



CATTARAUGUS COUNTY BOARD OF HEALTH

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Public Health
Prevent. Promote. Protect.
Cattaraugus County
Health Department
Established 1923

Mayor David L. Smith, President

Legislator Kelly Andreano, Vice-President

*Joseph Bohan, MD
Zahid Chohan, MD
Thomas Spigel, MD
Kathryn Cooney Thrush, NP, MSN
Shane Pancio
Theresa Raftis
Legislator Ginger D. Schroder*

MINUTES October 2, 2024

The 926th meeting of the Cattaraugus County Board of Health (BOH) was held at the Old Library Restaurant on October 2, 2024.

The following members were present:

Joseph Bohan, MD	Theresa Raftis
Zahid Chohan, MD	Legislator Ginger Schroder
Legislator Kelly Andreano	Mayor David Smith
Kathryn Cooney-Thrush	Thomas Spigel, MD

Also present were:

Kevin D. Watkins, MD, MPH, Public Health Director
Ashley Smith, County Attorney
Jason Casper, President and General Manager CH2M Hill BWXT West Valley, LLC
Bob Clarke, Olean Times Herald
Anna Giglio, Public Health Fellow
Legislator Richard Helmich (Virtual)
Ray Jordan, Senior Public Health Sanitarian (Virtual)
Debra Lacher, Secretary to the Public Health Director
Colette Lulay-Pound, Administrative Officer (Virtual)
Rick Miller, Catt Co News & Photos
Joe Pillittere, CH2M Hill BWXT West Valley, LLC
Dave Porter, Hearing Officer
Robert Ring, Environmental Health Director
Carol Skudlarek, Supervising Public Health Nurse
Katelyn Smith, Public Health Fellow
Matt Tyssee, Health Educator
Gilbert Witte, MD, Medical Director

Mayor Smith stated that prior to calling the roll for the Board of Health (BOH) meeting, it is his pleasure to introduce the new Board member Dr. Thomas Spigel who has been appointed to complete the term of Dr. Giles Hamlin, which will expire in December 2025. Dr. Spigel stated that he was honored to serve on the Board and honored to fill Dr. Hamlin's shoes.

Mayor Smith welcomed Katelyn Smith and Anna Giglio as BOH guests, and public health fellows.



Mayor Smith welcomed everyone to the Board of Health (BOH) meeting, the roll was called, and a quorum was noted. He extended a special welcome to Katelyn Smith and Anna Giglio as BOH guests, and public health fellows.

Mayor Smith called for the approval of the September 4, 2024 meeting minutes. A motion was made by Ms. Raftis to approve the minutes as presented, the motion was seconded by Dr. Bohan, and unanimously approved.

Mr. Ring shared information regarding enforcements of the Adolescent Tobacco Use Prevention Act (ATUPA). He stated that the department contracts with the New York State Department of Health (NYSDOH) to enforce ATUPA. There are approximately (50) tobacco licenses administered in Cattaraugus County. ATUPA regulates the sale of tobacco and vaping products to restrict their access by youth and young adults. The department inspects these facilities to check that the regulations are being followed. In 2023 the department performed a study of the (50) licensed facilities and found that of the independent sellers (8 out of 9) sold flavored vapes. At that time, the department did not take them to enforcement but instead let the facilities know through education efforts the current NYS Public Health Laws and reported the information to NYSDOH. This was actually the second educational effort made as the department provides training when they receive their license to sell. In 2024 staff visited the sellers again and as a result there were some underage sales and flavored vape sales that will now undergo enforcement.

ENFORCEMENT LIST: Mr. Porter presented docket #24-016 resulting from an administrative hearing on 9-10-2024 at 10:15AM.

Respondent: Two Budz, LLC, 12178 Route 16 Yorkshire, NY 14173.

