



# CATTARAUGUS COUNTY BOARD OF HEALTH

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

*Joseph Bohan, MD, President*

*Giles Hamlin, MD, Vice-President*

*Zahid Chohan, MD*

*Kelly J. Andreano, Legislator*

*Theresa Raftis*

*David L. Smith, Mayor*

*Kathryn Cooney Thrush, NP, MSN*

*Donna Vickman, LPN*

## MINUTES

October 11, 2023

The 916<sup>th</sup> meeting of the Cattaraugus County Board of Health (BOH) was held at the Old Library Restaurant on October 11, 2023.

*The following members were present:*

Joseph Bohan, MD

Zahid Chohan, MD

Giles Hamlin, MD

Kathryn Cooney-Thrush, NP, MSN

Theresa Raftis

Mayor David Smith

Donna Vickman, LPN

*Also present were:*

Kevin D. Watkins, MD, MPH, Public Health Director

Ashley Smith, County Attorney

Sherry Bjork, First Assistant to County Attorney

Ray Jordan, Senior Public Health Sanitarian (Virtual)

Debra Lacher, Secretary to the Public Health Director

James Lawrence, Emergency Preparedness Director

Collette Lulay-Pound, Administrative Officer

Lynne Moore, Director of Nursing

Dave Porter, Hearing Officer

Robert Ring, Environmental Health Director

Legislator Ginger Schroder (Virtual)

Tony Sowers, Resource Specialist

Matt Tyssee, Health Educator

Traci Wind, Health Educator

Gilbert Witte, MD, Medical Director

The meeting was called to order by Dr. Bohan. The roll was called and a quorum was present.

Dr. Bohan called for the approval of the August meeting minutes. Mayor Smith made a motion to approve the minutes for the August 2, 2023 meeting, the motion was seconded by Ms. Raftis, and unanimously approved.

Dr. Bohan shared that the Board received a letter from Mrs. Sondra Fox, dated October 4<sup>th</sup>, 2023, who tendered her resignation from the Board of Health. Dr. Bohan read her letter of resignation, and stated that Mrs. Fox has served on the Board for more than twenty five years and served with great distinction. She has contributed in many ways, and her opinions on a host of issues were greatly appreciated and well thought out. The health of the county residents was always her top priority, and she will be deeply missed.

He went on to say that it is with sincere regret, but he will accept her resignation, and that a plaque will be presented to her in November for her service and dedication on the board.

Dr. Bohan added that the Board would like to congratulate Dr. Watkins on being elected to serve as second Vice President of the New York State Association of Counties (NYSAC). This is a great honor from State leaders. The President of NYSAC is Dan McCoy and he is the Albany County Executive Director, and he had this to say regarding Dr. Watkins. "Dr. Watkins played an integral role in helping county leaders work with public health directors from across the State during the COVID pandemic and demonstrated how critical public health response function is for counties across the state."

**DIRECTORS REPORT:** Dr. Watkins shared that there were a couple of action items that needed the Board's approval. The first item was the Clean Indoor Air Act (CIAA) Waiver which is a waiver that is granted to establishments that have modified their places of business by designating a separate room away from the general traffic for smoking. The rooms utilizes a mechanical ventilation system to control second hand smoke in order that non-smokers are not exposed to smoke when they enter 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 the 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. Dr. Hamlin made a motion to grant these two establishments a waiver for another year pending the establishments meeting inspection standards, the motion was seconded by Ms. Vickman, and unanimously approved.

Dr. Watkins added that another part of the CIAA 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 Christopher Columbus 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 second item that needed Board approval was the amended clinic fee immunization schedule. Typically this schedule comes to the Board for a vote every February but recently the department had to add four new vaccines to the clinic's vaccine formulary and since the vaccines will be used this fall and winter, the Board's approval is necessary at this meeting. Two of these vaccines are the updated 2023-2024 COVID-19 vaccines, the other is a pneumococcal vaccine, and the last is the Respiratory Syncytial Virus (RSV) vaccine. A motion was made by Dr. Chohan to accept the new clinic vaccine fee schedule as presented, the motion was seconded by Mrs. Cooney-Thrush, and unanimously approved. Dr. Bohan asked if the influenza vaccine was provided for free from the State. Dr. Watkins replied that the influenza vaccine is not provided by NYS for free, he stated that the department purchases the vaccine from pharmaceutical companies and charges residents for the vaccine and for residents who have no insurance, the department charges a flat fee of \$25.00 and for those who are 65 years of age and older and receiving the high dose influenza vaccine, the charge is slightly higher.

