

MINUTES
Tompkins County Board of Health
October 24, 2017
12:00 Noon
Rice Conference Room

- Present:** David Evelyn, MD, MPH; Brooke Greenhouse; Edward Koppel, MD; 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; Samantha Hillson, Director of Health Promotion Program; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Deb Thomas, Director of Children with Special Care Needs; Jonathan Wood, County Attorney; and Shelley Comisi, Administrative Assistant II
- Excused:** Will Burbank, Board of Health Member; and Brenda Grinnell Crosby, Public Health Administrator
- Guests:** Shao Ke, Representative for Apollo Restaurant; Ru Qing Liang, Operator of Akashi Sushi Inc.; Skip Parr, Senior Public Health Sanitarian; and Larry Roberts, Tompkins County Community Mental Health Services Board Member

Call to Order: Dr. Macmillan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

Privilege of the Floor – Akashi Sushi Inc.: Ru Qing Liang, operator of Akashi Sushi, addressed the Board. During the inspection at the restaurant, Tompkins County Health Department (TCHD) staff observed the temperature of the sushi rice in the rice warmer to be too low. Her employees had been filling a customer’s order for sushi. They took the rice out of the warmer but failed to immediately return the rice to the warmer. She understands her employees made a mistake. They are now monitoring food temperatures.

Dr. Morgan inquired about the employee who was observed eating and then serving a customer without washing her hands. According to Ru Qing Liang, the employee was the only person working at the time. The employee stopped eating and set the food aside to take care of the customer’s order. Stating it will not happen again; Ru Qing Liang concluded her remarks by asking for another chance.

Privilege of the Floor – Apollo Restaurant: Shao Ke, representing Apollo Restaurant, stated he is not the owner. Having completed the ServSafe course, he is the employee who trains other

employees about food safety. At the last inspection, there was a problem with the temperature of the bean sprouts and lo mein in the sandwich units. He was not present at the restaurant when the inspection occurred and apologized for the problem with the food temperature. In the future, he will spend more time training new employees so everyone knows about food safety.

Responding to questions from Board members, Shao Ke pointed out the restaurant hires people from New York City to work in the kitchen. Since the kitchen staff speaks Chinese, Shao Ke is the employee who trains them. He feels confident about teaching food safety to new staff but insisted they have to apply the training to their work. At this time, he does not know if another employee is available to take the ServSafe course.

Approval of September 26, 2017 Minutes: Mr. Greenhouse moved to approve the minutes of the September 26, 2017 meeting as written; seconded by Dr. Evelyn. The minutes carried with Dr. Morgan abstaining.

Financial Summary: Ms. Grinnell Crosby was not present for the meeting. Mr. Kruppa fielded questions from Board members:

- Ms. Merkel asked about the significance of the high local share percentages for Women, Infants and Children (7,416.51%); Vital Records (267.25%); and the Healthy Neighborhoods Program (776.20%). Mr. Kruppa will ask Ms. Grinnell Crosby to provide some clarity on those numbers at the next meeting.
- To Dr. Morgan's question about the use of "terminal pay" in the financial summary narrative, Mr. Kruppa explained the terminology refers to the payout for unused personal and vacation time to staff members who *terminate* their employment.

Introductions: Mr. Kruppa introduced and welcomed Larry Roberts from the Community Services Board (CSB). BOH members and TCHD staff introduced themselves in turn.

Administration Report: Mr. Kruppa briefed the Board on the meeting he attended in Albany. Representatives of the New York State Association of County Health Officials (NYSACHO) met with the Governor's office to discuss budget priorities. At the outset of the meeting, State officials advised them of a four billion dollar budget deficit. State aid is NYSACHO's first priority; however, the organization also proposed working with the State on the opioid issue. If funding was available for opioid prevention and education, public health departments could use their local resources to support the State's efforts. Staff for the Governor's top health official and staff from the State's budget division were both open and receptive to the possibility. The meeting lasted an hour which was time well spent. Although the outcome of those talks is unknown, a relationship has been formed that fosters open discussion.

In his written report, Mr. Kruppa mentioned he was part of a workgroup focused on the Americans with Disabilities Act (ADA) compliance program for staff. This workgroup is meeting to clarify the process for County employees who have qualifying issues by formalizing policies and procedures. Another group will be working on website accessibility, facility accessibility, and information accessibility.

