health; William Troy, County Attorney; Frank Kruppa, Public Health Director; Harmony Ayers-Friedlander and Karan Palazzo, LGU Administrative Assistant

Excused: Melissa Dhundale, MD; Brenda Grinnell-Crosby, Public Health Administrator; and William Klepack, MD, Medical Director

Guests: None

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

Privilege of the Floor: No one was present.

Approval of the December 7, 2021, January 25, 2022 and February 22, 2022 Minutes: Ms. Black moved to approve the minutes of the December 7, 2021 meeting as written; seconded by Mr. Ravinder. The vote to approve the minutes as written: Unanimous approval; motion carried. Ms. Black moved to approve the minutes of the January 25, 2022 meeting as written; seconded by Ms. Merkel. The vote to approve the minutes as written: Unanimous approval; motion carried. Ms. Black moved to approve the minutes of the February 22, 2022 meeting as written; seconded by Dr. Evelyn. The vote to approve the minutes as written: Unanimous approval; motion carried.

Financial Summary: Ms. Grinnell Crosby was not present. Mr. Kruppa was available to respond to any questions of the financial report included in the packet.

Administration Report: Mr. Kruppa reported that TCHD continues to monitor the severity of illness from COVID; no active hospitalizations; monitor variants and their evolutions; BA2 is the majority variant in Tompkins County based on Cornell data.

Mr. Kruppa met with Monalita Smiley, Director of the Community Justice Center and discussed the roles that Public Health and Mental Health will play in conversations.

Health Promotion Program Report: Ms. Hillson had nothing to add to her written report included in the packet. She reported reviewing the wide range of applications received for the community health worker position, which is a collaboration with community partners who are working on similar roles. Community health workers will work across departments.

Ms. Hillson said that the Community Health Assessment Process is in the planning stages and due December of this year. They hope to launch the community health survey in late spring or early summer,

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and they are also in the process of updating the data sources including the assistance from the QAI department at Mental Health.

Medical Director's Report and Discussion: Dr. Klepack was not present. On behalf of Dr. Klepack, Mr. Kruppa was available to answer questions from Dr. Klepack's medical report included in the packet.

Division for Community Health (DCH) Report: Ms. Espey had nothing to add to her written report. She referred to Mr. Kruppa's update on COVID as they continue to monitor the situation. She reported that the NYS virtual call center ends their contract the end of April. DCH is addressing how to move forward to support the community in their absence.

Ms. Espey shared that questions from last month's meeting regarding Syphilis and Lyme disease were addressed in this month's report.

Mr. Kruppa responded to a question regarding PCR testing. Mr. Kruppa reported that PCR testing continues at the mall but there is a lack of funding from the Federal funding for uninsured/underinsured.

Mr. Kruppa responded to a question regarding test collection data with Cornell. He said that there is no way to tell for certain with many self-reporting. He believes many are taking the results of a positive antigen test and acting accordingly.

Children with Special Care Needs Report: Ms. Thomas reported that the waitlist for speech therapy continues with 32 children waiting for therapy and now have a wait list for special instruction teachers for those children. She said that a new Public Health Law requires insurance companies to provide \$40 million to the state fiscal agent to help cover early intervention services which might bring some of the therapists back into the program.

County Attorney's Report: Mr. Kruppa reported that the State Declaration of Emergency suspended in-person until mid-April and the BOH's next meeting in April **may** be held in-person in the Rice Conference room at 55 Brown Road, Ithaca, NY.

Environmental Health Report: Ms. Cameron reported that Dillon Shults, EH Technician was promoted to EH Specialist and they will recruit for his replacement for the technician position.

Ms. Cameron said that EH drafted a memo clarifying that reusable containers are allowed under the New York State Sanitary Code for Food Service Establishments, in response to a request from the Zero Waste Initiative Program. The Zero Waste Initiative Program works with restaurants to promote customers to bring in reusable containers.

Ms. Cameron also said that EH is proposing changes to the temporary food program after reviewing the requirements for religious, charitable and fraternal organizations under food service establishment regulations. Religious, charitable, and fraternal organizations are not required to get permits from EH if they hold food service events less than once a week. Ms. Cameron said that Cornell falls under this provision and; has their own review process in place as they track these events and provide education. EH and Cornell are working together to transfer oversight of these Cornell events to Cornell and for EH to no longer issue temporary food permits for Cornell events. This will allow EH to focus on higher risk issues.

Ms. Cameron reported that EH is working with Grassroots on their festival application and water and site plans but are still dealing with issues as in the past with inconsistent information.

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Ms. Cameron reported that the Adolescent Tobacco Use Prevention Act (ATUPA) Program was deferred during COVID and EH only responded on a complaint basis. NYS issued new regulations during COVID (May 2020) prohibiting the sale of flavored vapor products that contain nicotine. The new rules are complicated as facilities are allowed internet sales of flavored products to out-of-state customers as long as the banned products are not on display for sale to in-person customers.

EH has started full compliance checks with facilities and a number of violations have been issued.

Ms. Cameron answered a question regarding the penalties (ATUPA). She said sales to minors (under age 21) carries a minimum penalty of \$300, a maximum penalty of \$1,500 and a state surcharge of \$250. The penalty for the sale of vapor products/individual package is up to a \$100.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported:

- CSB's March meeting agenda topic was on fentanyl-laced drugs in the community. A local family shared their story of the untimely death of their 23 y/o son and brother and concerns of the fentanyl-laced drug infiltrating our community. Local providers including CARS, ADC and REACH Medical were in representation.

Mr. Kruppa added that fentanyl was topic of conversation prior to COVID and one can assume that fentanyl will be involved in any street drug purchased (even an opioid). TCHD is working on communication and messaging about fentanyl. Ithaca Police Department recently reported a spate of overdoses related to painted street drugs.

Resolution #EH-ENF-22-0002 – Thai Basil, C-Ithaca, Violations Subpart 14-1 of New York State Sanitary Code: Dr. Evelyn moved to accept the resolutions as written; seconded by Ms. Black.

Ms. Cameron explained that this is a case where food was out of temperature. EH proposes a penalty of \$200. No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0003 -Super 8 Motel, C-Ithaca, Violations of Subpart 14-1 of the New York State Sanitary Code: Dr. Koppel moved to accept the resolutions as written; seconded by Dr. Evelyn.

Ms. Cameron explained that this is a case where fire and smoke doors were not maintained, and electrical equipment was used incorrectly. EH proposes a penalty of \$200. No discussion.

The vote to approve the resolution as written was unanimous

Resolution #EH-ENF-22-0004 – Best Western University Inn, T- Ithaca, Violations of Subpart 14-1 of the New York State Sanitary Code: Ms. Touchton moved to accept the resolutions as written; seconded by Dr. Koppel.

Ms. Cameron explained that this is a case where the level of the violation increased because it was not corrected. They failed to maintain emergency lights and exit signs and failed to maintain required exits. EH proposes a penalty of \$400.

No discussion.

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The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0005 – C&C/Chucks, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Underage Sale of Tobacco Products (ATUPA): Ms. Black moved to accept the resolutions as written; seconded by Dr. Evelyn.

Ms. Cameron explained that this is a case of the sale of tobacco products to minors. EH proposes the increased penalties of \$500 plus the \$250 NYS mandatory surcharge totaling \$750.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0006 – Smiley’s Food Mart, T-Newfield, Violation of Article 13-F of New York State Public Health Law for Underage Sale of Tobacco Products (ATUPA): Dr. Evelyn moved to accept the resolutions as written; seconded by Mr. Ravinder.

No discussion.

The vote to approve the resolution as written was unanimous.

Administration: Mr. Kruppa reported that merger updates will be a monthly topic to keep the Board updated and informed in the process, take suggestions and receive feedback.

Merger Update:

- Iron Design, was selected as the company in the branding effort for the new name and logo
- The first discovery meeting will have representatives from both departments and the CSB
- The three-month process will include iterations to understand who we are and what represents us
- The legislature will give final approval of the new name and logo this summer
- A cross-functional team launches around children and youth services
- Introductory conversations with directors around a potential charter for another cross-functional team to research better integration and support for children and youth served across all programs
- Cross-functional team is working on the understanding of each other and the back of the foundation utilizing network surveys and mapping, etc.
- Charter changes and the bylaws in proposed form are due no later than October, for the self-imposed deadline for the end of the year
- Working with the county financial officer in merging the chart of accounts

Mr. Kruppa said the final step in the merger will be the legislature amending the charter. He encouraged Board members to take the opportunity to be part of the branding process.

Dr. Moylan reported that a first edit was done on the bylaws which will be forwarded to Dr. Evelyn and Ms. Merkel for their review before coming to the Board in April.

Dr. Moylan asked the Board members to anticipate an in-person meeting in April, in the Rice Conference Room at 55 Brown Road, Ithaca, NY.

The next meeting is Tuesday, April 26th, 2022 @ Noon.

Adjournment: Adjourned at 12:56 p.m.

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MINUTES

Tompkins County Board of Health
April 26, 2022
12:00 Noon
Virtual Meeting via Zoom

Present: Christina Moylan, Ph.D., President; Susan Merkel; Melissa Dhundale, MD and Ravinder Kingra

Staff: Deb Thomas, Director of Children with Special Care Needs; Claire Espey, Director of Community Health; William Klepack, MD, Medical Director; William Troy, County Attorney; Frank Kruppa, Public Health Director; Harmony Ayers-Friedlander, Deputy Commissioner; Skip Parr, EH; Ted Schiele, HPP; and Karan Palazzo, LGU Administrative Assistant

Excused: Edward Koppel, MD; David Evelyn, MD; Shawna Black; Samara Touchton.

Guests: None

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

Privilege of the Floor: None.

Approval of the March 22, 2022 Minutes: The March 22, 2022 minutes could not be approved as a quorum was not met.

Financial Summary: Ms. Grinnell Crosby was not present. Mr. Kruppa was available to respond to questions of the financial report included in the packet. He said that the 2021 closing out with the county finance office will be finalized next month.

Administration Report: Mr. Kruppa referred to his report included in the package. He added that case numbers are up in our community and the region; hospitalizations are on an uptick; moving to the high designation based on the CDC metrics of hospitalizations per hundred thousand over the last seven days; preparing press releases to the community about issuing a mask advisory.

Health Promotion Program Report: Ms. Hillson is out on maternity leave and Mr. Schiele will be reporting until her return in July. He provided the link in the chat for to the KN95 mask video which can also be found on the TCHD website. The Community Health Assessment work group will begin to circulate the community survey in June. He said two community health workers have been hired and will start in May.

Medical Director's Report and Discussion: Dr. Klepack reported that:

- CDC predicts 92% national increase in COVID cases by the end of April
- BA2 variant is very contagious (even more that the earlier omicron variants) but case, hospitalization and death rates reflect vaccination accomplishments, immunity gained from prior infections, and the extent to which the public is using preventive measures. Predominantly the unvaccinated are

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the ones encountering serious and life threatening disease. I urge all who are not vaccinated and boosted to become up to date with vaccination.

- Precautions are still necessary. The public is encouraged to wear masks, social distance and hand sanitize in a prudent manner.
- Medication therapy for COVID is available when someone is positive. They should contact their practitioner for advice. For persons who have qualifying conditions (such as immune compromise) pre exposure Covid therapy is available. Persons should discuss this possible option with their personal practitioner.
- Positive COVID cases are occurring regardless of age, occupation, and at all levels of education and employment status

Dr. Klepack shared his screen of PCR tests, 7-day average of new positive cases (all of which have risen) which can be found on the TCHD website. Dr. Klepack added that parents interested in getting a child under the age of two tested should opt for a PCR test as no antigen tests have been approved for this age group and, thus, should not be relied upon.

Ms. Merkel asked about the increase in drug overdose deaths. Dr. Klepack said the numbers are rising and have reached new and distressing levels. The concerns are several: individuals not having access to NARCAN, and fentanyl laced drugs on the street causing quick deaths. Many are not aware that drugs cannot be adequately tested with test kits to detect fentanyl. TCHD is encouraging individuals at risk of overdoses to reach out for supportive care and help. According to the ME summary spreadsheet, we had 23 deaths in 2021 attributed to polydrug overdoses (22 accidental, 1 suicide).

Mr. Kruppa updated that figure stating that Tompkins County had 25 drug overdose deaths in 2021, previous numbers were around 18 since 2016. There were a couple of months in 2021 where there were significant overdoses.

Public messaging will be going out about fentanyl laced drugs aimed at informing the public of the risks of using illicit drugs (even those that are purported to be diverted prescription drugs and even those that are not supposed to be opioids). These products are highly likely to have synthetic fentanyl like substances in them.

Dr. Dhundale asked about the availability of antivirals for COVID. Dr. Klepack said it was initially Kinney's and CVS pharmacies offering them but there are federal initiatives to increase the number of pharmacies to offer them. He stressed that it is very important to use the antiviral medicines as soon as possible after becoming positive and preferably within a day or two of becoming positive. Dr. Dhundale added that people should discuss with their doctors regarding their risk factors, including obesity.

Dr. Dhundale asked about the availability of NARCAN for the public. Dr. Klepack said TCHD does not dispense NARCAN to the public. Mr. Kruppa added there are multiple providers in the community that can train and distribute NARCAN including the Alcohol and Drug Council and Southern Tier Aids Program (STAP) and pharmacies, to name a few.

Dr. Dhundale asked about THC packaging for kids. Dr. Klepack said so far, the focus of the Office of Cannabis Management has been on rules and regulations regarding the growth of cannabis and how to obtain a license to grow THC. Marketing and packaging has not been addressed at this time but will in the near future.

Division for Community Health (DCH) Report: Ms. Espey had nothing to add to her written report. She referred to Mr. Kruppa's and Dr. Klepack's update on COVID and DCH is responding to those changes. DCH continues to monitor severe illness in the hospitals, high risks and congregate living and providing support to any organization that needs it. There have been increased calls from the public which coincides with the end of the virtual call center from the State Department of Health. The newly hired community health nurse is responsible for communicable disease and will respond to support the community for COVID, supported by our public health fellows.

Ms. Espey reported that DCH was awarded the Perinatal and Infant Community Health Collaborative grant which will begin on July 1st. This award was a joint effort between HPP and CHS with support from community partners including Cayuga Health Partners, Cornell Cooperative Extension, and Human Services Coalition among others. The goal is to improve perinatal and infant health outcomes and eliminate racial, ethnic, and economic disparities.

Ms. Espey reported that the "Peace of Mind Meeting" on May 23rd will discuss sexually transmitted infection prevalence in Tompkins County and coordinate messaging education to the community and the response.

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

County Attorney's Report: Mr. Troy complimented the testing center on quick efficient service during a recent visit. He and his family are doing fine.

Environmental Health Report: Ms. Cameron was not present, and Mr. Parr reported on her behalf. He reported that EH will be at full staff with a new EH technician starting on Monday. He reported on giving a presentation to Health and Human Services on tobacco and vaping enforcement.

Mr. Parr said most stores know that they are not supposed to be selling flavored nicotine products.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported that the CSB's April meeting continued the discussion on fentanyl-laced drugs in the community. They identified the need to further explore ensuring that mental health and substance use treatment can be provided together if a person is struggling with their mental health and also going to a substance use provider. Rich Shaw, TC Dual Recovery Coordinator will speak at next month's meeting about supporting and improving the coordinated care approach in our community. The CSB also discussed the bylaws in more detail.

Dr. Moylan said the March minutes and enforcement actions will be moved to next month's meeting.

Administration: Merger Updates

Mr. Kruppa reported:

- The Cross functional team working on branding had their first discovery meeting with consultant Iron Design and are reviewing his summation from that meeting
- Another cross functional team working around understanding more about what each other does throughout the joint departments is analyzing the completed network survey

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- Exploring how to better integrate our children and youth services with the creation of another cross functional team.
- Senior leadership is creating the framework for a charter and scope for another potential cross functional team to work on
- Bylaw work continues and the linking from the bylaws to public health law will be shared for the broader group to review

Dr. Moylan asked the Board to expect the edits to the bylaws and thanked Ms. Merkel and Dr. Evelyn for their comments.

Dr. Moylan referred to a recent email sent to BOH members and asked for their feedback or concerns on a request for a letter of support for a new hiking trail. The Board had no concerns, and all were in favor of the letter of support for a new hiking trail.

The next meeting is Tuesday, May 24th, 2022 @ Noon.

Adjournment: Adjourned at 12:45 p.m.

Board of Health
May 24, 2022
Financial Report

2021 / 13th Period

Program revenues were impacted by the pandemic (unable to operate programs during COVID response activities). This is the final report for 2021.

Board of Health
May 24, 2022
Financial Report

May 2022 / Month 4

COVID sampling costs (\$659,440) not budgeted inflate expenditures in functional unit 4010. The County is seeking FEMA reimbursement on these expenses. Fringe expense is current. COVID grant budget adjustments are in process in May/June. Grant claims and first quarter state aid are near completion.

Tompkins County Financial Report for Public Health

Percentage of Year 100.00%

	Expenditures			Revenues			Local Share		
	Budget	Paid YTD	%	Budget	YTD	%	Budget	TD	%
4010 PH ADMINISTRATION	5,962,940	5,687,296	95.38%	304,674	143,578	47.13%	5,658,266	5,543,718	98.11%
4011 EMERGING LEADERS IN PH	48,986	43,197	88.18%	48,986	0	0.00%		43,197	
4012 WOMEN, INFANTS & CHILDREN	526,561	511,719	97.18%	526,561	513,150	97.45%		-1,431	
4013 OCCUPATIONAL HLTH.& SFTY.	98,435	96,283	97.81%	0	0	0.00%	98,435	96,283	97.81%
4015 VITAL RECORDS	77,825	72,726	93.45%	108,000	122,589	113.51%	-30,175	-49,863	165.25%
4016 COMMUNITY HEALTH	2,174,999	2,116,687	97.32%	1,045,608	741,360	70.90%	1,129,391	1,375,327	121.86%
4018 HEALTHY NEIGHBORHOOD PROG	173,713	129,949	74.81%	173,713	128,284	73.85%		1,666	
4047 PLNG. & COORD. OF C.S.N.	1,484,897	1,478,120	99.54%	396,690	450,910	113.67%	1,088,207	1,027,209	94.39%
4090 ENVIRONMENTAL HEALTH	1,761,219	1,748,375	99.27%	597,013	582,635	97.59%	1,164,206	1,165,740	100.13%
4095 PUBLIC HEALTH STATE AID	0	0	0.00%	1,235,837	1,349,832	109.22%	-1,235,837	-1,349,832	109.22%
Total Non-Mandate	12,309,574	11,884,352	96.55%	4,437,081	4,032,338	90.88%	7,872,493	7,852,015	99.74%
2960 PRESCHOOL SPECIAL EDUCATI	5,860,000	4,541,855	77.51%	3,823,000	3,449,819	90.24%	2,037,000	1,092,036	53.61%
4017 MEDICAL EXAMINER PROGRAM	307,368	304,324	99.01%	3,042	3,042	100.00%	304,326	301,282	99.00%
4054 EARLY INTERV (BIRTH-3)	636,900	330,466	51.89%	319,970	177,146	55.36%	316,930	153,319	48.38%
Total Mandate	6,804,268	5,176,644	76.08%	4,146,012	3,630,007	87.55%	2,658,256	1,546,637	58.18%
Total Public Health	19,113,842	17,060,997	89.26%	8,583,093	7,662,345	89.27%	10,530,749	9,398,652	89.25%

BALANCES (Includes Encumbrances)

	Available Budget	Revenues Needed		Available Budget	Revenues Needed
NON-MANDATE			MANDATE		
4010 Administration	268,240	161,096	2960 Preschool	1,318,145	373,181
4012 WIC	14,842	13,411	4054 Early Intervention	306,434	142,824
4013 Health & Safety	2,152	0	4017 Medical Examiner	3,044	0
4014 Medical Examiner	0	0		<u>1,627,624</u>	<u>516,005</u>
4015 Vitals	5,099	-14,589			
4016 Community Health	57,330	304,248			
4018 Healthy Neighborhood	43,764	45,429			
4047 CSCN	6,778	-54,220			
4048 PHCP	0	0			
4090 Environmental Health	12,844	14,378			
4095 State Aid	0	-113,995			
	<u>411,049</u>	<u>355,758</u>			
Total Public Health Balances					
	Available Budget			Revenues Needed	
	<u>2,038,673</u>			<u>871,763</u>	

Tompkins County Financial Report for Public Health

Percentage of Year 33.33%

	Expenditures			Revenues			Local Share		
	Budget	Paid YTD	%	Budget	YTD	%	Budget	TD	%
4010 PH ADMINISTRATION	2,350,629	1,064,849	45.30%	886,062	11,112	1.25%	1,464,567	1,053,737	79.23%
4011 EMERGING LEADERS IN PH	0	788	0.00%	0	0	0.00%		788	
4012 WOMEN, INFANTS & CHILDREN	508,520	126,849	24.94%	508,520	46,549	9.15%		80,299	
4013 OCCUPATIONAL HLTH.& SFTY.	100,376	33,168	33.04%	0	0	0.00%	100,376	33,168	33.04%
4015 VITAL RECORDS	78,674	27,959	35.54%	108,000	33,888	31.38%	-29,326	-5,929	20.22%
4016 COMMUNITY HEALTH	2,671,038	639,919	23.96%	1,513,361	44,252	2.92%	1,157,677	595,667	52.13%
4018 HEALTHY NEIGHBORHOOD PROG	172,368	33,170	19.24%	172,368	0	0.00%		33,170	
4047 PLNG. & COORD. OF C.S.N.	1,429,374	373,648	26.14%	406,690	46,449	11.42%	1,022,684	327,199	31.99%
4090 ENVIRONMENTAL HEALTH	2,046,987	534,762	26.12%	625,195	105,380	16.86%	1,421,792	429,382	31.62%
4095 PUBLIC HEALTH STATE AID	0	0	0.00%	1,458,348	0	0.00%	-1,458,348	0	
Total Non-Mandate	9,357,966	2,835,111	30.30%	5,678,544	287,629	5.07%	3,679,422	2,547,481	69.24%
2960 PRESCHOOL SPECIAL EDUCATI	6,122,407	1,198,356	19.57%	3,992,177	449,419	11.26%	2,130,230	748,937	35.16%
4017 MEDICAL EXAMINER PROGRAM	329,516	77,926	23.65%	0	0	0.00%	329,516	77,926	23.65%
4054 EARLY INTERV (BIRTH-3)	578,000	141,585	24.50%	283,220	0	0.00%	294,780	141,585	48.03%
Total Mandate	7,029,923	1,417,866	20.17%	4,275,397	449,419	10.51%	2,754,526	968,448	35.16%
Total Public Health	16,387,889	4,252,977	25.95%	9,953,941	737,048	7.40%	6,433,948	3,515,929	54.65%

BALANCES (Includes Encumbrances)

	Available Budget	Revenues Needed		Available Budget	Revenues Needed
NON-MANDATE			MANDATE		
4010 Administration	1,179,136	874,950	2960 Preschool	4,924,051	3,542,758
4012 WIC	365,491	461,971	4054 Early Intervention	436,415	283,220
4013 Health & Safety	67,208	0	4017 Medical Examiner	113,044	0
4014 Medical Examiner	0	0		<u>5,473,511</u>	<u>3,825,978</u>
4015 Vitals	50,715	74,112			
4016 Community Health	2,023,338	1,469,109			
4018 Healthy Neighborhood	138,957	172,368			
4047 CSCN	1,055,726	360,241			
4048 PHCP	0	0			
4090 Environmental Health	1,492,022	519,815			
4095 State Aid	0	1,458,348			
	<u>6,372,594</u>	<u>5,390,915</u>			
Total Public Health Balances					
	Available Budget			Revenues Needed	
	<u>11,846,105</u>			<u>9,216,893</u>	

Public Health Director Report
Board of Health
May 2022

- I was interviewed for an Ithaca Voice article on fentanyl in street drugs. The reporter did a good job finding former users to interview. Their voices are often not heard, and it was good to see them provide perspective. <https://ithacavoices.com/2022/05/theyre-putting-it-in-everything-fentanyl-is-widespread-in-the-local-and-national-illicit-drug-market/>
- The PIO group help me send an email of thanks to over 100 community organizations that helped during the pandemic. Members of the EOC have spent the last two weeks following that up with hand-delivered framed certificates of appreciation. Everyone has been very thankful and appreciative of the Health Department and its efforts during COVID.
- A small workgroup has been formed to plan for an all-day All Staff Meeting on 6/29. We will be using this time to re kickoff our Strategic Plan/Merger, and to get to know one another and the work we do, better.
- I am still participating in regular COVID meetings with partners in Higher Ed, P-12 Schools, local elected officials and others as needed.

