

**ULSTER COUNTY BOARD OF HEALTH  
(UCBOH)**

October 8, 2024

**AGENDA**

**CALL TO ORDER**

**1. OLD BUSINESS**

- Approval of September 10, 2024, Minutes
- 2<sup>nd</sup> Term Appointment – Kathleen Rogan

**2. Department of Health Report**

- Acting Public Health Director Update – Tom Gibney on behalf of Tim Rose
  - Ban on Flavored Vaping Products Presentation – Cory Kassler & Garret Stoutenburg
  - 2025 Budget Highlights
  - Medical Examiner (ME)
    - 2024 To-Date Stats (1/1-8/31/24)
  - Director of Public Health Nursing Services Vacancy
  - Environmental Formal Hearings
    - Tobacco-Vapes
      - Kingston Sunoco (Rte28)
      - Citgo Mart
      - Jahaan's Food Market
      - Saugerties Sunoco
      - New Paltz Snack Shop
  - Commissioner/Public Health Director Update
- Medical Consultant Update – Dr. Carena
  - COVID Update
    - Wastewater Report
    - Hospitalizations
  - Eastern Equine Encephalitis (EEE) Update

**MEETING CONCLUSION**





Ulster County Board of Health  
October 8, 2024  
5:00 p.m.  
Golden Hill Office Building  
239 Golden Hill Lane  
Kingston, NY 12401

**PRESENT:** Christy Keegan, Naomi Stevens, Kathleen Rogan

**EXCUSED:** Stephanie Turco, Dr. Marta Sanchez, Dr. Ashanda Saint Jean

**ABSENT:** Timothy Rose-Acting Public Health Director

**UCDOH:** Dr. Gina Carena-Medical Consultant  
Thomas Gibney-Deputy Director for Administration  
Cory Kassler - Environmental Health Manager  
Garret Stoutenburg - Public Health Sanitarian

**UC Exec:** Johanna Contreras-Deputy County Executive/Chief of Staff

**GUEST:**

**Call to Order: 5:12 PM**

**OLD Business:**

- **Vote to Approve Minutes:** The approval of the September minutes was tabled until the November 12<sup>th</sup> Board meeting, due to a lack of a quorum.
- **Board Member Appointment:** Ms. Rogan was appointed to the Board of Health, by the County Executive, for a second term (see attached).

**Department of Health (DOH) Report:** Mr. Rose was at a state conference and unable to attend. Mr. Gibney, in his place, reported on the following:

- **Introductions:** Cory Kassler, Environmental Health Manager and Garret Stoutenburg, Public Health Sanitarian, were introduced to the Board.
- **Flavored Vapes Presentation:** Mr. Kassler and Mr. Stoutenburg presented to the Board an overview of the illegal flavored vapes enforcement/inspections.

The State charges UCDOH with the inspection of those facilities registered with the NYS Department of Taxation and Finance that have a license to sell tobacco and/or vapes. The facilities are inspected twice a year.

The first inspection is called an "Adult Check". This is when UCDOH checks to see the facility has a license, and it is properly displayed. The inspection will also include checking to see if the items sold and their advertising are properly displayed and in the correct spots. Example: All nicotine items must be stored behind the counter, inaccessible to minors.



The second inspection conducted is with a minor. The Inspector goes into a facility with a minor and watches as the minor attempts to purchase a tobacco product. The inspection report is written to reflect a sale to a minor or no sale to a minor. Reports are then sent to the State.

Ms. Stevens asked if vapes are behind the counter. Mr. Kassler explained that flavored vapes with nicotine are illegal and should not be in the facility at all. Legal vapes (Clear or Tobacco) are to be stored behind the counter like the other tobacco products.

Ms. Stevens inquired about facilities recognizing the Inspector and the affect that would have on a sale. It was explained that a seasonal summer aide limit over 21 would also be used to conduct the second inspection to limit facial recognition. UCDOH has the authority to go behind the counter to see if the illegal vapes are in the facility.

Ms. Rogan asked if there has been any masking of products stating there is no nicotine and in fact there is. Mr. Stoutenburg stated that UCDOH has not seen this yet.

Deputy County Contreras asked if the fines are based on the number of products a facility has. It was explained that the State left the fine amount to be determined by the counties. Counties could determine a fine between zero (0) and one hundred (100) dollars per cartridge. Ulster County chose to fine the maximum amount of \$100/per cartridge.

Ms. Stevens asked if the product was seized when found. It was explained that UCDOH does not have the authority to cease. The Sheriff's Department would be able to seize. However, the cartridges are considered to be hazardous waste and need to be properly destroyed. Often the cost of this is more than the fine. The cost of a cartridge is between \$20 and \$50.

A conversation ensued regarding enforcement and the feasibility of using the Sheriff's Department to seize the products.

Future DOH meetings will be scheduled to discuss.

- **2025 Budget Highlights:** Mr. Gibney distributed and reviewed the 2025 budget highlights for the department (see attached).
- **Director of Public Health Nursing Services:** The Department has found a new Director of PH Nursing Services and is actively working through the hiring process. All three (3) Supervising PH Nurse vacancies have been filled. Two (2) have been filled by promoting from within the Department. Next step is to backfill the two (2) PHN positions the promotions created.
- **Environmental Health Formal Hearings:** Due to a lack of a quorum, the recommendations set forth by the Hearing Officer were not voted on. An E-vote will be conducted. The Acting PH Director's Office will email a Survey Monkey link for all Board members to cast their vote. The following facilities' penalties to be voted on are Kingston Sunoco, Citgo Mart, Jahaan's Food Mart, Saugerties Sunoco, and New Paltz Snack Shop. Result of the E-vote will be reported on at next month's meeting.



- **Commissioner/Public Health Director Update:** The Deputy County Executive & Chief of Staff, Johanna Contreras, gave an update on the recruitment of a new Department Head for DOH. The Deputy explained that there were four (4) rounds of interviews. Any candidate that made it through the first round was advanced to the second round to be interviewed by two (2) Board of Health members, Stephanie Turco and Dr. Carena. Third round was with the County Executive and some other staff of the Executive team. The selection was narrowed down to two (2) candidates who were interviewed by a panel of other County Department Heads who work closely with DOH. Eve Walter, PhD (resume attached) rose to the top as the best fit to lead the Department. Dr. Walter has been vetted and approved by the State and advanced by the Health, Human Services, and Housing Committee of the Legislature last week. It's anticipated that Dr. Walter will be official confirmed at the 10/15 full legislative meeting.

**Department of Health Medical Consultant Report:** Dr. Carena presented on the following:

- **COVID Update:**
  - a. The COVID Wastewater Surveillance report was distributed to the Board (see attached). Saugerties and New Paltz sampling are declining while Kingston is showing an increase.
  - b. COVID hospitalizations were reported, one (1) in Ellenville Regional and seven (7) in Hudson Valley Health Alliance.
- **Eastern Equine Encephalitis (EEE):** A press release from the County Executive was distributed to the Board (see attached). There has been one (1) EEE UC death involving an immunocompromised individual. Currently there are eight (8) cases in NYS counties. With cold weather approaching, mosquito activity will also slow down, significantly reducing the threat of EEE.
- **H5N1:** H5N1, also known as the "bird flu", is currently known to be in fifteen (15) NYS counties and in one hundred (100) million birds across the nation. There have been fourteen (14) identified sick individuals throughout forty-eight (48) states. Infected individuals have been known to regularly work with dairy cows and poultry. The state recommends farm workers be vaccinated for Influenza.

**Adjournment:** A vote to adjourn the meeting could not be made, due to the lack of a quorum.

**Next Meeting:** Scheduled for Tuesday, November 12, 2024, at 5:30 PM, Golden Hill Office Building, 239 Golden Hill Lane, Kingston, NY 12401.

Respectfully submitted by:



Kathleen Rogan, Secretary

# ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

JEN METZGER

County Executive



JAMIE CAPUANO

Deputy County Executive

JOHANNA CONTRERAS

Deputy County Executive

Chief of Staff

AMANDA LAVALLE

Deputy County Executive

September 11, 2024

Taylor Bruck  
Acting County Clerk  
244 Fair Street  
Kingston, New York 12401

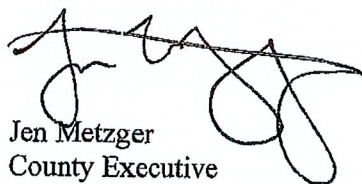
Victoria Fabella, Clerk  
Ulster County Legislature  
244 Fair Street  
Kingston, New York 12401

Dear Mr. Bruck and Ms. Fabella:

Please be advised that pursuant to Ulster County Charter Section C-42 and Administrative Code Section A5-3, I am hereby *reappointing* the following individual to the Ulster County Board of Health:

Kathleen Rogan  
Kingston, NY  
Term expires: 6/30/2028  
[application materials attached for Leg.]

