

Cayuga County Board of Health Meeting
Tuesday, March 26, 2019

Members Present: Ms. Aileen McNabb-Coleman
Mr. Ralph Battista
Dr. John Cosachov
Mr. Keith Batman
Mr. Tim Fessenden
Dr. Brian Brundage

Members Excused: Dr. Cassandra Archer

Others Present: Charlie Ripley, Cayuga County Legislator

Staff Present: Janine Clifford
Megan Bell
Eileen O'Connor, PE
Kathleen Cuddy, MPH
Nancy Purdy, RN, BSN
Dr. Gioia- Medical Director

Dr. Cosachov called the meeting to order at 12:17pm

Minutes of February 26 2019: With no questions or corrections, a motion to approve the minutes was made by Dr. Brian Brundage and seconded by Ms. Aileen McNabb-Coleman. The minutes of the February 26, 2019 Board of Health were approved as written.

Director of Administrative Services: Janine Clifford

Janine reported on the claims with warrant dates of 3/7/19 and 3/19/19. Keith asked why there was a difference between the two rabies charges that were reported. Eileen shared that they get bills from the Hospital and other providers so depending on the person's insurance or where they are in treatment costs can vary. She also noted that the person who is receiving treatment never has to pay out of pocket, whatever is not covered by insurance is paid for by the Health Department. There being no further questions regarding the claims a motion to approve the claims was made by Keith and seconded by Tim. All in attendance in favor.

Public Health Director: Kathleen Cuddy, MPH

Kathleen shared that Chris Palermo, County Attorney, just received official word from the Marshall Brothers, Inc. attorney that they are withdrawing their appeal to the judge's decision regarding the local tobacco law.

Kathleen also shared on Nancy's behalf that we had our State survey of our Diagnostic and Treatment center on March 15, 2019. Diagnostic and Treatment covers primarily our on-site clinic work which is mostly immunizations and lead testing. Kathleen shared that over the past few years the State has discussed adjusting some of the standards for smaller Diagnostic and Treatment center's such as our, but nothing official has come through so we are held to the same

standards as the Hospital and other large scale Diagnostic and Treatment centers. Kathleen just received our statement of deficiencies and we have 10 days to submit our plan of corrections. The first deficiency that was noted was our address on our certificate. We had previously changed our LHCSA and CLIA certificates, but because we were still doing most of our immunization clinics at the County Office Building until just last year we had not changed it. We have to complete a certificate of need with the correct address to the State. They will do a site visit and it will cost the Department approximately \$1,000 to correct the certificate. The next deficiency noted was in regards to our credentialing process and policy for our medical director and contracted physicians. We need to add some things to our current policy and verify all appropriate documents are in their files. Some of the other deficiencies included not having an infection control committee, we are currently working on developing one, and our AED did not have the pediatric pads in the case with the machine they were in an office as we were waiting for the pediatric key for the AED that was recalled. The survey went well and most of the noted deficiencies have been corrected. We must ensure that the Board is kept updated on quality assurance efforts and credentialing of contracted physicians.

Director of Environmental Health: Eileen O'Connor, PE

Eileen reviewed the Hearing and Consent Orders:

Kessler Septic Service, LLC- Niles (T)

Bouley Property- Fleming (T)

Fanning Property- Owasco (T)

Farrington-Kopak Property- Aurelius (T)

Jordan Property- Fleming (T)

Marion Property- Owasco (T)

Pettis Property- Aurelius (T)

Sheftic Property- Fleming (T)

Thurston Property- Aurelius (T)

Keith asked if there was a regulation in the updated Watershed Rules and Regulations requiring people to connect to public sewers if available. Eileen said there is not. She said it did not come up in discussion, possibly because there are so few houses on the lake that have the option to connect to the sewer who are currently not connected. A motion to approve the hearing and consent orders was made by Dr. Cosachov and seconded by Dr. Brundage with all others in attendance in favor.

Eileen also shared with the Board that this year they have started sending minors into vape shops to attempt to buy vape supplies. It is not a requirement of the ATUPA grant, but they are covered under the local law. We have three vape shops in the county and they were notified early this year that the Department would be sending minors into their establishments to attempt to purchase e-cigarettes and associated equipment. We sent minors in February and at one of the shops they were able to purchase some vape supplies. The vape shop was sent a consent order for this violation. The signed consent order was returned, but the monetary penalty was not included.

