

928th Board of Health Meeting

December 18, 2025

11 Martine Avenue, White Plains and via WebEx

8:30 am

BOARD MEMBERS IN ATTENDANCE

Robert Baker, MD
Beverley Chang
Nok Siriphonlai
Jamie Sirkin
Leg. Jewel Williams Johnson (remote)
Nicole Harris-Hollingsworth (remote)
Ed Brancati
Melinda Abrams
Cynthia Chazotte, MD
Deborah Campbell, MD
Ruth Merkatz
Doug Aspros, DVM

DOH STAFF

Sherlita Amler, MD
Chris Ericson
Jim Duncan
Jen Zagami
Natasha Court
Caren Halbfinger
Ada Huang, MD
Bonnie Liu
Vincent Silva
Sunil Alphy

ABSENT

COUNTY EXECUTIVE'S OFFICE

Aviva Meyer

PUBLIC PRESENT FOR PUBLIC HEARING ON FEE INCREASES

Carlos Fuentes (was here for an unrelated matter)
Gene Baca, from Walter's Hotdogs
Bill Dadlani, The Osborn
Serno Rodriguez, El Sabor Latino Restaurant
Novette Carney, Island Fever Restaurant in Mount Vernon
Ana Hernandez, Juicy in New Rochelle

Dr. Baker called the 928th Board of Health meeting to order at 8:40 a.m. The minutes had not been available for Board members to review, so no motion for approval was needed.

Prior to the opening of the public hearing on fee increases scheduled for 9 a.m., Dr. Baker asked for an overview of the reason for the proposed fee increases. Fiscal manager Sunil Alphy told the Board that in the five years since fees were last raised, the costs to inspect and manage the programs associated with the fees had increased significantly, so the proposed fee increases are intended to cover the Department's costs, without any profit. These costs include overhead, salaries, fringe benefits, the use of vehicles and energy. Fees related to food service would rise by 10 percent, while most other fees would increase by 25 percent.

In response to a question, Mr. Ericson clarified that temporary residences are hotels, while migrant labor camps are on site housing for seasonal workers.

At 9 am, Dr. Baker opened the public hearing.

The first speaker was Ana Hernandez, who opened a café, Juiicy, in March in New Rochelle. She spoke about the impact that the fee increase would have on her café, which has only three seats.

The Department agreed to look into creating a separate category for restaurants with less than 20 seats, which could allow the Department to keep fees on such establishments at the current rate.

Dr Amler also asked Mr. Ericson to look into whether an adjustment could be made for food trucks, which have low margins and do not operate all the time, as Dr. Chazotte pointed out. Mr. Ericson will review this and report back to the Board with recommendations in January.

The Department received one letter regarding the fee increases, dated Dec. 8, 2025, from Bryan and Bruce Colley, owners of several McDonald's in Westchester and the region, who asked that the increases "remain reasonable, transparent, and proportionate to the services provided." The letter is attached to these minutes.

Following the meeting, the Board received a second letter, attached to these minutes. It was from Orlando Rodriguez, owner of the New Rochelle Bakery at 149 North Avenue, and the soon to open El Sabor Restaurant, at 391 Main Street in New Rochelle

Although no speakers signed up in advance, six individuals came to the public hearing.

The first speaker was Carlos Fuentes. A translator from Language Line helped determine that Mr. Fuentes had appeared in response to a Notice of Violation, and was not present for the public hearing. Mr. Duncan spoke with him privately regarding his case and advised him about next steps.

The second speaker was Gene Baca from Walter's Hotdogs. Spoke about the 25 percent increase to food trucks, which seems high. Food trucks (mobile food units in the Sanitary Code) are heavily restricted, operate seven or eight months a year, rely on public events, He asked what benefits we would see for an annual permit. He asked the Board to reconsider the increase for small operators.

The third speaker was Bill Dedlani, from The Osborn in Rye. His concern was for bathing facilities. He called the increase of 25 percent "ridiculous."

Serno Rodriguez was the fourth speaker. He is an owner of the soon to open El Sabor Latino Restaurant in New Rochelle. He is expanding his restaurant. He had received a Notice of Violation, which he then discussed privately with Mr. Duncan.

The fifth speaker was Novette Carney, co-owner of Island Fever Restaurant in Mount Vernon. With her parking issues, she said it would be difficult to pay extra for the increased fee. They have only five seats and asked that smaller restaurants like hers be granted a separate category, because they are grouped in with restaurants of up to 100 seats.

Dr. Baker said they heard the request, and said that the Department and the Board would consider this and explore changing the code in the future.

Maxine Reed, had not signed up to speak, but as a co-owner of Island Fever, echoed Ms. Carney's remarks.

The sixth speaker, Ana Hernandez, said she had opened a café in March and only had three seats. Her café, Juicy, also finds these new fees a hardship. She spoke with Mr. Duncan to explore whether the Department could carve out a provision that would provide lower fees for establishments with very few seats.

After all the members of the public present had an opportunity to speak, Dr. Baker asked for a motion to close the public hearing. Dr. Aspros made the motion; Ms. Sirkin seconded; the motion passed unanimously.

The Board also will review any correspondence on this topic that is received by the Department through Jan. 14, and may vote on the matter at the next Board meeting on Jan. 15.

Dr. Amler directed Mr. Ericson to return to the next Board meeting with recommendations regarding the proposed fees, after speaking with the State and reviewing relevant County and State sanitary code provisions, with particular regard to both food trucks and smaller establishments that have only a few seats. The Board agreed to consider in the future any unintended consequences and hear Mr. Ericson's suggestions, and then articulate their goals.

ADMINISTRATIVE CASES:

Ms. Sirkin introduced the December cases for discussion, Cases 1-13. Responding to the Board's request from the November meeting, Mr. Silva provided a list of different types of supervision violations in pool and beach code and discussed the nuances of what constitutes supervision in both State and Westchester code. It became apparent that the Board's intent to fine supervision-related violations at the maximum level may have some unintended consequences. Mr. Silva recommended that the Board narrow its focus to bather supervision violations by a lifeguard, and a CPR-trained person poolside. Ms. Abrams suggested that the Board set goals and

In response, Ms. Abrams made a motion to table cases 10 and 11 until the January meeting; Ms. Siripholai seconded the motion; and the motion was unanimously approved.

After the public hearing, the Board returned to the cases.

Mr. Duncan pointed out that Case 11 did not include a supervision violation.

Mrs. Merkatz asked about Case 8, and whether the managers would be directed to take a food safety course. Mr. Duncan said the first violation was for pests, and the second violation was a different matter. He said when the violations concern food handling, then the food safety course is part of the stipulation.

In Case 7, the buddy system was not only not used, but the person on site was not aware of it. Mr. Duncan said there was a new operator there, and the Department will have a sit down with the operator to review the regulations in detail.