Sincerely,

  
Jen Metzger  
County Executive

RECEIVED

SEP 13 2024

ULSTER COUNTY LEGISLATURE

cc: Timothy Rose P.E., BCEE, QEP, M.P.A., Acting Commissioner of Health

FILED  
LH 52M

SEP 13 2024

Taylor Bruck  
Acting Ulster County Clerk





## Department of Health

### MEMORANDUM

**To:** City/County Commissioners/Public Health Directors  
City/County Directors of Environmental Health  
District Directors  
  
James Hurst – New York City Department of Consumer Affairs

**From:** Brian M. Miner, Director *BMM*  
Bureau of Community Environmental Health and Food Protection

**Date:** June 8, 2020

**Subject:** Ban on Sales of Flavored Vaping Products and Other Legislative Changes Impacting the State Tobacco Enforcement Program

For your information, legislation (budget bill S. 7506-B) was enacted with the approval of the State budget on April 2, 2020, amending Public Health Law Article 13-F (Adolescent Tobacco Use Prevention Act/ATUPA), prohibiting the sale of vapor products intended or reasonably expected to be used with or for the consumption of nicotine, with a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of such product or a component part thereof, effective May 18, 2020. Products with FDA approval under its pre-market tobacco application process are exempt from this prohibition; no products have received such approval to date. A copy of the updated ATUPA regulation is attached.

Additional amendments to ATUPA that affect the State's Tobacco Enforcement Program include:

- prohibiting pharmacies, and stores containing pharmacies, from selling tobacco, herbal cigarettes, or vapor products intended or reasonably expected to be used with or for the consumption of nicotine (violations enforced by the State Health Commissioner), effective May 18, 2020;
- authorizing the State Health Commissioner to promulgate regulations to ban or restrict the sale of vapor product carrier oils determined to be harmful, effective May 18, 2020;
- restricting the delivery of vapor products intended or reasonably expected to be used with or for the consumption of nicotine in quantities greater than 500 milliliters, or total nicotine content of 3 grams, to New York State registered vapor product retailers (violations enforced by the State Attorney General), effective July 1, 2020;
- prohibiting the distribution of vapor products intended or reasonably expected to be used with or for the consumption of nicotine without charge, effective July 1, 2020;
- prohibiting "price reduction instruments" on tobacco and vapor products intended or reasonably expected to be used with or for the consumption of nicotine (i.e., the acceptance of coupons and other means of charging less than a product's listed price), effective July 1, 2020;



- prohibiting advertisements related to tobacco and vapor products, electronic cigarettes, and paraphernalia intended or reasonably expected to be used with or for the consumption of nicotine on store fronts and exterior doors and windows on stores located within 1,500 feet of a school (500 feet in New York City), effective July 1, 2020;
- increasing fine and surcharge amounts for initial and subsequent violations and increasing the suspension period outlined in 1399-ee, effective July 1, 2020, and
- adding definitions for Retail Dealer, Vapor Products, Vapor Products Dealer, Price Reduction Instrument, and other terms.

The Tobacco Enforcement Program workplan will be revised to reflect the amended ATUPA regulation, and a copy will be provided to all county health departments and the New York City Department of Consumer Affairs through the contract application Grants Gateway. A copy will also be provided to Regional and District Offices through email.

The State inspection form (DOH-4172) and eForm, the State database eHIPS, and web-brochures on the DOH website will also be revised to reflect the legislative changes. You will be notified when these revisions are available. State tobacco sales training programs will be notified of the legislative changes impacting their programs and training curriculums.

When retailers are observed selling or offering for sale electronic cigarettes and vapor products with a characterizing flavor at the time of ATUPA compliance checks performed after May 18, 2020, the observations should be documented on the State inspection form or eForm or approved equivalent. The retailer should be directed to stop selling such products, remove any in-store advertisements related to such products, and remove all such products from their shelves and display cases and relocate them to a secure area within the establishment that is not accessible to the public, until such time as it can be removed from the store. Such directives should be documented on the inspection form. A timetable for correction should also be documented. Enforcement actions as allowed under the Public Health Law must be initiated in accordance with the program workplan. Please note, the safety of all inspectors is paramount; Inspectors are to immediately cease the inspection and leave the store whenever conditions are believed to be unsafe.

When a violation is identified and a timetable of compliance (TTOC) given, a reinspection should be performed on or after the TTOC date to verify and document correction. If correction has not been made, the product should be embargoed, with a detailed account of the specific product(s) offered for sale and the number of each item.

Retailers that have removed such products from their shelves and display cases, have removed any in-store advertisements related to such products, and such products are no longer available for sale if requested by a customer, will not be considered in violation with these regulations. Placement of such products in a secure area within the establishment that is not accessible to the public will demonstrate a good faith effort to comply with the regulations while the operator awaits product removal.

If you have questions, please contact your regional field coordinator or Steven Martin at [steven.martin@health.ny.gov](mailto:steven.martin@health.ny.gov) or (518) 402-7600.



## Penalties for Violating the Law

If your business is in violation of the law, the enforcement officer will serve you a violation notice to appear for a hearing. If a violation(s) is sustained as a result of a hearing or an agreement where you admit to the violation(s), the enforcement officer will impose a fine and a surcharge for each violation. The New York State Department of Taxation and Finance and, if you are a lottery agent, the New York Lottery, will be notified that you were found in violation. Depending on previous violations, these departments will then suspend or revoke your registration or license according to the law.

- The sale of bidis or gutka from a non-tobacco business will result in a fine of up to \$500.
- The sale of flavored vapor products restricted under the law will result in a fine of up to \$100 for each individual package of flavored vapor product sold or offered for sale.

Violations for the sale of tobacco products, herbal cigarettes, or vapor products in pharmacies and stores containing pharmacies are enforced by State Health Commissioner, in accordance with a different enforcement process than that described in this informational guide.

# Department of Health

## 2025 Budget Highlights

### **Medical Examiner's Office:**

2023 Human remains transport + \$100,000

Add: Transport van: Staff to perform transports to offset costs

Add: \$7,000 Body Bags

Note:

Westchester Medical Center Contracts:

Forensic Pathology Services \$566K

Histology & Toxicology Costs \$95k

Morgue Use \$45k

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### **Patient Services / WIC:**

Replace WIC van (2008)

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### **Environmental Services:**

Requested fleet vehicles – Field (SUV) & Inspection (Cars)

Positions:

- Records Clerk \$38k
- Sr. Public Health Sanitarian \$78k (Lead Registry)
- Database Clerk \$34k (Lead Registry)
- (2) Public Health Technicians \$47k ea. (Lead Registry)

Enforcement Costs – Of Council / Hearing Officer / Court Stenographer: Exceeds \$100k

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### **Education:**

Positions:

- Public Health Education Assistant \$50k
- (2) P/T Public Health Education Assistant \$25k ea.

Heart Disease Prevention Campaign \$70K (Addition to Chronic Disease & Lyme Campaigns)

AEDs \$10k



# Ulster County Department of Health

## Medical Examiner's Office - Autopsy Cases

Date of Death between 1/1/2024 and 9/30/2024

Total Number of Cases: 145

<i>Cases by Gender</i>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
F	3	1	6	5	9	5	7	4	2	0	0	0	42
Fetal	1	0	0	0	0	0	0	0	0	0	0	0	1
M	15	12	13	7	11	13	13	11	7	0	0	0	102
<b>Grand Total</b>	<b>19</b>	<b>13</b>	<b>19</b>	<b>12</b>	<b>20</b>	<b>18</b>	<b>20</b>	<b>15</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>145</b>

<i>Cases by Manner</i>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
Accidental	8	4	8	5	7	8	4	3	3	0	0	0	50
Homicide	0	0	0	1	0	1	0	0	0	0	0	0	2
Natural	8	5	10	4	10	6	10	8	5	0	0	0	66
Pending	0	0	0	0	0	0	1	1	1	0	0	0	3
Suicide	2	4	0	2	3	2	4	3	0	0	0	0	20
Undetermined	1	0	1	0	0	1	1	0	0	0	0	0	4
<b>Grand Total</b>	<b>19</b>	<b>13</b>	<b>19</b>	<b>12</b>	<b>20</b>	<b>18</b>	<b>20</b>	<b>15</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>145</b>

