

## MINUTES

### Tompkins County Board of Health

May 22, 2018

12:00 Noon

Rice Conference Room

**Present:** Shawna Black; David Evelyn, MD, MPH; Edward Koppel, MD; James Macmillan, MD, President; Michael McLaughlin, Jr.; Susan Merkel; Janet Morgan, PhD; 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; Frank Kruppa, Public Health Director; and Shelley Comisi, Administrative Assistant II

**Excused:** William Klepack, MD, Medical Director; Deb Thomas, Director of Children with Special Care Needs; and Jonathan Wood, County Attorney

**Guests:** Greg Lee, Ithaca College Student; Jan Lynch, Community Mental Health Services Board; Skip Parr, Senior Public Health Sanitarian; and Kevin Zippel, Community Health Nurse

**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:** No one was present for Privilege of the Floor.

**Introductions:** BOH members, Tompkins County Health Department (TCHD) staff, and guests introduced themselves.

**Approval of April 24, 2018 Minutes:** Ms. Merkel moved to approve the minutes of the April 24, 2018 meeting as written; seconded by Dr. Evelyn. The vote to approve the minutes as written: Ayes – 6; Abstention – 1 (Dr. Macmillan).

**Financial Summary:** Ms. Grinnell Crosby referred to the two financial summary reports in the packet. Small revenue adjustments to the 13th period for 2017 had no major impact on the department. She did not have anything significant to report for 2018.

**Administration Report:** Ms. Grinnell Crosby announced Mr. Kruppa was attending a meeting in Syracuse. At some point, he will participate in the meeting via phone.

**Health Promotion Program Report:** Ms. Hillson mentioned:

- Ted Schiele from the Tobacco Free program at TCHD plans to speak about JUUL devices at the next BOH meeting.
- *Resilience: The Biology of Stress & the Science of Hope* is a film about childhood stress and trauma. It will be shown Thursday, May 24th, at the Greater Ithaca Activities Center (Attachment 1) with a panel discussion to follow.
- TCHD staff is interested in taking a group photograph of the BOH for next year's annual report. The photo shoot is tentatively scheduled for the June meeting. Ms. Comisi will send a reminder closer to the meeting date.

**Medical Director's Report:** Dr. Klepack was not present for the meeting.

**Division for Community Health Report:** Ms. Bishop:

- Welcomed Kevin Zippel to the team. He is a Community Health Nurse with several years of experience working at Cayuga County Health Department. He has direct experience conducting communicable disease surveillance and investigations.
- Reported the New York State Health Commissioner has declared influenza is no longer prevalent. Staff is currently planning for the fall vaccination campaign.
- Commented on the *Hilleman* documentary showcasing Dr. Maurice Hilleman and his significant achievements in vaccine development. It was a successful event with approximately 40-45 people in attendance.

Ms. Merkel attended the *Hilleman* screening and shared information she heard:

- Pro-immunization groups expressed concern about a report identifying schools with the lowest immunization rates in central New York. Of the twenty schools named in the February report, four schools are in the Ithaca City School District (ICSD). New York State is pressuring school districts to be diligent about reaching a vaccination rate of 90-95% but there has been pushback from people who support parental choice. It is a continuing discussion of parental choice versus community immunity.
- Many people involved in pro-immunization movements are actively working in various communities to increase the rates of immunization. Ms. Bishop mentioned one of the leaders of a parent led group called Ithaca is Immunized is an active participant in our Immunization Coalition.
- Parents seeking exemptions based on medical or religious reasons submit a request to their school district. It is the local school district making the decision.

Suggestions from Board members on some ways for public health to engage the public:

- Mr. McLaughlin recommended a public health campaign to counteract the groups opposed to immunization. Ms. Bishop noted TCHD has participated in school board meetings. Dr. Evelyn added the recent film and panel discussion was another part of the informational campaign.
- Dr. Morgan raised the possibility of inviting someone opposed to immunization to serve on the BOH to keep the conversation going.
- Ms. Black knows of one physician who supports parents who choose to oppose immunizations. She proposed inviting the physician to join the Board for a conversation and to share information.

