

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, September 19, 2019 @ 6:00 p.m.

Location: HRC Bldg., 4th floor conference room, Mayville

Scribe: Sherri Rater

ATTENDENCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Tom Erlandson	P	Dr. Tallett	P	Dr. Berke	County Physician
Dr. Hewes	P	Natasha Souter	A	Christine Schuyler	Secretary, Public Health Director
Dr. Khan	A	Mark Tarbrake	A	Lynn Schaffer	County Health Dept. Attorney
Dr. Ney	P	Elisabeth Rankin	A	Cathy Burgess	Nurse Family Partnership Supervisor
Andrew O'Brien	P			Sherri Rater	Scribe
				Elizabeth Kidder	Citizen
				Karen Engstrom	Citizen
				Lynn Bedford	Citizen
				Barry Bedford	Citizen
				Evan Davis	Citizen

Call to order	The meeting was called to order by President Tom Erlandson at 6:01 p.m.
Privilege of the Floor	<p>Evan Davis – Villenova resident states he is a registered nurse and has a bachelor's in nursing science and has degrees in math and science. States he has experience in health care from intensive care, emergency room, and mental health rehab and is speaking on behalf of members of the Town of Villenova and would like to present a few facts that he has found in his research in regard to Industrial Wind Turbines (IWT).</p> <ul style="list-style-type: none"> • OSHA section 19.10.95 regarding occupational noise, but it is relative, states if an employee is exposed to equal or greater than 85 decibels in an eight hour period, the employer must develop a monitoring program. OSHA goes onto state that sound exposure is cumulative. • The acoustics memorandum from ARiA states that computer software by a company in Canada was used to generate their noise assessment and states sound levels are expected to have a maximum of 107.5 decibels. Predicted sound levels at residents are expected to range from 19-47 DBA, less than the noise limit of 50, the limit specified by the Town of Hanover. Just note the terms predicted and estimated. Davis states he has checked with a hearing health estimator near resident's homes in Arkwright and has yet to obtain a reading of less than 50. Currently there is no plan to confirm ratings after construction or what they will do if these ratings are exceeded. To put 107 decibels into perspective, a freight train passing, the platform creates 100 decibels; a jet plane three miles from take off creates 90. We are subjecting these residences to greater frequencies.

- The technical data sheet (TDS) for the Vestas 136.45, which is the turbine they are proposing to use, does not provide a DBA in the technical data. It states noise modes depend on site and country, which is pretty broad. The document also states the propeller has a 20 year life span.
- Villanova will be the first IWT project in the US to use turbines at this height and in this concentration. They are proposed to be placed 1200 feet from residents. There is no information on health effects from turbines with this size and setback because no one has done this before.
- On September 11th the Town Board disregarded a petition signed by 10% of the town's population requesting further investigation into the impacts that the height increase will have on residents. Currently in Arkwright 10% of their population are in a class action lawsuit siting for damages and nuisances created as a result of turbine noise, flicker and other health related issues as well as loss of property value.
- At a recent forum on wind farms it was stated that it should not be incumbent on the residents to determine if wind turbines are safe.
- Davis asks the members of this board to realize that you have a responsibility to secure the life and health of those in Chautauqua County. Please do not let our town, families and loved ones become a statistic and human experiment.
- The Rhode Island Office of Energy Resources sites on their website that their regulations are a distance of 1.5 miles with additional feet multiplied by the hub height and turbine diameter.

Lynn Bedford – Arkwright resident. Ms. Bedford stated that on July 17th they took in a 33 year old blind man to care for as he had no place to stay. A month ago he complained that he was getting very agitated and came to the conclusion that this is the only thing that has changed in his life. He decided to move to stay with some friends. A few days later he asked if he could come back and stay in their basement. He came back two weeks ago and stays in basement and states he has no complaints until he comes upstairs and then he gets a ringing in his ears. Bedford states that is how it all started with her. The day after the turbines were turned on September 8th of last year, her ears started to ring and it has not stopped since. Bedford continues that her ears are ringing right now as she is speaking. She says that this isn't about animals, this is about human beings. There are so many repercussions going on, neighbors want to move. Bedford states she doesn't want to move. This is her home. She has put her life into it.