<i>Cases by Category</i>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
Alcohol	0	1	0	0	0	0	1	0	0	0	0	0	2
Asthma	0	1	0	1	0	0	0	0	0	0	0	0	2
Blunt Force Trauma - non-MVA	0	0	0	0	2	0	0	0	0	0	0	0	2
Carbon Monoxide	1	0	0	1	0	0	0	0	0	0	0	0	2
Cardiovascular	5	2	3	3	7	4	6	5	5	0	0	0	40
Cardiovascular and Diabetes	0	1	0	0	0	1	0	1	0	0	0	0	3
Cardiovascular and Obesity	0	0	5	0	1	0	1	1	0	0	0	0	8
Complications of Natural Disease	0	0	1	1	1	1	2	1	0	0	0	0	7
Complications of Trauma	0	0	0	1	0	1	0	0	0	0	0	0	2
Diabetes	0	0	1	0	1	0	0	0	0	0	0	0	2
Fall	0	0	0	0	0	0	0	1	1	0	0	0	2
Fall - Intentional	1	0	0	1	1	0	1	0	0	0	0	0	4
Gunshot Wound	1	3	0	1	0	1	2	1	0	0	0	0	9
Hanging	0	1	0	0	1	0	0	2	0	0	0	0	4
Hypothermia	3	1	0	0	0	0	0	0	0	0	0	0	4
Infant	0	0	0	0	0	1	0	0	0	0	0	0	1
Motor Vehicle Accident	4	0	2	0	0	1	1	1	1	0	0	0	10
Non-Opioid Substance	0	1	1	0	0	0	1	0	0	0	0	0	3
Non-Opioid Substance w/ Alcohol	0	0	0	0	1	0	0	0	0	0	0	0	1
Non-Opioid Substance w/ Other Substances	0	0	1	0	0	0	1	0	0	0	0	0	2
Non-Opioid Substance w/ Other Substances and Alcohol	0	0	1	0	0	0	0	0	0	0	0	0	1



# Ulster County Department of Health

## Medical Examiner's Office - Autopsy Cases

Date of Death between 1/1/2024 and 9/30/2024

Total Number of Cases: 145

Opioid w/Other Substances including Xylazine	0	0	0	1	1	2	0	1	0	0	0	0	5
Opioid-Related, without Xylazine	0	2	3	1	4	4	2	0	1	0	0	0	17
Other	2	0	0	0	0	0	0	0	0	0	0	0	2
Pending - Suspected Opioid	0	0	0	0	0	0	1	1	1	0	0	0	3
Pneumonia	2	0	0	0	0	0	0	0	0	0	0	0	2
Stab Wound	0	0	0	1	0	1	0	0	0	0	0	0	2
Sudden Unexplained Child/Infant Death	0	0	1	0	0	0	0	0	0	0	0	0	1
Train vs Pedestrian	0	0	0	0	0	1	0	0	0	0	0	0	1
Undetermined	0	0	0	0	0	0	1	0	0	0	0	0	1
<b>Grand Total</b>	<b>19</b>	<b>13</b>	<b>19</b>	<b>12</b>	<b>20</b>	<b>18</b>	<b>20</b>	<b>15</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>145</b>



State of New York/County of Ulster

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**In the Matter of the Proceedings between  
The County of Ulster and the Ulster County Health  
Department**

**AND**

**REPORT &  
RECOMMENDATION**

**KINGSTON SUNOCO  
Property Located at 555 Route 28, Kingston NY 12401.**

**PURSUANT TO THE ULSTER COUNTY SANITARY  
CODE**

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**Before**

**Michael J. Smith, Esq. HEARING OFFICER**

**Hearing Date: Sept 3, 2024**

**Appearances:**

**For the ULSTER COUNTY DEPARTEMT OF HEALTH:**

John Burns, Esq. Cook, Kurtz and Murphy PC

**For the OWNER**

***IN ABSENTIA***

MICHAEL J. SMITH, ESQ.

TO: THE ULSTER COUNTY BOARD OF HEALTH (“Board”)

Effective January 17, 2024\*, the County of Ulster (“County”) and the Ulster County Department of Health (“DOH”) designated the undersigned as Hearing Officer for, among other matters, alleged violations of the Ulster County Sanitary Code (“Code”) and the New York State Public Health Law (“PHL”).

On September 3, 2024, at 10am, I appeared at the DOH offices at 239 Golden Hill Lane, Kingston NY 12401-6441 and conducted a hearing pursuant to the County’s enforcement of the Adolescent Tobacco Use Prevention Act (“ATUPA”) Article 13-f of PHL.

As Hearing Officer I conducted an evidentiary hearing at which witnesses were heard and documentary evidence received into evidence. A transcript (“TR”) was created by a court reporter of the proceeding. This shall constitute my Report and Recommendation to the Board

Due and proper notice of this hearing was provided by a Notice of Hearing dated June 24, 2024, (“NOH”) (Petitioner’s Exhibit (PE5) and the NOH and accompanying Notice Of Charges (NOC) of the same date (PE5) were duly served by certified mail, RRR. (PE6). The hearing was held *in absentia* as there was no appearance by or on behalf of property owner, Samar Jamal, (PE1; PE5).

An inspection by DOH Public Health Sanitarian Garret Stoutenburg (GS) on April 10, 2024, found 260 prohibited flavored nicotine vape products (FNVPs) at the property. PE4)

The Respondent here cannot claim a lack of notice as to his having illegal products for sale due to a prior violation of ATUPA at this site. On April 27, 2023, an inspection by GS led to the discovery of illegal FNVP products. (PE1). The owner, who was educated by GS as to the applicable law, complied with the removal order at that time. (PE 2; PE3).

#### FINDINGS OF FACT AND LAW

1. THE NOC HAS BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE DISCUSSED ABOVE.
2. THE PROPERTY OWNER IS GUILTY OF THE VIOLATIONS OF THE CODE AND PHL, AND REGULATION ISSUED THEREUNDER.
3. RECOMMENDATIONS AS TO PENALTY

In light of the previous violation in 2023, and the lack of mitigating evidence, \$26,000, the maximum penalty under law\*\*, should be imposed.



Respectfully submitted and recommended

MICHAEL J. SMITH, HEARING OFFICER  
Dated Sept 14, 2024

\*Contract C2923-000000747

\*\* Maximum of \$100 per FNVP unit found

State of New York/County of Ulster

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**In the Matter of the Proceedings between  
The County of Ulster and the Ulster County Health  
Department**

**AND**

**REPORT &  
RECOMMENDATION**

**CITGO MART  
Property Located at: 370 Albany Ave. Kingston NY 12401**

**PURSUANT TO THE ULSTER COUNTY SANITARY  
CODE**

---

**Before**

**Michael J. Smith, Esq. HEARING OFFICER**

**Hearing Date: Sept 3, 2024**

**Appearances:**

**For the ULSTER COUNTY DEPARTEMT OF HEALTH:**

John Burns, Esq. Cook, Kurtz and Murphy PC

**For the OWNER**

Harron Ahmad, *pro se*

MICHAEL J. SMITH, ESQ.



Effective January 17, 2024\*, the County of Ulster ("County") and the Ulster County Department of Health ("DOH") designated the undersigned as Hearing Officer for, among other matters, alleged violations of the Ulster County Sanitary Code ("Code") and the New York State Public Health Law ("PHL").

On SEPTEMBER 13, 2024, at 1130AM. I appeared, pursuant to Code Section 1.18.3, at the DOH offices at 239 Golden Hill Lane, Kingston NY 12401-6441 to conduct a hearing in relation to a Notice of Hearing (NOH) and Notice of Charges (NOC) which alleged sale of flavored nicotine products by the Respondent Citgo Mart, in violation of the Code and the PHL.

The Respondent appeared by its owner Harron Ahamd. He appeared without counsel and was advised of his rights to an attorney and otherwise for purposes of the hearing. At that time the Respondent advised that he did not want to contest the charges in the NOC and asked if the matter could be resolved for a lesser penalty than the \$ 2,000, the maximum penalty allowed under law. Being sought pursuant to the NOH

\*

The attorney for the DOH along with Department staff discussed this settlement proposal with Interim Commissioner Rice. A reduction of the fine to \$ 1,800 was authorized and agreed to by the Respondent. A transcript was made of these proceedings.

It was my observation that the Respondent was truly remorseful, and is not likely to offend again.

