



# 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*

*Sondra Fox, RN, MSN, C.S.*

*Theresa Raftis*

*David L. Smith, Mayor*

*Kathryn Cooney Thrush, NP, MSN*

*Donna Vickman*

## MINUTES

February 2, 2022

The 901<sup>st</sup> meeting of the Cattaraugus County Board of Health (BOH) was held virtually on February 2, 2022.

The following members were present:

Joseph Bohan, MD

Giles Hamlin, MD

Zahid Chohan, MD

Legislator Kelly Andreano

Mayor David L. Smith

Theresa Raftis

Kathryn Cooney-Thrush, NP, MSN

Donna Vickman

Also present were:

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

Ashley Milliman, County Attorney

Erin Whitcomb, Asst. County Attorney

Legislator Richard Helmich

Legislator Kip Morrow

Legislator Ginger Schroder

Brenda Hanson, Resident

Ray Jordan, Senior Public Health Sanitarian

Debra Lacher, Secretary to the Public Health Director

Collette Lulay-Pound, Administrative Officer

Rick Miller, Olean Times Herald Reporter

Lynne Moore, Director of Patient Services

Dave Porter, Hearing Officer

Matthew Tyssee, Health Educator

Gilbert Witte, MD, Medical Director

Eric Wohlers, Environmental Health Director

The meeting was called to order by Dr. Bohan. The roll was called and a quorum was present. Dr. Bohan asked for a motion to approve the meeting minutes. A motion to approve both the Board of Health (BOH) meeting minutes from December 1, 2021 and the Professional Advisory Committee (PAC) meeting minutes from October 20, 2021 was made by Mayor Smith, the motion was seconded by Dr. Hamlin, and unanimously approved.

Dr. Bohan introduced the newest BOH member Donna Vickman, who he stated has previously served as a Legislator for Cattaraugus County and attended many BOH meetings in that capacity. He added that she is a lifelong resident of Cattaraugus County, growing up in Machias, and retired as a nurse from the Cattaraugus County Nursing Home after (27) years. She has been a member of the town Board for Farmersville for the past two years, and also sits on the Soil and Water Conservation District Board.

**NOMINATING COMMITTEE REPORT:** Ms. Raftis shared that the nominating committee had met and were recommending Dr. Bohan, for President, and Dr. Hamlin, for Vice President. A vote on the nominating committee's recommendation was taken and there were (8) ayes, and (0) nays.

**DIRECTORS REPORT:** Dr. Watkins congratulated President Bohan and Vice President Hamlin on their reelection and thanked them for dedicating their time and service to the Board and the department. Dr. Watkins also welcomed Ms. Vickman and stated that she has been a strong advocate for public health.

Dr. Watkins presented two action items to the board for approval. The first action item was the proposed 2022 clinic immunization fee schedule, which had been previously emailed to all Board members for their review. Compared to the 2021 fee schedule, there were a few changes to the 2022 fee schedule. Dr. Watkins commented that the cost of vaccines continue to fluctuate each year. The changes were reviewed with those attending virtually. A motion was made by Ms. Vickman to accept the 2022 immunization fee schedule as presented, the motion was seconded by Legislator Andreano, and unanimously approved.

The second action item presented to the Board for approval was the request to send before the county legislature the 2021 uncollected debt to be written off the department's account receivables. The total amount to be written off was \$7,047.72; this uncollected debt included accounts from the following program areas: homecare, \$4,206.29; immunization clinic, \$1,748.50; family planning clinic, \$504.51; laboratory, \$46.42; and water, \$542.00. A motion to send the department's 2021 uncollected debt to the county legislature to be written off the account receivables, was made by Mayor Smith, seconded by Ms. Vickman, and unanimously approved.

Dr. Watkins informed the Board that the influenza activity level has been categorized as geographically widespread in NYS. He stated that this has been the 10<sup>th</sup> consecutive week of widespread activity. There have been (1,323) laboratory confirmed influenza cases in NYS for the week of January 22<sup>nd</sup> which is a (43%) decrease over the previous week. As of date, Cattaraugus County has had a total of (132) laboratory confirmed influenza reports of which (115) were influenza A's and (17) were influenza B's. Statewide there has been zero influenza associated pediatric deaths reported this season. He stated that it is still recommended anyone over six months of age who has not been vaccinated against influenza should get vaccinated as the first line of defense.

Dr. Watkins presented a COVID-19 update to the Board. He stated that there has been (16,677) confirmed positive cases of COVID-19 in Cattaraugus County, of which (7,748) cases have been reported in the Southeast quadrant of the county. The department is following (294) active cases.