HEALTH PROMOTION PROGRAM – May 2022

Samantha Hillson, Director, PIO
Ted Schiele, Planner/ Evaluator
Diana Crouch, Healthy Neighborhoods Education Coordinator
Shannon Alvord, Communications Coordinator
Deidre Gallow, Administrative Support
Pat Jebbett, Project Assistant
Mara Schwartz and Tenzin Aaya, Community Health Workers

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

Highlights

- NYSPHA Presentation: “Meeting People Where They Are: How Public Health Ambassadors Brought COVID-19 Vaccines To Underserved Communities”
- Community Health Workers hired; on-boarding begins in May.
- TCHD awarded \$1,275,000 in NYS PICHC Grant (Perinatal and Infant Community Health Collaboratives program) for five-year contract period. HPP assisted with the grant writing.

Community Outreach

We worked with these community groups, programs, and organizations during the month

Groups, Programs, Organizations	Activity/Purpose	Date
Childhood Nutrition Collaborative	Collective Impact, Healthiest Cities and Counties Challenge, Steering Committee and Monthly meeting	monthly
CHIP Steering Committee	Support CHIP working groups to guide process and progress through the plan	monthly
Long Term Care Committee	Planning and sharing resources for long-term care in the community.	quarterly
Health Planning Council	Advisory Board and Executive Committee, Hillson reappointed as Secretary and Co-Chair of Community Health and Access Committee	Bi-monthly
Community Health and Access Committee	Sub-committee of the HPC. Focus on telehealth, maternal health, etc.	quarterly
COFA Advisory Board	Updates and Age Friendly	quarterly

Suicide Prevention Coalition	Revival of this coalition, new leadership, strategic planning process	monthly
Immunization Coalition	Quarterly meeting, updates about COVID-19 vaccine and discussion/feedback, youth vaccination promotion	quarterly
Lead Poisoning Prevention Network	Quarterly meeting, review lead cases, prevention, new regulation	quarterly
Cayuga Health Women’s Service Line	Re-launch of this service line and discussion. Collaboration with community partners	quarterly
Aging Services Network	Regular meeting	
Homeless & Housing Taskforce	Regular meeting	
Team JEDI	General Meeting and subcommittees	

COVID-19

- Mask Advisory in effect April 27th, Tompkins County Community Level rated High.
- Outreach, promotion, and distribution of KN95 masks and self-test kits. KN95 mask video filmed and narrated by local videographer Shira Evergreen, <https://vimeo.com/693836241>; video is being translated into multiple languages, including Spanish, Karen, Mandarin, Cantonese, and Russian.
- In collaboration with COVID Communications team, develop and disseminate public information on guidance updates. Update website and social media.
- Ongoing website updates related to COVID-19 developments (see Media, Website section below).
- Ongoing review, analysis, and updates of COVID-related data. Regularly updated data is available on the [COVID Data Page](#).
- Bi-weekly Communications Team meetings – planning a vaccination/booster and masking campaign with funding from NYS. Includes a [KN95 video](#) and print advertising in local weeklies and online. Work is underway to develop a 30 second commercial to run on public television and YouTube for promotion of vaccines/boosters.

Community Health Assessment (CHA) & Community Health Improvement Plan (CHIP)

- Community Health Survey workgroup convened to revise [2019 survey](#) and roll it out in early June
- The CHA/CHIP Steering Committee meets monthly (first Thursday):
 - The intended purpose of the Steering Committee is to support the workgroups both individually and collectively through consultation, feedback, and community networking.
 - 2022 focus on collecting data for health equity and completing next round of the CHA, including redesigning and disseminating the community health survey.

- Collaborating with Youth Services to explore an interactive dashboard for the County.
- Cancer screening intervention monthly meeting.
- Social Determinants of Health (SDoH) intervention bi-monthly meeting.
- School-based health (on hold)
- Maternal and Child Health

Healthy Neighborhoods Program

- HNP staff continues to receive calls requesting information regard indoor air quality, radon, mold and mildew, bed bug infestations, etc.
- HNP staff are continuing to assist with COVID work, including daily operations at vaccination PODs.
- Participation in field safety training, planning, and discussion to improve internal training for staff.
- CNY Coalition for Healthy Indoor Air, Inc.-Annual Board Meeting

April 2022

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2022	April 2021	TOTAL 2021 *
# of Initial Home Visits (including asthma visits)	12	55	10	100
# of Revisits	0	2	0	0
# of Asthma Homes (initial)	5	12	2	19
# of Homes Approached	5	11	0	448

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

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Health Promotion

- Developing and planning for our Community Health Worker initiative, hired two CHWs. Working with community partners who have similar roles, or plans for similar roles, including Cayuga Health, CCE, REACH Medical, and HSC.
- CHWs will join HPP May 2022.
- Initial focus will be on intensive on-boarding and training, followed by community outreach and field work shadowing opportunities.
- HPP strategic planning: outlining the main goals of the program, compiling a list of all board and committee meetings we attend, delegating workflow.
- Website Migration: Edits and re-organization continues on the new platform.
- Assisting with updates and organization of the Mental Health website.
- CHS website update
- Continued development of “Text-to-Sign-Up” campaign for Tompkins County WIC to increase participation in rural neighborhoods. Posters created, printed, laminated.
- Ongoing participation and support of the NYS Public Health Fellows program.

Tobacco Free Tompkins

- Tobacco Free Zone for Cortland-Tompkins-Chenango grant staff call.
- Tompkins coordinator continued their assignment with the COVID communications team.
- Planning for hiring of a Health Educator in 2022 to serve half-time in Tobacco and half-time in HNP will be reposted this summer.

Media, Website, Social Media

- Health Department's [COVID-19 web pages](#) updated regularly
- COVID-19 Press Releases in April 2022:
- [COVID-19 Update: Health Advisory Issued for Tompkins County, Masks Advised for County Residents](#), Wednesday, April 27, 2022
- [COVID-19 Update: NYS Virtual Call Center to Discontinue Contact Tracing, Steps to Take After Positive Test](#), Monday, April 25, 2022
- [COVID-19 Update: Therapeutic Treatment Availability, Importance of Connecting with Primary Care Physician or Healthcare Provider](#), Friday, April 22, 2022
- [COVID-19 Update: TCHD Statement on Wastewater Testing in Tompkins County](#), Thursday, April 21, 2022
- [COVID-19 Update: Precautions Leading into Holiday Weekend, Uptick in Case Numbers](#), Thursday, April 14, 2022
- [COVID-19 Update: Second Booster Doses for Eligible Residents, Additional Doses for Immunocompromised Residents](#), Tuesday, April 5, 2022
- Ongoing work with Mental Health to update/ upgrade the [TCMH website](#).
- Ongoing work with CHS and WIC re: social media pages

PH-MH Strategic Planning with Batiste Leadership

- Cross-Functional Integration Team – a Brand Discovery Summary was prepared by Iron Design and circulated among the core group of CFT-I members who had met with the agency on April 6. Comments were returned to Iron Design, who revised the document.
- Cross-Functional Services Team restarted their meetings in January 2022. Will be meeting monthly, current plans involve working to update Staff Directory that was created end of 2019. An internal connectivity/social network survey was disseminated and is being analyzed. Review of County HR on-boarding training materials and “buddy system”.
- Integration of children and youth services: initial conversation about co-location of services, licensing, universal consent, etc.

Training/Professional Development

- NYS Public Health Association Conference, April 28-29; Ted/Shannon presented topic for Community Collaboration (“Meeting People Where They Are: How Public Health Ambassadors Brought COVID-19 Vaccines To Underserved Communities”)
- National Public Health Week: April 4-8.

- Kick-off Forum: “Public Health is Where You Are” (Healthiest Cities & Counties Challenge)
 - NPHW Twitter Chat
- April 2022 Log-in2Learn - COVID-19: From Pandemic to Endemic
- “How to Read & Understand Data” (Apolitical)
- Communicating Through COVID-19 and Beyond: Impact and Insights from the Field of Public Health (PHCC)
- Preparing Your Home for Emergencies Workshop
- Dangerous Health Contaminants: Asbestos, Silica, Lead, Hexavalent, Chrome and Commonly Used Chemicals Workshop
- COVID-19: From Pandemic to Endemic Workshop
- HEAP Benefit Webinar

Medical Director’s Report
Board of Health
May 2022

Covid

At the April meeting, I reported the CDC’s prediction that cases would rise by 92% by the end of April. It appears their modeling was quite accurate. Tracking cases is challenging due to the shift toward self testing with antigen tests at home. The following table shows the very small number of self tests being reported out of what must be a very large number of them being done.

TOMPKINS COUNTY COVID-19 DATA

As of 05/16/2022 at 8:15 a.m.

Active COVID-19 Hospitalizations (1)	5
Total TC Resident Deaths	62

Total Tests (2)	1,898,630
Daily Tests	412
New Positive Cases	8
Total Positive Cases	21,206

Daily Positive Self-Tests Reported (3)	15
Total Positive Self-Tests Reported	2,807

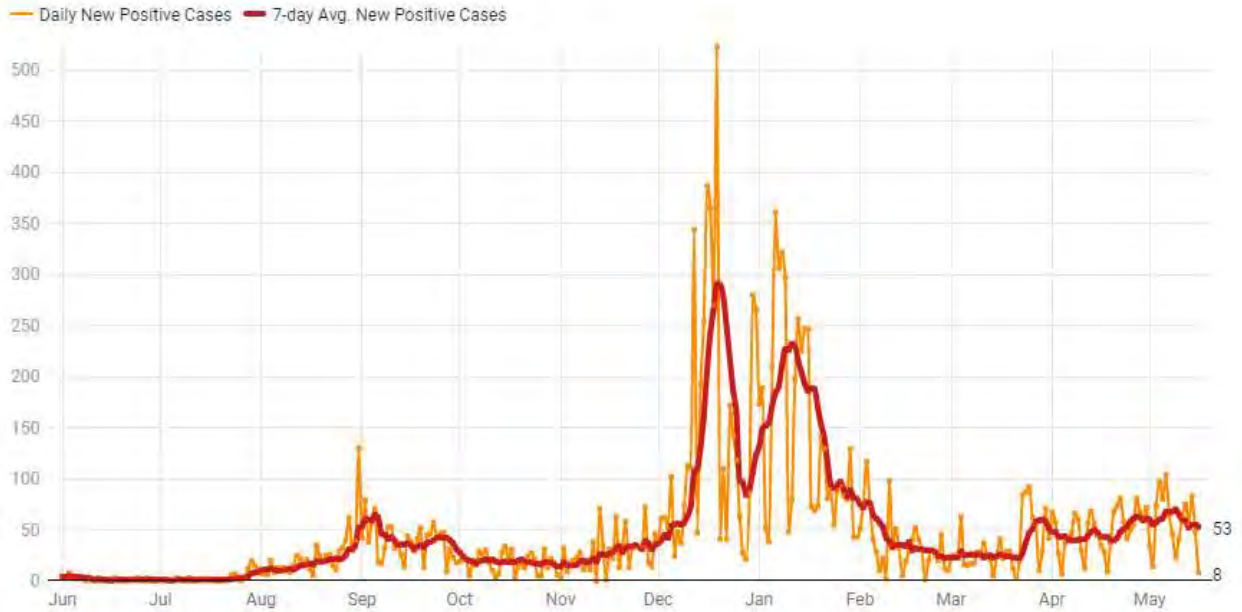
NYS Vaccine Tracker 1st Dose (4)	84,930
NYS Vaccine Tracker Completed	77,618

You will note that we have sadly lost two more Tompkins County residents after being at a total of 60 for much of March and April.

Our new cases continue unabated on a 7 day average basis:

Daily New Cases + 7-Day Avg. New Cases

From June 1, 2021. COVID-19, Tompkins County, N.Y.



And of those who do obtain a PCR test the probability of a positive remains high and has increased.

Percent Positive Tests, 7-day Average (from 6/1/21)

COVID-19, Tompkins County, N.Y. Rate calculation is 7-day average cases/ 7-day average tests. From 6/1/21 to the present.



Our community transmission level also remains elevated at 365.

Transmission Level

COVID-19, Tompkins County, N.Y. 7-day total cases per 100,000 population. (6/1/21 to the present.)



TRANSMISSION LEVEL (Level of Community Transmission): defined by the CDC as the "total number of new cases per 100,000 persons within the last 7 days." County pop. 102,180 (2019 US Census pop. estimate).

Chart: Tompkins County Health Department, Ithaca, N.Y. - Source: TCHD - Get the data - Created with Datawrapper

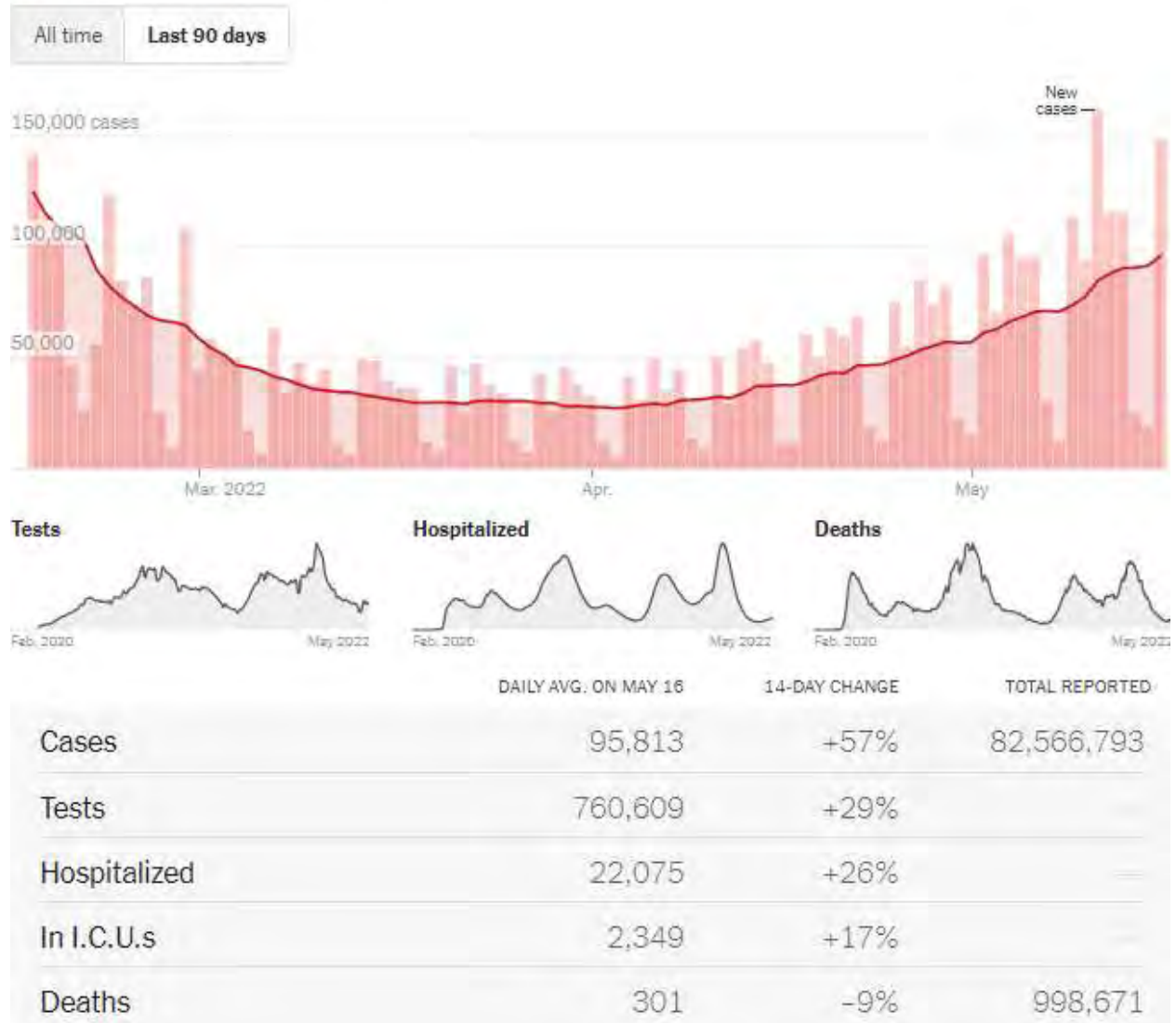
We can expect that as Cornell and Ithaca College end their spring semesters that these numbers will likely decline as these members of our community leave for summer work elsewhere.

National trends

<https://www.nytimes.com/interactive/2021/us/covid-cases.html>

Note the increase from early April to end April and the continued rise:

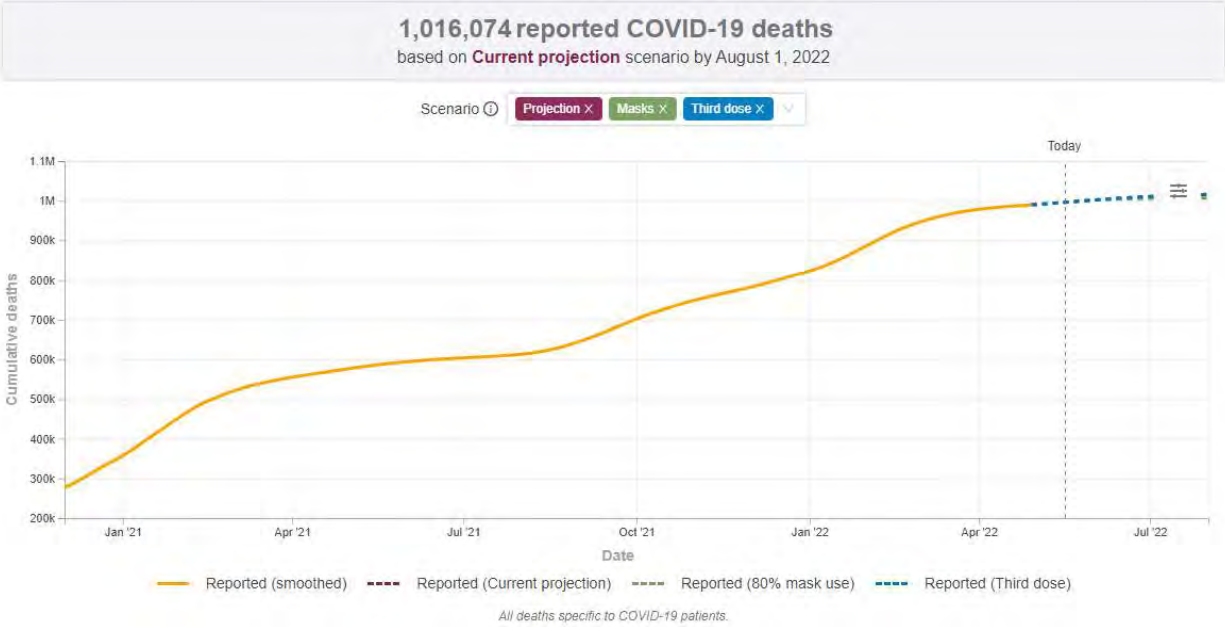
New reported cases



It appears that the models predicting the 92% increase by the end of April were accurate.

A disturbing prediction regarding national deaths

<https://covid19.healthdata.org/united-states-of-america?view=cumulative-deaths&tab=trend>



With the shift to predominantly self-administered antigen tests we wonder what our true case numbers are. Here is one epidemiologist’s estimate:

COVID-19 Daily Cases in U.S.: True vs. Reported

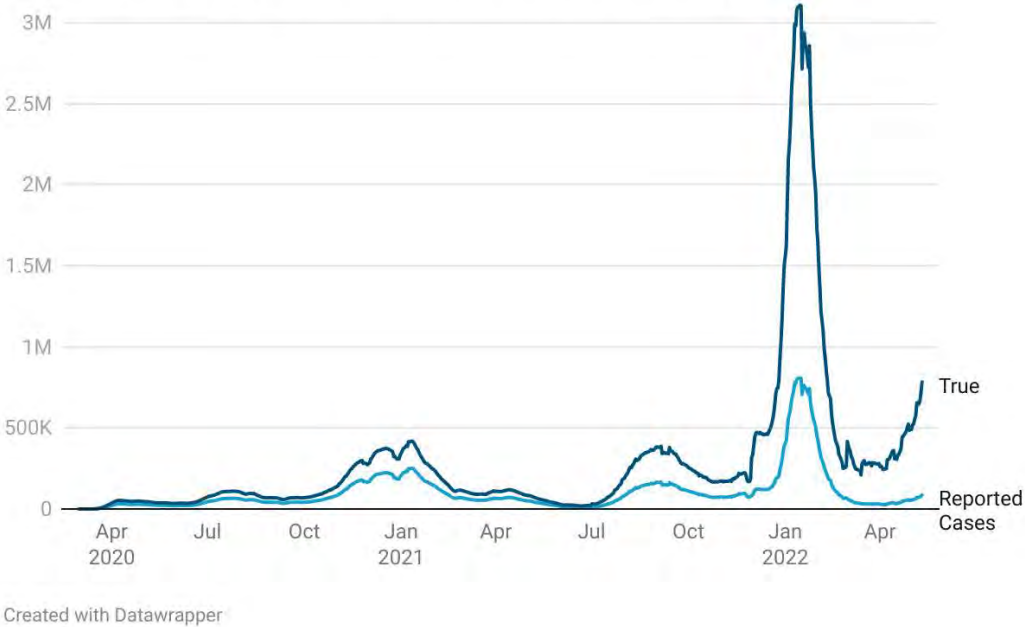
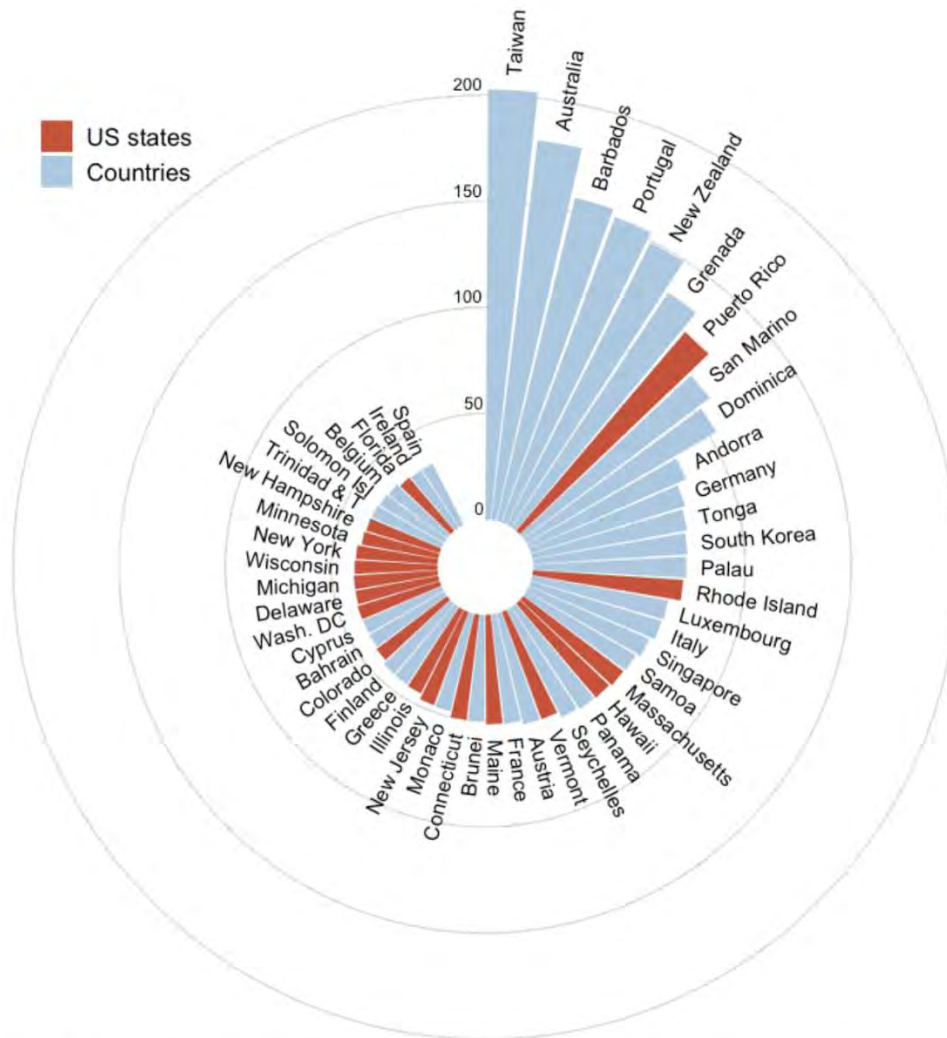


Figure created by Katelyn Jetelina/YLE using reported case data from CDC [here](#). “True” estimates for under-reporting from [here](#). Roughly, before Delta 60% cases were officially captured; Delta= 43%; Omicron=26%; Current =10%

If we compare U.S. states to 195 countries, [18](#) of them would currently be among places with the highest new cases per capita in the world.

