

MINUTES

Tompkins County Board of Health

September 25, 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; and Christina Moylan, PhD
- Staff:** 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; Jonathan Wood, County Attorney; and Shelley Comisi, Administrative Assistant II
- Excused:** Karen Bishop, Director of Community Health; Janet Morgan, PhD, Board of Health Member; and Deb Thomas, Director of Children with Special Care Needs
- Guests:** Sheila McEnery, Community Mental Health Services Board Member; Skip Parr, Senior Public Health Sanitarian; and John Poulos, Owner/Operator, Dryden Queen Diner

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: John Poulos, owner/operator of the Dryden Queen Diner, appeared before the BOH. In his remarks, he mentioned he has been cutting tomatoes for 44 years in his restaurants. To prepare items for the salad bar, he slices the tomatoes ahead of time. At two inspections, he was informed that the tomatoes were not at the correct temperature. Mr. Poulos does not understand why the tomatoes need to be cold and was hoping to hear an explanation from the BOH.

Mr. McLaughlin asked Mr. Poulos about his interaction with Environmental Health (EH) staff since they are the inspectors who are qualified to answer his questions. Mr. Poulos indicated he was not at the restaurant for the first inspection but was present the second time. The inspector recommended storing the boxes of tomatoes in the refrigerator. As a result, he has changed the procedure and now places the tomatoes in a walk-in cooler. Mr. Poulos concluded by stating he wants to follow the rules and regulations and will abide by the Board's decision. He thanked members for their time.

Approval of August 28, 2018 Minutes: Dr. Koppel moved to approve the minutes of the August 28, 2018 meeting as written; seconded by Ms. Merkel; and carried unanimously.

Financial Summary: Ms. Grinnell Crosby reported staff is currently working on several budget adjustments and transfers looking towards year end. With the change in the Medical Examiner (ME) program this year, current program expenses are coming out of the 4017 account. The 4014 ME account will close after prior expenses are paid.

Administration Report: Mr. Kruppa, communicating with the BOH via telephone, yielded the floor to Dr. Macmillan for an announcement.

Dr. Macmillan shared the news that he will be leaving the BOH when his term expires at the end of the year. After 24 plus years of service, he will be “pursuing unencumbered grandfatherhood.” Although he will miss everyone, he plans to stay connected by reading the minutes. He then yielded the floor back to Mr. Kruppa who thanked Dr. Macmillan for his many years of service as a member and for his leadership role as President. To fill the vacancy, Mr. Kruppa asked for volunteers to serve on a nominating committee to interview candidates. Dr. Evelyn is another member whose term is expiring at the end of year; however, he has decided to seek reappointment to the BOH. Lastly, the committee will be tasked with recommending a slate of officers for 2019. Any Board member interested in serving on the nominating committee should contact him or Ms. Comisi.

Health Promotion Program Report: Ms. Hillson highlighted the following activities:

- There is information in the packet about the “Stay Steady” fall risk screening events occurring in the community. The monthly screenings are in collaboration with Anne Reilley, physical therapist at Cayuga Medical Center, and some other local organizations.
- The Health Department’s first fall rabies clinic is scheduled for September 26, 2018 at the school bus garage in Newfield from 7 to 9 p.m. In the next two weeks, there will be four additional clinics offered in other locations.

Medical Director’s Report: Dr. Klepack had nothing to add to his written report. He answered questions from Board members regarding the plan to store Narcan at all AED locations throughout the County:

- Narcan at the AED sites will be available as a nasal spray.
- There will be a system of tracking and replacing the Narcan every 12-18 months before it expires.
- Each county department will have staff who have received training to administer Narcan. Instructions will be available for untrained individuals.
- AED cabinets will store the initial dose of Narcan to be administered until emergency responders arrive with additional Narcan. As part of the protocol, anyone receiving Narcan goes to the emergency room for follow-up care.