#### FINDINGS OF FACT AND LAW

1. THE NOC HAS NOT BEEN CONTESTED BY OR ON BEHALF OF THE RESPONDENT.
2. THE PROPOSED SETTLEMENT OF \$1,800 IS FAIR AND REASONABLE AND IN ACCORD WITH THE GOALS OF THE CODE AND PHL AND IS IN THE BEST INTEREST OF THE DOH AS AVOIDING FURTHER LITIGATION COSTS.
3. THE FINE SHALL BE PAID IN FULL WITHIN FORTY-FIVE (45) DAYS UNLESS EXTENDED BY DOH. IN THE EVENT THAT THE FINE IS NOT PAID IN FULL, THE RESPONDENT SHALL BE LIABLE FOR THE ENTIRETY OF THE ORIGINAL PENALTY SOUGHT.

RESPECTFULLY SUBMITTED AND RECOMMENDED



MICHAEL J. SMITH, HEARING OFFICER

Dated SEPT. 14, 2024

\*Contract C2923-000000747

\* \$100 PER VAPE CARTRIDGE FOUND ON SITE

State of New York/County of Ulster

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**In the Matter of the Proceedings between  
The County of Ulster and the Ulster County Health  
Department**

**AND**

**REPORT &  
RECOMMENDATION**

**JAHAAAN'S FOOD MARKET  
Property Located at 784 Ulster Ave, Kingston NY 12401.**

**PURSUANT TO THE ULSTER COUNTY SANITARY  
CODE**

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**Before**

**Michael J. Smith, Esq. HEARING OFFICER**

**Hearing Date: Sept 3, 2024**

**Appearances:**

**For the ULSTER COUNTY DEPARTEMT OF HEALTH:**

John Burns, Esq. Cook, Kurtz and Murphy PC

**For the OWNER**

***IN ABSENTIA***

**MICHAEL J. SMITH, ESQ.**



TO: THE ULSTER COUNTY BOARD OF HEALTH (“Board”)

Effective January 17, 2024\*, the County of Ulster (“County”) and the Ulster County Department of Health (“DOH”) designated the undersigned as Hearing Officer for, among other matters, alleged violations of the Ulster County Sanitary Code (“Code”) and the New York State Public Health Law (“PHL”).

On September 3, 2024, at 2pm, I appeared at the DOH offices at 239 Golden Hill Lane, Kingston NY 12401-6441 and conducted a hearing pursuant to the County’s enforcement of the Adolescent Tobacco Use Prevention Act (“ATUPA”) under Article 23-f PHL.

As Hearing Officer I conducted an evidentiary hearing at which witnesses were heard and documentary evidence received into evidence. A transcript (“TR”) was created by a court reporter of the proceeding. This shall constitute my Report and Recommendation to the Board

Due and proper notice of this hearing was provided by a Notice of Hearing dated June 24, 2024, (“NOH”) (Petitioner’s Exhibit (PE5) and the NOH and accompanying Notice Of Charges (NOC) of the same date (PE3) were duly served by certified mail, RRR. (PE5). The hearing was held *in absentia* as there was no appearance by or on behalf of property owner, Ayaaz Yousaf, (PE1&2; PE5).

An inspection by DOH Public Health Sanitarian Garret Stoutenburg (GS) on April 18, 2024, found 446 prohibited flavored nicotine vape products (FNVPs) at the property. PE3)

The Respondent here cannot claim a lack of notice as to his having illegal products for sale due to a prior violation of ATUPA at this site. On April May 5, 2022, an inspection by GS led to the discovery of illegal FNVP products. (PE1). A similar result occurred when the property was inspected again on May 1, 2023. (PE 2)

#### FINDINGS OF FACT AND LAW

1. THE NOC HAS BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE DISCUSSED ABOVE.
2. THE PROPERTY OWNER IS GUILTY OF THE VIOLATIONS OF THE CODE AND PHL, AND REGULATION ISSUED THEREUNDER.

#### 3. RECOMMENDATIONS AS TO PENALTY

In light of the previous violations in 2022 and 2023, and the lack of mitigating evidence, \$ 44,600, the maximum penalty under law\*\*, should be imposed.

Respectfully submitted and recommended

MICHAEL J. SMITH, HEARING OFFICER  
Dated Sept 14,2024

\*Contract C2923-000000747

\*\* Maximum of \$100 per FNVP unit found



State of New York/County of Ulster

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In the Matter of the Proceedings between  
The County of Ulster and the Ulster County Health  
Department

AND

REPORT &  
RECOMMENDATION

SAUGERTIES SUNOCO  
Property Located at 2781 Route 32, Saugerties, NY

PURSUANT TO THE ULSTER COUNTY SANITARY  
CODE

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Before

Michael J. Smith, Esq. HEARING OFFICER

Hearing Date: AUG 23, 2024

Appearances:

For the ULSTER COUNTY DEPARTEMT OF HEALTH:

John Burns, Esq. Cook, Kurz and Murphy PC

For the OWNER

*IN ABSENTIA*

TO: THE ULSTER COUNTY BOARD OF HEALTH ("Board")

Effective January 17, 2024\*, the County of Ulster ("County") and the Ulster County Department of Health ("DOH") designated the undersigned as Hearing Officer for, among other matters, alleged violations of the Ulster County Sanitary Code ("Code") and the New York State Public Health Law ("PHL").

On August 27, 2024, at 10am, I appeared at the DOH offices at 239 Golden Hill Lane, Kingston NY 12401-6441 and conducted a hearing pursuant to the County's enforcement of the Adolescent Tobacco Use Prevention Act ("ATUPA") ART 13-f of the PHL.

As Hearing Officer I conducted an evidentiary hearing at which witnesses were heard and documentary evidence received into evidence. A transcript ("TR") was created by a court reporter of the proceeding. This shall constitute my Report and Recommendation to the Board

Due and proper notice of this hearing was provided by a Notice of Hearing dated ("NOH") (Petitioner's Exhibit (PE5) and the NOH and accompanying Notice Of Charges (NOC) both dated June 24, 2024 was duly served by certified mail, RRR. (PE 7). The hearing was held *in absentia* as there was no appearance by or on behalf of property owner, Samar Jamal, (TR59-60.)

After an inspection by DOH Public Health Sanitarian Garret Stountenburg (GS) on May 1, 2024, found 276 prohibited flavored nicotine vape products (FNVPs) at the property, he ordered their removal and a reinspection was held on May 6, 2024 which showed the products had been removed. However, on June 27, 2024 GS and an intern, "JD" conducted an "attempt to buy" FNVPs at the property and was sold such products, "Viho Turbo" by brand name. (PE6) An inspection of the site immediately occurred and 276 units of FNVPs were discovered. (TR 13-14).

The employee behind the counter protested and presented GS with a letter from an attorney claiming that the product being sold was not illegal due to its chemical constitution. (TR15) However GS noted that the letter referred to a totally different product, "KUMI", not the FNVPs at issue in the NOH and NOC. (TR 15).

The Respondent here cannot claim a lack of notice as to his having illegal products for sale due to prior violations of AYUPA at this site. On April 28, 2023, an inspection by GS led to the discovery of illegal FNVP products. (PE1). Page "4" of the Inspection Report is an "education sheet" which GS provided after counseling the employee on site as to the law.



FINDINGS OF FACT AND LAW

1. THE NOC HAS BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE DISCUSSED ABOVE.
2. THE PROPERTY OWNER IS GUILTY OF THE VIOLATIONS OF THE CODE AND PHL, AND REGULATION ISSUED THEREUNDER.

RECOMMENDATIONS AS TO PENALTY

In light of the previous violation in 2023, and the lack of mitigating evidence, \$27,600, the maximum penalty under law\*\*, should be imposed.

Respectfully submitted and recommended



MICHAEL J. SMITH, HEARING OFFICER  
Dated Sept 16, 2024

\*Contract C2923-000000747

\*\* Maximum of \$100 per FNVP unit found

State of New York/County of Ulster

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**In the Matter of the Proceedings between  
The County of Ulster and the Ulster County Health  
Department**

**AND**

**REPORT &  
RECOMMENDATION**

**NEW PALTZ SNACK SHOP, INC.  
Property Located at 160 Main Street, New Paltz NY 12561**

**PURSUANT TO THE ULSTER COUNTY SANITARY  
CODE**

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**Before**

**Michael J. Smith, Esq. HEARING OFFICER**

**Hearing Date: AUG 13, 2024**

**Appearances:**

**For the ULSTER COUNTY DEPARTEMT OF HEALTH:**

John Burns, Esq. Cook, Kurtz and Murphy PC

**For the RESPONDENT**

***IN ABSENTIA***

**MICHAEL J. SMITH, ESQ.**



TO: THE ULSTER COUNTY BOARD OF HEALTH ("Board")

Effective January 17, 2024\*, the County of Ulster ("County") and the Ulster County Department of Health ("DOH") designated the undersigned as Hearing Officer for, among other matters, alleged violations of the Ulster County Sanitary Code ("Code") and the New York State Public Health Law ("PHL").

