

MINUTES
Tompkins County Board of Health
July 25, 2023
12:00 Noon
Rice Conference Room and via Zoom

Approved 8.22.2023

Present: Christina Moylan, Ph.D., President; Melissa Dhundale, MD, Vice-President; Susan Merkel; Samara Touchton; Edward Koppel, MD; Shawna Black and Andreia De Lima, MD

Staff: Elizabeth Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Deputy Public Health Director; Dr. William Klepack, Medical Director; Deb Thomas, Director of Children with Special Care Needs; William Troy, County Attorney; Frank Kruppa, Commissioner; Harmony Ayers-Friedlander, Deputy Commissioner of Services; Zoe Lincoln, Whole Health Planner; and Karan Palazzo, LGU Administrative Assistant.

Excused: Ravinder Kingra

Guests: None

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at noon.

Privilege of the Floor: None

Approval of May 23, 2023, Minutes: Ms. Black moved to approve May 23, 2023, minutes, second by Dr. Koppel; all were in favor as written; it was unanimous.

Financial Summary: Ms. Grinnell Crosby referred to the financial summary through June included in the packet. The first-quarter state aid was filed, and staff are in the process of reconciling the June report. Administrative staff are beginning work on second-quarter grant claims and Article 6 state aid.

Administration Report: Mr. Kruppa introduced the Public Health Fellows Dorota Kossowska, Sagarika Vemprala, and Ashley Lewis.

Mr. Kruppa reported that the 2024 budget will soon be submitted to the County Administrator. The proposed new positions across Whole Health are funded with existing funds with no reductions, elimination of services, or policy implications related to the budget.

COVID-funded grants have ended with some ending in the middle of next year and the ending of those funds has been anticipated.

The BOH packet is being updated with senior leadership and division staff to better meet BOH expectations of pertinent information that is easily identifiable. Updates of the departmental merger will also be included in the new packet model with an anticipated unveiling by the end of the summer for BOH's review and feedback.

Health Promotion Program Report: Ms. Hillson was not available.

Medical Director's Report and Discussion: Dr. Klepack referred to his report included in the packet with nothing to add. He sadly announced the recent passing of retiree, Melissa Gatch, a nurse who worked for Tompkins County Health Department in various capacities for 36 years, displaying distinction, integrity, and the best interest of those she served.

Division for Community Health (DCH) Report: Ms. Buckwalter was not available.

Children with Special Care Needs Report: Ms. Thomas announced that Diane Olden is retiring after 30 years in Public Health.

She reported that the therapist shortage is even more severe and attended a Health and Human Services Committee to bring attention to the crisis. The meeting is available on YouTube and will share the link. The shortage includes all disciplines with a waitlist for speech therapists currently at 40 and no social workers for any children. A survey concluded that the lack of pay raises, insufficient salaries, and inadequate travel/equipment costs for therapists has contributed to the shortage.

A task force at the State level was created to address tuition reimbursement/student loan forgiveness and increasing the salary rate; but unfortunately, the rate increase did not pass in Governor Hochul's State budget. Higher education is looking to promote more students for early childhood therapists, but this will take time. The county is mandated by the State to provide services and there can be legal recourse from parents of eligible students through mediation to provide services.

County Attorney's Report: Mr. Troy was happy to report that Grass Roots greatly improved this year.

Environmental Health Report: Ms. Cameron reported that Grass Roots submitted great layouts beforehand with only minor issues of operations and permits were issued. She complimented the EH staff in the application review and all the required fieldwork for the inspections. Communication will continue for a successful 2024 Grass Roots Festival. She noted that since they failed to complete the application 45 days in advance required from a previous order from a signed stipulation and will be brought to the BOH at next month's meeting. Overall, she said it was very successful.

Ms. Cameron reported that a number of facilities on today's agenda prohibiting vapor products and enforcement actions that were taken previously have been paying their penalties. The Office of Cannabis Management (OCM) said that Black Leaf is not registered to sell vapor products, but ZaZa and Dreams are. There is good communication with the Assistant Attorney General in Binghamton regarding enforcement and things are working better with the OCM.

Ms. Cameron reported that EH does not currently have an ATUPA contract or budget to fund the program which expired on March 31, 2023. The State said it would extend the contract, but this has not happened yet.

