

Geauga County General Health District
Board of Health Meeting Minutes
July 21, 2008, 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 7:02 p.m.

Board members present: Mr. J. David Benenati, Mr. Richard Lang, Dr. Donald Bowers, and Mr. Timothy Goergen. Ms. Melanie Eppich was not present.

Staff members present: Robert Weisdack, Health Commissioner; Peggy Scherer, Personal Health Services Director; Michael Tusick, R.S., and Alta Kress, Secretary Supervisor.

Others present: There were three other people present.

II. Pledge of Allegiance

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

III. Approval of Minutes

Mr. Lang moved that the minutes from the June 16, 2008 regular meeting be approved. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, abstain.

IV. Financial Report / Current Expenses

Mr. Lang moved to approve the Current Expenses June 11, 2008 to July 14, 2008. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

V. Environmental Health Program Update

A. Sewage Regulations Update

Mr. Weisdack reported that a meeting was held recently with Senator Grendell and many health commissioners and Environmental Health Directors from other counties. The newly proposed sewage regulations were discussed.

In the new rules, all sewage systems would be required to be inspected every 5 years. Each Health District would be required to have a devise a plan by 2014. Mr. Weisdack stated that the workload would probably quadruple. The new regulations allow for the outsourcing of the inspections, but still would be very costly for all the residents of Ohio.

Senator Grendell will be working very hard to keep these regulations from becoming law.

VI. Personal Health Services Update

Mrs. Scherer reported the child immunization clinics are busier. They have increased by 3% for the first half of the year.

The 2008-2009 flu season is being planned. They will be scheduled to begin in Mid-October. The drug representatives have assured the health district that there will be no delay in shipment.

Mrs. Scherer reported that United Way has a website that allows MRC volunteers to register. Mrs. Scherer indicated that a contract is required so that we may utilize this website

Geauga Hospital had their Maternity licensure inspection recently. There were few violations. The State was impressed with Geauga Hospital.

A. WIC

The WIC caseload is now at 880. They are expecting to exceed 900 clients within the next couple of months.

The Diaper Dash will be held again at the Geauga County Fair. It is set to be held on Thursday of the fair in front of the main grandstand. Geauga Credit Union is donating \$15.00 to the winners.

B. Health Education

The car seat checks that are being held have been well attended.

There are have been only 79 smoking complaints against 62 establishments so far this year. No one has been fined as of yet.

VII. Variance

A. Doug Hamilton

Doug Hamilton was present and sworn in by Mr. Benenati. Mr. Tusick was sworn in and stated his experience.

Mr. Tusick stated that this was a variance request by Doug Hamilton for the existing property located at 14641 Chestnut Dr., Newbury Twp. The request involves section 3701-29-02(K) of the Geauga County Household Sewage Disposal System Regulations which requires a sewage system to be 50' to a water well and 10' to the property line. (Written background information was provided to the Board for consideration in this case) Discussion followed.

Dr. Bowers moved to approve the variance as requested. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

VIII. Administrative Hearings

A. Debra Baxter, 15646 Ravenna Rd., Newbury Twp.

Neither Debra Baxter nor her attorney, Joe Weiss were present. Mr. Weisdack was sworn in by Mr. Benenati and stated his experience. This case was tabled from the June 2008 meeting

Mr. Weisdack stated that this is a code violation to the property owned by Debra Baxter located at 15646 Ravenna Rd., Newbury Twp. This case is in regards to the following sections:

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(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) 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."

Semi-Public Sewage Systems Rules:

52.10.01 states: "NUISANCE PROHIBITED – In accordance with the ORC Section 6111, no semi-public sewage system or part thereof shall create a nuisance such as, but not limited to, exposed septic sewage, noisome or offensive odors, or excessive noises."

52.10.02 states: "DISCHARGE – No person shall discharge, or permit to discharge treated or untreated sewage, overflow drainage or contents of a sewage tank, or other impure or offensive waste into any abandoned water supply, well, spring, or cistern, or into a natural or artificial well, sink hole, crevice, or other rock formations, or any normal ground water tables, except as prescribed by the Ohio EPA."

