

**Tompkins County Board of Health**

**May 26, 2015**

**12:00 Noon**

**Rice Conference Room**

**Present:** David Evelyn, MD, MPH; Brooke Greenhouse; James Macmillan, MD, President; Michael McLaughlin, Jr.; Susan Merkel; and Janet Morgan, PhD

**Staff:** Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Frank Kruppa, Public Health Director; and Shelley Comisi, Keyboard Specialist

**Excused:** Sylvia Allinger, Director of CSCN; Will Burbank, Board of Health Member; William Klepack, MD, Medical Director; Edward Koppel, MD, Board of Health Member; and Jonathan Wood, County Attorney

**Guests:** David Bell, Assistant Director of Willard Straight Hall and Community Center Programs, Cornell University; Roxanne Edsall-Beebe, Administrative Assistant, Cornell University; Francis Jimenez, Tompkins County Health Department Intern; Skip Parr, Senior Public Health Sanitarian; and Anne Wildman, Public Health Sanitarian

**Call to Order:** Dr. Macmillan called the regular meeting of the Board of Health to order at 12:03 p.m.

**Approval of April 28, 2015 Minutes:** Dr. Evelyn moved to approve the minutes of the April 28, 2015 meeting as written; seconded by Ms. Merkel. The minutes carried with one abstention (Dr. Macmillan).

**Financial Summary:** Ms. Grinnell Crosby reported expenditures appear higher in several program areas due to the County posting fringe benefits to the books on a different schedule than in the prior two years. She noted the County is trying to post fringes on a more regular basis. It looks like the department is overspending in areas, but it should even out by the end of the year.

When asked about the difference between the Medical Examiner (4014) and the Medical Examiner Program (4017) accounts, Ms. Grinnell Crosby explained the County has two separate accounts because the number of deaths that require the Medical Examiner's response cannot be controlled. Those services are in a separate account that is not part of the fiscal target. The 4014 account is staffing and administrative expenses. The 4017 account is the mandate account for

autopsies, removals, forensic labs and body bags. That program is high because there have been twice as many autopsies as prior years at this time.

In response to a question about determining whether or not an autopsy should be conducted, Ms. Grinnell Crosby answered the decision is made by the Medical Examiner, but law enforcement may consult. Mr. Kruppa pointed out the Medical Examiner does a good job of controlling costs where appropriate. The number of autopsies does impact the budget so trends over time will be considered when putting the budget together. From his perspective, Dr. Evelyn believes the Medical Examiner is judicious about performing autopsies.

**Privilege of the Floor:** David Bell addressed the Board as a representative of Cornell University. He introduced his colleague, Roxanne Edsall-Beebe, who handles event registration forms on campus. Mr. Bell distributed and discussed a letter (Attachment 1) outlining Cornell's proposal regarding temporary food service permits. Their concern is the proposed fee increase of \$150 for a "complex menu" event is a dramatic increase for a student organization. Often the organizations opting to prepare their own food are culturally diverse organizations who may feel targeted by the fee increase. Cornell is requesting the fee be waived. In lieu of the waiver, Cornell would train and supervise the students preparing food. They would like to try this new process and see how it works.

Mr. Bell responded to questions from Board members:

- Cornell entities to be involved in the training and oversight process include a combination of risk management, legal, dining, and the office for Student Leadership, Engagement and Campus Activities.
- With the fee increase going into effect in January 2016, Cornell's timeline is to start the advance training in September when students return. There are records for organizations that have held events in the past, so training would begin with those groups.
- Cornell Dining would not be responsible for the events. Organizations choosing to use the on campus kitchen would need to hire a dining cook to supervise the production. Those organizations renting a kitchen off campus because it is cheaper would be required to go through the training.
- Cornell's proposal is about student organizations not having the budget to pay the \$150 fee for a complex menu event. Cornell will train and work with the students to stay within New York State's regulatory requirements.
- There are about 15 to 20 groups that would need the training. For those student organizations paying for kitchen rental and a professional dining supervisor, the additional \$150 for a food service permit makes a dramatic impact on whether or not they can carry out an event.
- In 2014, there were ten events where the organizers requested self-prepared food production; this year there are eight events. Ms. Wildman added those events would now be classified as complex menu events.

**Administration Report:** Mr. Kruppa reported:

- The budget process is underway. This year there is a timing issue so the budget will be submitted to the County Administrator before being presented to the Board. Being a

preliminary step, if the Board wants to see something changed, the proposal can be amended. It is a “hold steady” budget with no significant cuts.

- In this month’s packet, Director Theresa Lyczko of the Health Promotion Program (HPP) submitted a separate report. Previously HPP was a part of the Division for Community Health but is now a part of Administration. There are reasons for the organizational change. First, public health is moving in the direction of education, outreach and the convener of partners aimed at improving health. In addition, the change allows the program to broaden and integrate its work with the work happening in all divisions at the department.

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

**Division for Community Health Report:** Ms. Bishop reported:

- Several staff members are transitioning into their new roles in the Division. She will begin orienting the newly hired WIC Director, Cathy Sinnott, to her position. Ms. Sinnott comes with a year and a half experience serving as the Broome County WIC Program Director.
- Staff met with Dr. Klepack to work on the Communicable Disease report. The statistical report will be taken directly from the New York State reporting system. A narrative report will highlight cases showing a significant uptick.
- The Division’s new Administrative Coordinator has been able to update the program and clinic statistical reports with data for January through April 2015.

