

MINUTES

Tompkins County Board of Health

June 27, 2017

12:00 Noon

Rice Conference Room

Present: Will Burbank; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; and Janet Morgan, PhD

Staff: Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; 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: David Evelyn, MD, MPH, Board of Health Member; William Klepack, MD, Medical Director; and Susan Merkel, Board of Health Member

Guests: John M. Andersson, P.E., Consulting Environmental Engineer; Ryang Chae, Representative of Ko Ko Restaurant; Michelle Hall, Director of Women, Infants and Children; Amy Hopkins, Community Health Nurse; Elyssia Johnan, Preparedness Intern; 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: An interpretation service through Language Line was set up for the Ko Ko Restaurant representative to address the BOH. Through the interpreter, the representative explained she has been running the restaurant for 10 years. She tries to cook as safely as possible. At this point, due to communication difficulties with the interpreter, Ko Ko's representative preferred to express herself directly to Board members rather than through the interpreter. Speaking in English, she continued with her explanation. Every morning chicken and seafood are prepared then put in a container and covered with ice. There was a problem cooling the food. Her employee forgot to put the food in the refrigerator right away. The health inspector came and found the temperature was too high. Korean food is hot food. She cooks every morning then lets it cool for one to two hours. She tries to keep the temperature under 45°F.

Resolution #EH-ENF-17-0016 – Ko Ko Restaurant, C-Ithaca, Violation of Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Macmillan brought forward the Ko Ko enforcement action for discussion while the representative of the restaurant was present. Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Morgan.

In the case summary, Mr. Greenhouse found the statements dated June 1, 2017 regarding ownership of the facility to be confusing. According to Ms. Cameron, the restaurant was in the process of acquiring new owners but there were complications with the transfer of ownership. The permit for the current owners is still valid. To clarify the ownership status, Mr. Greenhouse suggested rewriting this part of the case summary. Mr. Parr mentioned the case summary is an internal document for the BOH's information but he will update it as recommended.

In an effort to correct the problem with food being out of temperature, Mr. McLaughlin asked about requiring the owners to maintain temperature logs. Ms. Cameron noted the general procedure is to issue the enforcement action and then require temperature logs if they do not comply. The owners have operated successfully without temperature logs in previous years.

Responding to Dr. Morgan's question about the restaurant's food preparation process, Mr. Parr described the steps. In the morning, the chicken is boiled and placed in the refrigerator to bring the temperature down below 45°F. At lunchtime, staff removes the cooked chicken from the refrigerator and finishes preparing entrées by adding their sauces. At this inspection, there was an oversight by the employee working that day who did not put the chicken directly into the refrigerator after the chicken was cooked. The restaurant would have had two hours to cool the chicken if it had been in the refrigerator.

The vote in favor of the resolution as written: Ayes – 5; Abstention – 1 (Mr. Burbank).

There was a brief discussion about the quality of the interpretation services. During the session, there had been a communication problem with the interpreter. Mr. Parr noted the language service went well at the office conference. Mr. Greenhouse requested the record show the inadequacy of the interpretation services had no effect on the Board's decision regarding this enforcement action. The record speaks for itself.

Introductions: Ms. Bishop introduced Tompkins County Health Department (TCHD) staff members:

- Michelle Hall is Director of the Women, Infants and Children (WIC) program.
- Amy Hopkins is the primary communicable disease nurse who works on sexually transmitted infection (STI) cases.
- Elyssia Johnan is an intern working with Nina Saeli in the Public Health Preparedness program.

Approval of May 23, 2017 Minutes: Mr. McLaughlin moved to approve the minutes of the May 23, 2017 meeting as written; seconded by Dr. Macmillan. The minutes carried: Ayes – 5; Abstention - 1 (Mr. Burbank).

Norton Request for Waiver of separation distance from driveway as required by Article VI of Tompkins County Sanitary Code, 113 Maplewood Road, T-Ulysses:

Mr. Greenhouse suggested moving Russell Norton's waiver request forward for the BOH's consideration while John Andersson, the design engineer, is present to answer questions.

Ms. Cameron reported the owner of this lakefront property wants to convert the house from three to four bedrooms which requires changes to the sewage system. Little information is known about the existing sewage system; however, the design engineer believes it is located near the lake. To install a new sewage system on the property, the owner needs a waiver because he cannot meet the separation distance from the driveway as required by the Tompkins County Sanitary Code. A waiver from the local sanitary code requires BOH action. The Environmental Health Division supports the waiver request. It is an improvement in the sewage system situation at the property.

Mr. Greenhouse moved to approve Norton's request for a waiver of the separation distance from the driveway as required by Article VI of the Tompkins County Sanitary Code; seconded by Dr. Koppel; and carried unanimously.

Financial Summary: Ms. Grinnell Crosby reported the County's financial books for 2016 are closed. Although the Finance Department has not issued the rollover report, she calculates the department has approximately \$80,000. At this time, there are no significant issues to report for May 2017.