52.10.03 states: "DISCHARGE - No person shall discharge, or permit to discharge treated or untreated sewage, the drainage or contents of a sewage tank, or other component of the system, or offensive wastes onto the surface of the ground, into any street, road, alley, open excavation, or underground drain except as prescribed by the Ohio EPA."

52.10.04 states: "ABATEMENT – Any person who uses, occupies, establishes, or conducts a nuisance, or aids or abet therein, and the owner, agent, lessee of any interest in any such nuisance together with the persons employed in or in control of any such nuisance by any such owner, agent, or lessee is guilty of maintaining a nuisance and shall be enjoined as provided in Section 3767.03 to 3767.06, inclusive, of the Revised Code and Section 6121.041 of the ORC."

Mr. Weisdack stated that at a recent inspection it is noted that there is a restroom in the store along with a three-compartment food prep sink. There also are tenants in the house again. It appears that some work has been done at the property. A letter from Hess & Associates has been received by this office stating that they have been contracted by Ms. Baxter to do a site survey of the property.

Dr. Bowers moved that a code violation exists at the property owned by Debra Baxter located at 15646 Ravenna Rd., Newbury Twp. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved that the owner be required to obtain the sewage permit and install a new sewage disposal system within 120 days of receipt of Board order. Failure to do so will result in referral to the prosecutor's office for legal action. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

- B. John Hart; Thomas Lesuer; William Scott; Sandra Ksiazka; Mr. & Mrs. Jacob Weaver; Mr. & Mrs. Andrew Detweiler; Mr. & Mrs. Ervin Kauffman; Jack Scott & Kellie Demko; James Landon; Bell Street Realty; William Miller, Charles Bissler & Javier Bracho

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

Mr. Weisdack stated that this is a code violation to the properties owned by John Hart, 15675 Hayes Rd., Middlefield Twp.; Thomas Lesuer, 14719 Munnberry Oval, Newbury Twp.; William Scott, 16435 Nash Rd., Parkman Twp.; Sandra Ksiazka, 15490 Park View Dr., Newbury Twp.; Mr. & Mrs. Jacob Weaver, 16850 Newcomb Rd., Parkman Twp.; Mr. & Mrs. Andrew Detweiler, 17768 Pioneer Rd., Huntsburg Twp.; Mr. & Mrs. Ervin Kauffman, 16047 Shedd Rd., Parkman Twp.; Jack Scott & Kellie Demko, 11835 Tall Pines Dr., Munson Twp.; James Landon, 9115 Williams Rd., Hambden Twp.; Bell Street Realty, 9900 Bell St., Newbury Twp.; William Miller, Charles Bissler & Javier Bracho, 13864 Ravenna Rd., Newbury Twp. These cases are in regards to section 3701-29-22(A) of the Geauga County Health District Household Sewage Disposal System Regulations that states: "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 corrective action(s) required shall be accomplished within the time period(s) directed." The properties have had a For Sale of Property Evaluation paid for, but the owners never called to schedule. Discussion followed.

Dr. Bowers moved that a code violation exists at the properties owned by: John Hart, 15675 Hayes Rd., Middlefield Twp.; Thomas Lesuer, 14719 Munnberry Oval, Newbury Twp.; William Scott, 16435 Nash Rd., Parkman Twp.; Sandra Ksiazka, 15490 Park View Dr., Newbury Twp.; Mr. & Mrs. Jacob Weaver, 16850 Newcomb Rd., Parkman Twp.; Mr. & Mrs. Andrew Detweiler, 17768 Pioneer Rd., Huntsburg Twp.; Mr. & Mrs. Ervin Kauffman, 16047 Shedd Rd., Parkman Twp.; Jack Scott & Kellie Demko, 11835 Tall Pines Dr., Munson Twp.; James Landon, 9115 Williams Rd., Hambden Twp.; Bell Street Realty, 9900 Bell St., Newbury Twp.; William Miller, Charles Bissler & Javier Bracho, 13864 Ravenna Rd., Newbury Twp. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved that John Hart, 15675 Hayes Rd., Middlefield Twp.; Thomas Lesuer, 14719 Munnberry Oval, Newbury Twp.; William Scott, 16435 Nash Rd., Parkman Twp.; Sandra Ksiazka, 15490 Park View Dr., Newbury Twp.; Mr. & Mrs. Jacob Weaver, 16850 Newcomb Rd., Parkman Twp.; Mr. & Mrs. Andrew Detweiler, 17768 Pioneer Rd.,

