

**Tompkins County Board of Health**

**August 26, 2014**

**12:00 Noon**

**Rice Conference Room**

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

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

**Excused:** Will Burbank and Sylvia Allinger, Director of CSCN

**Guests:** Karen Bishop, Community Health Nurse Supervisor; Steven Kern, Sr. Public Health Sanitarian; Arthur Loran, General Manager, Ramada and Trip Hotels; Skip Parr, Sr. Public Health Sanitarian; Cindy Schulte, Public Health Sanitarian; and Heather VanHousen, Representative for Homeowner Michael McEver

**Privilege of the Floor:** Heather VanHousen

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

**Privilege of the Floor:** Heather VanHousen appeared on behalf of Michael McEver, owner of the property at 22 Station Road in the Town of Danby. As a member of the household, she has been working to find a contractor to replace their sewage system; however, the estimates have been high. Yesterday, she finally had a breakthrough with Lee's Construction who is interested in helping them get the work done and willing to work with them on payments. The area has not been fenced because she did not see the sewage and did not understand how dangerous and unhealthy the soil could be. She realizes that is probably upsetting to some people, but she thought she was doing the right thing, especially with their tight financial situation. When they receive a paycheck this week, she is going to obtain the fencing.

In response to questions from Board members, Ms. VanHousen said: (1) the sewage system would probably be replaced soon after the September 8, 2014 date because they have a contractor, (2) lime will be applied to the area in addition to the fencing, and (3) the septic tank has not been pumped since she started living there almost a year ago.

Arthur Loran, General Manager of Ramada and Trip Hotels, was present to answer questions about the situation with the swimming pool at the Trip Hotel. There were no questions from Board members.

**Approval of July 22, 2014 Minutes:** Dr. Morgan moved to approve the minutes of the July 22, 2014 meeting as written; seconded by Mr. Greenhouse; and carried unanimously.

**Financial Summary:** Ms. Grinnell Crosby referred to the July financial report. Revenues in red continue in the following programs:

- Early Intervention (EI) – There will be little change for the remainder of the year due to the shift from the County to the State serving as the fiscal agent.
- Division for Community Health (DCH) – An agreement was signed with Visiting Nurse Service of Ithaca and Tompkins County (VNS) to bill for Medicaid Obstetrical and Maternal Services (MOMS) home visits. Flu clinics will also increase revenues later in the year.
- Women, Infants and Children (WIC) – Revenues were affected when the fringe rate changed. In addition, the WIC Program Director is moving forward with several performance improvement projects and a renovation project to the workspace area that will begin in late September or early October. Their fiscal year begins October 1st.

In response to Dr. Morgan's question about the first page of the Dashboard Display, Ms. Grinnell Crosby explained the three programs without revenue boxes receive 100 percent of their funding from the County; there are no other sources of revenue.

**Administration Report:** Mr. Kruppa's written report (Attachment 1) was distributed prior to the meeting. He provided information on three separate topics:

(1) There has been an increase in the number of syphilis cases in the community. Many of the cases are using anonymous apps on smartphones to connect with other people for sexual encounters. For over a month, Tompkins County Health Department (TCHD) staff members, Sigrid Connors and Karen Bishop, have been working with the Peace of Mind Community Partnership to stem the tide. Originally formed in 2008 when there was a similar uptick in syphilis cases, the group is putting together a significant outreach effort to inform the community about testing opportunities and to encourage awareness regarding sexual partners and risk factors. TCHD will be issuing a press release. The central informational source is a website: <http://www.tc-std.org>. Additional outreach activities include printing/posting materials on campuses and in the community; publicizing information through radio, newspaper, and bus ads; and connecting with organized groups on campus and in the community. The strategy is to reach out to the broad community as well as the targeted populations where there is an increase.

Highlights from discussion among Board members:

- Most cases are men having sex with men; ages range from 22 to 55 years.

