

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, January 16, 2025 6:00 p.m.
Location: HRC 4th Floor Conference Room, 7 North Erie Street, Mayville, NY 14757
Scribe: Hannah Abram
YouTube Live Link: <https://www.youtube.com/watch?v=CYNrVuWbBWk>

ATTENDANCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Faulk*	P	Dawn Columbare	P	Jessica Wuerstle	Director of Environmental Health
Matt Hanley	E	Kenneth Dahlgren	P	Dr. Berke	County Physician
Rick Ketcham	E	Dr. Kidder	P	Hannah Abram	Administrative Aide, Board of Health Scribe
Dr. Khan	P	Dr. Krahn	P	Natalie Whiteman	Senior Water Resource Specialist
Lacey Wilson*	E	Dr. Pender	P	Steve Kilburn	Substance Use and Addiction Services Coordinator
<i>*non-voting member</i>		Legislature Proctor	P		
		Mark Tarbrake	P		

Call to Order	The meeting was called to order at 6:04 p.m. by Kidder.
Privilege of the Floor	none
Approval of 11/21/24 Minutes	Krahn made a motion to approve the minutes with two spelling corrections. 2 nd by Khan; all in favor; motion carried. Note: A portion of the minutes concerning updates to the Sanitary Code were later removed due to a motion already being carried at the November meeting.
New Business: Election of Officers	Tarbrake made a motion to elect Kidder to serve as President for the next year; 2 nd by Pender; all in favor; motion carried. Tarbrake made a motion to elect Khan as Vice President; 2 nd by Pender; all in favor; motion carried.
Review of bylaws	Bylaws were reviewed by the Board with minor changes noted. Krahn moved to approve the bylaws, 2 nd by Tarbrake; all in favor; motion carried.
Recredentialing of Dr. Berke	Dr. Berke's appointment as county physician expires this month. The reappointment applications and associated credentialing paperwork were forwarded to all members for review prior to this meeting. All information was current and in order. After a brief history of Dr. Berke's career, Khan made a motion to reappoint Dr. Berke as county physician for another three-year term; 2 nd by Pender; all in favor; motion carried.

<p>Agreements to Settle</p>	<p>Agreements to settle were reviewed. Public Water Supply violations did occur since the last meeting but Environmental Health staff were working with Chautauqua County Legal to improve the template language for the Notice of Violation and Agreement to Settle documents. The templates have been finalized and Notices sent out. However, there has not been enough time for the respondents to follow-up with an Agreement to Settle ahead of the next BOH Hearing date, January 29, 2025. There was one Enforcement Plan violation. The violations were made by a facility who sold a tobacco product to an individual under the age of 21. No action needs to be taken at time.</p>
<p>Hearing Officer Recommendations:</p>	<p><u>Hearing Summary:</u></p> <p>1. In the matter of FREDONIA FOOD MART, INC., The petitioner, Chautauqua County Board of Health, was represented by attorney, Heather Hoden, Deputy County Attorney. The owner, Aayush Kumar Patel appeared with his attorney, John P. Gullo, II. After discussions and testimonies from the petitioner and the owner, the Hearing Officer found the owner in violation of NYS Public Health Law Chapter 45, Article 13-F, Section 1399-mm-1(2) in that the owner’s license to sell tobacco and vaping products was suspended effective June 12, 2024 and continued to have tobacco and vaping products available for purchase. The Hearing Officer also found the owner in violation of Article 13-F, Section 1399-mm(2b) in that owner offered for sale Gutka without posting in a conspicuous place a sign with the statement “SALE OF GUTKA TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW”. The Hearing Officer recommends that the Commissioner of Taxation and Finance be directed to permanently revoke the owner’s license to sell cigarettes, tobacco products and vapor products.</p> <p>Discussion Summary: Wuerstle shared some history of the business and the owner’s previous suspension and shared the recommended fines for the violation: \$2500 plus the \$250 surcharge and \$100 per pack of flavored vape. There is no documentation of how many packs of flavored vapes were offered for sale, so only 1 would be fined. Additionally, a \$500 fine for selling tobacco products as a non-tobacco business due to the suspended license and a \$250 surcharge for a grand total of \$3,850.00 for a maximum fine.</p> <p>Motion: Proctor moved to accept the recommendation of a maximum fine of \$3,850 to be paid within 90 days as well as well the recommendation that the Commissioner of Taxation and Finance permanently revoke the Respondent’s license to sell cigarettes, tobacco, and vapor products; 2nd by Pender; all in favor; motion carried.</p> <p>2. In the matter of SMOKE TOWN, the Hearing Officer, having determined that owner was properly served notice to appear, and upon owner’s failure to appear or request an adjournment, found owner in default and proceeded with the hearing in <i>absentia</i>. As a result, the Hearing Officer found the owner failed to comply with Article 13-F, Section 1399-cc(3) and 1399-mm-1(2) of the New York State Public Health Law in that an employee sold a flavored vapor product to an individual under the age of twenty-one years on November 1, 2024. The Hearing Officer recommended a fine of \$900 as well as 2 points against the owner’s license.</p>

