

BOH10092018

The regular meeting of the Hancock County Board of Health was held on Tuesday, October 9, 2018 at 4:00PM at the Hancock County Commission Office. In the absence of a Chair, Dr Suray conducted the start of the meeting as directed. She asked for a motion to nominate and elect a chairman Pro Temp for just this meeting. Anthony Pavalis made a motion for John Plesa. Sam DeCapio seconded the motion. The motion was voted on with John Plesa abstaining from the vote. Members Pavalis and DeCapio voting in the affirmative.

John Plesa as Chairman Pro Temp took control of the meeting. Chair Plesa first order of business was to recognize two letters from members that were received by the Board. The first was a letter of resignation to the Board of Health from Lisa Conti dated Oct 4, 2018 to be effective immediately. Confirming the effective date of October 4, 2018 and then made the letter a matter of record. Second letter of resignation was submitted by Phil Rujak dated October 8, 2018 to be effective immediately. Chair verified the effective date as October 8, 2018 and the letter was made a matter of record.

Chair then welcome newly appointed member Anthony Pavalis to the Board of Health. Pavalis was taking over the seat previously vacated by Kyle MacPherson. Member Pavalis thanked the Chair and stated he was looking forward to working with you all.

Roll call was taken Anthony Pavalis, Sam DeCapio and the Chair John Plesa were present. He then looked for introduction from three employees of the Health Department Administrator, Jackie Huff; Health Officer, Anna Suray and Chelsea Everly, Sanitarian (she runs the recorder for the meetings).

Chair stated next order of business was approval of the minutes. Chair Plesa asked for a motion to accept the minutes. Sam DeCapio made a motion to accept the minutes. Anthony Pavalis abstained from second or vote due to just being appointed to board and not having reviewed. Chair Plesa seconded the motion. Chair Plesa and Sam DeCapio voted to accept the minutes and Pavalis abstained. Motion carried, and minutes approved.

Next item is review approval of financial the Profit and loss statements for August and September 2018 which have been provided. Chair recognized that Anthony Pavalis has just received the P&Ls and had not had time to review. Chair asked for motion to approve the financials for August and September 2018. Sam DeCapio stated, I make that motion. Chair Plesa seconded the motion. Anthony Pavalis then stated he abstained again. Chair Plesa then said those in favor of accepting or approving the financial. Sam DeCapio signified by stating aye and John Plesa the same. The motion carried, and approved financials will be filed for audit.

The Next item is the opening of the Public Comments for the proposed amendment to the Clean Air Regulation of 2014. Pursuant to the bylaws Chair is limiting the comments to a cumulative 20 minutes for pros and cons with each person being limited to 3 minutes to speak. Chair recognizes Carolyne Baker. Carolyne spoke, that more people might have attended but the paper had misprinted the date and time of the County Commission meeting as being on Thursday October 11, 2018. She went on to share the Definition of Public health- World health organization defines as the art and science for preventing disease, prolonging a life, and promoting health. According to WV Code the health departments purpose is to promote the physical and mental health of all citizens and to prevent disease, injury and disability wherever possible. WV state Code 16-2-11states the Board of Health shall provide