Mrs. Merkatz asked what percentage of locations have violations. Mr. Duncan said he could find a violation at 98 percent of the facilities.

Following that, Mr. Silva discussed the handout about supervision provisions in both County and State sanitary codes. There are many more than 15.

With no other discussion on cases, Mrs. Sirkin made a motion to accept Case 1-13, with the exception of Case 10, which was deferred to January; Dr. Chazotte seconded; the motion was unanimously approved.

The Board then took up the issue of the Saw Mill Club's Dec. 1, 2025 letter requesting for a reconsideration, which had been sent to the Department. The Saw Mill Club had signed a stipulation that included a \$13,000 fine, but the Board increased the fine to \$20,000.

Dr. Aspros made a motion to go into executive session to discuss legal strategy regarding this; Ms. Siriphonlai seconded, and the motion passed unanimously.

After the discussion, Mr. Brancati made a motion to end the executive session and resume the meeting; Dr. Aspros seconded, and the motion passed unanimously. The Board declined to reconsider the case.

As is customary, the administrative law judges were in attendance for their annual discussion with the Board of Health. This was the last such meeting for Judge Joseph LoCascio, who is retiring after serving for more than 36 years with the Health Department. Judge LoCascio discussed a case he considered a highlight, which involved resolving complex water quality issues at Peach Lake. "The mission is to find solutions to problems. I'm honored to have been of service for all these years."

Judge LoCascio's fellow judges, Robert Ponzini and Ilan Gilbert, expressed their admiration for him, and for the Board and the Department. Dr. Baker and Dr. Amler also thanked Judge LoCascio for his counsel and service. Together, they discussed the importance of pool supervision and the Board's desire to signal the seriousness of such violations by assigning the maximum penalty.

Mr. Brancati made a motion to renew the contracts of Judges Ponzini and Gilbert, and to ask the Law Department to find two additional judges for the Health Department; Dr. Aspros seconded the motion; the motion was unanimously approved.

Given the late hour, Dr. Huang provided a brief update on communicable diseases but did not give her planned presentation on Legionnaire's. The presentation was added to the Board's section of the website.

Dr. Huang apologized for not having the MMR report to share.

She said there had been a Norovirus outbreak at a restaurant, were very cooperative, voluntarily closed down, and it turned out most of the staff were infected with Norovirus. The staff were cleared to return to work and our environmental health staff were there to make sure they did the appropriate cleaning. They reopened Tuesday; the restaurant had just opened in mid-November. The restaurant had identified themselves. We found out about it when some patrons reached out to us about having gotten sick.

Flu activity has increased significantly; particularly in New York State. The NYS Health Commissioner has declared flu prevalent. H3 is the prevalent strain, and a subclade strain. There are concerns that the vaccine may not cover it as well, but vaccination is still the recommendation. The main thing is, more people might get sick. Last year we had greater than normal activity.

Covid activity is low. Vaccination rates are not very good at all; in New York State, about 7 percent overall are vaccinated, but only 1.5 percent of kids under 18, compared with 7 percent of kids nationwide.

The first pediatric flu death 18 month old, not vaccinated, in a Putnam County resident. The child was hospitalized and died at Westchester Medical Center.

Speaking of flu and GI, Ms. Halbfinger distributed a toolkit to all the assisted living facilities in Westchester County, with information, flyers, guidance and signs to help them prevent and respond to any outbreaks.

Many of you have seen that ACIP voted to discontinue recommending the universal birth dose of Hepatitis B. There is a Vaccine Integrity Project, which has been started to counteract this. ACIP is reviewing the entire childhood vaccination agenda. The professional medical societies and the County and State are doing what they can to counteract this.

The FDA has said it is going to create more stringent requirements for vaccines, but much looser requirements for medical devices.

There is a measles outbreak, up to 20 cases, in Rockland County. It was introduced by unvaccinated travelers who had gone to and came back from Israel. The overall vaccination rates for measles aren't high enough to prevent spillover. You need a 95 percent vaccination rate for herd immunity. The last measles outbreak was in 2019, and that one spilled over here. The last time, it had been introduced from the UK, and it does not get publicized as much. There is an outbreak in South Carolina now, too, where there are very low vaccination rates. There have been three deaths so far. Mexico has had 24 deaths and Canada has had two deaths. Most are in school age kids.

H5N2 has been spreading, and is linked to the fall bird migration; many poultry farms in the Midwest have been affected. We are keeping an eye on it.

OLD BUSINESS/NEW BUSINESS:

Dr. Baker asked for volunteers Board of Health Subcommittee for Public Health Awards. As before, the Chair will be Ms. Sirkin, and members will be Ms. Merkatz, Ms. Siriphonlai, Dr. Chazotte and Ms. Harris-Hollingsworth. Ms. Halbfinger will send the members nominations as they come in, and the subcommittee will share with the Board their choices at the next meeting in January.

COMMISSIONER'S REPORT

Mr. Ericson noted that the foodborne investigation went smoothly. The coordination among staff was fantastic and the restaurant was so compliant with us.

He noted that Caren Halbfinger had arranged to have the sanitary code changes that the Board made reflected in the code that appears online in Municode. This has not been an easy process, and has many steps, but it is necessary to show the changes to the public for enforcement. Working with Ms. Guercio and the County Clerk's office, it is now updated into Municode (the online site for County laws and codes) so the public can view it. The code is embedded into Municode and is being enforced.

He noted that regulations for the Lead Rental Registry are in their second draft. Units built before 1980 with two or more units must be listed in the registry and owners must show that they are in such a condition not to cause lead paint exposure. The Department sent a mass mailing to 12,000 owners of units that meet these requirements to inform them of the new requirement. Those performing a visual assessment must be EPA-certified. If surfaces are not intact, some abatement must be done. We have a grant that covers renovation of up to \$40,000 per unit for renovations. Environmental assessors can also be remediators.

With no other matters to discuss, Ms. Siriphonlai made a motion to adjourn the meeting; Dr. Chazotte seconded; the motion was unanimously approved and Dr. Baker adjourned the meeting at 11:17 a.m.

