

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, July 21, 2016 @ 6:00 p.m.
Location: HRC Bldg., 4th floor conference room, Mayville
Scribe: Susan Clawson

ATTENDANCE:

| BOH Members | P/A | | P/A | Others Present | Title |
|-------------|-----|----------------|-----|--------------------|-------------------------------------|
| Dr. Berke | P | Mark Tarbrake | P | Christine Schuyler | Public Health Director |
| Dr. Geary | P | Dr. Ney | A | Mark Stow | Environmental Health Director |
| Dr. Tallett | P | Susan Sosinski | P | Susan Clawson | Secretary to Public Health Director |
| Dr. Hewes | P | Dr. Erlandson | P | Kristen Wright | Second Assistant County Attorney |
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| Call to order | The meeting was called to order by Dr. Tallett at 6:00pm. |
| Approval of Minutes from April 28, 2016 | Minutes were approved by Dr. Hewes, 2 nd by Dr. Erlandson, all in favor. |
| Variance Requests | <p>Michael Johnston requested a variance regarding the septic system for the property of Charles & Kathryn Johnston at 8119 Bear Lake Rd, Town of Stockton, NY, 180.14-1-50. The variance was granted allowing a water tight 1500 gallon sewage holding tank with the following conditions:</p> <ol style="list-style-type: none"> 1) That no discharge, onto the ground surface, from the tank or connection to the tank from the homes is permitted. The outlet, of the septic tank, must be sealed to prevent any discharge or overflow from the tank and an audio and visual high water alarm is installed to alert you when the holding tank is nearing capacity. 2) That you are responsible for properly maintaining the tank and having it pumped as needed by a septic tank pumper, licensed by the New York State Department of Environmental Conservation. Additionally, you are required to keep records of the pumping dates and quantities, which must be made available to the Environmental Health Unit inspectors upon request. 3) That this variance shall be in effect as long as your parents occupy this dwelling and is not transferable to any other party. Should this property be sold or parents vacate this property then you must consult a NYS licensed Professional Engineer to design a septic system, get approval from this unit and then install an individual septic system that meets NYS design standards. |

Mark and Dawn Pohlman requested a variance regarding the septic system for the property at 4389 Pest Road, Town of Ellery, NY, 300.00-1-24. The variance was granted allowing a water tight 1500 galloon sewage holding tank with the following conditions:

- 1) That no discharge, onto the ground surface, from the tank or connection to the tank from the motor homes is permitted. The outlet, of the septic tank, must be sealed to prevent any discharge or overflow from the tank and an audio and visual high water alarm is installed to alert you when the holding tank is nearing capacity.
- 2) That you are responsible for properly maintaining the tank and having it pumped as needed by a septic tank pumper, licensed by the New York State Department of Environmental Conservation. You are to keep records of the pumping dates and quantities, which must be made available to the Environmental Health Unit inspectors upon request.
- 3) That this variance shall be in effect until July 21, 2021 and is not transferable to any other party.

Rick Barnes requested a variance allowing him to install a single septic system serving two dwellings on the parcels 394.00 - 1 – 72, 73 & 74. This variance was approved with the following conditions:

- 1) The system is appropriately designed and permitted to accept waste from the total bedrooms (8) in both dwellings.
- 2) That the sewage system shall be operated and maintained in compliance with Article IV of the Sanitary Code of the Chautauqua County Health District.
- 3) These parcels are to remain under single ownership.

This variance does not supersede or imply local (Town of French Creek) approvals which may be required. A variance request from the Bear Lake Conservation Club was tabled until next meeting so more information could be gathered.

Agreement of Payment

Agreement between Chautauqua County and John Noe, the parties agree to the following:

- 1) By order dated April 13, 2016, the Chautauqua County Board of Health imposed on Debtor penalties totaling Twelve Thousand Five Hundred and no/100 Dollars (\$12,500.00) for Case Numbers 14-20; 14-4-68; 14-73; 14-100; 14-102 and 15-149.
- 2) The Board of Health required that such penalties be paid by Debtor within thirty (30) days of the date of the Order.
- 3) Debtor has requested additional time to make payment.
- 4) County is willing to accept payments as follows, with all payments to be issued to "Director of Finance, Chautauqua County": Debtor will pay \$750.00 per month, to be *received by County* on or before the fifteenth day of each month, starting June 15, 2016, and continuing until the amount due has been paid in full. Additional or extra payments will be accepted, and will be applied toward reduction of the principal balance due unless otherwise indicated by Debtor at the time of such additional or extra payment.
- 5) Debtor has, in conjunction with execution of the Agreement, executed a Confession of Judgment in favor of County, which will be filed with the County Clerk, but which will not e executed upon, unless Debtor fails to timely make a payment as required by the Agreement, or unless Debtor fails to timely make a payment as required by this Agreement or unless Debtor fails to timely and satisfactorily remediate any property as required by the Board of Health Order.
- 6) If Debtor fails to timely make a payment as set forth in the Agreement, or fails to timely remediate a property as required, Debtor understands that, in addition to acting upon the Affidavit for Judgment by

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| | <p>Confession, County may exercise any and all rights available to it under the law, including but not limited to exercising receivership over the properties which are the subject of the Board of Health Order.</p> <p>7) Debtor acknowledges and understands that this Agreement, proposed by him, may be accepted or rejected by County, in its sole discretion, and that this Agreement shall have no force or effect unless and until it has been executed by Chautauqua County Public Health Director, Christine Schuyler, at the Direction of the Chautauqua County Board of Health.</p> |
| Agreements to Settle | Memo of Agreements to Settle was reviewed and discussed, no approval necessary. |
| Director's Report | <p>C. Schuyler reported that the Department is in the middle of preparing the 2017 Budget; with anticipation that the FTEs (full time employees) will stay the same. The NYSDOH as the Title 10 Family Planning grant administrator has not issued an RFP for the next 5 year grant award that begins January 1, 2017. The NYSDOH said it hopes to have the RFP out by end of the year when the grant ends which likely means there will be another extension. DHHS will budget for another one year extension and continue with our transition plan which will include continued education and enrollment of private medical providers in Medicaid's Family Planning Benefit Program. Patsy Lane, NP, will be applying for privileges at WCA to further the goal of utilization of long acting reversible contraceptives in the maternity ward. There are issues finding Providers for Preschool Special Education, a responsibility mandated to each county. Health Homes for Children are scheduled to being in December but Early Intervention children will be the last to enter in March 2017. No confirmed mosquito or human reports of Zika, EEE, or West Nile in Chautauqua County. For the first time, deer ticks were confirmed positive for Lyme Disease at Lake Erie State Park; public education has been conducted on prevention of tick-borne disease. Lyme Disease is on the rise in Chautauqua County.</p> |
| 2016 Board meeting dates | October 20, 2016 |
| Adjournment | Motion to adjourn by Mark Tarbrake, 2 nd by Dr. Geary @ 7:00pm |
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