- The increased syphilis incidence is not isolated to Tompkins County, but TCHD is only able to report our county and regional data supplied by the New York State Department of Health (NYSDOH).
- Press releases are through the free media outlets.
- To reach the younger population who may not be listening to the radio, internal strategies include using the Quick Response Code (QR code) on informational sources. A QR code is the little square box consisting of black and white graphics that is scanned with a smartphone to connect to a website. Posters, bathroom stall hangars, and bookmarks with information about syphilis and/or STD testing have a QR code that directly links individuals to a website with testing locations.
- There is an effort to talk to LGBT groups to ascertain how to reach out to people in the most effective and appropriate manner. No one group or population is being stigmatized; the general message is everyone should get tested.
- Craig's List is one method people use to make connections; however, the anonymous apps are more prevalent. NYSDOH can run ads and contact people through Craig's List, but are unable to communicate messages through the anonymous apps. The State has been granted authority to create profiles in the apps and search for screen names.
- Those cases involving encounters through anonymous apps present a challenge for contact investigation. If someone identified with a disease has screen names of people encountered, then the State can search an area and communicate with those individuals to advise them to get tested.
- At this point, there are no cases in the high school population. There was some discussion regarding the possibility of putting a fact sheet together and/or sharing the latest information on this topic with school districts. Mr. Kruppa stated TCHD will investigate the possibility.

(2) Mr. Kruppa continued his report with an update on the electronic cigarette resolution. The Health and Human Services Committee moved forward the Board of Health's request to amend the County smoking law to include electronic nicotine delivery systems (ENDS). Before the Legislature's September 2, 2014 meeting, there will be a public hearing at 5:30 p.m. related to updating the local law. The Legislature could take action subsequent to the public hearing and it would become law. There was a brief discussion about the protocol for Board members writing op-ed pieces. From a procedural standpoint, Mr. Kruppa stated the Board is on the record. However, anyone wanting to write a letter in response or in support of the effort is appropriate, but it would be important to make clear it is a personal opinion.

(3) Mr. Kruppa announced Dr. Morgan's term on the Board expires at the end of the year. He will contact her regarding her interest in continuing to serve as a member.

When Mr. McLaughlin asked about the outcome of the discussion concerning the wood smoke issue mentioned in his report, Mr. Kruppa responded the City of Ithaca is working on a solution but there is no simple solution.

**Medical Director's Report:** Dr. Klepack reported:

- Chikungunya virus – A traveler from the Caribbean became ill with the virus and returned home. Although acquired elsewhere, the case was diagnosed in this area.

- Ebola virus – TCHD has been collaborating with area partners in terms of preparedness.

**Division for Community Health Report:** Ms. Connors had nothing to add to her written report.

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

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

**Environmental Health Report:** Ms. Cameron distributed copies of the *Environmental Health 2013 Annual Report* (Attachment 2). An electronic copy will be emailed to Board members.

**Order of Agenda Items:** Due to the presence of two guests and TCHD staff members, both Ms. Cameron and Ms. Connors requested moving up the associated action items on the Agenda. The Board agreed to the changes.

**Resolution #14.20.14 – Michael McEver, 22 Station Road, T-Danby, Violation of Article VI of the Tompkins County Sanitary Code (Sewage):** Mr. Greenhouse moved to accept the resolution as written; seconded by Dr. Morgan.

Cindy Schulte, Environmental Health (EH) staff member, recently visited the site on a compliance check. Although there has been continuous sewage discharge, she reported the area has not been fenced nor covered by an application of lime. The replacement system design is limited by the small lot size, a public water line right-of-way in front of the lot, and a shallow impermeable layer (3 feet down).

Mr. Greenhouse and Dr. Macmillan expressed their concerns about the continuing discharge of sewage. They emphasized the necessity for fencing the area, applying lime and pumping the system. Mr. McLaughlin suggested adding a date to the resolution for pumping the septic tank immediately.

Mr. McLaughlin doubted the system would be replaced by September 8th. He recommended changing that date to allow more time for the homeowners to comply. They have found a contractor who will fix the problem and will work with them on the financing. There was discussion regarding changing the date as Mr. Greenhouse was uncomfortable extending time when this has been an ongoing problem since January. At today's meeting, Ms. Cameron felt Ms. VanHousen presented new information so adding 15 to 30 days to replace the system was acceptable.