	<p>Discussion Summary: There was a discussion of the business' violation history and increasing the fine to a maximum of \$2,100 due to the absence of the owner at the Hearing and the cost to the county. It was also suggested to add an additional \$100 due to the owner selling flavored vapes in house, and the \$500 surcharge for the two violations for a total of \$2,600.</p> <p>Motion: Khan made a motion to increase the fine to \$2,600, and accept the recommendation of 2 points against the owner's license. 2nd by Kidder; all in favor; motion carried.</p>
<p>Old Business: Vote on Water Fines</p>	<p>Wuerstle and Whiteman discussed setting baselines for various water fines for the cost to the operator to enforce compliance with requirements and set settlement lists for the Board of Health to review. They requested that the Board review and vote on the provided new water fine schedule. Khan made a motion to approve the new water fine schedule as presented; 2nd by Tarbrake; all in favor; motion carried.</p>
<p>Director's Report:</p> <p>Director's Report (con't)</p>	<p><u>Jamestown Lease Space</u> Lead Rental Registry is the new mandated program from New York State where the Environmental Health division will inspect rental properties with two or more units within the 14701 zip code. Due to the area that will be inspected, Environmental Health has procured a home office for Lead Rental Registry within Jamestown City Hall. It is currently being outfitted with desks and the proper equipment required for the program. The Environmental Health Division will begin moving into the Jamestown space in February 2025 and hopes to hire new staff for the Lead Rental Registry program such as technicians, clerical staff, etc.</p> <p><u>NYSDOH PIP Award</u> Every year, New York State Department of Health offers counties an opportunity to focus on a specific area within the community. The last award was related to improving Green Space and increasing access to Green Space in the interest of reducing chronic diseases. Chautauqua County Health Department was rewarded roughly \$23,000 as a result of participation with the program that will be used for continued improvements.</p> <p><u>Re-appointment to the BOH</u> Matthew Hanley was re-appointed to the Board of Health by the County Executive's Office.</p> <p><u>New State Law re: BOH medical professionals:</u> There are new State laws regarding the medical professional licenses that can be used to fill Board of Health Member positions throughout New York State. The certifications have been broadened on who qualifies as a medical professional that can sit on a Board of Health.</p> <p><u>Pediatric Dental Services Update and Next Steps</u> Continued efforts have been made to create a framework for a draft proposal to Western & Central NY Health Foundation. Leaders of TCC have been met with and meetings with WNYPHA leadership & CHN are in the process of being scheduled. Preparations are being made to designate a lead agency and finalize a proposal. The proposal will be submitted to the Board of Health for review before final submission.</p> <p><u>Strategic Planning & 2025 Budget Preparations</u></p>

	<p>Staffing – Stabilized and improved staff retention, fill the 17 current vacancies, work to get the Lead Rental Registry positions through the HR process and posted for the public.</p> <p><u>Funding Updates</u> The Infrastructure Grant was approved for Year 2, submission for Year 3 is being finalized—will include funding for 2 staff positions.</p>
Other:	<p>Steve Kilburn did a presentation on his work combating addiction in Chautauqua County</p> <p>Board was reminded of Ethics Training & County Financial Closure Filing that is due March 31, 2025</p>
Adjournment:	<p>Khan made a motion to adjourn at 7:37pm.</p>
Future Meeting Dates	<p>May 15, 2025; July 17, 2025; September 18, 2025; November 20, 2025</p>

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