

Tompkins County Board of Health
January 27, 2015
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: Sylvia Allinger, Director of CSCN; 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: Susan Merkel, Board of Health Member

Guests: Sarah Caputi, Public Health Sanitarian; Skip Parr, Senior Public Health Sanitarian; and James F. Zimmer, Mayor, Village of Dryden

Privilege of the Floor: James F. Zimmer, DVM, PhD

Dr. Macmillan called the regular meeting of the Board of Health to order at 12:00 p.m.

Privilege of the Floor: Dr. James F. Zimmer, Mayor of the Village of Dryden, addressed the Board regarding the Village's request for additional time to evaluate options to resolve problems with its public water system. With 8.5 million dollars budgeted for the original project, a bond was passed for 9 million dollars. Realizing each resident would be indebted for a significant amount of money, he concluded there must be a more cost effective, simpler way to fix the problems. In the original engineering report, the engineers had advocated drilling a new well on Village property. Ed Bugliosi, hydrologist with the U.S. Geological Survey (USGS) who has studied the aquifers under the Village, provided useful information. As a result, the Village is looking to find a new source of water with a low content of arsenic and in a quantity that will meet the needs of the Village. Two possibilities have been identified: (1) connecting to the Bolton Point water system, or (2) developing a well site at Dryden Lake that is on property owned by New York State Department of Environmental Conservation (NYSDEC). The Village is exploring both options and is on the cusp of receiving information from those two organizations. The Board of Trustees will be convened for a special meeting to discuss and decide on the primary source of new water and to address the other issues. At this time, the Village respectfully requests a revision to the Time Table of Compliance.

In response to Mr. Greenhouse's question, Mayor Zimmer said the previously approved bond authorization can be used for the final decision, but the Village is also looking at other potential sources of funding.

Approval of December 2, 2014 Minutes: Mr. Greenhouse moved to approve the minutes of the December 2, 2014 meeting as written; seconded by Dr. Morgan. The minutes carried with Mr. Burbank abstaining.

Financial Summary: Ms. Grinnell Crosby reported there is no financial summary in the packet. It is the end of the fiscal year so staff is busy juggling claims, reimbursement issues, and reporting activities for the County and Health Department financial records. The 4th Quarter State Aid claim has not been filed so it is difficult to tell the current financial situation.

Administration Report: Mr. Kruppa explained the Ebola exercise at Gannett Health Center involved local partners focusing on responding to a potential Ebola patient. The exercise, designed by Nina Saeli, Public Health Preparedness Coordinator, went very well. Participants had an opportunity to immerse themselves in the situation as if it were a real event. He gave kudos to Ms. Saeli and her team for putting the exercise together and to the participants who made it a success.

Mr. Kruppa provided the following information when answering questions from Board members:

- Communication among the participating organizations went extremely well.
- Some of the lessons learned from the exercise: the response to an Ebola situation will take a little longer than most 911 calls and donning/doffing personal protective equipment (PPE) is extremely challenging. The information learned through this exercise will lead to improvements.
- Under the New York State Department of Health (NYSDOH) Commissioner's Orders, hospitals along with diagnostic and treatment centers are required to conduct an Ebola related response drill once a month. The Health Department will continue having table top exercises and looking at the public information piece to alleviate the public's fears.

Medical Director's Report: Dr. Klepack reported:

- There is a correction to his report pertaining to tick surveillance sites. Mr. Burbank had read the report and pointed out the location for the Calvary Cemetery site should be off *Five Mile Drive in the Town of Ithaca*.
- Governor Cuomo's decision to ban hydrofracking in New York is significant. Dr. Klepack complemented the Board on its early action in recognizing the public health issues and helping to draw the attention of the political community and agencies to those concerns.
- There continues to be widespread influenza activity; predominantly Influenza A, H3. Although the public has been concerned about the effectiveness of this year's flu vaccine, there is nothing wrong with the vaccine or its production. The vaccine is spot-on in terms of three of the viruses it is targeting and the antigens used in the vaccine. The fourth virus has drifted since development of the vaccine which explains why so many people are ill

with influenza who had received a vaccination. Later in the season AH3 will begin to wane and the other influenza A and B strains will begin to pick up, so it is recommended people continue to get vaccinated. People who fear the vaccine will give them the disease do not understand the vaccine is not an infectious substance. If a person has side effects after the vaccination, it is because the body is mounting an immune response.

- Measles has been in the news. According to the latest bulletin from the Centers for Disease Control and Prevention, it is conjectured the virus was brought to Disneyland in California by an international traveler. Being a highly communicable disease, it has spread through several western and southwestern states. The two cases in New York City are not believed to be related.