Berry Bedford – Arkwright resident asks what kind of teeth does this Board have. What can you do, just make recommendations? The World Health Organization makes recommendations but they don't have to be followed. This is the Health Board. What can be done?

Lynn Schaffer, Esq. states the question is pretty broad. This Board has power to make recommendations, work with legislature, work with local government entities and oversee the enforcement of the local sanitary codes. Schuyler states we make recommendations for local laws to the county legislature and then it is up to the county legislature to act on our recommendations for any local laws. In this instance, the local town government bears the brunt of the responsibility to make sure this has happened right. Regarding public health, there is not a complete environmental review process on IWT. This Board as well as WNYPHA have gone to the state to request a full SQER review.

Dr. Ney – there is nothing to keep this Board from making a recommendation. What happens after that with the legislature is out of our hands. In previous meetings we've talked about the distance. Could it be overwritten by the town as they are the ones that are making the decisions?

	<p>Erlandson indicates that we will come back to this topic later in the agenda</p> <p>Karen Engstrom - Mayville resident states there have been precedence set on recommendations from Health Boards in Iowa and Wisconsin they have asked for a moratorium, to stop IWT production until an adequate study can be done. Villenova has three members on their board. Those three people are making the decision for that town. Villenova has asked for 600ft tall turbines. The only other 600ft tall turbines in the US are in Maine and they are 3,352 ft from homes. These will be 1200 ft. There has never been anything like this.</p>
Approval of July 18 Minutes	<p>Dr. Tallett made a motion to approve the July 18, 2019 meeting minutes. Second by Dr. Ney. All in favor. Motion carried.</p>
Variance Request	<p>Schuyler states Robert Bender, Town of Kiantone resident, requests a variance to connect a new garage to his existing septic system so that his in-laws can move into a garage apartment. If approved, they will install a 1500-gallon tank to serve the proposed garage apartment. Environmental Health recommends the Board approve the request with the following conditions:</p> <ol style="list-style-type: none"> 1. That the sewage system shall be operated and maintained in compliance with Article IV of the Sanitary Code of the Chautauqua County Health District. 2. The house and garage are to remain on the same parcel and not subdivided. 3. That the garage apartment will never become a rental and will only be used as an occasional guest quarters when no longer needed to care for your mother and father in law. 4. Obtain a permit from the Chautauqua County Department of Health and Human Services to install a new 1500 gallon septic tank with appropriate effluent filter to be connected to the distribution box of existing on-site septic system. 5. Obtain appropriate permits/approvals from the Town of Kiantone before proceeding. <p>Motion to approve proposed request by Dr. Ney and 2nd by Hewes. All in favor. Motion carried.</p>
NYS Ban on Flavored E-Cigarettes	<p>On Tuesday, September 17th NYS health officials approved emergency regulations that ban the sale of most flavored e-cigarettes in New York amid a spike in youth vaping and a growing number of illnesses tied to illicit devices. Schuyler states the emergency ban does not include menthol or tobacco. It is the flavored e-cigarettes which is mainly what is seen in the schools. NYSACHO and many other organizations are in support of the ban and ask that the ban include menthol-flavored e-cigarettes. Governor's ban is only in effect for 90 days and can be extended. Schuyler feels that the state will reconvene and take action on the bill that is already pending.</p> <p>Schuyler states at the same time, Chairman Wendel of Chautauqua County Legislature has a motion before the Legislature to support the adoption of the bill at the state level. Human Services Committee met last night and is in support of the motion.</p> <p>Discussion was had that the illnesses and deaths occurred due to people vaping illicit materials. The bill does not address this but rather is an attempt to steer away from attracting young people to vaping. Research shows that adolescents are vaping at record numbers and flavors is a motivational reason. JUUL cartridges are very popular and can be easily concealed, even in hoodie sweatshirts. One JUUL cartridge contains as much nicotine as 20 cigarettes. Discussion was had as to why menthol/mint wasn't included as a flavor.</p> <p>Discussion also included the possession law – for example if a parent provides alcohol to a minor the parent is held liable. Currently the law doesn't work that way with tobacco or e-cigarettes. There is a tool kit used in schools that is an evidence based strategy to work with kids. Details of the tool kit will be emailed to the Board.</p>