Ms. Bishop answered questions regarding the Communicable Disease Report:

- The frequency number is the actual number of cases in Tompkins County. There can be a lag in data reported to the statewide reporting system; however, the narrative report will provide real-time information.
- The frequency number for each year is in sync for the time period the report was generated.

**Children with Special Care Needs Report:** Ms. Allinger was not present for the meeting.

**County Attorney’s Report:** Mr. Wood was not present for the meeting.

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

Board members were interested in hearing about the Healthy Neighborhoods Program (HNP) meeting hosted by Tompkins County HNP staff for counties around the state. Mr. Parr responded the meeting was arranged to provide an opportunity to share information among the different Healthy Neighborhood Programs. A state representative from Albany called in with updates. Meeting and talking with other program representatives spurred some ideas that may or may not be suitable for Tompkins County’s program. There was a good representation from counties and

positive feedback for the event. He would welcome another county holding a follow-up meeting in the future.

**Resolution #ENF-15-0014 – Rodeway Inn and Suites, T-Ithaca, Violation of Part 14 and Subpart 7-1 of the New York State Sanitary Code (Food):** Ms. Cameron reported food was being served at the temporary residence without a valid permit. The manager looked into the requirements for a food service establishment but decided it was too costly. Upon a later inspection, foods were being served again without a valid permit.

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

**Resolution #12.1.25 – Village of Dryden Public Water System, V-Dryden, Revised Resolution to Modify Deadlines (Water):** Ms. Cameron summarized the situation for the Board. TCHD received notice 45 days in advance of the deadline that the Village of Dryden requested a change in the resolution that would remove the requirement to submit the Map, Plan and Report (MPR) for connecting to Bolton Point. In response, TCHD proposes suspending the deadline for the MPR to be submitted pending staff review of the engineering study that is evaluating the alternatives for resolving the water supply problem. That engineering study is due June 15th.

Ms. Cameron responded to questions from the Board:

- The Village of Dryden is no longer pursuing the Bolton Point water connection; consequently, they do not want to prepare the MPR for that option. They are pursuing a well on New York State Department of Environmental Conservation (DEC) land near Dryden Lake. The MPR for Bolton Point may be unnecessary if sufficient technical information about that option is provided in the engineering study.
- Quarterly progress reports have been submitted by the Village of Dryden. The new mayor, Reba Taylor, wants to finish the project and spoke to TCHD staff about proper communication with TCHD.
- This resolution tables the MPR until the engineering report is submitted.

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

**Review of Proposed 2016 Environmental Health Division Fees including New Temporary Food Fee Structure:** Ms. Cameron referred to the revised *Table 1 – 2016 Proposed Environmental Health Fee Schedule* for the Board to review. She pointed out the Mass Gathering Plan Review fee was increased from \$1050 to \$2000. Other fees that have been changed are the temporary food service fees.

Mr. Greenhouse moved to approve the Environmental Health Division Fees for 2016 as written; seconded by Mr. McLaughlin.

In the discussion regarding a mass gathering, Ms. Cameron described it as a gathering of 5000 or more people with people staying overnight, e.g., GrassRoots. Mr. Kruppa added that the regulatory definition was clarified last year, so staff came up with a fee that was thought to be reasonable. After re-evaluating the costs involved, the fee needs to be increased. With two categories of mass gatherings, Ms. Cameron noted GrassRoots is classified as an existing event. The new event fees are higher than existing event fees because all information is being reviewed for the first time. An incident response fee is included for all facilities in order to charge for staff being on site 24 hours a day when necessary.

Regarding the changes to the Temporary Food Fee Structure, there was a lengthy discussion that included Cornell's proposal presented earlier in the meeting. It was noted the goals are to ensure food safety and recover costs for the time staff spends on events. Complex menus may be planned by nonprofessionals who are unfamiliar with the requirements for preparing and serving food to the public. Appropriate education and training are necessary in these situations with an inspection conducted on the day(s) of the event. There is no effort to target any group.

Board members were not comfortable with Cornell's proposal as presented because it did not provide enough detailed information about the training and supervision. However, they agreed with Ms. Cameron's suggestion that her staff could have further discussions with Cornell to consider other options.

Ms. Cameron reiterated the proposed fee structure attempts to recover costs in an equitable manner for the services the Division provides. Complex menu events must be inspected which is time-consuming. The fees are for any organization applying for a complex menu event and would be new for a number of entities. Board members expressed their appreciation for the time and effort Ms. Cameron and her staff put into the creation of the fee schedule and called for a vote.

The vote to approve the proposed Environmental Health Division Fees for 2016 as written was unanimous.

**Machlin Request for Waiver of OWTS Permit Fee, 555 Ellis Hollow Creek Road, T-Dryden:** Ms. Cameron reported the residents are working toward a solution to their failing sewage system. Due to the financial reasons outlined in her letter, Ms. Machlin is requesting a waiver of the application fee. The Division supports her waiver request to help facilitate the repair or replacement of the sewage system.

Dr. Morgan moved to approve the waiver request; seconded by Dr. Macmillan.

Mr. Parr spoke to Ms. Machlin recently about obtaining a permit in order for the contractor to dig into the system to diagnose the problem. Staff will be meeting with the contractor to oversee his investigation.

The vote to approve the request to waive the OWTS permit application fee was unanimous.

**EH Accela Citizen Portal Demonstration:** Ms. Cameron demonstrated the online permitting system which can be accessed from the Tompkins County home page or from EH web pages for the different program areas. This system allows the user to submit a permit application, pay fees by credit card, search records for sewage system permits, and track the status of an application.

**Adjournment:** At 1:45 p.m. Dr. Macmillan adjourned the meeting.