

Chautauqua County Board of Health  
MINUTES

**Meeting Date/Time:** Thursday, November 21, 2019 @ 6:00 p.m.  
**Location:** HRC Bldg., 4<sup>th</sup> floor conference room, Mayville  
**Scribe:** Sherri Rater

**ATTENDANCE:**

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Erlandson	P	Andrew O'Brien	P	Natalie Whiteman	Emergency Preparedness Coordinator, HHS
Dr. Hewes	A	Dr. Tallett	P	Lisa Schmidfrerick-Miller	Healthy Communities Consultant, HHS
Dr. Khan	P	Natasha Souter	P	Bree Agett	Epidemiology Manager, HHS
Dr. Kidder	P	Mark Tarbrake	P	Jordan Patterson	Jamestown Post Journal
Dr. Ney	P	Elisabeth Rankin	A	Kenneth Dahlgren	Tobacco Free Chautauqua Cattaraugus Allegheny
<b>Others Present</b>		<b>Title</b>		Jonathan Chaffee	Tobacco Free Chautauqua Cattaraugus Allegheny
Dr. Berke		County Physician		Pastor Lynn E. Bedford	Citizen
Christine Schuyler		Secretary, Public Health Director		Mark Twichell	Citizen
Mark Stow		Director of Environmental Health, HHS			
Sherri Rater		Scribe			

<b>Call to order</b>	The meeting was called to order by President Tom Erlandson at 6:03 p.m.
<b>Privilege of the Floor</b>	<p><b>Mark Twichell, Fredonia, NY:</b> It's such a privilege to be here speaking to a group that is dealing with an issue of wind turbine noise as opposed to the group that is meeting in Buffalo NY tonight at the the alleged wind turbine noise and public health forum being sponsored by Alliance for Clean Energy New York which is a lobbyist organization for the wind industry. Two of the panelists for the discussion are known internationally for denying the science of wind turbine noise. I ask the Board for an update on issuing a letter of recommendation to the municipalities. Additionally the Town of Portland is currently in a state of moratorium and the letter will help with their decision.</p> <p><b>Lynn Bedford, Arkwright/Fredonia, NY:</b> I've been to your Board meetings and have seen how you are processing the information that you've been getting. I've been elected to be on the board of the Town of Arkwright and am glad I can have a voice. I've met over a hundred people during the time I was campaigning and there was so much talk of sickness by people who live near the turbines. I get discouraged sometimes because there is so much positive about what is going on, but I talked to the residents of Arkwright and found out they are going to vote against the people who put the turbines in. There are now five people on the board who are advocates for the residents of Arkwright. We are trying to put a silence at night because they are giving us sleep deprivation. At least we can do something now. So we are looking for the Health Board to come</p>

