



CATTARAUGUS COUNTY BOARD OF HEALTH

1 Leo Moss Drive, Olean, NY 14760, Tel. (716)373-8050, Fax (716) 701-3737



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

Joseph Bohan, MD, President

Giles Hamlin, MD, Vice-President

Zahid Chohan, MD

Sondra Fox, RN

Richard Haberer

Theresa Raftis

David L. Smith, Mayor

James Snyder, Legislator

Kathryn Cooney Thrush, NP

MINUTES

October 4, 2017

The 859th meeting of the Cattaraugus County Board of Health was held at The Point Restaurant, 800 East State Street, Olean, New York on October 4, 2017.

The following members were present:

Dr. Joseph Bohan

Richard Haberer

Dr. Zahid Chohan

Theresa Raftis

Dr. Giles Hamlin

Kathryn Cooney Thrush, BSN, NP

Sondra Fox, RN

Also present were:

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

Eric Firkel, County Attorney

Sue Labuhn, County Legislator

Donna Vickman, County Legislator

Paul Schwach, MD, Clinic Physician

Gilbert Witte, MD, Medical Director

Dave Porter, Hearing Officer

Raymond Jordan, Sr. Public Health Sanitarian

Debra Lacher, Secretary to Public Health Director

Thomas Leccadone, Administrative Officer

Patti Williams, Supervising Public Health Nurse

The meeting was called to order by Dr. Bohan. The roll was called and a quorum declared. Mr. Haberer made a motion to approve the minutes of the Board of Health (BOH) meeting held on September 6, 2017, it was seconded by Dr. Hamlin and the motion was unanimously approved.

DIRECTORS REPORT: Dr. Watkins reported that the Health Department has completed its budget review for submission to the County Administrator. He stated that the 2018 budget submitted for approval is for \$11,333,381.00 which is a 0.54% increase from last year's budget of \$11,271,981.00. He added that no new positions were added to next year's budget but several long term employees are planning to retire in 2018 and it will be quite costly to the department.

Dr. Watkins reminded the board that when the Clean Indoor Air Act (CIAA) was enacted there were waivers that were granted to establishments that modified their place of business by designating a separate room away from the general traffic utilizing special mechanical ventilation systems to control second hand smoke exposure to non-smokers that entered their establishments.

Dr. Watkins reminded the board that when the Clean Indoor Air Act (CIAA) was enacted there were waivers that were granted to establishments that modified their place of business by designating a separate room away from the general traffic utilizing special mechanical ventilation systems to control second hand smoke exposure to non-smokers that entered their establishments.

He stated that permits for the two remaining CIAA Waivers will need to be renewed as expiration date are set for December 31, 2017. Inspections must be completed on those facilities, and letters to notify the businesses that they must submit a renewal application with payment of the required fee. Dr. Bohan called for a motion to extend the CIAA Waiver permits for the Ischua Fire Department and Little Valley VFW for another year on the condition that the businesses pass their inspection. A motion to grant approval for this request was made by Mr. Haberer, and seconded by Kathryn Cooney Thrush. A vote was taken with (6) ayes and (1) opposition by Mrs. Fox, the motion passed.

He added that membership association – are associations that are exempt from all smoking restrictions contained within the CIAA. These associations attests that members of their organizations do not receive compensation of any kind from the membership association or any other entity for their performance or duties within the association. There are (3) membership associations which fall in this category. The Christopher Columbus Club, the Olean American Legion, and the Olean Veterans Club and these businesses will have to reapply for membership association status. There is no approval needed by the Board as a State law allows these organizations to have this exclusion status.

