

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, January 18, 2024 6:00 p.m.

Location: HRC 4th Floor Conference Room, 7 North Erie Street, Mayville, NY 14757

Scribe: Sherri Rater

ATTENDANCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Erlandson	E	Dr. Kidder	P	Jessica Wuerstle	Environmental Health Director
Dr. Faulk*	P	Dr. Krahn	P	Sherri Rater	Assistant to Director; Board of Health Scribe
Matt Hanley	P	Dr. Pender	P	Greg Bacon	Jamestown Post Journal/Dunkirk Observer
Rick Ketcham	E	Mark Tarbrake	E	Kristy Martin	Assistant County Attorney
Dr. Khan	P	Lacey Wilson*	P		
<i>*Non-voting</i>					

Call to order	The meeting was called to order at 6:11 p.m. by Elizabeth Kidder.
Privilege of the Floor	none
Approval of 10/18/23 minutes	Krahn made a motion approve the October 18, 2023 minutes; 2 nd by Hanley; all in favor; motion carried.
New Business: Election of Officers	Khan made a motion to elect Kidder to serve as President for the next year; 2 nd by Krahn; all in favor; motion carried. Kidder made a motion to elect Khan as Vice President; 2 nd by Hanley; all in favor; motion carried.
Review of bylaws	Bylaws were reviewed with changes noted from the October 18 th meeting and bylaws review committee. The Chief Medical Officer (CMO) position was added in 2022 to provide oversight of the Health Department as a whole as well as health and medical oversight to correctional health, coroner program, and emergency services. Dr. Faulk has been serving as both CMO and Interim Public Health Director. Now that Wilson has been appointed Public Health Director (PHD), Martin recommends clarification of the bylaws. Faulk will continue his duties as noted above and Wilson will carry out the full duties of a PHD which encompasses the day to day operations of the Department, working with our community and state partners to see out the Department's purpose to prevent disease, promote wellness and protect the health of our community. The PHD serves as Secretary and is a non-voting member of the Board. Martin suggests an additional amendment to Article VII to allow the CMO to be a non-voting member of the Board to assist the PHD with information sharing and presenting to the Board. Khan moved to approve the bylaws as changed on October 18 th with the addition noted above; 2 nd by Pender; all in favor; motion carried.

Meeting frequency	Discussion was had regarding the possible need to increase the frequency of meetings to bimonthly for various reasons in order to remain efficient and on task as well as to be able to move forward swiftly with code enforcement orders. With a bimonthly meeting, the Board could streamline the function of the meetings to be more business oriented and if emerging issue or proposed sanitary code policy changes arise subcommittees can be formed so that during the actual board meeting, decisions can be made in a timely manner. Member attendance by virtual means is still not a viable option at this time as the Open Meetings Law will not permit undisclosed locations of virtual member attendance. Attendance for subcommittee meetings could be in person or virtual. Krahn moved to increase the meetings to bimonthly; 2 nd by Khan; all in favor; motion carried.
Agreements to Settle	<p>Agreements to settle were reviewed. As usual, there are many water violations. The Department tries to work with suppliers to make it as easy as possible to submit water reports. Wuerstle continues to work on a new format and fine schedule so repeat offenders pay a higher fine than first offenders with the intention to increase compliance rate.</p> <p>ATUPA violations were discussed. Every store who is a registered tobacco retailer must be inspected and random checks with people under the legal age to purchase (21 years) occur. NYS first offense fee is a \$300 fine with a \$250 surcharge and points against the business license.</p>
Hearing Officer Recommendation	<p><u>Hearing Summary:</u> In the matter of Dunkirk Express, the Hearing Officer finds its owner, Yesar Hadid, to be in violation of New York State Public Health Law, Chapter 45, Article 13-F, Section 1399.CC, as tobacco products were sold to a minor at this establishment on August 29, 2023. No testimony was provided as to whether the individual who sold the cigarettes to the minor held a certificate of completion from a state certified tobacco sales training program. In addition, no evidence was presented as to whether this is the first such violation by this respondent. The Hearing Officer notes pursuant to NYS Public Health Law Chapter 45, Article 13-F, Section 1399-FF if a violation is determined a minimum penalty of \$300.00 shall be imposed but not to exceed \$1,500.00 for a first violation and a minimum of \$1,000.00, but not to exceed \$2,500.00 for each subsequent violation. As this Hearing Officer has no information regarding any prior violation by this Respondent, I recommend imposition of a fine of \$300.00. However, if the Board has information about prior violations it may decide to increase this fine. In addition, points are to be assessed to the retail dealer who has violated these provisions. As neither the County nor the Respondent entered any direct evidence that the individual who made the sale had a certificate of completion from a state certified tobacco sales training program, I will infer from the testimony of Respondent's witness that, on August 29, 2023, Mr. Amar did not hold such a certificate and therefore recommend that two (2) points be assessed to the Respondent.</p> <p><u>Discussion summary:</u> The Department notes this is a second violation for this business and that NYS minimum fine should be \$1,000 with a \$250 surcharge and 2 points assessed to the retailer's license.</p> <p><u>Motion:</u> Krahn moves to charge respondent with a fine of \$1,000 and a surcharge of \$250 to be paid within 90 days and 2 points assessed to the retailer; 2nd by Hanley; all in favor; motion carried.</p>
Director's Report	<p><u>The solar eclipse</u> will take place on April 8th. Chautauqua County is in direct line of the eclipse and there are expected to be a large influx of visitors to the area. Emergency Services Director, Noel Gutman, is doing a great job with emergency preparedness planning. Some of the considerations and messaging will be around encouraging people to have what they need on hand such, as medications and food, to avoid unnecessary travel during that time period. The timing of the eclipse viewing in our area will align with the normal school dismissal time so it is recommended that schools close to avoid heavy traffic while transporting children home either by bus</p>

