

**ERIE COUNTY BOARD OF HEALTH**  
**PUBLIC HEARING AND MEETING MINUTES**  
**MARCH 19, 2024**

**PRESENT:** Robert Free, Vice President, Food & Beverages, Bisons  
Baseball/Canalside/Outer Harbor, Chairman, BOH  
Colette McDonald – FPC Coordinator  
Marilyn Tuberdyck

**VIA WEBEX:** Dolores Funke, Secretary  
Maureen Montgomery, M.D.  
Katie Dyson, M.D. – New member  
Howard Johnson, County Legislature – New member

**ERIE COUNTY DEPARTMENT OF HEALTH:**

Gale Burstein, M.D., Erie County Commissioner of Health  
Jennifer Delaney, Director of Environmental Health  
Peter Tripi, Associate Public Health Sanitarian  
Thomas Muscarella, Sr. Public Health Sanitarian  
Eric Henry, Sr. Public Health Sanitarian

**GUEST:** Elizabeth Terranova, Medical Care Administrator  
Colette McDonald, FPC Coordinator  
James Wiedenbeck, General Manager, Tinder Box  
Jacob Piorkowski, Attorney

**Public Hearing for Proposed New Sanitary Code, Article XXIII**

- James Wiedenbeck from Tinder Box and Jacob Piorkowski, attorney for Buffalo Cigars, attended the hearing in person.
- The small shop had concerns about the cost of permitting and they both had concerns about needing to have a trained staff member on at all times. They are reputable and want to do the right thing.
- They are also seeking some kind of exemption for stores that have premium cigar sales.
- Jacob Piorkowski was concerned that the retail tobacco business is currently allowing certain events to smoke in the establishment and what NYS Indoor Air Act would impose on him.

- Tom Muscarella said that currently CIAA exempts tobacco business from compliance – we have no intention of changing that.
- The meeting discussed concerns about certain vendors allowing smoking in retail back offices and the need to impose restrictions on this.
- There are a few options to consider for the training courses:
  1. Tom Muscarella mentioned we offer a NYSDOH approved tobacco sales training course to all retailers, currently free of charge. It is a 3-hour course, it has been made a requirement in the new article for at least one staff member with certification present in the facility during all operating hours.
  2. Training courses are currently offered free of charge at the ECDOH offices, we would be willing to schedule courses for operators with larger staff and possibly taking the course to them if the venue is appropriate. We will investigate performing the course online.
  3. Online training but there may be a charge.
  4. Training as part of the hiring process.
  5. Holding larger training sessions for more people at one time, potentially taking it to different locations.
- We will research how the National Restaurant Association conducts their alcohol training program online.

## **BOARD OF HEALTH MINUTES**

### **I. REVIEW OF MINUTES SEPTEMBER 19, 2023**

- Meeting minutes were approved.

### **II. Licensed Home Care Services**

- Liz Terranova gave an update of the annual LHCSA. Lead and TB nurses need to comply with these regulations and so only those locations are counted in the report. Last year we had a total of 89 that were considered LHCSA cases. The majority of them that were discharged were over 121 days stay and that's because of the amount of follow-up that lead patients received and the length of time for TB treatment. Breakdown of the ages: 67 were under 21; 17 were between 21-64; and 5 were over 65.
- The NYS Legislature just passed intention to change some of these regulations.

### **III. ENVIRONMENTAL HEALTH UPDATES from Jennifer Delaney**

- In regards to the Public Hearing today we will get back to the comments regarding the Proposed New Sanitary Code, Article XXIII, in the near future. We gave them the courtesy of hearing what they had to say and what their concerns were and responded accordingly. We will start an email thread and work through that.
- Environmental Health is moving forward with their gym and fitness permitting to take place in June and will have amendments to the tattoo article in the fall to the Board for consideration. It was delayed because of the current additional

requirements that have been issued to the department from the state in the last few months.