the three basic public health standards: 1) Community health promotion including assessing & reporting community health needs to improve health status. (2) Environmental health protection including the promoting & maintaining of clean & safe air, water, food & facilities & the administering of public health laws. (3) Communicable or reportable disease prevention & control. Carolyne continued, The CDC lists tobacco control as one of the 10 Top Public Health Achievements of the 20th Century, as well as of the 21st century. The CDC called these achievements a reminder of "how far we've come, how we got here, and exactly what public health is: the active protection of our nation's health and safety, credible information to enhance health decisions, and partnerships with local organizations to promote good health. "Smoking is the single largest preventable cause of disease, (disability) and premature death. Tobacco use is responsible for one of every five deaths each year. Over 20% of all deaths in the U.S. are from tobacco. That's more than murders, car accidents, & HIV/AIDS combined. More Americans die from smoking related illness each year than the number of Americans killed during the entirety of World War II. One person dies every 6 seconds from a tobacco-related disease. That's 19 people per minute. The highest rates of death attributable to smoking occur in the southern states of KY and WV. WV is second to last in health outcomes in the country. The health conditions in WV have been described as "dire." Smoking harms nearly every organ of the body. ears, throat, stomach blood, brain, eyes, mouth, tonsils, heart and lungs. More than 600,000 non-smokers die each year from secondhand smoke worldwide. The EPA has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen. As stated by the U.S. Surgeon General: There is no safe level of secondhand smoke exposure. It travels through doorways, cracks in walls, electrical lines, ventilation systems and plumbing. Heating, air conditioning and ventilation systems cannot eliminate exposure to secondhand smoke. Thirdhand smoke clings to clothes, furniture, drapes, walls, bedding, carpets, dust, vehicles and other surfaces long after smoking has stopped. The residue from thirdhand smoke builds up on surfaces over time. Thirdhand smoke can't be eliminated by airing out rooms, opening windows, using fans or air conditioners, or confining smoking to only certain areas of a building. Where employers permit workplace smoking, employers face significant legal risks from employees who are exposed to secondhand smoke on the job. Employers have been held liable for employee exposure to secondhand smoke in numerous cases, including those based on workers' compensation, state and federal disability law, and the duty to provide a safe workplace. Studies have shown that employees who work in a smoke-filled environment suffer higher absenteeism and lower productivity, while such firms experience increasing health insurance rates and liability claims. Given that reality, you would think insurers would recognize the overall value of changing their policies to assure a safer, lawsuit-proof workplaces. This is a free country, so people have the right to smoke. But they do not have the right to injure others. Is stepping outside really too much to ask? By not smoking in public places, innocent lives are saved, including the lives of the unborn. During the epidemic of lung cancer in the first half of the 20<sup>th</sup> century, tobacco companies made great profits while people died. When the Surgeon General C. Everett Koop put warning labels on cigarettes, tobacco companies were angry. Carolyne finished by stating, "Those wishing to serve in public health should have as their priority: dedication to serve & protect the people entrusted to their care; to follow truth & science, not politics or financial gain. "The oath of office is "to faithfully discharge the duties of of the office" Serving at the Department of Health must not be entered lightly or without thought, but with careful consideration, pledging to promote the health and wellness of each man, woman, child, and unborn child of Hancock county. Truth doesn't have a side. Public Health is not influenced by politics, not influenced by business profits. In science, you can't hide from the data. Personal views must be put

aside and just focus on the science. Whatever is in the best interest of the people is what must be done. It is a moral imperative. In an era when so many people try not only to hide from the data but to bend it and manipulate it to make their point, or worse to hide it when it doesn't make their point, Public Health must carry out its responsibility to protect and promote health and prevent disease and injury. Carolyne Baker then thanked the Board. Chair Plesa thanked her.

Chair then recognized Rance Everly. Rance introduced himself and stated he was a health and physical education teacher at Oak Glen Middle School. He stated, I could reiterate a lot of stuff what Carolyne Baker just said but we are all aware of it because we all educated adults here. I'm here for the safety of my family; my wife and 10-month-old daughter. My wife is Chelsea and she works at the health department. I am just urging the board to not overturn. She must work in this environment and then come home to my 10-month-old daughter when she has third hand smoke all over her. When she gets home from work she will not be able to hug her daughter until she showers, washes her hair and changes her clothes or my daughter would be exposed to the Third hand smoke. I do not think that is fair not only my wife to be in that environment but for my 10-month-old daughter to not have opportunity to hug her mother when she gets home from work before she showers. I already stated we are all educated adults and I'm a health and physical education teacher and I promote good health to the students on a daily basis and I urge you to continue to promote good health to the citizens of Hancock County rather than reverting back and going back against the ban. Rance then thanked the Board. Chair thanked Mr. Everly.

Chair then recognized Michelle Berneburg. Michelle stated her statements have nothing to do with the smoking asked Chair if it was ok to proceed. Chair stated, yes. Michelle continued, we have received a request from Dr. Madhu Aggarwal for the Health Department to write a note or card. She then stated, "I'm sure everyone knows what's going on and I'm not going into any details I don't know the specifics. The doctor wanted to know if we would send something to address the fact that she was working with the health department in the past and we had no issues or concerns during that time. She provided the Board with a sample draft. Chair Plesa asked Michelle if she was talking as private citizen or as employee of the Health Department? Michelle Berneburg stated she was asking for direction from the Board as a Nurse in the Health Department. Chair then asked if there was a time frame this letter needed to be in? Michelle replied, she did not give me a specific time just the request for the letter. Michelle provided the board with the name and address of the judge and the name of the person who would be receiving the letter. She could find out the timeframe but did not think to ask. I don't know what's going on when. Chair Plesa then made a motion to table the matter until the next meeting in December 2018. He stated, that if timeframe would require a timeframe before that meeting to let the members know. Since it was not on the agenda for today's meeting and they would need it to be to vote on the matter. Michelle stated, she was unsure of process but would try to find the timeframe that was required for the document.

