

Tompkins County Board of Health
March 25, 2014
12:00 Noon
Rice Conference Room

Present: Will Burbank; Edward Koppel, MD; James Macmillan, MD, President; Patrick McKee; Michael McLaughlin, Jr.; Patricia Meinhardt, MD; and Janet Morgan, PhD

Staff: Sylvia Allinger, Director of CSCN; Liz Cameron, Director of Environmental Health; Sigrid Connors, Director of Patient Services; Brenda Grinnell Crosby, Public Health Administrator; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

Excused: Brooke Greenhouse; and William Klepack, MD, Medical Director

Guests: Steven Kern, Sr. Public Health Sanitarian; and Skip Parr, Sr. Public Health Sanitarian

Privilege of the Floor: Tomo Shibata, Property Owner; and Mary Dietershagen, FDF Development Company

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:00 p.m.

Privilege of the Floor: Tomo Shibata, property owner of 360 East Miller Road in the Town of Danby, addressed Board members regarding her request to waive a conversion sewage system permit application fee. Ms. Shibata reviewed her reasons for the waiver request as described in an email she sent to Ms. Cameron on March 10, 2014.

Mary Dietershagen, representing the FDF Development Company, stated she was present to answer any questions about the proposed shared sewage system for a parcel of land located in the Town of Lansing. There were no questions from Board members.

Approval of February 25, 2014 Minutes: Mr. McLaughlin moved to approve the minutes of the February 25, 2014 meeting as written; seconded by Dr. Meinhardt. The minutes carried with Mr. Burbank and Mr. McKee abstaining.

Financial Summary: Ms. Grinnell Crosby referred to the February 2014 financial summary included in the packet. Instead of writing a separate memo she used the notes feature at the bottom of each page of graphs to describe the situation. She reported:

- The Preschool Special Education program has increased expenditures due to the annual payment of administrative fees to school districts. Revenues do not reflect the Automated Voucher Listing (AVL) for preschool payments that should be processed in March or April. It is for a significant amount of money.
- Division for Community Health has a reduction in revenues due to a staffing shortage the first two months of the year and subsequent reorganization which

- caused staff to fall behind in billing. Also, there have been significant billing issues with Medicare concerning reimbursement for flu vaccinations.
- Early Intervention (EI), a mandate program, continues to be in flux due to the change in fiscal agent from counties to New York State. Some progress is being made now that Public Consulting Group (PCG) has contracted to be the State's fiscal agent. To date, numerous reimbursements have not been paid by the State. There was a data dump to help calculate the amount owed to the county, but there are questions about the accuracy of the data.
 - The County's financial records for 2013 are still open so there is no final report for the year.

There was a lengthy discussion about reimbursement issues for the EI program with the following comments:

- Ms. Allinger stated the data dump covered the first quarter of 2013. Mr. Kruppa estimated about a quarter of a million dollars is owed from those three months.
- Mr. Kruppa explained the issue is the flawed data systems the State is using. The NYEIS system does not provide reports so staff does not have the information to track the services provided related to payments. The State has acknowledged the system does not work and is in the process of fixing it. Ms. Allinger added she believes PCG will develop fiscal reports for counties.
- During a recent trip to Albany, Mr. Kruppa visited state legislators. He reported the New York State Association of County Health Officials (NYSACHO) was pushing the Legislature to solve this payment issue. However, there is a disagreement between the State Assembly and State Senate on how to handle the problem so there probably will not be a change this year.
- Dr. Meinhardt questioned the amount of the reimbursements owed. Mr. Kruppa responded it is significant but that number is unknown because the details are in multiple data systems.
- Mr. McLaughlin wondered if there is an issue of running the business day-to-day. Mr. Kruppa replied there is money that flows in on a regular basis; just from a long time ago.
- In response to Dr. Koppel's question, Mr. Kruppa said the system of using a fiscal agent was implemented in April, 2013; prior to that date billing was handled locally by the county.
- Mr. McKee observed other agencies having contracts with the State are in the same situation.
- On the positive side, Mr. Kruppa noted there are a lot of voices speaking from different perspectives. One group pushing to resolve this issue is a large lobbying contingent from New York City. With a significant amount of money at stake, any tinkering with the percentage the State pays could quickly bankrupt a lot of counties. Ms. Allinger's program is half the budget at the Health Department.
- Mr. Kruppa commended Ms. Allinger and her staff for their efforts tracking information and working with other counties in the region to compare and share ideas.

Ms. Grinnell Crosby concluded her report by stating the 2014 State Aid application is due next week. The State made major revisions to the application which has prompted a lot of questions. Staff participates in conference calls twice a week to gather information and is close to filing the application.

Administration Report: Mr. Kruppa reported:

- New York State Department of Health recognizes local public health workers through the Public Health Works! Honor Roll. This year Tompkins County nominated Brenda Coyle, administrative support staff in Environmental Health, and Cindy LaLonde, community health nurse in Children with Special Care Needs, for their efforts to support public health.
- In response to requests from staff, he wrote a report providing information about his monthly activities. He plans to include those reports in the packet and welcomes feedback from Board members. Wherever possible he will provide links to outside activities.

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

Division for Community Health Report: Ms. Connors had nothing to add to her written report.

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

County Attorney's Report: Mr. Wood stated he had nothing to report.

