

MINUTES

Tompkins County Board of Health

July 25, 2017

12:00 Noon

Rice Conference Room

Present: David Evelyn, MD, MPH; Brooke Greenhouse; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; Susan Merkel; and Janet Morgan, PhD

Staff: Karen Bishop, Director of Community Health; Liz Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Samantha Hillson, Director of Health Promotion Program; William Klepack, MD, Medical Director; 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: Will Burbank, Board of Health Member

Guests: Linda Fox, Owner/Operator of Shady Grove Mobile Home Park; Willard Harriger, Owner/Operator of Shady Grove Mobile Home Park; Elyssia Johnan, Preparedness Intern; Alex Obinatu, Owner/Operator of Hot Spot Grill; 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 12:01 p.m.

Privilege of the Floor – Shady Grove Mobile Home Park: Linda Fox and Willard Harriger, owners/operators of the Shady Grove Mobile Home Park, appeared before the Board. Ms. Fox explained an earlier inspection had been cancelled due to severe weather. On the day of the rescheduled inspection, both owners met with Tompkins County Health Department (TCHD) staff and then left the site. The next morning Ms. Fox received a phone call from TCHD advising her that a cover was unattached to an electrical box located on a vacant lot. The minute the problem was brought to her attention, she immediately called an electrician who secured the box. The cover had a rusty screw that must have fallen off from the rain and the wind. She called TCHD to express her concern that no one contacted them about the problem until the next day. As responsible owners, they follow regulations and inspect the park to make sure there are no issues. She is constantly around the vacant lots while mowing and maintaining the property. The problem with the unattached cover must have been a recent occurrence.

In response to a question about keeping the environment safe for anyone wandering onto empty lots, Ms. Fox emphasized they are owners who take pride in maintaining the park. They conduct their own inspections and perform the work themselves. The two of them have owned the park for seven years and have never had a violation.

Privilege of the Floor – Hot Spot Grill: Alex Obinatu, proprietor of the Hot Spot Grill, addressed the Board. After receiving a permit in May, the Ithaca Festival was his first event as a food vendor. To assist him, he hired two temporary staff persons to serve and collect money while he cooked the food. Due to the wind and rain on the first day of the festival, some of the cans under the chafing dishes were not lit when the inspectors arrived. As a result, food was observed out of temperature. In order to maintain temperature, Mr. Obinatu switched to crock pots which use electric power. The next day he placed the side dish of corn in a crock pot and instructed the temporary staff to serve from the crock pot. He was not at the venue when the inspectors arrived but was told the staff person served from the crock pot into a small container in a chafing dish. The server may have left a spoon with corn from the crock pot in the unlit chafing dish. His actions to reduce risks have been to focus on staff orientation and to eliminate the chafing dishes. Since the Ithaca Festival, he has participated in other events without any other violations.

Mr. Obinatu's responses to questions from Board members:

- Since he was not present for the second inspection, his account of the situation comes from the staff person who was serving the food. She told him the inspectors observed a spoon with some corn left in an unlit chafing dish.
- Before an event, he instructs his temporary staff on the expectations for serving food. One person serves and one person takes the money. To eliminate potential problems, he cooks and performs many of the tasks himself.

Approval of June 27, 2017 Minutes: Mr. McLaughlin moved to approve the minutes of the June 27, 2017 meeting as written; seconded by Dr. Morgan. The vote to approve the minutes, as written, carried: Ayes – 5; Abstention – 2 (Dr. Evelyn, Ms. Merkel).

Financial Summary: Ms. Grinnell Crosby:

- Referred to the June 2017 financial report in the packet. Staff is collecting and reviewing program data for the second quarter state aid claim. Any quarterly claims for grants will be filed in August.
- Distributed an updated Departmental Summary of Public Health's 2018 budget submission (Attachment 1). The County changed one of the fringe rates thereby reducing fiscal targets for departments. This summary reflects the new fiscal target. All programs and services are covered at the current levels. There are no over-target requests for additional funding.

Administration Report: Mr. Kruppa pointed out the online BOH packet agenda has clickable links to connect the user to the supporting materials in the packet.

