

**MINUTES**  
**Tompkins County Board of Health**  
**September 11, 2012**  
**12:00 Noon**  
**Rice Conference Room**

**Present:** Will Burbank; Amy DiFabio, MD; Brooke Greenhouse; James Macmillan, MD, President; Michael McLaughlin, Jr.; and Patricia Meinhardt, MD

**Staff:** Sylvia Allinger, Director of CSCN; Sigrid Connors, Director of Patient Services; Brenda Grinnell Crosby, Public Health Administrator; Steve Flash, Deputy County Attorney; Steven Kern, Sr. Public Health Sanitarian; Frank Kruppa, Public Health Director; and Shelley Comisi, Keyboard Specialist

**Excused:** Patrick McKee; Janet Morgan, PhD; Liz Cameron, Director of Environmental Health; William Klepack, MD, Medical Director; and Jonathan Wood, County Attorney

**Guests:** Carol Chase, Sr. Public Health Sanitarian; Brenda Coyle, Sr. Account Clerk; Stephen Maybee, Public Health Engineer; and Adriel Shea, Public Health Sanitarian

**Privilege of the Floor:** Frank Yapple, Landowner; Len Pogorzala, Landowner; William Crispell, Landowner; Kirby Allen, Owner/Operator, Subway Sandwiches & Salads; and Stephanie Hill, Manager, Subway Sandwiches & Salads

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:03 p.m.

**Privilege of the Floor:**

Frank Yapple, property owner in the Town of Caroline, addressed Board members about the problem created when two manure piles were deposited within 100 feet of his well by his neighbor, Mr. Crispell. He stated nothing has been done to resolve the problem since April, and he would like to see something happen.

Len Pogorzala, property owner in the Town of Caroline, also spoke on the resolution regarding the manure piles. He thanked the Health Department staff for their help, noting staff had visited the site several times. After 6 months and 1 week, he was concerned the situation would go on longer, and worried about how the recommendations would be enforced. He

suggested something needs to change at the Department so these issues can be handled in a timely manner. He would like to move forward and “get this taken care of.”

William Crispell, farmer and property owner in the Town of Caroline, thanked the Board for addressing the situation. He noted his family has been on the farm for 150 years. He lives in an agricultural district and owns a chicken manure organic fertilizer business. After stating this was an unfortunate situation, Mr. Crispell explained that he had asked for permission from his neighbor to haul a load of chicken manure to a place on the hill not realizing it was close to Mr. Yaple’s residence or his well. Trying not to cause problems, Mr. Crispell said he built a small lagoon for the manure so it would stay in place and out of sight of any road. His neighbors immediately notified the Town and the County. He later received notice from the Building Commissioner in the Town of Caroline that he was in “deep trouble” for transporting illegal material from out of state, but Mr. Crispell said the material came from a place within New York State.

Kirby Allen, owner/operator of Subway Sandwiches & Salads in Trumansburg, spoke to Board members about the issue of food safety temperatures in his restaurant. Trying to correct the problem, he made over \$2,000 worth of repairs to equipment after his first appearance before the Board in June. The equipment broke down again which resulted in the second violation. In response to the situation, staff currently checks food temperatures 4 times a day. He is also ordering new equipment for the store to take care of the problem.

Stephanie Hill, manager of Subway Sandwiches & Salads, arrived at the meeting with Subway’s temperature logs. She explained the changes that have been made to keep the food at proper temperature. A technician advised pre-chilling the line, so staff covers the line at night, pre-chills the line 45 minutes before placing the food in the bins, and checks food temperatures 4 times a day using a new thermometer similar to the one used by the Health Inspector.

Questions from the Board directed to Mr. Allen:

- Mr. Greenhouse asked whether the increased monitoring helps staff identify equipment problems. Mr. Allen replied it was helping them stay on top of the issue.
- Mr. McLaughlin asked if temperature logs were maintained from April through July. Mr. Allen responded food temperatures were checked, but high school students on staff may not have been doing it properly.

Questions from the Board directed to Mr. Crispell:

- Mr. Greenhouse explained the Board is concerned about the health impacts based on the distances of the manure piles to the well. He asked Mr. Crispell if he has the ability to move those manure piles. Mr. Crispell responded he is in the process of buying a loader and has prepared another area on that hill away from the residence and the well of his neighbor.

