

**FAIRFIELD DEPARTMENT OF HEALTH
MINUTES
April 10, 2008
Fairfield Medical Center
Lancaster, Ohio 43130
6:00 P.M.**

President Paul Martin called the regular Board of Health meeting to order at 6:00 p.m. Roll Call was taken.

Roll Call:	Robert Blair - Present	Linda Fersch - Present
	Norm Boyd - Absent(arrived at 6:45 pm)	Paul Martin - Present
	Tina Childers - Present	Jim Massey - Absent
	Robert Cottrill - Absent	Dr. Andrew Murry - Present
	Ron Cullums - Present	Dan Ochs - Absent
		Cynthia Pearsall - Absent

A quorum was established. The meeting began with the Pledge of Allegiance.

Staff Present: Frank Hirsch, Health Commissioner; Kathie Whitlock, Administrative Assistant; Pat Navin, Community Health Development Director; Pam DeLay, Public Information Officer; Rich Varney, Director of Operations; Jane McGuire, Administrative Services Director; Diana Uther, R.S.; Steve Deeter, R.S.; Gwen Shafer, Nursing Director; Paulette Tiller, Fiscal Officer; Larry Hanna, Environmental Health Director.

Others Present: Frank Harmon; Gail Ellinger, Hocking Township Trustee; Karl Stalter; Dick Oglesbee; Gerald Smith; James Longnecker; James Justice; Barbara Uhl; Jim Carmichael, Berne Township Trustee; Frank Uhl, Berne Township Trustee; Dave Nessley; Sue Kizamore; Betty Love; Shirley Shumaker; Will Burn; Hans Wooster; Barry Brown; Carl Heister; Patricia Tharp; Mike Tharp; Mike England; Russell Miller; Robert Jackson; Larry Joos; Grenfield Township Trustee; Marilyn Waits; Chris Hill; Scott Zody, County Administrator; Russell Jenkins; Ruth Jenkins and numerous others.

Mr. Martin announced that Frank Harmon from Ohio Insurance Services Agency would be making a presentation to the board regarding health insurance for the health department. Mr. Harmon addressed the board and reviewed some different options for health insurance coverage for the health department employees. Board members discussed the options and asked questions.

Public Comments – No public comments were noted.

Approval of Minutes – Mr. Martin asked for any additions or corrections to the March 13, 2008 meeting minutes. None were noted. **Dr. Andrew Murry moved to approve the March 13, 2008 meeting minutes as presented. Robert Blair seconded the motion. The motion passed by a unanimous voice vote.**

Groundwater Protection Program Public Hearing

Mr. Martin addressed the public. Mr. Martin stated that the board is considering Resolution 2008-26B and Resolution 2008-27B. Resolution 2008-26B has the action plan attached to it. Homeowners will be charged only after their systems have been inspected. The program name has been changed to "Operation & Maintenance Program". The homeowner would be charged \$45.00 every three to five years. The inspections will be done one township at a time. The resolutions will have three readings. If there are any major changes to the resolutions during the readings, the hearings will start over again. If there are no major changes, the resolutions would be voted on in June after the third hearing.

Mr. Martin also discussed the written opinion from Assistant County Prosecutor, Roy Hart. The District Advisory Council had requested a written opinion regarding whether the District Advisory can disapprove health department fees. Mr. Hart reviewed this and stated that the District Advisory Council has the right to disapprove any fee that the board of health imposes. The Board of Health agrees with this opinion.

Members of the public gave their input on the proposed program. All those testifying were opposed to the program and the fee. After public input, Mr. Martin stated that the Board of Health members have listened to the public and made improvements to the program.

Mr. Hirsch discussed Resolution 2008-26B. He reviewed changes in the wording on the resolution. Under the second and third WHEREAS, the words "and other animal" should be removed from the sentences. Mr. Hirsch also suggested that Section 2 should list the associated programs. The programs are: Nuisance Program, Household Sewage Treatment Program and Private Water Well Program.

Mr. Martin asked for a motion to accept the changes. **Dr. Murry moved to approve the changes to remove the words "and other animal" from Resolution 2008-26B and to add the names of the programs (Nuisance Program, Household Sewage Treatment Program and Private Water Well Program) in Section 2. Robert Blair seconded the motion. The motion passed by a unanimous voice vote.**

The board discussed Resolution 2008-26B. Mr. Martin read Resolution 2008-26B and Resolution 2008-27B into the record as the first reading.

Environmental Review Committee – The Environmental Review Committee minutes were presented and highlighted by Mr. Hanna.

