

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

The monthly meeting of the Clermont County Board of Health was held on May 10, 2006. James Hansbauer, President, called the meeting to order at 7:30 p.m. Mr. Hansbauer led the Board members and guests in the Pledge of Allegiance.

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| Roll call: | James Hansbauer, present | Dr. William Miller, present |
| | Carlos Hamilton, present | Andrew Crum, present |
| | Larry Cadwallader, present | |

Others present included: Marty Lambert, Health Commissioner; Julianne Nesbit, Assistant Health Commissioner; Rob Perry, Director of Environmental Health; Robert Wildey, Director of Water & Waste; Kevin Jester, Director of Plumbing; Deena Elliott, Director of Nursing ; Joy Kohlem, Fiscal Officer; and others as listed on Attachment #1. (Attachment #1)

Blackwater Holding Tank Variance Requests (#1 - 11) - Ms. Lambert informed the Board that there were 11 blackwater holding tank variance renewal requests and 2 new requests. Mr. Wildey reported that the homeowners requesting the renewals, with the exception of #7 Mason which has been finalized, had signed in and their paperwork was in order. Ms. Lambert recommended the Board approve the renewal requests for #'s 1,2,3,4,5,6,8,9,10,11.

- 1) Baker - 1811 Antioch Road, Tate Township (95-V-01)
- 2) Burns, 6002 Felicity Meadows, Franklin Township (27-V-06)
- 3) Dishion-3082 Sugartree, Tate Township (25-V-04)
- 4) Eaton & Diehl- 3310 Taylor Road, Wayne Township (8-V-06)
- 5) Frankhauser, 3576 Hoover Road, Tate Township (38-V-06)
- 6) Keeton, 3429 Concord Henning Mill Rd., Williamsburg Township (23-V-06)
- 8) Reese-4718 Creekstone Ridge, Goshen Township (2-V-06)
- 9) Sandker, 3555 Davis Farm Lane, Tate Township (22-V-06)
- 10) Socia, 4797 Burdsall Road, Jackson Township (33-B-06)
- 11) Callahan - 6897 Goshen Road, Goshen Township (31-V-03)

Mr. Crum made a motion to grant a 1 month extension for the blackwater holding tank renewals #'s 1,2,3,4,5,6,8,9,10,11. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. The homeowners will receive a letter indicating the terms and conditions of the variance renewals.

New Blackwater Holding Tank Variance Requests – Mr. Wildey reported that the 2 homeowners requesting approval to use blackwater holding tanks were present. Ms. Lambert recommended the Board approve the new blackwater holding tank variance requests, #'s 12 & 13

- 12) Fink -16047 Colonial Drive, Williamsburg Township (54-V-06)
- 13) Wetz, 1881 Seven Lands Drive, Goshen Township (57-V-06)

Dr. Miller made a motion to grant a blackwater holding tank variance to the new applicants, #'s 12 & 13.

The motion was seconded by Mr. Crum. The vote was all aye, motion carried. The homeowners each received a letter indicating the terms and conditions of the approval, including a reminder that all homeowners must obtain a temporary occupancy from the Building Department before they occupy their new home. Ms. Lambert also stressed to the homeowners they must attend and bring a copy of

their pump ticket to every Board of Health meeting until their system has been installed, inspected and has received a “yellow tag”.

HSTS Variance for Experimental Systems (#14 - 22) Ms. Lambert presented the experimental household sewage system variance requests submitted by the owners of properties located at:

14. 871 Carpenter Road, Miami Twp (46-V-06)
15. 2660 Harry Hill Drive, Tate Township (52-V-06)
16. 3324 Concord Hennings Mill, Williamsburg Township (61-V-06)
17. 3316 Concord Hennings Mill, Williamsburg Township (62-V-06)
18. 564 Locust Run Road, Pierce Township (43-V-06)
19. 847 South Riverside Drive, Batavia Township (45-V-06)
20. 724 Milford Hills, Miami Township (60-V-06)
21. 635 Hobby Horse Lane, Miami Township (55-V-06)
22. 4533 Dameron Lane, Union Township (56-V-06)

Following a review of the variances, Mr. Crum made a motion to approve the experimental system requests as presented, contingent on the homeowners’ agreement to all terms and conditions specified by the Health District. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

Request to vary from Board of Health Resolution 4-05 and Approval to Install Experimental Systems (#23– 26) – Ms. Lambert presented variances 48-V-06 and 59-V-06 requesting approval to vary from Resolution 4-05 which banned the use of discharging systems in the Phase II area and variances 48-V-06 and 58-V-06 requesting approval to install intermittent sand filters. She related that these were existing lots which the staff has verified will not accommodate any type of soil absorption system. Ms. Lambert noted that the staff supported the use of discharging systems in these circumstances but requested the homeowners work with an independent designer for confirmation.