**Children with Special Care Needs Report:** Ms. Thomas was not present for the meeting. She was working with staff to prepare records for an audit of the preschool program.

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

**Environmental Health Report:** Ms. Cameron reported:

- Nate's Mobile Home Park is built on top of a solid waste landfill that was closed prior to the current regulations. As part of the investigation of these types of landfills, the New York State Department of Environmental Conservation (DEC) is sampling groundwater to check for any contamination. Results from the water sampling will be sent to TCHD.
- A rabid fox attacked and bit five people during moving out weekend at Ithaca College. The fox was located and dispatched by the Tompkins County Sheriff's Department the next morning and submitted for testing.
- The Workers' Compensation Board (WCB) requires TCHD to receive proof that a facility or group has workers' compensation and disability insurance before issuing a permit. The WCB's new application process has been helpful to businesses but not to student and volunteer groups. The challenge is the website does not provide an appropriate option to select for these groups. The alternative is the paper process which takes several weeks. To assist these student and fund-raising groups, TCHD has been issuing conditional permits on a case by case basis. The group must certify they have applied for the exemption and then must submit the exemption form upon receipt from the WCB. The New York State Association of County Health Officials (NYSACHO) is planning to write a letter to the WCB regarding this issue.
- Dragon's Breath is a food item containing liquid nitrogen. It has recently been used in crunchy cereal and some cocktails. When the food item is placed in the mouth, the nitrogen vaporizes, looking like smoke is exhaled. However, serious injuries to the stomach and intestines have resulted from ingesting the liquid nitrogen. This food service item is appearing at festivals. To date, no one in Tompkins County has applied for a permit to sell it. Currently, the New York State Department of Health (NYSDOH) does not have any restrictions on the food item. Environmental Health (EH) staff has had discussions and will respond on a case by case basis.

**Report on the Community Services Board (CSB) Meeting:** Ms. Merkel attended the May 7th meeting. She reported on the following topics discussed at the meeting:

- Tompkins County received approval for a Mental Health Court as an alternative to incarceration. It has the potential to reduce recidivism.
- The three subcommittees for mental health, substance abuse, and developmental disabilities are working on a Priority Plan to be presented at the June meeting. These groups have gathered information and identified the following priorities: (1) housing, (2) transportation, and (3) access to treatment.
- In 2013, the State announced a plan to reduce the number of psychiatric centers. In addition to closing mental health beds, the State implemented a new universal referral form that is onerous and time consuming to complete. These steps have effectively limited access to State hospital beds. The process has also increased the length of stay in the local hospital from four to five days to two weeks while the State decides whether to approve the referral. Along with these changes, there has been an expectation the State will invest more funds in community mental health; however, people are not necessarily seeing the funding. CSB members welcome letters of support in their efforts to resolve these issues with the New York State Office of Mental Health (OMH). Due to pushback from providers, Dr. Evelyn said OMH has removed the requirement to use the onerous referral form, but it may be a temporary response.
- The Supervised Injection Facilities (SIFs) discussion focused on the resolution drafted by the Health and Human Services Committee (HHS). The motion to support the resolution was withdrawn to allow CSB members more time to read, research and process the information. Ms. Black, Chair of the HHS Committee, mentioned the resolution is still in committee to allow the CSB and BOH time to comment before the HHS Committee makes a recommendation to the full Legislature. She did not want either Board to feel rushed into a decision.

Mr. Kruppa called in to the meeting at 12:39 p.m.

**Resolution #EH-ENF-18-0012 – Ko Ko Restaurant, C-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Ms. Cameron noted Ko Ko Restaurant is a new facility. In the first months of operation, the facility had several violations for not maintaining food at the proper temperatures.

