

**MINUTES**  
**Tompkins County Board of Health**  
**November 8, 2011**  
**12:00 Noon**  
**Rice Conference Room**

**Present:** Mr. Will Burbank; Mr. Brooke Greenhouse; Dr. James Macmillan, President; Mr. Patrick McKee; Mr. Michael McLaughlin, Jr.; and Ms. Janet Morgan

**Staff:** Ms. Sylvia Allinger, Director of CSCN; Ms. Liz Cameron, Director of Environmental Health; Ms. Sigrid Connors, Director of Patient Services; Ms. Brenda Grinnell Crosby, Public Health Administrator; Dr. William Klepack, Medical Director; Mr. Jonathan Wood, County Attorney; Ms. Patty Stamm, Administrative Assistant; and Ms. Shelley Comisi, Keyboard Specialist

**Excused:** Dr. Erin Hall-Rhoades; Dr. William Tyler; and Mr. Frank Kruppa, Public Health Director

**Guests:** Audrey Balandier, Sr. Public Health Sanitarian; and Steven Kern, Sr. Public Health Sanitarian

**Privilege of the Floor:** Ashleigh Faulstich

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:10 P.M.

**Privilege of the Floor:** Ashleigh Faulstich, an epidemiologist, expressed an interest in the Board of Health.

**Approval of October 11, 2011 Minutes:** Mr. Greenhouse moved to accept the minutes of the October 11, 2011 meeting as written, seconded by Ms. Morgan; minutes carried unanimously.

**Financial Summary/Monthly Financial Report Presentation:** Ms. Grinnell Crosby reported that the closing of October is 83 1/3 percent of the year. There are no notable items to report. She distributed and explained the "Financial Summary" along with the "Financial Summary Guidance" sheet describing the columns of information contained in the report.

Ms. Grinnell Crosby noted that a cash accounting method is utilized. State Aid is posted for the Board's information, but when filing for the state everything is on a cash basis. The County's fiscal year ends on December 31<sup>st</sup>; however, it keeps a 13<sup>th</sup> period open. Anything paid by the County during that 13<sup>th</sup> period must be claimed by the department in the 1<sup>st</sup> quarter of the next fiscal year. This requires keeping multiple sets of records. There are cutoffs for spending so most bills come timely enough to clear. Unless it is an emergency, we are not buying items that could be purchased in advance.

Ms. Grinnell Crosby also reported a budget adjustment (COLA funds) was posted to the WIC account so it no longer has negative spending lines.

**Administration Report:** In Mr. Kruppa's absence, Ms. Grinnell Crosby:

- Distributed a memo from Mr. Kruppa referring to topics on the agenda.
- Circulated a copy of the press release sent to the media regarding the Board of Health openings.
- Distributed copies of the 2010 Annual Report, adding that it would be posted online shortly.
- Reported The New York Academy of Medicine is presenting a symposium, *Dr. Richard F. Daines and the Health of the Public: The Road Ahead*, on November 10, 2011. It will be shown over the web and also be available for viewing in the Rice Conference room if anyone is interested in attending.
- Outlined the process for selecting new board members. Dr. Macmillan will appoint a nominating committee. Candidates will fill out the Advisory Board application available through the Legislature with interviews to follow. After the committee reaches a decision, the Board will vote on the final selection of members. Mr. Greenhouse raised the question about his eligibility to serve another term since his first term was completing another member's term. The bylaws state there is a two consecutive term limit unless waived by the Board of Health and Legislature. Mr. Wood will check the bylaws and advise Mr. Greenhouse and the Board.
- Reported the Legislature voted in October to approve the sale of the CHAA license to HCR of Rochester. The department is currently waiting for the purchase and management contracts.

**Medical Director's Report:** Dr. Klepack reported the influenza season is the same as previous years with sporadic cases being reported in the state. He added that supplies of flu vaccine are plentiful and available.