	<p>along beside us. Thank you.</p> <p><b>Erlandson:</b> With the Board's permission I would like to read an email I received this morning from <b>Evan Davis</b> who was unable to attend the meeting. In September Evan was here and addressed the privilege of the floor. Here is the email received today: Hello my name is Evan Davis, RN, BSN, fortunately I will not be able to attend our Board of Health meeting tonight but I wanted to voice my concerns once again pertaining the Ball Hill wind project. In response to the Board of Health's safety concerns regarding set back, the Villanova Board unanimously voted to move the setback to 1,000 feet from residences; 200 feet closer than previous. This ordinance, with turbines this height so close to residences is unprecedented worldwide. The significance of this cannot be understated. Safety is now even more of a concern and no consideration is being made for the risks involved such as blade and ice throw, tower fall, and sound. At what point to we need higher legislation to become involved? At this point the town board and supporting residents need protection from themselves as they have been blinded by greed. The Villanova town board has no education or qualifications to set such precedence and it is unsafe and unethical. Environmental, economic and health concerns all point to this project being detrimental to the members of this town and county. While there is no denying it will be lucrative for some, the effect these turbines will have for the next 45 years should give pause for thought. Many other states, Canada, and several European countries have recognized the need for safe setbacks. Will Villanova be allowed to proceed with their ignorant and unsafe project?</p>
<p><b>Approval of September 19 and October 28 Minutes</b></p>	<p>Tarbrake made a motion to approve the September 19, 2019 meeting minutes, 2<sup>nd</sup> by Ney. All in favor; motion carried. Ney made a motion to approve the October 28, 2019 special meeting minutes, 2<sup>nd</sup> by Tarbrake. All in favor; motion carried.</p>
<p><b>Agreements to Settle</b></p>	<p>Agreements to settle were reviewed. Stow indicates there are a variety of water violations for not submitting reports and various items. Others for operating without permits, restaurant enforcement actions, and failure to have septic systems certified upon property transfer.</p> <p>The other matter under this section is the Board of Health vs. Thomas Mount for a property on 1727 Route 426 in Clymer in the Town of Mina who installed a septic system without obtaining a permit. A preconference meeting took place before a scheduled hearing where his attorney and our attorney were able to come to an agreement where Mr. Mount agreed to pay a \$1,000 fine and to go through the permitting process and excavate portions of his system so that we can verify that it meets the design standards. We have a Board of Health Order drafted that states the above noted items. Questions – did he do this himself? A. I believe that he may have but we will investigate whether there was a contractor involved who is also in violation. Q. How does someone obtain a certificate of occupancy? A. A certificate of occupancy is obtained through the local code enforcer.</p> <p>Tallett made a motion to approve the order regarding Mr. Mount, 2<sup>nd</sup> by Souter. All in favor; motion carried.</p>

**Public Health and Tobacco Policy Center Presentation:**

Ken Dahlgren and John Chaffee with Tobacco Free Chautauqua Cattaraugus Allegheny introduced themselves. The Public Health and Tobacco Policy Center is an organization that the NYS Department of Health (NYSDOH) Tobacco Control Program has hired as consultants on the tobacco policy. They have a lot of experience working with groups all over the country. Ilana Knopf, Policy Center Director, who will be giving the presentation, really knows her stuff. We have given you some information packets from them that you can reference. A lot of the things in the packet she will be talking about today. We are willing to help with any policy work that needs done on the county level.

Knopf gave a presentation on the purpose of the agency, the tobacco industry, and discussed some options to further regulate tobacco sales in Chautauqua County.

Knopf indicates the agency is located and affiliated with the North Eastern University School of Law and helps local government on their objectives to reduce death and reduce tobacco use. We have helped a lot of communities throughout the state identify feasible policies for the communities and implement those policies. We are here to answer questions about what the evidence says, help address problems and help with policies.

Knopf provided a recap of what her presentation will include. She will speak on how tobacco use is an industry driven problem and not just happenstance; the presence tobacco products have in our communities and how it is manipulated; the solution is to reduce exposure by reducing the marketing; various policies to implement the reduction of exposure and what other counties are doing.

The state prevention agenda goals are to prevent initiation and promote cessation. Reducing exposure is critical in order to meet these statewide goals. The tobacco industry spends billions on advertising and the majority of the advertising happens in the retail environment. Rural areas are a big target. The industry uses advertising that portrays independence and ruggedness. Magazine ads and billboards for tobacco products are a thing of the past. Essentially, the stores have become their billboards. We need to look at ways to make the products less affordable and less appealing. Another disruption is flavors. The Surgeon General acknowledges and it's no secret that flavors drive youth use. Flavors drive health disparities and make quitting much harder.

There are 107 tobacco retailers in Chautauqua County and the County has the sixth highest smoking rate in the state with more than a quarter of adults continuing to smoke cigarettes. The nation as a whole is at a 16% smoking rate and we are at 26%. We have done a lot of great work but there is more to do.

