

**Tompkins County Board of Health
March 24, 2015
12:00 Noon
Rice Conference Room**

Present: Will Burbank; David Evelyn, MD, MPH; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Susan Merkel; and Janet Morgan, PhD

Staff: Sylvia Allinger, Director of CSCN; Liz Cameron, Director of Environmental Health; Sigrid Connors, Director of Patient Services; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist

Excused: Brenda Grinnell Crosby, Public Health Administrator; and Michael McLaughlin, Jr., Board of Health Member

Guests: Karen Bishop, Supervising Community Health Nurse; Sarah Caputi, Public Health Sanitarian; Stephen Maybee, Public Health Engineer; Stan McLain, Representative of Upstate District Nazarene Church; and Skip Parr, Senior Public Health Sanitarian

Privilege of the Floor: Stan McLain, Representative of Upstate District Nazarene Church

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

Privilege of the Floor: Stan McLain, Administrative Director of the Brooktondale Nazarene Camp, addressed the Board regarding the situation at his facility. He explained there was low response from one of the facility's three well systems during the 2013 off-season. After consulting with Ed Thompson who had installed the water system, modifications were made to the system by adding two storage tanks along with a delay on the well that enabled the pumps to shut off when not pumping water. After Health Department staff inspected the system with its unapproved modifications and issued a Boil Water Order, his organization took the following steps: visitors were immediately notified about the boil water situation, information sheets were distributed and bottled water was provided. Looking to make other improvements to their property, Steve McElwain, P.E., was hired to work on two replacement sewage systems. During that time, he also submitted plans for the water system to the Health Department, but those plans did not provide sufficient detail. Due to unforeseen circumstances, the engineer was unable to complete the plans by the end of September 2014 as expected and could not be reached for

several months thereafter. In a conversation last week with Mr. McElwain, he indicated the plans were almost complete. The question is whether the work will be finished prior to the opening.

In his concluding remarks, Mr. McLain emphasized his organization is working diligently to be in compliance. There have been some setbacks with the engineer, but a second engineer has been contacted in case someone else is needed. Hopefully, this situation will be cleared up and the facility will be ready to open the first of May. He thanked Board members for their time.

Approval of February 24, 2015 Minutes: Dr. Koppel moved to approve the minutes of the February 24, 2015 meeting as written; seconded by Dr. Macmillan; and carried unanimously.

Financial Summary: Ms. Grinnell Crosby was not present for the meeting. Mr. Kruppa reported Ms. Grinnell Crosby met with Kevin McGuire, the County's Budget Coordinator, to simplify the presentation of financial information.

Administration Report: Mr. Kruppa introduced Health Department staff members in attendance: Sarah Caputi, Public Health Sanitarian; Steve Maybee, Public Health Engineer; Karen Bishop, Supervising Community Health Nurse; and Skip Parr, Senior Public Health Sanitarian. He announced Ms. Bishop has been promoted to Director of Community Health effective upon Ms. Connors' retirement at the end of April.

As a reminder, Mr. Kruppa described the Health Department's Point of Dispensing (POD) exercise to be conducted on Tuesday, March 31st. The goal is to dispense (mock) medication to 250 people. Volunteers are needed to walk through the POD, a process expected to take about 15 minutes. It is an opportunity to observe the Health Department in action and experience what might happen in a real event.

Agenda: Mr. Wood requested the sparkler issue be moved up on the agenda since he will be leaving early for the Government Operations Committee (GOC) meeting. The Board agreed to his request.

Medical Director's Report: Dr. Klepack acknowledged the passing of Dr. Francis H. Fox and expressed appreciation for his contributions to the community and the Health Department. Serving as a member of the BOH for about 20 years, 13 of those years as Chairman, Dr. Fox brought a high degree of energy to the position. Those who knew him were impressed by his sincerity and honesty. Mr. Kruppa noted he sent a letter to the family expressing condolences from the Health Department.

On a recent trip to the south island of New Zealand, Dr. Klepack read an article in that area's daily newspaper (Attachment 1) reporting their flu vaccine would be arriving later than usual. The delay was prompted by a global delay due to the development of a vaccine designed to give better protection against the influenza strain that had circulated in the northern hemisphere. It was interesting to see the southern hemisphere conducting its flu campaign at a different time of the year than our hemisphere.

Division for Community Health Report: Ms. Connors was pleased to report two new employees will be starting next week. Suzi Munoz, Administrative Coordinator, will be handling billing services. Christine Landon will be working as a part-time WIC Nutrition Educator II. At the end of April, the WIC Director will be transferring to another county. The position is currently posted. Ms. Connors will be working to find a candidate before she retires.

Mr. Burbank asked about the status of the WIC contract. Ms. Connors explained the WIC Request for Application was submitted in December; the announcement will be in May or June. She is unaware of any competing applications because the State does not release that information until after the awards are announced.

Children with Special Care Needs Report: Ms. Allinger thanked Dr. Macmillan and the Board for supporting and signing the advocacy letter regarding childhood evaluations in Early Intervention. The letter will be sent to the appropriate governmental officials.

On April 3rd, CSCN's team leader who has worked for the Health Department for 21 years is retiring. Staff members are in the process of rewriting the job description and will be recruiting soon.