On August 13, 2024, at 10am, I appeared via Zoom for a virtual hearing with a court reporter and DOH representative present. The DOH offices at 239 Golden Hill Lane, Kingston NY 12401-6441 and conducted a hearing pursuant to the County's enforcement of the Adolescent Tobacco Use Prevention Act ("ATUPA"), Article 13-f of the and PHL in the above captioned matter.

As Hearing Officer I conducted an evidentiary hearing at which witnesses were heard and documentary evidence received into evidence. A transcript ("TR") was created by the court reporter of the proceedings. This shall constitute my Report and Recommendation to the Board

Due and proper notice of this hearing was provided by a Notice of Hearing dated June 24, 2024 ("NOH") (Petitioner's Exhibit (PE5) and the NOH and accompanying Notice Of Charges (NOC) bearing the same date (PE 8). They were duly served by certified mail, RRR. (PE 9) sent to his address of record in Yonkers, NY. The hearing was held *in absentia* as there was no appearance by or on behalf of property owner, Samar Jamal, (TR 6).

After an inspection by DOH Public Health Sanitarian Garret Stountenburg (GS) on April 1, 2024, he found 395 prohibited flavored nicotine vape products (FNVPs) at the property. (PE7; TR 17)

The Respondent here cannot claim a lack of notice as to his having illegal products for sale due to prior violations of AYUPA at this site. On April 28, 2023, an inspection by GS led to the discovery of illegal products. (PE1). Page "4" of the Inspection Report is an "education sheet" which GS provided after counseling the employee on site as to the law.

#### FINDINGS OF FACT AND LAW

1. THE NOC HAS BEEN PROVEN BY A PREPONDERANCE OF THE EVIDENCE DISCUSSED ABOVE.
2. THE PROPERTY OWNER IS GUILTY OF THE VIOLATIONS OF THE CODE AND PHL, AND REGULATION ISSUED THEREUNDER.

RECOMMENDATIONS AS TO PENALTY

In light of the previous violation in 2023, and the lack of mitigating evidence, \$ 39,500, the maximum penalty under law\*\* should be imposed.

Respectfully submitted and recommended

MICHAEL J. SMITH, HEARING OFFICER

Dated Sept 14,2024

A handwritten signature in black ink, appearing to read 'M. J. Smith', is written over a faint horizontal line.

\*Contract C2923-000000747

\*\* Maximum of \$100 per FNP unit found



# Ulster County Wastewater Surveillance Update

DATE: October 03, 2024

TO: Ulster County Health Department, Wastewater Facilities, & Stakeholders

FROM: Shailla Raymond, MPH

RE: Ulster County Weekly Wastewater Surveillance Data Report

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## Dashboard | Website

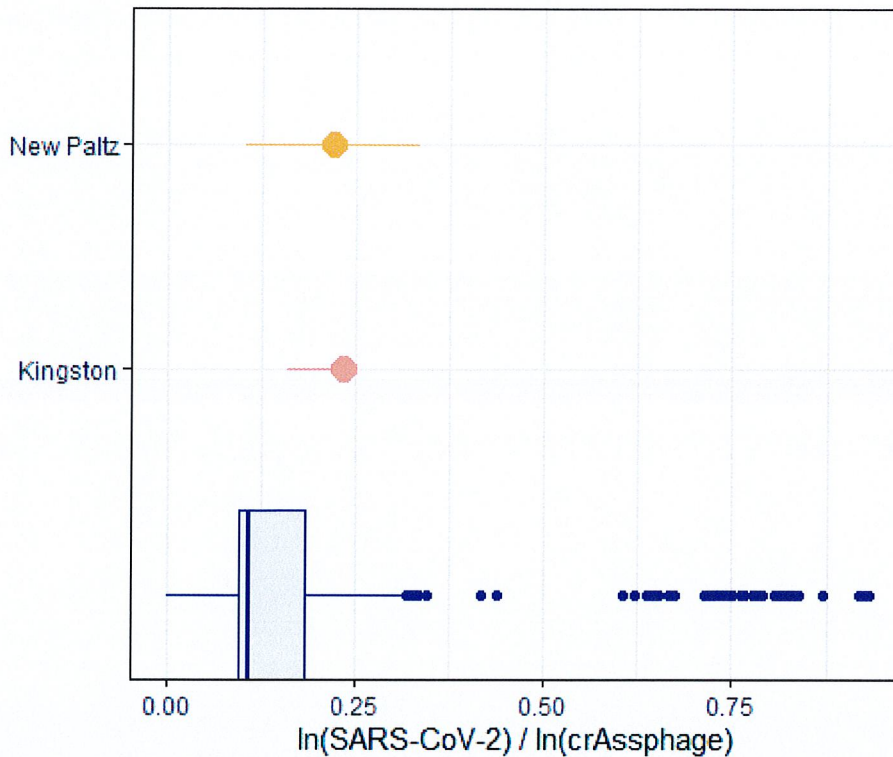
This report contains information **Ulster County** treatment plants over the time period of **2024-09-10 to 2024-09-25**.

All Samples from Ulster County			
From to			
Collection Date	Detection Level	Compared to NYS	Two-Week Trend
<b>New Paltz</b>			
September 25, 2024	Detected, <LOQ	lower	decreasing
September 11, 2024	Quantifiable	higher	decreasing
<b>Kingston</b>			
September 17, 2024	Quantifiable	comparable	increasing
September 11, 2024	Detected, <LOQ	higher	increasing
September 10, 2024	Detected, <LOQ	lower	increasing

Above is a table describing the samples collected from the last two weeks. The table includes:

- Catchment location and sample collection date
- Comparison of SARS-CoV-2 from a facility to all NYS wastewater
- Level of SARS-CoV-2 detection: “Quantifiable” and “Detection <LOQ” levels suggest community-level transmission