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

Resolution #13.1.34 – German Cross Road Apartments, T-Dryden, Revise Resolution to Extend Deadlines (Water): Ms. Cameron noted the original German Cross Road Apartments resolution was adopted at the last Board meeting. The severe winter weather has forced the owners to request an extension to the deadline for completing the project. Their request is a minor modification to the resolution that Environmental Health (EH) supports.

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

Comment: Mr. McLaughlin expressed his appreciation for the opinion statement presented at the end of the action/discussion items. He believes it is helpful knowing the opinion of EH staff when considering an action. Other Board members agreed they found it helpful.

Resolution #14.33.7 W – Fraternal Order of Eagles #1253, C-Ithaca, Clean Indoor Air Act (CIAA) Waiver Renewal Request: Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Macmillan.

Ms. Cameron explained this one year waiver from the Clean Indoor Air Act has been issued to the Eagles organization for several years. The Eagles made a number of changes to their facility to create a separate smoking area that meets the specific requirements and conditions contained in the waiver. It is the only waiver in Tompkins County and must be renewed annually.

According to Mr. Kern, the Eagles could not apply for a waiver until one year into the law. Then they had to show a significant monetary loss due to the law and make the necessary accommodations for a separate facility having its own HVAC system, entryways; signage, etc. This was the only waiver requested and the only one issued. Mr. McLaughlin recalled the Eagles also made accommodations so employees did not have to enter the smoking area.

Dr. Morgan mentioned this is the ninth time the request for renewal has been made since the waiver was first approved in 2005.

Dr. Macmillan commented it meets the letter of the law. Mr. Kern stated one complaint would mean the Eagles were not in compliance and the waiver would be revoked.

The vote: Aye – 6; No - 1 (Dr. Morgan); carried.

McEver Request to Waive Sewage Permit Application Fee, 22 Station Road, T-Danby: Ms. Cameron stated the owner is requesting the replacement sewage system permit application fee be waived due to financial hardship.

Mr. McLaughlin asked whether lack of funds would inhibit the owner from replacing the system. Mr. Parr reported Mr. McEver has been in contact with Better Housing and would qualify for funding, but there are deed issues that may prevent him from securing the grant. There is a documented financial hardship as reported from Better Housing.

With the system currently in failure, Mr. Mc Laughlin wondered about the level of risk to the community if not repaired soon. Mr. Parr advised there would be a deadline for the owner to install a new system. Ultimately, there would be a stipulation for the owner to sign requiring him to vacate the premises if he is unable to replace his system. Ms. Cameron pointed out that is a separate issue from the waiver request before the Board.

Mr. McLaughlin moved to approve the request to waive the fee as recommended by the EH Division; seconded by Mr. Burbank. The vote in favor of waiving the permit application fee was unanimous.

Shibata Request to Waive Sewage Permit Application Fee, 360 East Miller Road, T-Danby: Ms. Shibata spoke earlier in the meeting regarding her request to waive a conversion sewage system permit application fee. Ms. Cameron reviewed the situation for the Board. Ms. Shibata originally applied for a new construction permit for a four bedroom house. After staff designed the system, she requested the permit be changed to three bedrooms so it was redesigned. Now she wants the system to accommodate five bedrooms. Since staff already issued a permit, she needs a conversion permit for the two extra bedrooms; she is requesting a waiver of that fee. Ms. Cameron advised the Board that the Division has never issued a fee waiver for a new construction or conversion permit.

Mr. Kern added the three bedroom sewage system has been installed so this is a separate permit for a two bedroom system to make the total of five bedrooms. Ms. Cameron noted the original permit fee was paid and the system designed twice; this would be the third design.

Ms. Cameron informed the Board this would be precedent setting. The other fee waiver requests have been for replacement systems where staff members are working with an existing homeowner and a failed system. The Division has never issued a waiver for new construction. For owners wanting to change the number of bedrooms in their houses, the process begins when they apply for a conversion permit and pay the fee. Then staff members complete the field work and design process to accommodate the change.

Since this would be precedent setting, Mr. Burbank asked why a fee waiver request would be inappropriate for new construction but appropriate for replacement systems. Ms. Cameron answered the main differences in this request and the ones previously encountered:

- Homeowners on limited incomes needing financial assistance to replace a system can roll the cost of their permit fees into their grants or loans from Better Housing.
- New construction is not addressing a public health hazard but a replacement system is.
- This case is also for a rental property so it is a commercial operation rather than a homeowner living in a place with a failed sewage system.

Dr. Macmillan asked if there was any motion from Board members. No action was taken.

Flinn/Dietershagen Waiver Request of Tompkins County Sanitary Code S-6.03.c, Whitetail Crossing Cottages, T-Lansing: Ms. Cameron stated this is an unusual situation. There are four cottages on one parcel of land owned by two families. They plan to stop renting the cottages commercially and subdivide the parcel of land. The sewage system is on one parcel so the waiver allows them to operate the system until it fails. Upon failure, the owners will install separate sewage systems. She reported Mr. Wood has reviewed the agreement and it meets his approval. EH supports the waiver request in this case.

According to Ms. Cameron, shared sewage systems are normally not allowed because it violates the Tompkins County Sanitary Code, but this is a unique situation. Mr. Wood agreed this is a unique situation. He said it does not change the environmental situation; it is just a convenience to the owners. When the system fails, the owners will comply with the code.

Mr. McLaughlin moved to approve the waiver request; seconded by Dr. Macmillan; and carried unanimously.

Adjournment: At 12:52 p.m. Dr. Macmillan adjourned the meeting.