

Tompkins County Board of Health
July 26, 2022
12:00 Noon
Virtual Meeting via Zoom

Approved 8.23.22

Present: Edward Koppel, MD; David Evelyn, MD; Melissa Dhundale, MD; Susan Merkel; Shawna Black; and Samara Touchton and Ravinder Kingra

Staff: Brenda Grinnell-Crosby, Public Health Administrator; Liz Cameron, Director of Environmental Health; Claire Espey, Director of Community Health; William Klepack, MD, Medical Director; Skip Parr, EH; Ted Schiele, HPP; Shannon Alvord, Community Health; Rachel Buckwalter, Community Health; Rachel Buckwalter, Community Health; Michelle Hall, WIC; Dillon Shults, EH; and Karan Palazzo, LGU Administrative Assistant

Excused: Christina Moylan, Ph.D., President;

Guests: Alea Albadeh, Owner of Zaza Exotic Market, Inc.

Call to Order: Dr. Moylan was not in attendance and Ms. Merkel called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

Privilege of the Floor: Alea Albadeh, Owner of Zaza Exotic Market, Inc. was in attendance. He stated that he was unaware of the ticket (draft resolution) and only received the notice this morning from his staff. He acknowledged proof from TCHD of the nicotine flavored products for sale in his store and they have now been removed. He stated that he is confused on this topic and needed clarification on the process. Ms. Cameron explained the standard procedure including, notices, stipulation of agreement, the notice for a hearing and today's meeting where the BOH will review the recommendations from Environmental Health and the resolution will be put to a vote.

Approval of the June 28, 2022 Minutes: Mr. Kingra moved to approve the minutes of the June 28, 2022 meeting as written; seconded by Dr. Koppel. The vote to approve the June 28, 2022 meeting minutes as written was unanimously approved; motion carried.

Financial Summary: Ms. Grinnell Crosby referred to the financial summary included in the packet with nothing to add. Ms. Grinnell Crosby said that they are preparing to file quarterly claims and second quarter state aid. The legislature passed the \$2.3 million in revenue to cover COVID sampling costs and as of June \$1.1 million has been paid.

Administration Report: Mr. Kruppa was not present, and Ms. Grinnell Crosby reported on his behalf. She said that Mr. Kruppa wanted to remind Board members to confirm their attendance with Ms. Palazzo for the BOH meeting on August 23, 2022 to ensure a quorum as the bylaws will be presented for a vote.

Health Promotion Program Report: Mr. Schiele reported on Ms. Hillson's behalf and had nothing new to add to the report included in the package. Mr. Schiele shared that a booster clinic will be held at Lifelong on Wednesday, August 10th from 2-6 pm for those 18 years and older. Registration is required by dialing 211 or online at <https://www.tompkinscountyny.gov/health/covid19popup#lifelong-aug10>. The Community Health Survey is still available and has received over 3,000 responses/clicks.

Medical Director's Report and Discussion:

- Monkey Pox
 - The one locally identified case is consistent with NYC area cases
 - Intimate contact is a key point and transmission is possible for heterosexuals and pregnancies
 - Several press releases have gone out detailing the risk factors, advisability of early diagnosis, and vaccine treatment
 - TCHD partners with Cornell and area practitioners including Planned Parenthood to reinforce the message
 - The World Health Organization recently declared Monkey Pox a global emergency

- COVID 2022
 - BA 2.5 variant is prevalent but not at its peak
 - Getting fully boosted and further boosters is recommended as more variants are likely
 - Expect new vaccines and better medications.
 - Vaccinate at every opportunity
 - The under 11-year-old age group has poor uptake (especially < 5 y/o)
 - TCHD can supply practitioners with doses appropriate for their practice volume
 - Vaccination is helpful in the effort to minimize spread

- High Environmental Temperatures
 - Are a major public threat causing significant illness and deaths

Division for Community Health (DCH) Report: Ms. Espey had nothing new to add to her written report included in the packet. She said that with the recent overturning of Roe vs. Wade and with respect to maternal child health programming, DCH shares information and resources with public health service providers in navigating the changes and what it might mean to them. The information can be found on the TCHD Community Health Services website link under reproductive health resources.

Ms. Buckwalter was available to answer questions related to Monkey Pox. Dr. Koppel asked if the vaccines are available now. Ms. Buckwalter agreed with Dr. Klepack who said that when someone fits the profile for the vaccine, NYSDOH will release the vaccine in appropriate circumstances. Ms. Buckwalter added that they have received calls looking for the *pre-exposure* vaccines which are only allocated for high-risk and close contacts determined during the course of a case investigation. The single case quickly identified in Tompkins County prevented secondary spread and identified no local close contacts.

Children with Special Care Needs Report: Ms. Thomas was not present.

County Attorney's Report: Mr. Troy reported that the GrassRoots Festival went forward without a permit over the weekend and was out of compliance in significant ways. The ongoing issues will be addressed.

Environmental Health Report: Ms. Cameron had nothing to add to the written report included in the packet but noted a date revision to the Valley Manor draft resolution. She confirmed Mr. Troy's report that GrassRoots was not issued a permit for the festival. EH conducted inspections during the festival for general safety and will bring enforcement to the BOH.

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GrassRoots discussion: Ms. Black is concerned with Grassroots' future actions regarding people's safety and their compliance. Ms. Cameron said that they will review options with County Attorney, Bill Troy and

NYSDOH on how to proceed. She said that timelines and deadlines were put in place this year (in Resolution #EH-ENF-21-0011) but GrassRoots failed to comply. Mr. Troy stressed that the county takes this very seriously and it will be discussed with NYSDOH to come up with a plan to ensure their compliance and people's safety.

