

Chautauqua County Board of Health
MINUTES

Meeting Date/Time: Thursday, June 12, 2025 6:00 p.m. (Special Meeting)
Location: HRC 4th Floor Conference Room, 7 North Erie Street, Mayville, NY 14757
Scribe: Hannah Abram and Amanda Reiner

ATTENDANCE:

BOH Members	P/A	BOH Members	P/A	Others Present	Title
Dr. Faulk*	E	Dawn Columbare	E	Jessica Wuerstle	Director of Environmental Health
Matt Hanley	P	Kenneth Dahlgren	E	Hannah Abram	Administrative Aide, Board of Health Scribe
Rick Ketcham	E	Dr. Kidder	P	Amanda Reiner	Resource Assistant, Board of Health Scribe
Dr. Khan	P	Dr. Krahn	P	Greg Bacon	
Lacey Wilson*	E	Dr. Pender	P		
*non-voting member		Legislator Proctor	P		
		Mark Tarbrake	E		

Call to Order	The meeting was called to order at 6:00 p.m. by Kidder.
Privilege of the Floor	none
Approval of 3/20/25 Minutes	Khan made a motion to approve the minutes from the March 2025 Board of Health Meeting. 2nd by Hanley; all in favor; motion carried.
New Business: Hearing Officer Recommendations:	<p><u>Hearing Summary:</u></p> <p>In the matter of BEMUS 16LLC CHAUTAUQUA LAKE HOTEL AND APARTMENTS, 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>. The Hearing Officer, based upon the respondent's default in appearance and the testimony presented, found that the Respondent failed to comply with the New York State Sanitary Code, Part 5, Subpart 5-1.72(c)(1) in that they failed to timely submit the required operations record for their public water supply. It was recommended by the hearing officer that the Chautauqua County Board of Health impose a penalty of \$500.00 for the violation against the Respondent as permitted by New York State Public Health Law.</p> <p>Discussion Summary: After a brief review and discussion, the Board agreed with the Hearing Officer's recommendation.</p>

	<p>Motion: Khan moved to accept the recommendation of a total fine of \$500.00 to be paid within 90 days. 2nd by Hanley; all in favor, motion carried.</p> <p>In the matter of KILLA COOKIES AND KREAM; the Hearing Officer, after discussions and testimonies from the petitioner and the owner, found the owner had failed to comply with the New York State Sanitary Code, Part 5, Subpart 5-1.51(b) (Table 11) in that they failed to submit results of microbiological monitoring for the public water supply for the third quarter of 2024; and has failed to comply with the New York State Sanitary Code, Part 5, Subpart 5-1.52(b)(Table 11B) in that they failed to submit results of a microbiological sampling of raw water source and repeat sampling site following a total coliform positive test on December 18, 2024; and has failed to comply with the New York State Sanitary Code, Part 5, Subpart 5-1.52(b)(Table 11B) in that they failed to submit the results of the minimum three (3) routine samples in the month following a total coliform positive test, January 2025. It was recommended by the Hearing Officer that the Chautauqua County Board of Health impose a penalty of \$500.00 in total for all three (3) violations against the Respondent.</p> <p>Discussion Summary: After a brief review and discussion, the Board agreed to the Hearing Officer Recommendation.</p> <p>Motion: Khan moved to accept the recommendation of a total fine \$500.00 to be paid within 90 days. 2nd by Hanley; all in favor, motion carried.</p> <p>In the matter of LAKEWOOD HOLDINGS NY, LLC d/b/a 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>. After due consideration and deliberation, based upon the respondent's default in appearance and the testimony presented, the Hearing Officer found that the Respondent was in violation of Article 13-F, Section 1399-ee-4(a) of the New York State Public Health Law in that the respondent, while under suspension of a tobacco and vaping registration/license, did offer for sale tobacco products, in particular, cigars. It was recommended by the Hearing Officer that the Respondent be fined a total of \$2,500.00, plus the required surcharge of \$250.00, to be paid within 30 days of the Order of the Board of Health. Further, it was recommended by the Hearing Officer that the Respondent's license/registration to sell tobacco products and vaping products be revoked.</p> <p>Discussion Summary: After a brief review and discussion, the Board agreed to the Hearing Officer Recommendation.</p> <p>Motion: Krahn moved to accept the recommendation of a total fine of \$2,750 to be paid within 90 days. 2nd by Pender; all in favor, motion carried.</p>
Other	Proctor suggested revisiting the wind turbine discussions from 2019, requesting any letters and documentation on the wind turbines from the Board of Health records.
Adjournment	Pender made a motion to adjourn at 6:37pm.

Future Meeting Dates	July 17, 2025; September 18, 2025; November 20, 2025
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