Chair asked if there were any additional public comments regarding the amendments for the Clean Air? There were no additional public comments.

Chair Plesa then stated, the next item on the agenda would be the proposed amendment being introduced by he and Sam DeCapio. Chair verified that the amendment had been distributed to the board and health officer. The Administrator, Jackie Huff as directed by the board had distributed the amendment and agenda to all board members, health officer and the media. The amendment was also

posted on social media and the departments webpage as well as the departments front door. Member Pavalis was provided the amendment at the meeting start.

Health Officer, Anna Suray, MD asked if she could ask one question of the Board? She asked, "Why are we changing this after such a long process of getting things in place? She is asking from the position of the Health Officer. I just need to get or request that answer. Why now why are we doing this?"

Chair Plesa said he was going to explain in his motion but would explain now. Mr. Plesa stated, "This amendment is a narrowly tailored exception to the smoking regulation. It is not rescinding the smoking regulation. It is a narrowly tailored exception focused on Mountaineer and LVL's (limited video lottery café). It is to help bring them back into economic or competitive balance with surrounding areas (Ohio County and Washington PA)."

Continuing Mr. Plesa stated, "it does have an economic side to it, because the county meaning the County Commission receives a percentage of whatever revenue is generated by these facilities and in turn they can use it to help our mission and help what they need to do and what outlays they need put forth. For example, we all know that there is an opioid crisis in the state and country. It has taxed the counties to a great level financially. Some counties are trying to recoup through lawsuits but that is costly and time consuming and we don't know if there will be and economic recovery."

Carolyne Baker then said Point of order, sir. The health department is not involved in economics or financial It is involved in health. Mr. Pleas responded that it is all interrelated because the county commission does in part enter into our budget. Carolyne Baker stated, our budget is used to promote health, when the surgeon general put warning on cigarette packages in the 50's and 60's tobacco companies were not happy because they were making billions and billions of dollars. Public health is not based on making money or profits for business it is for the protection of the people. Carolyne Baker proceeded to say she was not aware that this was a public comment period and should it have not been posted in paper in advance 15-21 days' notice for the public to be aware.

Chair Plesa stated, this not a public hearing and the amendment evoke was per the bylaws and open meeting laws was noticed properly according to the state laws and bylaws of this board.

Health Officer, Anna Suray stated my only other follow up of the Board is; (granted we don't know each other that well. I have served as the health officer since 2005) is it the feeling now between all the current board members to place the economics part into all decision making for our community versus the health issues? Will this always be something you discuss with the County Commission before making issues about health as the Board of Health? This is very different to me from the previous board members that I have served with. So, is this the new personalities or new way that you will be making decisions for the health department?

Chair Plesa stated, "I cannot answer that moving forward. That will need to be taken on a case by case basis. I cannot speak for my fellow board members, but there is always a cost analysis to something.

Dr. Anna Suray then added, Cost analysis doesn't come into play when changes are put into place to promote a healthy environment for our citizens and visitors to the county which is our priority. Other priorities are the opioid crisis, tobacco issues, program with women with addiction and on and on with the problems of public health issues in the county. Least in my mind is to worry about is whether a casino has smokers on the floor. In my mind what exposure to secondhand smoke are people being

subject to is a major concern because we know the health dangers. We are focusing on health benefits of other things. So, what you are saying today is because the County Commission needs us to do this because of money.

Mr. Plesa stated, that this was his personal belief that there is a trickle-down effect and will help us from a financial standpoint.

For clarification for the minutes, Jackie Huff, Administrator asked, who would be helped from the trickle-down effect from the County Commission? The Board of Health? Mr. Plesa stated yes.

Carolyn Baker stated, State Code says the Health Department must provide health. The Board stated she was out of order.

At this point, Anthony Pavalis said, I think we need to vote. I think I will make the motion to accept the amendments as listed. Sam DeCapio said, I second the motion. John Plesa said, I do want to say something the motion I am making does seek to amend the regulation of Clean Air Regulation of 2014 to match that of Wheeling- Ohio Clean Air Regulation of 2016. John Plesa then stated, he has prepared a list of FAQs' for proposed amendment #2 and it is available for public review. So there is no misunderstanding or misinformation related to this proposed amendment there would be no change whatsoever to the current smoking ban to restaurants, offices, bars ,retail stores, hotel rooms, restrooms, banquet halls, healthcare facilities, places of employment, public transit, child care and adult day care facilities, school buildings, sports arenas, convention halls, public parks, playgrounds, golf courses, fairs and festivals, among other places.