Ms. Grinnell Crosby provided additional information:

- The county has 48 AEDs: 35 in county facilities; 13 in sheriff patrol cars. Currently, those patrol cars also carry Narcan.
- The Health Department has one AED on each floor. Staff does a monthly check to make sure it is working and supplies are available.
- In the event there is a need for rescue breathing, the AEDs contain breathing masks along with gloves, scissors, etc.

Division for Community Health Report: Ms. Bishop was not present for the meeting.

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

County Attorney's Report: Mr. Wood informed the Board there is a proposed law going to committee to ban single-use plastic bags in Tompkins County. The County Administrator has referred this issue to him and the Department of Recycling and Materials Management for a recommendation. Recognizing reusable bags raise health concerns, Mr. Wood has found information on the New York State Department of Health (NYSDOH) website that offers advice on how to safely use reusable bags. It would be helpful if the BOH issued a statement advising lawmakers that any law should be consistent with the recommendations from the NYSDOH and that the public should be informed about the proper use of reusable bags.

Mr. Kruppa said the department has been involved in some introductory conversations on this subject. At the next meeting, he and Ms. Cameron will bring some options for the Board's consideration. As the group gathers more information, Ms. Black offered to invite the legislator who is sponsoring the resolution to speak to the BOH.

Environmental Health Report: In connection with the plastic bag discussion, Ms. Cameron attended the Planning, Development, and Environmental Quality Committee meeting on September 24, 2018. At the meeting, the Environmental Management Council made a presentation recommending the proposed legislation to ban single-use plastic bags in Tompkins County go forward. Ms. Cameron has been communicating with Barb Eckstrom, Director of Recycling and Materials Management in Tompkins County, on this issue.

Report on the Community Services Board (CSB) Meeting: The BOH was not represented at the CSB meeting held on August 27, 2018 so there was no report.

Resolution #EH-ENF-18-0025 – Dryden Queen Diner, V-Dryden, Violation of Subpart 14-1 of the New York State Sanitary Code (Food): Mr. Poulos from the Dryden Queen Diner spoke earlier in the meeting regarding two violations for tomatoes being out of temperature.

Mr. McLaughlin moved to accept the resolution as written; seconded by Ms. Black.

According to Ms. Cameron, whole tomatoes can be at room temperature if the tomato is cut, put on a sandwich, and immediately served to the customer. Once the tomato is sliced, there is the potential to introduce bacteria contamination. When slicing tomatoes in advance, the tomatoes need to be chilled to discourage the growth of bacteria. Whenever there is a violation, the inspector explains it to the restaurant staff in charge at the time.

The vote to accept the resolution as written carried unanimously.

Resolution #EH-ENF-18-0027 – Ithaca Bakery, V-Lansing, Violations of BOH Orders #EH-ENF-16-0016 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron referred to a copy of Ramsey Brous' email that was distributed prior to the meeting (Attachment 1). In the email, Mr. Brous describes the measures he has taken to address the problems with the salad bar and is requesting a penalty reduction.

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

To explain the \$1,200 fine, Ms. Cameron briefed the Board on the process of assessing fines. After the BOH passes a resolution, EH staff conducts a follow-up inspection. If there is a violation of BOH Orders at the follow-up inspection, the case immediately returns to the BOH. In this situation, there were two inspections rather than one before the case returned to the BOH. Typically, staff assesses fines at \$400 for two initial violations and the fine increases with a violation of BOH Orders. In this circumstance, the restaurant had two repeat temperature violations in addition to the violation of BOH Orders which resulted in the \$1,200 fine.

Mr. McLaughlin supported a penalty of \$800 to remain consistent with previous BOH actions. There was no objection to Mr. McLaughlin's amendment.

The vote to accept the resolution as amended carried unanimously.

Resolution #EH-ENF-18-0028 – Collegetown Bagels-Collegetown, C-Ithaca, Violations of BOH Orders #EH-ENF-17-0048 and Subpart 14-1 of the New York State Sanitary Code (Food): Ms. Cameron reported Collegetown Bagels did not have adequate refrigeration storage to maintain food at the proper temperature. The fine is \$800: \$400 for inadequate refrigeration plus \$400 for violation of BOH Orders.