Respectfully Submitted, Caren Halbfinger

PROVISIONS OF THE NEW YORK STATE & WESTCHESTER SANITARY CODES
RELATED TO SWIMMING & BATHING REQUIRING SUPERVISION

WESTCHESTER COUNTY SANITARY CODE 873

873.1802 Swimming pools with a surface area of 1000ft² are required to have a licensed treatment operator

873.1203 Aquatic Supervision and Safety of Swimming Pools, Spa Pools, and Wading Pools
(Amend 2025)

873.1800 Camp off-site swimming non-swimmer identification required at all times

873.1802(2) Camp off-site swimming camp lifeguard ratio

873.1802 (3) Camp off-site swimming supervision ratios

SWIMMING POOLS & SPAS NYSSC 6-1

6-1.4 Public Health Hazard Definitions

6-1.4 (b) (1) Failure to provide adequate supervision of the swimming pool as prescribed in section 6-1.23

6-1.4 (b) (9) Swimming pool bottom not visible

6-1.4 (b) (15) Overcrowding of the swimming pool that results in poor supervision of bathers

6-1.4 (b) (17) Any other item determined to be a public health hazard by the permit-issuing official
(Utilized as a catch all for other code sections)

6-1.20 Maximum Permissible Bather Use

6-1.20 (a) Maximum number of bathers permitted in a swimming pool at one time shall not exceed the design bather capacity

6-1.20 (b) The pool operator shall be responsible for controlling the number of bathers so that the maximum capacity is not exceeded.

6-1.23 Supervision

6-1.23 (a) (1) Mandate to provide Supervision Level IIa, IIb, III or IV aquatic supervision at pool, spa, wading pool associated with a Temporary residence or campground (level IV not applicable with amended WCSC 873.1203)

6-1.23 (a) (2) (i) Mandate to provide supervision level IIa or IIb at each pool except temporary residence or campground

6-1.23 (a) (2) (ii) Mandate to provide level III supervision at each wading pool or spa except those associated with temporary residence or campground

6-1.23 (a) (3) Aquatic supervisory staff must meet the requirements of section 6-1.31 of this Subsection or section 6-2.20(a).

6-1.23 (a) (4) (i) Mandate for aquatic supervision for pools for each 3,400 square feet and when over 3,400 square feet.

6-1.23 (a) (4) (ii) Mandate for level IIa & III to provide visual surveillance of entire pool area open to bathing

6-1.23 (a) (5) Additional aquatic supervisory staff may be required by the permit issuing official when necessary for the protection of the pool patrons

6-1.23 (a) (6) Aquatic supervisory staff shall be at poolside (level IV not applicable with amended WCSC 873.1203)

6-1.23 (a) (7) At wave pool facilities, a minimum of 3 aquatic staff of Supervision Level IIa or IIb

6-1.23 (a) (8) Swimming pools with Supervision Level IIa or IIb aquatic staff shall provide a supervising lifeguard when the facility is required to provide three or more aquatic staff or a 15-year-old lifeguard.

6-1.23 (a) (9) Facility operator shall be responsible for verification of aquatic supervisory staff qualifications.

- 6-1.23 (a) (10) A swimming pool with Supervision Level IV shall comply with the following rules (level IV not applicable with amended WCSC 873.1203)
- 6-1.23 (b) Mandates the requirement for the approved safety plan – the Safety Plan outlines the requirements for supervising lifeguard

6-1.31 Aquatic Supervisory Skill Requirements

- 6-1.31 (a) Supervision Level IIa – pool lifeguard only
- 6-1.31 (b) Supervision Level IIb - pool and beach lifeguard
- 6-1.31 (c) Supervision Level III
- 6-1.31 (d) Supervision Level IV (level IV not applicable with amended WCSC 873.1203)
- 6-1.31 (e) Lifeguard supervision and management

BEACH NYSSC 6-2

6-2.4 Public Health Hazards

- 6-2.4 (b) (1) Failure to provide adequate supervision of the beach as prescribed in section 6—2.17
- 6-2.4 (b) (3) Failure to provide all lifesaving equipment at beach
- 6-2.4 (b) (8) Failure to provide signs indicating swimming is prohibited when the bathing beach is closed or unsupervised
- 6-2.4 (b) (9) Any other condition determined to be a public health hazard by the permit-issuing official (Utilized as a catch all for other code sections)

6-2.14 Operator Responsibility

- 6-2.14 (c) Supplying adequate supervisory personnel;

6-2.16 Control of Beach and Water Use

- 6-2.16 (a) Bathing shall be prohibited when required supervision is not provided, areas adjacent to the bathing area that will allow for entry into the water for bathing shall be patrolled
- 6-2.16 (e) Bathing at night prohibited
- 6-2.16 (i) (2) Operator to restrict usage so that maximum capacity is not exceeded

6-2.17 Supervision – Personnel and Equipment

- 6-2.17 (a) (1) Mandate to provide a certain level of supervision when beach is associated with temporary residence or campground
- 6-2.17 (a) (2) Supervision level required at each type of beach defined by specific criteria – (not applicable to temporary residence or campgrounds)
- 6-2.17 (a) (3) Aquatic supervisory staff must meet the requirements of section 6-2.20
- 6-2.17 (a) (4) At least 1 aquatic supervisory staff person having at last the required supervision level shall be provided for each 50 yards of Beach front
- 6-2.17 (a) (5) Additional Aquatic supervisory staff may be required by the permit -issuing official whenever it is necessary for the protection of the beach patrons
- 6-2.17 (a) (6) Aquatic supervisory staff at beaches required to have Supervision Level I-III shall be at the beachfront, providing direct supervision of the bathers
- 6-2.17 (a) (7) Aquatic supervisory staff shall be engaged only in activities that involve direct supervision of bathers
- 6-2.17 (a) (8) Beaches required to use Supervision Levels I & II shall provide a supervising lifeguard when the facility is required to provide three or more aquatic supervisory staff

- 6-2.17 (a) (9) The facility operator shall be responsible for verification of aquatic supervisory staff qualifications.
- 6-2.17 (a) (10) A bathing beach permitted to use Supervision Level IV shall comply with additional rules
- 6-2.17 (c) Mandates the requirement for the approved safety plan – the Safety Plan outlines the requirements for supervising lifeguard

6-2.20 Aquatic Supervisory Skill Requirements

- 6-2.20 (a) Supervision Level I – surf lifeguard
- 6-2.20 (b) Supervision Level IIb – pool and beach lifeguard
- 6-2.20 (c) Supervision Level III
- 6-2.20 (d) Supervision Level IV
- 6-2.20 (e) Lifeguard supervision and management

RECREATIONAL AQUATIC SPRAY GROUNDS NYSSC 6-3

6-3.4 Public Health Hazards

- 6-3.4 (b) (1) Failure to provide adequate supervision
- 6-3.4 (b) (12) Any other condition which the permit-issuing official determines creates an immediate threat
(Utilized as a catch all for other code sections)

6-3.22 Supervision

- 6-3.22 (a) (1) At least one supervisory staff person shall provide period supervision of the spray ground as specified in the safety plan

