

Geauga County General Health District
Board of Health Meeting Minutes
October 16, 2006, 7:00 p.m.
Geauga County Health District Office
470 Center Street, Bldg. 8, Chardon, OH 44024

I. Call to Order

Mr. Richard Lang, President, called the monthly meeting of the Geauga County Board of Health to order at 7:06 p.m., and stated the meeting was being held to conduct the regular business of the Board.

Board members present: Mr. Richard Lang, Mr. J. David Benenati, and Ms. Melanie Eppich. Mrs. Nan Burr arrived during the PHS report. Dr. Donald Bowers arrived during the EH report.

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

Others present: Thirteen others were present.

II. Pledge of Allegiance

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

III. Approval of Minutes

Mr. Benenati moved that the minutes from the September 18, 2006 meeting be approved. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; and Ms. Eppich, abstained.

IV. Financial Report/Current Expenses

The Board members reviewed the September financial report for all funds. **Mr. Benenati moved to approve the Current Expenses September 12, 2006 to October 6, 2006. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; and Ms. Eppich, yes.**

V. Environmental Health Program Update

Mr. Weisdack presented the Board with a copy of the new sewage regulations with the additions that he and the staff feel are needed. He also presented the Board with a fee schedule which will be effective January 1, 2007, after three readings and publication.

Beginning January 1, 2007, any money received for the sewage program must be put into a separate fund. Sewage funds no longer will be used for programs other than sewage.

A. Sanitary Sewer Policy

At the September 2006 Board meeting, the Board asked Mr. Weisdack and Mr. Tusick to come up with a decision tree, based on a timeline and set of assumptions to make a

decision on homes in areas of probable sanitary sewer installation. Mr. Weisdack provided a flowchart to the Board showing how the procedure would take place.

VI. Personal Health Services Update

Mrs. Scherer reported that the PHS staff are still planning the large flu clinics. They have asked people to pre-register. ODH has stated that they will be shipping a percentage of the flu vaccine around October 23rd. There will be no priority shipments to any LHD who have scheduled flu clinics early.

A. WIC

WIC recently relocated their Middlefield clinic. The relocation went very well with little impact on the clients. They were notified well ahead of the relocation.

B. Health Education

The Obesity Taskforce has been brainstorming. They will continue to meet and will be checking on other resources available and if any other agencies would be interested in participating.

VII. Variances

A. Fincham Soil Service/Che & Rebecca Scott

Neither Fincham Soil Service or Che & Rebecca Scott were present. Mr. Tusick was sworn in and stated his experience.

Mr. Tusick stated that this was a variance request by Fincham Soil Service in behalf of Che and Rebecca Scott for the existing property located at 16565 Mayfield Rd., Huntsburg Twp. The request involves the following sections of the Geauga County Household Sewage Disposal System Regulations: 3701-29-02(G) which pertains to off-lot discharge; section 3701-29-02(K) which requires a sewage system to be 50' to a water well and 10' to the property line and section 301-28-10(G) of the Private Water System Rules which requires a well to be 50' to a sewage system. (Written background information was provided to the Board for consideration in this case) Discussion followed.

Mrs. Burr moved to approve the variance with the addition that the water well must be brought up to code. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

B. Father & Son Septic/Doug & Rebecca Hamilton

Shawn Powers and Doug Hamilton were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Father & Son Septic in behalf of Doug and Rebecca Hamilton for the existing property located at 11393 Park Ln., Newbury Twp. The request involves the following sections of the Geauga County Household Sewage Disposal System Regulations: 3701-29-02(G) which pertains to off-lot discharge; section 3701-29-02(K) which requires a sewage system to be 50' to a water well and 10' to the property line and

section 301-28-10(G) of the Private Water System Rules which requires a well to be 50' to a sewage system. (Written background information was provided to the Board for consideration in this case) Discussion followed.

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

C. Jennifer Dinardo

Jeff Szuter and Frank Dinardo were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Jennifer Dinardo for the vacant property located at 8608 Kirkwood Dr., Chester Twp. The request involves section 3701-29-02(H) of the Geauga County Household Sewage Disposal System Regulations which requires a replacement area. (Written background information was provided to the Board for consideration in this case) Discussion followed.

