

Tompkins County Board of Health
February 25, 2014
12:00 Noon
Rice Conference Room

- Present:** Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; Patricia Meinhardt, MD; and Janet Morgan, PhD
- Staff:** Liz Cameron, Director of Environmental Health; Sigrid Connors, Director of Patient Services; Frank Kruppa, Public Health Director; Jonathan Wood, County Attorney; and Shelley Comisi, Keyboard Specialist
- Excused:** Will Burbank; Patrick McKee; Sylvia Allinger, Director of CSCN; Brenda Grinnell Crosby, Public Health Administrator; and William Klepack, MD, Medical Director
- Guests:** Donette Richie, Ithaca College Student Intern; Steven Kern, Sr. Public Health Sanitarian; and Skip Parr, Sr. Public Health Sanitarian

Privilege of the Floor: Dale Dickey, Main Street Pizzeria

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:04 p.m.

Privilege of the Floor: Dale Dickey, owner of Main Street Pizzeria, thanked the Board for the opportunity to speak to members. As stated in his letter, Mr. Dickey said he noticed a slight leak from a sewer pipe in the basement of his restaurant on November 2, 2013. He immediately called The Drain Brain; however, the plumber was unable to fix the problem. His next step was to call his regular plumber at Burris Plumbing who was concerned about working on the pipe due to the potential of further cracking and potentially affecting the building next door. Since it was a small leak, the plumber did not consider it to be a significant issue.

The owner reported his record of inspections has been good since taking over the pizzeria in 2007. When the Health Department recommended some improvements, he made those corrections because of his concern about sanitary procedures at his restaurant. Since the leak was in a part of the basement that was not near food and not in the flow of foot traffic, he did not realize the situation was a public health issue that would shut down the restaurant. He provided photos of the pipe and surrounding area for Board members to view.

Mr. Dickey stated he could not afford a \$400 fine so requested a reduced amount if a penalty was deemed necessary. He has dealt with a number of issues regarding staffing and business costs, but he cares about his restaurant and his customers and feels he has been cooperative with the Health Department.

Mr. Greenhouse reviewed the timeline and wondered if anyone had mentioned there was any urgency to the problem prior to the complaint being received by the Health Department. Mr. Dickey replied he did not realize there was any urgency. He had been

calling a plumber every other day to resolve the problem but the plumber did not think it was a significant issue because it was a minute, contained leak.

In answer to Dr. Meinhardt's question about the distance between the leak and the storage area for the food containers, Mr. Dickey said it was approximately three feet.

Dr. Macmillan referred to the billing from The Drain Brain and Burris Plumbing that showed two months passed before the complaint was made to the Health Department. During that time, Mr. Dickey explained he was constantly contacting the plumber to repair the pipe but the plumber was busy.

Responding to Dr. Morgan's question about whether he attempted to contact other plumbers, Mr. Dickey replied he did not because he knew and trusted the plumber from Burris Plumbing.

Approval of January 28, 2014 Minutes: Dr. Koppel moved to approve the minutes of the January 28, 2014 meeting as written; seconded by Mr. Greenhouse. The minutes carried with Dr. Morgan abstaining.

Financial Summary: Ms. Grinnell Crosby was not present for the meeting. In her absence, Mr. Kruppa provided a financial report showing two areas in red for January: Early Intervention (EI) and Division for Community Health (DCH). He remarked it is not uncommon to see irregularities in the beginning of the year. EI had an overage in the expenditure line due to the number of children showing up for services. DCH showed red on the revenue side due to ongoing billing issues.

Ms. Connors explained there are a number of reasons revenue is lower for DCH. (1) The last active tuberculosis case was discharged. Historically, there have been three to four active cases a year. (2) A diabetes course was postponed until spring. (3) There were a number of computer issues in the billing process that have been traced to the billing gatekeeper for Medicare. Despite being short-staffed, work continues on solving the problems with an expectation to be on track by March or April.

Mr. Greenhouse commented the narrative for the dashboard helps explain that areas in red are not always a cause of major concern. To identify issues when there are changes in revenue streams, Mr. Kruppa said staff members refer to the lines on the dashboard that show a comparison of how money was spent or received over the previous two years in relation to the budgeted amount for the current year.

