

**Tompkins County Board of Health
January 24, 2023
12:00 Noon
Rice Conference Room and via Zoom**

**Approved
2.28.23**

Present: Christina Moylan, Ph.D., President; Susan Merkel; Shawna Black (Zoom); Melissa Dhundale, MD; Edward Koppel, MD; David Evelyn, MD; and Ravinder Kingra.

Staff: Elizabeth Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Rachel Buckwalter, Director of Community Health; Samantha Hillson, Director of Health Promotion Program; Dr. William Klepack, Medical Director; Deb Thomas, Director of Children with Special Care Needs; Frank Kruppa, Whole Health Commissioner; Harmony Ayers-Friedlander, Deputy Commissioner of Mental Health; and Skip Par, Environmental Health; and Karan Palazzo, LGU Administrative Assistant.

Excused: Samara Touchton

Guests: None.

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

Privilege of the Floor: None

Approval of the December 6, 2022, Minutes: Ms. Merkel moved to approve the December 6, 2022, minutes, second by Dr. Evelyn; all were in favor as written.

Financial Summary: Ms. Grinnell Crosby did not have a lot to report. There was no financial summary included in the package as they transition to the 2023 year. Staff is currently working to close the books for the 2022 fiscal year.

Administration Report: Mr. Kruppa reported that the roll out of the integration of Tompkins County Health and Mental Health Departments is going well. A press release went out to the public; a video is close to being published; mailing letters to partners to introduce the merge; putting finishing touches on flyers for distribution; scheduling paid media campaigns including radio interviews, newspaper, and bus advertisements in the next weeks; updating correspondence literature and the website. The new name will soon be on the buildings.

The Community Health Assessment (CHA) and the Community Health Improvement Plan (CHIP) will be finalized later this month which will prioritize preventing chronic disease, promoting healthy women, infants, and children, and promoting mental health and well-being and preventing substance use disorders.

A team is working on the integration of services for the referral process in mapping out the various programs that share clients and work moves forward to create the space for mental health services at Brown Road.

Mr. Kruppa stated that bylaws still need completing but waiting on the legislature to decide on the term limits.

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Mr. Kruppa reported that Zoe Lincoln will be taking on the new position of Whole Health Planner which is more of a project management support position with a focus on strategic planning projects.

Health Promotion Program Report: Ms. Hillson had nothing to add to her written report.

Medical Director's Report and Discussion: Dr. Klepack shared that it is anticipated that the FDA Advisory Committee will discuss the future of COVID vaccines this week. Antigen home tests still are able to detect the variants in circulation and therefore continue to be as useful as before. The efficacy of Covid vaccine to protect people from hospitalization and death continues to be robust particularly if people receive their boosters. He encouraged people to get their bivalent booster vaccination.

Data from the CDC indicate a decline in Covid over the last 14 days with a change of -29%. However, deaths have risen to 487 per day (significantly higher than influenza deaths). Being vaccinated greatly cuts down the risk of becoming infected, saves lives, and keeps people out of the hospital.

Mr. Kruppa said that a more measured approach is being taken when putting out notifications in response to increases of cases. Information released from the State about the 50 cases of the new variant and feedback from social media and other sources asking about the variant prompted the need of a release. When the measure for Tompkins County went from low to medium, an alert was immediately sent to the community. Each incident of change is taken on a case-by-case basis for the appropriate response.

Ms. Buckwalter stated that the CDC guidance continues to be followed when testing positive for COVID.

Division for Community Health (DCH) Report: Ms. Buckwalter had nothing to add to her written report included in the packet.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to her written report included in the packet.

County Attorney's Report: Mr. Troy was not available.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander was not available.

Environmental Health Report: Ms. Cameron reported staffing vacancies including an Administrative Assistant III, a Senior Account Clerk Typist, and a Sr. Environmental Health Specialist. EH is restructuring workloads within the department due to anticipated challenges in quickly filling the vacant positions.

Grassroots misunderstood EH's requirement for detailed instructions on how to lay out the campgrounds and EH asked BOH members to add a revised resolution to today's agenda that addresses this issue. The revised resolution and the former resolution were sent to Board members electronically this morning. Ms. Cameron said a memo addressing administrative changes to resolutions from the December meeting was for information only and no further discussion is needed.