Dr. Watkins informed the Board that October is breast cancer awareness month, which is an annual campaign to increase awareness of the disease. He stated that many forget to take the steps to detect the disease in its early stage. Breast cancer is the second leading cause of cancer death in women, only lung cancer kills more women each year. The chances that a woman will die from breast cancer is about 1 in 36 or 3%. The American cancer society estimates that there will be about (215,710) new cases of invasive breast cancer diagnosed in women this year, with (63,410) additional new cases of carcinoma in situ for 2017. Forty thousand six hundred and ten women will actually die from breast cancer this year. The American Cancer Society estimates that there will be (2,470) new cases of invasive breast cancer in men and (460) men will die from breast cancer this year. The death rate from breast cancer continues to drop since 1989, with a larger decrease in women younger than 50. These decreases are believed to be the result of finding breast cancer early with screening and increased awareness, in addition to better available treatments. The United States Preventative Services Task Force recommends that women 50-74 years of age should have mammograms every two years, women younger than 50 years of age should talk to their doctors about when to start and how often they should have a mammogram. American College of Radiology is one group, standing firm on yearly mammography starting at age 40. Findings from randomized trials of women in their 40s and 50s have demonstrated that screening mammograms decrease breast cancer deaths by 15 to 29 percent.

Dr. Watkins reminded the Board that at the September BOH meeting a discussion considering having the department to enact the NYS Codes, Rules and Regulations Part 14 subpart, 14-1.73 – called Personnel training was taken up for consideration. The statute states that the permit-issuing official may establish and conduct or designate training programs and require that owners and/or operators of food service establishments attend designated training programs.

A formal resolution with an enforcement program, and a penalty structure, for requiring all food facilities in Cattaraugus County to have a manager of the facility to complete an approved Food Service Sanitation Manager Certification course, along with a list of frequently asked questions about the certification program was created for the Board's review. Dr. Watkins reviewed the handouts in length and a discussion was held amongst the Board members.

Dr. Bohan asked would establishments like churches who have dinners, be required to have a food service manager certificate. Mr. Jordan replied that the state sanitary code allows for an exemption for certain events and organizations from obtaining a food permit, these include events such as bake sales or covered dish suppers, where people bring a dish to share with each other. A religious, fraternal or charitable organization that has its own facility and plans to prepare and serve food at the facility for an occasional event (once a week or less often) would also fall under this exemption from not having to obtain a food permit.

Dr. Bohan inquired if festivals or fairs would need a food manager certificate. Mr. Jordan responded that this would be considered a temporary food permit and if they were serving high or medium risk food they would be required to have a certificate.

Legislator Labuhn asked what if a church happens to have (3) funerals in one week would the church be required to obtain a food manger's certificate. Mr. Jordan stated that a funeral could be considered a closed group where covered dish suppers are prepared, and people brought a dish to share with each other, or the church may have its own facility and plans to prepare and serve food at the facility for this occasional event, then the church would be exempt from getting a food permit since it is not a fundraiser event.

Dr. Witte asked if the proctored test was accessible locally. Dr. Watkins responded that a proctor is available through Community Action who will extend their program to the public if the Board passes this state statue.

A discussion was held regarding the penalty structure that would be put in place. All current food establishments would be given a one year grace period from the day of enactment of this ordinance. This allows the food facilities enough time to prepare for this new requirement. After the ordinance is enacted, if an inspector goes into a food establishment and the required certificate is not available at the time of inspection the owner will be cited for the violation.

Dr. Bohan commented that he believed that the course was fine but he felt that the exam was not appropriate for the average restaurant provider in Cattaraugus County. Mrs. Fox stated that providing food for the public is serious business, and restaurant staff needs to be properly educated to keep the public safe. Mr. Haberer expressed concern over hearing what restaurant owners would have to say about these new regulations that would directly affect them. The County Attorney confirmed that it would be best to hear their objections prior to passing the regulations. Mr. Firkel stated a letter could be sent out to the permitted facilities asking for their feedback on the proposed enactment. He also stated that because this is a State regulation it would not have to go through the legislation process.