CHILDREN'S CAMPS NYSSC 7-2

7-2.1 Enforcement; Public Health Hazards and Other Violations

- 7-2.1 (b) (2) (i) A public health violation is any condition which could be expected to be responsible for illness, physical injury or death
- 7-2.1 (b) (2) (xi) Camp swimming pool or bathing beach not under the direct supervision of the camp aquatics director
- 7-2.1 (b) (2) (xii) Allowing swimming or incidental water immersion which is not in accordance
7-2.11(a)(1), 7-2.11(a)(5)(iii) or 7-2.11(j)
- 7-2.1 (b) (2) (xvi) Failure to establish and enforce the Buddy System
- 7-2.1 (b) (2) (xvii) Permitting diving in hazardous areas
- 7-2.1 (b) (2) (xviii) Failure to restrict non-swimmers to water less than chest deep except as allowed
- 7-2.1 (b) (2) (xxviii) Any other item deemed to be a public health hazard by the permit-issuing official
(Utilized as a catch all for other code sections)

7-2.5 Personnel, Supervision and Camp Safety Plan

- 7-2.5 (e) Camp aquatics director shall oversee all swimming activities that occur at swimming pools and bathing beaches operated as part of a children's camp (WCDOH and NYSDOH may disagree on what the definition of operated as part of a children's camp)
- 7-2.5 (f) Progressive swimming instructor – a progressive swimming instructor must assess the swimming ability of each camper prior to participating in aquatic activities
- 7-2.5 (g) Qualified lifeguards – shall supervise participants in the camp's aquatic activities
- 7-2.5 (h) Trip leader (qualifications)
- 7-2.5 (i) Activity leader (qualifications)
-

7-2.11 Recreational Safety

7-2.11 (a) (2) Adequate light must be present to effectively supervise swimming activities

ON-SITE SWIMMING 7-2.11 (a) (3)

7-2.11 (a) (3) (i) The swimming pool or bathing each shall be directly supervised by a camp aquatics director.

7-2.11 (a) (3) (ii) Non-swimmers identified, Non-swimmers restricted to water less than chest deep

7-2.11 (a) (3) (iii) Permanent swimming area shall have supervised entrances and exits, lifeguard station providing an unobstructed view of the swimming area

7-2.11 (a) (3) (iv) A buddy system of supervising & must be described in the camp's approved safety plan

7-2.11 (a) (3) (vii) There shall be one qualified lifeguard for every 25 bathers

7-2.11 (a) (3) (viii) The ratio of counselors to campers while swimming on-site

TRIP SWIMMING 7-2.11 (a) (4)

7-2.11 (a) (4) (iii) A buddy system and board system of supervising bathers shall be implemented in accordance with section 7-2.11(a)(3), Swim ability assessment, Non-swimmers restricted to water less than chest deep, Non-swimmers identified

7-2.11 (a) (4) (iv) Mandates the requirement for camp lifeguard (WCSC 873 more stringent)

7-2.11 (a) (4) (v) Pre-arrangement must be made with an off-site facility to ensure that the facility is capable of accommodating the additional bather load associated with the camp, to identify duties of the camp aquatic staff, and to determine whether or not the facility's lifeguards will be present

7-2.11 (a) (4) (vi) Supervision ratios (WCSC 873.1802 more stringent)

7-2.11 (a) (4) (vii) Lifeguard ratio (WCSC 873.1802 more stringent)

WILDERNESS SWIMMING 7-2.11 (a) (5)

7-2.11 (a) (5) (i) Camp shall provide at least one qualified lifeguard per 25 bathers, 2 CPR staff, and staff must have ability assessed by progressive swim instructor

7-2.11 (a) (5) (ii) Minimum staff to camper ratio

7-2.11 (a) (5) (iv) All campers must have their swimming ability assessed by a progressive swimming instructor

7-2.11 (g) On-site activities. An activity leader shall supervise each camp activity occurring on the camp's property

7-2.11 (i) Camp trips. A trip leader and at least one counselor must accompany all camp trips

7-2.11 (j) Incidental Water Immersion. Entering a stream or body of water for the purpose of crossing or personal hygiene shall not be considered swimming. Procedures for incidental water immersion in water deeper than mid-calf must be specified in the camp safety plan.

7-2.25 Additional Requirement for Camps Enrolling Campers With Disabilities

7-2.25 (a) (3) (i) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities for non-ambulatory campers or increased risk of in water emergency such as uncontrolled epilepsy

7-2.25 (3) (ii) Minimum counselor-to-camper ratio for campers with developmental disability

7-2.25 (3) (iv) Camp safety program approved...shall contain procedure to address the handling of seizures and aspiration of water from campers with developmental disabilities



P.O. Box 779
4 Front Street
Croton Falls, NY 10519
914-277-4800
Fax: 914-277-8096



December 8, 2025

Bureau of Public Health Protection
Westchester County Department of Health
11 Martine Avenue
White Plains, NY 10606

Re: Notice of Public Hearing on December 18, 2025 at 9:00 AM

To Whom It May Concern:

Please accept this correspondence as a formal statement regarding the proposed increases to Health Department fees. As a business overseeing numerous restaurant locations across the region, we wish to express our concerns regarding the operational and financial impacts that these proposed changes may impose on our organization.

We respectfully submit the following for consideration at the upcoming hearing:

1. Impact on Multi-Location Operations.

Our company owns multiple restaurants, each of which is subject to required inspections, permits, renewals, and compliance-related fees. Even modest fee increases, when multiplied across all locations, result in significant additional annual expenses. These cumulative costs directly affect our ability to maintain competitive pricing, invest in staff development, and continue improving food safety infrastructure.

2. Commitment to Public Health & Food Safety.

We fully support the mission of the Bureau of Public Health Protection and recognize the importance of robust inspection services. Our concern is not with the intent of the fee adjustments, but with ensuring that the increases remain reasonable, transparent, and proportionate to the services provided.

Thank you for your consideration. We appreciate your attention to how these proposed changes will affect businesses that work diligently to comply with public health standards while serving our communities.

Respectfully,

A handwritten signature in black ink, appearing to read "Byron Calby & Bruce Calby".

Halbfinger, Caren

From: Elsabor Latino <elsaborlatino391@gmail.com>
Sent: Thursday, December 18, 2025 10:16 AM
To: DOH-BPHP
Subject: Re: FW: Notice of Public Hearing

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Help Desk.

Open
149 north Ave new Rochelle NY
NEW ROCHELLE BAKERY
Opening soon
391 main st new Rochelle NY
El sabor Latino restaurant

Dear Members of the Westchester County Board of Health,

I am writing to submit my public comment regarding the proposed amendments to the Westchester County Sanitary Code and the associated increases in Health Department fees.

I am a small business owner in Westchester County, operating a bakery and in the process of opening a restaurant. I understand the importance of public health regulations and fully support reasonable fees that ensure safe and compliant food service operations. However, I am concerned about the proposed increases and the financial impact they will have on small, locally owned businesses.

Many of the proposed fee increases for Food Service Establishments, bakeries, plan reviews, and related permits represent significant jumps in cost. For small businesses, especially those already facing rising expenses for rent, utilities, insurance, labor, and construction, these additional increases create a serious burden. For new or expanding businesses, higher plan review and permit fees can delay openings and discourage investment in our local communities.

