



# 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*

*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 March 2, 2021

The 893<sup>rd</sup> meeting of the Cattaraugus County Board of Health (BOH) was held virtually on March 2, 2021.

The following members were present:

Joseph Bohan, MD

Giles Hamlin, MD

Zahid, Chohan, MD

Legislator Kelly Andreano

Sondra Fox, RN, MSN, C.S.

Richard Haberer

Theresa Raftis

Mayor David L. Smith

Kathryn Cooney-Thrush, NP, MSN

Also present were:

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

Ashley Milliman, County Attorney

Legislator Ginger Schroder

Raymond Jordan, Sr. 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 Patients Services

Dave Porter, Hearing Officer

Dr. Paul Schwach, Clinical Physician

Matthew Tyssee, Resource Specialist

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 the Board for a motion to accept the February minutes that were distributed by Email. Dr. Hamlin made a motion to approve the minutes of the BOH meeting held March 2, 2021, the motion was seconded by Sondra Fox and unanimously approved.

**DIRECTORS REPORT:** Dr. Watkins reported that it has been a year since the first confirmed case of COVID-19 was reported in Cattaraugus County. He stated that COVID-19 response continues to be at the forefront of what is being done within the department of which has expanded to include providing COVID-19 vaccines to residents of the County.

Dr. Watkins informed the Board that as of February 28, 2021 New York State (NYS) reported a total of (1,636,680) confirmed cases of COVID-19 and (38,577) deaths. NYS also reported a one day total of (6,235) new cases of COVID-19 statewide.

The number of patients currently hospitalized with COVID-19 statewide as of February 28<sup>th</sup>, was (5,307) of which (1,065) were in intensive care units.

Finally, the number of deaths being reported on February 28<sup>th</sup> in NYS from COVID-19 related complications were (80). Statewide, deaths from COVID-19 complications continues to plateau. The number of statewide deaths due to complications from COVID-19 have been below the (100) death threshold for the last five days.

Dr. Watkins reviewed the Cattaraugus County COVID-19 tracker which revealed that there has been (4,383) confirmed positive COVID-19 cases in the County. Most of the cases have been in the southeast quadrant where there were (2,507) cases identified. The number of COVID-19 tests that have been administered in Cattaraugus County was (110,185) of which (105,802) were negative and (4,383) were positive. This reflects a (96%) negative rate and a (4%) positive rate. Of the (4,383) positive cases, (4,075) have been categorized as recovered, and there are (220) active cases at this time. The total number of deaths in Cattaraugus County has increased since the last meeting, as (86) deaths have now been recorded in the County due to complications from COVID-19. This reflects a (93%) recovery rate and a (2%) death rate, compared to NYS which has a (2.4%) death rate.

Looking at the number of hospitalizations in Cattaraugus County, of the (220) active cases (18) are hospitalized. Fifteen are at OGH, (2) are at ECMC, and (1) is at UPMC-Hamot.

A breakdown of the (4,383) positive cases shows that (4.7%) were healthcare workers, (22%) were asymptomatic, and (43%) were contacts of other positives. The age range of 20 thru 29 appears to be the age range where the highest number of positive cases are occurring.

Dr. Watkins shared a percent positive graph that is part of the metric system for NYS. He stated that number of percent positives cases are based on the number of COVID-19 test administered and the number of positive cases confirmed. In Cattaraugus County, as of February 28, 2021, the daily percent positive was (4.8%), the 7 day rolling average percent positive was (3.1%), and the 14 day rolling average percent positive was (3.2%).

Genomic sequencing is being conducted by Wadsworth Laboratory to determine the type of variants that are being found in New York State. Last month we spoke about the United Kingdom (UK) variant called B.1.1.7, as of date, there are (154) of these variants identified throughout counties in NYS. Since our last meeting this variant has been identified in a case in Allegany County.

Another variant includes one that originated in South Africa, called the B.1.351 COVID-19 variant and it shares some similar mutations with the United Kingdom variant. The South Africa variant has been identified in Nassau County recently. The Brazil variant called P.1 which has additional mutations that may affect its ability to be recognized by antibodies has not yet been identified in NYS.

What is also concerning is that New York City has identified their own variant called the B1.526. This variant is overtaking the original strain of COVID-19 in NYC, and even more important is that there is a mutation that is seen in this variant called the E484K which seems to slip pass the body's immune response. Additionally, if a person was given antibody treatment for COVID-19 this particular variant seems to be able to slip pass that immune response as well.