Global Top 50 among US states and 195 countries Daily COVID-19 cases per 100,000 people



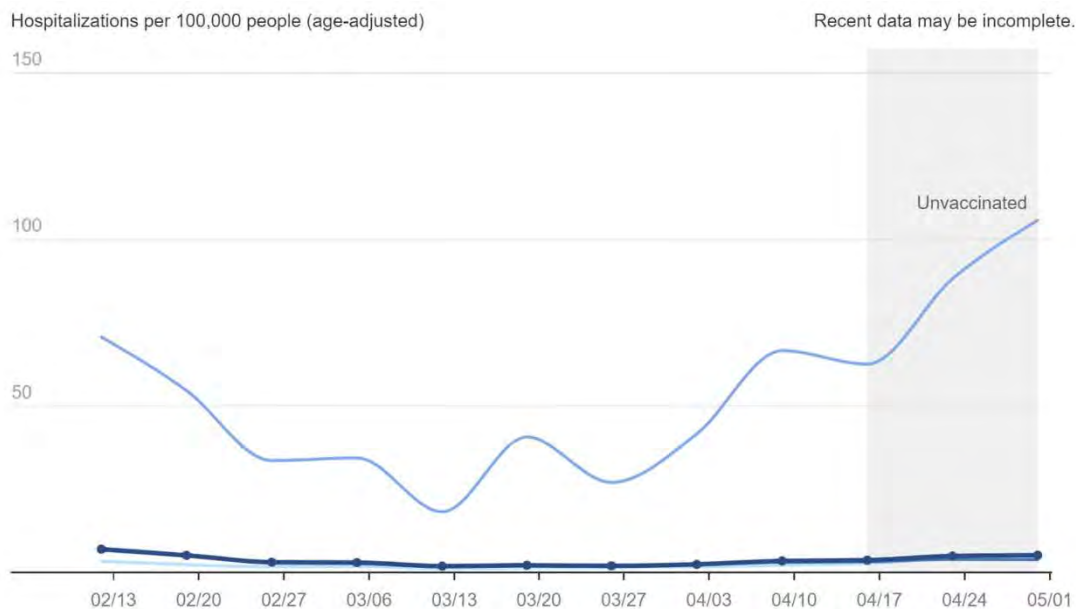
Source: Schellekens (2022); JHU; WPP. Updated: 2022-05-13. Latest: pandem-ic.com.
Note: 7-day trailing average. 18 US states are currently in the global Top 50. The federal District of Columbia and the unincorporated territory of Puerto Rico are included alongside US states.

The current surge is at least partially due an increase in reinfections, as Omicron is getting better and better at dodging our first line of defense. The CDC's last [update](#) on reinfections was in January, but the [story](#) is very clear among local jurisdictions tracking this data closely. In

Colorado, for example, [82%](#) of reinfections have occurred since Omicron with the majority among unvaccinated. Starting in March 2022, North Carolina [reported](#) an increase in reinfections. In [Indiana](#) and Idaho, reinfections account for 12-18% of reported cases.

Hospitalizations

As seen in the graph [below](#) from New York City, there continues to be a large discrepancy between unvaccinated and vaccinated.



Long Covid

Unfortunately, severe disease is not the only outcome. While evidence continues to show that vaccinations reduce risk of long COVID by ~50%, the most recent UK Health Security [report](#) found even those boosted aren't spared. Among the triple vaccinated, 8-9% of people report long COVID (at least 4 weeks) after their first infection; 5-6% are reporting activity-limiting symptoms. There doesn't seem to be a statistical difference between variants.

(the above from https://yourlocalepidemiologist.substack.com/p/state-of-affairs-may-16?utm_source=email&s=r)

Long Covid is predicted to be a significantly large burden on our population and the healthcare system.

The bottom line is that we are not out of this and are not likely to be for some time yet. Prudent use of masks, distancing and gathering continues to be important. Our recent advisory regarding masking was well justified. Those not vaccinated can greatly reduce their chances of serious disease and death by becoming vaccinated. Of the million persons who have directly died of Covid 1/3rd or about 300,000 of them had not been vaccinated and had the opportunity to be vaccinated. It is not too late to become vaccinated.

We are challenged in tracking cases now. We have 3 current methods to keep our fingers on the pulse of this disease. Wastewater surveillance, Covid like illness (CLI) data reported by primary care practices and the PCR reporting. Less concrete but valuable is our perception from anecdotal evidence.

CLI reporting

As a result of the combined dedication and consistency of the primary care practices participating in the CLI Primary Care Covid Like Illness (CLI) Surveillance project we have come to a point where gratifying and significant information has been accumulated and analyzed. I am grateful to Dr. Casey Cazar, Lily Wass and all the faculty and students at Cornell who have helped to shape the CLI program and analyzed what we have collected and determined its significance.

A significant correlation has been demonstrated between CLI cases reported and subsequent levels of cases and positive lab tests. This is an especially important correlation to have determined as we have entered the era wherein an increasing (and likely predominant) mode of testing is self-administered at-home antigen tests. Most of these tests are not reported officially and, thus, are not available to public health and the healthcare system generally for monitoring the pandemic. Since CLI symptoms are somewhat protean, it was not clear that a significant correlation would be shown. But it was clear that if it could be that such a system would be of value. We now know that a significant correlation has been shown.

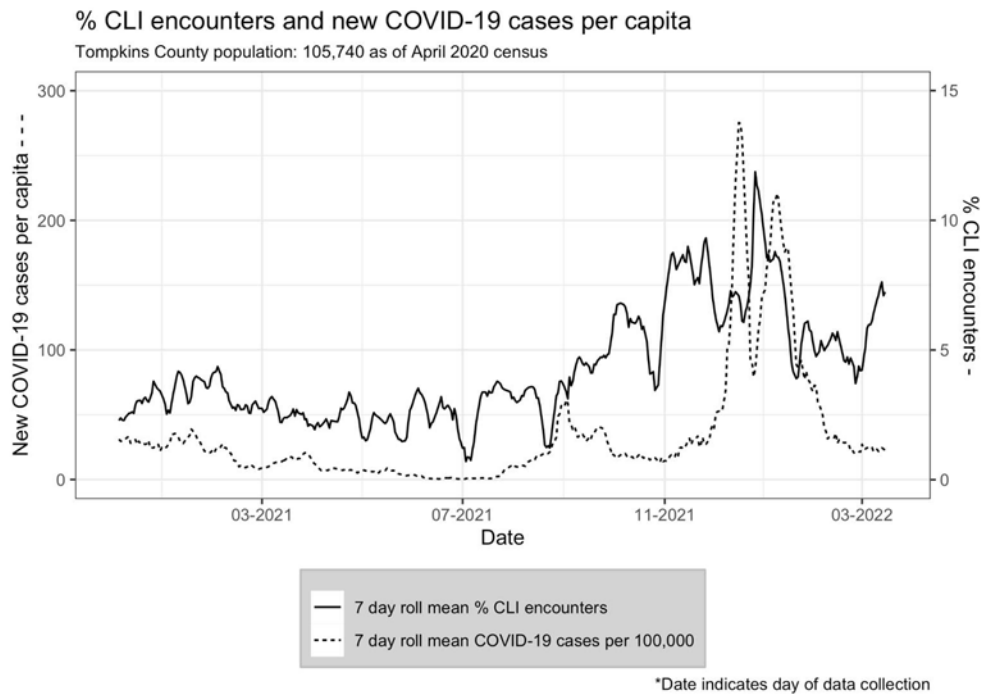
Below is an abstracted report from Wass and Cazer. Their paper is being submitted to the APHA for its fall 2022 meetings.

COVID-19 Syndromic Surveillance in Tompkins County

Prepared by Lily Wass and Casey Cazer

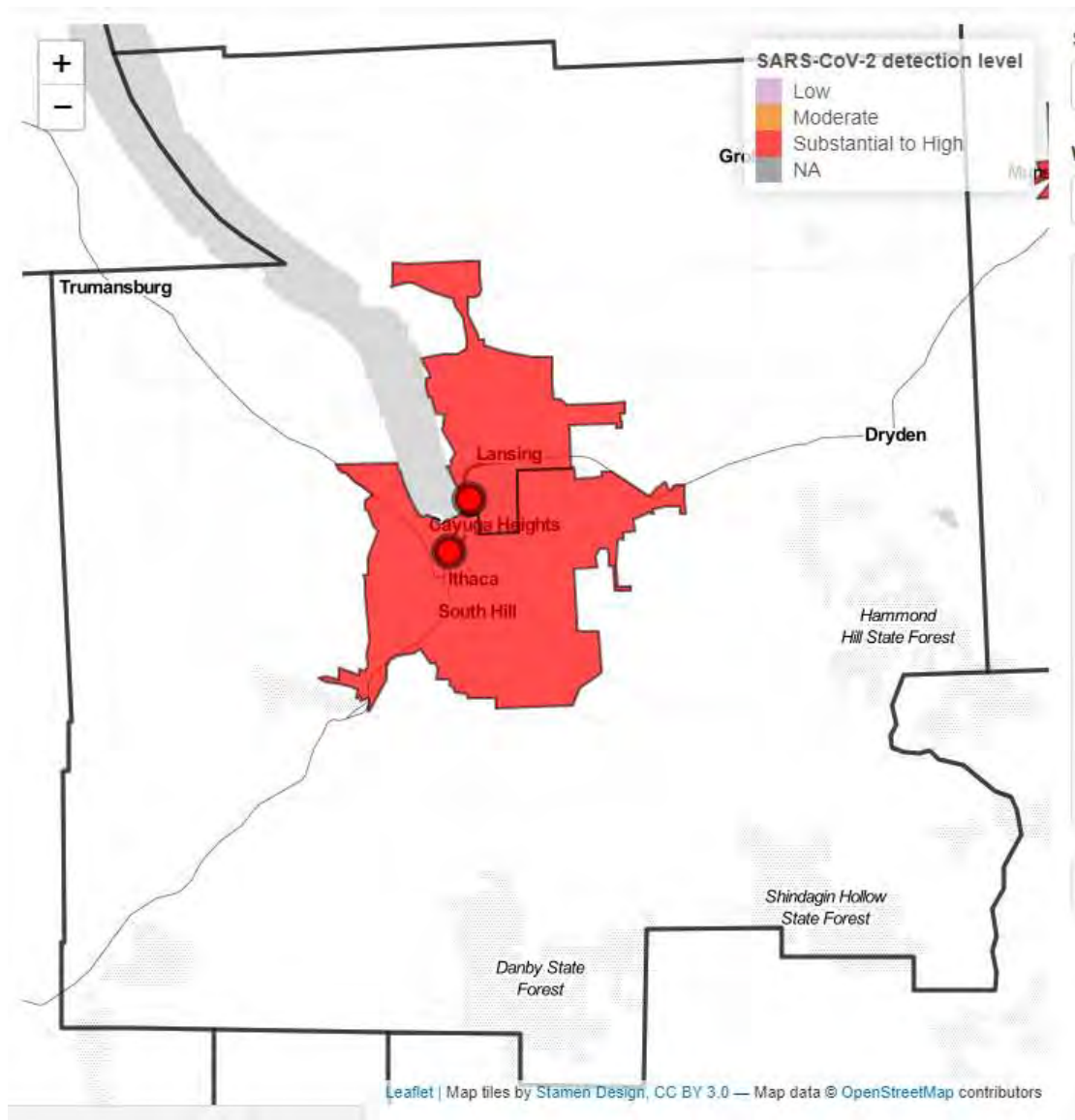
Department of Public and Ecosystem Health, Cornell University College of Veterinary Medicine

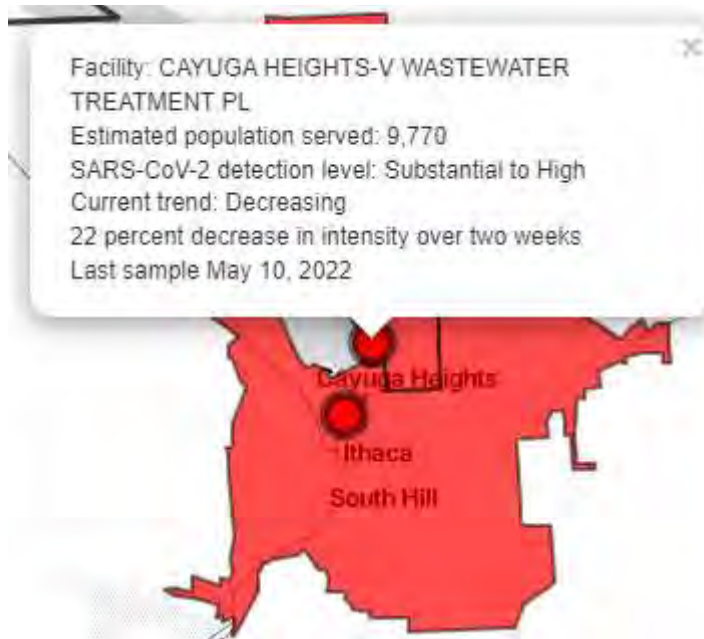
In investigating the relationship between COVID-Like Illness (CLI) and confirmed COVID-19 cases, preliminary visualizations demonstrated notable agreement in the trends of these two measures from December 2020 to March 2022. Put simply, increased rates of CLI are often observed in tandem with increased rates of COVID-19 cases, as seen below. Further statistical analysis has confirmed these preliminary suspicions. Not only do the rates of CLI change with confirmed COVID-19 cases, increased rates of CLI are subsequently followed by increased rates of confirmed COVID-19 cases up to 7 days later according to our models. After accounting for the day of the week and the number of cases in the previous week, we found that a 10 percentage point increase in the rate of CLI today is associated with a 3 percentage point increase in the COVID-19 test positive rate (cases / total tests) two days from today. We found a similar relationship when looking at the total cases rather than the test positive rate. A 10 percentage point increase in the rate of CLI today is associated with a 30-40% increase in new COVID-19 cases in the next 5 to 6 days. This quantified agreement affirms the importance of reporting daily CLI encounters and its utility as a tool to track COVID-19 transmission



Wastewater Surveillance (map accessed May 17)

We have now two sites submitting samples and those are showing some recent declines (a ray of hope for the near future?) although the absolute level is still unacceptably high.





FDA limits use of Johnson & Johnson's Covid-19 vaccine, citing clotting risk
 J and J in the U.S. has become a vaccine of last resort. The FDA has relegated it to use in primary
 vaccination only for those who cannot take a mRNA vaccine or who refuse an mRNA vaccine. The cited
 risk of blood clots is not higher than before. But, now, mRNA vaccines are so available that even the rare

clotting risk of J and J has been deemed unacceptable. Note that the clotting risk is only in the first few weeks of receiving a J and J vaccine. Persons receiving it a month or more ago have no cause for concern regarding clots.

<https://www.statnews.com/2022/05/05/fda-limits-use-of-johnson-johnsons-covid-19-vaccine/>

FDA expands EUA for Pfizer booster doses for 5-11 year olds (given at least 5 months after primary series completed)

“While it has largely been the case that COVID-19 tends to be less severe in children than adults, the omicron wave has seen more kids getting sick with the disease and being hospitalized, and children may also experience longer term effects, even following initially mild disease,” said FDA Commissioner Robert M. Califf, M.D. “The FDA is authorizing the use of a single booster dose of the Pfizer-BioNTech COVID-19 Vaccine for children 5 through 11 years of age to provide continued protection against COVID-19. Vaccination continues to be the most effective way to prevent COVID-19 and its severe consequences, and it is safe. If your child is eligible for the Pfizer-BioNTech COVID-19 Vaccine and has not yet received their primary series, getting them vaccinated can help protect them from the potentially severe consequences that can occur, such as hospitalization and death.”

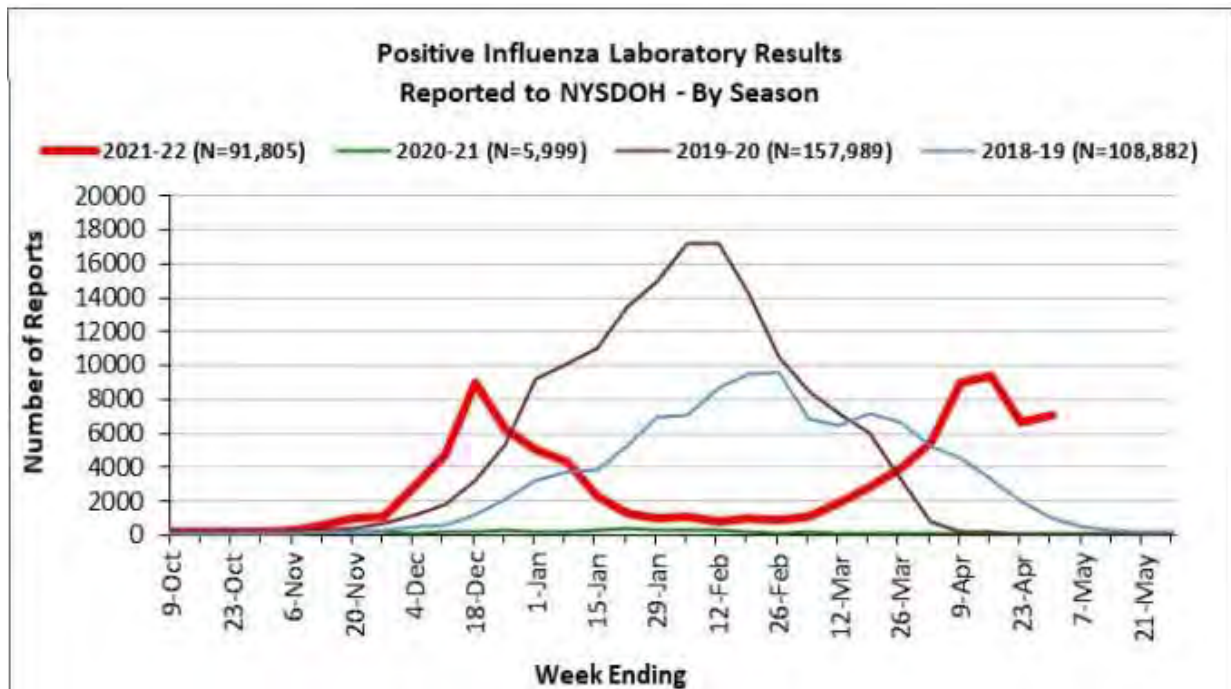
<https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-expands-eligibility-pfizer-biontech-covid-19-vaccine-booster-dose>

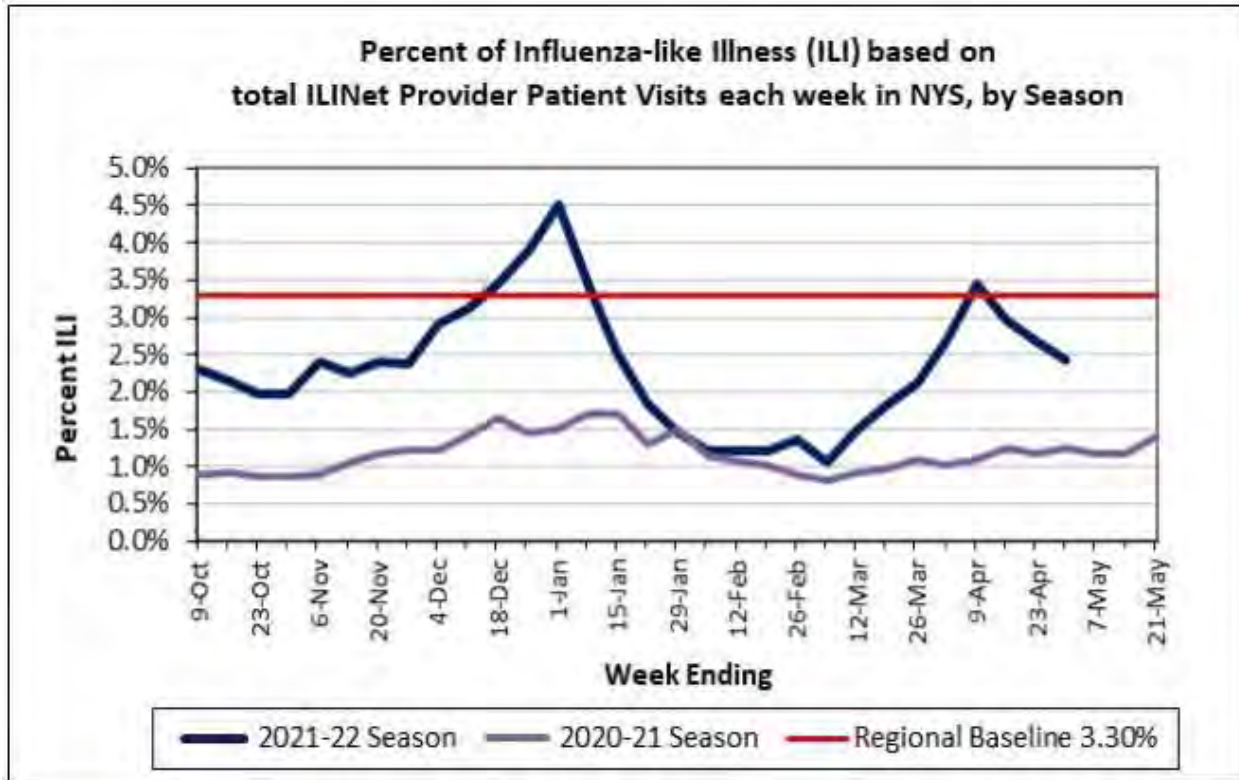
Influenza – a disturbing trend continues

End May 7 widespread for 26th week. 25% increase from the previous week of April 30 and is a continuing trend since early March. - breakdown = 90% A 1% B 9% unspecified.

Due to the continued uptick in cases NYS flu surveillance and reporting will be extended at least to the end of June. Usually surveillance ends about now due to the drop off in cases. This happened once before in, I believe, 2013. It is, therefore, quite unusual to see this pattern. There is no indication at this time that this is related to the avian influenza in animals.

There have been no influenza-associated pediatric deaths this season so far.





https://www.health.ny.gov/diseases/communicable/influenza/surveillance/2021-2022/flu_report_current_week.pdf

Powassan – a Tick borne disease

One death reported in the media in the past couple of weeks. A possible case in a pediatric patient being investigated at present. A reportable disease. Compared to babesiosis and anaplasmosis it is less common. When reported and confirmed as a case the DOH will come to the area of presumed exposure and search for infected ticks.

Deer tick virus is in the same basket as Powassan and needs to be teased apart from it. Duration from bite to infection is short – on the order of ten minutes. Use of preventive measures (e.g. repellants, and clothing) are therefore key. It is unknown if subclinical or unrecognized Powassan infections occur.

Lyme Disease

We are already seeing a rise in cases exceeding previous years. 71 year to date compared to only 51 or our prior annual average.

Syphilis

Similarly, YTD we have 16 cases compared to our annual average of 22. And, very disturbingly, a first case of congenital syphilis for many, many years. This case was apparently infected in third trimester. Other STDs may be tracking to be on par with prior year's averages.

Collaboration with area partners especially surrounding the case of congenital syphilis will be done.

Climate Change, Public Health and Proof of Work cryptocurrency

The public health impacts of climate change are many and significant. Proof of work cryptocurrency consumes massive amounts of energy and contributes to global warming at present. It is predicted that the old Cayuga Power Plant site on Cayuga lake could be transitioned to a proof of work cryptocurrency mining site in the near term. I have been serving on an advisory committee to the Town of Lansing (in which the old plant site is located) in my capacity as Medical Director in order to provide input on public health impacts of the site transitioning to a new use.

New York's energy consumption and climate goals are threatened by conversion to a proof of work cryptocurrency site as its massive energy consumption defeats CO2 goals set by the people of NYS. The following is a summary of the bill before the NYS Senate which seeks to address part of this problem. Its background information should help to bring you up to date. It is quite readable.

S6486D (ACTIVE) - SUMMARY

Establishes a moratorium on cryptocurrency mining operations that use proof-of-work authentication methods to validate

blockchain transactions; provides that such operations shall be subject to a full generic environmental impact statement review.

