

**Clermont County General Health District
Board of Health Meeting**

The monthly meeting of the Clermont County Board of Health was held on March 11, 2009. James Hansbauer, President, called the meeting to order at 7:30 p.m. Mr. Hansbauer led the Board members and guest in the Pledge of Allegiance.

Roll call: James Hansbauer, present 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; Dr. James Kaya, Medical Director; Kevin Jester, Director of Plumbing; Deena Elliott, Director of Nursing; Robert Wildey, Director of Water & Waste; Rob Perry, Director of Environmental Health; Donna Hart, Administrative Assistant; and others as listed on Attachment #1.

Blackwater Holding Tank Request & Extensions - (#1) - Ms. Lambert noted that paperwork for homeowner #1 was in order and recommended the Board approve the blackwater holding tank renewal request for: 1) Callahan - 6897 Goshen Road, Goshen Township (31-V-03)

Dr. Miller made a motion to grant a 1 month extension for the blackwater holding tank renewal #1. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. The homeowner will receive a letter indicating the terms and conditions of the variance renewal.

Isolation Distance Variance Request – Ms. Lambert presented the variance request submitted by Steven Koehler for the property located at 2056 West Road. Mr. Koehler requested approval to vary from the 10 ft. isolation distance requirement for the new storage building on his property. The building was placed approximately 5 ft. from the existing sand filter sewage disposal system. Health District staff had verified the placement of the building should not affect the operation of the sand filter system.

Following a review of the request and accompanying documentation, Dr. Rickabaugh made a motion to approve the isolation distance variance request for the property at 2056 West Road, Monroe Township (1-V-09), subject to all terms and conditions stipulated by the Health District. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

House of Billiards – Request to Change Date for Smoke-Free Workplace Hearing – Ms. Lambert informed the Board that the owner of House of Billiards had submitted a formal request for an administrative hearing but when he was informed of the pre-set hearing date, he indicated he would be unable to attend on that date due to previous travel plans. He indicated he would like to request a change in the date and was informed he would need to attend the March Board meeting to make a formal request. Ms. Lambert stated that although the owner seemed to have a legitimate reason for the date change request, he was not in attendance to make a formal request.

It was the consensus of the Board to table action on this issue until later in the meeting in order to give the owner ample time to appear.

New Business

1. Personnel Issues – There were no personnel issues to be brought before the Board.

2. Proposed Revision to Section 5.2 Vacation of the Personnel Policy - Ms. Lambert requested the Board approve a revision to Section 5.2 of the Personnel Policy relating to when prior service will be applied. The revision will clarify that it is a new employee's responsibility to provide timely proof of prior service and if they do not, vacation accrual at a rate including prior service would start at the date the proof was provided to the Health District. The revision also clarifies that prior service does not apply to employees who retire and are rehired.

Following a review of the proposed revision, Dr. Rickabaugh made a motion to approve the revision to Section 5.2 Vacation of the Health District's Personnel Policy. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #2)

3. Sewer Connection Extension for 4821 Summerside Road, Union Township - Ms. Lambert stated the owners of the property at 4821 Summerside Road, Union Township, were originally ordered to tie into sewers in 2005. Mr. and Mrs. Franchina applied for a variance and had been given an extension by the Board. When the new connection policy was modified in 2007 this property somehow missed being switched to a 6 year tie in schedule since it would require a cut or bore of the road to connect. Ms. Lambert reported that Mrs. Franchina applied for Septic Rehab Funds in 2008 and again in 2009 and although she did not income qualify for assistance through the program, during the review of the property file it was found the date to connect was not consistent with the adopted policy. Ms. Lambert requested the Board approve a revised tie-in date of 8/22/2011 to make the date consistent with the dates applied to similar properties.

