



CATTARAUGUS COUNTY BOARD OF HEALTH



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

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Joseph Bohan, MD, President

Giles Hamlin, MD, Vice-President

Kelly J. Andreano, Legislator

Zahid Chohan, MD

Sondra Fox, RN, MSN, C.S.

Richard Haberer

Theresa Raftis

David L. Smith, Mayor

Kathryn Cooney Thrush, NP, MSN

MINUTES February 4, 2020

The 882nd meeting of the Cattaraugus County Board of Health (BOH) was held at The Point Restaurant, 800 East State Street, Olean, New York on February 4, 2020.

The following members were present:

Joseph Bohan, MD

Richard Haberer

Giles Hamlin, MD

Theresa Raftis

Legislator Kelly Andreano

Mayor David L. Smith

Sondra Fox, RN, MSN, C.S.

Kathryn Cooney Thrush, NP, MSN

Also present were:

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

Tom Brady, Assistant County Attorney

Ashley Milliman, County Attorney

Howard VanRensselaer, Legislator Chairman

Judy Capozzi, Public

Gayle Hammond, Public

Raymond Jordan, Sr. Public Health Sanitarian

Debra Lacher, Secretary to the Public Health Director

Colette Lulay-Pound, Administrative Officer

Rick Miller, Olean Times Herald Reporter

Barb Parish, Supervising Community Health Nurse

Dave Porter, Hearing Officer

Gilbert Witte, MD, Medical Director

Eric Wohlers, Environmental Health Director

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

Theresa Raftis made a motion to approve the minutes of the BOH meeting held on December 3, 2019, the motion was seconded by Mayor Smith and unanimously approved.

Dr. Bohan introduced Legislator Kelly Andreano, the newest BOH member who was appointed by Cattaraugus County Legislator Chairman, Howard VanRensselaer and approved by the legislature board.

Dr. Bohan also introduced the new County Attorney, Ashley Milliman.

Sondra Fox provided the nominating committee report, stating that the committee was unanimous in their decision in recommending to the Board the 2020 slate of officers, Dr. Joseph Bohan, President, and Dr. Giles Hamlin, Vice President. A motion was made by Mr. Haberer to accept these nominations, the motion was seconded by Mayor Smith and unanimously approved.

DIRECTORS REPORT: Dr. Watkins reported that he received a call from a local residents who was concerned about the safety of their well water ever since a house exploded in the town of Allegany. After expressing her concerns about fracking and the environmental impact it has had near her home, the resident requested that approximately (25) residents in the immediate vicinity be given the opportunity to have their water tested for hydrocarbons and trace metals. She inquired if the testing could be done either by the town, county, state or the drilling company “Dimes Energy”. She stated that most residents in the area where the explosion occurred could not afford the cost for the complex water well testing, and a recent report of a neighbor’s water well test revealed traces of cancerous metals, that has caused many of them to have concerns about the safety of their drinking water. Dr. Watkins yield the floor to the two residents who wanted to speak directly to the Board about the explosion and their concerns about the quality of their drinking water.

Judy Capozzi introduced herself and stated that she lives in that area and is very concerned about the safety of her water. She stated that everyone has been advised to get methane detectors. Five homes near the explosion had their water well tested by the Health Department, five by Dimes Energy that the energy company paid for, and she thought a few people had their water well tested for methane by the Department of Environmental Conservation (DEC). She mentioned that the Cattaraugus County Concerned Citizen group was testing for methane in several water wells in the area. She expressed to the board that all homes in the area where drilling is occurring should have their water wells tested for a baseline as this would reduce the anxiety that residents have about the safety of their water well. On the DEC's website they note that old uncapped wells can provide a route for oil and gas to travel. The cause of the home explosion has not yet been determined but the most recent explanation is that methane may have traveled through an old oil well. She again implored the Board to provide funding for a baseline water well test for all the homeowners in that immediate area. Dr. Bohan explained that the Health Department did not have the funding to complete this type of a community project but this request could be brought before the County Legislature and maybe the DEC (who signs the permits for oil drilling), to see what solutions could be made to address the residents ‘concerns in the town of Allegany. Ms. Capozzi stated she would just like someone to coordinate the various parties getting together to determine who will sample the wells and pay for the testing.