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

D. Colin Cooper/Sylvia Kruse

Colin Cooper was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Colin Cooper in behalf of Sylvia Kruse for the existing property located at 7397 Ober Ln., Bainbridge Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

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

E. Paul Ogint/Bill & Michelle Hagerty

Paul Ogint and Bill and Michelle Hagerty were not present. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Paul Ogint in behalf of Bill and Michelle Hagerty for the existing property located at 12001 Butternut Rd., Newbury Twp. The request involves section 3701-29-02(C) of the Geauga County Household Sewage Disposal System Regulations which pertains to more than one house on a lot. (Written background information was provided to the Board for consideration in this case) Discussion followed.

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

F. Auburn Bainbridge Exc./Angela Vecchio

Lewis Tomsic Jr. and Angela Vecchio were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Auburn Bainbridge Exc. in behalf of Angela Vecchio for the vacant property located at 9841 South Blvd., Auburn Twp. The request involves section 3701-29-02(G) of the Geauga County Household Sewage Disposal System Regulations which pertains to off-lot discharge. (Written background information was provided to the Board for consideration in this case) Discussion followed.

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

G. The Potter's Company/Jerry Elliott

Steve Tricamo and Jerry Elliott were present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by The Potter's Company in behalf of Jerry Elliott for the existing property located at 15950 Jug St., Burton Twp. The request involves the following sections of the Geauga County Household Sewage Disposal System Regulations: Section 3701-29-02(G) which pertains to off-lot discharge; Section 3701-29-02(C) which states each system shall serve one dwelling on an individual lot; and Section 3701-29-02(D) which requires a surface or subsurface sand filter following an aerobic treatment system or other device approved by the Ohio Department of Health to provide additional treatment so that the requirement of regulation 3701-29-02(G)(3) will not be exceeded. (Written background information was provided to the Board for consideration in this case) Discussion followed.

After much discussion, no determination was made on this variance.

Mrs. Burr moved to table the variance until the November 2007 Board meeting. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

H. Jim Brace/Randy Perotti

Jim Brace was present and sworn in by Mr. Lang. Mr. Tusick was sworn in again.

Mr. Tusick stated that this was a variance request by Jim Brace in behalf of Randy Perotti for the existing property located at 16619 Thompson Rd., Thompson Twp. The request involves the following sections of the Geauga County Household Sewage Disposal System Regulations: 3701-29-02(G) which pertains to off-lot discharge; section 3701-29-02(K) which requires a sewage system to be 50' to a water well and 10' to the property line and section 301-28-10(G) of the Private Water System Rules which requires a well to be 50' to a sewage system. (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. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

VIII. Administrative Hearings

A. Robert Alfieri

Robert Alfieri was not present. Mr. Weisdack was sworn in by Mr. Lang and stated his experience.

Mr. Weisdack stated that this is a code violation to the property owned by Robert Alfieri located at 12841 Wellswoods Trail., Chester Twp. The case involves section 3701-29-22(A) of the Geauga County Household Sewage Disposal System Regulations which states: "Any person proposing to sell or offering to sell or transfer to a parcel of property that has an existing residential sewage disposal system must have the system evaluated before such sale or transfer takes place."

Dr. Bowers moved that a code violation exists on the property owned by Robert Alfieri located at 12841 Wellswoods Trail., Chester Twp. Mr. Benenati seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved that the owner be required to contact this department and pay for and schedule a For Sale of Property evaluation within 14 days of receipt of Board order. Failure to follow this order will result in referral to the Prosecutor's office for legal action. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, and Ms. Eppich, yes.

IX. Old Business

There was no old business.

X. Executive Session

Mrs. Burr moved to adjourn to Executive Session at 9:40 p.m. to discuss the Health Commissioner's evaluation and pending litigation. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes. Meeting reconvened at 10:30 p.m. Mr. Lang stated no action would come as a result of Executive Session.