Following a review of the variances, Mr. Hamilton made a motion to approve the requests to vary from Resolution 4-05 prohibiting the use of discharging systems and to allow the use of Intermittent Sand Filters, a discharging type of sewage treatment system, on the properties located at 1040 Bridle Bridge , Ohio Township (51-V-06) and (48-V-06) and 1723 Fox Tail Chase, Monroe Township (58-V-06) and (59-V-06), contingent on the homeowners’ agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

Isolation Distance Variance Requests (#27 & 28) – Ms. Lambert presented the isolation distance variance request submitted by Greg Linfert, the owner of 1337 Dorado Court, Pierce Township (49-V-06). The homeowner requested to vary from the 10 ft. isolation distance requirement for the proposed room addition. The proposed addition will be approximately 8 ft from the existing septic tank.

Following a review of the variance, Mr. Cadwallader made a motion to approve the isolation variance request for the property located at 1337 Dorado Court, Pierce Township (49-V-06) contingent on the homeowner’s agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

Ms. Lambert presented the isolation distance variance request submitted by George Driskell, the owner of 3383 Clover Road, Williamsburg Township (53-V-06). The homeowner requested to vary from the 10 ft isolation distance requirement for the proposed room addition. The proposed addition will be approximately 7 to 8 ft from the existing tank.

Following a review of the variance, Mr. Crum made a motion to approve the isolation variance request

for the property located at 3383 Clover Road, Williamsburg Township (53-V-06) contingent on the homeowner's agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Cadwallader. The vote was all aye motion carried.

29) Variance Request for Private Water System – Ms. Lambert presented the variance request submitted by Eric Allen for the property located at 5790 Stonelick Williams Corner. Mr. Allen requested approval to vary from the Ohio Revised Code Private Water System Rules which require a 24 inch manhole on underground cistern tanks. Mr. Allen proposed to use a tank with a 20 inch manhole opening.

Following a review of the variance, Dr. Miller made a motion to approve the variance request to allow the installation of an underground cistern tank with a 20 inch manhole opening on the property located at 5790 Stonelick Williams Corner (50-V-06), contingent on the homeowner's agreement to all terms and conditions specified by the Health District. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

30) Other Issue- Jaccolin Franchina, owner of 4821 Summerside Road, Union Township brought before the board a request for a four month extension to connect to sewers. She stated that she had received a letter from the Health District requiring her property be connected to public sewers but she had not submitted a variance to the Health District for an extension. Ms. Franchina explained her husband and she were leaving town for a few months and they needed additional time to deal with the expense of boring the road to make the connection.

Dr. Miller made a motion to grant a 6 months extension to connect to the public sewer for Jaccolin Franchina, 4821 Summerside Road, Union Township . The motion was seconded by Mr. Hamilton. The vote was all aye. Motion carried.

NEW BUSINESS.

1. Personnel Issues:

b)Water & Waste Sanitarian-in-Training Position- Ms. Lambert informed the Board that Mr. Wildey had made a tentative offer to Tom Racke, contingent upon Board approval, with a salary as stated in her report. She noted that Mr. Wildey would like to start Mr. Racke as soon as possible

Dr. Miller made a motion to approve hiring and starting Tom Racke, at the salary proposed. The motion seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #2)

c) Water & Waste Sanitarian Position- Ms. Lambert informed the Board that Mr. Wildey is interested hiring Craig McConkey. Mr. McConkey has direct applicable experience and will be able to reinstate his R.S. immediately. She related that she would like to offer him a starting salary as stated in her report.

Mr. Crum made a motion to approve hiring and starting Craig McConkey at the salary proposed. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #3)

d) Water & Waste Sanitarian Resignation- Ms. Lambert informed the Board that Robert Gallenstein, Sanitarian in the Water & Waste Division, had resigned, effective 5/19/06.