Small food businesses are an essential part of Westchester County's economy. We create local jobs, serve our neighborhoods, and contribute to the county's character and vitality. I respectfully ask the Board of Health to carefully consider the cumulative financial impact of these increases and to explore alternatives such as phased increases, reduced fees for small businesses, or exemptions for first-time or expanding local establishments.

Thank you for the opportunity to provide public comment and for your consideration of the concerns of small business owners.

Sincerely,

Orlando Rodríguez

Small Business Owner

Westchester County, NY

Sent from Gmail Mobile

On Mon, Dec 1, 2025 at 2:57 PM DOH-BPHP <DOH-BPHP@westchestercountyny.gov> wrote:

Good afternoon,

Notice of Public Hearing to occur at 9:00am on December 18, 2025 at 11 Martine Avenue, 12th Floor, White Plains, NY 10606 in connection with the proposed increase in Health Department fees. Public Hearing Notice and proposed fees are attached.

Bureau of Public Health Protection

Westchester County Department of Health

11 Matrine Ave, White Plains NY, 10606

333 N. Bedford Road
Mt Kisco, NY 10549

p: 914.242.9760
f: 914.242.5100



genesishealthclubs.com/locations/saw-mill-club-east

SAW MILL CLUB • EAST

December 1, 2025

Commissioner Sherlita Amler, M.D.
Westchester County Department of Health
11 Martine Avenue
White Plains, NY 10606

Re: GHC Saw Mill East Operator, LLC
Case Number PHP-9873-25-MK-AVRR-SPI
Request for reconsideration of civil penalty

Dear Commissioner Amler:

This will serve as a request for reconsideration of the civil penalty assessed against GHC Saw Mill East Operator, LLC ("SMC East") by the Board of Health ("Board") in the above case number.

By way of background, on May 22, 2025, Melanie Melillo, General Manager of SMC East, entered into the enclosed stipulation with the Department of Health ("DOH") to pay a \$1,000.00 fine. This stipulation was memorialized in the enclosed Hearing Officer Ilan Gilbert's Report dated June 4, 2025. In fact, as Hearing Officer Gilbert states in his report, the basis for the reduction in the fine amount was that, upon reinspection by the DOH, the violations were determined to be corrected.

Recently, we received the Board's Order dated September 18, 2025, which indicates the penalty is now \$8,000.00.

Upon receipt of the Order, Ms. Melillo contacted Scott Seidel of the DOH. Mr. Seidel advised that the civil penalty was raised to \$8,000 because of the incident that occurred at the GHC Saw Mill Club Camp's outdoor pool in June 2025. (Case Number PHP-9286-25-MK-AQHP-SPO/DC was resolved on October 2, 2025, before Hearing Officer Gilbert, with a stipulated penalty of \$12,750.00.)

Mr. Seidel told Ms. Melillo that the Board raised the red violation (the lack of supervision violation) to \$2,000 rather than the \$1,000 penalty stipulated. The Board added \$1,500 for each of the four (4) blue violations. The May 22, 2025 stipulation did not include penalties for the blue violations.

In considering this request for reconsideration of the civil penalty, we would refer you to the enclosed October 1, 2025 submission in Case Number PHP-9286-25-MK-AQHP-SPO/DC. We highlighted the significant financial toll Saw Mill Club Camp experienced. For example, GHC Saw Mill Club has undertaken the installation of the new fence surrounding the outdoor pool. The estimated cost of the new fence is approximately \$26,000. GHC Saw Mill Club has retained the architectural firm of Fabiano Design to design plans relocating the emergency egress to another area of the tennis courts that does not exit onto the pool deck at an estimated cost of \$16,000. GHC Saw Mill Club will repaint the pool bottom and sides at a cost of \$48,000. The capital expenditures are approximately \$90,000.00.

Further, after the Department directed GHC Saw Mill Club to close the 2025 summer camp, GHC Saw Mill Club refunded fees to members totaling \$57,164.17.

GHC SMC East and GHC Saw Mill Club will continue to cooperate and communicate with the DOH. Since the Board's September 18, 2025 Order predates the October 1, 2025 submission, the Board may not have been aware of the aforementioned capital expenditures, the loss of revenue, and the \$12,750.00 stipulated penalty in the Saw Mill Club Camp's matter.

We are requesting reconsideration of the civil penalty, which was initially stipulated at \$1,000. Thank you for your reconsideration.

Very truly yours,

Kevin Kane,
Vice President and General Manager

KK:mm

Enclosures

Cc:
Scott Seidel
Westchester County Department of Health
11 Martine Avenue
White Plains, NY 10606

WESTCHESTER COUNTY DEPARTMENT OF HEALTH

IN THE MATTER OF THE COMPLAINT AGAINST

STIPULATION
CASE NO.

PHP-9873-25-MK-AVRR-SPI
GHC Saw Mill East Operator LLC
6100 East Central - Suite 3
Wichita, KS 67208

Respondent(s),

the Health law of the State of
New York, the Environmental Conservation law of the State of New York,
the Sanitary Code of the State of New York, the Sanitary Code of the
County of Westchester, and the Administrative Rules, Regulations and
Standards Promulgated and Established Pursuant Thereto

IT IS HEREBY STIPULATED AND AGREED by and between the respective parties hereto that the within matter be and the same hereby is terminated upon the following terms and conditions

1. THAT Respondent(s) admit(s) the truth of the allegations set forth in the Statement of Charges

2. THAT Respondent(s)

✓
represent(s) this in compliance with the Code

represent(s) it will be in compliance with the Code by

represent(s) it

acknowledge(s)

3. THAT this Stipulation is subject to acceptance by the WESTCHESTER COUNTY BOARD OF HEALTH ("Board")

4. THAT Respondent(s) understand(s) that:

A) Pursuant to the New York State Public Health Law, New York State Environmental Conservation Law, Westchester County Law, New York State Sanitary Code, and/or Westchester County Sanitary Code the maximum proposed civil penalty that may be imposed by the Board in connection with the above-referenced case for violation(s) of the New York State Public Health Law, New York State Environmental Conservation Law, Westchester County Law, New York State Sanitary Code, and / or Westchester County Sanitary Code is \$ 2,000.00

B) The recommended civil penalty proposed by the Administrative Law Judge for the above referenced violation(s) is \$ 1,000.00 However, Respondent(s) understand(s) that the recommended civil penalty is subject to the approval of the Board.

