

Clermont County General Health District
Board of Health Meeting

The monthly meeting of the Clermont County Board of Health was held on February 9, 2011. Andrew Crum, Vice President, called the meeting to order at 6:30 p.m. Mr. Crum led the Board members and guests in the Pledge of Allegiance.

Roll Call:	Dr. William Miller, present	Dr. Janet Rickabaugh, present
	Andrew Crum, present	Larry Cadwallader, present

Others present included: Marty Lambert, Health Commissioner; Julianne Nesbit, Assistant Health Commissioner; James Kaya, M.D., Medical Director; Robert Wildey, Director of Water and Waste; Rob Perry, Director of Environmental Health; Deena Elliott, Director of Nursing; Kevin Jester, Director of Plumbing; Donna Hart, Fiscal Officer; and others as listed on Attachments #1 & #2.

Black Water Holding Tank Requests and Extension – All homeowners had not reported and this item was deferred until later in the meeting.

Homeowner Request to Waive Remediation Application Fee – Ms. Lambert presented the variance submitted by the owner of the property at 1797 US Route 52. The owner requested approval to waive the cost of the remediation application fee for the failing leach line system that serves this residence. Ms. Lambert stated that this matter is complicated in that the leach line system is located on a neighbor's property so the nuisance is on the neighbor's property. Ms. Lambert stated that she had recommended that the homeowner file a no-charge variance to make his request to waive the fee. Ms. Lambert stated that she did not recommend approval of this variance given the fact that the property was rental property and that the system was actually on the neighbors lot. Ms. Lambert informed the Board that there is an old ATU on the property that is not currently functioning and that it may be able to be put into operation.

Mr. Hayward addressed the Board and stated that he had received a Notice of Violation that stated there was a sewage problem on the property and that the next step was to apply for a replacement or a remediation application. Mr. Hayward stated that he could not afford to pay the \$400 application fee because he is not making any money from this property. He further stated that his renters have no money and that he is not going to evict them. Mr. Hayward would like information on what is wrong with the system so he can attempt to fix the problem himself but he doesn't have \$400 to find out what he needs to do.

Ms. Lambert explained that the \$400 application fee paid for the extensive time involvement of Health District staff needed to develop the steps of the remediation process. Ms. Lambert informed the Board that Mr. Hayward was not eligible for CDBG funding because this property was not owner occupied.

Ms. Lambert stated to Mr. Hayward that repairs to the existing leach line system may be very expensive and would require an easement from the owner of the neighboring property.

Mr. Hayward agreed that the easement and expense were valid concerns but that he could not move forward to eliminate the nuisance until he knew what needs to be done.

Ms. Lambert stated that the nuisance must be eliminated and that there were several options. The first option is to vacate the house. The second option is to obtain the remediation application and begin the process of repairing/replacing the old leach bed system. The third option would be to see if the existing ATU could be put back into service. This could be done under an alteration permit which would cost \$105.00.

Mr. Crum stated to Mr. Hayward that he needs to get the knowledge and to fix the problem. Mr. Crum asked Mr. Hayward if he would be able to afford the needed repairs.

Mr. Hayward stated that if the sewage system needs to be replaced he cannot afford to replace it.

Ms. Lambert explained to the Board that the first step in a remediation that is sometimes recommended is to apply a sand and soil cap. However, Health District technicians do not believe that in this case the sand and soil cap will work because of the size of the problem area. She indicated that it's often difficult to get renters to minimize water usage which is a big problem for these older systems.

Mr. Hayward suggested removing the laundry facility from the home to help eliminate the problem.

Mr. Wildey stated that a sand and soil cap should only be considered if the laundry facility was removed from the home. Mr. Wildey stated that he realized that Mr. Hayward was trying to help the tenants but that permission would need to be obtained from the neighbor's before repairs were started. Mr. Hayward stated that the neighboring property owner knew the situation with the sewage system when he purchased the property 25 years ago.