ATUPA Law Update: Ms. Cameron reported that the NYS Association of County Health Officials and their Environmental Health Committee members met with State Senator Martinez who was interested in issues regarding vaping and the ATUPA Law. She said Mr. Parr, who attended on her behalf, reported that there were discussions of potential legislative changes including an interest in banning all flavored vaping products. She said it is in the very early stages but encouraging.

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Ms. Cameron reported a pair of rabid foxes were seen in the Raven Wood Apartment Complex in the City of Ithaca for the last few weekends. The foxes were removed from the area through a combined effort of the Ithaca Police Department and the SPCA.

Discussion of Leadership Positions: Dr. Evelyn announced he is stepping down from the Vice-President position.

Mr. Kruppa opened the floor for nominations for the BOH President. Dr. Dhundale nominated Dr. Moylan; seconded by Dr. Koppel. There were no other nominations and Mr. Kruppa offered a vote to the floor to appoint Dr. Moylan as President of the BOH for 2023; all were in favor; and it was unanimous.

Dr. Moylan opened the floor for nominations for the BOH Vice-President. Dr. Moylan nominated Dr. Dhundale; seconded by Dr. Koppel. There were no other nominations and Dr. Dhundale accepted. Dr. Moylan offered a vote to the floor to appoint Dr. Dhundale as Vice President of the BOH for 2023; all were in favor; and it was unanimous.

Review of Proposed ATUPA Penalty Policy: Dr. Moylan read the summary from the minutes from the October 25, 2022, meeting which were tabled for EH revisions. Ms. Merkel moved to approve as written and seconded by Dr. Evelyn.

Discussion: Ms. Cameron explained that Environmental Health is looking to make the process more efficient via the Alternative ATUPA Violation Penalty Policy. For every violation either a signed stipulation must be obtained, or a hearing scheduled to be referred to the Department of Taxation and Finance, making the process consume a lot of the limited staff's time.

Environmental Health Proposes:

- Bringing businesses before the Board who sell vapor products after two visits
- Limiting the process to two hearings
- More flexibility to modify procedures when necessary
- Acknowledging businesses that comply by lowering the penalty vs. those that continue to violate

Dr. Moylan clarified that detailed procedures would not be captured in the policy.

The vote to approve the Alternate ATUPA Violation Penalty Policy as written was unanimous.

Administrative Changes to BOH Resolutions – December 2022 memo: Ms. Cameron stated that the memo was informational for administrative updates only and was added to the agenda in error, no discussion is needed for the minor changes. Mr. Kruppa explained the procedure.

Dr. Evelyn motioned to add **Revised Resolution # EH-ENF-22-0027, Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses** to the agenda and seconded by Dr. Dhundale.

Revised Resolution # EH-ENF-22-0027, Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses, Violation of New York State Sanitary Code and Tompkins Count Board of Health Orders - Ms. Merkel moved to accept the motion as written; seconded by Mr. Kingra.

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Ms. Cameron explained that GrassRoots submitted the required layout of the map plans, but the failed to submit an acceptable plan prepared by a licensed design professional detailing instructions for laying out and maintaining the interior roadways and campsites. GrassRoots did submit a plan in advance of the deadline but on a much smaller scope than is acceptable. EH met with GrassRoots to clarify what was needed but GrassRoots would not be able to submit it by the deadline in the original order of January 15, 2023. Ms. Cameron noted that GrassRoots is making a good effort and EH proposes extending the deadline. If the plan does not get approved, it will trigger a \$20,000 penalty.

The language in the revised resolution is very detailed in what is needed for the submission. EH proposes extending the draft deadline date to February 17, 2023 and extending the date of an approvable final draft to March 10, 2023. The \$20,000 penalty would generate on March 30, 2023, if the final draft is not approvable.

The vote to approve the revised resolution as written was unanimous.

Resolution #EH-ENF-22-0037 – Applegate Park MHP, T-Enfield, Violations of Subpart 5-1, and Part 17 of New York State Sanitary Code (Water & Mobile Home Park) – Dr. Koppel moved to accept the resolution as written; seconded by Dr. Evelyn.

Ms. Cameron reported that this is case involving water supply violations for failing to submit water reports, monthly water operating reports, sample results and also operating without a mobile home park permit. The resolution was pulled from the December 2022 BOH agenda because the owner requested a penalty adjustment plan. The revised resolution includes an adjusted penalty plan that is contingent on completing actions and not operating without a mobile home park permit. The initial penalty is set at \$475 and two additional \$600 penalties will be waived if the required submissions under the order are made. The December monthly operating report was received.