**Approval of August 14, 2012 Minutes:** Mr. Greenhouse moved to accept the minutes of the August 14, 2012 meeting as written, seconded by Mr. McLaughlin, and carried unanimously.

**Financial Summary:** Ms. Grinnell Crosby stated there is no financial summary report available because the staff member who does the data entry and billing has been out of the office due to a family medical emergency. There is nothing significant to report. The 2<sup>nd</sup> Quarter State Aid claim was filed; grant revenue was lower so there was an increase in State Aid.

**Resolution #12.10.20 – Subway Sandwiches & Salads/Lois Allen, T-Ulysses, Violation of Subpart 14-1 of the New York State Sanitary Code (Food Service):** Mr. Greenhouse moved to accept the resolution as written, seconded by Dr. DiFabio, and carried unanimously.

**Resolution #12.9.21 – Manos Diner/Bill Manos, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food Service):** Mr. Greenhouse moved to accept the resolution as written, seconded by Dr. DiFabio, and carried unanimously.

**Resolution #12.10.16 – Travelers Kitchen/Eric Bean, T-Newfield, Violation of Subpart 14-2 of the New York State Sanitary Code (Temporary Food Service):** Mr. Greenhouse moved to accept the resolution as written, seconded by Dr. DiFabio, and carried unanimously.

**Resolution #12.23.10 – William Crispell, T-Caroline, Violation of Article XI of the Tompkins County Sanitary Code (Animal Waste):** Mr. Greenhouse moved to accept the resolution as written, seconded by Mr. McLaughlin, and carried unanimously.

Dr. Meinhardt asked Mr. Crispell if he would be able to commit to moving the lagoon within 30 days. He stated he is trying to obtain financial assistance to buy a loader to move the lagoon. He also reported the \$500 penalty would be too difficult for him to pay. Upon his request, a written copy of the resolution was provided to him.

**Resolution: Support for the Center for Environmental Health Proposal for a Health Impact Demonstration Project Addressing Natural Gas Drilling Using High-Volume Hydraulic Fracturing – Health Department:** Mr. Kruppa distributed copies of the Resolution and requested it be added to New Business. He reported the Department was approached about being part of a grant application for a health impact assessment for Tompkins County related to high-volume hydraulic fracturing (HVHF). A group called Riverkeeper approached the Department about being a part of their application; however, they have a specific interest in the fracking issue. It is important for the Department to remain neutral on the issue so the Center for Environmental Health (CEH), a non-profit organization from California with offices in New York City, was asked to be the lead applicant. As with most grants, the timeline is short with a September 26<sup>th</sup> deadline; therefore, the Department is asking for a resolution of support for that application. The purpose of the Health Impact Assessment (HIA) is to help direct decision making regarding the evaluation and approval of programming and the budget here at the Department. Mr. Kruppa added he will be taking a broader version to Health and Human

Services (HHS) later in the afternoon. The HIA would also impact the Legislature's decision making.

Highlights from a lengthy discussion regarding the Resolution:

- Dr. Meinhardt noted this is her area of expertise, however, she is not familiar with CEH so requested information regarding the organization.
- Mr. Kruppa answered CEH is a non-profit organization working to protect humans from toxic exposure from the environment. He explained CEH is expecting the Department to offer support by providing access to data points and other information locally and from the NYSDOH.
- Dr. DiFabio wondered how the numbers released to them would be manipulated to become data points.
- Mr. Kruppa explained the grant is from two reputable groups, the Pew Charitable Trusts and the Robert Wood Johnson Foundation.
- Mr. McLaughlin was concerned about maintaining the Board's neutrality.
- Mr. Kruppa stated the grant application requires neutrality on the issue and CEH is aware of the Department's neutrality stance.
- Dr. DiFabio observed when data is aggregated it becomes statistically significant. A reason to embark on these kinds of projects is to have an outcome measure to create some change in policy or system based change. She expressed concern about being linked to it.
- Mr. Kruppa stated the opportunity has arisen to show that a HIA has value.
- Dr. Meinhardt recommended not committing to the grant proposal. She would like to research the group and look at the grant proposal. There may be an opportunity to work with other groups like Guthrie in Pennsylvania.
- Dr. DiFabio offered to speak to Dr. Matthew Estill at Guthrie to obtain more information about the plans at Guthrie and Geisinger Medical in Pennsylvania.
- Mr. Burbank favored appointing a committee to gather information and consider the questions.
- Dr. Macmillan asked Dr. Meinhardt and Dr. DiFabio to participate with him on the committee.
- Mr. Burbank suggested the resolution should be a discussion item at HHS together with an explanation that the Board is setting up a task group to come up with a recommendation. HHS could have a special quick vote before the Legislature meeting on September 18<sup>th</sup>.
- Mr. Flash advised the Board they would need a face-to-face meeting in order to deliberate before making a decision.