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

Tompkins County Legislature's Proposed Resolution in Support of Marijuana Legalization in New York State: To provide additional information to Board members, a "New York State Regulated Marijuana Fact Sheet" (Attachment 2) was distributed prior to the meeting.

Mr. Kruppa invited Ms. Black to speak about the proposed legislative resolution before he talks about the next steps.

In her remarks, Ms. Black stated the resolution was written to support a bill that is currently in the New York State Assembly and Senate. Governor Cuomo also has endorsed the legalization of recreational marijuana and has assembled a working group to draft legislation. There will probably be a vote on legislation in January. Ms. Black mentioned there are issues of public health, social justice, and other concerns to be considered. The idea being proposed involves marijuana dispensaries subject to government regulation. Legalization would decrease demand on the black market and remove the stigma attached to marijuana as a drug that is associated with drugs like heroin and cocaine. The resolution does not address medical marijuana which is already legal in the State. She requested feedback from Board members.

Highlights from a lengthy discussion regarding the resolution:

- Dr. Macmillan reported on the BOH/CSB subcommittee meeting held on September 21, 2018. As the group looked at the resolution and discussed marijuana legalization, they opted to generate a preliminary version of a letter to the Legislators that looked at both public health risks and medical risks (Attachment 3). As advisory boards, the group raised reasonable health concerns and made some general suggestions for consideration.
- Several members expressed concerns about the unintended consequences of legalization that would require extra funding to deal with those problems. Ms. Merkel suggested adding a statement in the resolution regarding the expectation that the State will provide revenue to

address the consequences. Ms. Black indicated the recommendation could be included in the resolution.

- According to Ms. Black, the resolution is a way for our elected officials and advisory boards to give input as to where our community stands on this issue. Assemblywoman Barbara Lifton has indicated this would be important for her decision-making.

Since members were uncomfortable taking a position on the legalization of marijuana, the discussion centered on the BOH/CSB subcommittee's letter to the Legislators:

- Dr. Moylan was in support of the letter rather than the resolution but wanted more time to think about it and recommend some edits.
- Mr. Kruppa mentioned he does not believe there is a rush other than Ms. Black wants to take the resolution to the County Legislature in November. If the Board wants to be heard on the issue there is a time factor.
- As a member of the CSB, Ms. McEnery said her colleagues want to have a voice in this issue by expressing their concerns through a letter written in collaboration with the BOH.
- Mr. McLaughlin does not feel the letter is a contradiction to the resolution. It provides our perspective on some of the potential ramifications without taking a position on marijuana legalization.
- Ms. Black thought the letter was well written in expressing the concerns of both advisory boards. The letter will be sent to Tompkins County Legislators who have historically acknowledged your role and listened to your advice. It could be important for them to see your letter as some of her colleagues are undecided.
- There was agreement among BOH members that more time was needed to edit the letter with the intent of clarifying the language and opinions expressed. Ms. Merkel suggested members work with Mr. Kruppa to wordsmith the letter via email.

Mr. McLaughlin moved that the BOH is supportive of sending a letter to Tompkins County Legislators that (1) does not take a political view, (2) identifies issues to be addressed as a consequence of marijuana legalization, and (3) receives final approval from all members of the BOH and CSB; seconded by Dr. Koppel.

Discussion continued to specify the timeline going forward. Mr. Kruppa mentioned the edited letter should go to the CSB before their meeting on Monday, October 1, 2018. Changes to the letter should be sent to him via email by Thursday, September 27, 2018, to allow time for him to forward the letter to the CSB. He invited all BOH members to attend the CSB meeting to move the process along as a joint response. Ms. McEnery commented it will be helpful to CSB members to have the rewrite ahead of our Monday meeting. Having the time to review the letter will enable us to have a more thoughtful conversation.

Dr. Macmillan called for a vote on the motion that the BOH will generate and forward its edited version of the letter to the CSB for input and final collaboration. The vote in favor of the motion: Ayes – 6; Abstention – 1 (Ms. Black).

Adjournment: At 1:19 p.m. Dr. Macmillan adjourned the meeting.