Dr. Miller made a motion to adjust the order date to connect to sewers for the property located at 4821 Summerside Road, Union Township, to 8/22/2011, a date which will give the homeowner a sewer connection time frame of 6 years as specified in the Health District's guidelines. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

4. Proposed Revision to High Weeds Section of Public Health Nuisance Regulation – Ms. Lambert presented a proposed revision to the high weeds section of the Health District's Public Health Nuisance Regulation. She stated the revision would eliminate the wording that high weeds be cut once between June 1st and July 1st and once between August 1st and September 1st and replace it with wording that grass be cut between May 1st and October 1st if it exceeds 2 feet in overall height. Also added is wording to state that the owner of any lot who has been issued an order by the Clermont County General Health District to cut noxious weeds, rank vegetation and high grass on a lot, but has failed to comply with such orders by October 1st shall not be relieved of the duty to comply. Ms. Lambert noted that under the old regulation, property owners who did not comply with orders to abate a high weeds nuisance simply tried to wait out the enforcement dates.

It was the consensus of the Board to accept the proposed revision to the high weeds section of the Health District's Public Nuisance Regulations.

5. 1st Reading of Resolution Adopting Revised Public Health Nuisance Regulations - Ms. Lambert conducted the 1st reading of the resolution revising Section 8 – Miscellaneous of Public Health Nuisance Regulation 6-04 and renumbering the regulation to correspond to the Health District' revised 2008 numbering sequence.

6. Renewal of Contract with ODH for Specialty Pediatric Vision & Hearing Clinics - Ms. Lambert presented the renewal contract with ODH for the vision and hearing clinics conducted by the Health District. She noted that although the \$150 per clinic the Health District receives from ODH only covers a small portion of the cost for conducting these free clinics, it is a very important service provided to area children. Ms. Lambert requested the Board approve renewing the contract for 2009-2010.

Mr. Crum made a motion to approve the renewal contract with ODH for Specialty Pediatric Vision & Hearing Clinics for 2009 and 2010. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #3)

7. Approval to Enter Into Contract with Sewer District for I & I Inspections - Ms. Lambert reported that meetings had been held with representatives of the Sewer District, to discuss the possibility of the Sewer District contracting with the Health District for assistance with infiltration and inflow (I & I) inspections. She noted that the information obtained during these meetings relating to duties, reimbursement, etc., was not clear and she would be talking further with the Sewer District to clarify the issues in question. Ms. Lambert requested that since the I & I inspections should be started very soon, the Board grant her approval to enter into a contract with the Sewer District if a mutual agreement is reached. She stated that she would not consider entering into a contract for assisting with I & I inspections unless all costs, such as salary, benefits, vehicle expenses, etc., associated with the plumbing inspector were covered.

Mr. Crum made a motion to grant approval for the Health Commissioner to enter into a mutually agreeable contract with the Sewer District which would allow a plumbing inspector to assist with infiltration and inflow (I & I) inspections. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

8. Update on Jackson Township Housing Complaint - Ms. Lambert updated the Board on the status of a trash complaint involving a Jackson Township property. She reported the Health District investigated the complaint last fall and had issued a Notice of Violation (NOV) to the owner of record, the Veteran's Administration in Cleveland. After receiving no response to the NOV and making many phone calls, the Health District was told by the VA that they never accepted conveyance of the property in spite of the fact the property was legally conveyed to them. They stated the property was still owned by Wells Fargo, the original mortgage holder. When Wells Fargo was contacted they agreed that they owned the property and indicated they would look into the matter but to date have not resolved the trash issue. In addition, it is not clear if Wells Fargo knows the former owner is still living at the residence. Ms. Lambert related that the Jackson Township trustees are very frustrated with the issue and would like to have the problem resolved before hot weather. She stated that as a last resort she may recommend the Board take action to abate the nuisance and apply the cost to the property taxes as a lien. However, in light of the new information on Wells Fargo owning the property, Ms. Lambert felt Wells Fargo should be given the opportunity to address the issues as well as receiving proper delivery of a NOV.

