

Chautauqua County Board of Health  
MINUTES

**Meeting Date/Time:** Thursday, July 20, 2023 6:00 p.m.

**Location:** HRC 4<sup>th</sup> 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	P	Dr. Krahn	P	Dr. Faulk	Interim Public Health Director; Board of Health Secretary
Matt Hanley	P	Dr. Ney	P	Dr. Berke	County Physician
Rick Ketcham	P	Dr. Pender	P	Jessica Wuerstle	Environmental Health Director
Dr. Khan	P	Elisabeth Rankin	P	Natalie Whiteman	Env. Health Senior Water Resource Specialist
Dr. Kidder	P	Mark Tarbrake	P	Sherri Rater	Assistant to Director; Board of Health Scribe
				Gregory Bacon	Jamestown Post Journal
				Molly Hess	
				Regina Cooper	
				Eric Jackson-Forsberg	
				Julie Jackson-Forsberg	

<b>Call to order</b>	The meeting was called to order at 6:00 p.m. by President Lillian Ney.
<b>Introduction of new members</b>	<p>New members Matt Hanley, Rick Ketcham, Dr. Wolf-Dieter Krahn and Dr. Erin Pender were introduced.</p> <p>Matt Hanley is the Marketing Director at The Waterfront Foundation at The Chautauqua Center, lives in Jamestown and serves on more than 40 healthcare, human services, and community coalitions, committees, and partnerships through his work at The Chautauqua Center. He is the former liaison for the City of Jamestown Mayor's Office to numerous community boards, commissions, and partnerships. Former board president of the Reg Lenna Center for the Arts, former Allocations Committee Chair at the United Way of Southern Chautauqua County, former board treasurer of the Chautauqua County Blind Association.</p> <p>Rick Ketcham is seasoned healthcare administrator and advocate who lives in Fredonia. He is the former CEO of Brooks Hospital, and upon retirement from Brooks, he led a hospital in Utica, N.Y. With his hospital experience and good counsel regarding the eventual outcome for Brooks Hospital, he has been an advocate for the need for an improved hospital, regardless of location, and has expressed a clear vision for possible scenarios. His professional and community work has gained him an understanding of the State Health Department, including financial issues regarding the renovation, and possible relocation of Brooks Hospital.</p>

	<p>Dr. Wolf-Dieter Krahn is a retired board certified family physician from the Jamestown area. During his career he served as the medical director for Lutheran Social Services, was partner at Jamestown Primary Care for more than 20 years, served as staff physician at Great Lakes Primary Care and went on to serve as the medical director at UPMC Chautauqua where he served as a member of their Hospital Board of Directors, and has been involved with multiple health related initiatives throughout his career.</p> <p>Dr. Erin Pender is the owner of Chautauqua Lake Dental in Mayville where she has practiced general dentistry since 2018. She has served as a dental director and general dentist at The Chautauqua Center, our local Federally Qualified Health Center, and a general dentist at a Federally Qualified Health Center serving the Cleveland area. She currently serves on the Audubon Community Nature Center Board and has served on other boards in the past related to her profession.</p> <p>Current members and Health Department staff introduced themselves to the new members.</p>
<b>Privilege of the Floor</b>	<p>I am Julie Jackson-Forsberg and this is my husband, we are the ones requesting a variance and we came here knowing that you might have questions. Basically we are seeking a variance to the one parcel one septic regulation in order to put a second septic system on our property – it’s a 15 acre parcel and we would prefer not to subdivide and do everything in accordance with the regulations as though we had, but are seeking not to create that legal subdivision and we don’t want to send the wrong message.</p>
<b>Approval of 3/16/23 minutes</b>	<p>Khan made a motion to approve the March 16, 2023 meeting minutes; 2<sup>nd</sup> by Kidder; all in favor; motion carried.</p> <p>Virtual attendance by members was discussed again and, based on the prior advice given from our Legal Department and as noted in the March 16<sup>th</sup> minutes, it is determined there is no good option to allow for virtual attendance. Members of the board are interested in pursuing a virtual attendance option, if it becomes available in the future.</p>
<b>New Business: Variance Request</b>	<p><u>Summary of request:</u> Eric and Julie Jackson-Forsberg residing in the Town of Busti request a variance of the Chautauqua County Sanitary Code, Article IV, Section 3.d, which specifies that “Each household sewage treatment system shall serve a single dwelling on an individual lot...” They propose the variance to allow the installation of a second septic system on a 15-acre parcel they own in the Town of Busti to develop an accessory apartment to provide housing for a tenant farmer without subdividing the land. The land is designated farmland, which they want to preserve for their family’s future generations.</p> <p><u>Wuerstle:</u> There are regulations within our sanitary code regarding, when, where and how septic systems are installed. One of the items is that each household sewage treatment system shall serve a single dwelling on an individual lot and shall be properly maintained by the owner as specified according to NYS codes and regulations. Failure to provide a properly maintained system can be declared a public health nuisance by the public health director. We try to avoid putting multiple septic systems on one lot however there are situations where it makes sense to provide a variance to homeowners who provide satisfactory evidence that there will be enough distance between septic system(s) and the well; know whether or not the property would be parceled off in the future which would require easements and complicate matters. The homeowners provided a letter that was reviewed by the Board. Wuerstle confirms the request seems reasonable as the homeowners have ample space, the LHD can design an adequate system, and the homeowners have no intention of parceling the land.</p> <p><u>Discussion:</u> Clarification was made that before a variance requests is brought to the Board, environmental health staff will discuss with the property owner whether or not they are going to endorse the request and so most requests that are not viable do not make it to the Board for review.</p> <p><u>Decision:</u> Khan made a motion to approve the variance as requested; 2<sup>nd</sup> by Tarbrake; all in favor; motion carried.</p>

