

**Board of Health
November 13, 2012
12:00 Noon
Rice Conference Room**

Present: Will Burbank; Amy DiFabio, MD; Brooke Greenhouse; James Macmillan, MD, President; Patrick McKee; Michael McLaughlin, Jr.; Patricia Meinhardt, MD; and Janet Morgan, PhD

Staff: Liz Cameron, Director of Environmental Health; Sigrid Connors, Director of Patient Services; Brenda Grinnell Crosby, Public Health Administrator; Steve Flash, Deputy County Attorney; William Klepack, MD, Medical Director; Frank Kruppa, Public Health Director; and Shelley Comisi, Keyboard Specialist

Excused: Sylvia Allinger, Director of CSCN; and Jonathan Wood, County Attorney

Guests: Tonya Bittner, Ithaca Waldorf School; Pete Blanchard, WHCU; Andy Deubler, Geisinger Health System; Mary Ann Dougherty, Guthrie Health; Laura Fitzgerald, Guthrie Foundation; Carol Chase, Sr. Public Health Sanitarian; and Steven Kern, Sr. Public Health Sanitarian

Privilege of the Floor: Tonya Bittner, Ithaca Waldorf School

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:02 p.m.

Privilege of the Floor: Tonya Bittner, representing Ithaca Waldorf School, identified herself as an employee, parent and volunteer at the school. After completing a six month training period, she will also be the school's water system operator. Although the Ithaca Waldorf School opened without a completed and certified water treatment system and operator in charge, she emphasized the school's leaders did not put the children at risk. Under the supervision of officials in the Town of Danby, bottled water was provided and all water taps were clearly marked with *Do Not Drink The Water* signs. Later they learned these actions were not in compliance with state and federal regulations. When the Trustees became aware of the violations, they moved immediately to correct the situation. On behalf of the school, Ms. Bittner apologized for the mistakes. Since the school budget is tight, she requested the Board consider reducing or waiving the fine as the fine would take away from their ability to offer financial assistance to families and other valuable programs.

In response to questions from Board Members, Ms. Bittner explained they were not aware opening the school was illegal. The Trustees were aware of guidelines on how the system was to be built and approved, but the water system was not quite finished and the school had set

an opening date. The contractor had installed the equipment, but he was holding off signing a certificate until some additional items were installed.

When asked about the age range of the children, Ms. Bittner replied the school houses grades 1 through 6; the youngest children are 6 and 7 years old. Dr. Meinhardt expressed the Board's concern that this is a susceptible population for waterborne diseases. Ms. Bittner responded staff was fully informed of the situation and the children were told not to use water from the tap. As a further measure, drinking fountains were not turned on.

Approval of October 9, 2012 Minutes: Mr. Greenhouse moved to approve the minutes of the October 9, 2012 meeting as written; seconded by Dr. Meinhardt.

Mr. Greenhouse requested a correction on page 3, bullet 7. He suggested the last sentence should read as follows: "...the shelf life of water *samples* is not long."

The minutes, as amended, carried unanimously.

Financial Summary: Ms. Grinnell Crosby distributed the Financial Summary for October, 2012, noting it is about 83.3% of the year. She reported: (1) 4th Quarter State Aid for 2011 was paid in April of this year, (2) the State Aid Application for 2012 required some minor corrections, and (3) staff is currently working on the 3rd Quarter State Aid claim; therefore, it is not reflected in this report.

Ms. Grinnell Crosby stated the Preschool Special Education and Early Intervention (EI) payments are behind with EI tied to issues with the NYEIS program. Large claims are being filed for year-end grant expenditures in WIC and in the Healthy Neighborhoods Program. Those claims should be posted next month which will boost revenues. There has also been a delay in the rabies contract which was effective April, 2012. Although rabies claims cannot be filed due to the delayed contract, there will be an opportunity to file claims back to the start of the contract period. She added there are some low revenue streams, e.g. Vital Records. Staff will continue to monitor all accounts.

Presentation on Marcellus Shale Research: Laura Fitzgerald and Mary Ann Dougherty from Guthrie Foundation and Andy Deubler from Geisinger Health System were introduced to discuss a proposed research project to study the health impacts of natural gas drilling in the Marcellus Shale region. A copy of the proposed study, *The Marcellus Shale Initiative*, was provided to Board members. Main points about the study:

- An objective investigation of health impacts; not taking sides on hydraulic fracturing
- Looking at three specific areas: health, environmental, and community outcomes
- A longitudinal study with a range of 20 years broken into 5 year increments
- Collaborative effort among Geisinger, Guthrie, and Susquehanna Health Systems
- An accumulation of health data through the 3 health systems and the Pennsylvania Department of Health
- Creating a shared community data warehouse; data will become available to researchers
- Utilizing electronic health records of patients; patient consent is voluntary, patients may opt-out
- Open to partnering with groups in New York; the Pennsylvania Department of Health has reached out to Commissioner Shah at the New York State Department of Health

Resolution #12.10.22 – Fredy Juarez/Acapulco Mexican Grill, T-Ulysses, Violation of Subpart 14-2 of the New York State Sanitary Code (Temporary Food Service):

Resolution #12.9.27 – Ramsey Brous/Ithaca Bakery, V-Lansing, Violation of Part 14-1 of the New York State Sanitary Code (Food Service):

Resolution #12.33.23 – Pushpa Gami/Collegetown Mini Mart, C-Ithaca, Violation of Article 13-F of the New York State Public Health Law (ATUPA):

Resolution #12.19.24 – Adam Baldanza/Mecklenburg Road, T-Enfield, Violation of Article VI of the Tompkins County Sanitary Code (Sewage):

Resolution #12.17.29 – George Dagaraca/Hanshaw Village Mobile Home Park, T-Dryden, Violation of Subpart 5-1 of the New York State Sanitary Code (Water):

Resolution #12.15.26 – Richard Holgate/Pinecreek Campground, T-Newfield, Violation of Subpart 6-1 of the New York State Sanitary Code (Swimming Pools):

Mr. Greenhouse moved the above-named enforcement actions be considered as a group; Dr. Morgan seconded the motion.