Violations: 1. NYS PHL Article 13-F Section 1399-CC (3) on 8-13-24. During a routine underage compliance check, respondent sold a vapor device (electronic cigarette) containing nicotine to a person under the age of 21 without identification. (repeat violation 6-30-23.)
2. NYS PHL Article 13-F Section 1399-MM-1 on 8-13-24. During a routine underage compliance check, the respondent sold a flavored vapor device (electronic cigarette) containing nicotine to an undercover inspector. (Repeat violation 6-30-23).

Hearing Officer findings: The respondent's clerk, properly identified, violated (2) sections of article 13-F, NYS Public Health Law both repeat violations.

Recommendation: The civil compromise offered was \$2,500.00
Violation #1 \$1,000.00 fine + \$250.00 surcharge
Violation #2 \$1,000.00 fine + \$250.00 surcharge
Due to no show, no contact with CCHD the fines proposed are as follows:
Violation #1 \$2,000.00 +\$250.00 surcharge
Violation #2 \$2,000.00 + \$250.00 surcharge
Total fine \$4,500.00 to be paid on or before 10-31-24 or a \$10.00 per day per diem will be levied until full compliance.

Dr. Bohan asked if we still have no jurisdiction over the Seneca Nation territory, and Dr. Watkins confirmed that we did not.

Docket #24-016 (continued):

Legislator Schroder asked what happens if a respondent does not pay. County Attorney, Smith stated attempts are made to collect the monies and final step is small claims court for a judgement, they can also lose their license, through the State.

A motion was made by Ms. Cooney-Thrush, to accept the recommendation as presented by Mr. Porter, the motion was seconded by Ms. Raftis and unanimously approved by all board members.

**Administration Hearing: 9-10-24 @ 11:45AM:
Docket #24-018:**

Respondent: Sky High Smoke Shop 24 Inc., 7 South Main Street, Franklinville, NY 14737.

Violations: 1. NYS PHL Article 13-F Section 1399-CC (3) on 8-12-24. During a routine underage compliance check , the respondent sold a vapor device (electronic cigarette) containing nicotine to a person under the age of 21 without identification.
2. NYS PHL Article 13-F Section 1399-MM-1 on 8-12-24. During a routine underage compliance, the respondent sold two flavored vapor devices (electronic cigarettes) containing nicotine to undercover inspectors. One flavored device was sold to an adult inspector and a second flavored device were sold to an underage inspector.

Hearing Officer findings: Respondent's clerk, properly identified, violated (2) sections of Article 13-F, NYS Public Health Law.

Recommendation: The respondent was offered a civil compromise of \$1,100.00.
Violation #1 \$300.00 + \$250.00 surcharge (NYS Minimum)
Violation #2 \$300.00 + \$250.00 surcharge (NYS Minimum)
Due to no show and no contact with the CCHD the fines proposed are as follows: Violation #1 \$600.00 fine + \$250.00 surcharge
Violation #2 \$600.00 fine + \$250.00 surcharge
Total fine \$1,700.00 to be paid on or before 10-31-24 or a \$10.00 per day per diem will be levied until full compliance.

A motion was made by Legislator Andreano, to accept the recommendation as presented by Mr. Porter, the motion was seconded by Dr. Spigel and unanimously approved.

Dr. Spigel asked how many vape shops are in Cattaraugus County and how often are they inspected. Mr. Ring replied there are approximately (40) typical re-sellers and there are (9) independent sellers who operate as LLC's, this does not include businesses on the Nation territory. ATUPA work plan requires an inspection at least once a year, and if a violation is identified, then the department must follow up with additional visits.

DIRECTORS REPORT: Dr. Watkins presented an action item for the Boards approval which is the approval for the annual Clean Indoor Act Waiver permits. He stated that the Clean Indoor Act Waiver is a waiver that is granted to establishments that have modified their place of business by designating a separate room for smoking, away from the general traffic entering the facility.