Following a discussion of the issue, Mr. Cadwallader made a motion to send a Notice of Violation to Wells Fargo and a second Notice of Violation to the Veteran's Administration in Cleveland, Ohio for the property located at 5465 Marathon Edenton, Jackson Township, ordering abatement of the nuisance complaint. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

9. Response to Concerns Regarding Work At Home Policy – Ms. Lambert reported she had talked with Elizabeth Mason, Assistant Prosecuting Attorney, regarding the Board's concerns relating to Workers Comp issues if an employee was injured while working at home under the Health District's Emergency Work at Home Policy. Ms. Mason stated that employees would be covered for any injury if the employee was actually working on Health District duties. Ms. Lambert noted that Ms. Mason recommended the Health District have a process for well documenting work time while working at home, a process which has already been established in the Emergency Work at Home Policy.

Following a discussion of the issue, Mr. Crum suggested the policy should state clearly that the employee would only be covered by Workers Comp during the time they were actually doing Health District work and not for any other activities they may do while they were at home.

Ms. Lambert stated she would revise the language in the Emergency Work at Home Policy to clarify that an employee was only covered by Workers Comp during the actual time they are working on Health District activities. She will bring the revised policy back to the Board in April.

Approval of Minutes

Mr. Hansbauer asked if there were any additions or corrections to the minutes of the February Board of Health Meeting. There were no additions or corrections.

Mr. Cadwallader made a motion to approve the minutes of the February 11, 2009, Board of Health meeting. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried.

Payment of Bills – Ms. Lambert presented the Health District's bills for the Board's consideration. Following the Board's review, Mr. Crum made a motion to pay the bills as presented. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #4)

Amended Certificate/Additional Appropriation for the Infrastructure Fund – Dr. Rickabaugh made a motion to approve an amended certificate and additional appropriation in the amount of \$575 for the Infrastructure Fund. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #5)

Amended Certificate/Additional Appropriation for the PHHS (Injury Prevention) Fund – Mr. Crum made a motion to approve an amended certificate and additional appropriation in the amount of \$1,720 for the PHHS (Injury Prevention) Fund. The motion was seconded by Dr. Rickabaugh. The vote was all aye, motion carried. (Attachment #6)

OLD BUSINESS

1. Public Health Nuisances/Code Violations- Ms. Lambert presented the addresses of the 12 properties to be considered as public health nuisances/code violations. She noted there were 13 properties listed on the cover sheets but she had removed one of the properties from the list pending further investigation. Following a review of the files, Dr. Miller made a motion to declare the 12 properties listed on Attachment #7 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 Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #7)

2. Sewer Connection Notices – Ms. Lambert presented the list of property addresses to receive orders to connect to public sewers.

Following a review of the files, Dr. Rickabaugh made a motion to require the properties listed on Attachment #8 receive orders to connect to public sewers within the timeframe given each property. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #8)

Continued, House of Billiards – Request to change date for Smoke-Free Workplace Hearing – The owner of House of Billiards did not appear at the meeting. Following a discussion of the owner's verbal request to staff to change the date of the Smoke-Free workplace hearing for House of Billiards, it was the consensus of the Board to reschedule the hearing for April 29, 2009 at 9:00 a.m. at the Health District office on Bauer Road, Batavia, Ohio. The owner will be notified of the new hearing date.

Other Information:

Ms. Lambert informed the Board that she had met with Robert Sanders of Clermont County Human Resources Department regarding the possibility of the Health District joining the county for health benefits. She noted that it appears the premiums would be similar to those the Health District is currently paying. Ms. Lambert related that she would proceed with the issue and have additional information for the Board at the April meeting.

Ms. Lambert reminded the Board the District Advisory Council meeting is scheduled for March 19th at the Engineer's Office on Clermont Center Drive. She noted that Mr. Cadwallader's term on the Board of Health expires this year. Dinner will be served at 6:30 followed by the Township Association meeting at 7:00 and the District Advisory Council meeting at 7:45.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 8:02 p.m. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

ANDREW CRUM, V-PRESIDENT

DR. WILLIAM MILLER

LARRY CADWALLADER

DR. JANET RICKABAUGH

Respectfully Submitted