S6486D (ACTIVE) - SPONSOR MEMO

BILL NUMBER: S6486D

Revised

SPONSOR: PARKER

TITLE OF BILL:

An act to amend the environmental conservation law, in relation to establishing a moratorium on cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions; and to require a comprehensive generic environmental impact statement review

PURPOSE OR GENERAL IDEA OF BILL:

To establish a moratorium on air permit issuance and renewal for electric generating facilities that utilize a carbon-based fuel and that provides, in whole or in part, behind-the-meter electric energy consumed or utilized by cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions; and require completion of a comprehensive generic environmental impact study of cryptocurrency mining operations using proof-of-work methodology in the State of New York in the context of the Climate Leadership and Community Protection Act (CLCPA) goals established in statute in 2019.

SUMMARY OF PROVISIONS:

Section 1 declares the legislative findings.

Section 2 places a moratorium on air permit issuance and renewal for an electric generating facility that utilizes a carbon-based fuel and that provides, in whole or in part, behind-the-meter electric energy consumed or utilized by cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions.

Section 3 requires completion of a comprehensive generic environmental impact statement by the New York State Department of Environmental Conservation.

Section 4 requires one-hundred and twenty days of public comment on the environmental impact statement and the holding of public hearings in eight regions across the state prior to final issuance.

Section 5 requires issuance of a final generic environmental impact statement after close of the public comment and public hearing period no later than one year after the effective date of this act.

Section 6 provides definitions.

Section 7 provides the effective date.

JUSTIFICATION:

Blockchain technology is an innovative technology that allows for the recording and efficient transfer of information. The information in each block is authenticated by users of the system in a transparent, decentralized, and democratic manner. Each block has a unique identifier that encodes the information of the block including code for the previous information block from which the new information block was built creating a chain of information exchange known as a blockchain.

Proof-of-Work (PoW) is a decentralized consensus mechanism used to validate transactions and secure a blockchain. There are over 16 different methodologies of authenticating information within a block. However, PoW uses a substantial amount of power. The PoW authentication method was designed to require individuals or companies to solve highly complex mathematical puzzles. The miners solve puzzles, trying to break the SHA-256 encryption algorithm in order to authenticate a transaction and earn tokens.

The more participants in the network, the more difficult it becomes to solve the mathematical puzzles. The combined speed of all "miners" participating in the network is commonly defined as "global hash rate." The more miners, the higher the hash rate. When miners are disconnected, the hash rates drop accordingly, making it easier for the remaining miners to mine Bitcoin.

This creates incentives for miners to remain in the network. By design, there is no software that can be created that will be able to solve the equations better than brute force guesswork. Therefore, the only way to get an advantage and solve the equations faster is for an individual or company to increase their computational power. There are no comparable alternative methods which allow miners to participate in PoW operations. This has led to the expansion of large cryptocurrency mining operations consisting of thousands of computers that solve as many equations as possible. There is one block reward every nine minutes. Therefore, miners around the world are competing for that one reward. In order to succeed, you need more miners to give you more probability to win the block. Miners globally "pool" their computational power together and once one of the miners in the pool solves the puzzle, the "block reward" is shared with every pool participant.

There are an increasing number of cryptocurrency mining operations in New York that are mining cryptocurrencies that use PoW consensus algorithm, such as Bitcoin and Ethereum. Some cryptocurrency mining companies purchased retired fossil fuel plants and began operating at a much higher rate than the plants did previously. Those companies are essentially operating as an electric generating facility that uses fossil fuels.

However, other cryptocurrency mining operations run on zero-emission energy sources and operate as customers to the local grid. When properly developed, facilities that utilize zero-emission energy sources add millions of dollars in tax revenue and bring economic development to communities otherwise burdened with shuttered properties.

The added energy usage from behind-the-meter cryptocurrency mining operations performing PoW authentications that operate their own and operate as electric generating facilities, could have unintended consequences on the state's energy goals.

We must determine whether the growth of Proof-of-Work authentication cryptocurrency mining companies that operate their own electric generating facilities and produce energy by burning fossil fuels is incompatible with our greenhouse gas emission targets established in law. By requiring a statewide generic environmental impact statement, this crucial information about the industry's impact upon our climate law, and associated water, air and wildlife impacts, will be understood and can guide any potential future policy related to industry regulation.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

NONE

EFFECTIVE DATE:

This act shall take effect immediately and shall apply to all permits or renewal applications filed after such date.

Division for Community Health

May 24th, 2022 Board of Health meeting

April 2022 monthly report

By Rachel Buckwalter and Celeste Rakovich, Senior Community Health Nurses and Michelle Hall, WIC director

Communicable Disease:

- **Covid-19:** Case numbers and hospitalizations increased during the month of April. Tompkins County moved to the “medium” CDC community level in mid-April, and then as the upward trend in cases and hospitalizations continued, on April 27th TCHD issued a press release advising all county residents to wear a high quality mask indoors in public places. Tompkins County moved to the “high” CDC community level on Thursday April 28th. Despite case numbers being high, overall severity of disease remains low. Most of the Covid-positive hospitalizations at CMC are patients who have a primary diagnosis that is not Covid—they happen to test positive on admission but are hospitalized for another reason. There were no Covid deaths reported in the month of April. TCHD continues to provide guidance to community partners and also provide masks and tests to local organizations upon request. Communicable disease staff and the public health fellows are monitoring clusters in high-risk settings.
- **Syphilis:** One case of congenital syphilis was reported for Tompkins County in the month of April (see attached CDESS reports). The NYSDOH regional office in Syracuse investigated this case and will report on it at the Peace of Mind coalition meeting which is scheduled for May 23rd.

HIV

- TCHD continues to offer anonymous HIV testing at the TC Jail twice a month. There were no tests performed for the month of April. TCHD did not spend all the grant funds available due to Covid response. We hope to be able to provide more focus on HIV activities in the new grant year.

SafeCare Program:

- SafeCare coach Rachel Buckwalter completed refresher training on April 22nd. SafeCare providers Gail Birnbaum and Deb Axtell are in process of completing their provider refresher training. Once this training is completed we can start accepting referrals again. We are hoping to restart this program in June.

Maternal Child Health

Moms PLUS+

- Census for April was 19 clients including 2 high risk clients. Three new staff MCH nurses are undergoing the Certified Lactation Counselor virtual training. MCH nurses continue to admit new clients prenatally and for post-partum nursing home visits.
- Survivor Moms' Companion: Meetings held with Mental Health to coordinate care of mutual clients. Meetings will be ongoing to determine best way to make referrals and outreach for this service.

PICHC

- TCHD was awarded a grant for PICHC (Perinatal and Infant Community Health Collaborative). PICHC is funded by NYSDOH for five years, and aims to improve perinatal and infant health outcomes and eliminate racial, ethnic, and economic disparities in those outcomes, while incorporating a holistic approach to achieving racial and reproductive justice that provides equitable compensation and appropriate training for Community Health Workers (CHWs), and promotes supportive services for high-risk individuals and families through collaboration via a shared services network (e.g., Maternal Stress-Free zones) based on community input and needs. The annual award amount is \$255,000 for the anticipated contract period of 07/01/2022 - 06/30/2023 (Full Contract Award Amount: \$1,275,000 over five years). This will be a new program here in TC, that we will integrate into our existing Community Health and Health

Promotion Division activities and structures and coordinate with other home visit programs in the area. This grant essentially expands the resources we have available to support parents and babies with two new FT Community Health Workers (CHW's) and a new FT CHW supervisor, whose work will complement the five CHS community health nurses working on Moms PLUS+ and our two recently hired CHWs in Health Promotion.

Immunization Clinics:

- Our homebound Covid-19 booster program continues. During the month of April CHS nurses provided booster shots to 13 homebound Tompkins County residents.
- We are planning a pop-up Covid booster clinic at the Juneteenth Community Health Fair on the Ithaca Commons on June 19th. First and second Moderna boosters will be offered by pre-registration and walk-ins will also be accepted.
- Demand for the homebound program and for pop-up clinics is slowing. We are planning to resume our on-site immunization clinic, hopefully in July once we order vaccine and provide refresher training to staff.

Rabies

- April 1st marked the transition period phase 1 for CHS to take back previous responsibilities for rabies post exposure. CHS resumed Day 0 scheduling for clients authorized by Environmental Health for post exposure treatment. A workflow has been established for after hours and weekend coverage. CHS continues to work with EH on training new staff and implementing phases of transition.
- New standing orders updated and ready for BOH review. Orders reflect the updates from NYS Dec 2021.

Lead

- All required documents for the newly formed CLPPP program have been submitted to the state for the 2021-2022 grant year. TC continues to follow up on elevated blood lead levels reported. There are 19 clients in the program currently and no admissions or

discharges for April. The Lead poisoning prevention network is scheduled to have their quarterly meeting in May.

Tuberculosis

- Senior Community Health Nurse Rachel Buckwalter completed the Virtual TB Intensive course offered by the Global TB Institute at Rutgers University. This was a 4-week course for clinicians to provide information on the application of principles for the diagnosis and treatment of TB, as well as key aspects of patient management.
- DOT continues for our one active TB case. This patient is stable and doing well on current medications.
- The Video Observed Therapy policy has been completed and signed by TB medical director Dr. Doug MacQueen and TCHD medical director Dr. Klepack. It is attached for BOH review and approval.

Staffing

- New community health nurse Emme Edmunds started working at CHS on April 18th. She is primarily focused on communicable disease investigations and surveillance. She worked for TCHD previously as a per diem case investigator doing Covid response. We are thrilled to have her on the team.

Workshop:

- Senior Community Health Nurse Rachel Buckwalter was invited to participate in a workshop hosted by UC Davis on April 26-28th. The workshop was titled “Academic Integration into Pandemic Preparedness and Response” and Rachel participated along with Gen Meredith, professor of practice at Cornell University’s Master of Public Health Program. Gen and Rachel were able to contribute their experience with TCHD and Cornell’s effective partnership during the Covid response to the workshop. The group came up with recommendations to integrate public health, academia and the private sector as we plan for future pandemics. A policy brief is in the process of being written by the UC Davis group and will be shared with the Board of Health when it is received.

**BOH Report- Tompkins County WIC Program
May 2022**

Caseload Data:

March final caseload data:

Enrollment: 1158
Participation: 1089
Participation/Enrollment %: 94.04%
92.27%
Participation/Caseload %: 72.60%
71.60%

**Total participants seen in March: 482
500**

Appointment show rate: 93%

Preliminary April

Enrollment: 1164
Participation: 1074
Participation/Enrollment %:

Participation/Caseload %:

Total participants seen in April:

Appointment show rate: 95%

As of March 2022, the program is serving 48% of the eligible population in Tompkins County.

Program Highlights

1. WIC participation and enrollment continues to increase.
2. No update on the next 5-year grant WIC RFA application. Due to the delay of the RFA, the WIC Budget was extended for another contract year October 1, 2022, through September 30, 2023. A 2% increase was applied to the WIC grant.
3. Kelsie Fitch, WIC Nutritionist achieved her master's degree in Public Health.
4. WIC Director is completing interviews over the next two weeks for the current WIC Clerk position. The intent is to fill the position by the end of May. The Vacant Breastfeeding Peer Counselor position was filled, and contract staff person started May 5th.
5. Outreach-
 - Cecilia Hagen- Revelins- WIC Nutritionist and Shuai Yuan- Public Health Graduate fellow attended the YMCA- Healthy Kids Day April 30th .
 - May 20th- WIC staff will give a presentation about WIC program services to Head Start enrollment staff.

N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 03MAY22
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=April

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	3	35.2	0	0.0	0	0.0	0	0.0	0	0.0
BABESIOSIS**	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
CAMPYLOBACTERIOSIS**	0	0.0	1	11.7	1	11.7	1	11.7	1	11.7
COVID-19	1858	21820	260	3053.4	72	845.6	0	0.0	0	0.0
CRYPTOSPORIDIOSIS**	1	11.7	0	0.0	2	23.5	0	0.0	1	11.7
ECOLI SHIGA TOXIN**	0	0.0	0	0.0	2	23.5	1	11.7	1	11.7
ENCEPHALITIS, OTHER	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
GIARDIASIS	0	0.0	0	0.0	1	11.7	5	58.7	2	23.5
HAEMOPHILUS INFLUENZAE, NOT TYPE B	0	0.0	0	0.0	1	11.7	1	11.7	1	11.7
HEPATITIS B,CHRONIC**	0	0.0	0	0.0	1	11.7	1	11.7	1	11.7
HEPATITIS C,CHRONIC**	1	11.7	3	35.2	2	23.5	2	23.5	2	23.5
INFLUENZA A, LAB CONFIRMED	124	1456.3	0	0.0	0	0.0	75	880.8	25	293.6
INFLUENZA B, LAB CONFIRMED	0	0.0	0	0.0	0	0.0	6	70.5	2	23.5
INFLUENZA UNSPECIFIED, LAB CONFIRMED	3	35.2	0	0.0	0	0.0	0	0.0	0	0.0
LYME DISEASE** ****	18	211.4	2	23.5	0	0.0	0	0.0	1	11.7
PERTUSSIS**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
SALMONELLOSIS**	1	11.7	1	11.7	3	35.2	0	0.0	1	11.7
STREP,GROUP A INVASIVE	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
STREP,GROUP B INVASIVE	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
STREP, GROUP B INV, EARLY/LATE ONSET	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
STREP PNEUMONIAE, INVASIVE**	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
TUBERCULOSIS***	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
SYPHILIS TOTAL.....	4	47.0	0	0.0	1	11.7	4	47.0	2	23.5
- P&S SYPHILIS	0	0.0	0	0.0	0	0.0	2	23.5	1	11.7
- EARLY LATENT	3	35.2	0	0.0	1	11.7	2	23.5	1	11.7
- CONGENITAL SYPHILIS	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	7	82.2	11	129.2	4	47.0	14	164.4	10	117.4
- GONORRHEA	7	82.2	11	129.2	4	47.0	14	164.4	10	117.4
CHLAMYDIA	32	375.8	29	340.6	22	258.4	52	610.7	34	399.3

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

**Confirmed and Probable cases counted

***Not official number

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

N.Y.S. Department of Health
Division of Epidemiology
Communicable Disease Monthly Report*, DATE: 03MAY22
Through April
Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	1	2.9	0	0.0	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	3	8.8	86	252.5	31	91.0	11	32.3	43	126.2
BABESIOSIS**	0	0.0	19	55.8	8	23.5	3	8.8	10	29.4
CAMPYLOBACTERIOSIS**	4	11.7	19	55.8	17	49.9	27	79.3	21	61.7
CHIKUNGUNYA**	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
COVID-19	9821	28834	9515	27936	2451	7196.1	0	0.0	0	0.0
CRYPTOSPORIDIOSIS**	4	11.7	14	41.1	14	41.1	11	32.3	13	38.2
ECOLI SHIGA TOXIN**	0	0.0	6	17.6	5	14.7	4	11.7	5	14.7
EHRlichiosis (CHAFEENSIS)**	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
EHRlichiosis (UNDETERMINED)**	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
ENCEPHALITIS, OTHER	0	0.0	1	2.9	2	5.9	1	2.9	1	2.9
ENCEPHALITIS, POST	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
GIARDIASIS	0	0.0	15	44.0	7	20.6	26	76.3	16	47.0
HAEMOPHILUS INFLUENZAE, NOT TYPE B	1	2.9	0	0.0	2	5.9	4	11.7	2	5.9
HEPATITIS A	0	0.0	7	20.6	12	35.2	0	0.0	6	17.6
HEPATITIS B,CHRONIC**	6	17.6	17	49.9	9	26.4	7	20.6	11	32.3
HEPATITIS C,ACUTE**	1	2.9	1	2.9	5	14.7	6	17.6	4	11.7
HEPATITIS C,CHRONIC**	5	14.7	33	96.9	36	105.7	38	111.6	36	105.7
INFLUENZA A, LAB CONFIRMED	169	496.2	265	778.0	526	1544.3	772	2266.6	521	1529.7

	2022		2021		2020		2019		Ave (2019-2021)	
Disease	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
INFLUENZA B, LAB CONFIRMED	1	2.9	6	17.6	738	2166.8	62	182.0	269	789.8
INFLUENZA UNSPECIFIED, LAB CONFIRMED	3	8.8	1	2.9	0	0.0	1	2.9	1	2.9
LEGIONELLOSIS	1	2.9	3	8.8	0	0.0	3	8.8	2	5.9
LYME DISEASE** ****	71	208.5	60	176.2	37	108.6	55	161.5	51	149.7
MALARIA	0	0.0	0	0.0	2	5.9	0	0.0	1	2.9
MENINGITIS, ASEPTIC	0	0.0	0	0.0	1	2.9	1	2.9	1	2.9
MUMPS**	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
PERTUSSIS**	0	0.0	0	0.0	1	2.9	6	17.6	2	5.9
SALMONELLOSIS**	4	11.7	13	38.2	8	23.5	7	20.6	9	26.4
SHIGELLOSIS**	0	0.0	1	2.9	0	0.0	0	0.0	0	0.0
STREP,GROUP A INVASIVE	2	5.9	3	8.8	2	5.9	5	14.7	3	8.8
STREP,GROUP B INVASIVE	2	5.9	10	29.4	6	17.6	9	26.4	8	23.5
STREP,GROUP B INV,EARLY/LATE ONSET	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
STREP PNEUMONIAE,INVASIVE**	0	0.0	4	11.7	6	17.6	4	11.7	5	14.7
TUBERCULOSIS***	1	2.9	1	2.9	2	5.9	3	8.8	2	5.9
VIBRIO - NON 01 CHOLERA**	1	2.9	1	2.9	0	0.0	0	0.0	0	0.0
YERSINIOSIS**	1	2.9	1	2.9	0	0.0	2	5.9	1	2.9
SYPHILIS TOTAL.....	16	47.0	24	70.5	20	58.7	22	64.6	22	64.6
- P&S SYPHILIS	8	23.5	7	20.6	8	23.5	8	23.5	8	23.5
- EARLY LATENT	6	17.6	11	32.3	8	23.5	9	26.4	9	26.4
- LATE LATENT	1	2.9	6	17.6	4	11.7	5	14.7	5	14.7
- CONGENITAL SYPHILIS	1	2.9	0	0.0	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	36	105.7	142	416.9	97	284.8	118	346.4	119	349.4
- GONORRHEA	36	105.7	142	416.9	96	281.9	117	343.5	118	346.4

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
- P.I.D.	0	0.0	0	0.0	0	0.0	1	2.9	0	0.0
- GONORRHEA,DISSEMINATED	0	0.0	0	0.0	1	2.9	0	0.0	0	0.0
CHLAMYDIA	137	402.2	337	989.4	396	1162.7	513	1506.2	415	1218.4
CHLAMYDIA PID	0	0.0	0	0.0	0	0.0	2	5.9	1	2.9
OTHER VD	0	0.0	0	0.0	0	0.0	1	2.9	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 2017, 27 counties investigated a sample of positive laboratory results; in 2018, 30 counties sampled; in 2019, 33 counties sampled; in 2020, 36 counties sampled.

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

Children with Special Care Needs Highlights
April 2022

Staff Activities

General overview of COVID/Program Work

- All CSCN nursing staff attend a weekly meeting for COVID updates. CSCN staff no longer doing Covid work

Staff Group Training-

- Infection Control Training all nurses 4/28/22
- Audiology Training with Hear 2 Learn agency 4/28/22

Committees/Meetings

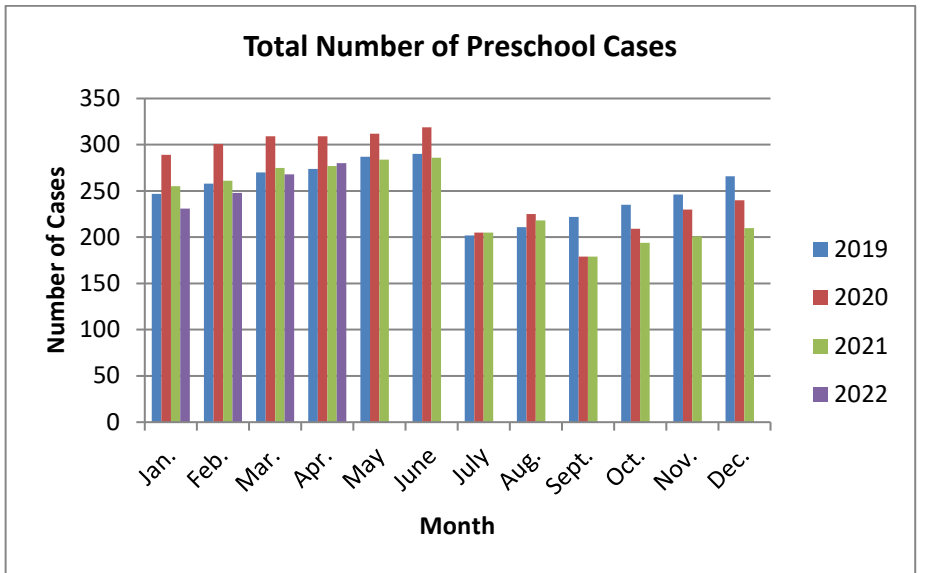
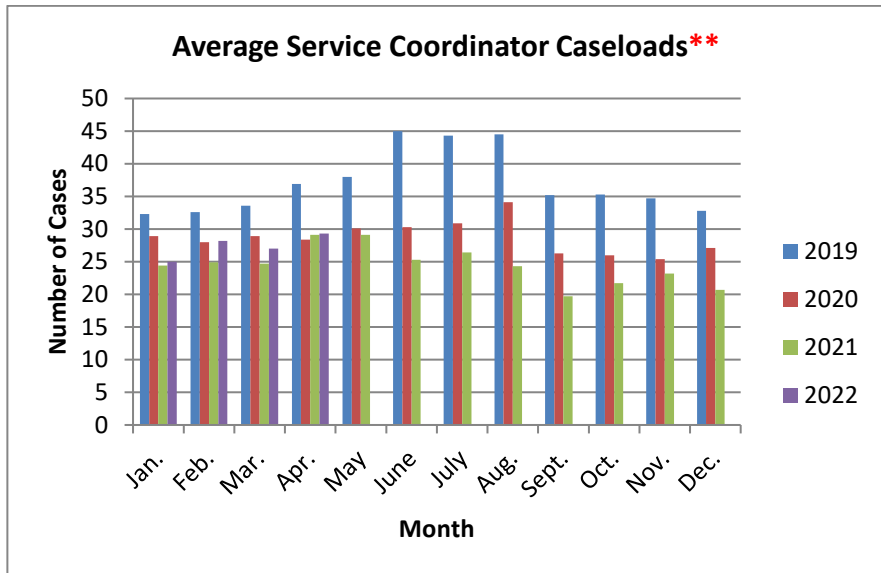
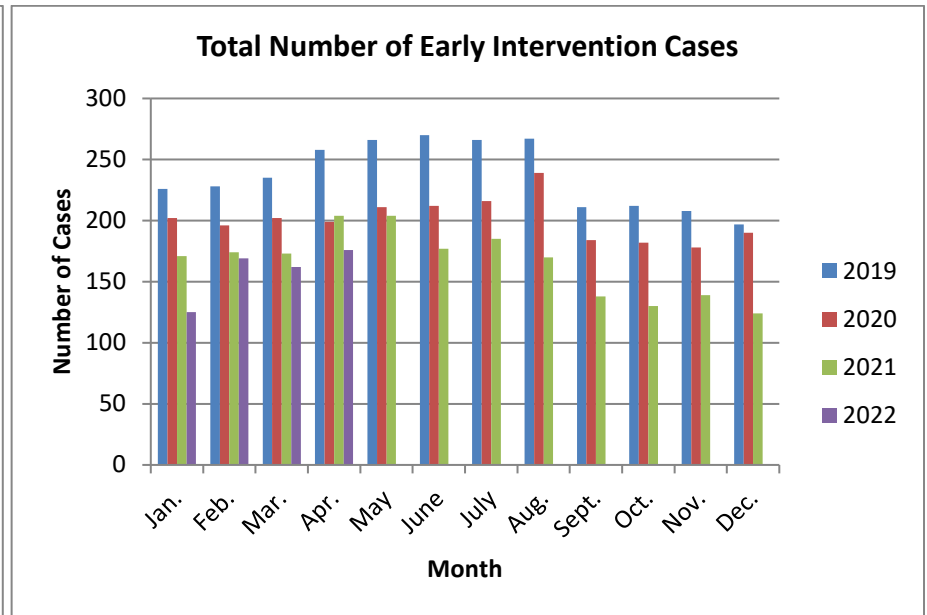
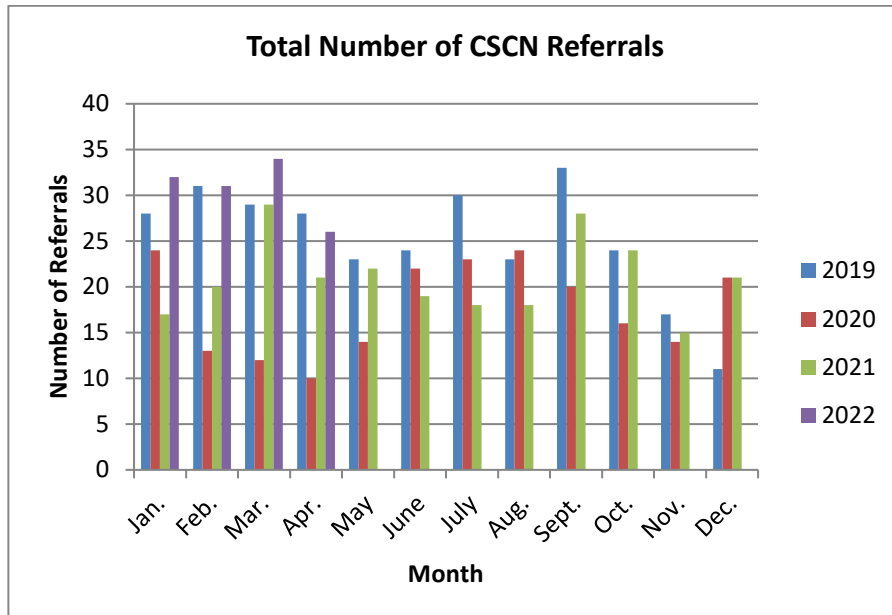
- CSCN Staff attended the Staff meeting 4/19/22

Division Manager—Deb Thomas:

- Senior Leadership Meetings-Debrief meetings every Thursday to review current COVID 19 work and Program work.
- Birnie Bus meetings for contract and billing 4/8/22
- BOH meeting 4/26/22
- Early Childhood Collaborative meeting 4/4/22
- Cross Functional Team meeting for Strategic Plan 4/22/22
- Integrating Children's services mtg 4/19/22
- Mandate Budget meeting 4/1/22
- Preschool software meetings and webinars with McGuinness 4/1/22, 4/25/22, 4/26/22, 4/27/22
- Fellow interview 4/4/22
- EI Fiscal Group meeting 4/5/22, 4/12/22
- Participating in Branding Discovery mtg 4/6/22
- EI/Preschool Provider mtg 4/7/22
- Strategic Planning Sr Leadership meeting with Batiste Consulting 4/14/22
- Strategic Planning Cross Functional Team check in 4/15/22
- CPSE Chairs meeting 4/22/22
- Meetings with Sr Community Health Nurse for planning 4/20 and 4/21/22
- Collaborative Solutions Network meeting 4/21/22
- Preschool Cost Report training 4/26/22
- CCE Coalition for Families 4/27/22
- Mtg with Gorge Falls Therapy re Core Evaluations 4/28/22

** Early Intervention experiencing wait lists for speech services and Special Instruction teachers and Physical Therapy and Occupational Therapy.
NYSDOH BEI notified monthly.