What's the solution to reduce exposure: regulate sales; restrict sales by limiting how and where they occur; limit number of retailers; regulate the locations like distance from schools, distance between retailers; limit the types of retailers for example no tobacco in a store that has a pharmacy; identify specific products to restrict; restrict retailers from redeeming certain types of discounts.

Implementation could be a stand-alone law – ie. No tobacco retailers where there is a pharmacy, a licensing requirement, or a land use (zoning restriction).

Enactment could be through an ordinance or a regulation through a sanitation or zoning code.

Currently there are nine counties in NYS that have implemented a location restriction. Erie County and others have a law where tobacco cannot be sold in pharmacies. Erie County also restricts smoking at all of the transit

stops and no smoking in cars with children. Beverly Hills, CA just passed a law banning all tobacco sales.

Discussion was had regarding the flavored cigarettes and the increasing popularity.

Retailers have to sign contracts with tobacco companies or they don't get the coupon redemption. Per the contract, retailers can't touch the displays. The tobacco companies come in and take care of the displays. You run into a first amendment problem to say where they have their products and how they are displayed and how much advertising retailers have in the stores, whereas we do have the ability to regulate the number of retailers in the county and regulate number of retailers within a radius etc.

O'Brien – is there any evidence that these measures make a difference? There are many studies that have been done and Knopf would be happy to compile a list for review.

Here people have another source at the reservation and across the border into PA. There is data to prove that this is a price sensitive issue. Discounting is a huge measure. People in Chautauqua County are heavily using coupons. Additionally, youth aren't as willing or unable to travel for the cheaper prices that the reservation or PA offer. Price point is part of the problem but not a fix all. Limiting the distance of retail sellers from schools seems to be a good start.

Vaping devices are expensive; however there are coupons available that make them affordable. Juul has become so popular now there are knock off brands that are selling much cheaper. The nicotine content in the knock off cartridges is much higher. Other brands are offering e-cigarette prices for \$0.99 but consumers have to purchase their cartridges. They are using this as a tool to get Juul customers to switch over.

Dolgeville, NY (which has a population of just over 2,000) capped the number of retailers and capped licenses to current number of retailers and if the store is sold the new owners will not be able to renew the tobacco license. They also restrict locations and do not allow price reduction coupons to be redeemed.

If a licensing process is implemented, the licensing fee should be set based on what the County's cost is to implement the license. Additionally, if you implement a license it is possible to revoke a license to a retailer that does not meet the location requirement. It is more difficult to implement on a current tobacco retailer, but it can be done. Knopf suggests we talk this through with the HHS attorney.

Khan – There are examples from other counties in NYS. Let's see what the most effective strategies are that are in place in other counties and then see what we want to do here. We will see what the board can do and what we need to go to the legislature on.

Ken Dahlgren and John Chaffee with the local tobacco program will compile a list of what other counties are doing for review at the January 2020 meeting.

Schuyler - This is a timely topic of conversation because today is the Great American Smokeout.