Ms. Lambert suggested that a fourth option the Board could consider if Mr. Hayward was agreeable, was that the variance to waive the remediation application fee be abandoned and Mr. Hayward move forward with removal of the washing machine and putting a sand and soil cap over the area. Mr. Hayward indicated he was agreeable to this approach. Ms. Lambert emphasized that if this did not abate the nuisance then the system would need to be replaced or the home vacated.

Mr. Wildey stated that he would further discuss with Mr. Hayward water saving measures and sand and soil cap procedures that could be completed when the ground conditions are suitable.

Following a review of the variance request, Mr. Cadwallader made a motion to abandon the variance filed by Mr. Hayward and to proceed immediately to eliminate the laundry facility, to initiate water conservation practices and to proceed with a sand and soil cap when the weather allowed. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #3)

Citizen Presentation on Sewage Program – Mr. John Cann, on behalf of his brother Tracy Cann, read sections of a presentation prepared by Mr. Tracy Cann supporting his position that the BSA program is illegal. Mr. Cann feels that this inspection process is in violation of his Fourth and Fourteenth Amendment rights under the Constitution and presented proposals for changes in the program. Mr. Cann concluded his presentation stating that routine inspections were illegal and should be suspended until the rules were rewritten.

Ms. Lambert thanked Mr. Cann for his presentation and sharing his opinions and clarified that the Board had no actions pending on this issue.

Mr. Crum asked Mr. Cann if he was aware of what would happen if the BSA program was stopped. Mr. Crum stated that the effect of malfunctioning systems would greatly impact both the health of residents and the environment.

Ms. Lambert stated that the regulations of the Board are approved by the Prosecutor's office and that the BSA program is believed to be in compliance with the Ohio Revised Code and Ohio Administrative Code.

Mr. Crum thanked Mr. Cann for sharing his viewpoints with the Board.

Black Water Holding Tank Requests and Extension – Ms. Lambert reported that the homeowners listed below were requesting approval to use a blackwater holding tank until such time as the soil conditions were favorable for the completion of the septic system.

Ms. Lambert noted that paperwork for all homeowners who was requesting renewal for their blackwater holding tank variance was in order.

Dr. Rickabaugh made a motion to grant a 1 month extension for the blackwater holding tank renewal for homeowners listed below.

- 1.) Stubbe – 3517 Nordyke Road, Pierce Twp. (15-V-09)
- 2.) Payne – 6555 Goshen Road, Goshen Township (28-V-10) (Renewal)
- 3.) McCarty – 2863 State Route 132, Ohio Township (29-V-10)

The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. Homeowners will receive a letter indicating the terms and conditions of their variance renewal.

NEW BUSINESS:

1) Personnel Issues

a) Registered Sanitarian Status for Megan DeLane - Ms. Lambert informed the Board that Megan DeLane, Environmental Health Division, had received the status of Registered Sanitarian. She recommended the Board grant the customary salary adjustment with an effective date of February 7, 2011.

Dr. Rickabaugh made a motion to grant Megan DeLane the customary salary adjustment, effective February 7, 2011, for attaining the status of Registered Sanitarian. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment # 4)

2) Revision of Personnel Policy 11.2 Involuntary Termination – Ms. Lambert presented the revision to section 11.2 of the personnel policy. She related that the current policy did not include all of the changes to the Ohio Revised Code made in 2007.

Mr. Cadwallader made a motion to revise section 11.2 of the personnel policy to reflect Ohio Revised Code changes made in 2007. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #5)

3) 3rd Reading of Resolution Establishing Revised License Fees for Swimming Pools, Spas and Special Use Pools – Ms. Lambert conducted the 3rd reading of the Resolution Establishing Revised Fees for Swimming Pools, Spas and Special Use Pools by title only.