Owasco Lake Watershed Rules and Regulations Update Project:

At the last meeting the Board expressed interest in reviewing the draft Owasco Lake Watershed Rules and Regulations. Eileen reviewed some points that will likely be of interest to the public

as well as those that resulted in discussion from the Steering Committee during the document's development. There was some concern from some Steering Committee members that the inspector has the ability to inspect their property without their permission and how would the inspector be identified and conduct himself. This is not a change, the current rules allow the inspector to visit properties unannounced. The accompanying FAQ document discusses how the inspector will conduct himself during inspections.

The next section covers waivers. A lot of people feel that their property is unique and the rules may not fit their situation, so a waiver process was included that allow people to request an exemption. The applicant will need to demonstrate that water quality will not be impacted before a waiver would be granted.

The first general provision prohibits any pollutant from entering the lake, a watercourse or a storm ditch. Notices of permit applications for proposed projects that disturb soil need to be forwarded to the Inspection Program. This will allow the inspector to visit those areas that may be of concern due to the project or the characteristics of the property. Eileen said that they hope to educate the various Town and Village code enforcement officers of this requirement so they can advise homeowners who request a building permit of their responsibilities.

Dr. Cosachov asked if one inspector will be enough given the need to implement all the rules and regulations in the entire watershed. Eileen said that the inspection program is funded by the City of Auburn and the Town of Owasco. Both municipalities have a strong interest in the program and that if the need were to arise for another inspector she thinks the request would receive positive consideration.

In the septic systems section there are a few new items. No new systems can be installed within a flood plain unless the property is changed so that the bottom of the leach field is 2 feet above the 100 year flood level. This will be new for Tompkins County, however it has already been in place for Cayuga County in our sanitary code. Also, effective 5 years after the adoption of the document, no systems will be less than 100 feet from the high water mark of the lake. Those that are in existence will have to discharge toilet waste to a holding tank or install some phosphorus treatment system on the existing system. Another change is that there will be no expansion or change of use of a structure without approved septic systems plans, this will be new for Tompkins and Onondaga County, but is already in practice for Cayuga County. Owners of rental properties with septic systems on the lake will have to provide the Inspection Program with a notice of intent to rent. This information will allow the inspector to keep an eye on the septic systems on these properties during the busy summer season.

Regarding pesticide use, no person shall discharge or apply pesticide to an impervious surface, this applies to both commercial and residential properties. Regarding storage of petroleum, effective 5 years after adoption of these rules no underground non-bulk storage tanks will be allowed within 500 ft of the lake or in the flood plain.

There were numerous additions regarding sediment. Owners of projects that disturb more than 5000 sq. ft. of soil will have to implement soil erosion and mitigation measures. Also anyone who creates an impervious surface of one or more acres will have to construct storm water management practices to address the additional storm water that will be generated.

There is a new section on ditches and roadway maintenance. Highway Superintendents will be required to attend a 4 hour erosion and sediment control course and will have to notify the Inspector prior to ditch scraping projects. Steps to begin re-vegetation must begin within 1 week or prior to any rain after ditches are scraped.

The new regulations prohibit spreading manure or commercial fertilizer on snow covered ground without a farm manure management plan. In addition, they prohibit the spreading at rates and volumes that exceed those specified in a farm management plan. The Watershed Management Council is hoping to obtain some funding to help farmers develop these plans with assistance of a certified professional. There was discussion regarding the cost of farm management plans. The Board suggested coming up with some kind of template for the farm management plans. Eileen said that Vermont requires all farms to have a nutrient management plan and they hold classes and work with the farmers to develop their plans. They charge approximately \$800 per farmer to attend the class.

There is a new section on vegetative buffers. Five years after adoption of the rules and regulations, vegetative buffers must be maintained 35 feet from a watercourse and 10 feet from a ditch.

No manure stacking areas will be allowed within 300 feet of the high-water mark or a stream and no feed storage areas within 250 feet. Livestock will be prohibited from having direct access to waterways except in designated crossings where time spent in the water will be limited.

The farm management plans required under these regulations will be available to the Inspector upon request.

Megan will send the link for the project page where public feedback can be submitted to the members.

With nothing further to discuss Keith made a motion to adjourn the meeting with a second by Ralph. The meeting was adjourned at 1:30pm.