XI. New Business

Mrs. Burr moved 10.06-1 to approve the 3rd Quarter Grant Reimbursement to BOH as follows: WIC, \$25,455.89; CFHS, \$16,261.42; PHI, \$33,203.33; and IAP, \$7,072.66. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-2 to approve the transfer of funds from Equipment in the amount of \$11,000.00 as follows: Supplies, \$2,000.00; Travel, \$3,000.00 and Other Expense, \$6,000.00. Dr. Bowers seconded the motion. Motion carried with a roll call

vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-3 to certify and appropriate IAP 2006 Grant funds in the amount of \$2,000.00 pending Notice of Award from ODH. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-4 to approve the IAP 2006 budget revision as presented. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-5 to approve the IAP 2007 budget pending ODH approval. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-6 to certify and appropriate IAP 2007 funds in the amount of \$25,000.00, pending notice of award from ODH. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-7 to approve the 1st reading of the proposed Household Sewage Treatment System Regulations. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-8 to approve the 1st reading of the proposed fees for the Household Sewage Treatment System program. Dr. Bowers seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

Mrs. Burr moved 10.06-9 to approve the elimination of the Support Services Director position. Ms. Eppich seconded the motion. Motion carried with a roll call vote. Mr. Lang, yes; Mr. Benenati, yes; Dr. Bowers, yes; Mrs. Burr, yes; and Ms. Eppich, yes.

XII. Other Business

A. Health Commissioner's Conference

The AOHC conference was heavily focused on emergency preparedness and how it effects the local health departments. Clemans-Nelson had a presentation on how local and state laws and policies can affect the pandemic flu planning. The open meeting law can be a hindrance because it requires the Board of Health only make decisions in a public forum. In the time of a pandemic emergency the Board should be able to make decisions via conference phone to limit public gatherings. Another problem could be public records law. All of our flu planning would be public record. Because when we are making these plans, we must think of it as "worst case scenario", if all these plans were to become public it could cause some panic, or hard feelings, etc. in the communities.

The exception to public record law is anything that has to do with bioterrorism planning. Clemans-Nelson said that if we consider the pandemic flu plan could be used during a bioterrorism event, it could be a protected document.

The Fair Labor Standards indicate that you cannot ask the Health District employees to volunteer to do their job that they are normally paid for during an emergency. They have to be paid for it.

There are some policies on the books that help us. Substitute State Bill 9 allows the BOH to contract with Ohio Community Service Council for assistance with obtaining volunteers. Revised Section 3709.30 allows the health department, in the time of an epidemic or threatened epidemic, to apportion unfunded costs back to the townships. None of the county auditors have had to deal with this. Clemans-Nelson suggested we build this into our drill so that in the event of an emergency the Auditor will have some idea what to do. Most counties have not set up an emergency fund such as the Geauga County Health District has set up (Public Health Emergency fund).

Revised Code 4167.06 states that a public health employee can refuse to work if the employee feels the job is too dangerous, unless it is a condition that normally exists for that position. Clemans-Nelson suggested revising job descriptions to indicate any possible dangers (exposure to blood borne pathogens, etc.) that an employee may be exposed to in their day to day work.

There were many suggestions made by Clemans-Nelson regarding the different laws that should be looked at that would cover emergency situations, and also questions that should be asked of local commissioners and attorney generals that might raise their awareness.

XIII. Meetings

The regular meeting of the Board will be held Monday, November 13, 2006 at 7:00 p.m., in the Environment Health lobby at 470 Center Street, Building 8, in Chardon, Ohio.

The regular meeting of the Board will be held Monday, November 13, 2006 at 7:00 p.m., in the Atrium outside the Environmental Health office at 470 Center St., Building 8, in Chardon, Ohio.

XIV. Adjournment

As there was no further business to come before the Board, **Mrs. Burr moved to adjourn the meeting at 10:50 p.m. Ms. Eppich seconded the motion. Motion carried with a unanimous vote.**

Respectfully submitted,

Robert K. Weisdack, RS, MA, MPH
Secretary of the Board