

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, March 17, 2022 @ 6:00 p.m.

Location: HRC Building, Room B-14, 7 North Erie Street, Mayville, NY 14757

Scribe: Sherri Rater

ATTENDANCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Erlandson	P	Dr. Ney	P	Christine Schuyler	Public Health Director; Board of Health Secretary
Dr. Khan	P	Elisabeth Rankin	P	Dr. Berke	County Physician, HHS
Dr. Kidder	E	Mark Tarbrake	P	Bill Boria	Environmental Health Director, HHS
Dr. McConnon	E	Nancy Rosario	P		

Call to order	The meeting was called to order at 6:02 p.m. by President Lillian Ney. Roll call was taken.
Privilege of the Floor	None.
Approval of January 20, 2022 minutes	Khan made a motion to approve the January 20, 2022 meeting minutes, 2 nd by Rankin, all in favor, motion carried.
New Business: Election of Officers	Per the bylaws, an officer can serve up to three consecutive one year terms in a position. Dr. Ney is our current President and Dr. Kidder is our current Vice President. They have each served for one year. Erlandson nominated Ney as President and Kidder as Vice President to serve for a second year; 2 nd by Tarbrake; all in favor; motion carried.
New Business: Review of the Bylaws	The bylaws were reviewed and some minor changes were made. The updated draft is attached (attachment A) and will be voted on at the next meeting.
New Business: Agreements to Settle	Boria report: One violation of a public water supply in the Town of Sherman was noted. The operator was measuring chlorine residuals at an improper location. It was immediately corrected. The next hearing date for violations is in April and so we should have more settlements to report at the May meeting. One issue that we have had is with underage tobacco and e-cigarette sales at retailers in the County. As part of the state's Adolescent Tobacco Use Prevention Act (ATUPA), underage individuals are hired to go out and try to purchase tobacco and e-cigarette products from local retailers. We haven't caught any violators in about three or four years and this year seven (7) different establishments were caught. The last time we caught anyone violating the underage sales was in 2017 where we had three (3) violations, two (2) violations in 2016 and none in 2015.

	<p>Our inspector feels in increase in violations is due to young staff at the establishments who are not well trained and easily distracted, including by using personal phones.</p>
<p>New Business: Amendment to Sanitary Code</p>	<p>Boria report: Tattoo and Body Piercing: Due to significant changes to the tattoo and body piercing industry NYSDOH has recently passed a law regarding regulating such establishments. The State will roll out their regulations sometime in the future. The article in our Sanitary Code currently takes up about 14 pages. Most of the information within the 14 pages is policy that we want our tattoo and body piercing establishments to follow. We would like to take the policy portion out and create a separate policy document that we can refer establishments to, just as we do with other articles in the Sanitary Code. Tanning Facilities: It is proposed that we add a section on tanning facilities to the Sanitary Code that refers establishments to the NYSDOH Sanitary Code. Adding this will allow us to enforce any violations that we see.</p> <p>Khan made a motion to approve the above noted changes to the Sanitary Code; 2nd by Rankin; all in favor; motion carried.</p>
<p>Old Business: COVID-19</p>	<p>Schuyler report: We are at a much different place now than what we were in January. We have stopped reporting the number of positive cases because home tests are so readily available and not reported so it really doesn't make sense to continue as the numbers would not be accurate. Hospitalizations due to COVID-19 are down significantly and our average positivity rate is down to only 1.9%, putting us in the low community level of transmission per the CDC. Of the County population, 65.6% have had at least one vaccine dose, 58.7% have completed the primary vaccination series, and 52.3% are fully vaccinated with a booster dose. Vaccination clinics are being held at the Health Department on Thursdays and Fridays by appointment. Pharmacies continue to offer vaccinations as well. Many of the mask mandates are now lifted. The exceptions are licensed healthcare facilities, hospitals, diagnostic and treatment centers, and correctional facilities.</p> <p>We were one of two local health departments in the nation awarded a mentorship program by the National Association of City and County Health Officials (NACCHO) for a COVID-19 wastewater surveillance. The program is to help our staff learn from another health department that is already doing this program. Wastewater surveillance at the municipal level has been going on for decades for diseases like polio and hepatitis. It is an effective, non-invasive, non-intrusive and one of the least expensive methods to look at the community trends of viruses.</p> <p>Board of Health members discussed the program and public concerns regarding the wastewater surveillance project that has been voiced. Per Dr. Berke, there are times in the history of the world where public health becomes extremely important. We've had multiple historical episodes such as the Spanish flu from 1917-18, polio and so on. This is certainly one of those times. Rankin offered and all members agreed that the Board wants the public to know that wastewater surveillance has been around for decades, all of our neighboring counties are participating in this type of surveillance and it is a great early warning system. As a nation, if we would have been using this system for COVID early on we would have been better prepared.</p>