Statistics Based on Calendar Year



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

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

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

ENVIRONMENTAL HEALTH HIGHLIGHTS April 2022

Outreach and Division News:

Fuel Oil Spill at Newfield Elementary: Kudos to Chris Laverack of the Environmental Health (EH) Division for utilizing his experienced inspection skills on April 27th, to spot indications of a past fuel oil spill at the Enfield Elementary School. The discovery was made during a routine inspection of the school's water system, and it quickly led the Health Department to issue a precautionary Do Not Drink Order and initiate a multi-agency investigation to determine if the water supply was impacted by the spill. EH will continue work with the school district, NYSDEC and NYSDOH throughout the investigation until all parties are fully confident the school's children and staff are not at risk as a result of the spill.

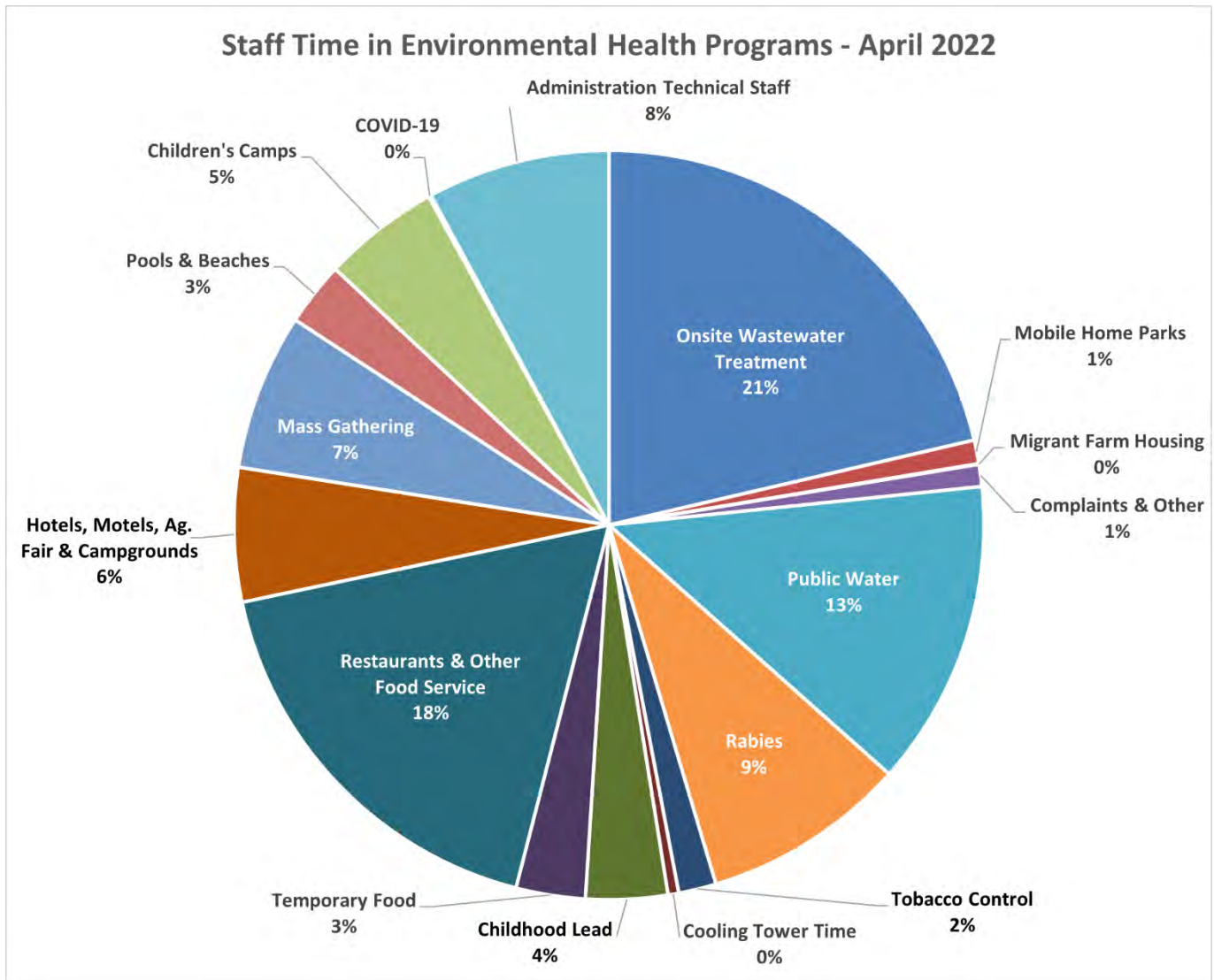
The school's drinking water was sampled by the DEC and the results for volatile and semi-volatile organics were non-detect. Initially, it was hoped the contaminated soils around the storage tank would be removed, but concern that continued excavation around the tank might destabilize it led the DEC to halt digging and change course and proceed with soil boring around the tank to first identify the extent of the spill's impact. Additionally, groundwater monitoring wells will be installed by the DEC. The Do Not Drink order will remain in effect until we have more results from the DEC investigation. While the Do Not Drink order is in place, the school shall provide students, staff and visitors bottled water for drinking.

Rabies: There was one confirmed case of rabies in April 2022. A bat was found in a home with three cats, two of which were determined to have no risk of exposure. A nuisance wildlife control officer captured the bat, but it died within hours of capture and was submitted to Wadsworth for testing where it was confirmed positive for rabies. While it appeared the third cat was unlikely to have had contact with the bat, it received a booster vaccination as a precaution. No people required vaccinations for this incident.

This demonstrates the importance of having all cats, dogs, and ferrets current on their rabies vaccination, even if the pet never goes outside. The Health Department hosted a rabies clinic on May 4th at the Lansing Fire Station and will be hosting another clinic on June 9th at the Enfield Highway Garage from 7 PM to 9 PM.

Human Resources: EH is very happy to announce that Sarah Heath joined Environmental Health as an Environmental Health Technician (EHT) starting May 2. The EHT position will focus primarily on assisting in the Water, Temp Food, and Rabies programs.

EH Programs Overview:



Division of Environmental Health
Summary of Activity (2022)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD	2021 Totals
ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS)														
Permits Issued	6	3	9	18	0	0	0	0	0	0	0	0	36	220
New Construction/Conversions	4	2	6	11									23	105
Replacements	2	1	3	7									13	115
Completion Certificates Issued	7	1	3	3	0	0	0	0	0	0	0	0	14	185
New Construction/Conversions	6	1	2	3									12	90
Replacements	1	0	1	0									2	95
ENGINEERING PLAN REVIEWS														
Realty Subdivisions	0	0	1	0									1	0
OWTS	1	2	2	2									7	29
Collector Sewer	0	0	1	2									3	0
Public Water Systems	0	0	0	0									0	7
Water Main Extension	0	0	1	3									4	5
Cross-Connection Control Devices	3	1	1	0									5	7
Other Water System Modification	0	0	1	2									3	3
Other Engineering Reviews	0	0	0	3									3	0
RABIES CONTROL PROGRAM														
Potential Human Exposure Investigations	22	19	29	30									100	472
Human Post-X Treatments	3	2	3	3									11	115
Animal Specimens Tested	8	9	11	9									37	172
Animals Testing Positive	1	1	0	1									3	4
Rabies Clinics Offered	0	0	1	0									1	4
Dogs Vaccinated	0	0	42	0									42	398
Cats Vaccinated	0	0	23	0									23	258
Ferrets Vaccinated	0	0	0	0									0	2
Pet Quarantine	0	0	0	0									0	0
CHILDHOOD LEAD PROGRAM														
Children with Elevated Blood Lead Levels	1	1	0	2									4	10
Sites Inspected	0	3	0	0									3	6
Abatements Completed	0	0	1	0									1	1
Lead Assessments Sent	0	0	0	0									0	2
FOIL REQUESTS														
Total Received	2	6	2	2									12	45
ADOLESCENT TOBACCO USE PREVENTION ACT (ATUPA) (65 Operations *) & CLEAN INDOOR AIR ACT (CIAA)														
ATUPA (Adult & Minor) Compliance Checks	13	47	30	0									90	28
Violations	0	0	0	0									0	2
CIAA Complaints	0	0	0	0									0	5
COMPLAINTS - General/Nuisance														
Complaint Investigations Opened	2	1	3	3									9	44
ENFORCEMENT ACTIONS														
Total Cases	5	0	5	0									10	17
Cases Related to FSE	4	0	1	0									5	6
BOH Penalties Assessed	\$4,900	\$0	\$2,500	\$0									\$7,400	\$8,450
BOH Penalties Collected	\$200	\$200	\$1,900	\$5,300									\$7,600	\$8,000
CUSTOMER SERVICE/SUPPORT														
Calls Received	579	462	642	676									2359	11156
Walk-In Customers	15	35	26	30									106	440
TCEH Emails Received	424	374	373	398									1569	6415
Applications Processed	41	167	140	170									518	1500
Payment Receipts Processed	18	150	137	112									417	1269
Renewals/Billings Sent	107	152	60	143									462	872

* As of 1/1/2022

** Includes Pre-op, Inspection, Re-inspection, HAACP, Sanitary Surveys (Doesn't include Co-Inspector/Field Visits)

Food Program Detailed Report:

The results of food service establishment inspections conducted in Tompkins County can be viewed directly on the Environmental Health website (<https://www2.tompkinscountyny.gov/health/eh/food#fsetable>). Inspections can be sorted to meet the needs of the viewer (by facility, date, etc.) by clicking on the column heading of interest.

The following plans were approved this period:

- No plan reviews in April.

New permits were issued for the following facilities:

- Café Dewitt, C-Ithaca
- Madeline's, C-Ithaca
- Marrakech Casablanca Restaurant, C - Ithaca

Boil Water Orders (BWOs):

New:

- On April 14, 2022, a BWO was issued to TOSA Apartments located in the Town of Dryden. The water system did not have adequate chlorine residual when inspected by the Tompkins County Health Department. Enforcement action is pending as a result of the finding.

Summary of Open BOH Enforcement Actions:

Date of BOH Action	Facility	Owner/ Operator	Basis for Action	Penalty Assessed	Next BOH Order Deadline	Status
1/25/22	Macro Mamas	Peggy Aker	Food Service Establishment – Repeat Critical Violations	\$200	Payment due 3/15/22	Monitoring Compliance
3/22/22	Best Western University Inn	Satish Duggal	Temporary Residence – Repeat Critical Violations	\$400	Payment due 5/15/22	Monitoring Compliance



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 AND REGULAR MAIL

April 13, 2022

Cayuga Smoke Shop Inc.
Attention: Ali Hassan
207 North Aurora Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0007
Alleged Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Cayuga Smoke Shop, C-Ithaca**

Dear Ali Hassan:

Thank you for signing the Stipulation Agreement on March 25, 2022, for the Cayuga Smoke Shop. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, April 26, 2022**.

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 by Friday, April 22, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by April 22, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Cayuga Smoke Shop\Draft Res 22-0007.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela



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

DRAFT RESOLUTION # EH-ENF-22-0007 FOR

**Cayuga Smoke Shop
Cayuga Smoke Shop Inc/Ali Hassan, Owner/Operator
207 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on February 25, 2022, Tompkins County Health Department (TCHD) staff observed more than 400 individual flavored vapor products containing nicotine offered for sale at Cayuga Smoke Shop; **and**

Whereas, Cayuga Smoke Shop Inc has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for Cayuga Smoke Shop Inc, Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 7, 2022, agreeing that Cayuga Smoke Shop violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Cayuga Smoke Shop Inc, Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by June 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.



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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0007

**Cayuga Smoke Shop
Cayuga Smoke Shop Inc/Ali Hassan, Owner/Operator
207 North Aurora Street
Ithaca, NY 14850**

I, Ali Hassan, as a representative for Cayuga Smoke Shop Inc., agree that on February 25, 2022, Cayuga Smoke Shop was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the offering the sale of flavored vapor products with nicotine.

I agree to pay a penalty not to exceed \$350 plus a \$250 surcharge 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. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
2. To comply with all the requirements of New York State Public Health Law, Article 13F.

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.

I also understand that future violations where Cayuga Smoke Shop sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed: *Ali Hassan*

Date: 3-25-22

Cayuga Smoke Shop Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed: *Brenda Annick Bush*
for Frank Kruppa
Public Health Director

Date: 3/29/2022

Additional Information Collected During Inspection

Comments: During the inspection, I observed multiple flavored nicotine vapor products for sale on the shelf directly behind the counter. I took a photograph of the flavored products on my personal cell phone.

I spoke with Ali, working at the counter, and conveyed to him that the sale of flavored nicotine vapor products, at retail stores, is prohibited in New York State. I also provided Ali with relevant educational materials. Ali indicated he was willing to comply with the subject regulation.

While I was conducting the inspection, Ali removed several packages of flavored nicotine vapor products. Ali stated he would remove the remaining flavored nicotine vapor products from the shelf and that they would not be offered for sale at the store in the future.



Inspector: Dillon Shults (dshults@tompkins-co.org)

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

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

CERTIFIED AND REGULAR MAIL

May 13, 2022

Dream Vape & Smoke
222 Elmira Road
Ithaca, NY 14867

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0008
Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Dream Vape & Smoke, C-Ithaca**

Dear Dream Vape & Smoke, LLC:

Thank you for signing the Stipulation Agreement on April 21, 2022, for Dream Vape & Smoke. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 24, 2022**.

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 by Friday, May 20, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you may submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by May 20, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,



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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Dream Smoke Shop\Draft Res 22-0008.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Iman Abraham, Rep for Dream Vape & Smoke; Tim Wiant, NYSDOH; Mayor Laura Lewis; Travis Brooks, TC Legislature;
Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public
Health Director; Becky Sims; Skip Parr; Adriel Shea; 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-22-0008 FOR

**Dream Vape and Smoke
Dream Vape & Smoke, LLC, Operator/Owner
222 Elmira Road
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-cc of the New York State Public Health Law (NYSPHL) and Tompkins County Local Law No.b of 2019 that prohibit the sale of tobacco or vapor products to individuals under 21 years of age; **and**

Whereas, on March 4, 2022, Tompkins County Health Department (TCHD) staff person over the age of 21 purchased a sour apple flavored nicotine vapor product and observed more than 600 individual flavored vapor products containing nicotine offered for sale at Dream Vape and Smoke; **and**

Whereas, on March 16, 2022, the Tompkins County Health Department observed the sale of a prohibited tobacco product to an individual under the age of 21 years old at Dream Vape & Smoke; **and**

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

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

Whereas, Dream Vape & Smoke. has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for Dream Vape & Smoke, signed a Stipulation Agreement with Public Health Director's Orders on April 21, 2022, agreeing that Dream Vape & Smoke violated Article 13-F, Section 1399-MM-1 and Section 1399-cc of the NYSPHL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Dream Vape & Smoke LLC, Owner, is ordered to:**

1. Pay a penalty of \$2,500 for these violations, due by July 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale of tobacco products to people under the age of 21; **and**
3. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
4. To prohibit the use of price reduction instruments or other means of charging less than a vapor product's listed price; **and**
5. To post and maintain a sign that customers can easily see that reads: "**SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW.**"; **and**
6. To comply with all the requirements of New York State Public Health Law, Article 13F.



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

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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0008

**Dream Vape and Smoke
Dream Vape & Smoke, LLC, Operator/Owner
222 Elmira Road
Ithaca, NY 14850**

As a representative for Dream Vape & Smoke, LLC, I agree that on March 4, 2022, and March 16, 2022, Dream Vape and Smoke was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the sale of and offering the sale of flavored vapor products with nicotine. Additionally, I agree that on March 16, 2022, Dream Vape and Smoke was in violation of New York State Public Health Law, Article 13F, Section 1399-cc for selling tobacco products to an individual under 21.

I understand that Dream Vape and Smoke will be assigned two points for this violation of the ATUPA law unless it can be demonstrated that the seller possessed a certificate from a state certified tobacco sales training program at the time of the sale. In that case, Dream Vape and Smoke will be assigned one point. These points will be removed in three years.

I understand that at least three inspections will be conducted each year for the next three years. If Dream Vape and Smoke is assigned a total of three or more points due to future sales to a minor, its registration to sell tobacco products and, if a lottery agent, its lottery license will be suspended for 6 months.

I agree to pay a penalty, not to exceed \$2,000 plus a \$500 surcharge for the two 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. To prohibit the sale of tobacco products to people under the age of 21.
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
3. To prohibit the use of price reduction instruments or other means of charging less than a vapor product's listed price.
4. To post and maintain a sign that customers can easily see that reads: **"SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, SHISHA OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA TO PERSONS UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW."**
5. To comply with all the requirements of New York State Public Health Law, Article 13F.

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

I also understand that future violations where Dream Vape and Smoke sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed: Ali Shah Date: 4/21/22

Dream Vape & Smoke, LLC is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Brenda Annell Crush Date: 4/25/22
for Frank Kruppa
Public Health Director

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: DREAM VAPE & SMOKE (ID: 1071503)
Facility Name: DREAM VAPE & SMOKE
Facility Code: ATUPA
Facility Address: 222 Elmira Road, Ithaca , NY 14850
Facility Type: Other

To the Attention of:

Dream Vape & Smoke, LLC
222 Elmira Rd
Ithaca, NY 14850

Underage Compliance Check - Purchase Attempt

Date: March 16, 2022 10:54 AM
Inspector: Cyril Parr (sparr@tom-pkins-co.org)

Registration Information

Products available for sale: Vapor Products

Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Displayed - Provided Upon Request
	ID Number: 87-1548236 Year of Registration Expiration: 2021

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes
Lottery Agent? No
Bidis/Gutka offered for sale? Not Verified (Not evaluated)
Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes
Type of product for which purchase was attempted: Liquid Nicotine or Other Vapor Product
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Underaged Sales Compliance

Gender of person attempting purchase: Female

Date of Birth of person attempting purchase: December 12, 2001

Did sales person ask for identification from minor? No

Was age asked? No

Sale details:

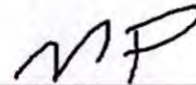
Brand Name: Hyde - Watermelon Ice Cream

Receipt? No

Cost: \$20.00

Held for evidence? Yes

I entered the premises with no proof of age, tobacco or vapor products, herbal cigarettes or other restricted products in my possession. The money I carried was provided by the Department and used to purchase the product as described herein. I returned \$30.00 and all evidence to the Department after leaving the premises.



Initials or Code of Underage Inspector: mp

Description of Person Who Sold the Product

Name (Last, First): Not Provided, Not Provided

Gender: Male

Race: Other

Age: Age: 21 - 35 Yrs.

Height: 5'6" - 6'0"

Build: Slim Build

Hair Color: Black

Hair Length: Medium

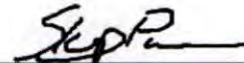
Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Not Verified


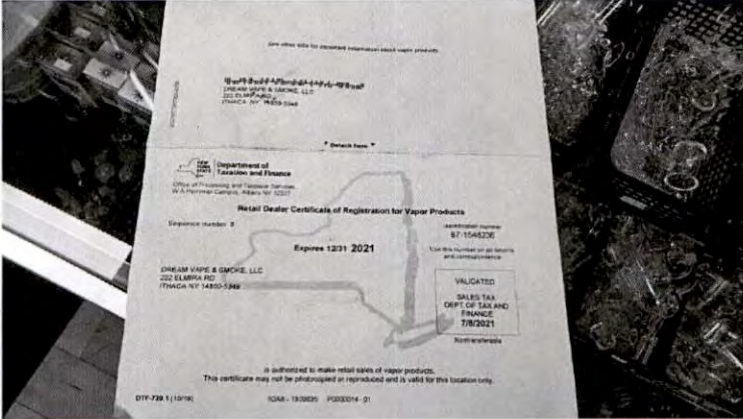
When bidis or gutka are sold in a tobacco business, is the required sign displayed? Not Verified (Not evaluated)

Additional Information Collected During Inspection

Comments: Underage inspector asked for flavored nicotine vape. Seller went behind a wall in the showroom and returned with the product that was sold without verification of age. Cash sale was made without using cash register. I observed the transaction and purchased rolling papers prior to notifying the cashier that he made a sale to a person under the age of 21. Cashier refused to provide his name, only stating that he was working for his cousin. When asked to provide the owner information, the cashier provided a Retail Dealer Certificate issued by NYS Dept. of Taxation and Finance that expired on 12/31/21. Certificate was issued to Dream Vape & Smoke, LLC with an address of 222 Elmira Road, Ithaca.



Inspector: Cyril Parr (sparr@tompkins-co.org)

Photo	Caption
	<p>Hyde Watermelon Ice Cream</p>
	<p>DTF Certificate</p>

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: DREAM VAPE & SMOKE (ID: 1071503)
Facility Name: DREAM VAPE & SMOKE
Facility Code: ATUPA
Facility Address: 222 Elmira Road, Ithaca , NY 14850
Facility Type: Other

To the Attention of:

Dream Vape & Smoke, LLC
222 Elmira Rd
Ithaca, NY 14850

Adult Compliance Check - Partial Compliance Check Only

Date: March 4, 2022 02:10 PM
Inspector: Rebecca Sims (rsims@tompkins-co.org)
Person in Charge of Establishment: Clinton Pitcher

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Displayed - Provided Upon Request
	ID Number: 87-158236 Year of Registration Expiration: 2021
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Displayed - Provided Upon Request
	ID Number: 87-1458236 Year of Registration Expiration: 2021

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? N/A
Bidis/Gutka offered for sale? Not Verified (Not evaluated)
Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? No
When bidis or gutka are sold in a tobacco business, is the required sign displayed? Not Verified (Not evaluated)

Additional Information Collected During Inspection

Comments: Multiple violations observed:

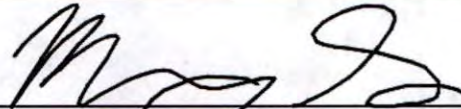
1. TCHD staff purchased Hyde Mag sour apple ice flavored vapor product containing 5% nicotine from this facility.
2. Immediately following the sale, TCHD staff observed more than 600 individual flavored vapor products containing nicotine in flavors other than tobacco on the shelves behind the counter, offered for sale with price tags. Products were removed from the shelves by facility staff at the time of inspection.
3. Handwritten price tags for flavored vapor products containing nicotine offering a discount when multiple products are purchased, stated "\$25 or 2X \$40 Cash Only =)" and "\$20 or 2x \$35 Cash Only =)" and "\$15 or 2X \$20 Cash Only =)"
4. No signage was observed prohibiting the sale of tobacco or vapor products to individuals under 21 years of age. A sign stating "Must be 21 to enter" was observed to be posted on the door and next to the cash register. TCHD staff provided the facility with the required signage at the time of inspection. Signage was not posted during the inspection.

