



# 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, LPN*

## MINUTES April 13, 2022

The 903<sup>rd</sup> meeting of the Cattaraugus County Board of Health (BOH) was held at the Old Library Restaurant on April 13, 2022.

The following members were present:

Joseph Bohan, MD

Giles Hamlin, MD

Zahid Chohan, MD

Legislator Kelly Andreano (virtual)

Theresa Raftis

Kathryn Cooney-Thrush, NP, MSN

Donna Vickman, LPN

Also present were:

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

Ashley Milliman, County Attorney (virtual)

Legislator Richard Helmich

Legislator Ginger Schroder (virtual)

Alyssa Dean, Fellow

Marissa Del Monaco, Graduate Fellow

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 (virtual)

Lynne Moore, Director of Nursing

Dave Porter, Hearing Officer

Anne Marie Sitter-Tompkins, Graduate Fellow

Matthew Tyssee, 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 asked for a motion to approve the meeting minutes from March 2, 2022. A motion to approve the Board of Health (BOH) meeting minutes from March 2, 2022 was made by Dr. Hamlin, seconded by Dr. Chohan, and unanimously approved.

**DIRECTORS REPORT:** Dr. Watkins updated the Board on the new Cannabis law, he stated that the Marihuana Regulation & Taxation Act was signed into law on March 31, 2021 but the growth of cannabis plants and the license to sale cannabis will not occur in NYS until 2023. While the law is in this holding period, to fill the void, several New York Indian territories, citing their sovereign nation status, are selling cannabis. Cattaraugus County is one of the counties identified where cannabis is currently being sold on the Indian Territory.

Cannabis is a plant that can be used for medicinal, industrial and food purposes, containing delta-9-tetrahydrocannabinol (THC), cannabidiol (CBD) and hundreds of other compounds. Cannabis can be sold as hemp when it has (0.3%) or less of THC content. Hemp, unlike Cannabis, is not a federally controlled substance.

When the cannabis law goes into effect, cannabis can be legally purchased by anyone 21 years of age or older, but smoking of cannabis can only occur in places where smoking is allowed. Anyone who is 21 years of age or older can grow up to six plants in their home for personal use (3 mature plants and 3 immature plants). If there are multiple people living at one residence, a maximum of twelve plants per household can be grown (6 mature plants and 6 immature plants).

Based on the way the new law is written, 50% of licenses, to sell cannabis, will be prioritized to individuals or their family members (parent, guardian, child, spouse, or dependent) who have had previous cannabis related offenses before the Cannabis Law passed in March of 2021.

Legalized adult-use cannabis (recreational marijuana), medical cannabis and cannabinoid (CBD) hemp programs, are now all under the Office of Cannabis Management. The medical cannabis program will now expand to include any condition that is certified by a practitioner, will expand the types of eligible clinical providers to certify patients and will allow the sale of whole flower as part of medical cannabis products.

Dr. Watkins shared samples of edible cannabis that was currently being sold on the Seneca Nation of Indian Territory in Cattaraugus County with those in attendance. He stated that the dispensaries in Salamanca are offering marijuana to customers who purchase a coupon sticker and then receives cannabis as a "gift". He showed copycat cannabis edibles packaging that looks like candy or snacks currently purchased at a grocery store, and stated that these copycat cannabis edibles packaging products can be intriguing for a child if left unattended. Unintentional cannabis toxicity in children is a very plausible concern if they were to consume an entire package of the copycat cannabis edibles. After smoking or inhaling marijuana, the onset of symptoms is quick within 5 to 30 minutes but typically lasts just a few hours. In contrast after ingesting marijuana in the form of edibles the onset of symptoms can take as long as one to four hours, and symptoms can last for several hours. More poisonings are rising among children as edibles are much stronger for a small child than for a full-grown adult.

Dr. Watkins proposed the question, what can be done by the board. He stated that the board could work with municipalities to limit the number of dispensaries, limit the number or licenses to cultivate or grow the plant in the county, work with the Seneca Nation of Indians to consider restricting the copycat cannabis edible packaging and/or consider sending resolutions to express the discontent of the cannabis law. Dr. Witte asked if dispensaries outside of the reservation will be allowed to package the same way as the Nation. Dr. Watkins responded that outside of the reservation, packaging must have warning labels and cannot be made to appeal to youth. Legislator Andreano stated that she thought the Health Department should do an education piece as she is fearful of children coming home from school and grabbing what they think looks like a harmless snacks. Dr. Bohan added that these items can be particularly dangerous as a child could grab a handful and the child could have ingested quite a bit before the potency kicks in. Dr. Bohan asked if any other municipalities other than Portville has opted out of allowing marijuana dispensaries. Dr. Watkins replied just Portville and Gowanda, but all other municipalities have opted in.

