

MINUTES

Tompkins County Board of Health

January 23, 2018
12:00 Noon
Rice Conference Room

Present: David Evelyn, MD, MPH; James Macmillan, MD, President; Michael McLaughlin, Jr.; Susan Merkel; and Christina Moylan, 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; and Shelley Comisi, Administrative Assistant II

Excused: Edward Koppel, MD, Board of Health Member; Janet Morgan, PhD, Board of Health Member; and Jonathan Wood, County Attorney

Guests: Shao Ke, Manager of the Apollo Restaurant; Anne Koreman, Tompkins County Legislator; Chase Lurgio, Project Assistant; Kristee Morgan, Senior Public Health Sanitarian; Gegezeren Nfn, Owner of the Apollo Restaurant; Skip Parr, Senior Public Health Sanitarian; Ellie Simas, Project Assistant; and Khaki Wunderlich, Tompkins County Community Mental Health Services Board

Call to Order: Dr. Macmillan called the regular meeting of the Board of Health (BOH) to order at 12:04 p.m.

Board of Health Selection of Officers for 2018: The gavel was passed from Dr. Macmillan to Mr. Kruppa who opened the floor to nominations for BOH officers.

Mr. McLaughlin moved to nominate Dr. Macmillan for President; seconded by Dr. Evelyn. Dr. Macmillan was willing to serve another year. There were no other nominations. The vote in favor of Dr. Macmillan serving as President: Ayes – 4; Abstention – 1 (Dr. Macmillan).

The gavel was passed from Mr. Kruppa to Dr. Macmillan.

Dr. Macmillan moved to nominate Mr. McLaughlin as Vice President; seconded by Ms. Merkel. Mr. McLaughlin agreed to serve another year. There were no other nominations. The vote in favor of Mr. McLaughlin serving as Vice President: Ayes – 4; Abstention – 1 (Mr. McLaughlin).

Introductions: Mr. Kruppa welcomed Christina Moylan who was officially appointed by the Legislature to be an at-large member to the BOH. Dr. Moylan expressed her appreciation for the opportunity to serve on the Board. As a faculty member at Ithaca College in the Department of Health Promotion and Physical Education, she teaches courses to students majoring in Public and Community Health. With her training in public health policy and life experience of serving others, she is excited about combining her professional and community interests through participation on this Board.

Mr. Kruppa also welcomed Khaki Wunderlich who recently accepted the role as chair of the Community Mental Health Services Board (CSB). In her remarks, Ms. Wunderlich was pleased to be representing the CSB in a continuing effort to build connections with the BOH and potentially to work together on a number of issues.

BOH members and Tompkins County Health Department (TCHD) staff introduced themselves to the newcomers.

Privilege of the Floor: Shao Ke appeared before the BOH on behalf of the Apollo Restaurant to speak about the violations outlined in the resolution. He mentioned there is a language barrier. The ServSafe food handling course is offered in English; however, their food service workers speak other languages. It was helpful when the TCHD inspector provided information on a food safety training course offered in Chinese. In response to the issue with the three food workers not washing their hands after using the restroom, Shao Ke has talked to staff to inform them of their mistake. The other violations involved the handling of foods. He explained the inspector came during the busy lunch time. Staff discarded the meat that was not at the proper temperature and took other actions as required during the inspection.

Mr. McLaughlin asked if management has instituted a system for maintaining food at proper temperatures to prevent health issues. Shao Ke stated the situation is improving. The owner completed the food safety course and also closed the restaurant to train their food service workers.

Introduction: Mr. Kruppa welcomed Tompkins County Legislator Anne Koreman who arrived to observe the meeting.

Approval of December 5, 2017 Minutes: Mr. McLaughlin moved to approve the minutes of the December 5, 2017 meeting as written; seconded by Dr. Macmillan. The vote to approve the minutes as written: Ayes – 4; Abstention – 1 (Dr. Moylan).

Financial Summary: Ms. Grinnell Crosby had nothing to add to the narrative report. For the next few months, staff will be working on closing the books for the previous year and transitioning to 2018. Claims and applications for reimbursement are being processed. After the State Aid claim is filed, there will be a better indication of the department's financial position.

Administration Report – Supervised Injection Facilities (SIFs) Presentation: Mr. Kruppa invited BOH members to the February 5th meeting of the CSB to hear a presentation on Supervised Injection Facilities (SIFs) by staff from the Southern Tier AIDS Program (STAP). If SIFs are granted legal immunity in New York, STAP would be one entity proposing to operate

the facility in Tompkins County. The presentation will provide information regarding the logistics and importance of SIFs. The meeting is on the 6th floor of the Mental Health Building located at 201 East Green Street at 5:30 p.m.