Comments/questions from Board members:

- Mr. Burbank shared a synopsis of a National Public Radio (NPR) report he heard on the measles outbreak and the anti-vaccine movement that has taken root in various parts of the country. The bottom line is that the people spreading the anti-vaccine message are more passionate than those who are willing to argue for its integrity.
- Dr. Macmillan commented people tend to dismiss the seriousness of diseases that have not been seen a lot because mass vaccination has been successful.
- With people doubting the effectiveness of flu vaccinations, Mr. McLaughlin asked about any potential ramification next year. Dr. Klepack stressed it will be important for the public health community to present an ongoing message about the benefits of vaccination.
- Dr. Koppel stated there have been a large number of flu cases at Cornell.

Division for Community Health Report: Ms. Connors stated there have been cases of influenza reported in three out of the five area nursing homes. Whenever flu is reported to the State and County health departments, the nursing home takes the following steps: groups ill persons together; restricts visitors; makes efforts to vaccinate the unvaccinated; and focuses on infection control measures. Staff is seeing a number of influenza cases; primarily type A.

Children with Special Care Needs Report: Prior to the Board meeting, Ms. Allinger distributed a packet containing a draft letter and five attachments regarding “Evaluations for Children between Birth and Five Years of Age” (Attachment 1). She noted the Board had made a motion at the December meeting to draft a letter pertaining to this issue; however, Mr. Kruppa wanted to meet with Dan Brown and Jody Scriber of Franziska Racker Centers before taking that step. This morning, the group decided on an advocacy approach. Ms. Allinger offered the draft letter presented in this packet. The letter explains the history of the issue with the educational psychologist ruling and includes the current law.

Mr. Kruppa informed the Board a letter substantially similar to this draft letter already has been sent to Assemblywoman Lifton and the three State Senators representing parts of Tompkins County. According to New York State Education Department, the problem requires a legislative solution because of state law, so the focus for advocacy is with elected officials who can effect that change. Prior to the ruling, Racker Centers was performing 95 percent of our evaluations which is no longer permissible. Consequently, the Early Intervention (EI) program

has been unable to meet the 45 day deadline required for evaluations. Ms. Allinger has been working to find alternative options for evaluations.

A discussion ensued with the following main points regarding the letter to be drafted:

- Although the drafted letter is well written, the Board should send a different letter with new points and highlights rather than repeat information previously sent to legislative officials.
- To increase the likelihood the Board's letter will be read, it should be short; perhaps two paragraphs summarizing the urgency for lifting these restrictive regulations.
- In describing the situation, the letter should point out there are not as many providers available in upstate rural communities, so eliminating a pool of providers significantly hampers our ability to deliver services to our children.
- It would be persuasive to point out the youngest children who are waiting six months for evaluations are missing out on valuable EI services during a rapid development period of their lives.
- The letter from the Board would be directed to the four elected state officials from Tompkins County, the leadership in the NYS Legislature, and the Governor's office. Organizations to be copied would include New York State Association of Counties (NYSAC), New York State Association of County Health Officials (NYSACHO), and health departments across the state.

Based on the Board's discussion and working under the authority of the motion passed at the December BOH meeting, Mr. Kruppa stated the Health Department would generate the letter.

Mr. Wood wondered if anyone has reviewed the memo citing sections of the Education Law to determine whether that interpretation is correct. He will have someone in his office look at it.

County Attorney's Report: Mr. Wood reported William Troy is the new Deputy County Attorney in his office. Staff should feel free to contact him.

Environmental Health Report: Ms. Cameron:

- Introduced Sarah Caputi, Public Health Sanitarian, who is involved in temporary residences/temporary food programs.
- Referred to a letter written by Mayor Zimmer (Attachment 2) that had been inadvertently left out of the BOH packet.
- Directed attention to the December 2014 *Environmental Health Highlights* for information about the link to access food service inspection reports on the Environmental Health website. She requested Board members check the site for a future discussion about whether to continue including inspection reports in the monthly highlights when that information is available online.

Approval of Board of Health Meeting Dates 2015: Mr. Kruppa pointed out the November and December meetings have been combined into one meeting on the list of proposed dates. Dr. Morgan moved to approve the calendar; seconded by Dr. Macmillan; and carried unanimously.

Board of Health Nominating Committee Recommendation: Dr. Macmillan reported there were two good candidates for the physician position vacancy on the Board. The Nominating Committee recommends Dr. David Evelyn for appointment to the BOH.

Mr. McLaughlin moved to recommend Dr. Evelyn for the physician member position on the BOH; seconded by Mr. Greenhouse; and carried unanimously.

Selection of 2015 Officers: The gavel was passed from Dr. Macmillan to Mr. Kruppa who opened the floor for nominations for President. Dr. Morgan moved to nominate Dr. Macmillan; seconded by Dr. Koppel. No other nominations were put forward. The vote in favor of Dr. Macmillan continuing to serve as President of the BOH carried unanimously.