<p>COVID-19 cont'd</p>	<p>Schuyler recommended that the Board draft a letter to the legislature and/or appear before the legislature to support the Health Department doing the municipal wastewater surveillance program.</p> <p>Schuyler reported that some of the ARPA funds for public health are being used to work with a consultant. The phenomenon that we are seeing with local health officials and staff throughout the state is almost like a post-traumatic stress disorder. We are planning a debriefing, resiliency and team building training session on May 6th. We have hired some outside consultants to assist us with this. It will also help us with our after action reporting as well. It is critically important that we take care of our Health Department.</p> <p>Dr. Ney read a letter that she wrote titled 'reflection and gratitude'. See attachment B.</p>
<p>Other</p>	<p>Boria: We applied for a grant from NYSACHO to improve monitoring of mosquitos and vector born monitoring. Last year we did not do any monitoring for mosquitos however, we did have one case of EEE at the border of Chautauqua and Cattaraugus County and so we are going to be beefing up our monitoring this year. This is a \$10K grant that will help to purchase the equipment that we need.</p>
<p>Adjournment</p>	<p>Motion to adjourn by Ney. Meeting adjourned at 7:42pm</p>
<p>Future Meeting Dates</p>	<p>7/21/22, 9/15/22, 11/17/22</p>



CHAUTAUQUA COUNTY BOARD OF HEALTH

LILLIAN V. NEY, M.D.
President

CHRISTINE SCHUYLER
Secretary

BYLAWS

ARTICLE I. NAME AND PURPOSE

Section I. Name: The name of this organization shall be the Chautauqua County Board of Health.

Section II. Purpose: Pursuant to Chautauqua County Administrative Code Section 5.02A the purpose of the Board shall be to formulate, promulgate, adopt and publish rules, regulations, orders and directions for the security of life and health in the Chautauqua Health District, under provisions of New York State's Public Health Law.

ARTICLE II. MEMBERSHIP

Section I. Membership: Membership on the Board shall be in accordance with the requirements of Section 5.02A of the Chautauqua County Administrative Code and Sections 343 and 344 of the New York State Public Health Law, the terms of which are incorporated herein by reference. Pursuant to those provisions the Board shall be composed of up to 11 members appointed **and reappointed** by the County Executive and confirmed by the County Legislature for six-year terms, with the term of one of the members expiring annually; except that the term of office of the legislative representative shall be for such lesser period as may be required in the event that such representative does not continue as a Legislator. The Board shall include at least one member from the board of legislators, three physicians licensed to practice in New York, a member from each city in the health district and three members at large. Board members must be residents of the health district.

ARTICLE III. COMPENSATION, POWERS AND DUTIES OF THE BOARD

Section I. Compensation, powers and duties: The compensation and expenses allowable to each member of the Board, and each member's powers and duties, are set forth in Sections 345 and 347 of the New York State Public Health Law and in Chautauqua County Resolution 24-80.

ARTICLE IV. OFFICERS

Section I. Election of officers: The Board shall elect annually from among its members a President and a Vice President as its governing officers. Pursuant to the authority granted to the Board by Section 350 of the New York State Public Health Law, the Director of Health & Human Services, as Public Health Director, (herein referred to as Director) is designated to act as the Board's Secretary without extra compensation.

Section II. Qualifications: The President and Vice President shall be members of the Board who have been duly appointed members for at least one (1) year. The President's and Vice President's terms of office shall each be limited to three (3) consecutive years.

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Section III. Month of election: Election of officers will take place at a regular January meeting.

Section IV. Month of installation: Installation of officers shall occur at the end of the regular January meeting.

Section V. Duties of the President: The President shall be empowered to preside at all meetings of the Board. The President is empowered to call special meetings of the Board. The President shall, at his or her discretion, appoint the members of all standing Committees. Such appointments shall be for the remainder of the President's term. The President will serve as an ex-officio member of all Committees except the Nominating Committee.

