

Geauga County General Health District
Board of Health Meeting Minutes
August 17, 2009, 7:00 p.m.
Geauga County Health District Office
470 Center Street, Bldg. 8, Chardon, OH 44024

I. Call to Order

Mr. J. David Benenati, President, called the monthly meeting of the Geauga County Board of Health to order at 7:01 p.m.

Board members present: Mr. J. David Benenati, Mr. Timothy Goergen, Dr. Donald Bowers, Ms. Melanie Eppich and Mrs. Christina Livers.

Staff members present: Robert Weisdack, Health Commissioner; Dan Mix, Personal Health Services Director; Michael Tusick, R.S.; and Alta Kress, Administrative Assistant.

Others present: There were no other people present.

II. Pledge of Allegiance

Mr. Benenati asked everyone to stand and recite the Pledge of Allegiance.

III. Approval of Minutes

Mr. Goergen moved to approve the minutes from the July 15, 2009 regular meeting. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

IV. Financial Report / Current Expenses

Dr. Bowers moved to approve the Current Expenses July 15, 2009 to August 11, 2009. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

V. Environmental Health Program Update

Mr. Weisdack reported that the State has recently stated that they are raising their portion of the fees for all State mandated programs. The increase of the fees is quite substantial. The Health District will pass on the increase to the owners/operators of the establishments.

The revenue in the Private Water fund is still down. The staff has been taking time off without pay, which will help the situation some.

A. Sewage Rules Update

Mr. Weisdack stated the issuance of sewage permits has declined since the 6-month moratorium of the sewage rules was announced. Tim Grendell continues to fight the rules. He asked Mr. Weisdack to be a contact person against the rules. Mr. Weisdack stated he will do his best he can but that he needs to watch our budget closely.

VI. Personal Health Services Update

A. Public Health Emergency Preparedness

Seasonal flu clinics have been moved up to mid-September to accommodate H1N1 clinics that are expected to begin in late-October. The MRC will hold two drive-through clinics on Saturdays in October. One will be held on the east side of the county and one on the west side. The MRC and the Health District staff will work together to hold two clinics at the Chardon office in September.

Planning for the H1N1 immunization continues at the State and regional level. There have been nationwide discussions to hold clinics in schools.

Mr. Mix asked the Board to consider the proposed PHEP budget for \$109,544.00. The majority of those funds will be used for salaries for two full-time emergency preparedness staff members. In addition, we have been notified that our PHER (Public Health Emergency Response) funds will be \$140,222.00. These funds would be used to plan and execute the H1N1 immunizations. We have not received any guidance on how the money must be used, so a budget has not been developed. The State indicates that the money will come in three waves; two for planning and one for implementation.

Mr. Mix asked the Board to consider approving the hiring of a part-time contract person to assist with the H1N1 planning.

B. Nursing

Mr. Mix reported that the CFHS Amish Well Child Clinics has been cut more than 27%, from \$81,400.00 to \$59,044.00. A budget revision is needed to cover that decrease. Discussions have been held regarding how to reduce the budget. The number of clinics has been cut from 26 to 18 and Ms. Spencer has been removed from the budget. The reduction of clinics will be accomplished in a "phase-out" with two clinics per month being held through December and then conducting only one per month in 2010. This could potentially be the last year for this grant.

C. WIC

The WIC caseload was 939 again for July. Mr. Mix reported that the WIC staff has experiencing staffing shortages due to an injury of one full-time staff member. The part-time staff member has taken on extra hours to help accommodate the shortage. Mr. Mix stated he is considering contracting services because the length of time the injured staff member will be off work.

D. Health Education

The intern we have had for the summer is finishing her time here at the Health District. Mr. Mix stated that he was very pleased with her work.

VII. Variances

A. Paul Ogint/Reg Shiverick

Paul Ogint and Paul Bachman were present and sworn in by Mr. Benenati. Mr. Tusick was sworn in and stated his experience.

Mr. Tusick stated that this is a variance request by Paul Ogint in behalf of Reg Shiverick for the existing property located at 13650 County Line Rd., Russell Township. The request involves section 3701-29-02(K) of the Geauga County Household Sewage Disposal System Regulations which pertains requires a sewage disposal system to be 10' from a property line. (Written background information was provided to the Board for consideration in this case.)

