

**Board of Health  
December 11, 2012  
12:00 Noon  
Rice Conference Room**

**Present:** Will Burbank; Amy DiFabio, MD; Brooke Greenhouse; 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; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

**Guests:** Stephen Maybee, Public Health Engineer

**Privilege of the Floor:** No one was present for Privilege of the Floor.

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:04 p.m.

**Approval of November 13, 2012 Minutes:** Mr. Greenhouse moved to approve the minutes of the November 13, 2012 meeting as written; seconded by Dr. Morgan.

Dr. Macmillan suggested a typographical correction on page 4, sentence 2 of the Division for Community Health Report, noting the acronym is *LHCSA*.

The minutes, as amended, carried unanimously.

**Financial Summary:** Ms. Grinnell Crosby distributed the Financial Summary for November 2012, noting it is 92% of the fiscal year. She reported there were no significant issues. Staff continues to work on filing claims, year-end purchasing, and year-end budget adjustments. She stated the New York State Comptroller has approved the rabies contract, but New York State Department of Health (NYSDOH) has not sent it out. That contract started April 1<sup>st</sup> so the Department has not been able to file claims for three-quarters of the fiscal year. She will follow-up with the State.

**Resolution #12.1.25 – Village of Dryden/Mayor Sterling, V-Dryden, Violation of Subpart 5-1 of the New York State Sanitary Code (Water):** Ms. Cameron reported the Village of Dryden has a well that exceeds the maximum contaminant level for arsenic and a reservoir not fully protected from contamination sources such as birds and animals. The Village agreed to a Time Table of Compliance with no monetary penalty. The plan has been discussed with

NYSDOH and has concurrence from the State. It covers a number of years as the Village needs time to identify the best way to remedy the situation and acquire the appropriate funding.

Ms. Cameron responded to concerns from Board members by stating the arsenic levels were slightly higher than the maximum contaminant level of 10 ppb. The water is sampled quarterly with a violation based on the average of those 4 quarters. Although this well is used a lot and the Village needs to be on a schedule to correct the situation, it is not an immediate health concern.

Mr. Burbank wondered about the basis for not fining the Village. Ms. Cameron explained the elevated levels of arsenic were not within the Village's control; its personnel did not cause the situation. Since the Village has been cooperative in working to address the problem with its water system, the Time Table of Compliance was created.

Dr. Meinhardt added it is very expensive to remove arsenic from water so the fact the Village is cooperative is notable.

Dr. Meinhardt asked about the other problem with the water reservoir. Ms. Cameron responded it needs to be inspected weekly for openings so repairs can be made to keep out birds and animals. The Village is planning to replace the structure.

Dr. DiFabio asked about guidelines for using a contaminated well. Ms. Cameron said the Village maintains the well and has completed pump upgrades. The Village can keep using it in accordance with the Time Table of Compliance, and considering the slightly elevated levels of arsenic, until alternative sources or treatment is available.

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

**Resolution #12.23.31 – William Crispell/McGrath Road, T-Caroline, Violation of Board of Health Orders and Article XI of the Tompkins County Sanitary Code (Animal Waste):**

Ms. Cameron stated this matter was first presented to the Board at the September 11<sup>th</sup> meeting. Mr. Crispell had deposited chicken manure in piles too close to his neighbor's well. He said he would move the manure piles but he has not complied. Due to the approaching winter season with its freezing temperatures and the significant amount of degradation that has already occurred, the health hazard is not at the same level as it was initially. Staff set the April 15<sup>th</sup> deadline for Mr. Crispell's response and the fine was doubled.

Mr. McLaughlin moved to accept the resolution as written, seconded by Mr. Greenhouse.

Dr. Meinhardt was concerned about whether there would be a freeze or a wet winter which would be a runoff issue. Ms. Cameron said there has been significant degradation and staff believes the hazard is decreasing.

Mr. Burbank asked if Mr. Crispell has been responsive and paid the fine. Mr. Maybee reported there have not been any conversations with him. Ms. Grinnell Crosby added he has not paid the fine and it will be turned over to the County Attorney for collection. Mr. Wood said his office obtains a judgment which places a lien on the property.