- Dr. Macmillan proposed waiting for the subcommittee to make its recommendations and then hold an emergency meeting if necessary.
- Mr. Kruppa wondered about the level of effort required over the next week. It is doubtful he will be able to provide answers to the Board before the Legislature's September 18<sup>th</sup> meeting date.
- Dr. Meinhardt stated it will be necessary to put in a lot of work and time to provide CEH with the information required for the grant proposal.
- Mr. Kruppa replied it will be a challenge, but the effort will be made to find the answers to the Board's questions.
- Mr. Burbank said if HHS decides it is too late, then the Board will be informed of that decision.

**Administration Report:** Mr. Kruppa reported:

- The "bath salts" resolution which was passed by the Board made it through HHS, but stalled in the Legislature and was referred back to Committee. After researching and responding to their particular concerns, Mr. Kruppa does not recommend changing the language. The resolution will go back to HHS, as it was written, so he did not bring it back to the Board.
- A Strategic Planning meeting was held for all staff members so Binghamton University facilitators could explain the process to them. There will be an opportunity for the Board to be part of a focus group with face-to-face contact with a facilitator to solicit input about goals and objectives for the organization. He would like to schedule the group to meet before the BOH meeting on Tuesday, October 9<sup>th</sup>, from 11 a.m. to 12 p.m. in the Rice Room. The Board will receive one of two surveys: a community survey or a staff survey.

**Medical Director's Report:** Dr. Klepack was absent from the meeting.

**Division for Community Health Report:** Ms. Connors had no further additions to her written report.

**Children with Special Care Needs Report:** Ms. Allinger reported there are many pending changes in the Early Intervention Program on the state level, but no clear direction at this point. A major Request For Proposals (RFP), which was supposed to be written and out so the State could put together a fiscal agent for all billing, has not been completed at this time. By NYS legislative law, the fiscal agent should be in place by January 1<sup>st</sup>, but it is doubtful that will take place. She will be attending NYSAC this week so she hopes to have more information at the next Board meeting.

**County Attorney's Report:** Mr. Flash, representing the County Attorney, had nothing to report at the meeting.

**Environmental Health Report:** Mr. Kern reported Ms. Cameron is attending an invasive species symposium on monocious hydrilla. The purpose of the symposium is to gather people together to review the existing science to help determine areas to investigate in the future.

Questions/discussion among the Board Members:

- Mr. McLaughlin referred to earlier speeches by Mr. Yaple and Mr. Pogorzala expressing concern about the length of time it took for the enforcement process. He wondered if there is an ability to solve things faster.
- Mr. Kern reported in this case, there was no imminent health hazard; it was a violation of the Code. Staff tried to work with Mr. Crispell to remove the manure, but it did not happen. There was no microbiological contamination found in the well sample. If there had been contamination of the well related to the accumulation of manure, the process would have been faster.
- Mr. Kruppa said authority to act in cases of imminent public health risk exists through the County Attorney's office. The full force of both County Law and State Sanitary Codes would be put into effect and acted upon quickly. It comes down to the severity of the incident. In this case, it was an annoyance; a code violation. Without an imminent health risk, due process takes time.

**Additional discussion on the Resolution supporting the Center for Environmental Health (CEH) HIA:** After quickly reviewing additional information obtained by Ms. Grinnell Crosby from the CEH website, Dr. Meinhardt reported the group appears to be more a social science rather than epidemiology and medicine based organization, but has worked on issues of lead and toxic inhalants. It is a social and environmental justice group which is important in our society; however, none of their board members appear to be scientists or public health specialists.

Mr. Kruppa stated CEH's draft proposal should arrive in the next couple of days for review.

Dr. DiFabio will look into the specifics of the research project between Geisinger and Guthrie.

Since time is critical, Mr. Greenhouse suggested an emergency meeting be called if there needs to be further discussion regarding the resolution.

**Adjournment:** At 1:26 p.m. Mr. Greenhouse moved to adjourn the meeting, seconded by Mr. McLaughlin, and carried unanimously.