Mr. Ogint explained that the tank was installed too close to the property line. Due to several different factors, the septic tank was not installed where the original site plan indicated. He stated that it was his mistake, that the property line was not where he thought it was. The Board and Mr. Weisdack stated their concern that Mr. Ogint did not contact the Environmental Health staff to get approval to install the tank in another location. Mr. Ogint indicated that he should have contacted the staff, but failed to do so.

The Board stated that they believed that Mr. Ogint made a mistake and appreciated that he came forward instead of trying to cover up his mistake.

Dr. Bowers moved to approve the variance as requested. Mrs. Livers seconded the motion. Dr. Bowers stated for the record that approving the variance is not setting precedence. The Board believes that this was simply a mistake on Mr. Ogint's part and that approving this variance will not cause any health or safety issues. **Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.**

The Board took a short break at 8:28 pm. They reconvened at 8:35 pm.

VIII. Administrative Hearings

A. Robert Kolar/Frozen Delite

Robert Kolar was not present. Mr. Tusick was sworn in again by Mr. Benenati and stated his experience.

Mr. Tusick stated that this is an alleged code violation to the property owned by Robert Kolar/Frozen Delite located at 16508 Main Market Rd., Parkman Twp. This case is in regards to the following section of Article V of the Geauga County Health District Semi-Public Sewage Disposal System Regulations, which states:

Section 52.05.01: "No semi-public sewage disposal system shall be installed or operated on a lot which is available sanitary sewer system if it is determined by the Health Commissioner that such a facility is capable of receiving the sewage from the facility. The old system must then be abandoned in such a manner as approved by the Ohio EPA." Discussion followed.

Dr. Bowers moved that a code violation exists at the property owned by Robert Kolar/Frozen Delite, 16508 Main Market Rd., Parkman Twp. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Dr. Bowers moved that Robert Kolar/Frozen Delite is required to connect to the sanitary sewers system within 30 days of receipt of Board order. Failure to do so will result in referral to the prosecutor's office for legal action. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

B. Nicholas & Cathy DiCello and Michael Benz

None of the above mentioned were present. Mr. Tusick was sworn in again by Mr. Benenati and stated his experience.

Mr. Tusick stated that this is an alleged code violation to the properties owned by Nicholas & Cathy DiCello, 11763 East Hill Dr., Chester Twp. and Michael Benz, 12878 Sperry Rd., Chester Twp. These cases are in regards to the following sections of the Geauga County Household Sewage Disposal System Regulations:

3701-29-02(D) states: "No household sewage disposal system or part thereof shall create a nuisance."

3701-29-02(E) states: "No person shall discharge, or permit to discharge, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure, or offensive wastes into an abandoned water supply, well, spring, or cistern or into a natural or artificial well, sink hole, crevice, or other opening extending into limestone, sandstone, shale or other rock formation, or normal ground water table."

3701-29-02(F) states: "No person shall discharge, or permit to be discharged, treated or untreated sewage... or offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground drain."

3701-29-02(G) (3 a, b & c) states: "Sewage effluent quality as measured at the point of discharge in the system shall comply with current effluent standards. (a) Biochemical oxygen demand shall not exceed twenty milligrams per liter; (b) Suspended solids shall not exceed forty milligrams per liter; Fecal coliform- Water samples exceeding 5,000 fecal coliform counts per 100 milliliters in 2 or more samples shall be considered creating a public health nuisance."

3701-29-02(G) (4) states: "When test results indicate that the standards set forth in regulation 3701-29-02(G) (3) are not being met or nuisances are being created, additional treatment devices may be require by the Board of Health." Discussion followed.