## Box Plot for Treatment Plants in Ulster County from 2024-09-10 to 2024-09-25

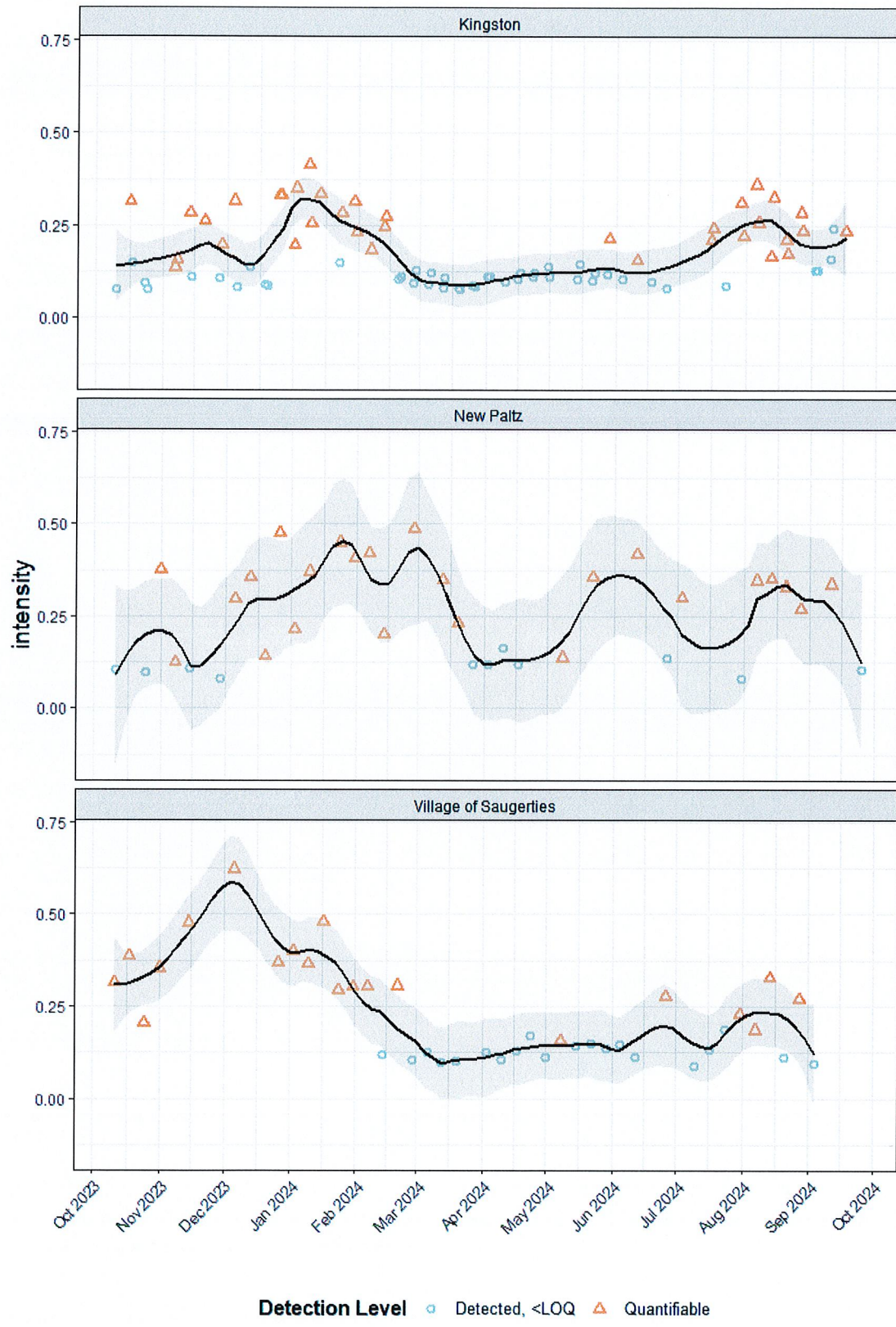


Points represent the SARS-CoV-2 intensity of samples taken at the influent over the last two weeks. The box plot represents all SARS-CoV-2 values from the previous two weeks as observed from wastewater treatment facilities across New York. The box plot shows the median (solid line), first and third quartiles (box edges), minimum (lower whiskers), maximum (upper whisker), and outliers (black dots) for all NY WWTP's. The concentration of SARS-CoV-2 is normalized by population,  $\ln(\text{SARS-CoV-2})/\ln(\text{crAssphage})$ , to give overall intensity.

The most recent sample from Kingston on September 17, 2024 is comparable when compared to New York State values.

The most recent sample from New Paltz on September 25, 2024 is lower when compared to New York State values.





A smoothed trend line (black), uncertainty (gray), and wastewater samples (shapes) are shown. Wastewater sample points are color coded to specify the level of SARS-CoV-2 detected. The concentration of SARS-CoV-2 is normalized by population,  $\ln(\text{SARS-CoV-2})/\ln(\text{crAssphage})$ , to give overall intensity.

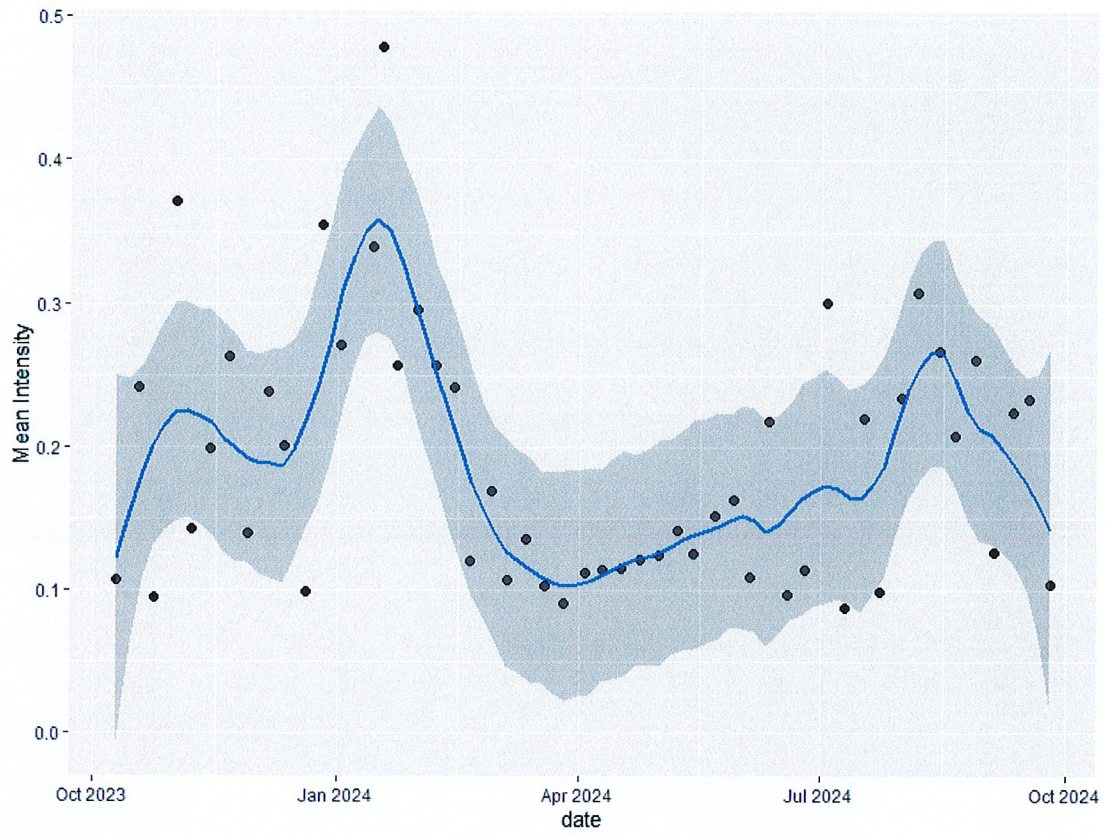
The level of SARS-CoV-2 RNA can tell us roughly how many cases can be expected in a population.

- Not detected: <10 cases per 100,000
- Detected, <LOQ: 10-50 cases per 100,000
- Quantifiable detection: >50 cases per 100,000

The most recent sample from Kingston on September 17, 2024, had a detection level of “Quantifiable” suggesting daily case incidence of more than 50 cases per 100,000 people.

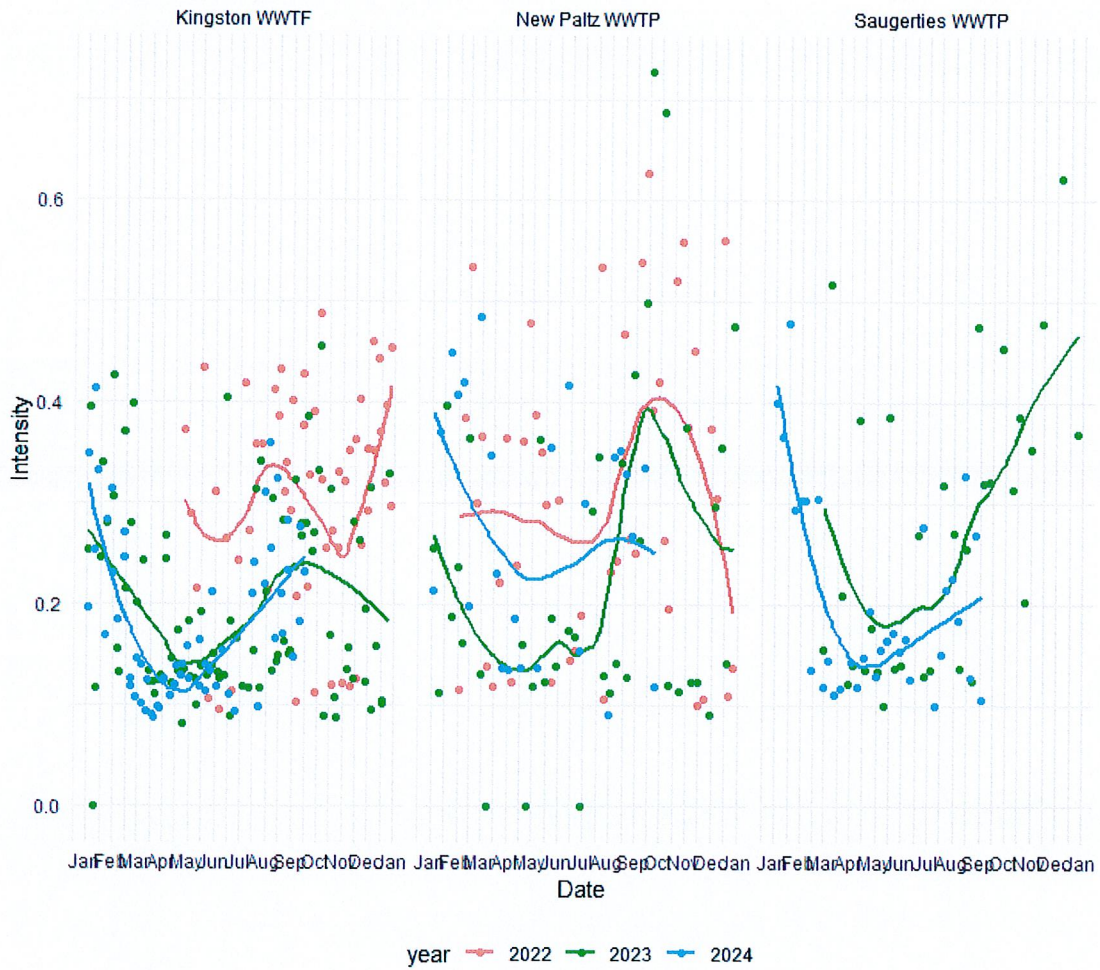
The most recent sample from New Paltz on September 25, 2024, had a detection level of “Detected, <LOQ” suggesting daily case incidence of 10 to 50 cases per 100,000 people.