Dr. Watkins reminded the Board that October is Breast Cancer awareness month, as it is the second leading cause of death amongst women in Cattaraugus County. The risk factors for breast cancer include family history, genetics, race, ethnicity, age, drinking alcohol, smoking, obesity, and lack of exercise. Symptoms include breast lump, changes in the skin over the breast, such as dimpling, discoloration (redness), and inverting of the nipple.

The incidence of breast cancer in women in Cattaraugus County is (62) cases a year, and the rate per (100,000) women is about (117) cases. Cattaraugus County sees about (10) deaths a year from breast cancer, and the rate per (100,000) women in Cattaraugus County is (18) deaths. Preventions include limiting alcohol intake, decrease smoking, staying physically active, breastfeeding, limiting post-menopausal hormone therapy, vigilant with self-examining, and talking to medical providers if there is a family history of breast cancer. Treatments includes surgery, radiation, chemotherapy, and immune therapy.

Respiratory infections that is expected to predominate this fall and winter include COVID-19, influenza, and RSV. The department is no longer tracking COVID-19 positive cases but there are two ways that the department can survey the level of COVID-19 in the community. The first is through wastewater surveillance. Currently, there are two participating wastewater treatment plants in Cattaraugus County, one in Olean and one in Gowanda, these wastewater treatment plants send samples to a NYSDOH wastewater processing center who then provides data on the level of COVID-19 virus detected in the wastewater within the community. In Olean, the numbers have started to climb, roughly around (22%). The second way COVID-19 is measured in the community is by looking at the number of hospitalizations from COVID-19 within the community. On October 6<sup>th</sup>, there were (11) patients in Olean General Hospital with COVID-19, of which, (1) was in the intensive care unit. Nearly ninety percent of Cattaraugus county residents have either been vaccinated against or infected with COVID-19, hence the severity (i.e. pneumonia, hospitalizations, death, etc.) is not seen at the levels seen in 2020, and 2021. The omicron variant continues to be the most dominant strain of COVID-19 in New York State. Studies indicate that the 2023-2024 updated COVID-19 vaccines will target the omicron variant and its sub-variants. Currently, Moderna and Pfizer's updated 2023-2024 COVID-19 vaccines have been approved by CDC for individuals six months and older.

Dr. Watkins shared that the Nobel Prize winners this year for Physiology or Medicine will go to Katalin Kariko, PhD, and Drew Weissman, MD. He went on to say that Katalin Kariko who specializes in ribonucleic acid (RNA), particularly, messenger RNA (mRNA) for protein replacement therapy, which is now used in the COVID-19 vaccines today, was a poorly supported researcher at the University of Pennsylvania where she was an adjunct professor. Prior to winning the Nobel Prize, the University of Pennsylvania had demoted her, cut her pay, and described Kariko as "not of faculty quality", and she was never granted tenure. He mentioned that the University of Pennsylvania has reaped nearly \$1 billion since the beginning of last year, thanks to the ownership of the patents that are used in the process of developing the COVID-19 vaccines.

Dr. Watkins went on to discuss influenza, he stated that symptoms of influenza include fever, myalgia, chills, sweats, headaches, persistent cough, sore throat, and runny nose. The overall effectiveness of the flu vaccine last year was (54%) which is the best seen in the last (10-12) years. This year, the World Health Organization (WHO) recommended leaving nearly the same (4) components in the vaccine as was used last year, with a slight difference, to the H1N1 component of the vaccine.

Individuals that are (65) years of age or older, it is highly recommended that they receive the high dose influenza vaccine.

Dr. Watkins reviewed RSV and stated that the infection rates are typically higher during the cold winter months, causing bronchiolitis in infants, common colds in adults, and more serious respiratory illnesses such as pneumonia in the elderly and the immunocompromised.