Dr. Watkins agreed that a forum could be held to publicly discuss the ordinance. Legislator Vickman asked if school systems, and fire departments would fall under this ordinance. Mr. Jordan stated that all schools would be affected as they are permitted facilities but fire departments who have a chicken barbeque would not fall under this regulation if they serve only one meal a week. Mrs. Kathryn Cooney Thrush stated that her only concern was that it should all be done online as a convenience for the owner/manager. Legislator Labuhn stated she felt we needed to have a good grasp on this matter before going public with the new regulatory conditions.

After a long discussion, a motion was made by Dr. Chohan to require every high and medium risk food service facility in Cattaraugus County to have a manager or one individual in a supervisory position complete the food service manager course but not be required to pass the exam. This was seconded by Kathryn Cooney Thrush, and unanimously approved. Dr. Bohan stated that in the future, repeat violators may be required to take and pass the test. Mr. Jordan asked for clarification on how this new regulation would be enforced. Dr. Bohan stated that each food facility must take this course in order to renew their permit. A letter will go out with every renewal packet informing the facilities of this new regulation. A specific resolution with the penalty phase and a list of frequently asked questions relating to requiring every high and medium risk food service facility to have a manager or one individual in a supervisory position to complete the food service manager course and not require the individual to pass the exam will be brought to the Board next month for review and a confirmation vote will be taken.

Dr. Watkins informed the Board that El Mariachi's, whose permit was set to expire on September 30th, and who had a permit stipulation set by the Board that the food establishment take the food manager course and pass the test in addition to having a favorable inspection in order to receive a new permit, has satisfied all the Board requirements. He stated that Mr. Bautista passed the course on September 26th, there inspection was favorable and they have been issued a new operating permit for one year in addition to being removed from the department's technical watch list.

NURSING DIVISION REPORT: Patti Williams shared the certified home health care current census is (310) patients with (119) admissions in September, in August (157), and in July (120). In addition there are (51) patients in the Medicaid Obstetrical and Maternal Services (MOMS) program, and (17) children in the lead program being monitored for blood lead levels that are greater than 5ug/dl (normal \leq 9ug/dl).

Communicable diseases for the month of September included (6) cases of Hepatitis C, (1) salmonella case, (2) Strep B cases which have all recovered, (1) legionella case, (2) Strep pneumoniae cases, (1) case of campylobacter which has recovered, and (11) cases of lyme disease under investigation. Rabies exposures in September went down, (1) person was started on post exposure rabies prophylaxis who was a four year old that was bitten by a cat, and (1) person received a booster series for a dog bite. There were (14) cases of chlamydia reported in September, (4) cases of gonorrhea and (1) case of latent syphilis. One of the Centers of Disease Control and Prevention (CDC) initiative this year is the proper administration of flu vaccine. CDC wants to make sure everyone is using a safe technique, which have not been a problem for the department staff but everyone participated in the CDC training. The goal is to try to avoid shoulder injuries such as tendonitis, or bursitis related to improper vaccine techniques.

ENVIRONMENTAL HEALTH DIVISION REPORT: Mr. Jordan asked if anyone had any questions regarding the recent Franklinville Boil Water Notice. He explained the village was completing a routine maintenance of a valve replacement, and a number of things went wrong causing the loss of water pressure. Due to the loss of pressure the department recommended that they post a boil water notice as a precautionary measure. In the course of a boil water notice, customers must be notified. Notification took place on Facebook, radio stations, and local television stations. Once the water system was recharged the department collected water samples for two consecutive days and once good ground samples were obtained the department lifted the boil water notice.

Dr. Bohan asked how long the notice was in effect, Mr. Jordan replied three days. This was the first time that the department was required to post a boil water notice for a municipality, in the past it had only been done on small facilities.

ENFORCEMENT REPORT: Mr. Porter informed the Board that all cases had been settled and therefore there was nothing to report.

Dr. Watkins asked that the next BOH meeting be held on Tuesday November 7th, due to a conflict in schedule. At the next two BOH meetings the department will take individual photos of all board members for the upcoming annual report.

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

Respectfully submitted,



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