Ms. Cameron confirmed that he is compliant under the order with the new deadline and if he doesn't comply with all the requirements, there will be additional enforcement.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0039 – Homewood Suites, V-Lansing, Violations of Subpart 7-1 of New York State Sanitary Code (Temporary Residence) - Dr. Dhundale moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron explained that this is a resolution involving a temporary residence (hotel) where they are not maintaining their fire alarm panel. The hotel has multi-year residents in the rooms that are connected to the malfunctioning alarm panel. The residents are not allowing access to the rooms which are triggering the fire alarm panel causing the fire alarm to work improperly. The hotel is trying to remove the residents, but the hotel has not been successful to date. The resolution requires a fire watch in accordance with the Fire Department's procedures. EH proposes a fine of \$400.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0045 – Ithaca Convenience LLC, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product – Ms. Merkel moved to accept the resolution as written; seconded by Mr. Kingra.

Ms. Cameron explained that the next five resolutions are for the sale of prohibited vapor products with nicotine; none were for sales of tobacco to a minor; all were repeat sales; all were violations of BOH

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orders; and the second sale applies to all of the next five resolutions. A sale was made on November 9, 2022, at Ithaca Convenience and 45 additional products were observed. EH proposes a penalty of \$6,250 including the surcharge. This will make two violations out of the four needed before a referral can be made to the Department of Taxation and Finance.

Discussion: Ms. Cameron clarified that points are accumulated for the sale of tobacco to a minor and a referral can be made with three points for their license to be suspended. Points are not accumulated for the sale of vapor products but after four violations they can be referred to the Department of Taxation and Finance for revocation of their license for a year.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0046 – Cayuga Smoke Shop Inc, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Cameron explained that a sale was made on September 28, 2022, at Cayuga Smoke Shop and 75 additional products were observed. EH proposes a penalty of \$9,250 including the surcharge.

Discussion: Ms. Cameron said the previous smaller violations have been paid but doesn't know if the new larger penalties have. She believes that shifting the focus of citing violations to get to four violations will allow EH to refer violators to the Department of Taxation and Finance for revocation of their license. EH is working on creating a new inspection procedure to expedite referrals to the Department of Taxation and Finance if they continue to sell prohibited products. Mr. Kruppa added that the County Attorney handles the collection of delinquent fines.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0047 – Ayra Convenience Inc, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Dr. Dhundale moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Cameron explained that a sale was made on November 9, 2022, at Ayra Convenience Inc. and 40 additional products were observed. EH proposes a penalty of \$5,250 including the surcharge

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0048 – Commons Market, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) - Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron explained that a sale was made on September 28, 2022, at Commons Market and 25 additional products were observed. EH proposes a penalty of \$4,250 including the surcharge.

The vote to approve the resolution as written was unanimous.

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Resolution #EH-ENF-22-0056 – Jason’s Grocery & Deli, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Ms. Merkel moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Cameron explained that a sale was made on November 9, 2022, at Jason’s Grocery & Deli and 1 additional product was available. EH proposes a penalty of \$1,950 including the surcharge.

No discussion.

The vote to approve the resolution as written was unanimous.

Administrative Actions:

Review of the Narcan Use in Home Visit Settings Policy – Mr. Kingra moved the accept the policy as written; seconded by Dr. Dhundale.

Ms. Buckwalter stated that the policy for review, included in the package, came about due to the increase in overdoses in the community last summer. With the assistance of the Alcohol and Drug Council’s training and kits, CHS nurses and community health workers can go into homes across county to provide Narcan kits to patients being visited or they can give it to someone who they know might need it.

The policy will be referred to when training new staff, what to do if you use a kit and where to get a new one. The policy only covers the CHS nurses carrying it. The policy was developed with guidance from Dr. Klepack and was approved by the Community Health Services Quality Improvement Committee.

Mr. Kruppa stated that CHS’s healthcare professionals go into homes and are being asked to carry Narcan as other settings are voluntary. CHS has a different approach to policy making.

The vote to approve the resolution as written was unanimous.

The next meeting is Tuesday, February 28th, 2022 @ Noon.

Adjournment: Adjourned at 1:25 p.m.