- The septic systems changes are running smoothly.
- The City of Buffalo still on schedule to complete fluoride installation by August of this year.
- 

#### **IV. FOOD POLICY COUNCIL**

- Collette McDonald, Coordinator for Food & Policy Council presented the Food Policy Council Quarterly Progress Report. The following is the Summary:
- The mission of the Food Policy Council of Buffalo and Erie County (FPC) is to advocate for an equitable and sustainable food system for the people of Buffalo and Erie County. In 2024, the FPC worked closely with Deputy County Executive Lisa Chimera to restructure the Council and reformat meetings to increase efficiency and productivity to best meet the goals outlined in the FPC mission. The FPC then set three over-arching attainable goals for 2024. Transitioning to monthly, in-person meetings has already enhanced productivity and facilitated progress towards the Council's 2024 goals. In the second half of 2024, the NYS Public Health Fellowship will be extended and the FPC coordinator position will remain intact to ensure continuity of service. Additionally, the Council has submitted a \$1.1M grant proposal for the New York Food for New York Families Round 2 Competitive Grant, aiming to fund a program that will bring local produce to families with limited access to food. Alongside these efforts, the Council is actively recruiting new members to fill long empty council seats, diversify expertise, and expand its impact across Erie County. The FPC will also sponsor the upcoming Erie County Food Policy Summit, the goal of which is to educate local Erie County government officials and staff on food systems and to provide tools for them to develop equitable food systems in their communities.

#### **V. COMMISSIONER'S UPDATE**

- We are reorganizing our overdose prevention task force and renaming it the Overdose Prevention Task Force because we're seeing so many other drugs that are involved with overdoses. It's not just opiates anymore. We are also restructuring the Opiate task force. We are finalizing everything and will hopefully be able to release that information in the next few weeks.
- We entered into a contract with a large media firm called Impact. They have a lot of experience working on media campaigns with public health issues. They worked with New York State Health Department on a PrEP campaign that was very well done. What they've done more recently is work with us to put together a brief radio message that will air on major radio media to get the message out about the dangers of cocaine that is tainted with fentanyl and that people should be careful

and test their cocaine for fentanyl. This media company will be doing more research on which to base their long- term messaging.

- We're still confirming the suspected fatal OD 2023 cases however, we estimate the numbers to be somewhere between 380 – 400 fentanyl or other opiate related overdose deaths.
- We're enhancing all of the clinics at the Jesse Nash location. We're getting a mural painted on the outside walls of the clinic to make it more appealing and we're also doing some work on the inside.
- Jennifer Delaney updates on the Lead Program:

The Lead Prevention Program is being expanded. The NYS governor has a new public health law that requires all 2+ unit rental properties be registered with a rental registry. As part of that registry, every unit within the designated communities needs to be inspected for conditions conducive to lead poisoning every three (3) years. Erie County has fourteen zip codes located in communities of concern. 15,000 units will need to be inspected every year which is a next to impossible task but we are geared-up and redesigning and re-organizing how our programs will work together and function to get this done. NYS recently awarded Erie County approximately \$1.9 million to implement this program.

- There is an increasing demand for our ambulance services in the rural areas, basically in the southern part of the county. We anticipate that we will expand. To be sure we can be fully staffed, we started a paramedic training program so they can work in our ambulances and in commercial ambulances after they complete the training program.
- Our Office of Health Equity has started a Mental Health First Aid training program. It is offered to anyone in the community who wants to learn more about it. You can request training on the Erie County Health Department website of Office of Health Equity.
- The Medical Examiner's Office has been under renovation which is almost done.

## **VI. OLD/NEW BUSINESS**

- No old business
- There are three (3) new members  
The next meeting is May 29, 2024 at 3:30 PM, 110 Franklin St. 4<sup>th</sup> Fl. Conference Room, a Public Hearing will be held preceding the meeting at 3:00 PM
- Meeting adjourned