	Tallett made a motion that we support Chairman Wendel's resolution ensuring that menthol and mint are included. O'Brien 2 nd . All in favor. Motion carried. A letter will be drafted to the legislature.
Recap of Health Impacts of Industrial Wind Projects Forum	<p>Tom Erlandson states he attended the forum last week –</p> <p>Discussion was had regarding the earlier suggestion to recommend a moratorium until the health effects on Industrial Wind Turbines (IWT) are studied properly and whether or not a motion should be brought before the Legislature. However, the local towns have the authority over the IWT, not the legislature.</p> <p>Evan Davis, Villenova resident, states the reason for the increase in height is because the IWT will produce a higher megawatt and with that will receive a larger tax reimbursement. The Villenova Board consists of three members. There is a fourth member, however, the fourth member has three IWT on her property and has therefore removed herself from this proceeding.</p> <p>Erlandson states the main points from the forum that he would like to bring to the Board's attention is that</p> <ol style="list-style-type: none"> 1. IWT setbacks are not sufficient to protect human health 2. Get your town to pass a proper wind law <p>Much discussion was had regarding IWTs.</p> <ul style="list-style-type: none"> • Authority currently rests with municipalities. • Property owners receive payment for having an IWT on their property. • IWTs are not being placed 1.5 miles apart because of density and there would be fewer placement options. • Governor Cuomo and others fully support green energy as does this Board but a proper environmental review process must be in place. • Possible recommendations the Board can/should make regarding potential health effects to individuals living near IWTs. <p>Schaffer will look into the following possibilities:</p> <ul style="list-style-type: none"> • Amend the Chautauqua County Sanitary Code that any IWT project must be permitted by the Chautauqua County Department of Health and Human Services' Environmental Health Division and establish a minimum distance setback and maximum noise level are adhered to. The state has not taken the action that we have asked them to take. Instead of waiting for them to do it, we can, similar to what we did with tattoo and piercing shops. • Make a motion before the Legislature to request a moratorium halting all IWT production in Chautauqua County until health effects on IWTs are studied properly. • Make a motion before the Legislature to develop a local law stating in Chautauqua County a thorough environmental impact study must be provided before any IWT project is approved/started. <p>Schaffer recommends that once we have established the direction we are going with this, that we present it to the Legislature so that they are aware of the efforts being made and know what is coming before the public is notified.</p> <p>Erlandson states that County Executive Borrello has a good grasp on this topic and in fact attended last week's forum.</p> <p>In the meantime, a letter will be drafted by Erlandson to be reviewed and mailed by the Department. The</p>