Ms. Cameron reported that experienced, former environmental health employee, Kate Walker, recently returned to Environmental Health as an Environmental Health Specialist (EHS). Tom Palmer, who has environmental health experience with Chemung County, was also recently hired as an EHS. It is exciting to have two experienced people to add to our EH staff.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported:

- "Tompkins County Whole Health" is the tentative new name for the merged departments
- CSB, Chairperson, Dr. Maria Morog resigned
- Reviewed status of 2022 local services plan
- Update of Suicide Prevention Coalition's work
- Presentation from Josephine Gibson, Executive Director of Mental Health Association for an OTR to help fund the development of a peer-based drop-in center (CSB approved)
- Discussed bylaws to be consistent with both boards focusing on quorums, term limits, and attendance rules

Resolution # EN-ENF-22-0010 – ZaZa's Exotic, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) Dr. Evelyn moved to accept the resolutions as written; seconded by Mr. Ravinder.

Ms. Cameron explained that this ATUPA violation is a case where the parties did not sign the stipulation agreement and a hearing was held. She noted that the notice of hearing and stipulation agreement regarding the sale of flavored nicotine products in the store was hand delivered, as well as being delivered by certified and electronic mail. There was no representation from ZaZa Exotic at the hearing. The hearing officer supports EH's proposed fine of \$600.

Discussion: Ms. Black commented that ZaZa's Exotic is an establishment known to many public-school children as a place to purchase flavored nicotine products. She said that EH is encouraged to diligently seek out these illegal products and enforce heavy fines and penalties to these establishments. Ms. Merkel asked how the public could be made aware of these businesses. Mr. Schiele suggested press releases going out and the TCHD website will be updated with the businesses with ATUPA violations.

Dr. Klepack added that this is a serious matter as addiction begins in adolescence and flavored nicotine/products is a great avenue to build their market for these businesses. He believes strong public messaging is important and effective in highlighting the truths (health risks, deaths, consequences including amputations, addictiveness, etc.) of flavored nicotine products.

Ms. Cameron responded to Dr. Evelyn's question regarding action against their license. She said that businesses will get points against their registration to sell tobacco/vapor product issued by NYS Department of Tax and Finance. Those points cannot be assessed until after the enforcement action is finalized through the BOH resolution. Points are only assessed for sales of tobacco/vapor products to minors. When a facility accumulates 3 points or more, the registration to sell tobacco/vapor products is

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suspended by Department of Tax and Finance. Points are not assessed for sale of flavored nicotine vapor products.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0011 – Quik Shoppe, C-Ithaca, Violation of Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product and Underage Sale of Tobacco Product (ATUPA): Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Touchton.

Ms. Cameron reported that in this case a hearing was held, and the owner was in attendance. The hearing officer's report indicates that the owner stated he was unaware he was selling illegal nicotine salts and nicotine flavored products and requested a reduced fine. The hearing officer supports EH's proposed fine of \$600 which is consistent for first time offenders.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0017– Zocalo, V-Lansing, Violations of Subpart 14-1 of New York State Sanitary Code (Food): Dr. Koppel moved to accept the resolution as written; seconded by Dr. Evelyn.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during hot holding. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0018 – Hound and Mare., C-Ithaca, Violations of Subpart 14-1 of New York State Sanitary Code (Food): Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Touchton.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during cold holding. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0020 – Homewood Suites., V-Lansing, Violations of Subpart 14-1 of New York State Sanitary Code (Food): Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Cameron reported that this is a case of food service violations for insufficient refrigeration storage during two inspections. EH proposes a fine of \$400 based on the matrix with consideration for risk and past violations.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0021 – Valley Manor Mobile Home Park, Violation of Article VI of the Tompkins County Sanitary Code (Sewage): Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Touchton.

Ms. Cameron reported that this is a case of sewage surfacing. She gave a brief history and requested a language change to number four (4) in the draft resolution to read “Complete the replacement of the sewage system in accordance with the OWTS Construction Permit within 30 days of issuance of a SPDES permit by NYSDEC.” EH realized through communications with DEC that a SPDES permit would take longer than initially proposed. EH proposes no fine.

No discussion.

The vote to approve the resolution as amended was unanimous.

Administration:

2023 Budget: Ms. Grinnell Crosby referred to summary document included in the packet:

- \$36,000 under target in joint efforts shared with mental health
- 2 Over-Target-Requests
 - Funding to continue the update of the sanitary code
 - Purchase five (5) electric vehicles to replace existing vehicles in the county fleet
- State aid base grant increased \$100,000 to \$750,000.
- Legislature approved to pay on fringes as long as it was under the 50% fringe rate; estimated @ \$500,000 which will cover positions that were funded only one-time last year
- Money was allocated for training programs across mental and public health in 2023

The budget was submitted and is under review by County Administration.

Ms. Grinnell Crosby said that work continues with the county to bring both budgets together. There are state regulations and financial implications, but the goal is to merge the administrative budgets of Public Health 4010 and Mental Health 4310. All other programs areas will continue to have separate functional units.

Ms. Merkel reminded everyone to hold their calendar for next month’s meeting on 8/23/22 to ensure a quorum is met to move forward with a vote on the bylaws.

The next meeting is Tuesday, August 23rd, 2022 @ Noon.

Adjournment: Adjourned at 12:58 p.m.