Mr. McLaughlin asked if the well of the neighbor who initiated the complaint should be tested again. Ms. Cameron stated staff has other concerns with the well that could compromise the test results. Mr. Maybee said staff did offer to sample the well but the neighbor was unresponsive. Dr. Macmillan thought the offer should be made again.

Mr. Greenhouse and Dr. Meinhardt were uncomfortable with the April deadline. Mr. Crispell has not followed BOH orders and waiting until April 15<sup>th</sup> is a long period of time without action.

Mr. Greenhouse noted the resolution requires Mr. Crispell to remove the manure piles but wondered if the option of relocating the manure piles could be added to the resolution. Ms. Cameron replied the wording could be modified adding that Mr. Crispell is aware of that option because staff has discussed other possible locations for the manure.

Dr. Meinhardt offered a friendly amendment to item 2 in the draft resolution changing the deadline for removing the chicken manure piles from April 15, 2013 to **March 1, 2013**.

Mr. Greenhouse suggested an additional amendment to item 2 in the resolution to read as follows: “Remove the chicken manure piles noted in the proceedings ***or relocate the piles to an acceptable location...***”

This was acceptable to Mr. McLaughlin, mover of the resolution. The resolution, as amended, carried unanimously.

Dr. Meinhardt commented she thought the Board should be sensitive to the criticism by the neighbors that the process was not moving fast enough. Dr. Morgan wondered if it would be advisable to invite the neighbors if there is further discussion on the matter. Ms. Cameron stated the neighbors are notified, but there is not the same level of concern from them. It is not a well that is used everyday; it is for a camp.

### **Review resolution regarding extension to High Volume Hydraulic Fracturing (HVHF)**

**regulation comment period:** Ms. Cameron referred to three items distributed before the meeting: (1) the Environmental Health Division (EH) revised resolution dated December 5, 2012, (2) a resolution passed by the Tompkins County Legislature, and (3) a letter from the Tompkins County Water Resources Council. She would like the Board to consider some language changes to the EH resolution. Those changes, noted in red, were taken from the Legislature’s resolution.

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

Dr. Klepack reported the 3 outside experts working on the health review for NYSDOH are open to receiving documents, data, and other information from the public. The route to communicate with them is by direct email so he provided a list of their contact information. He noted the New York State Academy of Family Physicians is making a statement regarding the uncertainty about public health impacts so there should be a “go slow” approach. In response to Dr. Macmillan’s request, he will send that general statement to Board members to read and consider before the Board as a group, or individually, crafts a statement.

**Report on the Medical Countermeasures Clinical Operations Dispensing Exercise:** Mr. Kruppa reported on the Flu POD (Point of Dispensing) exercise conducted on October 30, 2012 at the Health Department. It was successful with a significant number of staff participating.

There was a different approach this year. In the past, one team both planned and conducted the exercise as would normally be done in planning for a flu clinic. This year two separate teams were created independent of one another. The Planning team identified objectives, invited participants from the community, and served as evaluators of the exercise. The Incident Command team was comprised of the people responding and operating the POD.

The objectives for the POD were directed by the State:

- Serve 200 people in an hour. Since it was challenging to find people to participate, the focus was to achieve a strong 15 minutes.
- Target a special population. People with access and or functional needs were selected to test staff’s ability to adapt to their special needs.

- Use the Clinical Data Management System (CDMS). The software system allows pre-registration of people and follows them through the clinical process electronically. Through the use of bar codes and scanners the process should move people along quickly; however, the system failed. The good news is staff quickly adapted and was able to continue to move people through the process.

All staff members have had training in the Incident Command System and were assigned roles they had not previously performed. 28 staff participated in the POD; 3 staff members served on the evaluation team together with Kathy Powers, Emergency Preparedness Coordinator from Cayuga Medical Center; and 2 NYSDOH staff provided support. During this time, Health Department services continued to be provided.

It was a positive experience. Staff members were flexible in their assignments and handled problems and challenges that arose. The Department feels comfortable it is capable of meeting the need should an emergency situation arise.