	<p>letter will be sent to municipalities and it will outline the fact that the Board of Health has concerns about IWTs and that the municipalities should be looking at what local regulations they have in place. Additionally the letter will provide the European standards 1.5 miles from any residence and 35 or fewer decibels in sound frequency is the recommended minimum requirement.</p>
Nurse Family Partnership & Maternal, Infant and Child Health Program Overview	<p>Schuyler introduced Cathy Burgess, Nursing Supervisor over Nurse Family Partnership (NFP) and Maternal, Infant and Child Health (MICH) programs. It is important for the Board to know the initiatives that we have undertaken over the last few years in response to public health and child welfare issues related to the high number of babies born exposed prenatally to substances. We have to take a preventative approach and do what we can to improve the health of moms and babies in particular with the opioid epidemic. Cathy has done a phenomenal job getting these programs started and maintaining them. Schuyler hopes the Board will see the good work that is being done here and the need for the programs as they are not mandated. We are coming into budget hearing time and there is a local share component. Schuyler said that this is true public health at its best and we can't allow these evidence based programs to go away.</p> <p>Burgess: Our MICH community health worker program started in 2012. It is a peer education program where community health workers go through training provided by the State Department of Health. The workers then go into homes and work with high risk pregnant women to provide education, support and making referrals. We get referrals from schools, OB Offices, CPS, WIC and work with mothers from pregnancy to the child's first birthday. It is a voluntary program where expecting mothers are not required to participate, but usually want to. We know this because once they get started they tend to stay with the program. Once the baby is born, we perform developmental screenings to make sure the baby is meeting age-related milestones and provide mom with activities to do with the baby to help the baby achieve those milestones. Caseload for workers is between 20-30 moms and there are four workers on the team.</p> <p>The nationally recognized NFP program started in 2015 and consists of five nurses who work specifically with first time moms from pregnancy until the child is 2 years old. We have had a lot of success with this program too.</p> <p>Both NFP & MICH program clients must be Medicaid or WIC eligible to participate. Moms that qualify are very receptive to the education.</p> <p>We screen for anxiety, depression, home safety checks, D & A screens, lead screens. We make a lot of referrals, talk about contraception, safe sleep, bottle propping risks, car seat safety, smoking risks, infant CPR and choking.</p> <p>We started a breastfeeding hotline and breastfeeding Facebook page which is a closed chatroom for moms. All of our nurses are trained lactation consultants so if mothers are having problems with latching and such our workers will go to the homes to work with moms on this.</p> <p>We have a Moms quit program where we provide education and support to moms or others in the household that smoke and free diapers as an incentive to quit.</p> <p>The same services are provided in Jail. We also have nursing ward rounds at the local hospitals to provide info on breastfeeding and to see if we have missed someone for NFP or MICH.</p> <p>The Department received a Child Abuse and Neglect Prevention and Treatment Act (CAPTA) grant and started a</p>

	<p>program where one of our nurses works collaboratively with a CPS worker with moms with substance use disorders. We support mom to let her know we are here to connect them with resources and decrease any imminent safety risk for the baby. Schuyler states that one of the goals with the integration of the Health Department and Social Services was to have a public health approach to child welfare and now we are really seeing this with the child protective caseworker a public health nurse going into the homes together. We just started this program two weeks ago and have already had 10 cases.</p> <p>Lastly, Burgess shared three success stories with the Board.</p>
Director's Report	<p>The County Executive's 2020 tentative budget is showing about a \$600,000 increase in local share costs on the Public Health side of DHHS. A 1.3% local share increase in the budget does not include preschool education, which is always the largest increase. Schuyler states it is the Board of Health's responsibility to ensure that we are able to do public health work and to uphold the sanitary code and the public health laws, rules and regulations that we are charged with; all of which cannot be done without adequate staffing. The change in public health law which decreases the action level of lead poisoning from 15mcg to 5mcg effective October 1st is putting a much greater strain on resources. We have asked for only one additional sanitarian and plan to move other staff around to make it work. This is mandated work eligible only for Article 6 PH State Aid at 36% of salaries. Schuyler feels that we are as lean of a department as we can be and that the Board of Health may need to be called upon to show support if the Department is asked to make additional cuts. The coroner program is another area that has seen an increase related to autopsies and transportation. A resolution is before the legislature currently to amend the 2019 coroner budget. YTD we have had 196 coroner cases and 61 autopsies which is about a 31% autopsy rate. In years prior, Chautauqua County had a 4-5% autopsy rate. Our program is following PH Law with regards to death investigations, this includes that very overdose death must be autopsied. Schuyler states she told the Legislature when Public Health agreed to take over the coroner program, it wasn't going to be less expensive, but we would do it right and follow public health law. The Board expressed support and asked Schuyler to let the Board know when the time comes if their support is needed.</p> <p>Dr. Kidder's appointment to the Board will be voted on at the Legislature meeting on September 25, 2019. If approved, she will be able to join us as a voting member at the November meeting.</p>
Future Meeting Dates	November 21, 2019
Adjournment	Motion to adjourn by Dr. Tallett. Meeting adjourned at 7:45pm