Affordable Care Act reform or repeal being discussed in the United States Congress: With many unknowns related to potential changes in the health care system, Mr. Greenhouse asked whether the BOH should take action to identify and voice concerns to the congressional members representing Tompkins County. In the quickly changing politics of the situation, Mr. Kruppa recommended Board members contact their representatives as individuals. It is hard to anticipate the potential implications to health care. As advocates for health and healthy communities, our message is to support those mechanisms that give people affordable access to care and prevention services. Medicaid is one of those important mechanisms being discussed by legislators.

As part of the Affordable Care Act reform or repeal, legislators are proposing to eliminate the Prevention and Public Health Fund (also known as the Prevention Fund) that pays approximately 13 percent of the Centers for Disease Control and Prevention (CDC) budget. This is a significant issue because a good portion of the funding goes to states for preparedness efforts. Mr. Kruppa will provide additional information to anyone interested in taking a position on this matter.

At the end of the discussion, Board members agreed that individual members should decide for themselves whether or not to take action on this issue.

Administration Report: Mr. Kruppa reported the County signed a contract in January 2015 with a vendor to implement an electronic health record system at the Public Health and Mental Health departments. Staff worked 2 ½ years to implement the product; however, there were issues with the vendor that could not be resolved. The County terminated the contract in June. The good news is Care Compass Network, the regional Delivery System Reform Incentive Payment (DSRIP) group, is funding electronic health record projects. There is a potential to

receive as much as \$250,000 from the organization to implement an electronic health record at both departments. Utilizing information learned through the previous process, staff is developing a new Request for Proposal (RFP) to be posted by the end of July or early August. Staff is moving forward with a goal of implementing a new product by the beginning of next year.

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

Division for Community Health Report: Ms. Bishop:

- Directed attention to numerous WIC activities highlighted in the report.
- Pointed out a typographical error in the Community Health Services report. In the first bullet under *Tuberculosis-(active cases)* on page three, the fourth sentence should read as follows: "Three sputa specimens were ordered...PCR positive for MTB 2/17/17." The year should be **2017**.
- Confirmed the Peace of Mind community partnership is meeting this week in direct response to the uptick in syphilis.

TCAT Bus Stop at TCHD: Mr. Kruppa announced there is a TCAT bus stop located at the main entrance to TCHD. Assistance provided by our legislator and members of the TCAT board has made it possible for clients to be transported to the front door of the building. The Route 32 bus travels from downtown and stops about once an hour. Staff is working on some outreach efforts to increase ridership. Ms. Bishop and Ms. Hall described some of the efforts being directed toward WIC clients: texting messages to WIC participants to remind them about the bus; sending information through WIC mailings every three months; and distributing a redesigned flyer with bus information to approximately 131 organizations/agencies within the county.

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 reported TCHD issued a Notice of Violation to the City of Ithaca regarding their new water fountain on the Ithaca Commons. A number of children were observed playing on the structure. There is concern about the potential for waterborne diseases in unregulated water features. In earlier discussions, the City had presented it as a non-contact decorative water feature. The City would have had to meet numerous regulations to allow children to play in the water.

Mr. Kruppa emphasized the City was proposing that the feature was a non-contact decorative fountain; therefore, the Environmental Health Division's review stopped. If the City had proposed it as a splash park, then it would have fallen under TCHD's regulation. Concerns about water quality and safety would have been addressed. Slippery wet rock is generally not approved in splash fountains. Those issues would have come under our review.

Mr. Kruppa and Ms. Cameron will be meeting with City officials to discuss how to make the feature a non-contact decorative structure.

Mr. Greenhouse wondered about any consideration that TCHD staff could reach out to local code enforcement officials to call attention to regulations. Ms. Cameron stated our staff works with code enforcement staff routinely so there is communication among staff. When there are public health concerns, staff members work together.

Report on the Community Services Board (CSB) Meeting: Dr. Evelyn was not present to report on the June 5th meeting.

Referring to the minutes from the previous BOH meeting, Mr. Kruppa addressed the Board's interest in working with the CSB on some issues. He believes topics focusing on prevention would be a good place to start the collaborative effort between the two boards. After he looks into the possibilities, he will bring forward some suggestions.

Resolution #EH-ENF-17-0013 – Congers Mobile Home Park, T-Dryden, Violation of Article VI of the Tompkins County Sanitary Code and Part 17 of the New York State Sanitary Code (Sewage): Ms. Cameron reviewed the incident that led to this enforcement action. A child was playing, stepped on an unsecured septic tank lid, and fell into the septic tank. Fortunately, he was not seriously injured. EH staff went to the site, conducted a review of the mobile home park, and found another septic tank with an unsecured lid. The owner of the park was remorseful and thanked staff for coming out to check the site. Staff is working with other mobile home park owners/operators to provide them with information that emphasizes the hazards of an unsecured septic tank lid.