Annual reports for 2021 were handed out to all those in attendance. Dr. Watkins thanked all those who helped put the report together, including the public health fellows that were in attendance Alyssa Dean, Marissa Del Monaco, and Ann Marie Sitter-Tompkins. He also thanked the health educator Matthew Tyssee.

A quick look at the 2021 annual report showed that the daily homecare census was (260) patients with care provided to (1,431) individuals; comparatively in 2020, there was a daily census of (276) patients and care provided to (1,278) individuals. He acknowledged that there was a competitor homecare agency in the county, the Visiting Nurses Association (VNA), which competes with the department to provide care for patients.

Other nursing programs in the department includes the maternal child health program whose goal is to improve birth outcomes in expecting mothers. In 2021 the department assisted (2) eligible individuals without insurance to receive presumptive Medicaid, and (12) individuals received (20) visits through this program. Comparatively, in 2020 the department assisted (10) eligible individuals without insurance to receive presumptive Medicaid, and (19) individuals received (27) visits through the program. Additionally, there is the family planning clinics whose goal is to reduce adolescent pregnancies and unintended pregnancies in all age groups as well as prevent disease commonly afflicting reproductive organs. Dr. Watkins stated that (6) teenage pregnancies were recorded in 2021. While the community health clinics care for all the sexually transmitted infections (STI), he stated chlamydia was the most common STI in 2021. Finally, the lead poisoning prevention program monitored (1,483) elevated blood lead levels in 2021.

Environmental Health (EH) has several programs including the public water system program which manages (175) public and (9) non-public water systems throughout the county to ensure safe drinking water. Environmental health staff completes compliance checks at food service establishments, in 2021 there were (547) regulated food facilities in the county and staff completed (161) routine inspections of those facilities. In addition, EH staff conducts smoking compliance checks in establishments throughout the county, and performs Adolescent Tobacco Use Prevention Act (ATUPA) compliance checks at licensed establishments that sell tobacco, there were no violations discovered.

Other programs within the department include health education, early intervention program, Women Infant and Children's (WIC) program, County Laboratory and Public Health Emergency Preparedness program.

Cattaraugus County Health Department is one of fifteen accredited Health Department's in NYS and has been accredited since November 2017. Beginning in October 2022, CCHD will begin the process of reaccreditation. The department's revenue and expenditure in 2021 was \$14,303,472.00.

Dr. Watkins presented a COVID-19 update to the Board, he stated that the number of positive cases have started to plateau in Cattaraugus County, NYS, and the United States. He stated that there are positive cases that are not being reported to the department for various reasons and this has been the case since home test kits are now readily available to all. As of date, there has been (18,271) positive cases, of which (1,507) were self-reported, and (17,405) cases have recovered. The age group of 19 and under appears to be the age group that has the highest number of positive cases, at this particular time there are (4,124) cases in this age group. At least (57%) of the residents have received at least one vaccine dose and (21,735) residents have been boosted.

As of March 29, 2022 the Federal Drug Association (FDA) and Centers of Disease Control and Prevention (CDC) has approved a 2<sup>nd</sup> COVID-19 booster. Those that are approved for the second booster includes those who are 12 and older who are moderately or severely immunocompromised, all adults over 50 years of age and older, and individuals who received the Janssen/Johnson vaccine and booster. The 2<sup>nd</sup> COVID-19 booster can be administered at least 4 months after the first booster dose.

The omicron sub-variant BA.2 is 1.5 times more transmissible than the BA.1 and is a dominant strain in NYS and the US.

The best way to measure how well a community is doing, is by looking at the number of total COVID-19 patients in the hospital. Olean General Hospital (OGH) currently has just (1) COVID-19 patient in the hospital and that patient is not in the intensive care unit nor intubated.