Health Promotion Program: Ms. Hillson, Director of Health Promotion Program (HPP), announced:

- Harmonicas for Health is a program open to anyone in the community who has a chronic respiratory disease. It has been found that playing the harmonica mimics some of the exercises used in pulmonary rehabilitation clinics. The six week pilot program starts September 13th at Longview. There is some funding available to pay for transportation if that is a barrier to anyone. Ms. Hillson asked Board members to spread the word about the program. If successful, then the program can be offered at other locations around the county.
- An application for Performance Incentive Initiative funding was submitted to the New York State Department of Health (NYSDOH) at the end of June. This year's focus was chronic disease prevention. Staff is awaiting the decision regarding the monetary reward.
- The Tobacco-21 law went into effect on July 1, 2017. HPP collaborated with Environmental Health (EH) to mail information to licensed tobacco retailers. In addition, HPP staff personally visited each of the 63 tobacco retailers in the county. Ms. Hillson reported all retailers were accepting of the new signage and door stickers.

Discussion regarding the Harmonicas for Health program:

- Dr. Morgan commented the Harmonicas for Health program is fabulous and wondered about the funding for instruments. Ms. Hillson explained a free harmonica is provided to each participant. As a pilot site, Tompkins County received harmonica kits and funding from the Chronic Obstructive Pulmonary Disease (COPD) Foundation. With the funding, additional harmonicas can be acquired to ensure participants have harmonicas.

Medical Director's Report: Dr. Klepack mentioned there was positive feedback from the Community Services Board (CSB) to his presentation on Supervised Injection Facilities (SIFs). CSB members asked challenging questions.

Highlights from a lengthy discussion about SIFs:

- Dr. Macmillan commented that many addicts feel shame. He wondered how local intravenous drug users would feel about going to a facility in a small community. During her research of the subject, Ms. Merkel read some online European papers that indicated shame motivated people to go to the SIF. It was reported the individual appreciated being accepted as someone with an addiction problem rather than judged as a criminal. She does not believe it would be any different in a small town.
- Mr. McLaughlin suggested looking at the demographics of the people who have overdosed in the county to help decide if the SIF would affect that population. Although no one can predict the response, Dr. Klepack believes a pilot rural site set up to study the issues would help answer questions.
- With limited resources, Mr. McLaughlin wondered about the level of support for a detox facility in comparison to the SIF. Mr. Kruppa commented the detox facility is high on the list of needs for the community. The Alcohol and Drug Council of Tompkins County has received a \$500,000 grant to begin working to open a 20-25 bed detoxification facility. As mentioned, the SIF proposed in *The Ithaca Plan* has received considerable attention.

Mr. Kruppa pointed out Dr. Klepack's role has been to focus on evaluating SIFs from a medical perspective to present data and information to community members.

Division for Community Health Report: Ms. Bishop had nothing to add to the written report.

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 shared the latest news about the blue-green algae blooms, also known as Harmful Algal Blooms (HABs), in Cayuga Lake. Staff is working with Mr. Kruppa and Ms. Hillson to put out press releases and information on the TCHD website. At this time, most of the sightings have been in the upper end of Cayuga Lake. However, a photograph of a suspect case of blue-green algae was spotted in the northern end of Tompkins County and submitted to the New York State Department of Conservation (DEC). The blooms move around so people need to watch for them. People should avoid contact with suspicious blooms and wait 24 hours after the bloom is no longer visible before swimming or having contact with the water.

Discussion regarding the EH Report:

- Regarding the unusual algal blooms, Ms. Cameron explained blue-green algae forms blooms under conditions of sunny weather, hot temperatures, and deteriorating water quality such as from agricultural runoff.
- Mr. Kruppa emphasized TCHD's message to individuals is (1) know how to identify blooms, (2) avoid contact, and (3) report blooms to the DEC.
- Ms. Hillson mentioned there is a photo gallery on the DEC website showing examples of harmful algal blooms and photos of non-toxic blooms. TCHD is directing people to the website to help them identify and report blooms.
- Referring to the EH written report, Ms. Cameron noted the meeting with the Owasco Watershed inspectors was unrelated to harmful algal blooms. Since part of the Owasco Lake Watershed is in Tompkins County, the meeting was about the inspection program that monitors and protects the watershed. The inspectors have indicated they will start inspecting tributaries in Tompkins County at some point.

Report on the Community Services Board (CSB) Meeting: Dr. Evelyn briefly summarized the topics of discussion at the June 5th meeting of the CSB. In addition to hearing Dr. Klepack's presentation on SIFs, the CSB discussed the grant awarded to two agencies from outside our county that will address the opiate problem in Tompkins County. The issue centered on the New York State Office of Alcoholism and Substance Abuse Services (OASAS) awarding the funds to agencies that have no programs in Tompkins County. The CSB discussed (1) ways to work with the agencies that received the funding and (2) how to improve the working relationship with OASAS.