In response to Dr. Morgan's question regarding the research effort that is looking into the legality of the childhood evaluation ruling, Mr. Wood said staff decided not to take any action.

County Attorney's Report: Mr. Wood had nothing to report but shared a story related to the graffiti on the Route 366 overpass in Varna that currently reads "F. H. Fox is 92." The graffiti first appeared when Dr. Fox, a professor at Cornell's veterinary school, was approaching the "mandatory" retirement age. His students enjoyed teasing him about that possibility and painted his age on the bridge. Each year Dr. Fox's age has been updated, presumably by veterinary students, out of respect and love for him.

Environmental Health Report: Ms. Cameron reported:

- The Accela permit management software system has been set up to allow temporary food service applications and public water system payments to be submitted online. Once email addresses for facilities are in the system, then notification for renewals will be done electronically.
- Property owned by Michael McEver at 22 Station Road in Spencer has been before the Board several times for the owner's failure to correct the problems with the sewage system. It has been confirmed the residents have moved off the property. Although that situation has been temporarily resolved, a new owner will need to correct the problems with the sewage system. Mr. Parr added the West Danby Water District has shut off the water to the property and has indicated its staff would notify the Health Department before turning the water back on.

Consideration of Changes in Local Law Regarding Sparklers: Mr. Kruppa explained the Tompkins County Legislature is in the process of evaluating a change in local law that would

permit the sale and use of sparklers in the County. This proposed change in the law is a result of the change in New York State law permitting the use of certain fireworks in the State when a municipality enacts a local law authorizing the sale and use in its jurisdiction. As a County Legislator, Mr. Burbank asked the Health Department to look at the information on the subject. In the packet, both positive and negative materials are presented on the issue. Mr. Burbank also found a 2013 U.S. Consumer Product Safety Commission report that gives statistics for injuries by age group (Attachment 2). In consultation with Environmental Health staff, Mr. Kruppa reported the Health Department does not have an objection to allowing the sale of these devices. In bringing this matter to the Board's attention, there is an opportunity for Board members to discuss and decide whether or not to take a position as the BOH.

Mr. Burbank thanked Mr. Kruppa for putting the topic on the agenda. He voiced his concerns regarding the safety of these devices and shared a personal story about his experience with fireworks. He raised the following questions: (1) does this body have any concerns they would like to convey to the Legislature, and (2) are there any recommendations in terms of community education?

A lengthy discussion ensued with the following highlights:

- The devices are to be sold to those individuals who are 18 years and older.
- Distributors must be licensed through the New York Department of State.
- The definition of sparklers covers several different types of devices, not just hand-held devices. Many members of the community may not be aware these devices are illegal.
- Although there is a small amount of pyrotechnic material in the devices, the heat is the primary problem. Closeness to the face is another concern.
- At this time, individuals are not permitted to use or sell sparklers in Tompkins County and many other New York counties. The local law, if passed, does not appear to limit the time of use but does limit the time of sale to a few weeks around the Fourth of July and New Year holidays.
- It is unknown how other counties, especially adjacent counties, will respond. Currently, people can travel to Pennsylvania to buy fireworks.
- The proposed law will go through the committee process before going to the Legislature. A public hearing for people to voice their opinions would follow.
- While acknowledging there are health risks, especially for young children, regulated use also provides an opportunity to provide educational information on how to safely use these devices.
- Sellers should be providing safety information materials at the point of sale. This educational component of the law is important.

Ms. Merkel wondered who would have responsibility for enforcement and education. Mr. Kruppa responded the Health Department would not be responsible for enforcement, but would support an educational role if the Legislature so directed. As for enforcement, Mr. Wood stated a violation would be prosecuted like any other violation of state law.

Mr. Greenhouse asked the physicians to comment from their perspective. Dr. Klepack noted it only takes a fraction of a second to get second and third degree burns from a sparkler. At Cornell, Dr. Koppel does not see cases often among the student population he serves. From Dr.

Evelyn's experience at Cayuga Medical Center, it is not a large problem; the number of injuries is small in the community.

Mr. Wood left the BOH meeting to attend the GOC meeting for its discussion on the proposed law regarding sparklers. He requested that Mr. Kruppa email him regarding the Board's recommendation so he could share the information with the GOC.

After the discussion, Mr. Kruppa read the motion put forward by the Board: *There is inherent risk in pyrotechnics and there are some instances of injury to children. If the Legislature passes the local law exempting sparklers, the BOH would suggest education on proper use and the risks associated. The BOH would also suggest information on risk be available at the point of sale.*

Dr. Morgan moved to approve the motion as read; seconded by Dr. Macmillan; and carried unanimously.

Mr. Burbank thanked the Board for taking the time to consider this matter.

Resolution #ENF-15-0011 – Upstate District Nazarene Church, T-Caroline, Violation of Board of Health Orders #14.13.8 (Temporary Residence/Children's Camp): Ms. Cameron stated enforcement action was taken against the organization last year. The concerns are that the required documentation be submitted and the water system issues corrected before opening the facility. A permit cannot be issued without substantial compliance.

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

Adjournment: At 1:03 p.m. Dr. Macmillan adjourned the meeting.