Gail Hammond shared that she was at the BOH meeting to talk about the explosion, and shared a picture taken by a drone of the actual site where the explosion took place. There was no fire, just tufts (strips) of insulation strewn about. She reported that she has a constant residue on her car from the flaring that is being done on the road. As a result of the house explosion she lost a garage window, and a storm door. She wanted to know why there wasn’t a public hearing on this drilling.

Dr. Watkins welcomed Legislator Kelly Andreano and the new County Attorney Ashley Milliman, to their first BOH meeting. He congratulated Joseph Bohan, MD and Giles Hamlin, MD, on their re-election to another term as President and Vice President of the Board.

Dr. Watkins stated that the 2019-2020 Influenza season is projected to be one of the worse in decades. The Centers for Disease Control and Prevention (CDC) reports that as of date, in the U.S.,

15 million people have contracted influenza, at least (140,000) people have been hospitalized with complications from influenza, and (8,200) people have died this season from influenza. Influenza activity has been elevated for eleven straight weeks and will likely continue for the next several weeks.

In New York State there were (15,012) laboratory confirmed influenza reports for the week of January 25th, which is an 11% increase over the previous week. As of date, for Cattaraugus County, there has been a total of (157) laboratory confirmed influenza reports, of which (121) were confirmed in the month of January. Influenza B appears to be the dominant strain amongst this group of confirmed cases. There has been (3) influenza-associated pediatric deaths reported this season in NYS. It is still recommended that anyone six months of age or older who has not been vaccinated against influenza get vaccinated as the first line of defense.

People who are infected with influenza virus despite vaccination appear to have reduced burden of disease compared to those who did not receive a vaccination. Similarly, patients across multiple age groups hospitalized with influenza that are vaccinated, benefit from reduced risks of in-hospital death, decreased rates of intensive care unit admission, and shortened hospital stays. Dr. Witte added that his office is still administering influenza vaccines daily.

Dr. Watkins provided a handout with a new proposed clinic immunization fee schedule for 2020, noting that the new proposed fee schedule has a few changes from the 2019 clinic immunization schedule. He stated that the increases were minimal and cover just the basic cost of the vaccine fees. A motion to accept the fee schedule as presented was made by Mr. Haberer, seconded by Mrs. Fox and unanimously approved.

The next action item was the approval of write offs for the department's 2019 uncollected debt. Dr. Watkins asked the Board for approval to send before the county legislators the department's 2019 uncollected debt totaling \$7,701.44 to write off from the department's account receivables. The breakdown includes \$4,380.28 from homecare, \$705.22 from family planning, \$1,719.94 from immunization clinic, and \$968.00 for the laboratory. Dr. Bohan asked if this amount was decreased from last year, and Dr. Watkins confirmed that it was \$799.26 less than 2018 approved write offs. A motion was made by Mrs. Fox to send the request to write offs the department's 2019 uncollected debt to the County legislature, the motion was seconded by Mr. Haberer and unanimously approved.

Dr. Watkins informed the Board that human coronaviruses (HCoVs) have been known since the late 1960s as a group of viruses capable of infecting humans and animals. He stated that there are seven known Coronavirus that belongs to a family of virus called Coronaviridae. Since December of 2019 CDC has been monitoring an outbreak of a respiratory illness caused by a novel (new) Coronavirus (2019-nCoV) that began in the Wuhan City, Hubei Province, of China. Early in the outbreak, many of the patients with respiratory illness caused by the 2019-novel Coronavirus in China had exposure to a large seafood and live animal market, suggesting a zoonotic or an animal-to-human transmission. More recently, cases have been confirmed with no exposure to animal markets, indicating that a person-to person spread of the virus is now occurring. As of date, 11 people in the United States have been confirmed to have the 2019-novel Coronavirus. There are a total of 176 confirmed cases in 23 countries and territories outside of mainland China. All territories and provinces in China has now been infected by this new Coronavirus.

- Symptoms include: fever, cough, shortness of breath, myalgia (body aches), etc.