C) Respondent(s) further understand(s) that s/he/it will be notified of the final determination of the Board by mail and further acknowledges that if the Board imposes a penalty in an amount greater than that recommended, up to the maximum penalty for the violation(s), Respondent(s) shall have the option to pay the amount or to request a de novo formal hearing with a possible penalty up to the maximum allowed by law. If the Board decreases the recommended fine, the Respondent(s) will receive a refund for the difference. If a refund is required, the check shall be made payable to _____ and shall be mailed to the following address:

5. THAT in mitigation Respondent(s) assert(s) that _____

Mount Kisco, NY 10549

5/22/25
DATE


Administrative Law Judge


For Respondent

Melissa Helillo Germaine
Author, R 25
Department of Health

DEPARTMENT OF HEALTH: WESTCHESTER COUNTY

In the Matter of the Complaint Against:

GHC Saw Mill Operator LLC
6100 East Central-Suite 3
Wichita, KS 67208

Respondent

Arising out of alleged violation of
The Public Health Law of the State of
New York, the Sanitary Code of the
County of Westchester, and the
Administrative Rules, Regulations and
Standards promulgated pursuant thereto:

:
:
: HEARING OFFICER'S
: REPORT: including
: Findings of Fact
: Conclusion of Law
: and
: Recommendation

:
: CASE NO.
: PHP-9873-25-MK-AVRR-SPI

To: THE BOARD OF HEALTH OF THE COUNTY OF WESTCHESTER

A complaint was made pursuant to New York State Sanitary Code 6-1 and Article XII, Section of the Laws of Westchester County Sanitary Code, Claiming a violation at Saw Mill Club, 333 N. Bedford Rd., Mt. Kisco, NY, on April 3, 2025.

A Notice of Hearing was issued on April 3, 2025 for appearance on May 22, 2025. On May 22, 2025 the matter appeared and was heard before Ilan D. Gilbert, Esq., the undersigned designated ADMINISTRATIVE LAW JUDGE of the BOARD OF HEALTH of the County of Westchester ("Board"), pursuant to and at the direction of the Board. Now that:

A Notice of Hearing having been duly served upon the Respondent above named; and

The matter having appeared on the Hearing Officer's calendar on the return date at the Offices of the Westchester County Department of Health ("Department"), 25 Moore Avenue, Mount Kisco, New York; and the Respondent having appeared and the proceeding was concluded.

NOW UPON DELIBERATION AND CONSIDERATION of the entire proceedings and the record herein, the Hearing Officer does hereby make and submit his report to the Board, including His findings of Fact, Conclusions of Law and Recommendation, as follow:

FINDINGS OF FACT

A Notice of Hearing was issued on April 3, 2025 for appearance on May 22, 2025. On May 22, 2025 the matter appeared and was heard before Ilan D. Gilbert, Esq., the undersigned designated ADMINISTRATIVE LAW JUDGE of the BOARD OF HEALTH of the County of Westchester ("Board").

The Respondent appeared by **Melanie Melillo, General Manager.**

The Department having been represented by **James Duncan.** The alleged violation occurred at premises at **Saw Mill Club, Indoor Pool, 333 N Bedford Rd., Mt. Kisco, NY.**

Respondent was advised by the Hearing Officer of the right to deny the charge, in whole or in part, and to a full and formal hearing and all the rights attached to that process.

1. The Charges allege violation of the Health Laws of the State of New York and/or the Sanitary Code of the County of Westchester and/or the Laws of the County of Westchester as more specifically stated in the attached Notice of Hearing, New York State Sanitary Code Subpart 6-1 and Westchester County Sanitary Code, Article XII, Claiming more specifically, One lifeguard present inadequate supervision for two pools.

2. After Respondent was fully advised of her rights, Respondent's exposure to maximum civil penalty of \$2,000.00 for each charge held to, Respondent's admission to the charges, the Hearing Officer advised the Respondent of the opportunity to offer a statement in explanation of the charges for consideration by the Board in possible mitigation of the penalty. In response thereto, Respondent asserted that upon notice, violation was corrected expeditiously.

3. The Hearing Officer then prepared a Stipulation of Discontinuance for the parties' consideration, and read it

aloud. Thereupon, the Hearing Officer requested Respondent read the document before signing same and that should Respondent have any question or not understand the Stipulation, that he, the Hearing Officer would answer any such inquiry. Respondent expressed understanding of the Stipulation, had no question and proceeded to sign the document. Respondent's signature was followed by the Departments representative and Hearing Officer's signature. Copies were furnished to the parties and original thereof is annexed hereto and made a part hereof.

CONCLUSION

4. By reason of the foregoing, this Hearing Officer concludes that Respondent was in violation of the Sanitary Code of the County of Westchester, as charged. The Respondent addressed the violations and the department found those efforts adequate upon inspection.

RECOMMENDATION

5. Since Respondent violated the Code and was not at all times in compliance with the appropriate Code provision, but took sufficient action to remedy all expeditiously, this Hearing

Officer recommends a civil penalty, until violations was remediated (Inadequate lifeguard supervision) in the amount of \$1,000.00).

Dated: June 4, 2025
Mount Kisco, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ilan D. Gilbert', written over a horizontal line.

Ilan D. Gilbert
Administrative Law Judge



George Latimer
County Executive

Department of Health
Sherlita Amler, M.D.
Commissioner

ORDER OF BOARD OF HEALTH DATED : 9/18/25

CASE NUMBER: PHP-9873-25-MK-AVRR-SPI

ASSESSED CIVIL PENALTIES: \$ 1000

DATE DUE: Upon Receipt

All cases are presented to the Board of Health for approval. The Board has the authority to reduce or increase the civil penalty that was stipulated to during Hearings.

The amount stipulated to has changed.

Please note approved civil penalty amount: \$8000

Enclosed herewith please find a copy of an ORDER issued by the BOARD OF HEALTH of the County of Westchester Health Department and a REPORT OF THE ADMINISTRATIVE LAW JUDGE with regard to the above referenced matter.

Your particular attention is directed to item numbers 1,2,3,4,5 and any additional items that may appear on the front or back of the ORDER.

Please forward payment to:

Westchester County Department of Health
Revenue Accounting – Scott Seidel
11 Martine Ave. – 15th Floor
White Plains, NY 10606

PLEASE WRITE THE ABOVE CASE NUMBER ON YOUR CERTIFIED CHECK OR MONEY ORDER AND MAIL IT WITH THIS FORM. **WE ALSO ACCEPT VISA, MASTERCARD, DISCOVER AND AMERICAN EXPRESS

CASH AND PERSONAL CHECKS WILL NOT BE ACCEPTED.

PAYMENT IS TO BE MADE PAYABLE TO "WESTCHESTER COUNTY DEPARTMENT OF HEALTH". PLEASE NOTE THE ABOVE DUE DATE OF YOUR CIVIL PENALTY. FAILURE TO PAY AT THE TIME INDICATED WILL RESULT IN REFERRAL TO THE COUNTY ATTORNEY FOR COLLECTION. IF APPLICABLE, YOUR PERMIT OR CERTIFICATE TO OPERATE WILL BE REVOKED WHICH WILL RESULT IN CLOSURE OF YOUR FACILITY OR THAT PORTION OF YOUR OPERATION REQUIRING SUCH PERMIT OR CERTIFICATE.