The rooms utilize a mechanical ventilation system to control second hand smoke in order that non-smokers are not exposed when they are in the establishment. There are two establishments that have been granted this waiver in Cattaraugus County and they include the Ischua Fire Department and the Little Valley VFW. He stated that the department would like to send inspectors out to inspect their ventilation systems, to be sure the systems are in working condition, and grant the establishments a waiver for another year, pending the approval of the Board. A motion was made by Dr. Bohan, to approve the waivers per the Clean Indoor Act as stated, the motion was seconded by Dr. Chohan, the motion was carried with one opposition, Ms. Cooney-Thrush.

Dr. Watkins added that another part of the Clean Indoor Act requires the department to issue permits to membership associations which are businesses that declare that their organization does not provide compensation of any kind for members who are working at their facility. These establishments allow smoking in their facilities as they are exempt from regulations under the CIAA. There are two membership associations in Cattaraugus County and they include the Olean Veterans Club and the Olean American Legion Post both located in Olean. These permits do not require a vote from the Board but the department is required to inform the Board.

The Health Department has prepared its 2025 budget. The budget was submitted to the budget officer's team, and the projected expense totals (\$14,276,200.00), this is actually a (5%) decrease from the 2024's budget projected expense of (\$15,039,246.00). This change is due to grants that will end in 2024. Three of those grants that were pretty substantial include the Community Development Block Grant (CDBG), the Public Health Core Fellows Grant, and the Veggie Wheels Grant. The 2025 budget projected revenue totals (\$10,357,504.00) which is almost a (7%) decrease from the department's 2024's budget projected revenue of (\$11,119,312.00). This decrease is due to grants that will end in 2024.

Dr. Watkins informed the Board that the department's Salamanca office will be undergoing renovations. The Salamanca housing authority has received a grant to allow for the renovation of their facility. The Health Department uses the office building and gymnasium facility to provide clinic services, WIC services, and uses office space as part of the department's satellite homecare office. Renovations will begin November 11th, and during the remodeling, staff will be required to move out of the building. The renovation is expected to take about (3) months. A temporary relocation space has been made for the homecare office staff but the department is still working on finding space to temporarily offer clinic services in the nearby area. One of the department's existing grants will be used to purchase new office furniture for the renovated office space, once completed.

Dr. Watkins reminded the Board that October is breast cancer awareness month, which is an annual campaign to increase awareness of the disease. Breast cancer is the second leading cause of cancer deaths in females. The American Cancer Society has estimated that in 2024 there will be about (310,720) cases of invasive breast cancer in women, about (56,500) cases of ductal in situ cancer in women, and about (42,250) women will die from breast cancer this year. Breast cancer is not just for females, it also affects males. The American Cancer Society estimates that there will be about (2,800) new cases of invasive breast cancer diagnosed in men in 2024, and about (530) men will die from breast cancer this year. The breast cancer death rate per race/ethnicity has not changed much since the previous years, African Americans or blacks have a (28%) mortality rate; American Indians have a (21%) mortality rate; followed by whites at (20%); the lowest rate is Asian at (12%). The mortality rate in Latinos has started to trend upward.

Despite a (4%) lower incidence in the breast cancer diagnosis, mortality rate from breast cancer among black women is (41%) higher than that of white women. Mammography is recommended for most women at age (40) but breast cancer has been periodically diagnosed in women much younger than (40) which is very concerning. A conversation with one's medical provider to discuss what age is best to have a mammography is recommended since risk factors must be considered.

Screenings reduce breast cancer death by (15% - 29%) and genetic screening has become very popular. BREast CAncer (BRCA1) and (BRCA2) are genes that produce protein that help repair damaged DNA. Everyone has two copies of each of these genes, one copy inherited from each parent. People who inherit a mutant BRCA gene have an increase chance of developing cancer if the normal or second copy, inherited from the other parent, changes or become lost during someone's lifetime.

Upon receiving a report of a mutant BRCA gene and discussing the results with a medical provider or genetic counselor, some women with a very high-risk factor for breast cancer, choose preventive surgery to remove their breasts. This surgery is called a prophylactic mastectomy.