Administration Report – Medical Examiner Program: Mr. Kruppa briefed Board members on the proposed changes to the Medical Examiner program. In the current structure, Dr. Howard Silcoff, family physician at Dryden Family Medicine, serves as the Medical Examiner. Until recently, Dr. Klepack and Dr. David Newman had served as Deputy Medical Examiners. With Dr. Klepack's retirement from the deputy role, TCHD entered into an agreement with Dr. Daniel Sudilovsky and Dr. Elizabeth Plocharczyk of Pathology Associates of Ithaca for coverage.

As staff looked at the program, there were conversations about restructuring it completely. In those discussions, the possibility of performing autopsies at Cayuga Medical Center was proposed. Currently, Bangs Ambulance transports bodies to facilities in Onondaga and Broome counties to be autopsied; however, it is expensive to transport bodies. The advantage of using a local facility reduces transportation costs and enables the savings to be reinvested into the program.

In the past, primary care physicians who served in the Medical Examiner role were not always available to go to the scene when called on a case. Until recently, the arrangement has been for local law enforcement to serve as the eyes and ears at the scene and describe the situation to the Medical Examiner or the Deputy Medical Examiners by phone. It was not an ideal situation. In the proposal, the pathology group would send death investigators to work at the scene where the death occurred. They would recruit and train staff in their laboratory so personnel would always be available to go to the scene when it was appropriate.

In the proposal, Pathology Associates of Ithaca would manage the Medical Examiner program. The group would serve the Medical Examiner/Deputy Medical Examiner roles; provide on scene death investigation services; and perform local autopsies, except in homicide cases or deaths likely to become court cases. Through a contractual relationship, Cayuga Medical Center would be paid for the space used to conduct the autopsies and the pathology physicians would be paid for their services to perform the autopsies.

In this new structure, Dr. Silcoff would no longer be the Medical Examiner. Mr. Kruppa met with Dr. Silcoff to explain the plan and assure him it has nothing to do with his performance. His service over the years is appreciated. Dr. Silcoff was gracious and understood the reasoning for the change.

As part of the Tompkins County BOH Bylaws, the Public Health Director must consult with the BOH regarding the Medical Examiner. Mr. Kruppa will also be addressing the Health and Human Services (HHS) Committee and the full Legislature about the proposal in February. No new resources are being requested; however, funds will need to be moved from different lines within the budget to meet this new scenario.

The ensuing discussion among members centered on autopsies and the potential for conflicts of interest when performed locally. Mr. Kruppa pointed out TCHD is responsible for the program and would be writing policies for it. If there was any question about a conflict of interest, there would be the option to use Onondaga or Broome facilities to avoid those conflicts. TCHD will be maintaining those relationships contractually for forensic autopsies.

Next month, Mr. Kruppa will present a narrative that outlines the proposed changes. He supported Dr. Macmillan's request for a Board proclamation recognizing and thanking Dr. Silcoff for his years of service.

Health Promotion Report: Ms. Hillson highlighted three topics in the report:

- The Community Health Improvement Plan (CHIP) update was submitted to the New York State Department of Health (NYSDOH) in early January. Community partners provided input for two priorities identified in Tompkins County: (1) to prevent chronic disease and (2) to promote mental health and prevent substance abuse.
- Harmonicas for Health classes continue. One class is located downtown at the McGraw House.
- Just Play Project is a local non-profit that is meeting to rethink physical activity and child directed play. Ms. Hillson has been participating in those discussions.

Medical Director's Report: Dr. Klepack updated his report on SIFs. He has been in contact with Vancouver and Sydney about their operations and also has communicated with the Public Health Director of the European Drug Consumption Consortium to learn details about operations in Europe. In searching for information specific to communities of 100,000 people, he has not found any hard data. A number of communities with populations around 125,000 to 138,000 indicate a significant reduction (15 to 30 percent) in disease cases, HIV deaths, overdoses and overdose deaths. He will continue seeking contact information for smaller communities. So far, he has not uncovered any data regarding law enforcement issues. He believes concerns are probably based on the experiences of law enforcement personnel. In summary, Dr. Klepack believes the data he has found is reassuring. Setting up a pilot SIF may be the way to answer some of our questions.

Comments from Board Members:

- Mr. McLaughlin offered to meet with Dr. Klepack to discuss the information he gathered about SIFs at the recent HHS Committee meeting. Liz Evans, one of the co-founders of the Vancouver SIF, and Suzi Cook, a representative for the local judicial system, were in attendance to offer their insights and perspectives.
- Dr. Macmillan added Liz Evans has extensive experience with SIFs. She left her email address to be shared with Board members.

Division for Community Health Report: Ms. Bishop reported:

- Public Health and Mental Health staff members are in the process of securing a software vendor for electronic medical records documentation that will work for both departments. Five vendors have been interviewed.
- There were several suspect cases of mumps in January. It set in motion a series of interventions by staff to protect the public.
- Influenza has been in the news. There has been mixed messaging in the media regarding the vaccine's effectiveness. The flu vaccine protects against multiple strains of influenza but is not effective on a strain of influenza circulating in Australia. The strain in Australia

is not the same as the strains in the U.S. Our message to the public is flu vaccine is still available. It is the best tool to prevent ongoing transmission and complications of the disease.