Section VI. Duties of the Vice President: The Vice President shall be empowered to act in place of the President in the conduct of regular or special Board meetings at the designation of the President. In the event the President is unavailable to perform his or her duties, the Vice President shall be empowered to perform the duties of the President. When so empowered, the Vice President shall have the President's full responsibility and authority for the time so empowered, except that all Committee appointments must be with the approval of the President.

In the event the President resigns, is impeached, or otherwise ceases to act as President, the Vice President will automatically assume the office of the President of the Board for the remainder of the President's term of office. The Vice President shall, immediately on assuming such office, appoint a Nominating Committee for recommendation of a member to fill the remaining term in the vacant position of Vice President. The vacated office shall be filled by special election no more than thirty-one (31) days after the office is vacated.

Section VII. Duties of the Secretary: The Secretary is responsible for creating and maintaining accurate and complete notes of all transactions at regular and special meetings of the Board. The Secretary is also responsible for creating and maintaining a transcript of the minutes of all meetings and mailing or delivering them to each member of the Board at least seven (7) days prior to the next regular meeting of the Board, unless such meeting has occurred within seven (7) calendar days of the next regular Board meeting, in which case the minutes shall be provided at the next regular Board meeting.

Section VIII. Impeachment: In the event an officer's behavior, in performing the duties of office or otherwise, is not in the best interests of the Board, the officer may be removed by impeachment proceedings. Impeachment proceedings may be initiated by any member of the Board of Health at any regular or special meeting.

The Board member seeking impeachment shall submit written charges against the officer to all members of the Board. The officer subject to impeachment shall have the opportunity to respond to such charges in writing, by submitting a written response to all members of the Board. A vote shall be taken only after a reasonable period of time has elapsed to permit the members of the Board to review the charges and any response thereto. Vote shall be by secret ballot. The results of the vote shall be tabulated by the Secretary and by a non-officer member of the Board. The proponent of the impeachment motion and the member seconding such motion may not tabulate the results of the vote.

ARTICLE V. MEETINGS

Section I. Regular meeting dates: Meetings of the Board shall be held on such dates and at such times as determined by the Board at a regularly scheduled meeting, except that the

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Board shall meet at least once every three months. The President may call a special meeting at such time as the President deems necessary, provided that appropriate notice of the meeting time, place and agenda is made available to the other members and to the public in accordance with all applicable provisions of the Open Meetings Law.

Section II. Special meeting dates: Special meetings may be called only by the President of the Board on petition of any members of the Board, the Director or, in the event of the Director's absence, by the Director's duly authorized representative. The person calling the special meeting must provide each Board member with at least three (3) days advance written notice of the meeting.

Section III. Meeting agendas: The Secretary shall submit in writing to each Board member an agenda of all significant items to be discussed at any meeting of the Board. Such agenda shall be mailed or delivered to members of the Board at least seven (7) days prior to a general meeting, and at least three (3) days prior to a special meeting.

Section IV. Quorum: A quorum for the conduct of business at any meeting shall be a simple majority of the number of appointed members of the Board as required by Section 41 of the New York State General Construction Law. An "aye" vote of the simple majority of the number of appointed members is required for enactment of all motions coming before the Board and for the exercise of any power, authority or duty by the Board.

Section V. Conduct of meetings: The rules contained in the "Roberts Rules of Order Newly Revised" shall govern the conduct of all meetings of the Board, to which they are applicable, except to the extent they may be inconsistent with these By-Laws or applicable statutes, laws, rules or regulations.

Section VI. Resignation: Any member who fails to attend fifty percent (50%) of the meetings without being excused by the President shall be deemed to have resigned his or her membership. Excuses for missed meetings shall promptly be filed with the Secretary of the Board.

ARTICLE VI. POLICIES OF THE BOARD

Section I. Laws and regulations: The Board subscribes to and is bound by New York State Public Health Law, the New York State Code of Rules and Regulations, the Sanitary Code of the Chautauqua County Health District, and New York State Open Meetings Law.

Section II. Enforcement: The enforcement of the Health laws, rules, and regulations, including but not limited to those contained in the County Sanitary Code, and of all regulations, orders, directions and ordinances of the Chautauqua County Board of Health and the New York State Department of Health is the responsibility of the Director of the County of Chautauqua to the full extent of his or her powers, with the assistance, when necessary, of the office of the County Attorney, the New York State Department of Health, the New York State Department of Environmental Conservation, and the State Attorney General's Office.