<p><b>Agreements to Settle</b></p>	<p><u>Wuerstle &amp; Whiteman reporting:</u> Wuerstle explained the agreements to settle process for new members. Environmental health oversees NYSDOH and local regulations. They inspect, document, and issue violations. The agreements to settle document lists violations that we have sent notice for and the business agreed to settle by paying the fine instead of going to a hearing. Noted on the list are water and tobacco violations. Many of the violations are related to water. Businesses (e.g. restaurant, hotel, campground, mobile home park, etc.) operating on a well are considered an individual public water supply and must be monitored by the LHD. The division also monitors and regulates municipal water systems. 247 total water suppliers are monitored and regulated by Environmental Health. They are in charge of ensuring suppliers submit samples on time, monitoring for their water disinfection system, and remedy failing systems.</p> <p><u>Discussion:</u> All violators on this list are repeat offenders. First offenders are issued a warning of violation letter to let them know they are in violation and need to take corrective action to avoid penalties. Some water suppliers have told Environmental Health that it's cheaper for them to pay the fine then to pay for certain sampling fees that can cost over \$1,000. Environmental Health is working with legal to improve the repeat offender system to possibly increase the fine amount for repeat offenders or even take their license to operate away on some businesses, however they do not oversee licenses for all facilities that we monitor as some fall under Ag and Markets jurisdiction. Staff are willing to work with establishments to rectify the problem and provide education on what is required. We have to put teeth into this water program otherwise we are not going to have safe water.</p>
<p>Hearing Officer Recommendations</p>	<p><u>Wuerstle reporting:</u> Offenders who do not agree to settle, as noted above, or who were not offered a settlement due to repeat violations or the nature of the violation are scheduled for a hearing. During the hearing, a hearing officer listens to testimony from staff and the violator. Following the hearing, the hearing officer submits a recommendation for the Board to review and make a determination. The Board is able to assess the findings, make a determination, and issue an order to the violator.</p> <ul style="list-style-type: none"> <li>• <u>Summary of first hearing:</u> In the matter of Mr. Tyler Hess, Alexander's Restaurant, Findley Lake case #23-48. Respondent was charged with violation of the NYS Sanitary Code, Part 5 Subpart 5-1, Section 5-1.71(b) in that they have failed to exercise due care and diligence in the operation of and maintenance of a water treatment plant and their appurtenances to ensure continued compliance with the provisions of that subpart. In addition, credible evidence established that the respondents failed to comply with the NYS Sanitary Code, Part 5, Subpart 5-1, Section 5-1.30(g) as they failed to maintain a free chlorine residual at representative points in the system. The Hearing Officer found that this is the second violation by the Respondents in relation to maintenance of the water treatment system. The Hearing Officer recommended the Respondent pay a \$750 fine for the two water system violations within 90 days. The Hearing Officer further recommends the Board consider waiving or reducing the fine if the Respondent provides verification that they have entered into a contract with a third party monitoring company who will maintain and regularly test their water system to ensure continued compliance with the NYS Sanitary Code.</li> </ul> <p><u>Discussion:</u> Whiteman explained that during a food inspection staff found there was no chlorine in the water, which is a red critical violation. We put the establishment on a boil water order and instruction was given on how to safely process food. A Board of Health order was issued for this business at the March meeting due to similar violations. Establishment has not contracted with a third party monitoring company. Hess explained she and her husband purchased the restaurant from her son about a year ago. The manager was in charge of the water system, however Hess took over this task in October when she found</p>