IF YOU SHOULD HAVE ANY QUESTIONS, PLEASE CALL:

SCOTT SEIDEL @ (914) 995-7265 or
MAGGIE TARPEY @ (914) 995-7275

THANK YOU.

SCOTT SEIDEL/MAGGIE TARPEY
EHS- ADMINISTRATIVE HEARING OFFICE

Department of Health
25 Moore Avenue
Mount Kisco, NY 10549

Telephone: (914) 813-5000

Fax: (914) 864-XXXX

**DEPARTMENT OF HEALTH
COUNTY OF WESTCHESTER, STATE OF NEW YORK**

IN THE MATTER OF COMPLAINT AGAINST:

GHC Saw Mill East Operator LLC RESPONDENT(S)
6100 East Central - Suite 3
Wichita, KS 67208

Arising Out of Alleged Violations of the **ORDER OF BOARD OF HEALTH**
Public Health Law of the State of New York,
the Sanitary Code of the State of New York,
the Sanitary Code of the County of Westchester, **CASE NO: PHP-9873-25-MK-AVRR-SPI**
and Administrative Rules, Regulations and
Standards Promulgated Pursuant Thereto.

SAW MILL CLUB EAST POOL #2 PREMISES
33 NORTH BEDFORD RD
MOUNT KISCO, NY 10549

A HEARING HAVING BEEN HELD in the above entitled matter under and pursuant to the direction and authority of the Board of Health of Westchester County before the Administrative Law Judge and representative of the said BOARD, at the Offices of the Westchester County Health Department;

and the Administrative Law Judge having made Findings of Fact, Conclusions and Recommendations, copy of which is attached hereto; and the BOARD having considered the Administrative Law Judge's Report and the Record herein at a duly convened meeting of the BOARD; and the BOARD having adopted a Resolution encompassing a determination and decision herein:

IT IS HEREBY ORDERED:

1. THAT the Findings and Conclusions of the Administrative Law Judge may be amended, and are hereby accepted, approved and adopted as those of the BOARD OF HEALTH OF THE COUNTY OF WESTCHESTER; and,
2. THAT the violations herein complained of SHALL CEASE AND DESIST and shall otherwise be completely removed, IMMEDIATELY; and,
3. THAT a CIVIL PENALTY be and hereby is assessed against GHC Saw Mill East Operator LLC for a total civil penalty of \$8,000.00, which sum shall be paid to the DEPARTMENT OF HEALTH OF THE COUNTY OF WESTCHESTER upon receipt of this notice; and,
4. THAT the parties hereto shall comply with the further terms and conditions of this ORDER, if any, as are INDICATED ON THE REVERSE SIDE hereof, which terms and conditions and provisions shall have the force and effect as is fully set forth herein;
5. THAT the COUNTY ATTORNEY is hereby authorized to commence an action in a court of competent jurisdiction to enforce this ORDER in the event that RESPONDENT fails to comply with any provision of the ORDER. The COMMISSIONER, or his designee, is hereby designated and authorized to take any and all actions to execute and deliver all documents as the COUNTY ATTORNEY deems necessary or desirable to accomplish the purposes hereof.

See reverse side of this Order

McDERMOTT & McDERMOTT

Attorneys and Counselors at Law

108 Village Square
PMB 204
Somers, New York 10589

www.AttorneyMcDermott.com

Tel: 914-276-2747
Mobile: 914-262-5922

Michael J. McDermott, Partner
- Michael@AttorneyMcDermott.com

October 1, 2025

By Email only: JOD8@westchestercounty.gov

James Duncan, Sanitarian
Westchester County Department of Health
Administrative Hearing Office
11 Martine Avenue, 12th Floor
White Plains, NY 10606

Re: GHC Saw Mill Club Camp, et al
Case Number PHP-9286-25-MK-AQHP-SPO/DC
Submitted for resolution and settlement purposes

Dear Mr. Duncan:

This firm represents the respondents in the above-referenced proceeding (hereinafter "GHC Saw Mill Club"). This shall serve as a follow-up to the conference with the Department of Health ("Department") representatives conducted on September 10, 2025. During the conference, GHC Saw Mill Club agreed to provide a statement in mitigation in connection with the specific violations listed in the Statement of Violations for the above-referenced proceeding. Please let us know if the Department requires clarification or additional information.

MITIGATION MEASURES

New York State Sanitary Code, Subpart 6-1

1. New York State Sanitary Code, 6-1.23(a)(4)(ii).

GHC Saw Mill Club has undertaken the following: GHC Saw Mill Club partnered with the Department to update our outdoor pool safety plan following the June 24th inspection. Under the revised and approved plan, GHC Saw Mill Club increased lifeguard coverage from the previous

James Duncan, Sanitarian

October 1, 2025

Page 2

requirement of one guard (until the pool reached 50% capacity) to three guards stationed around the outdoor pool at all times, regardless of the number of bathers.

In addition, we enhanced our accountability measures by implementing hourly bather counts throughout the day. This ensures that we will maintain optimal staffing levels and provided the highest standard of safety for the duration of our summer operations.

GHC Saw Mill Club promptly enlisted WML Aquatics to conduct an intensive in-service training for all lifeguards on victim recognition. The sign-in sheets and program outline were shared with the Department. Additionally, GHC Saw Mill Club covered the cost for WML Aquatics to certify five (5) lifeguards in Waterfront Lifeguard Skills, as required by the Department for pool reopening. This certification is both rigorous and costly, exceeding the level typically required to operate our outdoor pool safely.

2. New York State Sanitary Code, 6-1.23(b)(ii).

GHC Saw Mill Club has undertaken the following: Following the inspection, the spine board was promptly returned to the outdoor pool area in the presence of the Department's sanitary team and remained there for the rest of the summer. It is unclear why it had been brought indoors, as we maintain two spine boards to ensure that both pools are equipped with one at all times.