Other risk factors for breast cancer include early menstrual periods, late menopause, dense breasts, personal family history, previous radiation, drinking alcohol, obesity, and smoking.

Some of the symptoms include a breast lump, or thickening that feels different from the surrounding tissue, changes to the skin, newly inverted nipple, redness or pitting of the skin. It is recommended to examine the breasts daily for any abnormalities.

Dr. Watkins informed the Board that based on reports from 2017-2021, that the incidence of female breast cancer in Cattaraugus County averages about (62) cases each year. The incidence rate per (100,000) females is (117) cases per year. He added that the mortality rate is about (10) deaths a year, and the mortality rate per (100,000) females in Cattaraugus County is about (16) cases.

Preventions for breast cancer include limiting alcohol intake, staying physically active, breastfeeding, limit postmenopausal hormone therapy, and be vigilant about self-examination. Treatments include: surgery, radiation, chemotherapy, and hormone therapy.

Dr. Watkins stated that respiratory season is upon us and influenza is usually prevalent from (October through the following May). He reminded the Board that common symptoms of influenza include fever, aching muscles, chills, and sweats, headaches, dry, persistent cough, runny or stuffy nose. He remarked that the best time to get an influenza vaccine is September or October and the highest level of immunity for protection against influenza will last about six months after an annual vaccine.

The updated 2024-2025 influenza vaccine is now a trivalent vaccine versus the quadrivalent vaccine which was used in the 2023-2024 influenza vaccine. The composition of this season's vaccine compared to last has been updated with a new influenza A(H3N2) virus. Recommendation for those who should receive an influenza vaccine is the same as last year which is any-one age (6 months or older) unless they have a contraindication. For those who say they can't get a vaccine due to egg allergy the recommendation is egg allergy alone does not indicate a safety precaution. For those who are (65) and over, it is recommended that they receive the high dose vaccine which is a vaccine that has three times the amount of antigen than a regular influenza vaccine. Studies report that co-administration of flu vaccine and the COVID vaccine is safe.

There is a flu mask requirement for those working for agencies and hospices licensed under Article 28, (family planning), 36 (homecare), or 40 if they choose not to vaccinate against influenza. All personnel not vaccinated against influenza when the state commissioner declares influenza prevalent throughout the state, will be required to wear a surgical or procedure mask while in areas where patients or residents may be present.

On September 20th the U.S. Food and Drug Administration approved FluMist (a live attenuated influenza vaccine) for self or caregiver administration. FluMist is approved for the prevention of influenza disease caused by influenza virus subtypes A and B in individuals 2 through 49 years of age. Home delivery is not expected to be available until next flu season.

GUEST SPEAKERS: Mayor Smith announced that the West Valley Demonstration Project (WVDP), which is an environmental remediation project at the site of a former commercial nuclear fuel reprocessing center, President and General Manager, Mr. Jason Casper, was at the Board meeting to give an update of the progress of the project.

Mr. Casper shared that the total recordable case rate for injury incidence/lost workdays was (0.29), but they are on the cusp of having none. The last recordable injury was in June 2023.

He stated that for fiscal year 2024 the WVDP have met all of their goals. Last year they dispositioned the last of the legacy waste. The main plant itself had a number of buildings and structures that have been removed. This process started in September 2022 and they are coming to the end of that process now. In the main plant building deconstruction process, (52) of (59) areas have been completed. The last (6) areas are pretty much one structure.

He reported that WVDP does a lot of things to control contamination, one of the significant pieces is the water jets, or misters that they use which are locally sourced. They can be used for making snow and spectacular for getting really fine particles of water that capture the dust and associated contamination down to the ground so it is not spread.