Another variant found in California called the B.1.427/B.1.429 variant has a mutation in the variant called L452R which enables the virus to dock more efficiently to cells and make the virus more infectious, and it is now the predominant strand that is overtaking residents in that area.

The variants seem to be cropping up due to a delay in the administration of the vaccine, which can be contributed to the limited number of vaccines, but as soon as we can get more vaccines in the arms of people throughout the world, we will probably stop seeing so many variants.

The FDA has recently approved the Johnson and Johnson vaccine that is administered in one dose and which has a (85%) efficacy in preventing moderate to severe COVID-19. In addition, it has a (100%) efficacy against hospitalizations and death after having administered (28) days. This is a game changer, it can be refrigerated for several months, and we have placed an order of this vaccine for those who are homebound and those (65) years of age and older.

NYS still imposes a prioritization guidance for who can be administered the vaccine and this is due to the limited number of vaccines available at this time. The Governor's office has now included hotel workers in this prioritization grouping.

This week the department received (500) doses of vaccine, the allocation must be broken down to include (200) doses for Essential Workers, (200) doses for those 65 years of age and older, and (100) doses for the Office for People With Developmental Disabilities (OPWDD) staff/residents and those with comorbidities. The vaccine clinic will be held this week on Wednesday at the Seneca Allegany Casino Event Center, and Thursday in Delevan at the Fire Fighters Training Center.

Dr. Watkins shared a map of the counties in NYS showing the comparison of like sized counties and their vaccination rates. Cattaraugus County has vaccinated about (9,114) residents or (9%) of the population compared to a similar size county where they have vaccinated around (15-20%) of their population.

NYS currently has about thirteen State run COVID-19 vaccination sites, and the closest site has been the University of Buffalo. NYSDOH announced that they will open up a state run mass vaccination site in the Southern Tier area, and the site will be in Cattaraugus County, at Jamestown Community College (JCC), Olean campus. This mass vaccination clinic will start on March 5<sup>th</sup> and run through March 12<sup>th</sup>. This six day vaccination clinic is a regional clinic for Allegany, Chautauqua and Cattaraugus Counties. This clinic will be run by NYS staff.

Dr. Watkins reminded the board that it is not too late to get an influenza vaccine. He shared a graph of superimposed influenza surveillance reports that compared several influenza seasons (2017-2021) which showed that there has not been a lot of influenza in NYS in 2020-2021 compared to the previous years. He stated the flatten curve for influenza in 2020-2021 is due to using COVID-19 public health interventions including wearing face masks, socially distancing, avoiding congregations and washing hands. Currently, Cattaraugus County have (40) cases of influenza.



March is colorectal cancer awareness month. Colorectal cancer is one of the most frequently diagnosed cancers and the second leading cause of cancer deaths among men and women combined. Each year, almost (4,600) men and about (4,400) women are diagnosed with colorectal cancer and over (1,500) men and over (1,500) women in NYS die from this disease. It is estimated that one in (20) people will develop colorectal cancer sometime in their life. It is important to educate our residents that colorectal screening is important as it can pick up colorectal disease very early. Only (57.5%) of the residents of Cattaraugus County are getting this screening annually.

Legislator Andreano asked what percent of our residents need to be vaccinated to reach herd immunity? Dr. Watkins replied that around (70%-90%) of our residents should be vaccinated to reach herd immunity.

Legislator Andreano questioned if the regional State vaccination clinic coming to JCC would take the names of residents off the Cattaraugus County waiting list, or must residents register on the State Countermeasure Data Management System (CDMS) site themselves. Dr. Watkins confirmed that residents must register on the NYS CDMS site, and if our residents are not savvy enough to get on that link to schedule themselves, then others residents from outside the county will get the appointments.

Legislator Schroder asked if we have given thought to assisting individuals who do not have technical capabilities. Dr. Watkins confirmed that the call center 716-701-3777 is available for those who fall into that category.

Dr. Bohan asked what constitutes a colorectal screening, and what is lacking in our county that gives us such a low colorectal screening percentage for Cattaraugus County residents. Dr. Watkins replied that there are several tools used for colorectal screening, one that can be done in the provider's office is the guaiac-based fecal occult blood test and then there is the standard colonoscopy. He added that Cattaraugus County providers often order colonoscopies for their patients but they lack follow through in making sure the patients complete the colonoscopy exam.