- Transmission: Typically, like most respiratory viruses, people are thought to be most contagious when they are most symptomatic (the sickest). With the 2019- novel Coronavirus, however, there have been reports of spread from an infected patient with no symptoms to a close contact.
- Diagnostic Testing: Currently, confirmation of 2019-nCoV infection is performed at CDC using the CDC real-time RT-PCR assay for 2019-nCoV on respiratory specimens (which can include nasopharyngeal or oropharyngeal aspirates or washes, nasopharyngeal or oropharyngeal swabs, bronchoalveolar lavage, tracheal aspirates, or sputum) and serum.
- Treatment: There is no specific antiviral treatment recommended for 2019-nCoV infection. People infected with 2019-nCoV should receive supportive care to help relieve symptoms. For severe cases, treatment should include care to support vital organ functions.
- Prevention: There is currently no vaccine to prevent 2019-nCoV infection. The best way to prevent infection is to avoid being exposed to this virus. However, as a reminder, to help prevent the spread of respiratory viruses: Wash your hands often with soap and water for at least 20 seconds. Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available. Avoid touching your eyes, nose, and mouth with unwashed hands. Avoid close contact with people who are sick. Stay home when you are sick. Cover your cough or sneeze with a tissue, then throw the tissue in the trash. Clean and disinfect frequently touched objects and surfaces.

The World Health Organization estimates that over 17,238 people in China, and 176 outside of China have been infected with the new Coronavirus and 362 deaths have occurred globally.

Americans are at “low” risk of contracting the virus.

CDC and US Customs and Border Protection (CBP) are implementing enhanced health screenings to detect travelers from China with fever, cough, or difficulty breathing when entering the United States. Americans flying to the United States from China will be re-routed to the 1 of 11 airports; in New York State, JFK and Newark airports have been designated. Foreign nationals will not be allowed entry.

If sick travelers are identified, CDC evaluates them further to determine whether they should be taken to a hospital for medical evaluation and to get supportive care as needed. If hospital care is not required, the person will be quarantine for 14 days and given treatment for symptoms. As of Sunday, February 1, 2020, all travelers coming in from Hubei are now subject to a mandatory quarantine for 14 days by the local health departments, even if they are asymptomatic.

Travelers coming in from China but not from the epicenter Hubei, arriving into JFK or Newark and asymptomatic will be allowed to travel via a connecting flight, ground transportation, etc. on their own, to their final destination, however, they will be subject to home isolation and active monitoring for 14 days by the local health departments. If the person defies the self-isolation request within their home, then the public health director will issue an order to mandatory quarantine the person.

If the home is not an appropriate location for isolation. (e.g. if there are other individuals in the home that have a debilitating illness, if there are immunocompromised family members, or if the home is in a small sublet complex with multiple family members, etc.) the department must find a location that will be suitable at the expense of the department for 14 days.

Unfortunately, isolated/quarantine residents will have restricted travel requirements and will not be allowed to go to work or school during the time of observation.

Finding a suitable location to isolate/quarantine residents is still in the works. Several suggestions were offered by the Board members, Dr. Watkins stated he would pursue the recommendations.

Dr. Watkins referred the Board to a handout of the trace metals that were identified in the five samples of well water that was taken by the health department in the area of the explosion. Trace metals are simply elements that present in minute amounts in the environment and these trace elements tend to concentrate in sediment, and can also dissolve in some degree in water and present a risk to human and aquatic health if levels exceed the concentration above the recommended levels. High levels of arsenic can cause cancer, high blood pressure, heart disease, nerve effects including numbness and/or pain, and interfere with some important cell functions.

Homeowners have the responsibility to have their water wells tested for these trace metals, and be prepared to use filter systems to remove these metals and other compounds from their water supply before drinking the water. In the case where drilling has and is occurring, testing the well water before, during and after drilling is something that should be negotiated with the drilling company. In the case of the residents that spoke at the Board meeting, since drilling has already occurred and if the drilling company will not offer to pay for their well water testing they may be able to get some assistance from the county legislators to pressure the drilling company to assist these homeowners with paying for water testing or maybe the assistance can come from the county legislators.

Enforcement Report: Mr. Porter reported on the Administrative Hearing held on January 28, 2020.