One of WVDP big tasks is stripping out all the contaminated components like tanks, which are sometimes stabilized first and then pulled out safely to remove. Each of those are then packaged as separate waste containers, and then disposed of offsite to either Nevada, Utah or Texas, who are contracted to except the disposition waste. To date, all extraction cells have been removed. The acid recovery cell, the chemical process cell, the hot cells, and the sample cells have all been removed. The team is making good progress while proceeding carefully and deliberately to ensure safety.

Mr. Casper stated that the largest container that they use is the ventilation system, which was highly contaminated. They monitor inside the areas that they are working and if the alarm sounds, they go into shelter mode. What has been found with the alarms, is that Cattaraugus County has high radon emissions that set off the alarms and the alarms are not a result of the facility itself.

Dr. Witte asked where all the water goes that is used to capture the dust. Mr. Casper replied that there is a permeable treatment wall that captures the groundwater and removes it prior to the water entering a broader footprint. Dr. Spigel asked if the facility was under deconstruction due to a detection of a leak. Mr. Casper replied that yes that was correct and also the facility was no longer being used as it had been closed.

The current WVDP contract is to bring the building down to grade and they anticipate completing this by June of next year. The next contract will be to remove below grade portions of the Main Plant Process Building, Vitrification Facility, and ancillary facilities including the source area of the plume (physical boundary). Dr. Bohan asked how deep is below grade. Mr. Casper said that different areas could be anywhere between (15-55) feet below grade.

Additionally, under the next scope of work there will be (11-12) million cubic feet of contaminated soil that will need to be removed, which is a significant amount. Dr. Spigel asked to where will the contaminated soil will be transported. Mr. Casper anticipates that all of the soil will be moved to Nevada, Utah, or Texas. He stated that the facility at West Valley was not a traditional nuclear reactor facility, instead it was the only a commercial fuel re-processor facility. The West Valley site took activated fuels from facilities who could no longer use the fuel, cut it up, dissolved it and tried to retrieve good stuff back out of it. Due to the fact that it was a commercial facility, there was probably looser controls which led to contamination and the leak.

Rick Miller asked if the tanks would be removed. Mr. Casper replied that the end state for those tanks have yet to be decided. Currently WVDP is working on phase 1A, then phase 1B will take place over the next 10-15 years, and the major scope of work for phase B will include, but are not limited to: Removal of the below-grade portion of the Main Plant Process Building (MPPB), Vitrification Facility (VF), Ancillary Support Building, and the remediation of soils within Waste Management Area (WMA)-1; Removal of the Radioactive Waste Water Treatment System, including the lagoons, and remediation of the soils within Waste Management Area (WMA-2)

He added that there is a phase 2 which will be the last contract and it will address the four underground waste tanks, the two on-site disposal areas, the non-source area of a groundwater plume, and several other minor facilities.

Dr. Chohan asked why Cattaraugus County has such a high level of radon. Mr. Casper stated that NYS is known for high radon levels due to the significant amount of granite in the area which has a lot of potassium and other elements which are precursors to radon. Dr. Chohan asked if radon has adverse health effects. Dr. Witte replied that high levels of radon is the second most common risk factor for lung cancer. Dr. Chohan asked when the West Valley facility was built. Mr. Pillittere replied that construction started in 1962 and the facility only operated for (6) years.

NURSING DIVISION REPORT: Mrs. Skudlarek shared that the homecare census was currently (217). There were (82) admissions in September, of which (49) were readmissions, and (93) discharges.

Lead program update: in September there were (104) lead tests conducted, with the highest blood lead level (BLL) of (22.7ug/dl) [normal is \leq 5ug/dl], this child was previously (36.8ug/dl) in July.

Remaining levels, there are (4) children between (10-15ug/dl), (4) children between (5-10ug/dl) and (95) below (5ug/dl) respectively. The total lead case load is currently (73) children.

HIV testing; In September, there was (11) tests conducted in Olean; none in Salamanca and none in Machias, all results were negative.

All COVID vaccines are in stock. The Comirnaty Pfizer COVID vaccine is what the department is using for those (12 years and older), the department also have the COVID vaccine for children ages (5-12), and (6 months-5 years).