Owners Name:

Ali (last name unsure)

607-279-5653

Staff stated that mail is received at the store's location, 222 Elmira Road, Ithaca



Inspector: Rebecca Sims (rsims@tompkins-co.org)

Photo

Caption



Flavored vapor products containing nicotine for sale



Flavored vapor products containing nicotine for sale



Flavored vapor products containing nicotine for sale, discounts offered

Photo



Caption

Flavored vapor products containing nicotine for sale, discounts offered



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

CERTIFIED AND REGULAR MAIL

April 13, 2022

Commons Market
Attention: James Wells
122 North Aurora Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0009
Alleged Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Commons Market, C-Ithaca**

Dear James Wells:

Thank you for signing the Stipulation Agreement on March 23, 2022, for the Commons Market. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, April 26, 2022**.

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 by Friday, April 22, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by April 22, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Cameron".

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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Common's Market\2022 Enforcement\Draft Res 22-0009.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Ithaca Building Department; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela



Your Partner for a Healthy Community

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

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DRAFT RESOLUTION # EH-ENF-22-0009 FOR

**Common's Market
J & C Wells, Inc. /James Wells, Owner/Operator
122 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 4, 2022, Tompkins County Health Department (TCHD) staff purchased a watermelon flavored nicotine vapor product and observed more than 400 individual flavored vapor products containing nicotine offered for sale at Common's Market; **and**

Whereas, on March 4, 2022, TCHD staff observed 17 boxes of hookah tobacco stored on an open ground-level shelf accessible to customers; **and**

Whereas, Common's Market has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for J & C Wells, Inc., Owner, signed a Stipulation Agreement with Public Health Director's Orders on March 23, 2022, agreeing that Common's Market violated Article 13-F, Section 1399-MM-1 of the NYSPL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That J & C Wells, Inc., Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by June 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container; **and**
4. To comply with all the requirements of New York State Public Health Law, Article 13F.



NEW!
MAR 25 2022

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-22-0009

**Common's Market
J & C Wells, Inc. /James Wells, Owner/Operator
207 North Aurora Street
Ithaca, NY 14850**

I, James Wells, as a representative for J & C Wells, Inc., agree that on March 4, 2022, Common's Market was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the sale of and offering the sale of flavored vapor products with nicotine.

I agree to pay a penalty not to exceed \$350 plus a \$250 surcharge 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. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
2. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container.
3. To comply with all the requirements of New York State Public Health Law, Article 13F.

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.

I also understand that future violations where Common's Market sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed: James Wells Date: 3-23-22

J & C Wells, Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Frank Kruppa Date: 3/25/2022
for Frank Kruppa
Public Health Director

Additional Information Collected During Inspection

- Comments:** Multiple violations are observed:
1. TCHD staff purchased a Puff Plus watermelon flavored vapor product containing 5% nicotine for \$10 cash from the facility.
 2. Following the purchase, more than 400 individual vapor products containing nicotine and flavored other than tobacco, were observed for sale behind the counter on display at the facility. Staff removed products from display at the time of inspection. Staff stated that they had stopped selling flavored vapor products with nicotine after a field visit from TCHD staff in May 2021 but after seeing other stores around town selling flavored vapor products with nicotine decided to start selling them again.
 3. Observed seventeen (17) boxes of mint and blueberry flavored hookah tobacco being stored on an open shelf accessible to customers no more than 8" off of the floor. Products were moved to a shelf more than 60" off of the ground and behind the counter during inspection.
- Enforcement action to follow.



Inspector: Rebecca Sims (rsims@tompkins-co.org)

Photo

Caption



Flavored vapor products containing nicotine for sale



Flavored vapor products containing nicotine for sale



Flavored vapor products containing nicotine for sale

Photo

Caption



Flavored vapor products containing nicotine for sale



Flavored hookah tobacco products stored on shelf at floor level



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 AND REGULAR MAIL

May 13, 2022

Jason's Grocery & Deli
Attention: Jason Burnham
301 College Avenue
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0012
Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Jason's Grocery & Deli, C-Ithaca**


Dear Jason Burnham:

Thank you for signing the Stipulation Agreement on April 9, 2022, for Jason's Grocery & Deli. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 24, 2022**.

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 by Friday, May 20, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you may submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by May 20, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UckpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Jason's Deli and Grocery\Enforcement\Draft Res 22-0012.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Adriel Shea; 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-22-0012 FOR

Jason's Grocery & Deli
Jason Burnham Owner/Operator
301 College Avenue
Ithaca, NY 14850

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 17, 2022, Tompkins County Health Department (TCHD) staff member over the age of 21 purchased a blue raspberry flavored nicotine vapor product and observed more than 340 individual flavored vapor products containing nicotine at Jason's Grocery & Deli; **and**

Whereas, Jason's Grocery & Deli. has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, Jason Burnham, Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 9, 2022, agreeing that Jason's Grocery & Deli violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,
That Jason Burnham, Owner, is ordered to:

1. Pay a penalty of \$600 for these violations, due by July 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.



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

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Fx: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0012

**Jason's Grocery & Deli
Jason Burnham Owner/Operator
301 College Avenue
Ithaca, NY 14850**

I, Jason Burnham, as a representative for Jason's Grocery & Deli, agree that on March 17, 2022, Jason's Grocery & Deli, was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the sale of and offering the sale of flavored vapor products with nicotine.

I agree to pay a penalty not to exceed \$350 plus a \$250 surcharge 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:

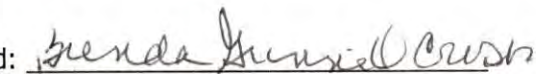
1. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
2. To comply with all the requirements of New York State Public Health Law, Article 13F.

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.

I also understand that future violations where Jason's Grocery & Deli sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that the Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed:  Date: 4/9/2022

Jason Burnham is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 4/18/2022
Frank Kruppa
Public Health Director

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: JASON'S GROCERY & DELI (ID: 313559)
Facility Name: JASON'S GROCERY & DELI
Facility Code: ATUPA
Facility Address: 301 College Avenue, Ithaca, NY 14850
Facility Type: Convenience Store

To the Attention of:

Jason Burnham
301 College Ave
Ithaca, NY 14850

Adult Compliance Check - Partial Compliance Check Only

Date: March 17, 2022 11:06 AM
Inspector: Rebecca Sims (rsims@tompkins-co.org)
Person in Charge of Establishment: Amy Teeter

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Displayed
	ID Number: 16-1423897
	Year of Registration Expiration: 2022
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Displayed
	ID Number: 16-1423897
	Year of Registration Expiration: 2022

Sales Compliance

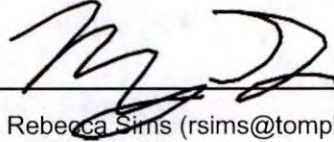
Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? N/A
Bidis/Gutka offered for sale? No
Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes
Out of package sale and minimum package size requirements met? Yes

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes
When bidis or gutka are sold in a tobacco business, is the required sign displayed? N/A

Additional Information Collected During Inspection

Comments: TCHD staff purchased a blue raspberry flavored Hyde nicotine vapor product containing 5% nicotine from this facility. ID was checked by the cashier. Immediately following, TCHD staff performed an adult inspection and observed 342 flavored vapor products for sale contained in six locked cash register drawers under the counter that were opened upon request. Products were secured at the time of inspection and cashier stated they would no longer be available for sale to anyone. Enforcement to follow.



Inspector: Rebecca Sims (rsims@tompkins-co.org)






Photo	Caption
	<p>Flavored nicotine vapor products for sale</p>
	<p>Flavored nicotine vapor products for sale</p>
	<p>Flavored nicotine vapor products for sale</p>

Photo	Caption
	<p data-bbox="857 434 1323 463">Flavored nicotine vapor products for sale</p>
	<p data-bbox="857 1017 1513 1074">Drawers under counter containing flavored nicotine vapor products</p>



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

CERTIFIED AND REGULAR MAIL

April 13, 2022

Ayra Convenience Inc
Attention: Vijay Krumar Patel
428 Eddy Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0013
Alleged Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Ayra Convenience Inc, C-Ithaca**

Dear Vijay Krumar Patel:

Thank you for signing the Stipulation Agreement on April 5, 2022, for Arya Convenience Inc. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, April 26, 2022**.

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 by Friday, April 22, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by April 22, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UckpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Cameron".

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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Ayra Convenience\Enforcement\Draft Res 22-0013.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Adriel Shea; Brenda Coyle
scan: Signed copy to Accela



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-22-0013 FOR

**Ayra Convenience Inc
Ayra Convenience Inc./Vijay Krumar Patel, Owner/Operator
428 Eddy Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 17, 2022, Tompkins County Health Department (TCHD) staff purchased a menthol flavored nicotine vapor product and observed more than 85 individual flavored vapor products containing nicotine at the Ayra Convenience; **and**

Whereas, Ayra Convenience Inc. has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for Ayra Convenience Inc., Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 5, 2022, agreeing that Ayra violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Ayra Convenience Inc., Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by June 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.



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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0013

**Ayra Convenience Inc
Ayra Convenience Inc./Vijay Krumar Patel, Owner/Operator
428 Eddy Street
Ithaca, NY 14850**

I, Vijay Krumar Patel, as a representative for Ayra Convenience, agree that on March 17, 2022, Ayra Convenience Inc, was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the sale of and offering the sale of flavored vapor products with nicotine.

I agree to pay a penalty not to exceed \$350 plus a \$250 surcharge 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:

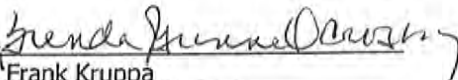

1. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
2. To comply with all the requirements of New York State Public Health Law, Article 13F.

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.

I also understand that future violations where Ayra Convenience sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that the Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed:  Date: 04-05-2022

Ayra Convenience Inc is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 4/6/22
 Frank Kruppa
Public Health Director

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: AYRA CONVENIENCE INC (ID: 1079772)
Facility Name: AYRA CONVENIENCE INC
Facility Code: ATUPA
Facility Address: 428 Eddy Street, Ithaca, NY 14850
Facility Type: Convenience Store

To the Attention of:

AYRA CONVENIENCE INC
428 Eddy Street
Ithaca, NY 14850

Adult Compliance Check - Partial Compliance Check Only

Date: March 17, 2022 11:41 AM
Inspector: Rebecca Sims (rsims@tompkins-co.org)
Person in Charge of Establishment: Jay Patel

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Displayed
	ID Number: 87-3856465 Year of Registration Expiration: 2022
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Displayed
	ID Number: 87-3856465 Year of Registration Expiration: 2022

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? N/A
Bidis/Gutka offered for sale? No
Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes
Out of package sale and minimum package size requirements met? Yes

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes
When bidis or gutka are sold in a tobacco business, is the required sign displayed? N/A

Additional Information Collected During Inspection

Comments: TCHD staff purchased a 4-pack of menthol Juul pods containing 5% nicotine for \$20 cash from this location. ID was checked before purchase. Immediately following, an adult inspection was performed and 85 flavored vapor products containing nicotine were observed behind the counter, though only 11 were on display for sale, the remaining products were under the counter.

The cashier stated that the facility had been recently purchased and was under new ownership. He stated that the inventory of the store was purchased and that he was not aware that flavored vapor products should not be offered for sale. All of the products were removed from the sale area at the time of inspection. Formal enforcement to follow.

Vijay Krumar Patel - new owner



Inspector: Rebecca Sims (rsims@tompkins-co.org)

Photo



Caption

Flavored nicotine vapor products offered for sale



Flavored nicotine vapor products for sale



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 AND REGULAR MAIL

April 13, 2022

Ithaca Convenience, LLC
Attention: Yasser Hassan
155 Dryden Road
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0014
Alleged Violation of Adolescent Tobacco Use Prevention Act (ATUPA)
Ithaca Convenience, LLC, C-Ithaca**

Dear Yasser Hassan:

Thank you for signing the Stipulation Agreement on April 7, 2022, for the Ithaca Convenience, LLC. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, April 26, 2022**.

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 by Friday, April 22, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by April 22, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UcKpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

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

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

pc: F:\EH\TOBACCO\ATUPA\Facilities\Ithaca Convenience\Enforcement\Draft Res 22-0014.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Adriel Shea; Brenda Coyle
scan: Signed copy to Accela

DRAFT RESOLUTION # EH-ENF-22-0014 FOR

**Ithaca Convenience, LLC
Ithaca Convenience, LLC/Yasser Hassan, Owner/Operator
155 Dryden Road
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March, 17, 2022, Tompkins County Health Department (TCHD) staff purchased a watermelon flavored nicotine vapor product and observed more than 600 individual flavored vapor products containing nicotine at the Ithaca Convenience LLC; **and**

Whereas, on March 17, 2022, TCHD staff observed more than 50 boxes of hookah tobacco on non-secured shelves accessible to customers; **and**

Whereas, on March 17, 2022, TCHD staff observed price tag signs offering discounts when two or more vapor products are purchased; **and**

Whereas, Ithaca Convenience LLC has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, Yasser Hassan, Operator, signed a Stipulation Agreement with Public Health Director's Orders on April 7, 2022, agreeing that Ithaca Convenience LLC violated Article 13-F, Section 1399-MM-1 of the NYSPL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Ithaca Convenience LLC, Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by June 15, 2022. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container; **and**
4. To prohibit the use of price reduction instruments or other means of charging less than a vapor product's listed price; **and**
5. To comply with all the requirements of New York State Public Health Law, Article 13F.



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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0014

**Ithaca Convenience, LLC
Ithaca Convenience, LLC/Yasser Hassan, Owner/Operator
425 Eddy Street
Ithaca, NY 14850**

I, Yasser Hassan, as a representative for Ithaca Convenience, LLC, agree that on March 17, 2022, Ithaca Convenience, LLC, was in violation of New York State Public Health Law, Article 13F, Section 1399-MM-1 for the sale of and offering the sale of flavored vapor products with nicotine.

I agree to pay a penalty not to exceed \$350 plus a \$250 surcharge 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. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.
2. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container.
3. To prohibit the use of price reduction instruments or other means of charging less than a vapor product's listed price.
4. To comply with all the requirements of New York State Public Health Law, Article 13F.

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.

I also understand that future violations where Ithaca Convenience, LLC sells or offers for sale flavored vapor product, other than tobacco flavored vapor product, that contains nicotine, that the Tompkins County Health Department will seek a fine in the amount of up to \$100 for each individual package sold or offered for sale.

Signed: *Yasser Hassan* Date: 04-07-22

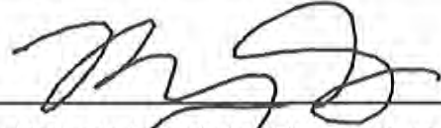
Ithaca Convenience, LLC is hereby ordered to comply with these Orders of the Public Health Director.

Signed: *Brenda Kruppa* Date: 4/7/22
for Frank Kruppa
Public Health Director

Additional Information Collected During Inspection

Comments: TCHD staff purchased an Airbar watermelon ice flavored vapor product containing 5% nicotine from this location for \$10 cash. Immediately following, an adult inspection was performed and over 600 flavored vapor products were observed to be for sale on the shelves behind the counter, in glass display cases, and on the counter itself. Observed multiple handwritten price tag signs offering discounted price for purchasing two items: (\$30 or 2 for \$50; \$18 or 2 for \$30; \$20 or 2 for \$35) At least 50 boxes of flavored hookah tobacco were on non-secured shelves in the customer area without a barrier. The cashier stated he was not aware that flavored nicotine products could not be sold. He stated he would close the store until banned products could be removed from the shelves and placed in another location. Enforcement to follow.

Owner name: Yasser Hassan



Inspector: Rebecca Sims (rsims@tompkins-co.org)

Photo

Caption



Flavored nicotine vapor products on display for sale with price discounts



Flavored nicotine vapor products for sale on counter



Flavored nicotine vapor products in glass display shelves

Photo

Caption



Hookah tobacco on open shelves in nonsecure customer area



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

May 13, 2022

Jim Gerish
Hotel Syracuse, LLC
2001 Crocker Road
Westlake, OH 44145

**Re: Tompkins County Board of Health Draft Resolution #EH-ENF-22-0015
Hilton Garden Inn at Seneca Place Spa Pool, C-Ithaca**

Dear Jim Gerish:

Thank you for signing the Stipulation Agreement on April 25, 2022, for the Hilton Garden Inn at Seneca Place Spa Pool. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 24, 2022**.

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 by Friday, May 20, 2022, so that we can coordinate access to the Zoom Meeting.

In lieu of joining the Zoom Meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by May 20, 2022. The meeting will also be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,

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

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

- pc: F:\EH\POOLS-BEACHES (SBS)\Facilities (SBS-4)\TR or CG Pools\Hilton Garden Inn\Inspection Reports\Spa Pool\Enforcement\Draft Res 22-0015.docx
- ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Zachary Jones, Hilton Garden Inn; Andrew Fendrick, Hilton Garden Inn CEO C-Ithaca; Rich John, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; Mik Kern; Skip Parr; Brenda Coyle
- scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
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DRAFT RESOLUTION # EH-ENF-22-0015 FOR

**Hilton Garden Inn at Seneca Place Spa Pool
Hotel Syracuse, LLC, Owner; Jim Gerish, Operator
130 E. Seneca St., C-Ithaca
Ithaca, NY 14850**

Whereas, the Owner/Operator of a Swimming Pool must comply with the regulations established by Subpart 6-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 6-1 of the NYSSC to fail to maintain the minimum disinfection residual; **and**

Whereas, on February 7, 2022, and March 10, 2022, the Tompkins County Health Department (TCHD) inspected the Hilton Garden Inn Spa Pool and observed the disinfectant residual below the minimum required levels for bromine; **and**

Whereas, on April 29, 2022, the TCHD approved Hilton Garden Inn's proposal to switch from bromine disinfection to chlorine disinfection. This approval was made following the receipt of the signed stipulation agreement; **and**

Whereas, Andrew Fendrick, representative for Hilton Garden Inn, signed a Stipulation Agreement with Public Health Director's Orders on April 25, 2022, agreeing that Hilton Garden Inn at Seneca Place 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 Hotel Syracuse, LLC, Owner, is ordered to:**

1. Pay a penalty of \$200 for these violations, due **by July 15, 2022**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Provide proof of repair or replacement of the pool brominator to the Health Department by May 12, 2022 (note: TCHD received proposal to replace brominator with chlorinator on 4/25/22); **and**
3. Repair or replace the Spa pool flow meter Pool to ensure accurate flow meter reading can be obtained to assess turnover rates **by May 12, 2022**;
4. Maintain the chlorine level of the Spa Pool between 1.5 mg/l and 5.0 mg/l, and pH must be measured between 7.2-7.8 at all times when in use; **and**
5. Complete Monthly Operating Reports for both the Main Pool and Spa Pool documenting chlorine and pH levels at least three times a day. The reports must be submitted to the Tompkins County Health Department by the 10th day of the following month; **and**
6. Comply with all the requirements of Subpart 6-1 of the New York State Code for Swimming Pools.



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

ENVIRONMENTAL HEALTH DIVISION
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STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0015

**Hilton Garden Inn at Seneca Place Spa Pool
Hotel Syracuse, LLC, Owner; Jim Gerish, Operator
130 E. Seneca St., C-Ithaca
Ithaca, NY 14850**

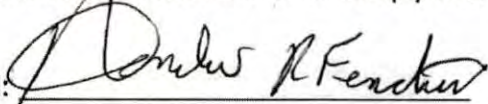
I, Jim Gerish, as a representative for Hilton Garden Inn at Seneca Place, agree that on February 2, 2022, and March 10, 2022, the Hilton Garden Inn at Seneca Place was in violation of Subpart 6-1 of the New York State Sanitary Code for failure to maintain the minimum disinfection levels for the Spa swimming pool.

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.)*

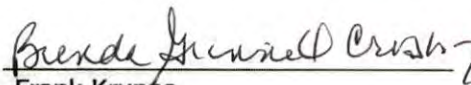
I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

1. Provide proof of repair or replacement of the pool brominator to the Health Department by **May 12, 2022.**
2. Repair or replace the Spa pool flow meter Pool to ensure accurate flow meter reading can be obtained to assess turnover rates **by May 12, 2022;**
3. Maintain the bromine level of the Spa Pool between 3.0 mg/l and 6.0 mg/l, and pH must be measured between 7.2-7.8 at all times when in use; **and**
4. Complete Monthly Operating Reports for both the Main Pool and Spa Pool documenting bromine and pH levels at least three times a day. The reports must be submitted to the Tompkins County Health Department by the 10th day of the following month; **and**
5. Comply with all the requirements of Subpart 6-1 of the New York State Code for Swimming Pools.

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: 4-25-22

Hotel Syracuse, LLC is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 4/25/2022
for Frank Kruppa
Public Health Director



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

ENVIRONMENTAL HEALTH DIVISION
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CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0015

**Hilton Garden Inn at Seneca Place Spa Pool
 Jim Gerish, Operator; Hotel Syracuse LLC, Owner
 130 E. Seneca St., C-Ithaca
 Ithaca, NY 14850**

May 2022

Spa Pool

Date	Action
04/29/2022	TCHD Public Health Engineer approved proposed changes.
04/25/2022	Signed stipulation agreement received by TCHD. TCHD also received a proposal to modify chemical management of the pool from bromine to chlorine.
04/12/2022	Stipulation Agreement sent to Hilton Garden Inn by TCHD.
03/10/2022	Re-inspection by TCHD. Violation: See attached inspection report
02/07/2022	Inspection by TCHD. Violation: See attached inspection report
03/11/2021	Inspection by TCHD. No critical violations cited.
10/23/2019	Inspection by TCHD. No critical violations cited.
06/21/2019	Permit to operate Hilton Garden Inn Spa Pool issued to Hotel Syracuse LLC.

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

CERTIFIED, REGULAR, & ELECTRONIC MAIL

April 13, 2022

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

Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0016
Violation of Board of Health Orders #EH-ENF-21-0011
Finger Lakes GrassRoots Festival of Music and Dance; T-Ulysses and V-Trumansburg
Onsite Water Plans

Dear Ms. Springer:

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, May 24, 2022**. 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 by Friday, May 20, 2022, so that we can coordinate access to the Zoom meeting.