Mr. McLaughlin wondered whether the billing issues put revenue at risk. Ms. Connors said there is a timeframe for submitting billing so the main focus is getting the bills out. Although there may be problems with the transmission, revenue will not be lost once staff members have "punched the clock." Mr. Kruppa acknowledged there is risk, but staff members are focused on that risk.

Mr. Kruppa noted the financial report is still evolving. Descriptions of the areas in red were not as thorough as he wanted because of an upgrade to the County's financial system. With data for this dashboard pulled from that new financial system, there was a delay in receiving the monthly reports. That should change going forward.

Administration Report: Mr. Kruppa introduced Donette Richie who is a student intern working with Nina Saeli in the public health preparedness program.

Majoring in Public and Community Health at Ithaca College (IC), Ms. Richie expressed enthusiasm to be working with public health professionals. As part of her internship, she has been researching public health laws pertaining to local public health plans. Recently, she has focused on researching quarantine guidelines that might relate to the Health Department's policy and response plans.

Mr. Kruppa reported this is the first time there have been internships in public health preparedness. In addition, Ms. Saeli has two graduate student interns working on closed Point of Dispensing (POD) planning. They are developing a plan to conduct a closed POD exercise on the IC campus this fall. Ms. Saeli's hope is to develop a program that can be replicated for other plans, e.g. sheltering on campus. Students would conduct research and learn how to plan at the beginning of the year; develop the plan over the summer; and conduct an exercise during the fall semester. Ms. Richie and the other interns have been a welcome addition to the program. At some point, connections will be developed with Cornell for similar activities.

In response to a question from Dr. Koppel regarding her major, Ms. Richie said her program is in the School of Health Sciences and Human Performance. There is an undergraduate public health major and a graduate program in health education.

Dr. Macmillan thought periodic updates on the progress of this internship program would be useful to the Board. It might be an impetus to collaborate with the other educational institutions in the area.

Dr. Morgan asked if Tompkins Cortland Community College (TC3) was on the radar. Mr. Kruppa reported Ms. Saeli has met with TC3 medical staff and is making connections with its administration.

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

Division for Community Health Report: Ms. Connors had nothing to add to her written report. Dr. Morgan asked for her assessment of the higher no-show rate of participants at WIC clinics. Ms. Connors answered the rate is hovering around 15%. The good news is the new WIC Director is aware of the situation and will be looking at the numbers. Staff attempts to keep participants in the program for as long as possible. If participants were discharged sooner, the no-show rate would go down. Dr. Morgan suggested the weather might also be a factor.

Children with Special Care Needs Report: Ms. Allinger was not present for the meeting. Dr. Morgan was interested in hearing about the Child Find program mentioned in the report. Mr. Kruppa stated he will send that information to Board members.

Dr. Meinhardt wondered if there had been any questions about the polio-like illness that has affected a small number of children in California. Mr. Kruppa replied no one has expressed any concern so far. He heard a health professional on the radio advising parents not to panic. Ms. Connors added the Health Department has not received any official notice from the state. For Board members interested in additional background information, Dr. Meinhardt will forward a link to the American Academy of Neurology website.

County Attorney's Report: Mr. Wood stated he had nothing to report.

Environmental Health Report: Ms. Cameron pointed out this is the first monthly report to include data from 2013 for the purpose of comparing to the current year's data. Next month the Healthy Neighborhoods Program (HNP) data for 2013 will be included. Comments or suggestions are welcome.

She also reported the Accela permit management software user training is scheduled for next week to be followed by the user acceptance test period. The hope is to go live within the month if some software server issues are resolved.

Approval to reappoint William Klepack, MD, to a two-year position (2014-2016) as Tompkins County Health Department Medical Director: As part of the regulation for operating a Diagnostic and Treatment Center (D&TC), Mr. Kruppa requested approval to reappoint Dr. Klepack as its Medical Director. Dr. Klepack is willing to serve another two years.

Dr. Morgan moved to reappoint Dr. Klepack as TCHD Medical Director for the D&TC; seconded by Mr. Greenhouse; and carried unanimously.

