

Tompkins County Board of Health

January 28, 2014

12:00 Noon

Rice Conference Room

Present: Will Burbank; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Patrick McKee; Michael McLaughlin, Jr.; and Patricia Meinhardt, MD

Staff: 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: Janet Morgan, PhD; Sylvia Allinger, Director of CSCN; and Brenda Grinnell Crosby, Public Health Administrator

Guests: Frank Proto, Former Chair, Health and Human Services Committee; and Skip Parr, Sr. Public Health Sanitarian

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 12:08 p.m.

Introductions were made around the room to welcome Dr. Edward Koppel as a member of the Board of Health. Dr. Koppel thanked everyone for supporting his nomination. He had been thinking about serving for a long time. It was Dr. Macmillan who enlightened him about the role of the BOH during the years they practiced together at Cornell's Gannett Health Services. Dr. Koppel is a Board Certified internist who has been working at Gannett for 15 years. In that capacity he wears a variety of hats that have included primary care, occupational medicine, sports medicine, radiation safety, tuberculosis screening and travel medicine.

Approval of December 10, 2013 Minutes: Mr. McKee moved to approve the minutes of the December 10, 2013 meeting as written; seconded by Mr. Greenhouse. The minutes carried with Mr. Burbank and Dr. Meinhardt abstaining.

Financial Summary: Ms. Grinnell Crosby was not present for the meeting. In her absence, Mr. Kruppa reported staff members continue to work on improving the financial summary report for Board members. More information will be available next month as State Aid claims are still being processed for 2013. By the end of March there should be a financial report for the previous year.

Administration Report: Mr. Kruppa shared the somber news that fellow staff member, Kelly Nickerson, passed away on Christmas Day after a long battle with health issues. She was a Senior Account Clerk Typist in the Division for Community Health who had worked for the Health Department for a number of years. Staff will gather for a special remembrance of her later in the week.

Reporting on three significant grants in the process of reapplication, Mr. Kruppa noted the programs are important and have been successful through the efforts of 12 full-time equivalent employees. (1) The grant for the Healthy Neighborhoods Program in Environmental Health has been submitted. (2) The Tobacco grant application is in process. Since the catchment area has been expanded from Tompkins County to include Cortland and Chenango counties, the Health Department would provide full service for the three counties. This change would require adding one full-time staff member and subcontracting staff in the other two counties. (3) The Women, Infants and Children (WIC) program is coming to the end of its five-year plan but may be extended for another year. When grant information becomes available, staff will reapply.

Regarding preparedness activities, Mr. Kruppa announced Nina Saeli, Emergency Preparedness Coordinator, is working with Ithaca College student interns on a closed Point of Distribution (POD) plan for the college. With the support of the Health Department, the students will be involved in planning the exercise and then implementing it on their campus in the fall. Ms. Saeli has made some inroads with the college that will hopefully result in a positive relationship and a good plan. The goal is to have as many closed POD agreements as possible within the community. Those agreements will bring in other institutions as partners to assist with the workload required to provide mass prophylaxis to the entire community.

Mr. Kruppa responded to questions regarding the closed POD:

- A closed POD is conducted for a defined population, e.g. staff and students at Ithaca College. Medications, vaccine or other medical countermeasures are distributed by the community partner according to its plan.
- Cornell would be a major partner during an event so staff will be working on an agreement with the university.
- Health Department staff members have worked with Cornell's Environmental Health and Safety personnel and have visited the campus to look at facilities related to mass prophylaxis and sheltering.
- During a countywide event, the Health Department would not be able to act alone to provide prophylaxis to a large portion of the population in the required time frame. This is an effort to build capacity within the community by looking to sign a Memorandum of Agreement (MOA) with individual partners.
- Preparedness planning has morphed from bioterrorism into an all-hazards approach. Since 9/11, progress has been made in planning to respond to a bioterrorism event; however, Tompkins County has not had an event requiring prophylaxis distribution to its entire population of 100,000. H1N1 was the closest experience, but that event covered about 10 to 15 percent of the population. There is an awareness of the need to have partners built into the system so there is a push to make further progress in this area through closed PODs.