Of the (16,677) positive cases (1,050) of those cases were self-reported. Individuals who have used over the counter test kits can now call their results into the Health Department, in addition, residents can now download isolation and quarantine orders from the health department's webpage. There has been (16,149) individuals who have recovered from COVID-19 which reflects a (97%) recovery rate and there has been (235) reported deaths from COVID-19 complication which is a (1.4%) death rate. When the positive cases are grouped by ages, the age range between (0-19) years old, is the age range with the highest number of confirmed cases at (3,736).

Cattaraugus County vaccination status shows that (51%) of the population is fully vaccinated, and (56%) of the residents have had at least one vaccine dose, and (66%) of those who are 18 years of age and older have had a least one vaccine dose.

Records indicate that there are over (19,000) residents who have received their COVID-19 vaccine booster. The Food and Drug Administration (FDA) is currently reviewing data from Pfizer regarding the safety and efficacy of their COVID-19 vaccine for children (6 months to 4 years of age), it is expected that approval for the administration of the vaccine for this age group could come by the end of the month.

The Omicron variant, which really increased the number of positive cases in January, has started to wane and the positive COVID-19 case numbers have begun to trend downward. At last report Olean General Hospital (OGH) reported that the bed capacity was (104), of which, (87) of those beds were occupied, which is about an (84%) occupancy rate. Of the (104) beds, (8) of the beds were designated for the Intensive Care Unit (ICU) and all (8) were occupied. The number of COVID patients in the facility, at last report, was (35), with (2) being in the ICU, neither patient in the ICU was intubated, and both patients are unvaccinated.

Looking at the total positive cases by year, current data indicates that there were (2,551) cases in 2020; (9,287) cases in 2021; and there has been (4,739) cases in January 2022. The number of positive cases in January 2022, out-paced the total number of cases reported in the entire year of 2021. This was the activity of the omicron variant transmission in the community.

Dr. Watkins also shared the number of COVID-19 positive case data by months. Looking at the last five months; September, there were (857) cases; October, there were (1,280) cases; November, there were (1,962) cases; December, there were (1,577) cases, and January, there were (4,739) cases.

Reviewing the COVID-19 death data per year reveals that there were (50) deaths in 2020, (166) deaths in 2021; and (19) deaths in 2022. For the last five months the death data indicated that there were (8) deaths in September; (24) in October; (30) in November; (34) in December; and (19) in January.

A review of the number of breakthrough cases, which is defined as an individual who have been fully vaccinated or boosted and still contracts COVID-19, revealed that there were (1,440) breakthrough cases in 2021 and (1,348) breakthrough cases in 2022.

On the horizon is a sub-variant of the Omicron variant. This sub-variants is called BA.2 also dubbed the "Stealth Omicron", the concern about this sub-variant is that it has a transmissibility rate that is 1.5 times greater than the current omicron variant BA.1.

Treatment against the Omicron variant of COVID-19 has been reduced to one type of monoclonal antibody called Sotrovimab. Unfortunately the availability of Sotrovimab has been cut back on the federal level, leaving states to prioritize the use of the product. Hence, OGH is only providing this monoclonal antibody therapy for COVID + patients who fall under a tier one category. Tier one risk group is categorized as, COVID + patients that are immunocompromised; or those unvaccinated over the age of (75), or those over the age of (65) with risk factors. As of last week, the hospital had enough for only (13) patients, and no idea whether the State would be able to supply additional orders.

However, there are oral antiviral therapeutics including paxlovid, or molnupiravir. Providers would need to write a script, and patients can have a family member or friend pick up the antivirals at Dan Horn pharmacy who, as of date, is the only pharmacy where the antivirals are available.

Putting COVID-19 in the rear view mirror; the department is no longer conducting contact tracing, contact investigations, or follow-up calls. Isolation/Quarantine and release orders are all electronic, and the department is now accepting results from residents who use Over the Counter (OTC) COVID-19 test kits.

There are better tools, better defenses, and better information to be sure COVID-19 doesn't dominate our lives going forward.

In order to classify this virus as an endemic virus it is important to look at the reproduction number. Right now with COVID-19 if one person is infected with the virus they can infect (6) people in a room; with the Omicron variant, it is three times that rate of infection; and to classify a virus as an endemic virus, a person infected with the virus should only be able to infect (1) person in a room.

**ENFORCEMENT LIST:** Mr. Porter, Hearing Administrator Officer reported on the administrative hearings held December 14, 2021.

**DOCKET #21-053:**

**Respondent: Shauna Milne, 404 ½ East State Street, Olean, NY 14760.**

**Violations: Sanitary code subsection 24.2.5; respondent failed to provide proof to the Health Dept. that her cat had a current rabies vaccination when directed following a biting incident.**

Recommendation: Docket #21-053 be dismissed as respondent is in full compliance.

A motion was made by Mayor Smith to accept Mr. Porter's recommendation, seconded by Ms. Cooney-Thrush, and unanimously approved.