Resolution 2008-31 – The purpose of Resolution 2008-31 is to refer Mark & Amy Collier, owners of O’Ryan’s Park located at 173 Cedar Hill Road, Lancaster, Ohio, to prosecution for failure to comply with Ohio Administrative Code (OAC) 3701-27-05:

“No person shall develop a manufactured home park, cause development to occur within any portion of manufactured home park until plans therefore have been submitted to and reviewed and approved by the director”; and OAC 3701-27-08.2: *“Each manufactured home park lot upon which a manufactured home is to be placed or replaced after the effective date of this rule shall have a base support system approved by the director which shall be of such design, width, length and so positioned as to furnish a stable base for the manufactured home”*; and OAC 3701-27-7.2: *“No person shall cause development to occur or cause the replacement of a manufactured home that is located within any portion of a manufactured home park that is located within a one hundred year flood plain unless the person first obtains a permit from the director”*. Discussion ensued. The board asked for an update on this situation next month.

Mr. Martin asked for a motion. Norm Boyd moved to approve Resolution 2008-31. Ron Cullums seconded the motion. The motion passed by a unanimous voice vote.

Resolution 2008-32 – The purpose of Resolution 2008-32 is to refer Michael McDonald, 1763 Meister Road, Lancaster, Ohio to prosecution for failure to comply with ORC 3745-27-05 which states: *“No person shall conduct, permit or allow open dumping”* and for failure to comply with Ohio Revised Code (ORC) 3707.01: *“The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupant, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders”*. Discussion ensued.

Mr. Martin asked for a motion. Linda Fersch moved to approve Resolution 2008-32. Norm Boyd seconded the motion. The motion passed by a unanimous voice vote.

Resolution 2008-33 – The purpose of Resolution 2008-33 is to refer Carolyn Litten, Gloria Glasspoole, Mark Blackburn (UST Environmental Services) and Alford Mathias to prosecution for failure to comply with Fairfield Department of Health (FDH) Regulation 18-07 (C): *“No STS or part thereof shall create a public health nuisance or safety hazard nor pollute surface or ground water”*. Discussion ensued. Mr. Hirsch stated that Gloria Glasspoole is disabled, elderly, lives in a small home and needs help with this situation. He referred her to Adult Protective Services to see if they can mediate this situation. It was suggested that Gloria Glasspoole be removed from this resolution. Discussion ensued.

Linda Fersch made a motion to remove Gloria Glasspoole from Resolution 2008-33. Motion died for a lack of a second. Mr. Deeter discussed the situation in this area. After discussion, **Mr. Martin asked for a motion. Linda Fersch moved to table Resolution 2008-33. Ron Cullums seconded the motion. The motion passed by a unanimous voice vote.** This situation will be readdressed at the Environmental Review Committee.

Resolution 2008-34 – The purpose of Resolution 2008-34 is to refer Dicarlos Pizza, Marroni Italian Restaurant, Multi-Co. Juvenile Detention and Vending Unlimited, to prosecution for failure to comply with Ohio Revised Code (ORC) 3717.41 and ORC 3717.21 which states: *“No person or government entity shall operate a food service operation or retail food service establishment without a license”*. Discussion ensued. Linda Fersch stated that Marroni Italian Restaurant is no longer in business. The board discussed the fact that although Marroni is no longer in business, another restaurant could move into the establishment without the proper license.

Linda Fersch made a motion to remove Marroni Italian Restaurant from the Resolution. Dr. Andrew Murry seconded the motion. The motion failed with 2 ayes and 4 nays.

Mr. Martin asked for a motion. Tina Childers moved to approve Resolution 2008-34 as presented. Ron Cullums seconded the motion. The motion passed by a unanimous voice vote.

Resolution 2008-35 – The purpose of Resolution 2008-35 is to establish a design plan review fee for Sewage Treatment Systems (STS), a design plan revision fee for a STS and a penalty fee for beginning construction of a dwelling/small flow operation prior to obtaining a Sewage Treatment System (STS) permit. Discussion ensued. Mr. Martin read Resolution 2008-35 into the record as the **first reading**.

Approval of Environmental Review Committee Report – **Mr. Martin asked for a motion. Norm Boyd moved to approve the Environmental Review Committee report and recommendations. Dr. Andrew Murry seconded the motion. The motion passed by a unanimous voice vote.**

Environmental Division Report

Resolution 2008-17 – The purpose of Resolution 2008-17 is to increase the fees for “Subdivisions of Land”, “Manufactured Home Parks”, “Campgrounds (RV Parks, Recreational Camps, Combined Park/Camps and Temporary Park/Camps)”, “Private Water Systems” and “Public Pools, Spas, and Special Use Pools”. This is also the public hearing for Resolution 2008-17 . Mr. Martin asked for any public comments. None were noted. Mr. Martin read Resolution 2008-17 into the record as the **third reading** and asked for a motion. Dr. Andrew Murry moved to approve Resolution 2008-17 and Norm Boyd seconded the motion. The motion passed by a majority voice vote. One member abstained.