4) Adoption of Resolution Establishing Revised License Fees for Swimming Pools, Spas and Special Use Pools – Dr. Rickabaugh made a motion to adopt Resolution 17-10 establishing revised fees for Swimming Pools, Spas and Special Use Pools. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #6)

5) 3rd Reading of Resolution for Establishing Process for Board of Health Hearings and Financial Hardship Variances – Ms. Lambert conducted the 3rd reading of the Resolution for Establishing Process for Board of Health hearings and financial hardship variances by title only. Ms. Lambert stated that one comment had been received but no additional comments had been received since the modified version had been introduced.

6) Adoption of Resolution Establishing Process for Board of Health Hearings and Financial Hardship Variances – Mr. Cadwallader made a motion to adopt Resolution 18-10 establishing process for Board of Health hearings and financial hardship variances. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #7)

7) Proposed 2012 Budget – Ms. Lambert presented an overview of the proposed Health District budget for 2012. She related that it was a very conservative budget proposal due to the fact that the Health District will likely get less from State Subsidy and that the Manufactured Home Park program may be gone in 2012. Ms. Lambert noted that due to the continuing state of the economy, she was recommending no increase in the contributions from the Township and Villages. Mr. Cadwallader asked if there was any plan to purchase new vehicles. Ms. Lambert stated that there was currently no plan to purchase new vehicles but that may happen at the end of 2011. Ms. Lambert stated that the Health District is very conservative with repairs and is keeping all vehicles safe to drive but are having no unnecessary repairs done such as air conditioning.

Mr. Crum asked if any new grants would be available for 2012. Ms. Lambert stated that she feels that there may be less money in grants in the near future.

Following a review of the proposal, Dr. Rickabaugh made a motion to approve the Health District's 2012 budget as proposed. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment # 8)

8) National Public Health Performance Standards Program and Approval to proceed with Accreditation – Ms. Nesbit presented a plan mapping out Health District steps for completing the CDC's National Public Health Performance Standards Program. Ms. Nesbit further stated that this instrument is required to be completed by the Ohio Department of Health no later than 2013.

Ms. Lambert stated that this plan includes a one day event with local partners and a budget of \$500.00 for facility rental and refreshments.

Dr. Miller made a motion to approve proceeding with the proposed plan for completing the CDC's National Public Health Performance Standards Programs which includes a budget of \$500.00. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Ms. Nesbit briefly discussed the concept of national accreditation for local and state health departments. Ms. Lambert asked the Board for approval to begin the process of pursuing accreditation. Ms. Lambert stated that at this time she requested approval for support of the concept and not of any specific timeline, actions or the commitment of any specific funds other than for personnel. She indicated it would likely be a five year process.

Mr. Cadwallader made a motion to support the concept of seeking accreditation and to approve staff developing a plan and a timeline for achieving accreditation. Dr. Rickabaugh seconded the motion. The vote was all aye, motion carried. (Attachment #9)

9) OVAT – Continuous Quality Improvement Application and Letter of Support – Ms. Nesbit gave a brief overview of a proposal she had prepared for submittal to the Ohio Voluntary Accreditation Team. The \$10,000 grant would support in depth training and support in continuous quality improvement. A Health District team would identify a project to complete using the tools learned.

Ms. Lambert requested that the Board approve the OVAT grant application in the amount of \$10,000.00.

Mr. Cadwallader made a motion to approve applying for the OVAT – Continuous Quality Improvement grant. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #10)

10) CRC Contract – Ms. Lambert reported the Health District had received the contract for renewal of Nursing Division services provided to the Clermont County Recovery Center. Ms. Lambert requested the Board grant her approval to sign the contract.

Dr. Rickabaugh made a motion to grant the Health Commissioner approval to sign the contract with the Clermont Recovery Center. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #11)

11) Update of Hong Kong Wok – Mr. Perry stated that according to the inspecting sanitarian, Hong Kong Wok had accomplished many items. He stated that structural repairs had been attempted but to date were inadequate. Mr. Perry further stated that appropriate cooling of cooked food is still a problem and he feels that the additional training that Mr. Kwong is scheduled to attend in July may help. Mr. Perry also stated that the non-commercial grade freezer had been removed from the facility.