Huntsburg Twp.; Mr. & Mrs. Ervin Kauffman, 16047 Shedd Rd., Parkman Twp.; Jack Scott & Kellie Demko, 11835 Tall Pines Dr., Munson Twp.; James Landon, 9115 Williams Rd., Hambden Twp.; Bell Street Realty, 9900 Bell St., Newbury Twp.; William Miller, Charles Bissler & Javier Bracho, 13864 Ravenna Rd., Newbury Twp. be required to schedule and complete a For Sale of Property evaluation and/or install a new sewage disposal system within 30 days of receipt of Board order. Failure to follow this order will result in referral to the Prosecutor's Office for legal action. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

- C. Mark Clemens, Mr. & Mrs. Reuben Byler, Brent Myers; Mr. & Mrs. Reuben Byler; Daniel Chuppa; Louis Soplata.; John Ferrara

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

Mr. Weisdack stated that this is a code violation to the properties owned by: Mark Clemens, 29 Louise Dr., S. Russell; Brent Myers, 13339 Hickory St., Chester Twp.; Mr. & Mrs. Reuben Byler, 16103 McCall Rd., Parkman Twp.; Daniel Chuppa, 14151 Chardon Windsor Rd., Claridon Twp.; Louis Soplata, 14504 Woodlawn Dr., Newbury Twp.; John Ferrara, 12640 Rockhaven Rd., Munson Twp.

These cases are in regards to section 3701-29-22(A) of the Geauga County Health District Household Sewage Disposal System Regulations that states: "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 corrective action(s) required shall be accomplished within the time period(s) directed." Discussion followed.

Mr. Goergen moved that a code violation exists at the properties owned by: Mark Clemens, 29 Louise Dr., S. Russell; Brent Myers, 13339 Hickory St., Chester Twp.; Mr. & Mrs. Reuben Byler, 16103 McCall Rd., Parkman Twp.; Daniel Chuppa, 14151 Chardon Windsor Rd., Claridon Twp.; Louis Soplata, 14504 Woodlawn Dr., Newbury Twp.; John Ferrara, 12640 Rockhaven Rd., Munson Twp. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved that Mark Clemens, 29 Louise Dr., S. Russell; Brent Myers, 13339 Hickory St., Chester Twp.; Mr. & Mrs. Reuben Byler, 16103 McCall Rd., Parkman Twp.; Daniel Chuppa, 14151 Chardon Windsor Rd., Claridon Twp.; Louis Soplata, 14504 Woodlawn Dr., Newbury Twp.; John Ferrara, 12640 Rockhaven Rd., Munson Twp. be required to make application, pay for, schedule, and schedule a For Sale of Property Evaluation and/or install a new sewage disposal system within 30 days of receipt of Board order. Failure to follow this order will result in referral to the Prosecutor's Office for legal action. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

- D. Charles Bissler

Charles Bissler was not present. Mr. Weisdack was sworn in again by Mr. Benenati and stated his experience.

Mr. Weisdack stated that this is a code violation to the property owned by Charles Bissler located at 13860 Ravenna Rd., Newbury Twp. This case is 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(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) 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." Discussion followed.

Dr. Bowers moved that a code violation exists at the property owned by Charles Bissler located at 13860 Ravenna Rd., Newbury Twp. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved that the owner be required to obtain the sewage 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. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

E. Scot Dragmen & Michele Gerhardt

Scot Dragmen was present and sworn in by Mr. Benenati. Mr. Weisdack and Mr. Tusick were sworn in again and stated their experience.

Mr. Weisdack stated that this is an alleged code violation to the property owned by Scot Dragmen & Michele Gerhardt located at 13970 Stanley Dr., Burton Twp. This case is 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 be discharged, 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 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."

3701-29-17(A) states: "The Health Commissioner may at any reasonable time during the course of construction or any time thereafter inspect any household sewage disposal system or part thereof, sample the effluent, or take any other steps which he deems necessary to insure proper compliance with regulations 3701-29-01 to 3701-29-21 of the Household Sewage Disposal System Regulations of the Geauga County General Health District. The Health Commissioner may utilize inspection reports or other data submitted or obtained from reliable sources to determine compliance." Discussion followed.