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(con't)

or walking. The County has purchased a large supply of viewing glasses that will be handed out strategically. We will start rolling out some public health messaging soon in regards to viewing the eclipse safely.

Department updates:

- We are shoring up the basic framework of the Health Department and are pulling funds from the State's infrastructure grant to finalize the creation of some needed and planned positions. Grants are not a reason to create new positions because once the grant ends, you have to either eliminate the position or find money elsewhere. The timing of the infrastructure grant is good to work these budgeted positions in at a lower local share cost.
- We have our division of Community Health and Environmental Health, which encompass the work that we do and promote. We are formalizing a division of Communication and are pleased to announce that Sherri Rater will take the lead in this area. We want to take a thoughtful approach to our communications with the public, our staff, and this Board.
- Our department functions an arm of NYSDOH. There is a separation of power and duties and this is where the Board of Health comes in. You are independent minds and an objective body with no political underpinnings. In the future we'd like to provide you and new members with an overview of what the Health Department is, why we are here, and why the Board of Health is here. We will also provide you with an overview presentation of our sanitary code as a future orientation for you.

Community Health:

- In partnership with correctional health and community health we are excited to announce a new position to support substance abuse addiction recovery and awareness. We are working with Mental Hygiene and will provide you with more information on this in the future.
- The NYSDOH prevention plan for 2024 is focusing on the built environment, specifically to promote outdoor activity by improving access to equitable, safe and accessible greenspace. We will be working with municipalities on this project.
- The mobile health vehicle has been awarded its certificate of need from the state which allows us to provide health services in the vehicle under our Article 28 license.
- The breastfeeding and lactation program has been awarded a small grant to promote breastfeeding areas in the workplace.

Environmental Health:

- Village of Fredonia Water: There are some long standing non-compliance issues that Jessica Wuerstle and her team have made some great strides in a very short amount of time. We have been working with the Village of Fredonia for several years to remedy the infrastructure of their water system. The Village vote at the end of the year to look at connecting their system to Dunkirk and decommission their plant. We will continue to work with them without overregulating given the path they have chosen. We want them to be successful and will continue to work with our partners on this project. This is a major win for our department and the community.
- Healthy Housing: NYS passed a public health law to require rental housing inspections for zip codes of communities where elevated blood lead levels in children have been an ongoing problem. In our county it

<p>Director's Report (con't)</p>	<p>is the 14701 zip code that is at most risk due to the old housing stock. Rental properties with two or more units will be required to be inspected for lead contaminants every three years. We are excited to be part of a preventative solution and are also anticipating a large amount of workload due to the old housing stock. We will be working to figure out what the staffing will look like and how those positions will be funded. Discussion was had whether there will be funding available to remedy the lead paint violations found in the homes. There are some smaller grants coming out and some ARPA funds have been appropriated for this effort. We will also be looking for other community partners. To abate a home can easily be in access of \$40k. We may be in touch about this in the future to form a workgroup and maybe even add some language in our sanitary code.</p> <p>Rater gave a presentation on marketing and communications, highlighting 2023 statistics for social media and outreach events. There are plans to develop a communications policy for staff and to focus on consistent messaging around the Department's purpose to prevent disease, promote wellness and protect the health of our community.</p>
<p>Other</p>	<p><u>Membership:</u> There are currently three member vacancies.</p> <ol style="list-style-type: none"> 1. A legislator from the human services legislative committee - will be appointed to the Board soon. 2. Member from the City of Dunkirk 3. Member at large <p>Members were asked to submit recommendations for the 2nd and 3rd open seats.</p>
<p>Adjournment</p>	<p>Krahn made a motion to adjourn at 7:41pm.</p>
<p>Future Meeting Dates</p>	<p>March 21, 2024; May 16, 2024; July 18, 2024; September 19, 2024; November 21, 2024</p>