Resolution #13.1.34 – German Cross Road Apartments, T-Dryden, Violation of Article VI of the Tompkins County Sanitary Code and of Subpart 5-1 of the New York State Sanitary Code (Water and Sewage): Ms. Cameron reported the owner has both sewage and water issues on the property which have been combined into one enforcement action. The owner needs to fix the sewage system and submit plans for disinfecting the water supply as a result of his waiver being declared invalid due to bacteriological contamination.

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

Mr. Parr stated the request for an extension occurred on February 5th. The initial Stipulation Agreement had a tighter timeframe on correcting the sewage system. The owner contracted an engineer who requested an extension on the timeline due to weather conditions because it was impossible to evaluate the sewage system with snow on the ground. Based on the situation, the Draft Resolution was updated to include new due dates. The original dates can be reviewed in the signed Stipulation Agreement.

The vote on the resolution as written carried unanimously.

Resolution #14.1.2 – Massey Apartments, T-Enfield, Violation of Subpart 5-1 of the New York State Sanitary Code (Water):

Resolution #14.1.3 – Mountainview Manor Mobile Home Park, T-Caroline, Violation of Subpart 5-1 of the New York State Sanitary Code (Water):

Mr. Greenhouse moved to accept the aforementioned resolutions for Massey Apartments and Mountainview Manor Mobile Home Park as written; seconded by Dr. Morgan; and carried unanimously.

Resolution #14.1.4 – Stork H & E Turbo Blading, T-Danby, Violation of Subpart 5-1 of the New York State Sanitary Code (Water): Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Macmillan.

Mr. Kern explained the name of the company's representative was changed on the Stipulation Agreement due to the change in CEOs.

Mr. Wood pointed out a clerical error in the Draft Resolution that should be corrected: the company is located in the Town of Danby not the Town of Caroline.

The vote on the resolution as written carried unanimously.

Resolution #13.1.12 – City of Ithaca, Revised Resolution to Extend Deadline

(Water): Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Morgan.

Ms. Cameron reported the only change to the original resolution is an extension of the deadline for the City of Ithaca to submit its plan as outlined in item #3 of the revised resolution. Mr. Greenhouse was concerned the request for an extension was made a few hours before the deadline. Ms. Cameron responded the City had a staffing situation but is working to develop its plan. The City has been responsive to the other actions and has paid the \$1,000 penalty. This extension is consistent with actions taken when working with the large water supply systems.

The vote on the resolution as written carried unanimously.

Resolution #14.11.5 – Main Street Pizzeria, V-Groton, Violation of Part 14-1 of the New York State Sanitary Code (Food):

To summarize, Ms. Cameron said there was a fairly small leak from a sewage pipe in the restaurant's basement that was not corrected in a timely manner. The situation is considered a critical violation requiring immediate closure. When it reached that stage, the owner was responsive to the problem by moving food products and packaging items out of the basement. Staff did not have a concern about any exposure because the leak was not in a highly trafficked area and was separate from food storage items.

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

A lengthy discussion among Board members ensued. It was pointed out the owner received the Health Department's report indicating this was a critical violation during the initial inspection visit on Friday, January 10th. Considered a public health hazard, the Health Department closed the restaurant. The owner was informed the pipe needed to be repaired over the weekend. The owner was able to contact a plumber who fixed the pipe as required before the re-inspection on Monday. In the discussion about the responsibility of the owner, it was suggested the owner did not understand the seriousness of the situation because it was not in a high traffic area. Board members noted that it would be reasonable for an owner to listen to his plumber whom he considers to be an expert. In this case, the owner was not ignoring the problem; he did not receive the right information. Once he realized the urgency he quickly fixed the leaking pipe. In this situation, a reduction in the fine would be appropriate.

Mr. McLaughlin moved to amend the resolution to reduce the penalty to \$200; seconded by Mr. Greenhouse; and carried unanimously.

For the record, Mr. Kruppa reiterated there is no acceptable amount of sewage in a food service or storage area.

Adjournment: At 1:14 p.m. Dr. Macmillan adjourned the meeting.