To address the health risks, Mr. Greenhouse suggested additional language be inserted to Resolved #1 and #2: "Immediately **within seven days of this Order which is by September 2nd** and until the sewage system is replaced..." to specify the timing for fencing, applying lime and pumping the septic tank. He also recommended changing the date for replacing the system in Resolved #3 to **October 3, 2014**.

The vote on the resolution, as amended, carried unanimously.

**Resolution #14.14.18 – Trip Hotel, V-Lansing, Violations of Subpart 6-1 of the New York State Sanitary Code (Swimming Pool):** During an inspection of the Trip Hotel swimming pool, Ms. Cameron reported EH staff discovered an electrical violation and an emergency phone that was not functioning properly. The pool was placarded until those issues were corrected. The resolution includes a penalty along with requirements for the hotel to revise its Swimming Pool Safety Plan and provide proof of appropriate staff training.

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

Mr. Loran, General Manager for the hotel, explained there was some confusion about the electrical wires. Radiant heaters are located above the pool decks but the radiant heater observed during the inspection was turned off. Also, the exposed wires were behind the heater so no one could reach them without a ladder. Once management was aware of the issues, remedial action was taken. The problems were corrected, the safety plan was revised and staff training is in progress. In response to a request from hotel management, Mr. Parr confirmed he had agreed to provide educational training to their staff.

The vote on the resolution, as written, carried unanimously.

**Approval for revisions to *Bloodborne Pathogen (BBP) Post-Exposure Policy*:** Mr. Greenhouse moved to approve the revisions to the policy as written; seconded by Dr. Macmillan.

Ms. Connors explained this policy was approved at the May BOH meeting with a request for some clarification regarding the one to two hour time period to respond for HIV prophylaxis. Also, a recommendation was made to add a section instructing the employee's supervisor to immediately send a fax notice to the hospital for medical evaluation of a work-related BBP exposure.

Ms. Connors answered questions from Board members:

- TCHD staff will follow-up with appropriate staff members at the hospital to see how the plan works in reality.
- For those incidents occurring at unusual hours, the answering service for TCHD will receive the calls and contact Ms. Connors or her back-up, Ms. Bishop.
- To stay informed regarding the policy, all TCHD employees in any at-risk position are required to have BBP annual training. In addition, the hospital recently conducted a major review of their BBP post-exposure policy.

The vote to approve the revisions to *Bloodborne Pathogen (BBP) Post-Exposure Policy*, as written, was unanimous.

Between policy discussions, Ms. Connors formally introduced Karen Bishop as the Community Health Nurse Supervisor who oversees the Community Health Services program. She was invited to the meeting because her program works with these policies.

**Approval for revisions to *Tuberculin Skin Testing Policy*:** Ms. Connors stated this policy was also on the May BOH agenda. Additional information has been included regarding who should be tested; the contraindications; an explanation of the warning; and a new section covering special considerations for alternative testing.

Dr. Koppel moved to approve the revisions to the policy as written; seconded by Dr. Macmillan.

For clarity, Ms. Connors recommended an edit on page 1, section D, number 2: “Tubersol should not be given to persons who have received BCG **vaccination**.”

Dr. Morgan suggested an edit on page 1, section A, number 3: “Those at high risk for progression to TB disease if infected (**example** HIV or diabetes).”

The vote to approve the revisions to *Tuberculin Skin Testing Policy* as written was unanimous.

**Report on Board of Health Nominating Committee Activities:** After interviewing three qualified candidates, Dr. Morgan reported the Nominating Committee recommends Susan Merkel to fill the at-large position on the BOH. Ms. Merkel teaches microbiology, including a course on Public Health Microbiology, at Cornell University. In her interview and written statement, Ms. Merkel noted she would contribute to BOH discussions and also take those real-life situations back to her teaching. Dr. Morgan commented that is an interesting perspective because it passes along to another group of students an exposure to real-life public health practice.

