

MINUTES

Tompkins County Board of Health

March 28, 2017

12:00 Noon

Rice Conference Room

Present: Will Burbank; David Evelyn, MD, MPH; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; and Susan Merkel

Staff: Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; Deb Thomas, Director of Children with Special Care Needs; and Shelley Comisi, Administrative Assistant II

Excused: Janet Morgan, PhD, Board of Health Member; and Jonathan Wood, County Attorney

Guests: Mikhail Kern, Project Assistant, Environmental Health; Sheila McEnery, Tompkins County Community Mental Health Services Board; and Skip Parr, Senior Public Health Sanitarian

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: No one was present for Privilege of the Floor.

Introductions: Mr. Kruppa welcomed Sheila McEnery who is the Chair of the Community Mental Health Services Board (CSB). Ms. Cameron introduced Mikhail Kern, Project Assistant in Environmental Health (EH).

Approval of February 28, 2017 Minutes: Dr. Koppel moved to approve the minutes of the February 28, 2017 meeting as written; seconded by Ms. Merkel; and carried unanimously.

Financial Summary: Ms. Grinnell Crosby referred to the report in the packet. The 13th period for 2016 will be closing as corrections are completed. She does not have any additional

comments for 2017; it is still early in the year. This financial report was run in the middle of the month. Future reports will be run near the first of the month for greater accuracy.

Responses to questions from Board members:

- Reimbursement in the Physically Handicapped Children's Treatment program is a percentage of expenditures.
- *Local Share* refers to county tax dollars; *Revenues* are the monies collected from state, federal, grant, and fee sources.
- *Total Public Health Balances* in the lower right hand rectangle are numbers that are significant to TCHD administrators. There are many variables affecting revenues and their posting. When the year ends, it helps to know how close the department was to its budget.

Administration Report: Mr. Kruppa reported:

- Tobacco 21, the proposed local law that would raise the legal age for tobacco sale and purchase from 18 to 21 in Tompkins County, is moving from the Health and Human Services Committee to the Legislature. At their first meeting in April, Legislators will consider the proposed law and vote on whether or not to hold a public hearing. If there is support for a public hearing, it would be set for April 18th.
- National Public Health Week is April 3rd through the 9th. As part of the celebration, TCHD is planning to launch its Facebook page. Samantha Hillson and Ted Schiele in the Health Promotion Program have been working to create the page. It provides another avenue to share information/messages with the public.
- On March 6th, TCHD participated in a state designed emergency preparedness exercise that focused on the isolation/quarantine component for an infectious disease outbreak that started downstate and rapidly spread to other communities. Nina Saeli, TCHD Public Health Preparedness Coordinator, improved the scenario in ways that tested our response further. Mr. Wood participated by looking at existing plans and documents from a legal perspective. Overall, the exercise went well. Staff learned from it and will have opportunities to improve measures based on the After Action Report.
- The New York State Association of County Health Officials (NYSACHO) continues its advocacy efforts at the state level. As a representative of NYSACHO, Mr. Kruppa has been meeting with elected officials who are beginning to see our group as a voice of public health that can supplement the New York State Department of Health (NYSDOH). In addition, the need to work with the New York State Education Department (SED) has become apparent. It is through the SED Office of the Professions that our professionals are licensed and regulated. Building a relationship with SED helps them understand our needs during emergency events.
- Board members volunteering to attend CSB meetings can use the sign-up sheet that is circulating or email Shelley Comisi with a preferred date.

Medical Director's Report: Dr. Klepack mentioned the New York State Academy of Family Physicians is supporting Tobacco 21 statewide.

Division for Community Health Report: Ms. Bishop shared the good news that the suspect mumps case described in the Community Health Services report was negative.

Referring to the 15 cases of gonorrhea in this month's report, Ms. Merkel initiated a discussion about screening for antibiotic resistance. According to Dr. Koppel, that screening was done in the past when the culture based technique was used. Currently PCR tests are used. At his health center, patients are asked to follow-up if they are not responding to antibiotics; otherwise, patients are asked to recheck in three months. Resistance is less in our area than in other areas of the world. Although it may not be an immediate problem, Dr. Macmillan cautioned about the potential emergence of antibiotic resistance in the future.

Ms. Bishop explained the process of reporting STIs to the state. The TCHD Communicable Disease Team is responsible for surveillance, tracking and ensuring that our clients receive the appropriate treatment. After the physician reports a case to TCHD, our staff notifies the NYSDOH Central New York Regional Office so their investigators can take action through contact tracing. If the State sees a trend, then the regional office staff may provide an educational tutorial and discussion on the situation for our staff and community partners.

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

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

Report on the Community Services Board (CSB) Meeting: Ms. Merkel briefed the Board on her experience attending the CSB meeting on March 6, 2017. It was a unique meeting devoted to the topic of local housing. In short, the overall housing picture is abysmal with waiting lists of two to three years. The CSB represents and advocates for mental health, developmental disabilities, and substance abuse populations. It is a challenge for low income people, especially those with special needs, to find housing. It is just one area of support needed by these groups. At this meeting, the CSB discussed priorities, actions and services that could be helpful to address the housing issue. Ms. Merkel found the meeting to be interesting and informative.