Community Health Development – The written report was submitted and filed appropriately in health department files. The media book was distributed. Mrs. Navin discussed the tobacco funding situation. The Governor has decided to use the tobacco endowment to fund other areas. The tobacco foundation has retained legal counsel based on the fact that it is illegal to take money from an endowment. As this situation unfolds more information will be provided to the board.

Administrative Services – The written report was submitted and filed appropriately in health department files. Mrs. McGuire highlighted the report. She asked for board approval to accept the hiring of an employee in the Environmental Division. **Mr. Martin asked for a motion. Ron Cullums moved to approve hiring David Plummer, R.S. to work in the Environmental Division. Linda Fersch seconded the motion. The motion passed by a unanimous voice vote.**

Resolution 2008-19 – The purpose of Resolution 2008-19 is to adopt a fee increase for certified copies of birth and death records issued from the Fairfield County Combined General Health District Board of Health, in accordance of the Ohio Revised Code, Chapter 3705. Discussion ensued. This is also the public hearing for Resolution 2008-19. Mr. Martin asked for any public comments.

Public Hearing

One member of the public made a comment regarding the fee increase. He stated that Fairfield County has the highest fee for birth & death certificates in the state of Ohio. Mrs. McGuire will check on this.

Another comment was that death certificates should not be increased. Mrs. McGuire stated that the Ohio Revised Code 3705 does not differentiate between the costs of a certified copy of a birth or a death certificate.

Another person questioned death certificates and stated that if we are charging an extra fee there ought to be more security in place to prevent identity theft. He also felt that birth/death announcements should be placed in the paper as a courtesy without a fee. Mr. Cullums stated that since 2001, there has been more security measures put in place.

Mr. Martin read Resolution 2008-19 into the record as the **third reading** and asked for a motion.

Tina Childers moved to table Resolution 2008-19 for a three month period for more research on fees from other counties in Ohio. The motion died for a lack of a second.

Norm Boyd moved to approve Resolution 2008-19 and Ron Cullums seconded the motion. The motion passed by a majority voice vote. One member voted nay.

Personnel Policy Manual – The personnel policy manual is now in the final phase. The manual was reviewed by Clemans & Nelson and they will meet with staff on Monday to highlight the areas that they feel have weaknesses and where language should be changed.

Nursing – The written report was submitted and filed appropriately in health department files.

Approval of Contract with Ohio Department of Health (ODH) – Mrs. Shafer stated that the contract with ODH is for a free vision clinic for school age children. The contract has already been approved by legal counsel. **Mr. Martin asked for a motion. Tina Childers moved to approve the contract with ODH for a vision clinic. Linda Fersch seconded the motion. The motion passed by a unanimous voice vote.**

Breast & Cervical Cancer (BCCP) Provider Agreement – Mrs. Shafer stated that the BCCP provider agreement enables the department to provide women who are eligible by age and income to receive free pap smears. The contract has already been approved by legal counsel. **Mr. Martin asked for a motion. Tina Childers moved to approve the BCCP Provider Agreement. Linda Fersch seconded the motion. The motion passed by a unanimous voice vote.**

Agency Affiliation Agreement – This agreement is with the School of Nursing at Boecker College. It enables students to do externships at the clinic. This has been reviewed by legal counsel who advised that one section (section 11) in the contract should be removed. The section deals with indemnification and should be removed before the contract can be approved. Mrs. Shafer discussed this with the college officials and they agreed to remove the clause.

Mr. Martin asked for a motion. Tina Childers moved to approve the contract pending the removal of the indemnification clause and the approval of legal counsel. Linda Fersch seconded the motion. The motion passed by a majority voice vote. One member abstained.

Contract with Dr. Anderson – Dr. Bernadette Anderson will be working three Fridays a month when Dr. Hawthorne is out. The contract was approved by legal counsel. Since legal counsel reviewed and approved the contract there were a couple of changes made to the contract. The changes made are that the physician will carry her own malpractice insurance and as a result of that she will be paid more money per hour. Legal counsel was contacted and agreed to the changes but will need to sign the revised contract. **Mr. Martin asked for a motion. Linda Fersch moved to approve the contract with Dr. Anderson. Dr. Andrew Murry seconded the motion. The motion passed by a unanimous voice vote.**

Contract with Dr. Gallagher – Dr. Maureen Gallagher will be working with the grant programs on Tuesdays. The contract is currently being reviewed by legal counsel. **Mr. Martin asked for a motion. Linda Fersch moved to approve the contract with Dr. Maureen Gallagher pending the approval of legal counsel. Dr. Andrew Murry seconded the motion. The motion passed by a unanimous voice vote.**

Mrs. Shafer stated that Teena Stambaugh, who works in the Help Me Grow program, is working to expand the newborn nurse visitation services through Ohio Children's Trust Fund. A request for \$33,000.00 was made to the Ohio Children's Trust Fund through the Family and Children First Council to expand the program.