**Division for Community Health:** Ms. Connors reported:

- The WIC program had a successful technology refresh with the state replacing their laptops, computers, printers, etc.
- 1,250 adult doses of flu vaccine were ordered and administered. With 300 free doses for children received from the State, the current emphasis is on spreading the message to families to vaccinate their children. Ms. Connors noted that with increased availability of vaccinations at many locations, it was unnecessary for staff to outreach into the community this year. In December, the flu vaccine committee will evaluate the focus for next year and consider the populations that need to be served.
- As a part of the CHAA transition process, Ms. Connors has been working on the Licensed Home Care Service Agency (LHCSA) application to continue providing home based services. Physical therapy and possibly occupational therapy will be direct services provided during the transition to HCR. Ms. Connors is also meeting with the current staff of five nurses who will be transitioning from the Home Care Division to another program. She and Ms. Allinger are working together to match the interests and nursing skills of the individuals with the programs.

**Children with Special Care Needs Report:** Ms. Allinger reported:

- As Ms. Connors mentioned, Ms. Allinger is also meeting with affected Health Department nursing staff to discuss transition opportunities.
- As she compiles the end of the year Early Intervention Administration Report, the preliminary numbers show 66 more referrals than last year. As a result, we had an increase of 44 more children enrolled in EI than last year. This increase is equivalent to another full caseload. This was accomplished with one less nurse since September 1<sup>st</sup>.
- NYSDOH/PRO audited the Early Intervention Program as a provider of Service Coordination. Although the initial report was positive, Ms. Allinger will appeal two findings by the DOH. The first finding was the improper wording on a HIPAA/FERPA consent form. The second was a claim that two records supporting documentation for billing were “missing.” That documentation was inadvertently misfiled and promptly found by staff.

**County Attorney’s Report:** Mr. Wood reported his office is inundated with materials resulting from lawsuits regarding the floor at the Health Department. There was a dispute with the original general contractor over replacing the floor and subsequent lack of payment when the contractor would not replace the flooring. It is now in the discovery phase.

**Environmental Health Report:** Ms. Cameron:

- Provided an update on the hydrilla issue. In mid-October, herbicide treatment was applied to this invasive plant with 75-80% effectiveness where applied. While monitoring water quality, a sample from Bolton Point’s intake had a detection at the detection limit of 9 parts per billion. NYSDEC does not have a plan for invasive aquatic plant species. There will be a meeting with NYSDEC and state representatives on November 16, 2011 to address resource recovery issues and to work on legislative changes for long term solutions. Mr. Burbank asked about health risks. Ms. Cameron stated none were expected; however, the Division will want to identify and notify those individuals using lake water for their drinking water source. Mr. McLaughlin asked about the optimal time to treat the hydrilla. Ms. Cameron responded the issue is complicated. There was pressure to treat in the fall when the hydrilla was first detected and about to spread, but treating in the spring when the plants are emerging will be beneficial.
- Reported on gas drilling activities. The Planning, Development and Environmental Quality Committee of the Legislature is considering a resolution to ban or limit gas drilling in certain areas around the Finger Lakes watershed. The “Resolution Regarding County Health Department Activities Associated with Gas Drilling...” will be presented to the Health and Human Services Committee on November 9, 2011. The hope is to have resolutions from every affected county in New York State. There will be a conversation with NYSACHO to discuss what their comments should be on the SEGIS and gas drilling process. There is a concern about the High-Volume Hydraulic Fracturing Advisory Panel created by the DEC to examine resource needs because local health departments were not directly represented. NYSDOH made a presentation, but did not include LHD needs. Tentatively, the LHDs will be making a presentation on December 20, 2011. Ms. Cameron and Mr. Kruppa will be attending and speaking.

- Stated the DOH will be visiting and making a review of the food, TR (temporary residence), tobacco, lead, and related programs.

**Formation of Nominating Committee:** Dr. Macmillan noted the two vacancies to be filled on the Board are Physician and Consumer Member. He asked for volunteers for the Nominating Committee with Mr. McLaughlin and Ms. Morgan agreeing to serve. Their report will be due at the Board of Health meeting in December. A question was raised regarding attendance records of board members. Ms. Grinnell Crosby replied that data is available and will be provided to Mr. Kruppa for consideration by the committee.

**Monthly Financial Report Presentation:** Ms. Grinnell Crosby's presentation was combined with the Financial Summary and discussed earlier in the meeting.

**Resolution #11-15-21 –Best Western University Inn (Pool), T-Ithaca, Violation of Subpart 6 of the New York State Sanitary Code (Swimming Pools):** Mr. Greenhouse moved to accept the resolution as written, seconded by Ms. Morgan.