Dr. Bohan asked why we are receiving a lower number vaccines to our county, as he thought all vaccine should be designated by the county's population. Dr. Watkins stated that is a good question and we do not know the answer as it was to be based on population but it has not been distributed that way. He stated that with the mass vaccination clinic and the delivery of the new Janssen vaccine by Johnson and Johnson, inroads will be made for our residents.

**ENFORCEMENT LIST:** Mr. Porter, Hearing Administrator Officer reported on the administrative hearings held February 16, 2021.

**DOCKET #20-031:**

**Respondent:** David Feely, who resides at 437 W Washington Street, Bradford Pa., 16701 is the Co-owner of Cow Palace Bar & Grill, LLC located at 72 Hillside Drive, Carrollton, NY 14748.

**Violations:** Violation 10NYCRR Subpart 14-1.10(a) during a complaint investigation conducted on 12-10-20 multiple persons were observed to be not wearing face coverings over their mouths and noses as per NYS Executive Orders and associated NYS Phase III guidance and 10NYCRR 66.3.2(c). The operator was previously informed of the requirements for face covering and provided NYS guidance documented on 9/17/20 at which time the time the violation was also cited during a routine inspection.

**DOCKET #20-031 (continued):**

- Recommendation: 1. That the \$500.00 stipulation offered be changed to a \$500.00 fine. The \$500.00 fine is to be paid on or before 3-31-21.
2. A \$10.00 per day per diem will be levied for every day not in compliance.

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

**DOCKET #20-032:**

**Respondent: John Sinsabaugh, 1830 Dugan Road, Olean, NY 14760.**

**Violations: 10NYCRR Section 67-2.6(b) respondent was issued a notice and demand dated 1-23-20 which required the discontinuance of conditions conducive to lead poisoning at 694 Garden Avenue located in the City of Olean. On 9-2-20 the Board of Health issued an order (Docket #20-005) to comply with the notice and demand. To date there has not been any response from the respondent and the lead remediation has not been completed.**

Recommendation:

- Two Components: 1. The fine and surcharge that is accumulating due to the non-compliance of BOH order dated 9-2-20 for Docket #20-005 is still in effect, respondent is responsible.
2. A work plan is to be presented to the CCHD and be approved by CCHD per the BOH order dated 9-2-20 for Docket #20-005 by 3-31-21. Full compliance and cleared by the CCHD personnel of the same BOH order by 6-16-21. Failure to meet the date will result in placarding 694 Garden Avenue, Olean, NY as unfit for occupancy.

Dr. Bohan stated, this house was not picked at random but due to a child having a seriously high elevated lead level correct? Mr. Porter confirmed that this was correct, and a discussion ensued.

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

**DOCKET #20-033:**

**Respondent: John Sinsabaugh, 1830 Dugan Road, Olean, NY 14760.**

**Violations: 10NYCRR Section 67-2.6(b) on 8-29-18 respondent was issued a notice and demand requiring the discontinuance of conditions conducive to lead poisoning at 692 Garden Avenue located in the City of Olean by 11-19-18.**

**DOCKET #20-033 (continued):**

Recommendation:

- Two Components:
1. The fine and surcharge that is accumulating due to the non-compliance of BOH order dated 11-6-19 for Docket #19-031 is still in effect, respondent is responsible.
  2. Full compliance of BOH order dated 11-6-19 for Docket #19-031 to be completed and cleared by CCHD personnel by 6-16-21. Failure to meet the date will result in placarding 692 Garden Avenue, Olean, NY as unfit for occupancy.

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

Mrs. Fox asked the Board to consider sending a letter of opposition to the Governor for the closing of the Gowanda Prison. On December 21<sup>st</sup> Governor Cuomo announced the closing of the prison for March 31<sup>st</sup>, which is a 90 day notice. According to an article in Saturday's Times Herald there should be a one year notification for all such closings. The Gowanda area will lose (600) jobs, and inmates will be transferred, or released and she expressed concerns about the kind of services they will receive. She added that there has been a (54%) decrease in NYS prison population since 1999. Mayor Smith is asking that they give a one year notice in order that foil requests can be completed, as (19) have been executed.

Mayor Smith stated that the closing of the prison would have a devastating effect on Gowanda, and potentially other communities that the released prisoners would go back into. The Governor circumvented the one year notice requirement based on budgetary emergency powers. There was a budget crisis long before COVID hit the State due to irresponsible spending, and lack of resources. If one year is not provided then the Governor must provide a copy of the budget savings from the closing. These numbers were not provided to the required stakeholders.