DOCKET #20-001:

**Respondent: Tang You Wen, owner of the New Lakeview Chinese Restaurant,
3042 West State Street, Olean, NY 14760.**

- Violations:**
- A.) 10NYCRR subpart 14-1.40(a) Food not protected during storage, preparation, display, transportation and service from potential sources of contamination; violation has been repeated 4x's in 2019.**
 - B.) 10NYCRR Subpart 14-1.95 non-food contact surfaces and equipment are improperly designed, constructed, installed, maintained; difficult to clean; violation has been repeated 3x's in 2019.**
 - C.) 10NYCRR Subpart 11-1.110(c) Food contact surfaces not washed, rinsed, sanitized after each used and re-cleaning anytime an operation may cause contamination; violation has been repeated 4x's in 2019.**
 - D.) 10NYCRR Section 14-1.110(d) non-food contact surfaces of equipment not clean; violation has been repeated 4x's in 2019.**
 - E.) 10NYCRR Section 14-1.143 (C) personal hygiene equipment not in good condition or in existence; violation has been repeated 3x's in 2019.**
 - F.) 10NYCRR section 14-1.85 accurate thermometers not available or in use to evaluate refrigerated or heated storage temperatures; violation has been repeated 2x's in 2019.**

DOCKET #20-001 (continued):

Recommendation: The Board of Health send a communication to the respondent demanding a change in operating culture pertaining to adherence to the CCHD sanitary codes immediately or potentially lose permit to operate.

Dr. Bohan asked how much money has been paid in fines by the New Lakeview Restaurant. Dr. Watkins replied that there have been multiple penalties assessed and he would provide that total fines paid at the next meeting.

After a lengthy discussion was held by the Board members and advisement from the County Attorneys it was decided that the New Lakeview Chinese Restaurant, Inc. will have its permit suspended fifteen (15) days from receipt of notice and they will remain closed until having participated in an on-site training by a Servsafe certified instructor and with assistance from a Chinese Interpreter at the restaurant owner's expense. All violations noted on Inspections conducted by representatives of the CCHD on 6/25/19, 9/30/19, 11/25/19, 12/27/19 and 1/8/2020 to be corrected to the satisfaction of CCHD and 10NYCRR part 14-1. A motion to move forward with this plan of correction was made by Mrs. Fox, and seconded by Mayor Smith, and unanimously approved by the Board.

DOCKET #19-035:

Respondent: Chuck Morlock owner of the Colden Mill Restaurant located in Colden, NY 14033.

Violations: 10NYCRR 14-2.17(a) The respondent operated a temporary food service establishment without a valid permit to operate from the CCHD on 8-25-19 at Gooseneck Hill Water Fowl Farm 5067 Townline Rd., aka Linsdley Rd, Ashford.

Recommendation: Dismiss the case since only low risk food that was commercially fixed was served at this event, with a firm understanding of what is required to obtain a permit to operate a temporary food service establishment in Cattaraugus County.

A motion was made by Mr. Haberer to accept Mr. Porter's recommendation, seconded by Dr. Hamlin, and unanimously approved.

DOCKET #19-046:

Respondent: Portville Central School District dba Portville Central School Pool.

Violations: 10NYCRR Subpart 6-1.23(6) The Portville Central School District failed to provide adequate lifeguarding/aquatic supervision of students using the school pool during classes. During a routine inspection of the facility on 11/19/19, the lifeguard on duty was distracted and unprepared to enter the pool if an emergency occurred. 10NYCRR Subpart 6- 23(10)(c) The Portville School District failed to implement their approved swimming pool safety plan. The safety plan indicates that the lifeguards would be present during normal school hours. However, only one was present at the time of the inspection.

Recommendation: The Portville Central School pay a \$500.00 fine. The fine is to be received on or before 2-28-20. A \$10.00 per day per diem will be levied for every day not in compliance.

DOCKET #19-046 (continued):

A motion was made by Ms. Raftis to accept Mr. Porter's recommendation, seconded by Mrs. Fox, and unanimously approved.

NURSING DIVISION REPORT: Mrs. Parish, Supervising Community Health Nurse, reported that the homecare census is (278). Admissions for the month of December was (100), and in January (132). There were (105) discharges in December and (113) in January.

The Patient Driven Groupings Model (PDGM) is the new billing framework for the homecare agency that changes the unit of home health payment from a 60-day episode to a 30-day period, it went into effect on January 1st. It will take another month of billing before the department will be able to assess the impact.

There were (2) new hires, Brandi Sprout, Community Health Nurse, and KateLynn Latten, RN, both in homecare. In addition, a part-time MSW, Erinne Keim, was hired and will start on Feb. 19th.

For family planning clinic, there were (21) HIV test conducted in December, no positives, and (30) HIV tests conducted in January, no positives. There were (4) rapid Hepatitis C tests conducted in December and (2) rapid Hepatitis C tests conducted in January, no positives.