The gavel was passed back to Dr. Macmillan who requested nominations for Vice President. Dr. Morgan moved to nominate Mr. McLaughlin; seconded by Dr. Koppel. No other nominations were put forward. The vote in favor of Mr. McLaughlin continuing to serve as Vice President of the BOH carried unanimously.

Resolution #12.1.25 – Village of Dryden Public Water System, V-Dryden, Revised Resolution to Extend Deadlines (Water): Mayor Zimmer spoke earlier in the meeting on behalf of the Village. Referring to the cover letter and the revised resolution, Ms. Cameron emphasized the Health Department needs to be notified 45 days in advance of any schedule changes. There is concern with more timely communication from the Village regarding the Time Table of Compliance.

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

Resolution #14.14.23 – Argos Inn, C-Ithaca, Violation of Subpart 7-1 of the New York State Sanitary Code and Violation of Board of Health Orders #13.13.32 (Temporary Residence):

Resolution #14.14.24 – Best Western University Inn, T-Ithaca, Violation of Subpart 7-1 of the New York State Sanitary Code and Violation of Board of Health Orders #11.13.24 (Temporary Residence):

Resolution #14.14.28 – Econo Lodge, V-Lansing, Violation of Subparts 7-1 and 14-1 of the New York State Sanitary Code (Food):

Mr. Greenhouse moved to accept the three aforementioned resolutions as written; seconded by Dr. Morgan.

Ms. Cameron commented the penalties for Argos Inn and Best Western are the first proposed penalties brought forward to the Board with a change in the fines. Traditionally, penalties are doubled for subsequent violations. In these two situations, the owners did not obtain their permits on time, which is an administrative violation that does not have an immediate public health impact. The proposed increase is \$250 over the previous penalty.

In these cases, Mr. Greenhouse pointed out staff was proactively reminding people to complete requirements for the permit. As she read through the case studies, Dr. Morgan added she was impressed with the number of reminders, contacts, and requests coming from the Health Department to the temporary residences.

The vote on the resolutions for Argos Inn, Best Western University Inn, and the Econo Lodge, as written, carried unanimously.

Resolution #14.11.29 – Travelers Kitchen, C-Ithaca, Violation of Subpart 14-2 of the New York State Sanitary Code (Temporary Food): Ms. Cameron stated Eric Bean is a temporary food vendor who has a permitted kitchen in Cortland and participates in local food events. At the Ithaca Apple Festival, Travelers Kitchen had food out of temperature twice. Due to a history of prior enforcement actions, the proposed fine is \$800. Other requirements include monitoring food by maintaining temperature logs and attending a Serv-Safe course. If there are additional violations of the Orders, the Health Department may not issue a subsequent permit to the vendor.

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

Resolution #14.10.31 – New Delhi Diamonds, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Greenhouse moved to accept the resolution as written; seconded by Mr. McLaughlin; and carried unanimously.

Additional Discussion: Mr. McLaughlin noticed there were several cases of chemical storage issues observed during restaurant inspections. Ms. Caputi explained those cases sometimes involve individuals not thinking certain items are considered chemicals. One example is hand lotion being placed too close to a food item. The lotion is technically a chemical that could contaminate food.

Approval for revisions to *Rabies Postexposure Prophylaxis Standing Orders*: Mr. Greenhouse moved to approve the revisions to the standing orders as written; seconded by Dr. Macmillan.

Dr. Morgan recommended two edits to Section V on page two that involve changing “never” to “**not**” when administering treatment:

- “The gluteus should **not** be used...”
- “The vaccine should **not** be administered in the gluteal area...”

As the Medical Director who reviews the standing orders, Dr. Klepack stated he was agreeable to the changes in wording.

Responding to Dr. Koppel's inquiry about the statement regarding police dogs, Ms. Cameron explained there was a change in the rabies law with new regulations concerning police dogs. Since police dogs are vaccinated and not expected to have rabies, they may not have to be confined. Mr. Kruppa added local public health officials have the authority to make the determination about confinement in the case of an animal bite.

Mr. Burbank requested clarification about the purpose of standing orders. Ms. Cameron explained Dr. Klepack's signature on these standing orders authorizes rabies postexposure treatment to be administered in accordance with the orders. Mr. Kruppa noted rabies is 100 percent fatal, so everyone receives the vaccine as determined by the protocols.

The vote to approve the revisions to *Rabies Postexposure Prophylaxis Standing Orders*, as edited, was unanimous.

Approval for revision to 2015 Environmental Health Fee Schedule – Realty Subdivision Preliminary Development Review Fee Modification: Mr. Greenhouse moved to approve the revision to the fee schedule as written; seconded by Dr. Morgan; and carried unanimously.

Adjournment: At 1:12 p.m. Dr. Macmillan adjourned the meeting.