He stated that the department has purchased the RSV vaccine (Arexvy) which is approved for those that are (60) years of age and older. Trials have showed that this vaccine reduces the risk of life-threatening complications from RSV, such as pneumonia and bronchitis, by as much as 94% in older adults with one or more relevant medical conditions, such as cardio-respiratory conditions. He also stated that CDC recommends prior to receiving the vaccine, individuals should use Shared Clinical Decision Making with their providers.

**ENFORCEMENT LIST:** Mr. Porter reviewed the enforcement from the administrative hearing held on **8-8-2023 at 10:30 AM; Docket # 23-012.**

**Respondent: Susan Baryza, SHE SHED, HE SHED, LLC 22 Washington St., Ellicottville, NY 14731.**

**Violations: New York State Public Health Law 1399-cc (2) Selling tobacco products to an individual under 21 years of age.**

**Recommendation:** 1. That the respondent pay a sum of \$550.00 by 10-31-23. Failure to pay will result in a \$10.00 per day per diem until paid.

A motion was made by Dr. Chohan to accept the recommendation of Mr. Porter, the motion was seconded by Mrs. Cooney-Thrush, and unanimously approved.

**Administrative Hearing: Held on 9-12-2023; 9:30 AM; DOCKET #23-018:**

**Respondent: Steven Washington, 718 W. Green St., Olean, NY 14760.**

**Violations: Sanitary code of the Cattaraugus County Health Department 24.2.5. Failure to provide proof of a current rabies vaccination and to return the confinement form when directed by the Health Department following a biting incident on 6/19/23.**

**Recommendation:** 1. The stipulation offered be changed to a fine of \$75.00 and doubled to \$150.00 for no show to the hearing. The fine and full compliance of the vaccination and confinement form be received by the Health Department by 10/31/23. A \$10.00 per day per diem will be levied for every day not in full compliance from 10/31/23.

A motion was made by Mayor Smith to accept the recommendation of Mr. Porter, the motion was seconded by Ms. Rafis, and unanimously approved.

**Administrative Hearing: Held on 9-12-2023; 11:00 AM, DOCKET #23-021:**

**Respondent: Kody Sprague, Water operative in responsible charge, Twin Lakes Mobile Home, Inc. P.O. Box 659, Yorkshire, New York, 14173, DBA Hillview Village, Pennsylvania Rd., Hinsdale, New York.**

**Violations: #1 10NYCRR 5-1.22 (a) Upon inspection during Sanitary Survey it was found that two submersible pumps had been installed into the holding tank; to serve as booster pumps. This same violation was noted, and went to enforcement back in May 2019. No notification or approval was sought for the modification of the booster pump system.**

**#2 10NYCRR 5-1.71(b) Lack of Due Care and Diligence-Hillview Village had previously been cited for violations which needed to go to enforcement for the installation of submersible pumps through the tank hatch which left the tank open to vermin, insects, and excrement. The same conditions were discovered during the inspection on August 16, 2023.**

**#3 10NYCRR water storage tank lacks a water tight, vermin proof seal.**

**Recommendation: The violations are duplicates of violations noted and repaired in 2018/2019 Docket # 19-014. Communications and visits have been disregarded in efforts for compliance of the present violations. The recommended fines are as follows:**

**Violation #1 Red \$ 500.00  
Violation #3 Blue \$ 100.00  
\$ 600.00**

**As the respondent did not appear at the hearing although properly served the fines are to be doubled.**

**Violation #1 Red \$1,000.00  
Violation #3 Blue \$ 200.00  
\$1,200.00**

**The respondent pay a fine of \$1,200.00 and the water storage tank must have a water tight, vermin proof seal for compliance by 10-31-23. A \$10.00 per day per diem will be levied for every day not in full compliance by 10-31-23.**

**A motion was made by Dr. Chohan to accept the recommendation of Mr. Porter, the motion was seconded by Mayor Smith, and unanimously approved.**

**NURSING DIVISION REPORT: Mrs. Moore shared that the homecare census is (260). The department is in dire need of Home Health Aides. Unfortunately there is no place in Cattaraugus County that is providing training this year for this position. BOCES no longer has an instructor.**