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

In this case, Mr. Parr believes a contractor recently pumped out the septic tank but did not secure it properly. It takes special screws for the plastic lids so a special bit is needed to close it. A mailing went out to all mobile home parks reminding operators that septic tanks need to be checked after contractors leave to ensure the area is secure. In the end, they are responsible. Years ago, a small child fell into a tank and drowned. It is a serious situation.

Mr. Greenhouse suggested TCHD send a letter to septic tank pumpers outlining the danger of unsecured septic tank lids and reminding them to ensure those lids are secured when completing their work. Ms. Cameron thought it was a good idea.

Mr. McLaughlin recommended putting a helpful hint sheet together for mobile home parks and including it in their packets when they renew their permits. Ms. Cameron said staff will discuss the possibility.

Mr. Parr pointed out there is a slight modification to the draft resolution. In the first paragraph, the code should be Part 17 not Subpart 14-1. He will make the change in the final resolution.

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

Houghtling Request to Waive Septic Tank Application Fee, 352 Smith Road, T-Groton:

Ms. Cameron explained the owner had a new system installed but it appears the septic tank was installed incorrectly. The owner ended up replacing the septic tank. The Environmental Health Division supports the fee waiver.

Mr. Greenhouse moved to approve the request to waive the septic tank application fee; seconded by Dr. Koppel; and carried unanimously.

Kanellis Request for Waiver of minimum lot size as required by Article VI of Tompkins County Sanitary Code, 722 & 726 Valley Road, T-Caroline: Mr. Greenhouse moved to deny the waiver request for a lot line adjustment; seconded by Dr. Morgan.

During the ensuing discussion, Ms. Cameron mentioned the Environmental Health Division does not have a position on this waiver request. Under current conditions there is no adverse impact; however, future conditions are harder to predict. She noted the local sanitary code requires hardship to be the basis for granting waivers.

In his motion to deny the waiver request, Mr. Greenhouse cited his reasons: the request does not meet the hardship requirement as written in the local sanitary code nor does the request relate to environmental health. If the owners of the two lots want a legal requirement to protect the wooded area, they could obtain an easement. Furthermore, enlarging one parcel and reducing the size of the other parcel makes the smaller parcel noncompliant.

Dr. Morgan also expressed her concern about the BOH establishing a precedent of approving this type of modification should similar requests come before the Board in the future.

The vote on the motion to deny the Kanellis request for a waiver of minimum lot size as required by Article VI of Tompkins County Sanitary Code was unanimous.

Employee Health Policy with revised annual health assessment form: Ms. Bishop presented the *Employee Health Policy* with a revised version of the annual health assessment form. At a previous meeting, Board members requested edits to the form that would be less intrusive for employees. She expressed her thanks to Dr. Koppel for sharing Cornell's health form. Staff modified content to meet the needs of the department.

Dr. Koppel commented the form is more comfortable and palatable for employees to complete and yet it conveys the appropriate information.

Mr. Greenhouse moved to approve the *Employee Health Policy* with the revised annual health assessment form, as written; seconded by Dr. Macmillan; and carried unanimously.

Haemophilis Influenzae type B (ActHIB) Vaccine Policy: Dr. Morgan moved to approve the *Haemophilis Influenzae type B (ActHIB) Vaccine Policy*, as written; seconded by Dr. Koppel; and carried unanimously.

2018 Proposed Budget: Mr. Kruppa referred to the one page summary distributed before the meeting (Attachment 1). The proposed budget will be submitted to County Administrator Joe

Mareane by the end of July. At the direction of the Legislature, Mr. Mareane informed departments to create maintenance of effort budgets.

Mr. Kruppa directed attention to the yellow box. The difference between the fiscal target and TCHD target request is about \$7,000. Ms. Grinnell Crosby is working on the budget to make the appropriate adjustments. There will be no change in programming. The only significant change in staffing is increased hours for two of our senior sanitarians. Each division also had an opportunity to submit requests for needed items and those requests have been included.

Ms. Grinnell Crosby commented the WIC budget is from last year. The program recently received its award for the next grant year so that figure will be updated; however, it does not affect the fiscal target.

Mr. Burbank mentioned that the NYS Legislature did not reach an agreement to reauthorize counties to collect an additional one percent sales tax. It would seriously impact our current year budget and next year's budget. He believes the NYS Legislature will be called back into session but he wondered if there are any contingencies. Mr. Kruppa responded the lost revenue would be devastating. The Legislature would have to decide which departments to keep operational. That is when it would make sense for the BOH to let State legislators know there would be significant public health impacts if the County was unable to administer programs.

Mr. Kruppa suggested the Board make a motion regarding the proposed budget.

Mr. Greenhouse moved that the BOH accept the budget draft as proposed with no significant programmatic changes for 2018; seconded by Dr. Macmillan; and carried unanimously.

Adjournment: At 1:35 p.m. Dr. Macmillan moved to adjourn the meeting.