Children with Special Care Needs Report: Ms. Thomas had nothing to add to her report.

County Attorney's Report: Mr. Wood was not present for the meeting.

Environmental Health Report: Ms. Cameron had nothing to add to the written reports.

Report on the Community Services Board (CSB) Meeting: Since no one from the BOH attended the January 8th meeting, there was no report.

Resolution #EH-ENF-17-0043 – Town of Ulysses Water District #3, T-Ulysses, Revised Resolution to Modify Deadlines (Water): Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Evelyn.

Ms. Cameron explained the Town of Ulysses has been having disinfection byproduct violations for Total Trihalomethanes (TTHMs) in their water system for years. It has been difficult to determine what treatment options would be effective. Last year, the Town of Ithaca put an aerator in their water tank that feeds the Town of Ulysses. For the first time in several years, the Town of Ulysses water district does not have a TTHM violation. It is not clear whether the aerator caused the decrease in concentrations but the Town of Ulysses is planning to put an aerator in its own water supply tank. One consultant mentioned it was cooler during the summer months and that tends to lower concentrations. Since the Town of Ulysses is currently in compliance, the compliance schedule has been revised to require reports and quarterly monitoring and not further corrective action.

Ms. Cameron responded to questions from Board Members:

- This draft resolution eliminates the compliance schedule for the Town of Ulysses to submit designs and complete construction plans; however, it maintains the reporting requirements in the previous order.
- The Town of Ulysses wants a solution to the issue. If there is another violation for TTHMs, then the matter would be brought back to the BOH. At this time, the water district is in compliance and will continue to submit the required reporting.

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

Resolution #EH-ENF-17-0044 – Argos Inn, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron referred to the photographs showing an unapproved kitchen being used for food preparation in the basement of Argos Inn. When the

hotel was inspected during the previous year, the basement area was not being used to prepare food. The operators of Argos Inn have been cooperative and are working with TCHD staff on future plans for food service areas.

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

Resolution #EH-ENF-17-0048 – Collegetown Bagels-Collegetown, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #EH-ENF-18-0002 – Tamarind, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0028 and Subpart 14-1 of the New York State Sanitary Code (Food): Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #EH-ENF-18-0003 – Apollo Restaurant, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0037 and Subpart 14-1 of the New York State Sanitary Code (Food): Representatives from the Apollo Restaurant appeared earlier in the meeting during Privilege of the Floor. Mr. McLaughlin moved to accept the resolution as written; seconded by Dr. Evelyn.

Highlights from the discussion about language challenges for the Apollo restaurant staff:

- Mr. McLaughlin commented it was encouraging to hear the operator/owner was receptive to taking the ServSafe course in Chinese.
- In addition to the English/Chinese language barrier, Mr. Parr pointed out there is a breakdown in communication from the manager to the kitchen staff workers who speak Spanish.
- Since one employee who speaks Chinese has taken the food safety course, Dr. Moylan thought it would be advisable to have a second employee who speaks Spanish also take the course. She wondered whether the second BOH order in the resolution should be specific in its language requirement. Ms. Cameron said she is hesitant to specify a language in the resolution as the workers often change; however, it could be included as a recommendation in the cover letter to the owner/operator.
- Mr. Parr reported the owner and the manager are the two individuals who have provided certificates showing they have completed the ServSafe training.
- Since the managers have taken the training, Dr. Evelyn asked about requiring a line food service worker to take the course. Both Mr. Kruppa and Ms. Cameron explained EH staff avoids dictating operations. They will tell owner/operators what needs to be done but not how to do it.
- Ms. Merkel sees EH staff in the role of assisting people and providing information. Ultimately, the manager is responsible for ensuring the employees know about food safety.
- Based on his experience as a restaurant owner, Mr. McLaughlin recommended the manager post signage in the appropriate languages for employees.

- In response to Dr. Moylan's question about supplying signs in Chinese and Spanish to the restaurant, Ms. Cameron replied EH staff has recently started looking for resources and working on signs with translation services. Fortunately, one of our EH staff members speaks Spanish so he has developed some signs in that language.

Ms. Cameron announced a correction to the due date on the first BOH Order in the draft resolution. It should read: "Pay the penalty of \$2,000 for these violations, **due March 15, 2018**." The vote in favor of the resolution as written carried unanimously.

Resolution #EH-ENF-18-0004 – Taste of Thai Express, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0026 and Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Macmillan; and carried unanimously.

Resolution #EH-ENF-18-0005 – Taste of Thai, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0027 and Subpart 14-1 of the New York State Sanitary Code (Food): Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Merkel; and carried unanimously.

Adjournment: At 1:20 p.m. Dr. Macmillan adjourned the meeting.