**Mrs. Moore shared that she has been working with Home Care Association of Western New York who has received a grant during COVID to provide a virtual senior center on devices for shut-ins and homebound people. The grant will provide the department with (\$10,000) to purchase devices for homebound patients. She stated that she has reached out to the Department of Aging to include them in this grant, and thinks this could be a county-wide grant.**

Lead program update: in August there were (130) lead tests conducted with the highest blood lead level (BLL) tested being (25.1ug/dl), [normal is  $\leq$  5ug/dl], this was newly confirmed. The Environmental Health staff went out and the landlord was not willing to make any upgrades in the apartment building, eventually, the family did move out into a safer home, and cannot be located. The mother has stopped accepting calls from the lead program, and the last communication the department had indicated that the family had possibly moved to Jamestown. Dr. Watkins stated if the residence has been vacated the department will issue a placard on the residence for reasons not to allow new residents to move into that home until renovations have taken place. Dr. Chohan suggested that a referral be made to Chautauqua County Social Services for the protection of the children that moved. In September there were (109) children tested and the highest BLL tested was (17.7ug/dl), there were five tested between (10-14ug/dl) and the rest of them were slightly elevated between (5-9ug/dl). The current lead case load is (96) children being followed.

The department received (70) doses of the COVID-19 vaccine which have already been administered. A couple of orders have been placed for additional vaccine and the department hopes to receive them shortly, there have been no children doses of COVID-19 vaccine received as of date.

HIV Testing: In August; there were (9) tests conducted in Olean; there were (7) tests conducted in Salamanca, and there were (3) tests conducted in Machias. In September; there were (12) tests conducted in Olean; there were (8) tests conducted in Salamanca; and there were (0) tests conducted in Machias. There were no positive results identified in any of the tests conducted.

Communicable diseases: there was (1) cases of babesiosis suspected but not confirmed in August; there were (17) cases of chlamydia in August and (13) cases in September; there were (2) cases of gonorrhea in August and (5) cases in September; there was (1) case of giardiasis in August and (2) cases in September.

There were (7) cases of Hepatitis C in August and (4) cases in September all were confirmed chronic; there were (0) cases of Legionellosis in August and (2) cases in September; there was (1) case of pertussis in August; there was (1) case of salmonellosis in August with no source isolated; there were (0) cases of syphilis in August, and (3) confirmed cases in September; no positive influenza for either August or September; but there were (43) positive cases of COVID-19 in August and (83) positive cases in September.

There were (8) rabies pre-exposure prophylaxis series administered in August and (2) in September; there were (3) rabies post-exposure prophylaxis series administered in August and (4) in September.

Dr. Bohan asked if the nursing homes individually contract with suppliers or do they rely on the Health Department to get their vaccines. Dr. Watkins replied that yes, the two County nursing homes receive their vaccines from the Health Department.

**ENVIRONMENTAL HEALTH REPORT:** Mr. Ring shared that there were a total of (6) animal rabies vaccine clinics in 2023 that were strategically located in (5) different locations throughout Cattaraugus County. There were a total of (1,448) animals vaccinated which was a (17%) increase from last year.

The Community Development Block Grant (CDBG) is geared towards low and moderate income individuals to replace or repair well and septic systems. There are currently (7) active projects, and the department's goal is to complete (30) projects. The department is seeking participants and will be sending out a press release to local media.

Capital project update for municipal water include ongoing construction in South Dayton, Franklinville, and Ellicottville. Prospective 2024 projects include Franklinville, Little Valley, Portville, and Yorkshire which are sewer and water projects. Other projects are being planned in Olean, Randolph, Delevan, and Salamanca. There is a lot of federal and state funding coming into the community for water capital projects.

The lead service line inventory is due October 16, 2024. The department will send out correspondence to all municipalities to make sure they are making adequate progress on this inventory. Municipalities must have all their service lines inventoried throughout their entire network. If this is not completed, enforcement activity could be initiated but the motivation for them to complete the inventory is that funding is now available.

**Old/New Business:** Mayor Smith shared that Sondra Fox was instrumental in encouraging him to join the BOH to represent Gowanda. He admired her passion, optimism, and the energy she exuded as a BOH member. Mayor Smith also added his congratulations to Dr. Watkins, stating that he would never be underappreciated in this crowd, and we are lucky to have his leadership.

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

Respectfully submitted,



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