Health Promotion Report: Ms. Hillson reported:

- The first six-week session of classes in the Harmonicas for Health program has completed with the second class currently underway. The first group of 16 participants performed in a concert showcasing their progress. Mr. Kruppa attended the final concert and remarked the participants “sounded good.”
- In September, a steering committee met to create a work plan for updating the Community Health Improvement Plan (CHIP).
- Last February, a U.S. Housing & Urban Development (HUD) rule regarding smoke-free housing went into effect. Ted Schiele from Tobacco Free Tompkins is working closely with the Ithaca Housing Authority to roll out their initiative in the spring.

Discussion: In a brief conversation about contacting the Landlords Association of Tompkins County regarding lead and/or smoke-free spaces, Ms. Hillson mentioned the Healthy Neighborhoods Program (HNP) staff has presented information and resources at their meetings on several occasions. Ms. Cameron added TCHD staff will be attending a future meeting to provide information on lead and private water supply testing requirements.

Medical Director’s Report: Dr. Klepack offered to share his updated report on Supervised Injection Facilities (SIFs) with Board members. In addition, researchers in Sydney, Australia recently completed a global review of SIFs and released their findings. At this time, he has not looked at the information but the report is available for distribution.

After noting Dr. Klepack has presented his SIF report to many groups including the Legislature, Mr. Kruppa invited the Board to consider taking a position on the issue at its December meeting. There was agreement among Board members to place the topic on the agenda. Dr. Evelyn suggested TCHD staff prepare a statement in advance to be the starting point for the discussion.

Ms. Merkel heard *The Ithaca Voice* has reported on a location for a facility. According to Mr. Kruppa there is an independent entity, including a local physician, looking to set up a facility to provide wraparound services for drug users. The group is prepared, open and willing to be the site of the first SIF in Tompkins County if the opportunity arises.

Lead references in Medical Director and Environmental Health (EH) reports: Mr. Greenhouse focused on the EH report describing the case of a child’s elevated blood lead level. After EH staff conducted an investigation, they found lead in spices and other products the family had obtained in India. As part of Lead Poisoning Prevention Week, Ms. Hillson reported a general press release went out mentioning sources of lead that included facial products and spices from other countries. A couple of months ago there was a U.S. Consumer Product Safety Commission recall of a spice sold in a U.S. market. Mr. Schiele posts product recalls due to lead on the TCHD website. The website is a useful resource for information about lead.

Division for Community Health Report: Ms. Bishop updated the report on communicable diseases:

- Pertussis – There has been an uptick with three cases reported in September. Staff continues to provide education and promote vaccinations as the best mode of protection.
- Zika Virus – The first pregnant female case in Tompkins County was identified. The New York State Department of Health (NYSDOH) has assumed responsibility for follow-up on the case.
- Syphilis – The reported case is someone who previously had syphilis.
- Tuberculosis – Another new case has been reported. Since the individual lives in Tompkins County but works in a nearby county, the investigation and public health work is a shared experience. The client is currently under isolation and receiving drug therapy with one of our communicable disease nurses visiting every day during the first two weeks.

Question/comment: For cases requiring direct observation, Dr. Evelyn asked if the department ever used Skype. It is a timesaver for staff when they do not have to make home visits to watch clients take their medicine. Ms. Bishop agreed there would be some benefit but TCHD has not tried this method of delivering healthcare.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to the written report.

County Attorney’s Report: Mr. Wood had nothing to report.

Environmental Health Report: Ms. Cameron informed the Board that Governor Cuomo has signed legislation banning e-cigarettes in places where smoking tobacco is already prohibited. The ban already exists on the local level; it is now statewide.

Report on the Community Services Board Meeting: Dr. Morgan attended her first meeting of the CSB on September 11th. She was impressed with Mr. Kruppa’s leadership and knowledge of mental health as he provided updates on important initiatives. The meeting itself was set up differently than a BOH meeting with Mr. Kruppa as the only Mental Health Department (MHD) staff member present. No other MHD staff provided reports.