Dr. Macmillan added all of the candidates brought interesting perspectives and could have been useful members of the Board. Ms. Merkel’s skills included being a lucid writer, a good thinker on her feet and a volunteer for a variety of community service organizations.

Dr. Morgan moved to recommend Susan Merkel to fill the at-large member position to the BOH; seconded by Dr. Macmillan; and carried unanimously.

**Physician Vacancy:** Mr. Kruppa briefly described the process for filling the vacancy. The position has been advertised. Once he receives the list of applicants from the Legislature Office, the candidates will be invited to the September meeting. A new Nominating Committee will be formed that will utilize the improved interview process to bring a name forward to the October BOH meeting. Recommendations for physicians from Dr. Klepack and others are welcome.

**Resolution #12.1.25 – Village of Dryden Public Water System, V-Dryden, Revised Resolution to Extend Deadlines (Water):** Mr. Greenhouse moved to accept the resolution as written; seconded by Mr. McLaughlin.

Ms. Cameron reported the Village of Dryden has been following the requirements in the Time Table of Compliance but needs additional time to prepare the engineering report that was due July 31, 2014. The Village has been cooperative while exploring options; it is a major expense for the municipality. Their request to extend the deadlines is reasonable.

Mr. Greenhouse asked about the risk level to residents. Ms. Cameron replied all water quality standards are based on long-term exposure. It is a risk based on a lifetime of exposure so no one is anticipating immediate public health consequences. Residents with concerns could install treatment systems or drink bottled water in the interim. Ms. Cameron pointed out the Village is required to send quarterly notifications to residents for violations of water quality standards. The notices contain water quality results along with mandatory health effects language. She believes the population is kept informed. Also, Mr. Kern mentioned there was news coverage of the situation in *The Ithaca Journal*.

Dr. Koppel inquired about the specific arsenic levels detected in the water. Ms. Cameron explained the maximum contaminant level (MCL) is 10 parts per billion (ppb). The arsenic concentration is based on a running annual average of the results from each quarter. The Village's average ranges from 13.5 to 16. Years ago the MCL was 50 ppb, so the Village is in the situation of complying with a new stricter regulation.

Ms. Cameron requested a date change near the bottom of the first page of the Time Table of Compliance. The Village of Dryden will "submit certification that construction has commenced" to be completed by "5/15/2017."

The vote on the resolution, as amended, carried unanimously.

**Resolution #14.18.16 – Newfield Estates Mobile Home Park, T-Newfield, Violations of Part 17 of the New York State Sanitary Code and Article VI of the Tompkins County Sanitary Code (Sewage):** Mr. Greenhouse moved to accept the resolution as written; seconded by Mr. McLaughlin.

Ms. Cameron requested a date change in Resolved #3 to read, "Submit permit applications, required engineering plans...for the repair or replacement of the sewage systems serving the 700 Section of East Ward Boulevard by **September 22, 2014**." Currently, engineering plans must be submitted by August 22, 2014; however, the engineer working on the system has to revise the plan due to unexpected soil conditions. In this situation, there have been three engineers who have looked at the system over a period of years. The current engineer relied on information from previous engineers which had become dated.

During the discussion about the dating of Orders, Mr. Kruppa related there are issues that arise requiring immediate attention and cannot wait thirty days for a Board meeting. It happens frequently that the Public Health Director issues Orders in the Stipulation Agreement before being presented to the full Board for support. Ms. Cameron noted that the Public Health Director can require action but cannot issue a fine. It is the Board's responsibility to issue the fine.

The vote on the resolution, as amended, carried unanimously.

**Resolution #14.1.11 – Bradford Apartments, T-Dryden, Violations of Subpart 5-1 of the New York State Sanitary Code (Water):** Mr. Kern pointed out there was a hearing in this matter. The Hearing Officer wrote the Addendum.

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

**Resolution #14.10.17 – Taste of Thai, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Morgan; and carried unanimously.

**Resolution #14.11.19 – Inlet Island Café, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Morgan; and carried unanimously.

**Adjournment:** At 1:42 p.m. Dr. Macmillan adjourned the meeting.