Dr. Miller made a motion to accept the resignation of Robert Gallenstein, Sanitarian, effective 5/19/06. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #4)

e) Replacement for Robert Gallenstein – Ms. Lambert requested the Board approve filling the vacant position with a candidate from the pool of resumes received for the previous Water & Waste openings.

Dr. Miller made a motion to allow Robert Wildey, Director of Water & Waste, to fill the vacant Water & Waste position with a suitable candidate from the resumes received. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

f) Revised New Employee & Recruitment Policies- Ms. Lambert stated several of the Health District's existing policies that impact hiring and initial employment of prospective employees were in need of updating, as recommended by Elizabeth Mason, Assistant Prosecutor. The Board was given a copy of three sections from the Health District's Recruitment policy (Section 2) and one section of the Employment policy (Section 3) for review.

Mr. Crum requested that discussion on the proposed policy revisions be moved until after the Executive Session where several on-going personnel issues were going to be discussed.

Ms. Lambert noted that Section 2.2C of the Personnel Policy indicates that background checks will be performed. She related that although the Health District has never required background checks of new employees, she intends to begin enforcing that existing requirement with the new hires. She requested the Board approve paying the cost of the background checks, just as the cost of medical exams is paid by the Health District.

Mr. Crum made a motion that the Health District require and pay for background checks of new employees. The motion seconded by Mr. Hamilton. The vote was all aye, motion carried.

Resolution for Board of Health to Adopt National Incident Management Systems (NIMS)

Ms. Lambert stated that in a large scale emergency it is critical that all participants in the response are able to work seamlessly together to ensure a coordinated response. To that end, the Department of Homeland Security has developed the National Incident Management System. This establishes a uniform set of processes and procedures that emergency responders at all levels of government will use to conduct response operations. Since public health would play an integral role in any disease related event and a supporting role in almost any other type of event, it is crucial that Health District staff understand and be conversant in the system. She noted that adoption of NIMS has actually become a requirement for receiving federal grant funding related to preparedness. One component is the formal adoption of NIMS by the governing entity. Ms. Lambert requested the Board approve the resolution adopting the NIMS.

Mr. Cadwallader made a motion to approve Resolution 3-06 adopting the National Incident Management System (NIMS). The motion was seconded by Mr. Crum. The vote all aye, motion carried. (Attachment #5)

3. Proposed step-by-step process for addressing failing sewage systems- Ms. Lambert related that as the Water & Waste staff have moved throughout the townships adding existing systems to the Basic System Assessment program, they are identifying problems that require expensive repairs that homeowners simply cannot afford. Over the last 5 months staff have developed what they believe is an excellent and fair approach to offer to homeowners. This approach, which is being called a Remediation Process, gives homeowners every opportunity to do the minimum necessary to address the sewage nuisance. The proposed process essentially allows homeowners to spread their repair over a very long

period of time yet still addresses the public health nuisance that inspectors have encountered.

The Remediation Process is essentially a step by step approach to installing a new system over a long period of time. Most of the steps homeowners take in the Remediation Process will be useful toward the ultimate goal of a full replacement system. Once a homeowner has completed one of the identified steps and the sewage nuisance is abated, inspectors would not return unless a complaint was received or until the next, regularly scheduled BSA in 19 or 38 months depending on the system type. Homeowners would not be expected to perform any additional steps in their Remediation Process unless and until there was new evidence of a system failure through a complaint or through the BSA program.

Dr. Miller made a motion to approve the Remediation Process as proposed. Motion seconded by Mr. Cadwallader. The vote was all aye, motion carried.

Ms. Lambert directed the Board's attention to the bright goldenrod "Septic Gazette" distributed at the meeting. She indicated that a newsletter type notification of the Health District's pending arrival for a BSA was another way in which staff were working to make the BSA program more user friendly for citizens. She noted that this was the approach being investigated to meet the Board's motion directing the Clermont County General Health District to develop a process to notify homeowners of upcoming inspections, the purpose of the inspections, and what can be done to avoid failing the inspection. The final process will be presented to the Board at the June meeting for initial use in July 2006 when pending Goshen Township BSA's scheduled for August 2006 will be mailed.