Dr. Bowers moved that a code violation exists at the properties owned by Nicholas & Cathy DiCello, 11763 East Hill Dr., Chester Twp. and Michael Benz, 12878 Sperry Rd., Chester Twp. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Ms. Eppich moved that Nicholas & Cathy DiCello, 11763 East Hill Dr., Chester Twp. and Michael Benz, 12878 Sperry Rd., Chester Twp. be required to obtain the sewage permit and either repair or replace the sewage disposal system by within 30 days of receipt of Board order. Failure to do so will result in referral to the prosecutor's office for legal action. Mrs. Livers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

- C. Daniel & Isabel Ciolek and Lisa Petersen
- D. Daniel & Sherry Stech, REO Investments, and John & Carly Snavely
- E. Daniel & David Miller, Anthony & Jean Previte, Rajinder & Satwant Singh, Donald Pausch, Thomas Heckman, Timothy & Wanda Logsdon, Aden & Dora Miller, Allan & Rosanna Byler, Ilene & Chris Ray, Andrew & Barbara Miller, and Raymond Townsend.

None of the above mentioned were present. Mr. Tusick was sworn in again by Mr. Benenati

and stated his experience.

Mr. Tusick stated that this is an alleged code violation to the properties owned by Daniel & Isabel Ciolek, 11580 Forest View Dr., Munson Twp., Lisa Petersen, 12415 Sperry Rd., Chester Twp., Daniel & Sherry Stech, 17203 GAR Hwy., Montville Twp., REO Investments, 13370 Green Dr., Chester Twp., John & Carly Snavely, 7383 Samuel Lord Dr., Bainbridge Twp., Daniel & David Miller, 14454 Bundysburg Rd., Middlefield Twp., Anthony & Jean Previte, 13760 Claridon Troy Rd., Burton Twp., Rajinder & Satwant Singh, 13340 Foxmoor Tr., Chester Twp., Donald Pausch, 12951 Heath Rd., Munson Twp., Thomas Heckman, 8995 Knotty Pine Ln., Hambden Twp., Timothy & Wanda Logsdon, 15371 Mayfield Rd., Huntsburg Twp., Aden & Dora Miller, 16945 Nauvoo Rd., Middlefield Twp., Allan & Rosanna Byler, 17460 Newcomb Rd., Parkman Twp., Ilene & Chris Ray, 11608 Parkway Rd., Munson Twp., Andrew & Barbara Miller, 16770 Peters Rd., Middlefield Twp., and Raymond Townsend, 16901 Pioneer Rd., Huntsburg Twp.

These cases are based on the failure to have a For Sale of Property Evaluation conducted at the time of property transfer as per Section 3701-29-22 of the Geauga County Household Sewage Disposal System Regulations.

3701-29-22(A) "An evaluation of a residential sewage system must be completed prior to the transfer of ownership of any parcel with said system. The evaluation shall be conducted by a member of the Health District and if necessary any corrective actions(s) required shall be accomplished within the time period(s) directed."

Dr. Bowers moved that a code violation exists at the properties owned by Daniel & Isabel Ciolek, 11580 Forest View Dr., Munson Twp., Lisa Petersen, 12415 Sperry Rd., Chester Twp., Daniel & Sherry Stech, 17203 GAR Hwy., Montville Twp., REO Investments, 13370 Green Dr., Chester Twp., John & Carly Snavely, 7383 Samuel Lord Dr., Bainbridge Twp., Daniel & David Miller, 14454 Bundysburg Rd., Middlefield Twp., Anthony & Jean Previte, 13760 Claridon Troy Rd., Burton Twp., Rajinder & Satwant Singh, 13340 Foxmoor Tr., Chester Twp., Donald Pausch, 12951 Heath Rd., Munson Twp., Thomas Heckman, 8995 Knotty Pine Ln., Hambden Twp., Timothy & Wanda Logsdon, 15371 Mayfield Rd., Huntsburg Twp., Aden & Dora Miller, 16945 Nauvoo Rd., Middlefield Twp., Allan & Rosanna Byler, 17460 Newcomb Rd., Parkman Twp., Ilene & Chris Ray, 11608 Parkway Rd., Munson Twp., Andrew & Barbara Miller, 16770 Peters Rd., Middlefield Twp., and Raymond Townsend, 16901 Pioneer Rd., Huntsburg Twp. Mrs. Livers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Ms. Eppich moved that Daniel & Isabel Ciolek, 11580 Forest View Dr., Munson Twp., Lisa Petersen, 12415 Sperry Rd., Chester Twp., Daniel & Sherry Stech, 17203 GAR Hwy., Montville Twp., REO Investments, 13370 Green Dr., Chester Twp., John & Carly Snavely, 7383 Samuel Lord Dr., Bainbridge Twp., Daniel & David Miller, 14454 Bundysburg Rd., Middlefield Twp., Anthony & Jean Previte, 13760 Claridon Troy Rd., Burton Twp., Rajinder & Satwant Singh, 13340 Foxmoor Tr., Chester Twp., Donald Pausch, 12951 Heath Rd., Munson Twp., Thomas Heckman, 8995 Knotty Pine Ln., Hambden Twp., Timothy & Wanda Logsdon, 15371 Mayfield Rd., Huntsburg Twp., Aden & Dora Miller, 16945 Nauvoo Rd., Middlefield Twp., Allan & Rosanna Byler, 17460 Newcomb Rd., Parkman Twp., Ilene & Chris Ray, 11608 Parkway Rd., Munson Twp., Andrew & Barbara Miller, 16770 Peters Rd., Middlefield Twp., and Raymond Townsend, 16901 Pioneer Rd., Huntsburg Twp. be required to schedule and complete a For Sale of Property evaluation and/or obtain the necessary permits permit and install a new sewage disposal system within 30 days of receipt of Board order. Failure to do so will result in referral to the prosecutor's office for legal action. Mrs. Livers seconded the motion. Motion

carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

IX Old Business

There was no old business.

X. Executive Session

Mrs. Livers moved to adjourn for Executive Session at 9:00 pm to discuss Personnel in regards to the Health Commissioner's contract and Employee FMLA leave. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes. Meeting reconvened at 9:50 pm.

XI New Business

Dr. Bowers moved 8.09-1 to approve the FMLA Leave for Tammy Hawn effective August 18, 2009 for a period of 12 weeks. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Mrs. Livers moved 8.09-2 to approve the payment to Treasure of State in the amount of \$2,466.75 for audit. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Ms. Eppich move 8.09-3 to approve the payment to the Public Entities Pool of Ohio in the amount of \$14,234.29 for liability insurance. Mrs. Livers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Mrs. Livers moved 8.09-4 to approve the transfer of \$300.00 from Other Expense to PERS in the Solid Waste fund. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Mr. Goergen moved 8.09-5 to approve the CFHS Budget Revision as presented. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Mrs. Livers moved 8.09-6 to approve the PHEP Budget Revision as presented. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Dr. Bowers moved 8.09-7 to adopt the change to Section B of the Geauga County Personnel Policy as presented. Mrs. Livers seconded the motion. Discussion ensued regarding the change. Mr. Goergen moved to table the adoption of the change to Section B. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Mrs. Livers moved 8.09-8 to approve the contract to lease a copier (vendor to be determined later) in an amount not to exceed \$249.00 per month (including copies/month) pending prosecutor's approval. Ms. Eppich seconded the motion. Motion carried with a roll

call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Ms. Eppich moved 8.09-9 to approve the contract for a part-time assistant (no more than 30 hrs/week) fro the Public Health Emergency Response (PHER) grant (H1N1 Planning grant) at a rate not to exceed \$20.00 per hour, pending prosecutor's approval. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Goergen, yes; Dr. Bowers, yes; Ms. Eppich, yes; and Mrs. Livers, yes.

Dr. Bowers moved 8.09-10 to amend section 10, second sentence, of the Health Commissioner's contract to read "He shall not engage in any other business or enterprise during the term of this agreement if such business or enterprise would conflict with his duties or pose a conflict of interest without notifying the Board and only as approved by the Prosecutor's office."

XII. Other Business

There was no other business.

XIII. Meetings

The regular meeting of the Board will be held September 21, 2009 at 7:00 p.m., 470 Center St., Bldg. 8, Chardon.

XIV. Adjournment

As there was no further business to come before the Board, **Dr. Bowers moved to adjourn the meeting at 10:02 p.m. Mrs. Livers seconded the motion. Motion carried with a unanimous vote.**

Respectfully submitted,

Robert K. Weisdack, R.S., M.A., M.P.H.
Secretary of the Board

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