In lieu of joining the Zoom meeting, you can submit a written statement of the Board of Health to consider by sending it to: tceh@tompkins-co.org by May 20, 2022. The meeting will be broadcast through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,



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

Enclosures – Draft Resolution and Resolution #EH-ENF-21-0011

pc: F:\EH\ENGR PLAN REVIEW (EPR)\Engineering Projects\Projects Proposed (EPR-4)\Ulysses (T)\Water\Grassroots
2022\Draft Resolution - GR Onsite Water 4-2022.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
GrassRoots: Elaine Springer; Supervisor T-Ulysses; CEO-T-Ulysses; Anne Koreman, TC Legislature; NYSDOH: Tim
Wiant;
TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Scott
Freyburger; Adriel Shea; Skip Parr; Joan Pike; Brenda Coyle
scan: Signed copy to Accela

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

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

RESOLUTION # EH-ENF-22-0016 FOR

**Finger Lakes GrassRoots Festival – Onsite Water
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
PO Box 941, Trumansburg, NY 14886**

Whereas, Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots), traditionally operates campgrounds subject to Subpart 7-3 of the New York State Code of Rules and Regulations (NYCRR) and a Mass Gathering subject to Subpart 7-4 of the NYCRR; **and**

Whereas, Subpart 5-1 of the NYCRR requires plans be approved prior to making, installing, constructing or modifying a public water system and that approval be obtained before placing a system into service; **and**

Whereas, the Tompkins County Board of Health adopted Resolution #EH-ENF-21-0011 on September 28, 2021, that included requirements for GrassRoots to submit approvable plans for the drinking water system Onsite by February 21, 2022; **and**

Whereas, the Onsite water plans that GrassRoots submitted by February 25, 2022, were inadequate; **and**

Whereas, on March 22, 2022, Tompkins County Health Department (TCHD) provided comments on the water plans to GrassRoots detailing information that needed to be submitted by March 31, 2022; **and**

Whereas, GrassRoots notified TCHD on April 8, 2022, that prepared submissions for the water plans would be ready on Monday, April 11, 2022, but this information was not submitted; **and**

Whereas, the Onsite water plans submitted by GrassRoots as of April 12, 2022, failed to provide details for the buried pipes, connections to existing Fairground hydrants and showers as well as the proposed cooling spray/sprinkler (based on a partial review – other information may also be incomplete); **and**

Whereas, Subparts 7-3 and 7-4 of the NYCRR 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, the failure by GrassRoots to submit approvable water plans is a violation of Resolution #EH-ENF-21-0011 and delays and complicates the comprehensive review of the site maps, campgrounds, and mass gathering narrative application; **and**

Whereas, Resolution # EH-ENF-21-0011 requires GrassRoots to submit a final mass gathering application by June 3, 2022; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,

That the Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator, is ordered to:

1. Pay a penalty of \$500.00 for these violations, **due by June 15, 2022 (Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. **By May 1, 2022**, submit comprehensive, final approvable plans for the drinking water systems at Onsite prepared by a design professional licensed in New York State. The plans must address all the requirements of Resolution # EH-ENF-21-0011 and all TCHD comments provided to GrassRoots regarding the Onsite water system; **and**
3. Comply with all the requirements of Resolution #Eh-ENF-21-0011.

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

RESOLUTION # EH-ENF-21-0011 FOR

**Finger Lakes GrassRoots Campground
Elaine Springer, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
PO Box 941, Trumansburg, NY 14886**

Whereas, Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots), traditionally operates campgrounds subject to Subpart 7-3 of the New York State Code of Rules and Regulations (NYCRR) and a Mass Gathering subject to Subpart 7-4 of the NYCRR; **and**

Whereas, on January 28, 2019, Tompkins County Board of Health Resolution #EH-ENF-19-0025 ordered GrassRoots to address past violations by complying with Order requirements for the GrassRoots website, site maps, inspections, security, camping, the mass gathering application, and water supply, in addition to requiring compliance with all provisions of Subparts 5-1, 7-3 and 7-4 of the NYCRR, **and**

Whereas, due to COVID-19, GrassRoots did not hold the Finger Lakes GrassRoots Festival of Music and Dance in either 2020 or 2021; **and**

Whereas, during July 2021, GrassRoots operated a campground at Across The Way while holding a series of weekend concerts and operated a campground on the Fairgrounds for staff, vendors and performers during the July 23-26 expanded concert series; **and**

Whereas, Subpart 7-3 of the NYCRR requires an application for a campground permit to be submitted at least 30 days for before operations; **and**

Whereas, GrassRoots submitted their application for camping at the Fairgrounds on July 6, 2021, with an expected opening date of July 9, 2021, and less than 30 days prior to the campground permit being issued on July 23, 2021; **and**

Whereas, Subparts 7-3 and 7-4 of the NYCRR 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, GrassRoots failed to submit engineering plans for the temporary water system at the Fairgrounds at least 30 days in advance; **and**

Whereas, Subpart 5-1 of the NYCRR requires plans be approved prior to making, installing, constructing or modifying a public water system and that approval be obtained before placing a system into service; **and**

Whereas, the Engineering Certification for construction of the temporary water system on the Festival grounds was dated July 22, 2021, prior to Tompkins County Health Department (TCHD) approval of the water system plans on July 23, 2021; **and**

Whereas, GrassRoots failed to adequately mark out and number campsites; allowed camping in unapproved locations, and failed to maintain the required 10-ft separation between structures on adjacent campsites at Across The Way; and failed to have all campsites within 250' of a water source at the Fairgrounds and at Across the Way; **and**

Whereas, GrassRoots failed to make spigot #19 at Across The Way unavailable to the public as required due to an inconclusive bacteriological test result; **and**

Whereas, as of August 25, 2021, the Across the Way campsite map on the GrassRoots Festival website shows approximately twice as many tent campsites in the Knoll area compared to the number permitted in 2019 and the size of these sites is significantly smaller than the sites in 2019; **and**

Whereas, GrassRoots has a history of campsite layout, tracking and separation distance violations at their campgrounds and mass gatherings and the TCHD does not intend to permit a significant increase in the number of campsites that are less than 1250 square feet; **and**

Whereas, this Resolution revises Resolution #EH-ENF-19-0025 to update most of those requirements to apply to the 2022 campgrounds and mass gathering; **and**

Whereas, the Board of Health has the authority to fine up to \$500 for each violation (including each tent spacing or size violation) and this fine can be assessed for every day that the violation continues; **and**

Whereas, the maximum penalty was not assessed in this Order but failure to comply with the deadlines and requirements included in this Order could result in daily fines as noted above; **and**

Whereas, failure to comply with the mass gathering and camping requirements in 2022 could result in daily fines as noted above; **and**

Whereas, if lack of preparation and readiness by GrassRoots results in an unsatisfactory pre-operational inspection conducted 48 hours in advance of camping in 2022, the Environmental Health Division will not issue a permit for the unsatisfactory campground location(s) (Onsite and/or Across The Way); **and**

Whereas, an unsatisfactory pre-operational inspection means all or part of the following:

- accurate site maps including locations of required facilities (access roads, campsites, sanitary facilities, etc) have not been submitted and approved
- trees or other obstacles located within access road boundaries
- access roads are not laid out as shown on approved maps
- large trees or other obstacles are located within campsite boundaries
- campsites and sections are not laid out and marked as shown on approved plans and described in the application and narrative report
- as-builts and satisfactory water samples have not been submitted for the water system(s) and/or the Environmental Health Division has not issued an Approval of Completed Works or other approval for each site
- portable toilets, handwash stations, and approved grey water tanks are not onsite and connected
- section markers and cooking/no cooking signs are not installed as described in the approved application and narrative report; **and**

Whereas, failure to accurately manage campsites within the approved locations and maintaining required separation distances will result in fewer campsites being approved for future events; **now therefore be it**

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

1. Pay a penalty of \$1500.00 for these violations, **due by November 15, 2021; and**

Website and Program

2. Update the website with language approved by the TCHD thirty days **no later than October 1, 2021**. The language must notify viewers of key requirements and changes for 2022 and highlight attendee consequences to violations; **and**
3. Obtain approval of the maps showing the location of campsites and update the website with language for the campsites approved by the TCHD prior to selling additional campsites; **and**
4. Include language notifying attendees of key requirements and changes for 2022 and highlighting attendee consequences to violations in the festival program. This part of the program must be approved by the TCHD prior to publication; **and**

Site Maps

5. **By January 31, 2022**, prepare and submit draft maps of Onsite and Across the Way with all water spigots, hydrants, large trees, roadways and pedestrian pathways and campsites identified. All campsites for attendees, staff, performers, and vendors must be marked out and numbered. Access lanes must be clear of trees and other obstacles. Onsite tent campsites must also not contain any trees except for small trees located solely within the 2-1/2' structure separation area along the boundaries of each campsite. Field work may be required in advance of map preparation to ensure these requirements are met; **and**
6. **By February 21, 2022**, prepare and submit final maps of Onsite and Across the Way with all water spigots, hydrants, large trees, roadways and pedestrian pathways and campsites identified. All campsites for attendees, performers, and vendors must be marked out and numbered.
7. **By August 24, 2022** (after the festival), submit as-built maps for Onsite and Across the Way; **and**

Inspections

8. Complete the layout of roadways and pedestrian pathways **at least a week in advance of the Culture Camp or other pre-operational inspection**. Access lanes must be clear of trees and other obstacles. The TCHD must be notified when the roadways and pathways are ready for inspection; **and**
9. After the roadways and pathways are laid out and **at least 5 days in advance of the Culture Camp or other pre-operational inspection**, all campsites (including attendee, staff, vendor, and performer campsites) must be laid out and numbered. Onsite tent campsites must also not contain any trees except for small trees located solely within the 2-1/2' structure separation area along the boundaries of each campsite. The TCHD must be notified as soon as the campsites are ready for inspection;
10. Complete construction and installation of services and facilities including installation of 8' high reflective section markers, 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 a GrassRoots event onsite or at Across The Way; and**

Security

11. Provide names and contact information for four paid security staff (two for Onsite and two for Across the Way) to accompany TCHD inspectors during all inspections. Names and contact information must be provided **one week prior to the start of the festival**.
12. Prior to the camping pre-operational inspection, submit a field summary identifying the responsibilities of each security unit. Each security staff must have these on their person when conducting inspections.
13. Identify a specific security person to oversee performer and vendor camping during camping setup. This shall be the security person's sole responsibility until all campsites in this area are set up.
14. Identify two specific security staff to oversee onsite tent camping during camping setup. This shall be the security person's sole responsibility until all campsites in this area are set up.
15. Identify one specific security staff person to oversee tent camping Across the Way in the Knoll and in the woods.
16. Assign volunteer security only to the infield camping area onsite. Volunteer security may assist paid security with tent camping when necessary.
17. Have security t-shirts available at the campground pre-operational inspection.
18. **By May 16, 2022**, provide a security schedule that shows an acceptable level of presence at all sites by paid security; **and**

Camping

19. Delineate and label all campsites on the maps that are submitted to the TCHD. Note that multiple sites cannot be purchased and combined into larger sites; **and**
20. Require all performers, staff and vendors to select their numbered camping sites **by July 14, 2022**.
21. Prohibit campsite set-up in the tent, vendor and performer camping areas onsite unless the designated security person(s) is present; **and**
22. Ensure that all Onsite tent sites are a minimum of 15' x 15'; **and**
23. Require all oversize tents that are set up in the Onsite tent camping area to move within 2 hours of notice to a designated oversize tent area; **and**
24. Submit a waiver request **by March 1, 2022**, to be approved by the NYSDOH if campsites less than 1250 sq. ft. will be proposed for 2022; **and**

Mass Gathering Application

25. **By November 2, 2021**, submit accurate 2021 concert attendee numbers for the concert series starting July 23, 2021; **and**
26. Attend a pre-application meeting at the Health Department no later than **January 18, 2022**.
27. Submit the initial Mass Gathering application **by March 1, 2022**. The application must include the following:
 - a. An engineering report that complies with Section 7-4.7 of the NYSSC.
 - b. Updated and approvable procedures for Onsite and Across the Way for ensuring that campsite spacing will be enforced as campsites are being set up in 2022.
28. Submit the complete final application **by June 3, 2022**. (Once the final application is submitted and approved, no changes will be approved); **and**
29. **By November 2, 2022**, submit accurate 2022 festival attendee and campsite numbers including the number of 4-day regular tickets sold, number of 4-day youth tickets sold, number of regular and youth tickets sold each day, number of volunteers, performers, vendors, and staff, number of camping tickets sold by campsite type and location both pre-day and at the gate sales.

Water Supply

30. **By November 2, 2021**, submit a map and photos showing where all above ground water pipes and fixtures are stored when not in use; and
31. **By February 21, 2022**, submit approvable plans for the drinking water systems at Onsite prepared by a design professional licensed in New York State. The plans for the water system must include a spigot(s)/water bottle filling stations for EMS, a cooling spray mister/sprinkler (including drainage), additional spigots or GrassRoots-installed flow splitters associated with the Trumansburg Fairground permanent water supply for tent camper use, show that the minimum pressure of 20 psi will be present at all locations in the water supply; and address the water system comments provided to GrassRoots by email on August 23, 2021. The Onsite plans must number each spigot and flow splitter location and include locations that can be used for sprinkler connections if needed. The Onsite plans must be for a permanent water system unless a statement is submitted by the Fairground owner/operator that they will not allow it.
32. Not purchase materials, construct, connect, or operate the water systems at Onsite or Across the Way without approval from the TCHD
33. Submit an approvable distribution system disinfection plan (storage and start-up procedures) for the temporary water distribution systems at Onsite **by February 21, 2022**.
34. Submit documentation demonstrating the GrassRoots has coordinated with the Trumansburg Festival Association regarding use/access to the Fairgrounds by other groups during the time period that GrassRoots also has access to/use of the Fairgrounds. Take actions approved by the design professional for the water system and by TCHD to protect the water system if needed.
35. Conduct pressure testing in the presence of a TCHD representative prior to operation of the Across the Way water system.
36. Submit certification of start-up procedures for Onsite and Across the Way **by July 1, 2022**.
37. Implement the disinfection procedures so that bacteriological samples for the water systems at Onsite and Across the Way can be collected **by July 1, 2022; and**

General

38. 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.
39. Comply with all permit conditions in the 2022 mass gathering and campground permits issued to Finger Lakes GrassRoots Festival.
40. Comply with all provisions of Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

This action was adopted by the Tompkins County Board of Health at its regular meeting on September 28, 2021.


Frank Kruppa
Public Health Director

10/4/21
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

Date: May 12, 2022
Memo to: Members of the Tompkins County Board of Health
From: Skip Parr, Senior Environmental Health Specialist *S.Parr*

Subject: Recommended Environmental Health Division Fees for 2023

The information in this packet addresses our proposed facility operating and plan review fees and other revenue projections for 2023. Considering that Division operations continued to be impacted by COVID response in 2021, we are recommending that the 2023 fees remain the same as our 2022 fees with three exceptions.

First, we are proposing a fee for the addition of Vending of Food & Beverages units. In 2021, we had an existing food service establishment put into service two food vending machines that required to be permitted and inspected under Subpart 14-5 of New York State Sanitary Code. We are proposing a fee of \$85 per vending unit, which is the same fee as the addition of a mobile unit to cover inspection and permit issuance costs.

Secondly, we are proposing an increase of the mass gathering operating permit fee (existing event) from \$2,000 to \$3,100. To increase the efficiency and effectiveness of performing inspections at the Finger Lakes GrassRoots Festival in 2022, golf carts will be rented by the Health Department for use by inspectors. It is our intention to recover the cost of the golf cart rentals through the operating permit fee.

Lastly, we are proposing a permit renewal fee for OWTS Enhanced Treatment Units (ETUs). A policy for the use of ETUs was approved by the Board on October 23, 2018. ETUs require regular maintenance and a service contract to ensure proper functioning. To better track this, we are proposing a permit renewal fee of \$50, which is the same as a holding tank permit renewal.

The financial information used to prepare the attached tables is based on 2021 information. Based on the proposed fees, the sources of estimated revenue for 2023 are:

Estimated Revenue:	
Operating/permit fees	\$343,086
Plan review/other fees	\$21,410
<u>Fines/penalties/late fees/other</u>	<u>\$22,350</u>
Subtotal*:	\$386,846
<u>Less credit card processing cost</u>	<u>\$3,232</u>

Total Estimated EH Revenue*: **\$383,614**

* Does not include revenue from grants and State Aid.

The following information is attached for your review:

- Table 1. Proposed Environmental Health Fee Schedule 2023 – Operating and Other Fees
- Table 2. Proposed Operating or Permit Fees Detail Sheet 2023
- Table 3. Proposed Plan Review Fees Detail Sheet 2023
- Table 4. Estimated Revenue from Other Fee



ENVIRONMENTAL HEALTH DIVISION

55 Brown Road, Ithaca, NY 14850

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

On-line Services - <https://permits.tompkins-co.org/CitizenAccess/>

Draft for BOH Review May 2022

Effective January 1, 2023

Table 1 - 2023 Proposed Environmental Health Fee Schedule

2023 OPERATING PERMIT, PLAN REVIEW, AND OTHER FEES	
Agricultural Fairground Operating Permit	\$400 <input type="checkbox"/>
Campground Operating Permit \$150 plus \$2.75 per unit/site	<input type="checkbox"/>
Campground Plan Review	\$200 <input type="checkbox"/>
Children's Camp Operating Permit	\$200 <input type="checkbox"/>
Mass Gathering Operating Permit New Event Per Day*	\$4,100 <input type="checkbox"/>
Existing Event*	\$3,100 <input type="checkbox"/>
Mass Gathering Plan Review New Event	\$12,000 <input type="checkbox"/>
Existing Event	\$5,000 <input type="checkbox"/>
Migrant Farmworker Housing Operating Permit	No Fee <input type="checkbox"/>
Mobile Home Park Operating Permit \$150 plus \$3.50 per unit/lot	<input type="checkbox"/>
Mobile Home Park Plan Review \$460 plus \$30 per unit/lot	<input type="checkbox"/>
Recreational Aquatic Facility Operating Permit Swimming Pool/Bathing Beach	\$335 <input type="checkbox"/>
Slide and Wave Pool/Spray Park/Other Aquatic Facility	\$360 <input type="checkbox"/>
Recreational Aquatic Facility Plan Review Swimming Pool/Bathing Beach/Other Aquatic Facility Up to 5,000 square feet	\$360 <input type="checkbox"/>
Slide and Wave Pool/Spray Park/Other Aquatic Facility Over 5,000 square feet	\$770 <input type="checkbox"/>
Temporary Residence Operating Permit \$175 plus \$3.50 per unit/site	<input type="checkbox"/>
Food Service Establishment Operating Permit	
High Risk	\$450 <input type="checkbox"/>
Medium Risk	\$375 <input type="checkbox"/>
Low Risk	\$210 <input type="checkbox"/>
Additional Mobile Unit or Vending Machine	\$85 <input type="checkbox"/>
Food Service Establishment Plan Review	
High & Medium Risk	\$210 <input type="checkbox"/>
Low Risk	\$150 <input type="checkbox"/>
Push Cart	\$100 <input type="checkbox"/>
Temporary Food Service Establishment - Simple Menu	
1 Day Event	\$65 <input type="checkbox"/>
Multiple Events; Consecutive or Non-Consecutive Days <i>(up to 8 days in 120 days)</i>	\$100 <input type="checkbox"/>
Temporary Food Service Establishment - Complex Menu	
1 Day or Multiple Days; Single Event	\$150 <input type="checkbox"/>
Late Application - Received less than 2 weeks before eve	
Additional Expedited Permit Processing Fee - 3 days or less	\$25 <input type="checkbox"/>
OTHER FEES	
Late Application/Water Fee <i>(May be waived at TCHD discretion)</i>	\$75 <input type="checkbox"/>
Additional Expedited Permit Processing Fee - 7 days or less <i>(May be waived at TCHD discretion)</i>	\$50 <input type="checkbox"/>
Waiver/Variance Request <i>(Requiring Board of Health Action)</i>	\$75 <input type="checkbox"/>
Waiver from NYS Appendix 75-A <i>(Unless due to TCHD Referral)</i>	\$75 <input type="checkbox"/>
Copies <i>(Cost per page)</i>	\$0.25 <input type="checkbox"/>
Refund Request <i>(within 6 months of receipt)</i>	\$25 <input type="checkbox"/>
Environmental Impact Statement Review <i>(Where Tompkins County is the lead Agency fee assessed as allowed by 6NYCRR 617.7)</i>	<input type="checkbox"/>
TOTAL FEES - PAGE 1	
TOTAL FEES - PAGE 2	
TOTAL FEES DUE - PAGE 1 & 2	

Preparer/Date: _____
pc: Support Staff

Notes:

1. A check mark indicates the fee applies to your facility. Fees are additive for all operations.
 2. Checks should be made payable to: Tompkins County Health Department.
 3. There will be a \$20 service charge on all returned checks.
 4. Payment methods: check, cash, money order, or online w/credit card (Visa, MC, Discover).
- **Some renewal fees may be waived at TCDH discretion.



ENVIRONMENTAL HEALTH DIVISION

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Draft for BOH Review May 2022

Effective January 1, 2023

Table 1 - 2023 Proposed Environmental Health Fee Schedule

2023 WATER SYSTEM OPERATING, ON-SITE WASTEWATER TREATMENT, AND DEVELOPMENT FEES	
On-Site Wastewater Treatment System (OWTS) Construction Permit	
New Construction/Conversion	\$425 <input type="checkbox"/>
w/ Engineer Plans; no Site Evaluation	\$250 <input type="checkbox"/>
Replacement System	\$335 <input type="checkbox"/>
w/ Engineer Plans; no Site Evaluation or TCHD Referral	\$175 <input type="checkbox"/>
Septic Tank/Pump Chamber Replacement	\$105 <input type="checkbox"/>
**Holding Tank or ETU Permit Renewal	\$50 <input type="checkbox"/>
OWTS Permit/Application Renewal or Transfer	
**Permit Renewal (may be renewed 1x prior to expiration)	\$80 <input type="checkbox"/>
Permit Transfer (prior to expiration)	\$80 <input type="checkbox"/>
Application Renewal (may be renewed 1x prior to expiration)	\$80 <input type="checkbox"/>
Application Transfer (prior to expiration)	\$80 <input type="checkbox"/>
OWTS Plan Review by Design Professional	
0 – 499 gpd design rate	\$190 <input type="checkbox"/>
500 – 999 gpd design rate	\$230 <input type="checkbox"/>
1,000 – 1,999 gpd design rate	\$340 <input type="checkbox"/>
2,000+ gpd design rate	\$540 <input type="checkbox"/>
Other OWTS Modificatons/Multiple Submissions	\$160 <input type="checkbox"/>
Holding Tank Initial Permit & Plan Review	\$160 <input type="checkbox"/>
Collector Sewer - 6" and larger (DEC & Health Dept Projects)	
< 5,000'	\$150 <input type="checkbox"/>
≥ 5,000'	\$250 <input type="checkbox"/>
Preliminary Development Review (where soil testing is required)	\$400 <input type="checkbox"/>
<i>(Preliminary Development fees are applied to the Realty Subdivision fee upon full plan submittal when submitted within 12 months)</i>	
Realty Subdivision Development Review	\$800 <input type="checkbox"/>
Plus \$12.50 per lot NYS filing fee	<input type="checkbox"/>
Add \$35 per lot with individual water	<input type="checkbox"/>
Add \$55 per lot with individual sewage	<input type="checkbox"/>
<i>(Subtract Preliminary Development fees paid)</i>	<input type="checkbox"/>
Realty Subdivision Approval Renewal	\$200 <input type="checkbox"/>
Other Engineering Review (May be waived at TCHD discretion)	\$160 <input type="checkbox"/>
TOTAL FEES - PAGE 2	
Water System Operating Fee	
Community Water System (with sources)	<input type="checkbox"/>
Groundwater System	\$200 <input type="checkbox"/>
Surface Water System	\$1,800 <input type="checkbox"/>
Non-Community Water System (with sources)	\$105 <input type="checkbox"/>
Bottled/Bulk Haulers, Ice Plants	\$360 <input type="checkbox"/>
Water System Construction Permit and Plan Review	
Community Water System (Part 5, NYSSC) < 100,000 gpd	\$450 <input type="checkbox"/>
Community Water System (Part 5, NYSSC) ≥ 100,000 gpd	\$1,000 <input type="checkbox"/>
Non-Community Public Water System	\$210 <input type="checkbox"/>
Distribution Water Main - 6" or larger	
< 5,000'	\$300 <input type="checkbox"/>
≥ 5,000'	\$400 <input type="checkbox"/>
Cross-Connection Control	
\$200 plus \$50/device	<input type="checkbox"/>
Water Storage Tank > 500,000 gal	
	\$500 <input type="checkbox"/>
Other Water System Modification	
<i>(May be waived at TCHD discretion)</i>	\$160 <input type="checkbox"/>
<u>OTHER FEES</u>	
Late Application/Water Fee (May be waived at TCHD discretion)	\$75 <input type="checkbox"/>
Additional Expedited Permit Processing Fee - 7 days or less	\$50 <input type="checkbox"/>
<i>(May be waived at TCHD discretion)</i>	
Waiver/Variance Request (Requiring Board of Health Action)	\$75 <input type="checkbox"/>
Waiver from NYS Appendix 75-A (Unless due to TCHD Referral)	\$75 <input type="checkbox"/>
Copies (Cost per page)	\$0.25 <input type="checkbox"/>
Refund Request (within 6 months of receipt)	\$25 <input type="checkbox"/>
Environmental Impact Statement Review	<input type="checkbox"/>
<i>(Where Tompkins County is the lead Agency fee assessed as allowed by 6NYCRR 617.7)</i>	

Notes:

1. A check mark indicates the fee applies to your facility. Fees are additive for all operations.
 2. Checks should be made payable to: Tompkins County Health Department.
 3. There will be a \$20 service charge on all returned checks.
 4. Payment methods: check, cash, money order, or online w/credit card (Visa, MC, Discover).
- **Some renewal fees may be waived at TCDH discretion.