In September, there were (2) rabies pre-exposure vaccine series given and (10) rabies post-exposure prophylaxis vaccines series given due to (1) exposure to a skunk, (1) was a cat bite, (1) dog bite, and (7) bat exposures.

Communicable diseases: In September, there was (1) case of babesiosis; (1) case of anaplasmosis; (14) cases of Chlamydia; (1) case of Gonorrhea; (1) case of syphilis; (4) cases of chronic hepatitis C; (1) case of legionellosis; (1) case of influenza A; (1) case of influenza B, (1) individual with A&B confirmed; (88) cases of COVID-19; and (1) case of Pertussis age (50); (2) cases of Strep Group A; and (1) case of Strep Group B.

Mayor Smith asked what is babesiosis. Dr. Bohan replied that it is a tick-borne disease.

ENVIRONMENTAL HEALTH REPORT: Mr. Ring stated that there are several water projects funded by the State including Franklinville, Portville, Village of Salamanca, and Little Valley which all have major ongoing capital projects into next year. Most of the distribution lines in the county are between (60-100) years old.

Mr. Ring reported that the September rabies clinics were successful. There was a total of (780) vaccines administered, (520) were dogs, (255) cats, and (5) ferrets. Numbers were about the same as the past few years. The next two clinics will be held in January and May of 2025. Those details will be shared as soon as they are finalized.

This year alone Cattaraugus County has had (7) animals test positive for rabies; (3) of those were bats, (2) were skunks, and (2) raccoons.

The Community Development Block Grant (CDBG) for the replacement and repair of well and septic tanks is nearing its close in November. The department is hoping for a new round of funding starting in the spring.

The lead capacity building grant target audience is low to moderate-income, single-family households with children under the age of (6). Currently, lead renovation and abatement courses are being offered to future contractors.

Old/New Business: Mayor Smith shared that at the last meeting it was brought up that the board might look for a new location to meet each month.

Mrs. Lacher stated that one of the places suggested was Brothers Bistro. The quote received indicated that they would charge a (\$325.00) room and screen fee. They do not have audiovisual equipment. There would be a 3-4 choice meal served with carafes of water for an additional (\$300.00). In addition, there would be another (21%) gratuity and credit card surcharge.

Dr. Bohan stated that the problem with the Old Library is the separate tables, and Dr. Chohan interjected that Brothers Bistro would make one long table. Dr. Witte asked about the Bona Club house where we use to meet. There is not a separate room there when they built the new building.

Mayor Smith stated we will keep researching, but he does like the BOH at the current location, only the table set up is the real issue.

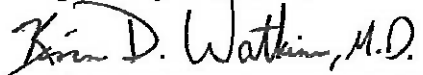
Legislator Schroeder stated that the DPW building in Little Valley has a large conference room, ample parking, and food could be brought in if the Board was looking to control cost. Mrs. Lacher stated that we do have some members that have expressed concern if we leave the Olean area that they would not be able to attend the meeting due to the location of their jobs and time allotted for lunch. Dr. Watkins added that it was not a cost factor, it was basically a suggestion for a change in venue. Dr. Chohan suggested that we just stay at the Old Library for now. Dr. Watkins stated that we would need to let the Old Library know soon if we are planning to continue with an annual monthly reservation as they are only open for lunch because of our advance reservation.

Mayor Smith stated that Dr. Bohan's term on the BOH will expire on, December 31, 2024. Dr. Chohan recommended that Dr. Bohan term on the Board be extended, and it was decided that the Board would forward his name to the Legislator Chair for another six year term appointment.

The next meeting of the BOH will be held at Noon, on Wednesday, November 6th.

A motion was made by Dr. Spigel to adjourn the meeting, the motion was seconded by Dr. Chohan and unanimously approved.

Respectfully submitted,


Kevin D. Watkins, M.D., M.P.H.
Secretary to the Board of Health