

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, November 21, 2024 6:00 p.m.
Location: HRC 4th Floor Conference Room, 7 North Erie Street, Mayville, NY 14757
Scribe: Hannah Abram

ATTENDANCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Faulk*	P	Dawn Columbare	P	Jessica Wuerstle	Environmental Health Director
Matt Hanley	E	Kenneth Dahlgren	P	Dr. Berke	County Physician
Rick Ketcham	P	Dr. Kidder	E	Natalie Whitman	Senior Water Resource Specialist
Dr. Khan	P	Dr. Krahn	P	Wendy Douglas	Director of Quality Assurance
Lacey Wilson*	P	Dr. Pender	P	Nicholas Millison	Fellow
<i>*non-voting member</i>		Legislature Proctor	P	Rita Svetanics	Fellow
		Mark Tarbrake	P	Hannah Abram	Administrative Aide, Board of Health Scribe

Call to Order	The meeting was called to order at 6:02 p.m. by Khan.
Privilege of the Floor	none
Approval of 9/19/24 Minutes	Proctor made a motion to approve the minutes. 2 nd by Khran; all in favor; motion carried.
New Business: Agreements to Settle	Agreements to settle were reviewed. There were several public water supply violations. These are facilities failing to submit their monthly water report. There were five Tobacco Enforcement Plan violations. The violations were made by a facility who sold a tobacco product to an individual under the age of 21.
Hearing Officer Recommendations	<p><u>Hearing Summary:</u></p> <ol style="list-style-type: none"> 1. In the matter of A6 Properties, the Hearing Officer, having determined that Respondent was properly served notice to appear, and upon Respondent's failure to appear or request an adjournment, found Respondent in default and proceeded with the hearing <i>in absentia</i>. As a result, the Hearing Officer found the owner, Steve D'Anna, had failed to comply with the Title 10 N.Y.C.R.R. in that they failed to submit required monitoring reports to the Chautauqua County Health Department in a timely manner. The Hearing Officer recommended a penalty of \$100.00 for each violation for a total fine of \$300.00 against the Respondent as permitted by New York State Public Health Law. <p><u>Discussion Summary:</u> Khan suggested raising the fine due to the Respondent's history of violations of</p>

	<p>this nature.</p> <p><u>Motion:</u> Khan moved to accept the Hearing Officer’s recommendation with an increase of \$250.00 for each of the three different monitoring report violations in addition to surcharge of another \$250.00 for a total of \$1000.00 to be paid with 90 days. 2nd by Krahn; all in favor; motion carried.</p> <p>2. In the matter of Bear Ridge Properties, Petitioner presented the testimony of Natalie Whiteman, Senior Water Resource Specialist for the Chautauqua County Health Department. She credibly testified that the Respondent's property qualified as a public water supply under the New York State Sanitary Code as it has at least five (5) water connections. As such the Respondent is required to submit to the Chautauqua County Health Department monthly monitoring reports by the tenth day of the month following the month covered by the report. The Respondent submitted his report for May, 2024 late but at that time he was counseled on the correct process. Then again, the report for September,2024 was not submitted until October 11, 2024. The report for November 2024 was submitted timely. The Hearing Officer found the owner, Seth Ellsworth in violation of New York State Sanitary Code Part 5, Subpart 5-1, Section 5-1 in that the Respondent has failed to submit the Monitoring report for the public water supply operated by the Respondent for September, 2024. The Hearing Officer recommend a penalty of \$100.00 against the Respondent as permitted by the New York State Public Health Law. However, that such fine be held in abeyance and only enforced against the Respondent should the Respondent fail to timely submit the monthly monitoring report at any time in the 12 months following the issuance of the Order of the Board of Health.</p> <p><u>Discussion:</u> The Board discussed the details of the hearing with Natalie Whiteman.</p> <p><u>Motion:</u> Proctor moved to accept the recommendation of the Hearing Officer, a fine of \$100 to be paid and that the fine be held in abeyance and only enforced against the Respondent should the Respondent fail to timely submit the monthly monitoring report to the County in the following 12 months. 2nd by Khran; all in favor; motion carried.</p> <p>3. In the matter of Cloudz, the Hearing Officer, having determined that Respondent was properly served notice to appear, and upon Respondent’s failure to appear or request an adjournment, found Respondent in default and proceeded with the hearing <i>in absentia</i>. As a result, the Hearing Officer found the owner Subrey El Baneh in violation of Article 13-F, Section 1399-cc-3 and 1399-mm-1(2) that they sold a vapor product to an individual under the age of twenty–one years. It’s the recommendation of the Hearing Officer that the Chautauqua County Board of Health impose a penalty \$1,600.00 plus any mandatory surcharge and that two (2) points be assessed against the Respondent as permitted by New York State Public Health Law Section Article 13-5, Section 1399-EE.</p> <p><u>Discussion Summary:</u> The Board discussed increasing the fine as this was not a first-time offense.</p> <p><u>Motion:</u> Proctor moved to charge Respondent with a fine of \$2,000.00 to be paid within 90 days. 2nd by Tarbrake; all in favor; motion carried.</p>
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Old Business:
Sanitary Code

The Human Services Committee members have expressed interest in supporting updates to the local Sanitary Code to improve health, safety, and protection. It has been requested that the Board read and review the code

	<p>proposal to provide to the Health Foundation for review.</p> <p><u>Upcoming Presentation on Opioid Settlement Funds:</u> There are two main sources of funds that come into the county, one source is OASAS funds that are made available through the Local Government Unit (Mental Hygiene) and the second is Attorney General funds. JUUL Settlement Funds will also be coming to Chautauqua County. These will mostly be funneled through school districts and BOCES. County Contractor, Steve Kilburn will be presenting more on this topic, and on the development of a Prevention Plan, prioritizing primary, secondary, and tertiary prevention interventions at the January Board of Health Meeting.</p>
Other:	Pender made note that Monroe Community College will be opening a 2-year Dental Hygiene program in the Fall of 2025.
Adjournment:	Khan made a motion to adjourn at 7:49pm.
Future Meeting Dates	March 20, 2025; May 15, 2025; July 17, 2025; September 18, 2025; November 20, 2025

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