Ms. Cameron noted Mr. Holgate from Pinecreek Campground submitted a letter because he was unable to attend the meeting. In the letter, he acknowledged the violation regarding insufficient chlorine in the swimming pool, but was “shocked at the severity of the fine.” He wrote to request a reduction in the amount of the penalty.

A lengthy discussion ensued regarding penalties and the process by which a facility owner is notified of the amount of the fine when there is a violation. The Department views the process as an educational one whereby staff works with the owner to correct the problems. The owner is advised of the right to speak to the Board regarding the violation and fine.

Dr. Morgan called for a vote on the six above-named resolutions, as written. The vote was unanimous.

Resolution #12.1.28 – Mary Lauppe/Ithaca Waldorf School, T-Danby, Violation of Subparts 5-1 and 5-4 of the New York State Sanitary Code (Water):

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

Mr. Burbank moved to cut the fine in half based on Ms. Bittner’s explanation of the situation.

Mr. Greenhouse felt EH staff had been proactive in sharing information with the school about the requirements for operating a water system. He added the fine could have been higher if the school was fined for each day it was in violation.

Several Board Members expressed concern about the vulnerability of the young children at the school.

Mr. McLaughlin questioned the role of the Danby Code Enforcement Officer in providing guidance about posting signs. EH staff reported they spoke to the officer regarding the situation.

Due to lack of a second on the proposed motion to cut the fine in half, that motion failed.

The vote on the original motion to accept the resolution as written: Ayes – 7; Nays – 1 (Mr. Burbank); Carried.

Requested Change to Environmental Health Division Fees 2013: Ms. Cameron proposed changes to the 2013 Environmental Health fees in two areas: (1) swimming pools; and (2) campgrounds, mobile home parks, and temporary residences. Upon a historical review, she realized swimming pool fees had increased more than other categories. The proposed changes would keep total revenue approximately the same.

Dr. Meinhardt moved to approve the revised *Environmental Health Division Fees for 2013*, as modified; seconded by Mr. McLaughlin, and carried unanimously.

Administration Report: Mr. Kruppa stated:

- At the end of the year, the membership terms of Dr. Macmillan and Dr. Meinhardt will expire. Both of them are submitting their applications as they are interested in continuing to serve on the Board. A Nominating Committee is needed to review applications. At the next meeting, the Committee will make its recommendation for the two vacancies and will also nominate officers. Mr. Greenhouse and Mr. McLaughlin volunteered.
- Next month he will report on the successful Flu POD (Point of Dispensing) exercise that was held at the end of October.

Ms. Crosby announced to members the Department will be providing a holiday lunch at the December meeting in appreciation for their volunteer service on the Board.

Medical Director's Report: Dr. Klepack had to leave the meeting before his report so Dr. Meinhardt spoke in his absence. She noted that Dr. Klepack had contacted Professor Laura Lautz at Syracuse University to discuss Project SWIFT (Shale-Water Interaction Forensic Tools). The project is looking at the environmental health side of the hydrofracking issue concerning water quality with a commitment to creating an unbiased water quality database. Syracuse University is funding the program which has specified the study area; Tompkins County is not a part of the study. Dr. Meinhardt asked the researchers about the possibility of a fee-for-service water sampling option so residents outside the study area could be a part of the public database. They were interested in hearing from this group and will consider the suggestion. It would be beneficial to be a part of this database that has scientific credibility. It may also offer an affordable opportunity for County residents to gather water samples.

Division for Community Health Report: Ms. Connors was pleased to report the NYSDOH has approved the Department's license to operate a home care service agency. When the actual Licensed Home Care Services Agency (LHCSA) certificate arrives, the Certified Home Health Agency (CHHA) certificate will be surrendered.

Discussion regarding the program allowing WIC participants to use their coupons to purchase food at the Farmers Market:

Dr. Morgan referred to her question during the October BOH meeting when she asked about the utilization of WIC coupons at the Farmers Market. Andrea Smith kindly sent her the information showing the redemption rate throughout the County is between 42% (Newfield, Salvation Army sites) to a high of 71% (Jacksonville site).

Mr. Kruppa added that it is important to recognize that a number of people are participating which is positive for the program.

Dr. Morgan commented the numbers are lower than the State WIC average. She observed the coupons are in the amount of \$24 which has to be weighed against how much it costs to travel to the market and how much can be purchased.

Ms. Connors noted the State's numbers are higher because the markets are more accessible in urban areas.

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

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

Environmental Health Report: Ms. Cameron had nothing to add to her written report.

Adjournment: At 1:50 p.m. Dr. Macmillan moved to adjourn the meeting, seconded by Dr. Morgan, and carried unanimously.