Draft for BOH Review - May 2022

Table 2 - Environmental Health Division
Proposed Operating or Permit Fees Detail Sheet 2023

PROGRAM	FEES			# FACILITIES				STAFF TIME (days)		COST PER FACILITY			PROGRAM COST		REVENUE		REVENUE / PROGRAM COST	
	2023 PROPOSED	2022 FINAL	2021 FINAL	2023-EST TOTAL	2023-EST INVOICED	2021 TOTAL	2021 INVOICED	2023 ESTIMATE	2021 FINAL	2023-EST TOTAL	2023-EST INVOICED	2021 FINAL	2023 ESTIMATE	2021 FINAL	2023 ESTIMATE	2021 FINAL	2023 ESTIMATE	2021 FINAL
FOOD SERVICE ESTABLISHMENTS (FSE)				560	485	560	480	549	548	\$611	\$706	\$712	\$342,212	\$341,808	\$173,225	\$171,050	0.51	0.50
High Risk	\$450	\$450	\$450	175	160	176	156	277	278	\$985	\$1,078	\$1,112	\$172,411	\$173,396	\$72,000	\$70,200	0.42	0.40
Medium Risk	\$375	\$375	\$375	260	215	258	214	226	224	\$541	\$654	\$652	\$140,668	\$139,586	\$80,625	\$80,250	0.57	0.57
Low Risk	\$210	\$210	\$210	95	90	94	90	47	46	\$307	\$324	\$320	\$29,133	\$28,826	\$18,900	\$18,900	0.65	0.66
Additional Mobile Unit/Push Cart/Vending Machine	\$85	\$85	\$85	30	20	32	20								\$1,700	\$1,700		
TEMPORARY FOOD SERVICE				110	40	105	41	62	59	350.50653	\$964	\$898	\$38,556	\$36,803	\$4,850	\$4,975	0.13	0.14
Simple Menu 1 Day Event	\$65	\$65	\$65	60	15	58	15	34	33	\$351	\$1,402	\$1,355	\$21,030	\$20,329	\$975	\$975	0.05	0.05
Simple Menu Multiple Events	\$100	\$100	\$100	50	25	47	26	28	26	\$351	\$701	\$634	\$17,525	\$16,474	\$2,500	\$2,600	0.14	0.16
Complex Menu Single Event	\$150	\$150	\$150	0	0	0	0	0	0	0	0	0	\$0	\$0	\$0	\$0		
Late Application < 2 weeks, > 3 days	\$25	\$25	\$25	40	40	28	42								\$1,000	\$1,050		
Late Application 3 days or <	\$25	\$25	\$25	15	15	13	14								\$375	\$350		
TEMPORARY RESIDENCE	\$175	\$175	\$175	34	34	34	37	59	59	\$1,080	\$1,080	\$992	\$36,710	\$36,710	\$13,738	\$14,515	0.37	0.40
Per unit/site	\$3.50	\$3.50	\$3.50	2,225	2,225	2,223	2,297								\$7,788	\$8,040		
CAMPGROUNDS	\$150	\$150	\$150	12	12	10	11	54	45	\$2,792	\$2,792	\$2,538	\$33,502	\$27,918	\$4,536	\$4,026	0.14	0.14
Per unit/site	\$2.75	\$2.75	\$2.75	995	995	800	864								\$2,736	\$2,376		
MOBILE HOME PARKS	\$150	\$150	\$150	39	39	39	40	38	38	\$599	\$599	\$584	\$23,375	\$23,375	\$12,892	\$13,413	0.55	0.57
Per unit/lot	\$3.50	\$3.50	\$3.50	2,012	2,012	2,012	2,118								\$7,042	\$7,413		
AGRICULTURAL FAIRGROUND	\$400	\$400	\$400	1	1	1	1	8	8	\$4,875	\$4,875	4875.3316	\$4,875	\$4,875	\$400	\$400	0.08	0.08
MASS GATHERING (NEW)	\$4,100	\$4,100	\$4,100	0	0	0	0	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
MASS GATHERING (EXISTING)	\$3,100	\$2,000	\$2,000	1	1	1	1	31	31	\$19,225	\$19,225	\$19,225	\$19,225	\$19,225	\$3,100	\$0	0.16	0.00
CHILDREN'S CAMPS	\$200	\$200	\$200	30	5	23	5	146	112	\$3,032	\$18,195	\$13,949	\$90,973	\$69,746	\$1,000	\$1,000	0.01	0.01
SWIMMING POOLS/BATHING BEACHES	\$335	\$335	\$335	56	55	38	55	115	78	\$1,277	\$1,300	\$882	\$71,522	\$48,532	\$18,425	\$18,425	0.26	0.38
PUBLIC WATER SYSTEMS				148	148	148	149	490	477	\$1,146	\$1,146	\$1,085	\$169,612	\$161,616	\$28,795	\$28,805	0.17	0.18
Community Groundwater System	\$200	\$200	\$200	86	86	86	85	400	394	\$1,596	\$1,596	\$1,569	\$137,288	\$133,325	\$17,200	\$17,000	0.13	0.13
Community Surface Water System	\$1,800	\$1,800	\$1,800	3	3	3	3	15	11	\$2,046	\$2,046	\$1,274	\$6,138	\$3,822	\$5,400	\$5,400	0.88	1.41
Non-Community Water System	\$105	\$105	\$105	59	59	59	61	75	72	\$444	\$444	\$401	\$26,187	\$24,469	\$6,195	\$6,405	0.24	0.26
ON-SITE WASTEWATER SYSTEMS (OWTS)				235	235	232	239	959	967	\$2,544	\$2,544	\$2,523	\$597,858	\$603,057	\$82,125	\$84,190	0.14	0.14
New Construction/Conversion	\$425	\$425	\$425	90	90	87	90	375	363	\$2,599	\$2,599	\$2,513	\$233,944	\$226,146	\$38,250	\$38,250	0.16	0.17
New/Conv App w/ Plans; no Site Evaluation	\$250	\$250	\$250	20	20	20	21	83	83	\$2,599	\$2,599	\$2,476	\$51,988	\$51,988	\$5,000	\$5,250	0.10	0.10
Replacement System	\$335	\$335	\$335	100	100	109	111	417	455	\$2,599	\$2,599	\$2,553	\$259,938	\$283,333	\$33,500	\$37,185	0.13	0.13
Replacement App w/ Plans; no Site Evaluation	\$175	\$175	\$175	10	10	6	6	42	25	\$2,599	\$2,599	\$2,599	\$25,994	\$15,596	\$1,750	\$1,050	0.07	0.07
or TCHD referral	\$175	\$175	\$175	5	5	na	na	na	na	na	na	na	na	na	\$875	na		
Septic Tank/Pump Chamber Replacement	\$105	\$105	\$105	10	10	10	11	42	42	\$2,599	\$2,599	\$2,363	\$25,994	\$25,994	\$1,050	\$1,155	0.04	0.04
Holding Tank or ETU Permit Renewal	\$50	\$50	\$50	10	10	3	2								\$500	\$100		
Applications/Permit Transfer/Renewal	\$80	\$80	\$80	15	15	15	15								\$1,200	\$1,200		
OPERATING PERMITS													\$1,428,419	\$1,373,666	\$343,086	\$340,799	0.24	0.25
PLAN REVIEWS															\$21,410	\$16,490		
OTHER REVENUE															\$22,350	\$14,822		
TOTAL OPERATING, PERMIT, PLAN REVIEW AND OTHER FEES														\$1,930,595	\$386,846	\$372,110	0.20	0.19
ESTIMATED OFFICIAL PAYMENTS CREDIT CARD PROCESSING COST														\$3,232	\$2,968			
TOTAL ALL ENVIRONMENTAL HEALTH PROGRAM FEES														\$383,614	\$369,142	0.20	0.19	

NOTES:

2021 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2020 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2019 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2018 EH Annual Cost & Staff Time	\$1,791,519.00	3238.4	Staff Cost =	\$553.22	per day	\$79.03	per hr
2017 EH Annual Cost & Staff Time	\$1,739,419.00	3312.2	Staff Cost =	\$525.16	per day	\$75.02	per hr
2016 EH Annual Cost & Staff Time	\$1,596,354.00	3225.5	Staff Cost =	\$494.92	per day	\$70.70	per hr

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

2021 Revenue Submitted through Official Payments \$114,643.00 34% of total revenue

\$14,472

Draft for BOH Review - May 2022
Table 3 - Environmental Health Division
Proposed Plan Review Fees Detail Sheet 2023

PROGRAM	FEES			# PLANS			LAST YEAR PLANS REVIEWED	TOTAL PROGRAM HOURS 2021	ESTIMATE D HOURS PER PLAN	COST PER PLAN REVIEW	PROGRAM COST		REVENUE		REVENUE / PROGRAM COST
	2023 PROPOSED	2022 FINAL	2021 FINAL	2023-EST INVOICED	2021 APPROVED	2021 INVOICED					2021-or ESTIMATE	2023 ESTIMATE	2023 ESTIMATE	2021 Final	
PUBLIC WATER SYSTEMS								86.0			\$7,302	\$6,812	\$6,070	\$5,690	0.83
Community Water System Facility < 100,000 gpd	\$450	\$450	\$450	1	1	1	2021		8.0	\$712	\$712	\$712	\$450	\$450	
Community Water System Facility ≥ 100,000 gpd	\$1,000	\$1,000	\$1,000	0	0	0	na		20.0	\$1,781	\$0	\$0	\$0	\$0	
Water Main Ext < 5,000'	\$300	\$300	\$300	5	5	4	2021		4.0	\$356	\$1,781	\$1,781	\$1,500	\$1,200	0.84
≥ 5,000'	\$400	\$400	\$400	0	0	0	2018		6.0	\$534	\$0	\$0	\$0	\$0	
Cross-Connection Control	\$200	\$200	\$200	10	7	8	2021		3.5	\$312	\$3,117	\$2,182	\$2,000	\$1,600	0.64
Add per device	\$50	\$50	\$50	15		14	2021						\$750	\$700	
Non-Community Water System	\$210	\$210	\$210	5	6	6	2021		3.0	\$267	\$1,336	\$1,603	\$1,050	\$1,260	0.79
Water Storage Tank	\$500	\$500	\$500	0	0	0	2018		8.0	\$712	\$0	\$0	\$0	\$0	
Other Water System Modification	\$160	\$160	\$160	2	3	3	2021		2.0	\$178	\$356	\$534	\$320	\$480	0.90
FOOD SERVICE ESTABLISHMENTS											\$3,562	\$3,918	\$2,850	\$3,060	0.80
High and Medium Risk	\$210	\$210	\$210	10	12	11	2021	25.0	3.0	\$267	\$2,671	\$3,206	\$2,100	\$2,310	0.79
Low Risk	\$150	\$150	\$150	5	4	5	2021	7.0	2.0	\$178	\$890	\$712	\$750	\$750	0.84
Push Cart Medium/Low Risk	\$100	\$100	\$100	0	0	0	2015	0.0	1.0	\$89	\$0	\$0	\$0	\$0	
MOBILE HOME PARKS	\$460	\$460	\$460	0	0	0	2007	0.0			\$0	\$0	\$0	\$0	
Add per unit/lot	\$30	\$30	\$30	0	0	0	2007	0.0			\$0	\$0	\$0	\$0	
CAMPGROUNDS	\$200	\$200	\$200	2	1	1	2021	2.0	3.0	\$267	\$534	\$267	\$400	\$200	0.75
SWIMMING POOLS/BATHING BEACHES	\$360	\$360	\$360	0	0	0	2019	0.0	6.0	\$534	\$0	\$0	\$0	\$0	
Swimming Pools > 5,000 sf	\$770	\$770	\$770	0	0	0	2008	0.0	12.0	\$1,069	\$0	\$0	\$0	\$0	
MASS GATHERING (NEW)	\$12,000	\$12,000	\$12,000	0	0	0	na	0.0	800.0	\$71,238	\$0	\$0	\$0	\$0	
MASS GATHERING (EXISTING)	\$5,000	\$5,000	\$5,000	1	0	0	2019	0.0	738.0	\$65,713	\$65,713	\$0	\$5,000	\$0	0.08
ON-SITE WASTEWATER TREATMENT SYSTEMS								87.5			\$12,021	\$13,446	\$6,770	\$7,540	0.56
0 - 499 gpd Design Rate	\$190	\$190	\$190	20	18	18	2021		4.0	\$356	\$7,123.77	\$6,411	\$3,800	\$3,420	0.53
500 - 999gpd Design Rate	\$230	\$230	\$230	5	6	6	2021		5.0	\$445	\$2,226	\$2,671	\$1,150	\$1,380	0.52
1,000 - 1,999 gpd Design Rate	\$340	\$340	\$340	1	0	0	2021		6.0	\$534	\$534	\$0	\$340	\$0	0.64
2,000+ gpd Design Rate	\$540	\$540	\$540	1	3	3	2021		10.0	\$890	\$890	\$2,671	\$540	\$1,620	0.61
Other OWTS Modificatons/Multiple Submissions	\$160	\$160	\$160	2	2	2	na		2.0	\$178	\$356	\$356	\$320	\$320	
Holding Tank Plan Review & Initial Permit	\$160	\$160	\$160	2	5	5	2021		3.0	\$267	\$534	\$1,336	\$320	\$800	0.60
Collector Sewer < 5,000'	\$150	\$150	\$150	2	0	0	2020		2.0	\$178	\$356	\$0	\$300	\$0	
≥ 5,000'	\$250	\$250	\$250	0	0	0	na						\$0	\$0	
REALTY SUBDIVISION TOTAL								6.0			\$0	\$0	\$0	\$0	
REALTY SUBDIVISIONS *	\$800	\$800	\$800	0	0	0	2020		5.0	\$445	\$0	\$0	\$0	\$0	
Add per lot NYS filing fee	\$12.50	\$12.50	\$12.50	0	0	0	2020						\$0	\$0	
with Individual Water	\$35	\$35	\$35	0	0	0	2018		1.0	\$89	\$0	\$0	\$0	\$0	
with Individual OWTS	\$55	\$55	\$55	0	0	0	2018		1.0	\$89	\$0	\$0	\$0	\$0	
Subdivision Renewal	\$200	\$200	\$200	0	0	0	2020		2.0	\$178	\$0	\$0	\$0	\$0	
Preliminary Development Review	\$400	\$400	\$400	0	0	0	2014		5.0	\$445	\$0	\$0	\$0	\$0	
Add per lot	n/a	n/a	n/a	0	0	0	2014		1.0	\$89	\$0	\$0	\$0	\$0	
OTHER PLAN REVIEW	\$160	\$160	\$160	2	0	0	2020		2.0	\$178	\$356	\$0	\$320	\$0	0.90
TOTAL PLAN REVIEW FEES											\$89,489	\$24,443	\$21,410	\$16,490	0.24

NOTES:

2021 EH Annual Cost & Staff Time	\$2,033,178.00	3261.8	Staff Cost =	\$623.33	per day	\$89.05	per hr
2020 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2019 EH Annual Cost & Staff Time	\$1,930,595.00	3279.2	Staff Cost =	\$588.74	per day	\$84.11	per hr
2018 EH Annual Cost & Staff Time	\$1,791,519.00	3238.4	Staff Cost =	\$553.22	per day	\$79.03	per hr
2017 EH Annual Cost & Staff Time	\$1,739,419.00	3312.2	Staff Cost =	\$525.16	per day	\$75.02	per hr
2016 EH Annual Cost & Staff Time	\$1,596,354.00	3225.5	Staff Cost =	\$494.92	per day	\$70.70	per hr

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

\$4,920

Draft for BOH Review - May 2022

Table 4 - Environmental Health Division Other Fees

Other Fees	2023 Proposed	5 Year Average	2021	2020	2019	2018	2017
Copies	\$0.00	\$0.10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.50
Late Fees	\$4,500.00	\$4,699.00	\$3,950.00	\$3,550.00	\$5,250.00	\$5,800.00	\$4,945.00
*Expedited Permit 7 days or less	\$1,000.00	\$460.00	\$800.00	\$700.00	\$800.00	NA	NA
Penalties/Fines	\$15,000.00	\$20,580.00	\$8,000.00	\$10,500.00	\$36,333.00	\$31,517.00	\$16,550.00
Rabies Donations	\$1,600.00	\$1,548.99	\$1,821.75	\$1,847.00	\$1,281.16	\$1,287.00	\$1,508.03
Refunds Request	\$100.00	\$100.00	\$100.00	\$100.00	\$150.00	\$125.00	\$25.00
Waivers	\$150.00	\$210.00	\$150.00	\$225.00	\$150.00	\$75.00	\$450.00
**Waiver from NYS Appendix 75-A (OWTS)	\$0.00	\$0.00	\$0.00	\$0.00	NA	NA	NA
Total Other Fees	\$22,350.00	\$27,598.09	\$14,821.75	\$16,922.00	\$43,964.16	\$38,804.00	\$23,478.53

Notes:

- Late Application \$75 *Est. 10-15 per quarter*
- *Expedited Permit 7 days or less - May be waived at TCHD discretion \$50 *Est. 3-5 per quarter*
- **Waiver from NYS Appendix 75-A OWTS (Est. 5 or less per year) \$75

Division for Community Health
Utilization of Video Observed Therapy (VOT) for DOT (Directly Observed Therapy)

Policy

Patients who have Tuberculosis Disease are required to be observed taking their medications on a daily basis per CDC guidelines. Certain patients have difficulties meeting with a TB worker/nurse on a daily basis but could utilize video observed therapy (VOT) for the TB program to observe the patient taking their medication. This can include the patient recording themselves taking their medication and submitting the video to the TB control staff. A patient who is receiving VOT visits shall have once a week in-person visits for quality control. There may be circumstances which prevent a weekly in-person visit for a patient receiving VOT. In these cases a supervisor should be consulted.

Procedure

1. The Tompkins County Health Department (TCHD) TB control staff (TB medical director, senior community health nurse, community health nurse, community health worker) will assess the patient and their home conditions for suitability for VOT usage.

Conditions for **inclusion** in VOT include:

- Stabilized on treatment for at least 2 weeks and noninfectious
- Motivated patient (as determined by case manager)
- Demonstrated adherence to treatment
- English speaking or ability to effectively communicate with the health care worker
- Drug-susceptible disease
- Converted sputum smear and culture to negative
- No current alcohol or drug use
- TB medical director accepts the VOT approach
- Proficiency in using a smartphone or other technology
- Able to accurately identify each medication

Conditions for **exclusion** in VOT include:

- Infectious patients
- Adherence issues
- Language barriers
- Drug resistance
- Minors without accompanying adult

- Immunocompromised
 - Patient experiences adverse reactions
 - Patients at risk for hepatic complications while receiving anti-TB medications
 - Patients with disabilities that prevent full participation in eDOT such as hearing or vision disabilities, or physically challenged
2. All TCHD TB control staff will receive VOT training program that includes reviewing patient's privacy and confidentiality, instructions on how to set up VOT on the internet, TCHD policies related to VOT and a consent form.
 3. If the patient appears to be appropriate for VOT, TCHD staff will discuss VOT usage with the patient, informing the patient of the following:
 1. The patient will not be viewed through VOT without their prior knowledge.
 2. The video used for VOT will be viewed only by trained TCHD CHS staff. TCHD employees will have received training in the use of VOT as well as confidentiality law training. The method of transfer and storage of these videos conform to the rules set up by HIPAA regulations.
 3. Patient must agree to comply with all prompts and instructions from the TB nurse regarding video and audio documentation of compliance with medication therapy and delivery. They must also agree to weekly in-person visits.
 4. If the patient agrees:
 1. Determine that the patient has the appropriate equipment (computer with internet access, microphone/speaker and web cam or personal smart phone).
 2. Obtain consent: a copy of the signed consent and TCHD policies for VOT will be provided to the patient. All active cases receiving VOT will be asked to sign a VOT agreement at the beginning of therapy, in case of need to utilize VOT.
 3. The patient will be provided with training on how to use VOT, microphone/speaker and web cam or will utilize their own smart phone.
 4. Inform patient that once a week, a TCHD TB control staff worker will come to their home to review their medications, observe him/her setting up their medications and monitor patient for side effects. If patient is out of town for longer than a week exceptions to this can be made.
 5. If VOT will be performed in the patient's work environment, the assurance of confidentiality and privacy must be guaranteed.
 6. During online VOT, three-way connections will not be acceptable to assure patient confidentiality.
 5. Following the training, the patient must demonstrate ability to use and maintain the equipment (computer, microphone/speaker, and web cam).
 6. A simulated VOT visit will be conducted with a TB control staff present in the home/workplace.

7. Inform the patient that VOT will be discontinued, and DOT reinstated if any of the following situations arise:
 1. The patient reports adverse side effects (may resume once side effects are addressed).
 2. The patient's clinical situation worsens.
 3. There is a technical failure.
 4. A suitable interpreter, as needed, is not available.
 5. The patient fails to comply with VOT to the satisfaction of TCHD.
8. Each VOT visit or unsuccessful visit will be documented in the patient's record. The TCHD staff will question the patient daily about the presence of side effects; the patient response will also be documented in the patient's electronic clinical record.
9. If necessary, a pre-recorded video can be utilized as long as the date of the VOT can be verified. This verification will occur using a calendar provided by Tompkins County or the lock screen date and time on another phone.
10. The Information Security Compliance Officer for Tompkins County is the main contact for training and ongoing use of VOT. This person will train staff and patients in how to use VOT and ensure security/compliance in its use. This person may be contacted via the Information Technology Help Desk (607-274-5417).

William Klepack, MD
TCHD Medical Director
NYS license# 126544-1

Date

Douglas MacQueen, MD
TCHD Consulting TB Physician
NYS license#

Date

References

- Implementing an Electronic Directly Observed Therapy (eDOT) Program: A Toolkit for Tuberculosis (CDC): <https://www.cdc.gov/tb/publications/guidestoolkits/tbedottoolkit.htm>

- VOT policy and consent from Erie County DOH—used as sample/guide for TCHD policy

Attachments

- Attachment A: consent for Video Observed Therapy

Original: 4/14/22 RB

**Attachment A: Utilization of Video Observed Therapy (VOT) for Directly Observed Therapy (DOT)
Consent Form and Agreement for Video Observed Therapy (VOT)
Tompkins County Health Department
TB Control Program**

Patient Name: _____ DOB: _____

Address: _____

Patient Initials

_____ I am aware that I am taking a course of medication for tuberculosis disease. The Tompkins County Health Department (TCHD) TB Control Staff provides me with directly observed therapy (DOT), done in my home or other location.

_____ I have been offered the opportunity to do DOT using VOT utilizing free internet programs allowing users to make video calls. If I agree to this, I will be observed taking my TB medications using my home or work computer. I agree to allow the TCHD worker to watch me over a webcam (camera) taking my medicines at a prearranged time. Once a week, an TCHD worker will come to my home to review my medications and observe me set up my pillbox.

_____ During VOT, I will describe each pill and display each medication as needed. After that, I will swallow the pills in front of the webcam so that worker can see me on the screen. If I do not have privacy in the location where I am, I understand that I have been instructed not to show the medication bottles or say the name of the medications during this time. I understand that while on VOT with a TCHD staff, I will not allow another person to enter or interrupt.

_____ I agree that VOT will be discontinued and DOT will be reinstated if I develop any of the following:

- Unusual signs or symptoms or if my clinical situation worsens;
- I miss two consecutive VOT sessions or health provider appointments;
- I encounter a technical failure;
- An appropriate interpreter, as needed, is not available.

_____ I also understand that any problems I have with the medications may be followed up by a home visit by TCHD, an office visit, or a referral to my doctor as appropriate.

_____ I understand that someone from TCHD has assisted me with the set-up of VOT and provided training in how to use it.

_____ Following the training, a simulated VOT visit will be conducted with a TB Control staff present in my home/workplace to observe me conduct a VOT visit with another TB Control staff at TCHD. The intent of this simulated VOT visit is to watch me perform correctly and to verify acceptable resolution of the image received by TCHD.

_____ I have been informed that if at any time I decide the VOT visits are not acceptable to me, I may request to discontinue this procedure and resume home or work visits.

_____ During the time I am taking my medications, I will let the TCHD TB case manager know by telephone of any additional medications given to me by a health-care provider.

_____ I understand that when synchronous/real time VOT is not possible, I may request the option to record myself taking my medication and submitting the video to TCHD for a nurse to view at another time (asynchronous). I have been trained in how to do this and I feel comfortable doing this.

_____ **I acknowledge that I have been provided with a copy of this consent form and hereby authorize TCHD to provide this recommended observation of treatment.**

Patient Signature **Date**

TCHD Staff Signature **Date**

Witness **Date**