Mr. Kruppa confirmed the relationship between the MHD and the CSB is structured differently than public health and its board. The MHD is one of numerous community partners providing mental health, substance abuse, and developmental disability services. Each of the three areas has its own subcommittees with at least two Board members and other community partners. A significant amount of reporting happens in those subcommittees. As for other MHD staff at the CSB meetings, he noted the Deputy Commissioner usually attends meetings.

Mr. Roberts added the CSB has some oversight responsibility for the workings of the MHD but it also has generalized oversight responsibilities for all mental health, substance abuse, and developmental disabilities services. The idea of bringing many programs to a meeting to hear from all of them would be a large undertaking. As the chair of the Mental Health Subcommittee, Mr. Roberts and his members often hear presentations and reports by people providing services in the community. Any pressing issues can be brought to the attention of the larger CSB. He noted he was “jealous” of the amount of information presented to the BOH in its meeting packet. To improve

communication, Mr. Kruppa commented one of the goals is to collect regular reports in a packet for the CSB.

Employee Health Policy (revised): Ms. Bishop revised the policy because senior leadership at the department requested greater clarity for program staff. The changes make the document reader friendly and useable for our internal staff.

Mr. Greenhouse moved to approve the *Employee Health Policy*, as written; seconded by Dr. Macmillan.

As the policy discussion began, Dr. Koppel questioned the “pre-employment” wording on page one. From his understanding, the terminology currently used is “pre-placement” for someone who has been offered a job. Mr. Kruppa noted our Human Resources (HR) Department uses pre-employment consistently and suggested leaving it as written in the policy. Staff will check with HR about the wording.

Board members recommended the following edits:

- Mr. Greenhouse referred to section *D, Employee illness-related work restriction*, sentence one on page two outlining “...the employee’s responsibility to report their work absence to their immediate supervisor or to the Human Resources Department.” He feels the employee should be responsible for reporting the illness not simply the absence. Ms. Bishop will add language specifying “illness-related” work absence and/or work restriction.
- Dr. Morgan referred to *Attachment A, #1, Pre-employment medical evaluation*, sentence “b” with its long quotation. She recommended citing the source or removing the quotation marks. Ms. Bishop will add the New York State Sanitary Code as the source.
- Dr. Morgan referred to *Attachment A, #3, Required Immunizations* section “e” on *Varicella*. For consistency, the second bullet should read “a document indicating serologic evidence of Varicella antibodies...” Ms. Bishop will make the change.

Mr. Greenhouse wondered if applicants are notified that “philosophical/religious exemption to immunization is not acceptable” as stated in the last sentence in *Attachment A, #3, Required Immunizations*. Ms. Bishop assured him new employees are aware of the requirement in advance. So far, it has not been an issue.

Dr. Morgan and Dr. Macmillan both commented the grid in *Attachment B* clearly shows the health and training requirements for each employee based on their division and job title.

The vote to approve the *Employee Health Policy*, as amended, was unanimous.

Announcement for BOH Nominating Committee: Before leaving to attend another meeting, Mr. Kruppa announced he will be contacting the BOH Nominating Committee to set up an interview schedule for the applicants seeking to fill the at-large vacancy on the Board.

Enforcement Actions: Mr. McLaughlin moved to accept the following seven resolutions, as written, and to vote on each resolution individually; seconded by Ms. Merkel.

Resolution #EH-ENF-17-0028 – Tamarind, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Greenhouse moved the resolution on Tamarind. The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-17-0029 – Akashi Sushi, V-Lansing, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Greenhouse moved the resolution on Akashi Sushi. The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-17-0034 – Jerry’s Lunch Concessions, T-Ulysses, Violation of Subpart 14-2 of the New York State Sanitary Code (Temporary Food): Mr. Greenhouse moved the resolution on Jerry’s Lunch Concessions. The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-17-0036 – Collegetown Pizza, C-Ithaca, Violations of Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Macmillan moved the resolution on Collegetown Pizza. The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-17-0037 – Apollo Restaurant, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0011 and Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Morgan moved the resolution on Apollo Restaurant.

Mr. McLaughlin initiated a discussion about the need to ensure food service workers receive appropriate food safety training. It is unclear whether trained staff will train other staff to handle food safely. Since there is a language barrier, Board members suggested TCHD provide information to the restaurant owner about online food safety courses available in Chinese. Mr. Parr will include the information in the cover letter/resolution he sends to the owner. Board members also suggested locating materials/signage translated into Chinese. Also, it could be worthwhile to earmark funds to have “best practices” materials/resources available to restaurant owners/operators. Upon hearing the suggestions, Ms. Cameron will discuss the possibilities with staff.