Ms. Cameron happily announced that Brianna Walsh is the permanent Administrative Assistant III in EH. EH currently recruits another Administrative Assistant, a Public Health Fellow, and an EH Specialist.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported that the CSB met on July 10, 2023, to review and approve the Local Services Plan. The four-year plan focuses on workforce, housing, crisis services, cross-systems services, non-clinical supports, adverse childhood experiences, and transition-aged services. The plan's focus was based on information obtained through Community Health Assessment (CHA) posted on the Tompkins County Website under Community Health Reports, <https://www.tompkinscountyny.gov/health/chachip2224>.

Resolution #EH-ENF-23-0002 – Triphammer Road Mobile, V-Lansing, Violations Article 13-F of NYS Public Health Law (ATUPA) – Ms. Black moved to accept the motion as written; seconded by Ms. Merkel.

Ms. Cameron explained that the first three resolutions are similar in that all the facilities sold prohibited flavored vapor products during an initial EH visit but not during two follow-up visits.

Resolution #EH-ENF-23-0002 – Triphammer Road Mobile’s first follow-up visit was conducted as an adult check for buying cigarettes. The second follow-up visit was conducted with an underaged youth and there were no underage sales. EH proposes a fine of \$600 consistent with the penalty for the proposed initial sale as per the adopted BOH policy.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-23-0009 – Smiley’s Mini Mart, T-Ithaca, Violations Article 13-F of NYS Public Health Law (ATUPA) – Dr. Dhundale moved to accept the motion as written; seconded by Dr. Koppel.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-23-0010 – Ithaca Mini Mart, C-Ithaca, Violations Article 13-F of NYS Public Health Law (ATUPA) – Dr. Dhundale moved to accept the motion as written; seconded by Ms. Merkel.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-23-0008 – Red’s Place, C-Ithaca, Repeat Critical Violations of Subpart 14-1 of New York State Sanitary Code (Food) – Ms. Touchton moved to accept the motion as written; seconded by Ms. Merkel.

Ms. Cameron reported that these are cold-holding violations from inspections on March 3rd and April 6th consistent with the penalty policy for food service establishments. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-23-0011 – Applegate Park, T-Enfield, Violations of Board of Health Orders and Part 17 of New York State Sanitary Code (MHP) – Dr. Koppel moved to accept the motion as written; seconded by Ms. Touchton.

Ms. Cameron explained that this is a previous violation of BOH orders related to issues with their water system in a mobile home park. Owner, Joseph Giordano has not been responsive, failed to submit water reports, failed to submit monthly water system operating reports, failed to submit sample results, failed to pay the application fee, and has not met the proposed penalty payment plan as agreed upon. All are requirements to renew his permit application.

Ms. Camerson said that the mobile home park continues to be on a boil water order and problems continue with the onsite wastewater treatment sewage system. Mr. Giordano submitted an application without the required fee or a request for a fee waiver. He was issued a Public Health Director's Order in June to immediately install fencing around the sewage system and EH is scheduled to do a follow-up check.

EH proposes the payment of the outstanding penalty of \$750 plus \$1,100 for the current violations which are due by August 15, 2023.

Discussion: Ms. Black suggested reaching out to the owner to attend the next meeting for more solutions to ensure the safety of the residents. Ms. Cameron stated that Mr. Giordano has not been responsive when the EH staff reached out on several occasions and the previous order included two contingent penalties if the requirements were met. The additional penalties would not have occurred if money was put towards fixing the problem.

Dr. Moylan doesn't believe continuing to provide leniency is the solution in light of his non-responsiveness and noncompliance with the responsibility to provide people with safe clean water. Dr. DeLima believes the BOH should adhere to the recommendations from EH as previous conversations have been unsuccessful and is concerned about people being exposed to unsanitary conditions. Dr. Moylan agreed and believes moving forward with EH recommendations is best. Mr. Kruppa added that the BOH's order can be adjusted appropriately in the future if necessary.

Ms. Black motioned to reduce the fine to \$500; seconded by Dr. Dhundale.

Discussion: Ms. Black believes that when the penalties are so high it is challenging to do the costly work that is needed. After the work is done the fine should be reconsidered. Dr. Koppel stated that this was the initial resolution, but the work was never done, and fines were never paid. Mr. Kruppa added that fines can be contingent on the completion of work. Ms. Merkel feels he has been given multiple options to comply and communicate with EH. After a lengthy discussion, the motion to reduce the fine did not pass.

The motion to approve the original motion as written; Ms. Black opposed; all else were in favor. Motion carried.

The next meeting is Tuesday, August 22nd, 2023 @ Noon.

Adjournment: Adjourned at 1: 05 p.m.