Medical Director's Report: Dr. Klepack reported influenza has been widespread across the state for a number of weeks. There was concern about a particular strain, but recent reports from the state and the Centers for Disease Control and Prevention (CDC) do not indicate any major

prevalence. No vaccine is 100 percent effective but this season's vaccine is a good match. He also stated there were no more reported cases of pertussis and no meningococcal disease at this time.

Division for Community Health Report: Ms. Connors had nothing to add to her written report.

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

County Attorney's Report: Mr. Wood stated the Government Operations Committee moved its meeting to a later time of the day so he no longer has a scheduling conflict. He will be able to attend BOH meetings regularly.

Environmental Health Report: Ms. Cameron had nothing to add to her written report. When asked about the Blue Frog Café, Ms. Cameron replied the owner paid the outstanding fines before applying for a permit to open at a new location in the Cornell Business and Technology Park.

Recognition of Frank Proto, Former Chair of the Health and Human Services (HHS) Committee: Mr. Kruppa expressed appreciation for Mr. Proto's many roles and years of support for public health. During his 29 years on the Legislature, Mr. Proto served 11 years as a member of the HHS Committee that oversaw the Health Department and 13 more years as its Chair and Vice Chair. He also served as a representative to the BOH. The record shows he completed two six-year terms as the Legislature's representative and one six-year term as an at-large representative for a total of 18 years of additional service to the Board. On behalf of the Health Department and the Board of Health, Mr. Kruppa presented a certificate to Mr. Proto in recognition for his outstanding service and lasting contribution to public health. There was applause from those in attendance.

Mr. Proto thanked everyone for the recognition and shared some of his thoughts. Emphasizing it has been fun; he also noted a lot was accomplished. He announced he will still be involved with public health as he was appointed to serve as a board member on the Health Planning Council. Wanting to stay in touch with the Board, he said he would be happy to help out if his assistance is needed. He will also share information with the Board through his connection with Ms. Cameron on the Water Resources Council.

Board of Health Selection of Officers: The gavel was passed from Dr. Macmillan to Mr. Kruppa who opened the floor for nominations for President. Mr. Greenhouse moved to nominate Dr. James Macmillan; seconded by Mr. Burbank. No other nominations were put forward. The vote in favor of Dr. Macmillan continuing to serve as President of the BOH carried unanimously.

The gavel was passed back to Dr. Macmillan who requested nominations for Vice President. Mr. Greenhouse moved to nominate Mr. McLaughlin; seconded by Dr. Koppel. No other nominations were put forward. The vote in favor of Mr. McLaughlin continuing to serve as Vice President of the BOH carried unanimously.

Approval of revisions to the *Meningococcal Vaccine Policy*: Ms. Connors revised the *Meningococcal Vaccine Policy* to include the new recommendations for high-risk children aged two months to 10 years of age. The Division's nurses routinely vaccinate children 11 to 18 years

of age; however, younger children with high-risk indicators would be referred to their primary care providers.

Mr. Greenhouse moved to accept the policy as written; seconded by Mr. McLaughlin. After confirming that Dr. Klepack had reviewed the policy, the vote to approve the revisions to the *Meningococcal Vaccine Policy* was unanimous.

Resolution #13.15.26 – Spruce Row Campground, T-Ulysses, Violation of Subpart 5-1 of the New York State Sanitary Code (Water): Ms. Cameron summarized the campground had a number of recurring problems in maintaining acceptable chlorine levels in its public water system due to operator error and how the equipment was set up. Another difficulty has been obtaining required monthly reports and bacteriological samples from the facility.

Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Meinhardt.

Mr. Greenhouse asked about the rationale for changing the fine from \$1,000 to \$400. Ms. Cameron explained the fine was based on the absence of reports; however, the owner belatedly submitted those reports. Since the campground was in compliance, the amount of the fine for those reports was removed.