Approval of Minutes

Mr. Hansbauer asked if there were any additions or corrections to the minutes of the April Board of Health Meeting. Mr. Hamilton asked for clarification on the Board vote concerning his motion to direct the Clermont County General Health District to develop a process to notify homeowners of upcoming inspections, the purpose of the inspections, and what can be done to avoid failing the inspection. Mr. Hansbauer indicated the minutes accurately reflected the Board's action taken.

Mr. Hamilton made a motion to approve the minutes of the April 12, 2006, Board of Health meeting. The motion was seconded by Mr. Crum. The vote was all aye, motion carried.

Payment of Bills - Following a review of the bills submitted by the Health District for payment, Mr. Crum made a motion to pay the bills as presented. The motion was seconded by Dr. Miller. The vote was all aye, motion carried. (Attachment #6)

Transfers

Dr. Miller made a motion to approve the transfer of funds as listed on Attachment#7. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #7)

Additional Appropriation for Public Health Infrastructure Grant

Mr. Cadwallader made a motion to approve the additional appropriation for the Public Health Infrastructure Grant in the amount of \$4,125. The motion was seconded by Mr. Crum. The vote was all aye, motion carried. (Attachment #8)

Amended Certificate/Additional Appropriation for Public Health Infrastructure Grant

Mr. Crum made a motion to approve the amended certificate and additional appropriation for the Infrastructure Grant Fund in the amount of \$37,885. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried. (Attachment #9).

Amended Certificate/Additional Appropriation for Safe Communities Grant

Mr. Hamilton made a motion to approve the amended certificate and additional appropriation for the Safe Communities fund in the amount of \$13,597. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried. (Attachment #10)

Old Business

1. **Public Health Nuisances-** Ms. Lambert presented the addresses of the properties to be considered as public health nuisances.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #11 public health nuisances and if corrections are not made within the allotted time frame to refer the cases to the Health District's legal counsel for appropriate action. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried. (Attachment #11)

Code Violations-Ms Lambert presented the addresses of the properties to be considered in violation of code.

Following a review of the files, Dr. Miller made a motion to declare the properties listed on Attachment #12 in violation of code and if corrections are not made within the allotted time frame, to refer the cases to the Health District's legal counsel for appropriate action. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried. (Attachment #12)

Update on Eastgate Buffet- Ms. Lambert reported that by 5/2/06 Mr. Dong had successfully completed all requirements identified in the license revocation order he received in April. She noted he had been very cooperative in keeping his facility closed during the interim period. Mr. Perry, Ms. Thomas and Mr. Bradley worked very hard to assist Mr. Dong in completing the required tasks. Mr. Dong had attended the required training and passed the exam. He also submitted Standard Operating Procedures (SOP's) and temperature logs in Chinese and English. Mr. Dong obtained his new license on 5/3/06 and Eastgate Buffet is back open for business. A 30 day new license follow-up inspection will

be made prior to the June Board of Health meeting which should provide a good indication of the success of the Health District's efforts and Mr. Dong's commitment to maintaining substantial compliance with existing food codes.

Update on Green Acres MHP- There is no additional information on Green Acres at this time.

Other Information- Ms. Lambert informed the Board that the Budget Meeting has been rescheduled for May 19, 2006 at 10:00 a.m. in the Auditor's conference room, Administration Building, 101 East Main Street, Batavia.

Personnel Issues

a) Executive Session

At 8:45 p.m., Mr. Crum made a motion to go into Executive Session to discuss personnel issues. The motion was seconded by Dr. Miller. The vote was all aye, motion carried.

At 9:20 p.m., Mr. Crum made a motion to return to Regular session. The motion was seconded by Mr. Hamilton. The vote was all aye. Motion carried.

Mr. Crum made a motion to table New Employee & Recruitment Policies Section 2.2 entitled Selection, Paragraph G1, Section 2.4 entitled Employment Eligibility Paragraph E & Section 3.3 entitled Medical Exam Paragraph A; Section 2.5 Probationary Period. The motion was seconded by Mr. Hamilton. The vote was all aye, motion carried.

ADJOURNMENT

Dr. Miller made a motion to adjourn the meeting at 9:22 p.m. The motion was seconded by Mr. Cadwallader. The vote was all aye, motion carried.

JAMES HANSBAUER, PRESIDENT

CARLOS HAMILTON, V-PRESIDENT

DR. WILLIAM MILLER

ANDREW CRUM

LARRY CADWALLADER

Respectfully Submitted