Average intensity (population weighted) for all Ulster WWTP's over the last 12 months.

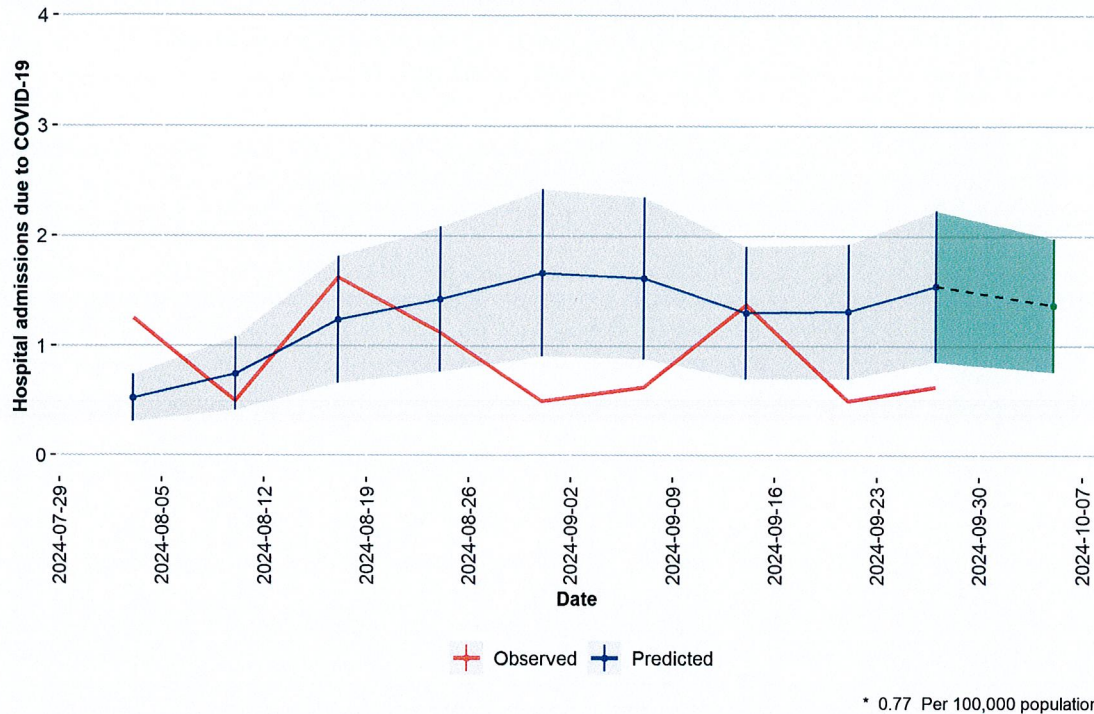
### Trend lines by Site and Year



This figure shows an annual comparison of SARS-CoV-2 intensity. Smoothed trend lines, uncertainty (gray bands), and wastewater samples (dots) are shown. The recent trend is lower than year over year values.



Ulster County COVID-19 in-patient hospitalization trend  
 Predicted 7-day average in-patient hospitalizations in the next 10 days: 1.37\*  
 11.61 percent decrease from previous week's prediction



This figure shows predicted new in-patient hospital admissions due to COVID-19 for your county. Predictions are calculated from a generalized linear mixed model that fits wastewater data with a ten-day lag, log transformed active case numbers, along with several covariates including population over 50 years old, estimated asthma and cardiovascular disease rate for the county, and county social vulnerability from the CDC social vulnerability index.

The new model also includes a regional average for SARS-CoV-2 intensity detection for the past 90 days indicative of the overall state of transmission for a region. This model makes predictions with new data for future hospital admissions and provides uncertainty around the prediction in the form of the 95% confidence interval (the light grey and green band around the predictions). Past predictions are in blue with the current prediction in light green. The red line is actual hospital admissions from the Department of Health HERDS or Health Electronic Response System data. These data are up-to-date for most counties. We will update these data and the models as new data are provided. Estimated new COVID-19 hospitalizations are predictions only and come with several uncertainties including whether new variants have arisen, what the current immunization state of the county is (including booster and bivalent shots or immunity from previous infection), and other factors not captured in the model such as intervention behaviors such as masking. Week to week predictions will vary in their accuracy and the width of the confidence interval around the prediction due to changes in the data. Week to week predictions will vary in their accuracy and the width of the confidence interval around the prediction due to changes in the data.

Last 6 Weeks Ulster County Sewersheds: Variants found from weeks beginning Sun, Aug 04, 24 to Sun, Sep 01, 24		
Label	Sewershed	Variants Found
Variant of concern	Kingston	KP.1.1.3; KP.2.15; KP.2.3; KP.3.1.1; LB.1
Variant under monitoring	Kingston	KP.2.15
Variant of concern	New Paltz	BA.2.86; KP.3.1.1
Variant of concern	Village of Saugerties	JN.1.11.1; KP.1.1; KP.1.1.3; KP.2.15; KP.3.1.1; LP.1
Variant of interest	Village of Saugerties	KP.3.1.1
Variant under monitoring	Village of Saugerties	KP.2.15; KP.3.1.1
Variants found throughout state from 2024-08-04 to 2024-09-15: BA.2.86, JN.1, JN.1.11.1, JN.1.13.1, JN.1.16, JN.1.16.1, JN.1.18, JN.1.32, JN.1.4.3, JN.1.7, JN.1.8.1, KP.1.1, KP.1.1.3, KP.1.2, KP.2, KP.2.15, KP.2.3, KP.3, KP.3.1.1, KP.4.1, KQ.1, KS.1, KV.2, KW.1.1, LB.1, LF.3.1, LP.1, XDP, XDV.1		

### County level variants under monitoring table in the last four and six weeks

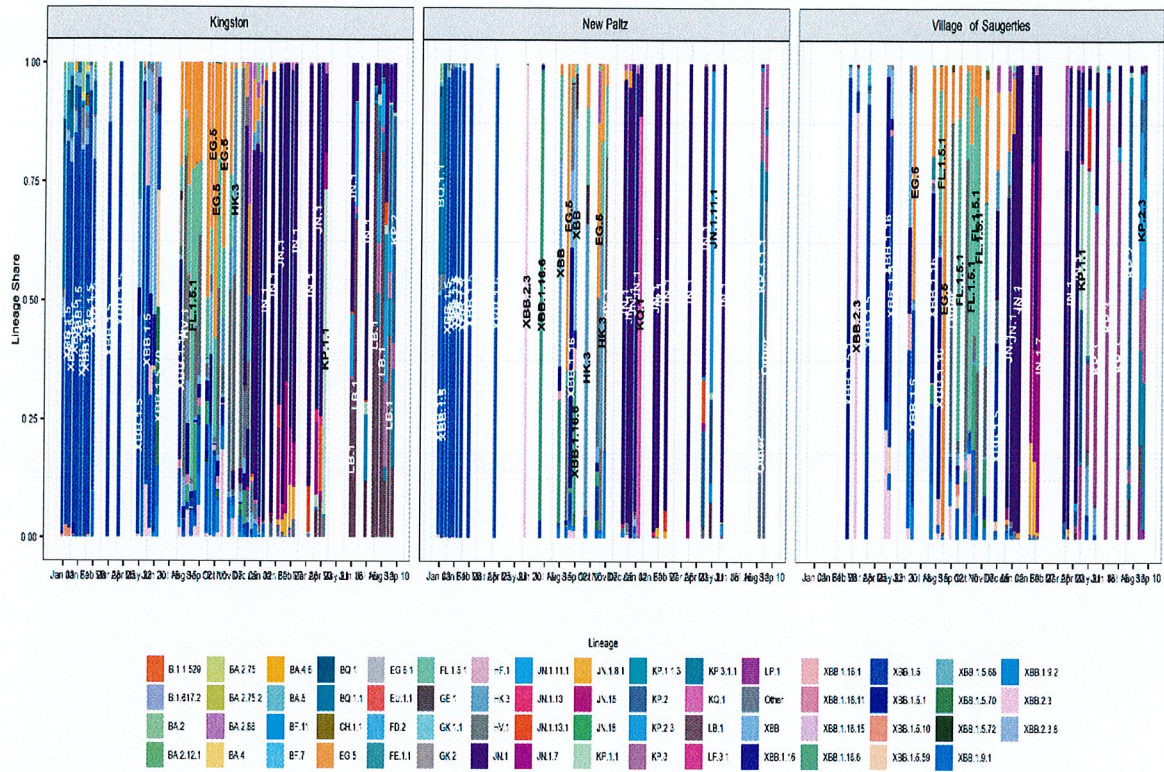
This table shows variants being monitored by various public health organizations. Variant name, source of information, monitoring status of variant, and presence within the county and state within the last four and six weeks are shown. Each variant is shown at four and six week intervals shown in the footnotes. Not detected within state or county: variant not detected at the state or county-level Detected at state-level: detected somewhere else in the state, but not in the county listed Detected within county: detected within the county showed