Additionally, COVID-19 surveillance can occur through wastewater surveillance which is occurring in the City of Olean at the wastewater treatment plant. As of date, four samples were sent to Central New York, who then analyzes the samples for COVID-19 RNA. Currently, there has been very little or no detection of COVID-19 in the wastewater, in the City of Olean.

The department continues to encourage those who are not vaccinated to get a COVID-19 vaccine, those that are vaccinated should get boosted and those that are boosted should get boosted again if they qualify. Any resident with a positive test, that is 12 years of age and older, with underlying health conditions, or who might not have as strong an immune response to the vaccines, or the elderly, should contact their provider and ask for a prescription for the COVID-19 oral antivirals.

Last week was Public Health Week and everyone in the department received a certificate of recognition to thank each of them for all the work they perform on the behalf of public health.

**ENFORCEMENT LIST:** Mr. Porter, Hearing Administrator Officer reported on the administrative hearing held March 8, 2022.

**DOCKET #22-004:**

**Respondent: Traci Ellis, 1213 Reed Street, Olean, NY 14760.**

**Violations: 10NYCRR Sec. 67-2.6(b) Respondent issued a notice and demand dated 8/27/20 which required the discontinuance of conditions conducive to lead poisoning at 1213 Reed St. City of Olean. The deadline for remediation of the identified lead hazards for the interior was established as 11/15/2020. To date Ms. Tracie Ellis has not complied with the notice and demand.**

Recommendation: Levy a \$300.00 fine against the respondent, then double the fine for not appearing at the administrative hearing. The \$600.00 fine to be paid and full compliance to the violation of 10NYCRR Sec. 67-2.6(b) at 1213 Reed Street, Olean, NY by 4/30/22. Non-compliance of both will result in a \$10.00 per day per diem until in full compliance of Board of Health order.

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

Dr. Bohan suggested that in addition Child Protection Services be notified if they have not been, and if the house is sold the remediation must be completed prior to the sale. Mr. Porter added that the Board of Health has the right to placard if the deadline of 4/30/22 is not met and move the people out of the home until it is in compliance.

Mr. Porter, Hearing Administrator Officer reported on the administrative hearing held April 12, 2022.

**DOCKET #22-006:**

**Respondent: Michael Beeles, 3911 Bear Hollow Road, Great Valley, NY, 14741.  
Location of Property Great Valley (T) #TM #74.004-1-25.1.**

**Violations: Sanitary code of CCHD subsection 16.6.1 an illegal discharge of waste water onto the ground surface was documented at the above referenced property on 3/5/2020. The property was observed to be still occupied on 3/11/2022.**

Recommendation: Respondent must commence legal eviction proceedings in court before 6/30/22 and provide proof thereof to the CCHD. A fine of \$75.00 was levied against the respondent at the administrative hearing. The \$75.00 fine is to be suspended if the respondent is in full compliance of violation described in Docket #22-006, illegal discharge of wastewater onto the ground surface by 6/30/2022. Failure to be in full compliance of Docket #22-006 violation on 6/30/22 will result in a \$300.00 fine and a \$10.00 per day per diem levied for every day not in compliance of the violation and fine.  
Residence at address described I Dpcket#22-006 cannot be re-inhabited after Mr. Roy Austin leaves without approval of the CCHD.

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

Dr. Watkins presented one additional case, requesting approval to placard a home that has been identified to have lead throughout the home both inside and outside. The location is 8709 NYS Route 16, Machias, NY. Initially, those who had lived in the home moved out as of May 2021. Staff went back to do a reassessment visit on July 19, 2021, it was discovered that (3) adults were occupying the home. Since that time, those adults have moved out of the home, and before new tenants move in to the home the department has developed a placard that would prohibit any new tenants to occupy the residence until the lead situation has been addressed. Mr. Jordan added that Environmental Health would like this to be the standard procedure/policy as a last resort.

A motion was made by Dr. Chohan to approve this procedure for these homes, the motion was seconded by Ms. Raftis and unanimously approved.