Mr. Burbank wondered if the situation has improved. Ms. Cameron replied the campground is a seasonal operation so staff is waiting for it to reopen. Meanwhile, the owner is making changes that hopefully will be effective.

The vote on the resolution as written carried unanimously.

Resolution #13.10.30 – At the Ridge, T-Lansing, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron stated the restaurant did not have a thermometer; therefore, its staff could not determine if food was out of temperature.

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

There was discussion about whether or not the lack of a thermometer to monitor food temperatures is a violation of the New York State Sanitary Code. The resolution was tabled to allow time for Mr. Wood to research the code.

Resolution #13.40.31 – WAL-MART, C-Ithaca, Violation of Adolescent Tobacco Use Prevention Act (ATUPA): Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #13.13.32 – Argos Inn, C-Ithaca, Violation of Subpart 7-1 of the New York State Sanitary Code (Operating without Permit): Ms. Cameron reported EH staff learned through the newspaper that the Argos Inn was having its grand opening. The issue was the Argos Inn had not submitted an application for a permit to operate a temporary residence prior to the opening.

Mr. Burbank moved to accept the resolution as written; seconded by Mr. McLaughlin.

Mr. Burbank asked about any extenuating circumstances. Ms. Cameron thought there was a problem with communication. As soon as the necessary documentation was completed, EH staff issued the permit.

A brief discussion about bed and breakfast establishments in Tompkins County ensued. Mr. Proto wondered if EH would take the step of reminding the Convention and Visitors Bureau that its membership needs to obtain a permit to operate a bed and breakfast. Ms. Cameron responded staff can certainly reach out to the Bureau. EH regulates bed and breakfast facilities with 10 or more guests so most of them are under the radar. Many people work through their municipal code enforcement officers for a building permit but there is uneven enforcement and

follow through. Compliance is the main goal so staff members work with those people who were unaware or unintentionally did not obtain a permit.

The vote on the resolution as written carried unanimously.

Resolution #13.10.30 – At the Ridge, T-Lansing, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Returning to the tabled resolution, Mr. Wood read the following from the New York State Sanitary Code 14-1.85 on product thermometers: *“Metal stem-type, numerically scaled, indicating thermometers accurate to plus or minus two degrees Fahrenheit (1.1 degrees Celsius) are to be provided and used to determine that proper internal cooking, holding or refrigeration temperatures of all potentially hazardous foods are obtained and maintained.”* Mr. Wood stated thermometers are required according to the code; it is the law.

Mr. Greenhouse moved to take the resolution off the table; seconded by Mr. McLaughlin. The vote on the resolution as written carried unanimously.

Proposed On-site Wastewater Treatment System (OWTS) Permit Fee Revision for 2014:

Ms. Cameron reported the permit management software project is starting with the OWTS program. As staff members work through the process, fees are being reanalyzed. In this case, there are two fees for OWTS permits: one for systems that are less than 1,000 gallons per day and another for systems that are greater than or equal to 1,000 gallons per day. This was set up when there was a difference in the rates for engineering plans and applicants received a reduced rate depending on the size of their system. That was restructured, but the permit fee was not restructured. A flat permit fee works best for the Division and is warranted by the workload.

Mr. Greenhouse moved to accept the proposed OWTS permit fee revision for 2014 as written; seconded by Mr. McLaughlin.

Dr. Meinhardt wondered if the lower fee will cover costs in the future. Ms. Cameron said the fees are reviewed annually to consider what is appropriate for cost recovery.

There was discussion on the permitting process for the two sizes of treatment systems. Staff members use the same process to issue permits for the homeowner sewage system or the larger system involving more than a home. Both systems need a permit application, design, inspections and certification of completion. Unusual sites and larger systems usually require the applicant to hire a private engineer.

Mr. Burbank asked if there is a mechanism for assisting economically stressed families. Ms. Cameron responded her Division is working on a policy to bring to the Board that will address those situations.

The vote to approve the recommendation for the On-site Wastewater Treatment System (OWTS) permit fee revision for 2014 carried unanimously.

Adjournment: At 1:12 p.m. Dr. Macmillan adjourned the meeting.