Sexually transmitted infections for the month of December included (15) cases of chlamydia, (11) females and (4) males. Four of the individuals were tested and treated at the Cattaraugus County Health Department. One was given Expedited Partner Therapy (EPT), one of the partners was already treated, one was incarcerated and the patient would notify and one was in NYC and the patient would notify. EPT is the clinical practice of treating the sex partners of patients diagnosed with chlamydia or gonorrhea by providing prescriptions or medications to the patient to take to his/her partner without the health care provider first examining the partner. This falls in line with the new performance initiative the department is participating in with NYSDOH. In addition, the department will be conducting a training session where providers will be invited to review the EPT program.

There were (6) cases of gonorrhea in December (2) males and (4) females, in January there were (12) cases of chlamydia (9) females and (3) males. In January the department gave EPT to (4) patients and another was offered EPT but declined. There were (3) cases of gonorrhea in January, all males.

Communicable disease for December included (4) Lyme cases, (2) confirmed hepatitis C chronic cases, and (3) probable, (1) salmonella case, (2) group B strep cases, (1) group A strep case, (1) strep pneumonia case, and (1) probable hepatitis B chronic case. January included (2) Lyme cases, (5) hepatitis C chronic cases, (1) group B strep case, (1) group A strep case, (2) strep pneumoniae cases, (1) hepatitis B chronic case, and (1) legionella case.

For the immunization program in December there were (82) vaccinations, not including influenza, (14) were travel immunizations, and in January there were (112) vaccinations.

St. Bonaventure has requested another influenza clinic to be held on February 18th, at the Reilly Center in a classroom from 9:30AM- 4:00PM, all are welcome.

In the TB program, between December and January the department had (1) patient that staff had to perform twelve days of directly observe therapy on until the patient's TB result was eventually ruled out.

There are (97) open lead cases, (10) were new referrals since December 1st (17) lead tests were done at (6) WIC clinics, (2) were found to have elevated lead levels via finger stick. They were referred to a laboratory to have venous blood samples drawn. One confirmed a lead level of 6ug/dl (normal \leq 5ug/dl) and (1) parent did not take the child as requested. A lead (Pb) smart coalition meeting is scheduled for February 12th.

Dr. Bohan asked if St. Bonaventure utilize their own staff for the influenza clinic, Barb responded that they utilize the health department's staff for their influenza clinics.

ENVIRONMENTAL HEALTH DIVISION REPORT: Mr. Wohlers reported that the lead case load has gone up exponentially and the department has identified a staff person who has become a full time lead risk assessor.

In this year's budget the department was authorized to hire a new Public Health Sanitarian Trainee, who has just begun.

In December the Governor's office did a number of press releases, and the State announced the winners of the Community Development Block Grants, and the Town of Ellicottville, Village of Portville, City of Olean, and the Town of Yorkshire all received funding.

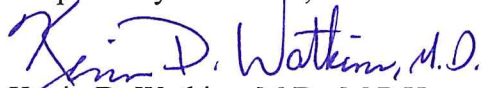
Last month the winter rabies clinic was held on January 4th. The department vaccinated (163) dogs, (45) cats, and (1) ferret. The next clinic will be held in the spring, on Saturday May 2nd.

Mr. Wohlers shared that several abandoned wells have been identified near the home that exploded and the DEC is digging those wells up and investigating them to see if they were plugged correctly. There was a home explosion in Ohio in 2007, and the report released looks like conditions that were very similar to the situation in the town of Allegany. Mr. Wohlers volunteered to share a copy of the report to any Board member upon their request.

Old Business: Dr. Watkins stated that he needed the Board to make an amendment to a previous Board order for resident Russel J. Finch, who lives at 10878 Jamestown Rd., Randolph. At the meeting in December the Board ordered Mr. Finch to pay a \$390.00 fine, to be paid on 12/31/19 as the respondent constructed an onsite waste water treatment system without obtaining a permit. A clerical error was noted as Docket #19-026 and it should have been Docket #19-030. A motion to make this amendment was made by Mrs. Fox, seconded by Mr. Haberer, and unanimously approved.

There being no further business to discuss, a motion to adjourn was made by Mayor Smith and seconded by Dr. Hamlin and unanimously approved.

Respectfully submitted,



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