This case is in regards to a sewage nuisance complaint, which involves many homes on Stanely Dr. Mr. Dragmen's system was dye tested and the dye came out in the nuisance area. A sample well must be installed on Mr. Dragmen's discharge line so that it can be tested. Mr. Dragmen stated that he did not believe that his home is part of the complaint.

Dr. Bowers moved that a code violation exists at the property owned by Scot Dragmen & Michele Gerhardt located at 13970 Stanley Dr., Burton Twp. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved that the owner be required to install a sample well and connect the laundry to the sewage system within 30 days and schedule sampling within 60 days of receipt of Board order or install a new sewage system within 90 days of receipt of Board order. Failure to complete any of the above-mentioned items will result in referral to the prosecutor's office for legal action. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

F. Wassim Antoun/Affordable Auto

Wassim Antoun was not present. Deputy Mike Matsik was present and sworn in by Mr. Benenati. Mr. Weisdack was sworn in again and stated his experience.

Mr. Weisdack stated that this is an alleged code violation to the property owned by Wassim Antoun/Affordable Auto Parts & Wrecking located at 7071 Ledge Rd., Thompson Twp. This case is in regards to section 3734.03 of the Ohio Revised Code which states: "'Solid Waste' means such unwanted residual or semi-solid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris non-toxic fly ash, spent non-toxic foundry sand, slag, and other substances that are not harmful or inimical to public health and include, but are not limited to, garbage, tires, combustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste or hazardous waste."; and to the Ohio Administrative Code sections 3745-27-60(B) and 3745-27-61(A) regarding scrap tires. Discussion followed.

During a recent Commissioner's Hearing, Mr. Antoun agreed to a timeline to clean up the solid waste and scrap tires. Minimal progress has been made and the timeline has expired.

Mr. Lang moved that a code violation exists at the property owned by Wassim Antoun located at 7071 Ledge Rd., Thompson Twp. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Dr. Bowers moved that the owner be required to remove all solid waste and submit receipts within 21 days of receipt of Board order. In addition, the owner is required to remove 1000 tires per month. If the owner fails to remove 1000 tires per month, the case will be referred to the prosecutor's office and to the Geauga Trumbull Solid Waste District officer for legal action. Mr. Lang seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

IX. Old Business

A. Financial Update

Mr. Weisdack reviewed the current financial reports with the Board. We are on track as far as revenue and expenses are concerned. There is a slight increase in revenue for sewage, however, we are very low in Private Water. Mr. Weisdack stated he would be watching the finances very closely.

B. Levy Committee Update

Mr. Benenati reported that 5 people attended the first committee meeting and only 4 attended the second one. Chris Livers suggested at the meeting that a fact sheet be put together describing the services of the Health District. Mr. Benenati stated he would be working on the fact sheet for the next meeting.

X. Executive Session

Mr. Lang moved to adjourn to Executive Session at 9:50 p.m. to discuss employment of personnel and legal updates. Mr. Goergen seconded the motion. Motion approved with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes. Meeting reconvened at 10:23 p.m.

XI. New Business

Mr. Lang moved 7.08-1 to approve the contract with Geauga Family First Council to provide newborn home visits under the Help Me Grow program. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Dr. Bowers moved 7.08-2 to approve the purchase of flu vaccine for the 2008-2009 season in an amount not to exceed \$18,000.00. Mr. Goergen seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved 7.08-3 to approve the contract with United Way Services of Geauga County to coordinate volunteer referrals. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

Mr. Lang moved 7.08-4 to accept the resignation of Kathy Durchik, Disease Surveillance Specialist effective end of workday August 1, 2008. Mr. Goergen seconded

the motion. Motion carried with a roll call vote. Mr. Benenati, yes; Mr. Lang, yes; Dr. Bowers, yes; and Mr. Goergen, yes.

The Board indicated to Mr. Weisdack not to advertise for the Disease Surveillance Specialist position until he is sure of the financial situation at the Health District.

XII. Other Business

There was no other business

XIII. Meetings

The regular meeting of the Board will be held Monday, August 18, 2008 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 10:25 p.m. Mr. Goergen 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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