Upon further discussion and input from Board members, it was acknowledged that the housing issue requires many groups working together to address this complex issue.

Mr. Kruppa pointed out that as the BOH and CSB members attend each other's meetings, it will be easier to recognize opportunities to work together.

Environmental Health Report: Ms. Cameron:

- Directed attention to the EH Annual Report for 2016 that was a part of the Board's packet.
- Re-introduced Mikhail Kern who was hired with funds from the Drinking Water Enhancement grant to review public water system (PWS) sampling plans. A file review showed that many of the smaller systems did not have the required plans. Mr. Kern's report (Attachment 1) provides information for developing bacteriological sampling plans that includes calculating chlorine contact time, and lead and copper sampling plans. The report also has a summary of the different systems that EH regulates. There are 149 total

public water systems and 57 federal public water systems in the county. The completed plans will be reviewed with each PWS operator who will be able to amend and/or approve plans during inspections. EH staff is pleased with the report.

Discussion regarding water sampling:

- Mr. Greenhouse commented the report on the sampling plan review was impressive. He wondered whether there would be any change in procedures. Ms. Cameron replied that each PWS submits sample results on a timeframe based on the size of the system. This document is a tool to work with PWS operators to identify changes and develop appropriate sampling plans.
- Ms. Cameron mentioned EH will be sharing information with NYSDOH about a template for lead and copper sampling that was developed and modified by Mr. Kern.
- Mr. Greenhouse spoke about a new regulation the Governor is proposing in his budget that would require water sampling of both private wells and public water supply systems. It would also require NYSDOH to be responsible for identifying contaminants in the water. Mr. Greenhouse expressed his concern about creating a new budget responsibility and being drawn into a complex regulation. Mr. Kruppa stated the Governor has proposed 2 billion dollars for water infrastructure as part of the budget that would address drinking water standards in the state. The section related to private well testing is not in the one house bill from the Senate and the Assembly. Public health is concerned about drinking water quality but our limited resources must be targeted to the areas where they will be most effective. Our advocacy on this and other issues affecting our communities is for local public health departments to have a voice in the process before laws and regulations are developed.

Resolution #EH-ENF-17-0003 – Oishii Bowl, C-Ithaca, Violation of Part 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported the restaurant had food out of temperature violations. According to Mr. Parr, the office conference with the operator was productive. Some steps that the operator can take include improving communication with his employees and applying for waivers for some of the food he is serving in order to effectively handle the food temperatures. The standard waiver uses time rather than temperature.

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

Adolescent Tobacco Use Prevention Act (ATUPA) Violations: Ms. Cameron noted there are three ATUPA violations before the BOH. She explained the differences in the fines.

Resolution #EH-ENF-17-0002 – 7-Eleven Store #35255H, C-Ithaca, Violation of Adolescent Tobacco Use Prevention Act: Ms. Cameron explained the operator of the 7-Eleven Store decided to proceed with a hearing. He wanted to contest the violation because he felt the employee who sold the cigarettes had extenuating medical circumstances. The Hearing Officer concluded there was a violation of the ATUPA compliance check and recommended a fine of \$225. TCHD does not propose that lower fine because state law sets a minimum fine of \$300.

There was an informative discussion about the hearing process. Mr. Kruppa assured Board members that a notice of rights is provided to people as part of the Stipulation Agreement. It explains the right to have an administrative hearing but the BOH is the final decision maker. Ms. Cameron commented there are not many cases that go to a hearing, often less than one a year. The respondents either represent themselves or hire an attorney to represent them, and the County Attorney handles the proceedings for TCHD. The Hearing Officer is an independent person who is selected from a list of approved Hearing Officers.

During the office conference, Mr. Parr had a conversation with the operator to explain the options available to him. The operator wanted to contest the actual violation so he opted for a hearing. There was an understanding that the Hearing Officer would reach a conclusion and make his recommendations; however, the BOH was not mandated to follow those recommendations.

Resolution #EH-ENF-17-0005 – Triphammer Road Mobil, V-Lansing, Violation of Adolescent Tobacco Use Prevention Act: Ms. Cameron pointed out the Triphammer Road Mobil violation is a repeat offense. There are higher minimum fines for repeat offenses. Staff decided the \$1000 fine was appropriate because it was a repeat violation occurring three years plus a few months after the previous violation in 2013. Staff felt the business was showing a repetitive pattern.

Resolution #EH-ENF-17-0006 – Jacksonville Big Blue, T-Ulysses, Violation of Adolescent Tobacco Use Prevention Act: Ms. Cameron described the Jacksonville Big Blue as a straightforward ATUPA violation with the standard fine.

Ms. Merkel moved to accept the three aforementioned resolutions as written; seconded by Dr. Evelyn; and carried unanimously.

Adjournment: At 1:23 p.m. Dr. Macmillan moved to adjourn the meeting.