Find out more about monitoring status of SARS-CoV-2 variants: ECDC, WHO



SARS-CoV-2 Genetic Sequencing in 2023

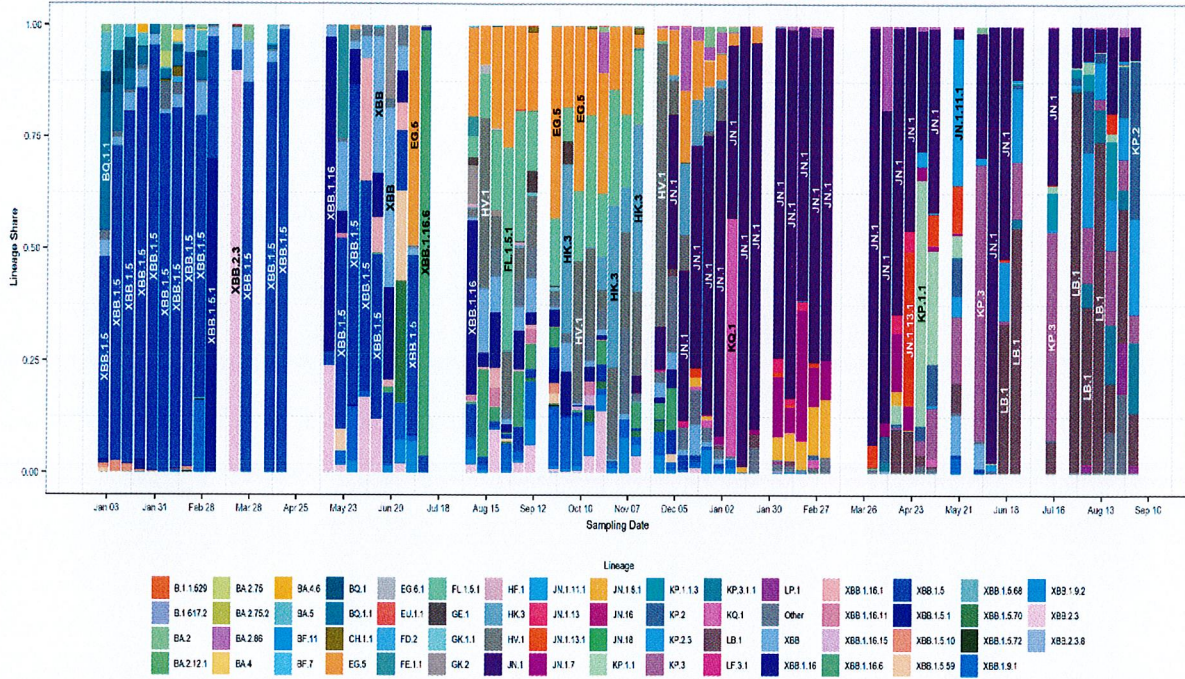
Sewersheds in Ulster County



Sewershed level of SARS-CoV-2 genetic sequencing throughout time

Each bar shows the relative abundance of SARS-CoV-2 lineages during a sample collection date. Lineages with an abundance of at least 30% are labeled on the bar sections with the lineage name. The color of the bar corresponds to lineage. See the legend for more information regarding lineages.

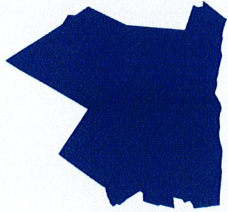
SARS-CoV-2 Genetic Sequencing in 2023  
Ulster County Aggregation



County aggregation of SARS-CoV-2 genetic sequencing throughout time

Each bar shows the relative abundance of SARS-CoV-2 lineages per sample collection date. Lineages with an abundance of at least 30% are labeled on the bar sections with the lineage name. The color of the bar corresponds to lineage. See the legend for more information regarding lineages.





NEWS FROM  
**ULSTER COUNTY**  
County Executive Jen Metzger

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**\*\*\*\*For Immediate Release\*\*\*\***

**Date:** Thursday, August 22, 2024

**Contact:** Amberly Jane Campbell, Assistant Deputy County Executive  
(845) 340-3800 x8958 / [acam@co.ulster.ny.us](mailto:acam@co.ulster.ny.us)

## **Eastern Equine Encephalitis Confirmed in Ulster County**

**VIRUS IS RARE AND CAN ONLY BE TRANSMITTED BY MOSQUITOES**

**KINGSTON, NY** - On Wednesday, August 21, the New York State Department of Health (NYSDOH) issued an advisory urging New Yorkers to take personal protective measures to avoid mosquito bites, after confirming the presence of Eastern Equine Encephalitis Virus (EEE) in horses in eight New York State counties, including one horse in Ulster County.

There is no risk of infected horses spreading the virus to humans or other horses, as EEE is transmitted from mosquito bites, and there are currently no confirmed human cases in New York State.

The infected horse in Ulster County, which subsequently died, was in Wallkill, and other horses on the owner's property have been vaccinated and boosted to help prevent further spread. The Ulster County Department of Health and the Ulster County Executive's Office are working closely with NYSDOH to monitor this case and any other cases that may appear in Ulster County.

EEE is a rare but extremely serious viral disease spread by infected mosquitoes that can affect people and horses. People of all ages are susceptible to infection, but people over 50 and younger than 15 are at greatest risk. While most people bitten by an infected mosquito will not develop any symptoms, severe cases may begin with the sudden onset of headache, high fever, chills, and vomiting. The illness may then progress to disorientation, seizures, encephalitis, and coma.

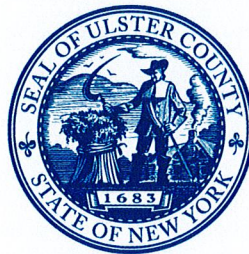
While there is no commercially available human vaccine for EEE, the best protection is to prevent mosquito bites by utilizing the following proven precautions:

- When spending time outdoors at dusk or dawn, when mosquitoes are most active, wear long sleeves and tuck pants into socks and shirts into pants.
- Use insect repellents containing DEET, according to direction, and always have adults apply repellents to children.
- Eliminate all standing water in yards and around the home and property where mosquitoes can breed.
- Make sure there are screens in windows and doors of your home. Make sure the screens are free of rips, tears, and holes.
- Additionally, horse owners should consult with their veterinarian and make sure their animals are up to date on vaccinations for EEE, West Nile, and other viruses spread by mosquitoes. Horses cannot spread EEE to humans or other horses, however EEE can cause serious harm and/or death to horses.

Mosquito season in Ulster County and the Hudson Valley generally begins in mid-Spring, and lasts until late Fall; however, climate change has caused average temperatures, and the duration of warm weather, to increase and lengthen.

For more information, visit the New York State Department of Health [online](https://www.health.ny.gov/diseases/communicable/eastern_equine_encephalitis/) at: [www.health.ny.gov/diseases/communicable/eastern\\_equine\\_encephalitis/](https://www.health.ny.gov/diseases/communicable/eastern_equine_encephalitis/) or contact the Ulster County Department of Health at: [HealthEd@co.ulster.ny.us](mailto:HealthEd@co.ulster.ny.us).

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[Ulstercountyny.gov](http://Ulstercountyny.gov)