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

**Resolution #EH-ENF-18-0013 – Serendipity Catering, T-Ithaca, Violation of Subpart 14-1 of the New York State Sanitary Code (Food):** Ms. Cameron stated Serendipity Catering has a good operating history as shown in the case summary. The difficulties with temperature violations occurred in their café operation.

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

**Resolution #EH-ENF-18-0015 – Taste of Thai Express, C-Ithaca, Violations of BOH Orders # EH-ENF-18-0004 and Subpart 14-1 of the New York State Sanitary Code (Food):**

Ms. Cameron summarized Taste of Thai Express continues to have violations for bare hand contact with food and failing to maintain food at the proper temperatures. This resolution has language informing the owner that his operating permit may not be renewed if he continues to violate the sanitary code and BOH orders.

In response to questions from Board members, Ms. Cameron answered:

- The restaurant staff has been going through the ServSafe training program. Mr. Parr mentioned the manager who worked directly with the employees is no longer with the operation. There may be a training communication problem.
- This has been a challenging situation. Considering the enforcement history, there is justification for not reissuing the permit when the permit expires January 1st. The owner has paid the fines.
- TCHD proposes the fee based on the number of current violations, using a higher rate if there is a poor compliance history. If it becomes necessary, TCHD will not reissue a permit.

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

**Riordan Request for Refund of Onsite Wastewater Treatment System (OWTS) Application Fee, Burns Road, T-Caroline:** Ms. Cameron explained two family members each submitted applications for the same project. Once she realized the mix up, Elizabeth Riordan requested a refund of the duplicate application fee in the amount of \$425. EH staff supports the refund request. The \$25 processing fee was not included because EH staff time was covered under their other permit fee of \$425.

Dr. Morgan moved to approve Elizabeth Riordan's request for a refund of the onsite wastewater treatment system application fee for the Burns Road project in the Town of Caroline; seconded by Dr. Koppel; and carried unanimously.

**Tompkins County Health Department Request to Waive Requirement of Development Plan in Article VI of Tompkins County Sanitary Code:** Ms. Cameron reported Scott Freyburger, TCHD's new Public Health Engineer, has been reviewing the sanitary code. He found guidance from the DEC on how TCHD could issue onsite sewage permits to systems with a flow rate up to 1,000 gallons per day. Our staff had been under the impression it covered the flow rate from all sewage systems on a parcel or tract of land; however, the DEC has clarified that it is per system. EH would like a blanket waiver from the provision in our local sanitary code to have the option of in-house design or outside referral.

Dr. Koppel moved to approve Tompkins County Health Department's request to waive the requirement of a development plan in Article VI of the Tompkins County Sanitary Code; seconded by Dr. Macmillan; and carried unanimously.

**Review of Proposed 2019 Environmental Health Division Fees:** Ms. Cameron referred to her memo as she explained the changes proposed for the year.

- *Holding Tank Plan Review and Initial Permit/Holding Tank Permit Renewal* – EH will be issuing some wastewater holding tank permits. A \$160 fee has been added for the initial holding tank permit that includes a plan review to ensure the proper specifications, alarms and service contracts are met. There is also an annual \$50 holding tank permit renewal fee.
- *Waiver from NYS Appendix 75-A (OWTS)* – At present, there is a \$75 fee for any request for a waiver from Article VI of the local sanitary code; however, no fee is charged for a request for a waiver from the state sanitary code. Due to the time staff spends reviewing plans with these waivers, EH is adding a \$75 fee for a waiver request from the state sanitary code.
- *Food Service Establishments (FSE) High Risk Renewal* – The fee has been increased from \$400 to \$430.
- *Agricultural Fairground Operating Permit* – The fee has been increased from \$360 to \$400.
- *Late Application/Expedited Permit 3 days or less* – An expedited permit processing fee of \$100 has been added for all food facilities due to the number of requests for food service permits received at the last moment.