The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-17-0038 – Fork & Gavel Café, C-Ithaca, Violations of BOH Orders #EH-ENF-16-0008 and Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Greenhouse moved the resolution on Fork & Gavel Café. The vote in favor of the resolution, as written, was unanimous.

Resolution #EH-ENF-15-0007 – Village of Dryden, Violation of Subpart 5-1 of the New York State Sanitary Code (Water): Ms. Cameron referred to the two handouts distributed prior to the meeting. Shortly after the Time Table of Compliance was compiled for the Dryden Village Public Water System, TCHD was notified by the project manager that the Village needed an extension of time to complete some of the projects (Attachment 1). Due to the variety of issues outlined in the

letter, the Time Table of Compliance subsequently was revised (Attachment 2). The Village is making significant progress and moving toward completion so the proposed deadlines are acceptable. If the BOH agrees to the revised schedule then the date in the BOH order needs to be changed from October 11, 2017 to **October 23, 2017**.

Mr. McLaughlin moved the resolution on the Village of Dryden. The vote in favor of the resolution, as amended, was unanimous.

Pesco Request for Waiver of Sewage System Construction Permit as required by Article VI of the Tompkins County Sanitary Code, 651 Hayts Road, T-Enfield: Ms. Cameron explained Mr. Pesco is planning to convert an existing commercial building into a residential dwelling. The local sanitary code requires a sewage system conversion permit for that type of construction. Since the existing sewage system appears to be functioning properly and there is no significant change in sewage flow or characteristics, TCHD supports Mr. Pesco's waiver request.

Dr. Morgan moved to waive the requirement of submitting a conversion permit; seconded by Dr. Macmillan; and carried unanimously.

Tompkins County Health Department request to allow holding tanks at marinas, waiver of Section 6.06f of the Tompkins County Sanitary Code: Ms. Cameron reported TCHD staff discovered two marinas have been using sewage holding tanks. There can be issues with that type of sewage system but it is the best option for them in their situation. At both locations, no municipal sewer is available and conditions limit the potential effectiveness of an onsite sewage system. The marinas would need to renew permits annually and TCHD would conduct annual inspections.

Dr. Morgan moved to grant the waiver request as recommended by TCHD staff to allow holding tanks at marinas where municipal sewer is not available and where conditions limit or prohibit the effectiveness of an onsite wastewater treatment system; seconded by Dr. Koppel; and carried unanimously.

Revisions to Article III (Temporary Residences) of Tompkins County Sanitary Code Article: Ms. Cameron brought the revisions to the Board for input. Some parts of the local code for temporary residences were put into effect before there was a state sanitary code. Staff is bringing the local code into compliance with the New York State Sanitary Code and removing those provisions covered by the state code.

Mr. Greenhouse referred to section "c" on page one requiring a facility to provide a copy of the building permit before TCHD will issue its initial permit. In many cases, a facility cannot obtain a building permit without TCHD approval. As a result of a change in process whereby TCHD no longer reviews the plans for temporary residences, Ms. Cameron said the only way to know plans are approved is through code enforcement officers. She added a temporary or conditional permit for a sewage system could be issued if warranted. Mr. Greenhouse agreed with Ms. Cameron that a conversation between TCHD staff and code enforcement officers would be beneficial for understanding the process. He also recommended adding language "or conditional permit" to keep projects moving forward.

Suggestion for a Presentation: As he departs the BOH, Mr. Greenhouse encouraged EH staff to set up a brief presentation for Board members to hear from the three major public water suppliers on their plans to handle future water emergencies such as droughts. He strongly believes an informed BOH expressing interest in this major issue has direct benefits to staff and renews discussions with the entities providing water to local communities. Although it is difficult to identify potential water problems and plan for them, Ms. Cameron pointed out water operators are required to have emergency response plans. To hear directly from these water operators, EH staff will look into arranging a presentation for Board members.

Adjournment: At 1:49 p.m. Dr. Macmillan adjourned the meeting.