#### Highlights from discussion regarding the Flu POD:

- 85 vaccinations were administered (87 attended, 2 had contraindications).
- During the H1N1 experience, the Department was able to serve 200 people per hour.
- The Department's facility is not large enough to accommodate 200 people in one hour.
- In an emergency event, people would not be coming to one location; staff would be going out to locations in the community.
- There was not enough staff to transition people from place to place.
- Joe Mareane, County Administrator, is supportive of using other County staff to support the effort.
- ServNY is our volunteer system which was notified but not activated.
- People wanting to volunteer should be encouraged to enroll in ServNY.
- Hurricane Sandy was happening the day before the POD exercise; the decision was made to go forward with the exercise.
- To use facilities at other institutions, relationships should be established before an event occurs. Staff is looking at large-scale open spaces such as school gymnasiums and the Athletics and Events Center at Ithaca College.
- Cornell has their own resources and emergency response personnel so they will take care of their population of 30,000 using their own resources.
- TCAT would be utilized for transportation needs.
- The County is working on its emergency response and how the Emergency Operations Center works.
- The Department will invite the Board to observe the next POD; will start planning in January.

**Board of Health Appointments/Selection of Officers:** The gavel was passed from Dr. Macmillan to Mr. Kruppa who reported the two Physician Member vacancies were advertised in the newspaper. The only two applications received were from Dr. Macmillan and Dr. Meinhardt. The Nominating Committee of Mr. Greenhouse and Mr. McLaughlin recommended both individuals return as members of the Board. The Committee also recommended no change in the slate of officers for 2013: Dr. Macmillan as President and Mr. McLaughlin as Vice President.

Mr. Burbank moved to accept the recommendation of Dr. Macmillan and Dr. Meinhardt as Physician Members to the Board; seconded by Dr. DiFabio, and carried unanimously.

Dr. Morgan moved to accept the nominated slate of officers of Dr. Macmillan as President and Mr. McLaughlin as Vice President; seconded by Dr. Meinhardt, and carried unanimously.

Mr. Kruppa transferred the gavel back to Dr. Macmillan.

**Administration Report:** Mr. Kruppa had nothing further to report.

**Medical Director's Report:** Dr. Klepack distributed two handouts addressing the possibility that liquefied natural gas terminals may be constructed for the purpose of exporting natural gas. The Obama Administration has the matter under consideration. Dr. Klepack felt this information would be of interest to the Board because it would provide impetus for more aggressive, faster extraction of natural gas and put pressure on New York State to move ahead as quickly as possible to extract its shale gas.

**Division for Community Health Report:** Ms. Connors reported there is one dose of flu vaccine remaining from the amount originally ordered. With vaccine available in the community, there are no plans to order any more doses. Staff has been asked by Dr. Klepack to survey medical practices about the availability of vaccine at their offices so information can be provided to people asking where to go for vaccinations.

Highlights from the discussion regarding communicable diseases:

- Influenza season is active and earlier than usual.
- The Department is sponsoring radio announcements encouraging people to get vaccinated.
- Although there are no statistical reports on the number of people vaccinated, attempts are made to vaccinate the highest percentage of people.
- Lyme disease statistics are much lower in 2012 than 2011 due to reporting rather than incidence. Only a sample percentage of cases are investigated because it is pervasive in Tompkins County.

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

**Environmental Health Report:** Ms. Cameron asked Mr. Kruppa if he would report on the meeting held on the issue of wood smoke from wood burning stoves in the City of Ithaca. He stated the meeting included City and County staff, City and County elected representatives and community members. From a public health perspective, there is little that can be done with these particular complaints. The wood stove owners have approved stoves and have received instruction about their proper usage. There is no easy solution. The issue of wood smoke within city limits will require community discussion and elected officials moving forward with legislative action if deemed appropriate.

Ms. Cameron responded to a question about the status of the Waldorf School enforcement action that was discussed at the November 13<sup>th</sup> meeting; she stated the school is in compliance. Ms. Grinnell Crosby added the fine was paid and the case has been closed.

**Adjournment:** At 2:05 p.m. Dr. Macmillan moved to adjourn the meeting, seconded by Mr. Greenhouse, and carried unanimously.