<p>Hearing Officer Recommendations Cont'd</p>	<p>the manager was not taking care of it properly. Hess was on vacation when the food inspection took place and she was not aware of the issues at the restaurant. She also did not have a good understanding of what the chlorine levels should be. Since then she has been working very closely with the LHD to gain a better understanding of the processes. She is also working with a local plumber and has new processes in place internally to remedy the issues. Hess provided details that she is making every effort to improve systems within her establishment. The Board expressed that it is difficult to run a business and be in compliance, but this is food and public health which is the Board's responsibility to uphold. Members and the LHD staff expressed their appreciation to Hess for attending the meeting and reaching out for help.</p> <p><u>Motion:</u> Kidder moves to accept the hearing officer recommendation that the Respondent pay a \$750 fine for the two water system violations within 90 days; 2<sup>nd</sup> by Krahn; all in favor; motion carried.</p> <ul style="list-style-type: none"> <li>• <u>Summary of second hearing:</u> In the matter of Julie Carlson, Beef Boss, 3202 Fluvanna Avenue, Town of Ellicott, case # 23-25. Responded failed to comply with the NYS Sanitary Code, Part 5, Subpart 5-1.52, Tables 2 and 8C in that the Respondent has failed to submit the Nitrate Monitoring report for the public water supply operated by Respondent for the year 2022. Based on credible evidence presented at the hearing, the Hearing Officer determined that the respondent was in violation and recommended the Board of Health impose a penalty of \$200 against the Respondent payable within 60 days. <p><u>Discussion:</u> Whiteman explained the violator did not show for the hearing. Nitrate samples must be submitted annually. A packet is sent annually to all establishments explaining the requirements and the timeline for submitting. A member of the Board asked what happens if the violator doesn't pay the penalty fee. In this particular case the LHD oversees the food permit to operate, so we could revoke the permit.</p> <p><u>Motion:</u> Ketcham made a motion to issue an order for respondent to pay a \$200 fine and submit a nitrate sample within 60 days of the order. Failure to pay the fine and submit the sample will result in additional penalties up to including loss of permit to operate. Rankin 2<sup>nd</sup>; All in favor; motion carried.</p> </li> </ul>
<p><b>Old Business:</b> Tobacco/Vaping</p>	<p><u>Discussion:</u> Prior to COVID the Board was discussing tobacco and vaping and what local policies could be put into place, specifically a restriction between the distance of schools and tobacco and vape retailers. Erlandson would like to table this until the next meeting so he has time to prepare. The group offer some discussion. Currently the LHD is going to all establishments who are licensed to sell tobacco and vape products to ensure they are displaying the appropriate NYS required signage. We also conduct 'sting' operations where we have someone under 21 who tries to purchase a tobacco or vape product and if they are caught selling to underage people we take action on the facility. NYS requires that shops must be 1500 feet away from a school. We do not have any local regulations; however, some other counties and municipalities have created local laws enforced by either the city/municipality or the LHD. The Legislature would need to approve anything that the LHD would enforce. Having something at the municipality level where law enforcement can intervene may be more effective than a public health sanitarian from the LHD. There is a NYS level American Academy of Pediatrics Task Force in Albany that have been advocating on these issues. Khan can pull from those recommendations as necessary. Regarding marijuana, the State has told the LHD that the NYS Office of Cannabis Management will be responsible for regulating marijuana dispensaries.</p>
<p><b>Director's Report</b></p>	<p>Faulk reporting: <b>New Deputy Public Health Director</b> Lacey Wilson will join us as our new Deputy Public Health Director starting on July 27<sup>th</sup>. Lacey is a Chautauqua County native, a registered dietitian nutritionist with a master's in public health from the University at Albany and</p>

Director's Report  
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more than 10 years of experience in community health, social behavior, aging services, public health program planning, development and implementation. She has spent the last 3+ years working in the Office for Aging Services where she oversees the nutrition and wellness program, has worked as a grant manager for Chautauqua Adult Day Services, has held other positions as a nutrition program director and has experience as a nutritional consultant.

Dr. Faulk's role at interim PH director/CMO does not change with Lacey's appointment. He envisions Lacey will handle the day-to-day operations of the department and will be a welcome addition.