Dr. Bohan asked what the current legislature response is to this problem. County Attorney Milliman responded that there has been a valiant effort on the part of Mayor Smith and the County Legislature exploring every possible avenue that the County could take to stand against the Governor. However there are legal obstacles that prevent the County from taking the lead. The strongest legal argument, based on her opinion, is the inmates are the ones most impacted and have the strongest legal argument to stand against the Governor to obtain an injunction. Sondra Fox asked what the Board could do to assist. County Attorney Milliman stated that the Board could issue a letter in opposition to the Governor's office. A motion was made by Mayor Smith to compose a letter to forward to the Governor, seconded by Mrs. Fox and unanimously approved.

**NURSING DIVISION REPORT:** Mrs. Moore, reported the homecare census is (285) with (91) admissions in February, and (66) discharges.

NYS has expanded the vaccinating priority group to include the homebound population, which will be very helpful. Homecare nurses will all be trained on how to vaccinate.

The department continues to work on the Plan of Corrections from the State survey that was done in January, the deadline to start 100% chart audits began on March 1<sup>st</sup> and will continue for a three month period. Any education that is needed will be completed for the deficient practices that were found.

In the lead program there are (113) children being followed with Elevated Blood Lead Levels (EBLL) [normal <5ug/dl]. The majority of the cases, (92) have EBLL's of 5ug/dl or less. The highest is (1) child who has an EBLL of 17ug/dl. This child has been active since 2018, and has had a level as high as 23ug/dl. There were (3) newly confirmed children with EBLL's in February, (2) were 5ug/dl, and (1) was 6ug/dl.

In February the department performed (327) tests for influenza, with (22) positive for influenza B, and (8) positive for influenza A. There were no influenza vaccinations completed in the month of February. If anyone is looking for an influenza vaccine the department still have vaccines including high doses vaccines.

Clinic testing for HIV, there were (7) HIV tests completed with no positives in February.

STD report for February, there were (13) positive case of chlamydia; (2) confirmed cases of gonorrhea; and (3) positive cases of syphilis.

In the month of February, there were (6) Hepatitis C chronic cases; there was (1) hepatitis A case, still being investigated; there was (3) hepatitis B cases, none of which were confirmed.

In addition, there were (2) Lyme disease suspected cases; and (1) campylobacteriosis case however, the cause has not been found.

In the month of February there was only (2) rabies post exposure prophylaxis series administered; (1) related to a bat exposure and (1) was a cat bite. One pre-exposure rabies prophylaxis series was also completed.

Dr. Bohan asked what percentage of nurses involved with direct patient care have had at least one vaccination. Mrs. Moore replied that she completes a State report three times a week, and this question was just recently added into the survey. Currently in the homecare division there are (50) employees and unfortunately only a small percentage have been vaccinated. Two just completed their first vaccination and (17) staff have completed both doses. Unless it is made mandatory not everyone will participate. Dr. Bohan stated about (40%) of the country is skeptical on the vaccine which is unfortunate in his opinion.

**ENVIRONMENTAL HEALTH REPORT:** Mr. Wohlers reported that environmental health staff are still supporting the departments COVID-19 response, with scheduling COVID-19 tests, education, and handling complaint responses from the public.

The spring rabies clinic will be held on March 27<sup>th</sup> at the DPW garage in Little Valley, and pre-registration is required.

Last month NYSDOH released updated guidance for food services which includes large events and weddings. There have been no additional details available at this time from NYS.

With the arrival of spring, hibernating wildlife will start to emerge and usually the department will get an increase in potential rabies exposures investigations.

During spring, increases in requests for septic systems, and real property transfers will ramp up.

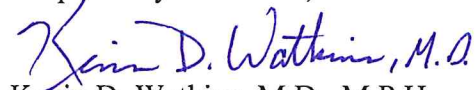


**Old/New Business:** Dr. Watkins reported the recent death of St. Bonaventure President, Dr. Dennis DePerro and asked that the Board keep Dr. DePerro's family, and the St. Bonaventure family in their prayers. Dr. Bohan asked for a motion to dedicate this meeting in Dr. DePerro's memory and service to the community. A motion was made by Mayor Smith, seconded by Dr. Hamlin, and the motion was unanimously approved.

There being no further business to discuss, a motion to adjourn was made by Mrs. Fox, seconded by Ms. Cooney-Thrush and unanimously approved.

Legislator Schroder asked that the website be updated regarding the upcoming rabies event, and Dr. Watkins replied that it would be done today.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kevin D. Watkins, M.D." in a cursive style.

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