**DOCKET #21-054:**

**Respondent: Randeki, LLC, 44 Main Street, Allegany, NY, 14706/ DBA Randy's Fireside, 1644 Haskell Road, Portville (T).**

**Violations: 10NYCRR Sec. 14.1.31(a) Food in storage area contaminated with rodent feces, not suitable for human consumption.  
10NYCRR Subpart 14-1.160 premises infested with mice, operator failed to take appropriate actions to control the infestation prior to investigation by the Health Dept. (Repeat violation 10/19/18, complaint investigation.)**

Recommendation: Recommendation: Two parts:

- A.) Fines for critical and non-critical violations during two inspections October and November 2021.
  - 3 Critical x \$75.00/ea.= \$ 225.00
  - 7 Non-critical \$50.00/ea.= \$ 350.00
  - \$ 575.00

B.) Respondent obtain services of a certified pest control operator meeting the regulations for commercial establishments to address the rodent issue.

C.) Copies of the pest control reports to be provided to the Health Dept. to document that the issue is being appropriately addressed. A pest control report showing at least one month of no rodent activity is required to consider the matter resolved.

Fines and compliance (hiring certified pest control officer must be complete by 2/28/22. A \$10.00 per day per diem will be levied for every day not in compliance after 2/28/22.

Dr. Bohan asked if there has been an on-site visit since the last inspection report on 11/1/21. Mr. Jordan replied no. Dr. Bohan suggested that in addition to Mr. Porter's recommendation the Health Department should make a surprise inspection and if it is not up to standard, placard the restaurant until it meets code. A motion to accept Mr. Porter's recommendation in addition to passing a current inspection, was made by Mayor Smith, seconded by Ms. Vickman, and unanimously approved.

**DOCKET #21-045 & #21-055:**

**Respondent: Joseph Vecchio, P.O. Box 101, Salamanca, NY 14779, DBA Pizonos Bar & Grill, Hardscrabble Rd., Great Valley (T).**

**Violation: 10NYCRR Sec. 5-1.72 (c)(1) Failure to submit complete daily reports for the operation of the non-community water system for the months of September 2021 (Docket #21-045) and October 2021 (Docket #21-055) to this office by the 10<sup>th</sup> day of the following month.**

**Docket #21-045 has two previous dockets.**

**Docket #21-055 has three previous dockets.**

Recommendation: Docket # 21-045 \$200.00 civil compromise offered be changed to a \$200.00 fine due on 2/28/22.

Docket #21-055 \$200.00 civil compromise offered be changed to a \$200.00 fine due on 2/28/22.

Failure to comply will result in a \$10.00 per day per diem for every day both Dockets are not in compliance.

ADDENDUM TO DOCKET #21-024: A payment plan to cover the \$560.00 due CCHD has been proposed and accepted by both parties. Start date TBD, \$100.00 minimum/month for five months, final payment to be \$160.00.

A motion to accept Mr. Porter's recommendation was made by Dr. Bohan, seconded by Mayor Smith, and unanimously approved.

**DOCKET #21-056:**

**Respondent: Hannah Maurer, 1339 Windfall Road, Olean, NY 14760. DBA Lake Lane Campground.**

**Violation: 10NYCRR Subpart 5-1.72 (c) (1) respondent failed to submit complete daily records for the operation of the non-community water system for the month of October 2021 to this office by the 10<sup>th</sup> of the following month.**

Recommendation: The \$50.00 civil compromise be changed to a \$50.00 fine and is to be paid on or before 2/28/22. A \$10.00 per day per diem will be levied for every day not in compliance.

A motion to accept Mr. Porter's recommendation was made by Ms. Vickman, seconded by Mayor Smith, and unanimously approved.

**ENFORCEMENT LIST:** Mr. Porter, Hearing Administrator Officer reported on the administrative hearings held January 12, 2022.

**DOCKET #21-060:**

**Respondent: Robert Mazza, 985 Portville-Olean Road, Portville, NY 14770. DBA Jo-Lee Mobile Home Park (MHP); 1263 Portville-Obi Rd., Portville (T).**

**Violation: 10NYCRR Subpart 5-1.30 (a) loss of disinfection waiver due to sale of property. Notified on 9/27/21 and provided with applicable forms and information. Directed to submit design for approval and have permanent disinfection installed by 12/27/21. To help expedite the process, on 10/27/21 a partially completed application was sent to owner and operator to be completed and returned for approval. On 12/15/21 a reminder email was sent to owner operator notifying them of an impending deadline. All necessary documents were again provided. On 12/27/21 an onsite visit was made and several chlorine residuals were taken in the distribution system. No chlorine was detected.**

Recommendation: The respondent install a disinfection system at Jo-Lee MHP, purchased by respondent, that meets CCHD sanitary codes by 2/28/22. Failure to be in compliance by this date will result in a \$10.00 per day per diem until in compliance.