Mr. Crum asked Mr. Perry if there was a plan in place if the structural repairs were not completed by April. Mr. Perry stated that Hong Kong Wok would be cited to appear at the next scheduled Board of Health meeting if repairs were not completed.

Ms. Lambert stated that it does appear that Mr. Kwong is making an effort to comply.

12) Environmental Health Meeting Update – Mr. Perry stated that on January 13, 2011, Miami Market attended an administrative meeting concerning reduced oxygen packaging in the facility used to preserve chicken. The owners of Miami Market agreed to stop this type of processing.

Approval of Minutes – Mr. Crum asked if there were any additions or corrections to the minutes of the January 12, 2011 Board of Health Meeting. There were no additions or corrections.

Dr. Rickabaugh made a motion to approve the minutes of the January 12, 2011, Board of Health meeting. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Amended Certificate/Additional Appropriations – Ms. Lambert requested the Board approve an Amended Certificate/Additional Appropriation based on additional funding received from the Ohio Department of Health for the Local Public Health System Performance Management Capacity Project.

Dr. Rickabaugh made a motion to approve the Amended Certificate/Additional Appropriations. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #12)

Transfer – Ms. Lambert requested a cash transfer in the amount of \$3,400 from Fund 7329 to Fund 7313 due to an error made in a December, 2010 pay-in.

Mr. Cadwallader made a motion to approve the cash transfer in the amount of \$3,400. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #13)

Payment of Bills – Ms. Lambert presented the Health District's bills for consideration. Following the Board's review, Mr. Cadwallader made a motion to pay the bills as presented. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #14)

OLD BUSINESS:

1) Public Health Nuisances/Code Violations – Ms. Lambert presented the addresses of 7 properties to be considered public health nuisances/code violations.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment # public health nuisances/code violations and if corrections are not made within the allotted time, to refer the cases to the Health District's legal counsel for appropriate action. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #15)

Other Information

1) Ms. Lambert stated that it was time for the 2010 audit and requested that the Board sign the conflict of interest questionnaires.

2) Ms. Lambert stated that there was a great turn-out at Ralph Benson's retirement party.

3) Ms. Lambert stated that sewerage the Village of Newtonsville continues to be discussed with the Board of County Commissioners. The Health District will begin dye tests on each home in the village in the next few months in order to obtain accurate data.

4) Doctor Miller is not going to seek reappointment to the Board of Health after 33 years of service. The March, 2011 Board of Health meeting will be his last meeting.

Personnel Issues – At 7:55 p.m. Mr. Cadwallader made a motion to go into Executive Session to discuss personnel issues. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

At 8:00 p.m. Dr. Rickabaugh made a motion to return to Regular Session. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Dr. Rickabaugh made a motion to proceed with hiring a 32 hour per week breastfeeding peer. Dr. Miller seconded the motion. The vote was all aye, motion carried.

Mr. Crum asked Ms. Lambert if information could be provided to Mr. Cann regarding what the potential health risks could be for county residents if the BSA program was stopped.

Ms. Lambert stated that she would request Mr. Edwards of the Prosecutor's Office to write a response to Mr. Cann stating that the BSA program was in compliance with the Ohio Revised Code and Ohio Administrative Code.

Mr. Cadwallader made a motion for the Health Commissioner to request a letter from the County Prosecutor's Office to Mr. Cann stating the the BSA program was in compliance with Ohio Revised Code

and Ohio Administrative Code. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:05 p.m. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT
PRESIDENT

ANDREW CRUM, V-

DR. WILLIAM MILLER

DR. JANET RICKABAUGH

LARRY CADWALLADER

Respectfully Submitted