Mr. McLaughlin referred to Table 4 showing the ratio between actual revenue and expense was 20% in 2013 and 23% in 2017. A few years ago, he was in a meeting with EH staff to discuss the percentage of return and set some goals. Although goals were not finalized, Ms. Cameron indicated EH has kept the recovery rate in the 20% range which is in line with the 20% mentioned in former NYS guidance. At some point, staff would like to establish a fee rate policy.

Ms. Cameron asked for general approval from the Board before the fees are included in the budget.

Upon Dr. Morgan's recommendation, Dr. Macmillan called for a straw vote. The result was unanimous support for the proposed EH Division Fees for 2019.

**Consider Support of the Legislature's Resolution on Supervised Injection Facilities:**

Speaking via phone, Mr. Kruppa introduced the resolution before the BOH. For several months, BOH and CSB members have been talking about SIFs. Two weeks ago, HHS Committee members put together a resolution of support for statewide legislation to enable SIFs to operate in New York. It does not specifically endorse opening a facility in Tompkins County. This resolution is based on available data and information that this harm reduction approach is a reasonable way to add another resource for dealing with the opioid epidemic. Last week, the Mayor of Ithaca sent a letter to the Governor expressing interest in opening a SIF in Ithaca. In the days ahead, our County Legislature is interested in hearing from the BOH and CSB on this issue.

As part of full disclosure, Ms. Black shared that she works for the Southern Tier AIDS Program which would be the organization responsible for implementing the SIF. Although she personally will not participate in BOH and CSB discussions, she offered to answer questions specifically related to the resolution. Two issues for consideration: (1) the resolution itself that

provides the framework for a SIF to be decided upon by home rule and (2) whether the BOH wants to express an opinion on a SIF in Tompkins County.

There was a lengthy discussion regarding the resolution. Copies of NYS Assembly Bill A.8534 (Attachment 2) were distributed to Board members for reference.

Board members expressed their concerns regarding: legal issues; the language and requirements in the assembly bill; immunity protection for healthcare workers; the best use of resources without duplication of services; and the lack of evidence-based data for a community the size of Ithaca. Some other thoughts shared by members: a lack of data for a small community like Ithaca does not mean it would not work here; the facility would be helpful to people struggling with drug addiction; and increasing referrals of individuals to recovery services would be beneficial.

At the end of the discussion, Board members supported modifying the resolution to urge the NYS Legislature to pass legislation authorizing safer consumption spaces and allowing individual jurisdictions to decide whether or not to implement a SIF. References to NYS Assembly Bill A.8534 were removed because Board members did not want to support a specific piece of legislation.

At 1:45 p.m., Mr. Kruppa arrived at the meeting. Shortly thereafter, Board members completed their revisions. The resolution, as revised:

**Resolution Urging the New York State Legislature to Pass Legislation that Authorizes Safer Consumption Spaces**

WHEREAS, safer consumption spaces (SCS), otherwise known as supervised injection facilities (SIF), are an urban evidence-based public health tool designed to reduce the number of overdose deaths among those who use injectable drugs, and

WHEREAS, SCS/SIFs are facilities where people can legally consume previously purchased illicit drugs under medical supervision from trained staff, and

WHEREAS to date, no fatal overdoses have occurred at established supervised SCS/SIF facilities even in communities where injectable drug intake levels are on the rise, and

WHEREAS evidence shows that SCS/SIFs increase the number of referrals to abstinence-based treatment programs among those who use injectable drugs, and

WHEREAS, the Board of Health supports that the decision of whether or not to implement a SCS/SIF should be left up to individual jurisdictions, now therefore be it

RESOLVED, on recommendation of the Board of Health, That the Tompkins County Legislature urges the New York State Legislature to pass legislation that creates a framework for supervised consumption spaces to operate, requires evaluation of the efficacy of the services, and provides

legal protections for the programs and participants, to combat overdose deaths.

Dr. Koppel moved to approve the resolution as discussed; seconded by Dr. Evelyn.

The vote: Ayes – 7; Abstention – 1 (Ms. Black).

**Adjournment:** At 2:00 p.m. Dr. Macmillan adjourned the meeting.