<b>Medical staff credentialing</b>	<p>Schuyler - Angie Damore has resigned. We have a new addition, Alicia Snow, who is a Physician Assistant. She recently worked for the County's Department of Mental Hygiene. Alicia is very rounded in mental health, substance abuse treatment, and primary care and has been trained and can prescribe medications for substance addiction. She has completed the credentialing packet. I recommend that the board appoint her to our staff. Ney motions to appoint Alicia Snow, 2nd by O'Brien. All in favor; motion carried.</p>
<b>Old Business:</b> Farmer's Mill	<p>On October 28, 2019, the Farmer's Mill was declared a Public Health nuisance. The County has obtained total access to the Mill. Erie County Department of Health's Rat Control Program has come down to tour the facility and offer recommendations. The Mill is five stories and is loaded with feed. We have an agreement with Comfort Pest Control who completed an assessment, sealed off the building to keep other animals from entering, set 250 rat traps in the building, distributed liquid tox, tracking powder and basic rodenticides on November 13, 2019. As of yesterday these efforts have resulted in 20 dead rats so far. The Mill's secretary indicates they have been baiting throughout the summer, which may have helped decrease the population. We really don't know where we are with this. Exterminator thought the rats may be in hiding because we have come in and made changes to their environment. With the snow cover, we can see that the rats are not migrating out. The Village of Sherman plans to put the feed into the sewage treatment plant, which will help the plant. We plan to attach a lean to the Farmer's Mill to recoup the expenses.</p>
<b>Lead Screening</b>	<p>Whiteman: In Chautauqua County only about 56% of one year old children and 58% of two year olds are getting tested for lead poisoning. Pediatric practices are doing better at this than general practitioners. One of the huge bearers that we are seeing is that medical offices do not have the equipment to test on site. If the practice is sending the patient home with an order only about 70% actually follow through with the testing, whereas if testing was done on site you would have 100%. Additionally some that have the testing instrument to do the testing on site, don't know how to use it. Khan suggests the County offer a training session on this.</p> <p>Berke: Does the lead screening rate correlate with the immunization rate?</p> <p>Whiteman: We will follow up. The population we are trying to reach here is the population that is always moving.</p> <p>Kidder: What are the regulations by daycare and preschool that you have to show lead levels?</p> <p>Schmidfrerick-Miller: OCFS and education department require lead testing but it is a fuzzy follow up. If the child comes in without a lead testing they are referred to the pediatrician, but it doesn't say that they have to come back with results in hand before they go any further. The regulation is there it is the enforcement that is not happening.</p> <p>Schmidfrerick-Miller: Some initiatives that we have done are</p> <ol style="list-style-type: none"> <li>1. We recently attended Cattaraugus County's Lead Smart Partnership. Their lead rates are about the same as ours. The take away is that they have an excellent partnership with WIC and Early Head Start. Both entities do a lot of education with parents. Early Head Start insists on lead tests and if children don't have them then the Cattaraugus Health Department goes over and does them.</li> <li>2. We talked with Jamestown Public Schools Board of Education about making sure that they capture students lead testing results as they come into the school system and have asked that the NYS school board address this more globally.</li> <li>3. We had a meeting with YourCare Healthcare plan. YourCare along with a couple of others are under quality improvement initiatives to work closely with practices to raise lead testing rates.</li> <li>4. We have started doing more public outreach. Billboards are up that state '8 out of 10 homes contain lead</li> </ol>

	<p>paint. Test your homes, test your kids’.</p> <p>Whiteman: In 2018 investigated 12 homes with kids above the action level for lead the entire year. From 10/2-31/19 and we have inspected 11 homes.</p> <p>Schuyler: We were able to hire an additional sanitarian to address the new lead enforcement issues; however we are still short with other follow up and prevention efforts.</p>
<b>Director’s Report</b>	<p>We’ve had a handful of Pertussis cases in the Falconer area. There is a nasty Norovirus going around.</p> <p>Correctional health – Bail reform in NYS is set to happen on 1/1/20. With the bail reform, people are not going to be arraigned. We have already seen a decrease in jail population by about 100 inmates. Our current jail population is about 160. We are working on policies and procedures for a more widespread use of medication assisted treatment for substance abuse disorders. We are one of the few jails that put pregnant women on medication assisted treatment. Post discharge follow up is tricky because the majority of the jail’s inmates are not sentenced and so we never know when they are going to leave. An inmate may go to Dunkirk or Jamestown for Court and then never come back so it’s hard to put a plan in place for them. A lot of it is trying to work with the court and correction systems to work out the logistics. Sheriff Quatrone is willing to empower people at the time of an appearance ticket to connect with a peer at the Mental Health Association. We have the Mental Health Association in the jail and in family court.</p>
<b>Adjournment</b>	Motion to adjourn by Dr. Tallett. Meeting adjourned at 8:02pm.
<b>Future Meeting Dates</b>	January 16, 2020; March 19, 2020; May 21, 2020; July 16, 2020; September 17, 2020; November 19, 2020