**NURSING DIVISION REPORT:** Lynne Moore, shared that the current homecare census is (261). The average stay for a homecare patient is anywhere from 30-60 days and insurances are cutting back on approving authorizations. There were (104) admissions last month, and (98) discharges. The department is facing a nursing shortage, and the department is having issues finding replacement staff. The largest staff competition is traveling nurses who are being offered large sign-on bonuses, and salaries that the department cannot compete with. Dr. Bohan asked if this was causing the department to limit their homecare services. Mrs. Moore responded no, services are not being limited as the department is required to make contact with the referring agency and the patient must be brought on service within 24-48 hours. The only exclusion would be a patient's choice who requests a less timely visit. Ms. Raftis asked if any bonuses/compensations could be offered to the staff as it is difficult to obtain new hires. Dr. Watkins replied that the county increased the wages for the nurses, although they will never come close to the wages being offered to the traveling nurses.

In the lead program the current case load is (110) there were (6) newly confirmed cases of children with Elevated Blood Lead Levels (EBLL), [normal <5ug/dl]. The highest of those had blood levels of 11ug/dl and 10ug/dl; (2) had blood lead levels of 7ug/dl and (2) had blood lead levels of 5ug/dl.

In the clinic, NYSDOH came and conducted a compliance survey for the Vaccines For Children (VFC) program at the Salamanca site on March 21<sup>st</sup>. There were no program compliance issues found during their visit. NYSDOH will return to conduct a compliance survey in the Olean and the Machias offices in the near future. A total of (85) vaccines were given in the clinic last month, the most common were the Measles, Mumps, and Rubella (MMR) and the pneumovax.

HIV testing was done with (3) in Machias, (10) in Olean, and (3) in Salamanca, all of which were negative. The majority were females (11) and (5) male.

Communicable diseases for last month, included (2) cases of campylobacteriosis, no source isolated, (15) cases of chlamydia; (4) cases of gonorrhea; (1) case of syphilis; hepatitis B, there were (2) suspected cases; Hepatitis C there were (2) confirmed cases and (4) suspected cases, all chronic; influenza A there were (15) confirmed cases with (149) total cases since October 1<sup>st</sup>, 2021; there was only (1) influenza B last month, and a total of (20) since October. No positive Lyme's, (10) probable but no confirmed.

There were two post exposure rabies prophylaxis administered, one was a bat exposure of a six year old, and the second was a cat bite where the cat got away. This person never finished their prophylaxis series, they went for the first dose of vaccine and immune globulin but never returned. A letter has been sent explaining what could happen if not completed, but there has been no response.

**ENVIRONMENTAL HEALTH REPORT:** Mr. Jordan stated that temporary food events will resume this year and a list of events is being developed at this time.

Something that will have a big impact on municipalities is a federal law that will require lead service line inventory. This law will also require that a percentage of service lines be replaced until (100%) of them have been replaced by October 2024. Guidance has been sent to all public water systems and this is expected to be quite an undertaking.

A new project is the wastewater sampling for COVID that is being done in the City of Olean which also includes the village of Allegany, St. Bonaventure, and townships on the same treatment plan.

Capital project updates include water system improvements in the Village of South Dayton, the Town of Franklinville primarily for the Great Lakes Cheese Plant that is being built just North of the Village; Ellicottville Town and Village, and the City of Olean. Bidding prices are coming in high with a (20-30%) increase higher than what they anticipated and materials are delayed.


Mr. Ring is also working on the planning and engineering for the Village of Little Valley regarding their water supply; Onoville Marina would like to do a campground expansion; Yorkshire Town is planning construction in 2024 of sewer connections at Rt. 16 and the Corner of 39; Franklinville will do extensions for Great Lakes Cheese Plant, and the Village of Portville will be receiving some grants to address the issues that they are having with their sewer plant.

Legislator Helmich asked where the funding will come from for the replacement of the lead service lines. Mr. Jordan responded that he has not been directly involved in the training but his understanding is that there will be federal funds available for this undertaking.

**Old/New Business:** Dr. Watkins shared with the Board that the department would like to add another vaccine to the department's formulary. Pentacel is the vaccine, which is indicated for the immunization against diphtheria, tetanus, pertussis, polio, and invasive disease due to Haemophilus influenza type b. The cost for the vaccine is \$101.53 and the department would charge the public \$132.60. A motion was made by Ms. Cooney-Thrush to accept this request to add the vaccine to the department's formulary, the motion was seconded by Dr. Hamlin, and unanimously approved.

A motion to adjourn was made Dr. Bohan, seconded by Dr. Hamlin and unanimously approved.

Respectfully submitted,

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