Chair Plesa says, Now I have a motion and a second, All in favor of the motion. Members signified by stating aye. The motion is passed.

Jackie Huff asked for clarification on the exact wording of the motion for the minutes. Chair Plesa responded, the motion to accept the proposed amendment #2 of the Hancock County Clean Air Regulation of 2014. It should be noted as per the amendment, that it is to take effect immediately upon passage. Let the record reflect that it has passed.

Dr Suray, then stated, Let the record reflect that the Health Officer is in complete disagreement with this.

Next order of business in meeting dates for 2019. Chair asked Jackie Huff if there was a list of proposed meeting dates and times. Jackie Huff responded, she had not provided dates and times until the board directed on when they preferred to meet. Chair Plesa was good with the current 4:00 time and noticed that the December meeting was at noon on December 7<sup>th</sup> and he was fine with that. Jackie then asked if they wanted a year of proposed dates. Chair Plesa then asked, Do I have a motion to table this until next meeting when Jackie can provide us with proposed dates for meetings for 2019. Anthony Pavalis. Motion to table with Sam DeCapio seconding the motion. All those in favor signified by stating aye. Motion is carried.

Next order of business is program reports from the staff. Administrator Jackie Huff stated, she would report for all unless and staff had more to add. Audit preparation in process and the committee selected the firm Bhm cpa group. The 2018 Audit will be a review and the 2019 would be full audit. The cost 3500 for each year for the audits. Clinical reports were provided to the boards.

A new practitioner is being sought to be more cost effective.

Environmental reports were provided.

Financial invoices were provided for board's approval which required two signatures or initials of the board.

Chair Plesa asked about positive rabies cases if that fell under environmental. Jackie Huff clarified that it fell under environmental and disease investigation (animal encounters). Chelsea Everly, sanitarian then stated that we had 2 positives, one bat in Chester and one racoon in Weirton. Two positives in one month was a lot to be reported positive. Jackie Huff reinforced, the education going out to the community on importance of vaccinating their animals and the need to report is making the difference. The animal shelter has workers get bit or scratched that we are testing regularly.

Breast Cancer Awareness walk took place on October 6, 2018 we had a great turnout it was well attended a lot of great gifts and everyone seemed to leave happy. The rain held off for the walk and festivities.

Jackie reported, the threat preparedness invoices are finally approved and in works to start monthly invoicing. We provided a community outreach at the Hancock County Senior Center on "Think inside the box" the training and engagement with the attendees help to prepare them for sheltering in place. The attendees are provided boxes with some supplies to start them in preparing. The training is always well attended, and the center is already talking about next years.

Jackie stated due to previous chairs resignation the board would need to address who to have the signature authority for payroll and bills. Chair Plesa stated that by the next meeting hopefully the commission would be appointing two new members and they would address at that time. It would need to be placed on the agenda for the next meeting. He then asked Jackie who had signature authority? Jackie replied, Dr Suray, Sherriff Fletcher and then in the past the Chairman.

Chair Plesa stated the next meeting date is December 7<sup>th</sup> at noon.

Dr. Suray, then asked for a moment before adjournment. She thanked Jackie for the many years of great working relationship for a decade and a half. She is resigning her position as health officer. With the board changing their direction, she is not the right physician. She doesn't think they will see eye to eye on health issues for the community. Health department is a great department and she loves her county. She was born and raised here and still runs a very busy practice in Weirton and will devoted her time to that. She will resign her position as Health Officer as of today. How it worked in the past is they published the opening for other physicians to apply and the Board of Health chose the health officer, not the county commission. Along with that, Jackie mentioned the signature authority earlier, her signature will end today, and the Cd's will need to be changed too.

Chair Plesa thanked Dr. Suray for her service to the county and the Board of Health. He then thanked Kyle MacPherson, Phil Rujak and Lisa Conti for the service and time for the county and the Board of Health.

Chair Plesa asked for a motion to adjourn. Anthony Palavis motion to adjourn. Sam DeCapio seconded the motion. Meeting adjourned.

Jackie Huff

Respectfully submitted on behalf of Chair Plesa