Section III. Compliance: It is the policy of the Board to solicit voluntary compliance with all applicable laws, rules, regulations, orders, directions and ordinances. In the event of failure of voluntary compliance, the Board will hold Public Hearings and will, if necessary, issue orders mandating compliance. Such hearings may be conducted by a Hearing Officer appointed by the Board. The Director may exercise all powers granted under New York State Public Health Law, New York State Regulations, and the Chautauqua County Charter and Administrative Code to ensure compliance with any and all provisions of the County Sanitary Code, or applicable New

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York State Public Health Law and Regulations. Respondents who fail to pay fines imposed by Order of the Board of Health may be turned over to a collection agency by the County Department of Health & Human Services, Public Health Division, Environmental Health unit.

ARTICLE VII. RESPONSIBILITY OF THE DIRECTOR TO THE BOARD

Section I. Secretary: The Director shall also act as Secretary to the Board as defined in Article IV, Section I.

Section II. Department of Health activity: It is the responsibility of the Director to keep the Board advised at regular intervals of the activities of the Local Health Department preferably, but not necessarily exclusively, at Board of Health meetings. The Director shall submit such written reports of departmental activity as may be required or requested by the Board, so that the Board may make an assessment of the adequacy of its policies and the effectiveness of the local health department in carrying out its duties.

Section III. Budget: The Director shall submit appropriate budgetary information to the Board for their review and approval prior to submission to the County Legislature for its adoption and appropriation.

Section IV. General policy: It is the policy of the Board to encourage complete and frank communications between the Director, the Director's division heads and the Board to ensure the continuance of an intensive effort toward the maintenance and improvement of the health of the residents of the County of Chautauqua.

ARTICLE VIII. REVIEW OF AMENDMENTS TO THE BYLAWS

Section I. Review: Bylaws shall be reviewed annually at a regular January meeting.

Section II. Adoption of changes: Amendments to the Bylaws may be made at a regular meeting of the Board. Adoption of any change in the Bylaws requires approval by at least a two-thirds majority of appointed Board members.

Adopted by the Chautauqua County Board of Health January 26, 2006
Revised and adopted by the Chautauqua County Board of Health January 17, 2013
Revised and adopted by the Chautauqua County Board of Health January 18, 2018
Revised and adopted by the Chautauqua County Board of Health February 6, 2020
Revised and adopted by the Chautauqua County Board of Health March 17, 2022

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Reflection and Gratitude

Tonight is an opportunity for us to reflect on the past 2 years plus during which the Department of Health, all of us individually, our community, our nation and the globe, have dealt with SARS CoVid 2. Far too many have been affected, and wounded by this Virus, either directly or indirectly. People have died during the pandemic and loved ones have been lost. Those infected with the Virus, even with a mild illness, are still experiencing various forms of “long CoVid”, with brain fog, fatigue, shortness of breath, muscle weakness, loss of taste and smell, and cognitive decline, among other things. People have lost jobs, lost income, and lost housing. Children have had prolonged absences from school, and employees have worked remotely, with many people suffering from the effects of isolation. Public health workers in many areas have suffered harassment, bullying and threats.

The blessing is that the disease level in our community is low, seems under control and we are breathing more freely. The hope and prayer is that the pandemic truly is receding in our country as well as globally and that we will not be fighting more variants which could be more virulent and to which our vaccines may not be effective. This issue will remain a concern for us unfortunately, a recent example of which is the emergence of BA.2 in Hong Kong, the UK etc. But at least for this moment, we are breathing a collective sigh of relief.

During this period of relative calm, we must reflect on the outstanding contributions made by the Department of Health and its employees. Their hard work and dedication has been and continues to be amazing and outstanding. We are grateful for them and their high-level and caring performance. Our Director, who heads the Department of Health, has navigated the difficult waters of the pandemic with competency, calmness, good sense and grace. Managing what must be done for the public health within the framework of sometimes conflicting guidelines is an artform as well as a science. Our Board has also navigated along with Christine, appreciating her collaborative leadership and being sure our combined message was heard.

Finally, a focus on Public Health everywhere is clearly an imperative. Defunding nationally over many years, has had its toll, and has been uncovered by the pandemic, exposing many gaps and deficiencies. It is of utmost importance that strategies and funding follow. We cannot forget this pandemic and what it has taught us.

Lillian Vitanza Ney, M.D.

President, Chautauqua County Board of Health