3. New York State Sanitary Code, 6-1.29(5.10.5).

GHC Saw Mill Club has undertaken the following: The fence surrounding the outdoor pool was originally approved at the time of construction of our outdoor pool. Prior to opening the pool for the summer season, the Department determined and agreed that we would have until the start of the next summer season (May 2026) to install a new fence that meets current Department requirements. The estimated cost of the new fence is approximately \$26,000. (Addendum A)

4. New York State Sanitary Code, 6-1.16(a).

GHC Saw Mill Club has undertaken the following: This summer was the first time in our long history of operating the outdoor pool that the emergency egress door from the tennis courts to the pool was raised as a concern, which came as a surprise to us. In coordination with the Department, we revised our safety plan to require that the door be staffed at all times. Implementing this measure represented a significant additional expense for the remainder of the season. To provide a long-term solution, we engaged the architectural firm of Fabiano Design to design plans relocating the emergency egress to another area of the tennis courts that does not exit onto the pool deck. The Mount Kisco Building Department has issued a building permit, and construction is scheduled to begin shortly at an estimated cost of \$16,000. (Addendum B)

5. New York State Sanitary Code, 6-1.29(4.3).

GHC Saw Mill Club has undertaken the following: The dark blue finish on the pool bottom and sides was originally approved at the time of pool renovation in 2007. Following the recent inspection, the Department notified us that the pool must be repainted white prior to reopening for the 2026 summer season. We have already secured a bid in the amount of \$48,000 from our pool company, and the resurfacing of the gunite pool to a bright white is scheduled to take place in early spring to ensure the pool is ready for the May 2026 opening. (Addendum C)

New York State Sanitary Code, Subpart 7-2

6. New York State Sanitary Code, 7-2.5(n).

GHC Saw Mill Club has undertaken the following: Before the June 24th inspection, all campers were paired with a buddy, as they remain in their buddy pairs throughout the entire camp day. Following the inspection, Camp Saw Mill revised its buddy sheet to include the start and end times of each swim session as well as pool departure tracking. This updated documentation was immediately submitted to the Department for review and approval. (Addendum D & E) In addition, the Camp Director conducted multiple additional in-service sessions with staff to review the buddy and board system, ensure proper completion of the swim session buddy sheet, and to emphasize the importance of full compliance with all safety protocols.

7. New York State Sanitary Code, 7-2.5(n).

GHC Saw Mill Club has undertaken the following: Camp Saw Mill has long conducted a swim test every Monday for new campers, as well as for any camper wishing to retake the test. The test is administered by our Camp Aquatic Director, and results are recorded by counselors on the swim buddy sheet to indicate swimmer or non-swimmer status.

In accordance with DOH instructions, we created a revised buddy sheet that now includes start and end times for each swim session as well as pool departure tracking. In addition, we developed a new record sheet to document each camper's swim test date and swim ability, providing a more accurate and reliable system for tracking. (Addendum C)

The Camp Director has resubmitted the swim safety plan—incorporating the updated swim test process and revised buddy sheet—to the Department for review and approval. (Addendum F)

8. New York State Sanitary Code, 7-2.5(n).

GHC Saw Mill Club has undertaken the following: At Camp Saw Mill, we use a swim band system to ensure camper safety in the pool. Green silicone bracelets identify swimmers, while red silicone bracelets identify non-swimmers. Campers receive their designated bracelet each

Monday following their swim test, and bands are distributed daily before the morning swim session. Swim bands must be worn throughout the entire morning swim period, allowing staff to quickly and easily distinguish each camper's swimming ability. This practice has consistently been observed by the Department's inspectors annually during our camp inspections.

9. New York State Sanitary Code, 7-2.5(n).

GHC Saw Mill Club has undertaken the following: GHC Saw Mill Club has installed an additional float line, further dividing the pool into three distinct sections to better define varying depths and enhance swimmer safety. We would also like to respectfully dispute the claim that counselors were not in the water on June 24th. Multiple staff members reported directly to the Camp Director the following day that both Mary and Jillian were, in fact, in the pool during the swim session. Unfortunately, this afternoon's swim session was the only time our campers were placed in a mixed pool environment. We recognize that this session should not have occurred, and we are committed to ensuring it does not happen again.

10. New York State Sanitary Code, 7-2.11(a)(3)(ii).

GHC Saw Mill Club has undertaken the following: Camp Saw Mill has always scheduled swim sessions between 9:00 a.m. and 12:00 p.m. To further strengthen safety protocols, we have since installed an additional float line to provide a clearer separation of pool depths and to ensure that non-swimmers are restricted to shallow water during free swim sessions.

Westchester County Sanitary Code

11. Westchester County Sanitary Code 873.1802(1)

GHC Saw Mill Club has undertaken the following: During our regular morning camp swim sessions, the pool is closed to members, and all lifeguards are dedicated exclusively to camp. Staffing always includes three (3) lifeguards stationed at the main pool and one (1) lifeguard at the kiddie pool, in addition to camp counselors and the Camp Aquatic Director, who provide further supervision. This supervision system has been consistently observed and verified by the Department during annual inspections.

OTHER MITIGATION MEASURES

During the conference, GHC Saw Mill Club provided other mitigation measures that we ask the Department to consider. GHC Saw Mill Club hopes that these mitigation measures demonstrate both our long-standing record of safe pool operations and our commitment to resolving this proceeding while continuing to work collaboratively with the Department in the future.

James Duncan, Sanitarian
October 1, 2025
Page 5

GHC Saw Mill Club also suggested that the ten (10) annual scholarships for summer camp participation be awarded to underprivileged youth in Westchester. (Addendum G)

GHC Saw Mill Club would like to note that Camp Saw Mill has never received any public health violations that would warrant closure. While we recognize the seriousness of the charges, we respectfully ask that our history of compliance be considered in mitigation of any civil penalty that may be imposed, as we work to improve and move forward.

In response, Camp Saw Mill immediately updated its safety plan and all required documentation, taking swift corrective action. Our goal has always been to collaborate with the Department to ensure the highest level of swim safety.

Unfortunately, because Camp Saw Mill was not permitted to resume swim activities, we were not given the opportunity to demonstrate how seriously we take this matter or to show the effectiveness of the corrective measures we implemented.

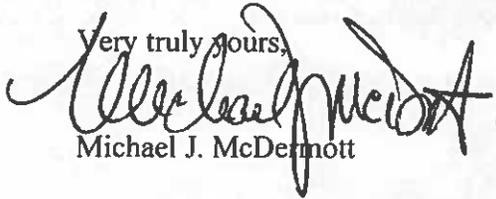
Further, after the Department directed GHC Saw Mill Club to close the summer camp, GHC Saw Mill Club refunded fees to members totaling \$57,164.17. A detailed accounting is available if the Department requests.

STIPULATION OF SETTLEMENT

GHC Saw Mill Club hopes that the matter will be resolved with a mutually agreeable Stipulation of Settlement. GHC Saw Mill Club requests that the following language be included: "GHC Saw Mill Club admits to the charges for the sole purpose of concluding these proceedings and for no other purpose."

GHC Saw Mill Club reserves all its rights at law and equity in connection with this proceeding. GHC Saw Mill Club looks forward to meeting with the Department on **October 22, 2025**, at which time the proceedings may be resolved.

Very truly yours,


Michael J. McDermott

MJM:az Encl.

Cc:
Kevin Kane, Vice President and General Manager
Whitney Kennedy, Director of Youth & Aquatic Programs