Mr. Kruppa provided additional information on this issue. After receiving a federal grant, OASAS identified 13 counties in the state with the highest incidence rates of opioid overdose deaths. A significant part of the project requires peer support programs. The agencies from

outside the county already have established peer support programs whereas our local agencies currently do not have those programs. Normally any state money designated for Tompkins County is granted to our local Mental Health Department for distribution. OASAS is aware of our concerns about the selection process. At this point, the focus is on collaborating with the selected agencies to ensure the funding works for our community.

Resolution #EH-ENF-17-0014 - Subway #22428, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported there were several food out of temperature violations at the restaurant. The Stipulation Agreement and Draft Resolution required the operator to submit proof of repair of the equipment by June 29, 2017. TCHD has received verbal confirmation but not the actual repair certification. In the Orders, TCHD would like to change the date for the proof of repair to be provided "...no later than **August 15, 2017.**"

Dr. Koppel moved to accept the resolution, as amended; seconded by Mr. Greenhouse; and carried unanimously.

Resolution #EH-ENF-17-0015 – ZaZa’s Cucina, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron stated ZaZa’s Cucina had violations for food out of temperature. In the Orders, TCHD would like to change the date for the proof of equipment repair to be provided "...no later than **August 15, 2017.**"

Dr. Macmillan moved to accept the resolution, as amended; seconded by Dr. Koppel; and carried unanimously.

Resolution #EH-ENF-17-0017 – Hot Spot Grill, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron noted Mr. Obinatu, owner of the Hot Spot Grill, spoke earlier in the meeting.

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

Resolution #EH-ENF-17-0019 – Gimme! Coffee-State Street, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron pointed out Gimme! Coffee submitted their bill showing the thermostat had been repaired.

Ms. Merkel moved to accept the resolution, as written; seconded by Mr. McLaughlin; and carried unanimously.

Resolution #EH-ENF-17-0020 – Shady Grove Mobile Home Park, T-Dryden, Violation of Part 17 of the New York State Sanitary Code (MHP): The Shady Grove Mobile Home Park owners/operators appeared before the Board earlier in the meeting.

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

During the ensuing discussion, TCHD staff explained an open electrical box with live wires is considered a category one violation requiring formal enforcement action. The operator of a mobile home park is responsible for maintaining electrical boxes according to appropriate standards. There is no issue with the owners’ response time. They called the electrician immediately and the electrical box was secured the same day. When the park owners’ expressed concern that they were not contacted until the next day, TCHD staff reviewed the situation. A new staff person had conducted the inspection. As a result, training for new staff members will

emphasize the importance of notifying park operators immediately when there are public health hazards requiring attention.

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

Court Ordered Defendant HIV Testing Policy & Procedure: Ms. Bishop presented the updated policy for the Board's approval. New York State expects local health departments to provide court ordered defendant HIV testing. The frequency of TCHD providing this testing has been zero to one time a year. A written policy was needed to ensure clarity for TCHD staff providing the service. She contacted the NYS AIDS Institute for current resources and their review of the content of the policy.

Dr. Evelyn moved to approve the *Court Ordered Defendant HIV Testing Policy & Procedure*, as written; seconded by Dr. Koppel.

Highlights from the discussion:

- There is an application process for the survivor to request the court to order HIV testing. The order comes to TCHD from the court not the survivor.
- TCHD pays for testing out of the HIV grant.
- Although TCHD does not provide Hepatitis C testing, staff does recommend survivors see their primary health care providers for further testing.
- Once the court order is received TCHD staff acts immediately.

Discussion regarding edits to the policy:

- Since requesting the court order is not necessarily the responsibility of the District Attorney, Mr. Wood advised removing references that specifically assign responsibility to any individual. He recommended the following edits:
 - Page one, Definitions section, the fourth definition to read: "*Court ordered – Court issues an order for HIV testing.*"
 - Page two, Responsibilities section, sentence A to read: "Typically the Tompkins County District Attorney handles the following..."
- Dr. Morgan referred to paragraph six in the section on TCHD responsibilities that speaks about notifying the survivor of the defendant's test results. She suggested the last sentence of the paragraph should have language stating TCHD personnel *will advise* the survivor not to disclose the defendant's name. With input from Dr. Macmillan, the following edit was recommended:
 - Page three, Responsibilities section, last sentence of B.6 to read: "TCHD will advise the survivor she/he cannot share the defendant's name."

The vote to approve the *Court Ordered Defendant HIV Testing Policy & Procedure*, as edited, was unanimous.

Adjournment: At 1:10 p.m. Dr. Macmillan adjourned the meeting.