Ms. Cameron briefly summarized the violation. She stated there is a case history with Best Western. During two swimming pool inspections, the company did not have the proper chlorine residuals. In previous years, the company was asked to have DPD test kits available. However, Ms. Balander reported the company was using an OTO test kit which is less accurate than the DPD test kit.

Following a discussion about the proper usage of test kits, Mr. Greenhouse suggested an amendment to item 2 (sentence 3) in the draft resolution so that it reads as follows: "A DPD test kit with reagents no more than one year old capable of measuring chlorine residuals shall be readily available *and used*." The resolution, as amended, carried unanimously.

**For Discussion/Action: Gas Drilling Resolutions:** Ms. Cameron distributed copies of the revised wording of the resolutions originally printed in the Board's packet. It began as one combined resolution, but was separated into two. The first one focuses on resource issues and the second one focuses on human health issues.

**Resolution Regarding County Health Department Activities Associated with Gas Drilling in the Marcellus Shale, Utica Shale and Other Low-Permeability Gas Reservoirs in New York State:** Ms. Morgan commented that both resolutions were well written and moved this resolution for approval, seconded by Mr. McKee.

A discussion ensued with the following remarks:

- With reference to "Whereas..." paragraph 5, Mr. Greenhouse questioned whether separating Environmental Health and Public Health professionals was necessary when referring to county health departments. Ms. Cameron responded the clause was in another county's resolution, seems appropriate, and believes the wording indicates the impacts go beyond the environmental division.
- Referring to "Whereas..." paragraph 7, Mr. Greenhouse asked if the estimated staff number due to increased workload would change for individual counties, thereby limiting Tompkins County to that number. Ms. Cameron reported the number is based on discussions and a questionnaire the DOH sent to counties.
- In "Resolved..." number 3, Mr. Greenhouse suggested the funding mechanism should consider future costs. Mr. McLaughlin proposed the wording change to read "...establish financial resources to cover the entire **ongoing** cost of public

health oversight...” in anticipation of the impacts extending beyond the completion of the drilling activities.

- Mr. Wood proposed a wording change in “Whereas...” paragraph 9 to read “...funding needed to support appropriate multiple-agency oversight can and should be derived from the **companies drilling for gas...**” because there has been discussion about charging companies by a different type of mechanism, not necessarily by permit fees.

The resolution, as amended, carried unanimously.

**Resolution Regarding the 2011 Draft - revised Supplemental Generic Environmental Impact Statement on Oil, Gas and Solution Mining Regulatory Program (Gas Drilling In the Marcellus Shale Formation):** Mr. Greenhouse called

the motion, seconded by Mr. McKee.

The following discussion ensued:

- Dr. Klepack summarized the resolution by noting it addresses the potential impacts on human health, reflects the lack of knowledge about the chemicals to be utilized, and refers to the shipment as well as the production of gas. The NYSDOH is called upon to monitor and gather data through surveys and studies. It emphasizes the importance of looking at community and individual health in addition to the socioeconomic impacts to health. There should be a data base of baseline health information for studies to have statistical significance.
- Mr. Greenhouse asked whether the existing standards for water and air pollution already established connections between certain chemical levels and negative health impacts. Ms. Cameron responded not necessarily for all the chemicals being used.
- Dr. Macmillan commented on the monitoring proposed in the document. He favors having the DEC charged with setting up an independent agency where data could be stored and accessible. Ms. Cameron stated there may be issues of privacy when considering making well water findings public.
- Although health impact studies are expensive due to the amount of data, people, and time involved, Dr. Klepack noted that health departments need to advocate for these studies. Dr. Macmillan added that health impacts are not immediate, but having accessible data may be useful when health impact questions arise.
- After some discussion regarding the socioeconomic concerns mentioned in “Resolved...” number 2, Dr. Klepack suggested the Board may want to consider removing that item so the document is not weakened.
- Mr. Burbank stated he thought it was well written. This resolution is calling on the State to fulfill its responsibility to consider the potential impacts of the gas drilling process.

The resolution, as written, carried unanimously.

**Adjournment:** At 1:48 P.M. Dr. Macmillan moved to adjourn the meeting, and carried unanimously.