**Mobile Health Vehicle**

Our new mobile health vehicle (MHV) arrived on June 8<sup>th</sup>. It truly is an extension of our Health Department clinic. An open house event was held yesterday where media, county legislators, department heads and some board of health members attended. Attendees were able to tour the vehicle and interact with staff. The event was a great opportunity for us to demonstrate what the Health Department does as all divisions were represented and materials about our services were provided. A brief history on how we obtained the vehicle: In 2021, during the COVID pandemic, the LHD applied for a grant through the CDC, facilitated by the NYSDOH that focused primarily on ensuring ways kids could stay in school. Now that the COVID public health emergency has ended we are heading in a different direction. We are starting with outreach and education. We want to collaborate with TCC as to not duplicate efforts with their MHV. We are in the process of applying for a Certificate of Need through the NYSDOH in order to provide medical services. Once approved, the MHV will serve as an extension of our health department article 28 diagnostic and treatment center license. We are currently working with the City of Dunkirk and Jamestown and will work with smaller municipalities in order to be able to bring the MHV on municipal property. The MHV will be at the fair this weekend and will serve as a breastfeeding station for moms. We will also offer educational materials. We have attended some other events and have a few more on the calendar. It is somewhat of a slow rollout as we are getting people trained to drive the vehicle. We want to partner with anyone who is willing. I can envision working with our homeless shelters, continuing outreach in the Amish community. We are talking with the Director and Deputy Director of Mental Hygiene to provide some linkage services. We want community feedback as well.

**Budget**

We are preparing for 2024 Budget. Sam Zafuto is coming on as a fiscal supervisor serving the health department and social services. Right now we have approximately 17 unfilled positions, 7 of those are nurses.

We have tentatively decided to eliminate 4 of those positions: epidemiology manager, homemaker, and two nurse positions. We obviously have specific challenges with nurse retention and recruitment. We are working with Human Resources and the Sheriff to offer hazard pay for our jail nurses as we must continue to provide these state mandated services. We just lost a nurse at the jail who took a higher paying job.

**Public Health Infrastructure Grant:**

We are still working on the CDC infrastructure grant. It is a \$750,000 grant over 5 years focusing on retention of public health staff. We submitted a budget to the state to use the funds to cover the new deputy public health director position, supplies, equipment, furniture, conferences and trainings.

**CHAT**

The Chautauqua Health Action Team (CHAT) met last week. This team was born out of a grant that was facilitated through the LHD a number of years ago. The team represents all different facets of healthcare. Lacey Wilson took the initiative to define a purpose and figure out what our values and mission are. We want to focus on the word action and really bring some meaningful change. As we take time to figure this out, we are

<p>Director's Report cont'd</p>	<p>going to meet every other month.</p> <p><b>Coroners</b> We are currently recruiting one coroner to fill the sixth slot. We are working with human resources to develop a Director for Coroner Services. We have found that there are a lot of administrative duties with the coroner program and a director is needed to provide oversight and guidance. The program manages over 400 deaths annually. We have some concerns about retention of our coroners as we have experienced turnover.</p> <p>We are lacking cold storage in the county for decedents. Local hospitals have limited to no space for decedents. We have submitted a request for ARPA funding to purchase a portable morgue for immediate needs and for emergency preparedness planning.</p> <p><b>Jail Health Services Accreditation</b> On May 2<sup>nd</sup> from the National Commission on Correctional Health Care (NCCHC) awarded our jail services with accreditation. There are only two other jails in the state who have applied for and earned this accreditation. Cathy Burgess, one of our nursing directors, put countless hours into this project that resulted in at least 50 new policies and procedures. It was a great collaboration between the Health Department, Mental Hygiene, and Sheriff's Office correctional leadership and staff. This accreditation will allow us to standardize the care we provide, while keeping in line with correctional medicine standards of care and helping to reduce liabilities.</p>
<p><b>Other</b></p>	<ul style="list-style-type: none"> <li>• At 3pm on April 8, 2024 it is estimated that there will be a ¼ million people in Chautauqua County to look at the eclipse. Noel Guttman, Director of EMS has had numerous planning meetings already about this. Planning is required to figure out how to manage emergencies with potentially limited ways to maneuver around the roads.</li> <li>• Jail inmates are very ill. A lot of their medical needs have gone to the wayside. 60-75% of those incarcerated have underlying addiction and mental health issues. It is a population who are very appreciative of the care they receive at the jail.</li> <li>• Faulk requests that the Board review the bylaws to ensure we are in compliance. Bylaws will be forwarded to members for review. Please contact Dr. Ney if you are willing to help review the bylaws in depth.</li> </ul>
<p><b>Adjournment</b></p>	<p>Tarbrake made a motion to adjourn at 7:38pm.</p>
<p><b>Future Meeting Dates</b></p>	<p>October 19, 2023 at 6:00pm</p>