Resolution 2008-29 – The purpose of Resolution 2008-29 is to increase clinic immunization fee to assure that clinic fees are cost effective for the 2009 Health Department Budget. The new fee for the Hepatitis Vaccine will be \$40.00 and will go into effect January 1, 2009. This is also the public hearing for Resolution 2008-29. Mr. Martin asked for any public comments. None were noted. Mr. Martin read Resolution 2008-29 into the record as the **second reading.**

Director of Operations – The written report was submitted and filed appropriately in health department files. Mr. Varney explained the budget process to the new board members and answered their questions. The District Advisory Council (DAC) was also discussed. The DAC reviews our budget and votes on it. Mr. Martin stated that it is a good idea to work with the DAC and have their input because they provide valuable advice to the health department.

Financial Report – The written report was submitted and filed appropriately in health department files. Mrs. Tiller stated that the cash balance at the end of March was \$54,000.00 and the Public Health Nursing fund is \$23,000.00. Transfers were listed on the bill list. The 2007 financial audit begins next week. The department received 38% of the revenue and spent 35% of what was budgeted.

Resolution 2008-30 – The purpose of Resolution 2008-30 is for a cash advance in the amount of \$5,000.00 from the District Health Fund to the Nursing Division. This advance will be repaid by September 30, 2008.

Resolution 2008-36 – The purpose of Resolution 2008-36 is for an amended certificate to correct revenue accounts in the amount of \$102,152.29 due to an error in the budget entries.

Resolution 2008-37 – The purpose of Resolution 2008-37 is to appropriate unappropriated monies in the amount of \$12,079.05.

Resolution 2008-38 – The purpose of Resolution 2008-38 is for memo expenses/receipts in the amount of \$3,251.93. The Board of Health's general fund paid administrative and maintenance expenses for the Tobacco Use Prevention grant and requested that these costs be expensed to Fund 7004 in the form of memo expenses.

Approval of Resolutions – **Mr. Martin asked for a motion. Norm Boyd moved to approve Resolution 2008-30; Resolution 2008-36; Resolution 2008-37 and Resolution 2008-38. Dr. Andrew Murry seconded the motion. The motion passed by a unanimous voice vote.**

Approval of Financial Report- **Mr. Martin asked for a motion. Dr. Andrew Murry moved to approve the financial report as presented. Norm Boyd seconded the motion. The motion passed by a unanimous voice vote.**

Approval of Out-of-County Travel – **Mr. Martin asked for a motion. Ron Cullums moved to approve the out-of-county travel as presented. Norm Boyd seconded the motion. The motion passed by a majority vote with one abstained.**

Health Commissioner Report

Mr. Hirsch highlighted the written report. He referred to an article about a small community in North Carolina and how volunteers help residents who don't have the resources to upgrade their septic systems to bring them into compliance.

Sewage Survey Results – Mr. Hirsch distributed copies of the survey results. All 88 counties in Ohio were surveyed. To date, there are 22 responses. The survey will be kept open for a couple of months.

Farm Bureau Federation – Larry Hanna and Frank Hirsch attended the Ohio Farm Bureau Federation meeting and explained the Operation and Maintenance program. At the end of the meeting members of the Farm Bureau stated that they could accept the O&M program (plan B) with a slight modification concerning animal wastes.

Smoking Ban Enforcement – Several health departments were surveyed to determine why they turned the smoking ban enforcement back to the state. Those that turned the smoking enforcement back to the state gave costs and time as the reasons. Mr. Hirsch asked for board input on whether our health department should turn the enforcement of the smoking ban back to the state. The board discussed this issue. A question was asked if the visitation could be linked to the food service license. It was stated that this was not allowed by law. It was suggested that we compare what it would cost an ODH employee to run the program and then request that ODH provide money for the program or we could turn it back to the state. It was also suggested that we gather more information and see what other counties are doing.

Kudos – Mr. Hirsch gave kudos to Kelly Metcalf and her family for painting the public entrance at the health department. They came in on a Saturday and painted and donated their time. Larry Shumaker also received kudos for repairing the roof and fixing the hot water on the first floor.

Adjournment – There being no further business, the meeting adjourned at 9:40 p.m. **on motion of Tina Childers and seconded by Ron Cullums. The motion passed with a unanimous voice vote.**

Paul Martin, President
Fairfield Department of Health

Frank Hirsch, Secretary
Fairfield Department of Health