A motion to accept Mr. Porter's recommendation was made by Mayor Smith, seconded by Ms. Vickman, and unanimously approved.

**ENFORCEMENT LIST:** Mr. Porter, Hearing Administrator Officer reported on the administrative hearings held January 18, 2022.

**DOCKET #21-058:**

**Respondent: Robin Bova, 439 ½ Fourth Ave., Olean, NY, 14760.**

**Violation: Sanitary code, CCHD, Section 24.2.5 respondent failed to submit proof of a current rabies vaccine for his cat to the Health Dept. when directed at the conclusion of the confinement period.**

Recommendation: Follow Mr. R. Johnson's (sanitarian) offer to dismiss the violation provided the respondent's cat has Rabies vaccine on or before 3/31/22. If non-compliance, then at April Board meeting fine respondent \$75.00 with a \$10.00 per day per diem until in full compliance of fine paid and proof of cat rabies vaccination.

A motion to accept Mr. Porter's recommendation was made by Ms. Cooney-Thrush, seconded by Ms. Vickman, and unanimously approved.

**NURSING DIVISION REPORT:** Mrs. Moore shared that the current homecare census is (275), many facilities are limiting their admissions and more people are moving to homecare as an option.

From December 1<sup>st</sup> to the end of January there were only (3) newly confirmed cases of children with Elevated Blood Lead Levels (EBLL), with the highest level being 8ug/dl, , [normal <5ug/dl]. In that two month time period there were a total of (218) tests conducted with the majority (189) being below 5ug/dl. The highest case level was 18ug/dl which was down from a previous level of 36ug/dl for this child. The current total case load is (105).

HIV testing included (1) in Machias, (13) in Olean, and (9) in Salamanca, and all were negative.

Communicable disease report for January included (1) case of campylobacteriosis; (25) cases of chlamydia; (6) cases of gonorrhea; (5) cases of syphilis; (4) cases of chronic Hepatitis C; (11) suspected cases of Lyme disease; (1) case of salmonellosis and (1) case of Strep Group B in December.

Rabies are usually not very active in the winter months, there was just (1) rabies pre-exposure prophylaxis (PEP) vaccine series started in December and completed in January.

**ENVIRONMENTAL HEALTH REPORT:** Mr. Wohlers reported the annual winter rabies vaccination clinic was held as a two hour event on Saturday, January 8<sup>th</sup>, and a total of (178) pets including (38) cats, (139) dogs, and (1) ferret was vaccinated.

The department continues to work with some of our local communities and consultants that are working on the drinking water source protection program, assisting Allegany, Ellicottville, Machias, and Portville in receiving grant funds for source water protection planning for their municipal water. The department was also invited by the Village of Arcade (located just over our county border in Wyoming County) to participate in their planning efforts as they operate the Sandusky community water supply that uses groundwater to serve the residents of Freedom. The department participates in monthly virtual meetings on each of those projects.

On February 15<sup>th</sup>, at the Ellicottville Central School, the department will co-sponsor a flood plain management training program for all building code enforcement officers, and planning and zoning board members within the county. The NYS Department of Environmental Conservation (DEC) program has certified flood plain managers putting on a three hour training course. It is essential for code enforcement officers to know what their role and responsibilities are in the Federal and State flood plan management program when someone applies for a building permit.

The department received official notification from the State Health Department that the new drinking water supply revisions to the lead and copper rule went into effect November 16<sup>th</sup>, 2021. This will require that all community and non-transient non-community water systems must prepare and submit a lead service line inventory by October 14<sup>th</sup>, 2024. All public water supplies will have 2 ½ years to develop one of these formal lead service line inventory's. Dr. Bohan asked how a person would know if they had a lead line without digging it up. Mr. Wohlers replied that part of the training shares the techniques that are available to determine where these lead lines are present.

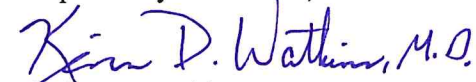
**Old/New Business:**

Dr. Watkins shared the 2022 BOH meeting schedule, highlighting that the meeting in April scheduled for April 13<sup>th</sup> is the second Wednesday of the month, not the first. A discussion was held regarding various venue options for holding future BOH meetings. The Old Library has advised the department that due to short staffing they can no longer set up the "U" shape dining design without a charge of \$250.00 per meeting for the room, but if the department utilizes their round table set up they would waive the charge. The Old Library also advised that they could accommodate all of the 2022 BOH meeting dates on the schedule except for July 6<sup>th</sup>.

Other options were discussed by the Board, after the discussion, it was agreed to utilize the Old Library with the round table seating and if another option better suits the Board, that would certainly be explored.

A motion to adjourn was made by Ms. Cooney-Thrush, seconded by Ms. Vickman and unanimously approved.

Respectfully submitted,



Kevin D. Watkins, M.D., M.P.H.

Secretary to the Board of Health