

**The Lorain District Municipal Board of Health held their regular meeting on  
Wednesday – March 26, 2008 at 4:30p.m.**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:** P=denotes presence at meeting; A=denotes absence from meeting:

Mayor Anthony Krasienko-A; Mr. Killinger-P; Mr. Love-P; Mr. Buccilli-A; Mr. Fligner-P; Robert G. Cool, Jr.-P. President Pro Tem Robert Cool, Jr. presided over the meeting.

**MINUTES:** *Mr. Fligner made a motion which was seconded by Mr. Killinger to accept the February 2008 meeting minutes. 4 Ayes, 0 Nays; motion carried.*

**CORRESPONDENCE:** None

**FINANCIAL REPORT:**

**Year to date Financial Report – February 2008.** Mr. Tomaszewski explained that this budget reflects the temporary budget. Next month should reflect the permanent budget. *Mr. Killinger made a motion which was seconded by Mr. Love to accept the financial report. 4 Ayes, 0 Nays; motion carried.*

**Bills:** The following bills were presented for payment:

VENDOR	DESCRIPTION	AMOUNT	GRANT (if appl)
Accu Medical Waste Services	Medical Waste Pick Up (2/6/08 & 3/5/08)	\$ 84.00	
AT&T Mobility	Cell Phone Charges (12/18/07 - 1/17/08)	\$ 340.45	PHI
Capital University Law School	Reg Fee TPPC Conf "Beyond Cigs, Policy Resp to Other Tob Prod"	\$ 35.00	TOBACCO
Centurytel	Phone Charges: Bill Date 3/7/08	\$ 1,740.68	
Cleveland Dept of Public Health	Lead Samples/Testing - January 2008	\$ 32.00	
Columbia Gas	Gas Service (2/22/2008 - read date)	\$ 14.09	
David Williams	Car Allowance - February 2008	\$ 45.80	
Federal Express	Overnight Shipping Charges	\$ 362.34	
Federal Express	Overnight Shipping Charges	\$ 61.33	
Fleming Mosely	Car Allowance - February 2008	\$ 162.40	
Gergely's Maintenance King	Monthly Janitorial Services (February 2008)	\$ 924.00	
Gergely's Maintenance King	Monthly Janitorial Services (March 2008)	\$ 924.00	
Gloria Gonzalez	Car Allowance - February 2008	\$ 156.00	
J.Jack Kurowski	Car Allowance - February 2008	\$ 77.60	
Jill Darrow	Car Allowance - February 2008	\$ 61.60	
Joshua Jenkins	Car Allowance - February 2008	\$ 76.00	
Kathy Loughrie	Car Allowance - February 2008	\$ 106.80	
Kimberly Stutt	Car Allowance - February 2008	\$ 137.60	
LCCC	3rd payment on contract agreement for Strategic Planning Process	\$ 5,000.00	
Lorain County Cash Register	#61007 thermal paper rolls for cash register (2 cases)	\$ 135.60	
Lynn Rebman	Car Allowance - February 2008	\$ 102.40	
Martina Ewers	Car Allowance - February 2008	\$ 71.20	
Mary Jo Burns	Car Allowance - February 2008	\$ 57.20	
Mary Jo Burns	Reimb for Reg Paid for Campus Impact Workshop on 2/27/08	\$ 15.00	TOBACCO
Monica Tomaszewski	Car Allowance - February 2008	\$ 98.40	
MT Business Tech Inc.	Billable copies for Ricoh 7000 Color Printer (Feb 2008)	\$ 133.14	
Nancy Toth	Car Allowance - February 2008	\$ 17.60	
Ohio Division of Real Estate	Burial Permit Fee - February 2008	\$ 150.00	
Ohio Edison	Electric Service	\$ 2,230.88	
SQP Print Center	LCTPP - Spring 2008 Newsletter	\$ 200.00	TOBACCO
Teresa Kuhlman	Car Allowance - February 2008	\$ 158.40	
Treasurer of State	Vital Statistics Fee - February 2008	\$ 3,352.84	
Treasurer, State of Ohio	FSO Fee - February 2008	\$ 4,442.00	
Treasurer, State of Ohio	RFE Fee - February 2008	\$ 2,352.00	
Treasurer, State of Ohio (EPA)	EPA C&DD Disposal Fee Transmittal - January 2008	\$ 1,329.24	
		<b>\$ 25,187.59</b>	

*Mr. Fligner made a motion, which was seconded by Mr. Killinger to forward the presented bills for payment. Roll Call 4 Ayes, 0 Nays; motion carried.*

**ACTIVITY / COMMITTEE REPORTS:**

**January 2008 Activity Reports.** *Mr. Killinger made a motion which was seconded by Mr. Love to accept the Activity Report. 4 Ayes, 0 Nays; motion carried.*

**OLD BUSINESS:**

**Resolution No. 926 – Budget Appropriations – 2008 – Third Reading.** *Mr. Fligner made a motion which was seconded by Mr. Love to Amend Section 1 of Resolution No. 926. 4 Ayes, 0 Nays; motion carried. Mr. Killinger made a motion which was seconded by Mr. Fligner to pass Resolution No. 926. Roll Call 4 Ayes, 0 Nays; motion carried.*

**RESOLUTION NO. 926**

A Resolution establishing the 2008 budget appropriations for the Lorain District Municipal Board of Health, and certifying the necessary expenses incurred by the Lorain District Municipal Board of Health to Lorain City Council to authorize the appropriations. Effective January 1, 2008.

WHEREAS, Section 3707.28 of the Ohio Revised Code requires the legislative authority of the municipal corporation to pass the necessary appropriation ordinances to pay the expenses incurred by the Board of Health; and

WHEREAS, The Lorain District Municipal Board of Health, through a "Budget Committee", has met to review the necessary and reasonable expenses to be incurred by the Board for 2008.

NOW, THEREFORE, BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

Section 1. That the categorical appropriations, listed below, are hereby certified as necessary and reasonable expenses to be incurred by the Lorain District Municipal Board of Health for 2008:

ACCOUNT – Department	<i>Projected Revenues</i>	<i>General Fund</i>	<i>Total Budget</i>
2060-B100 – Administration	\$195,668	\$482,286	<b>\$677,954</b>
2060-B120 – Environmental	\$384,230	\$39,046	<b>\$423,276</b>
2060-B140 – Public Nursing	\$496,709	\$5,460	<b>\$502,169</b>
2060-B160 – Infrastructure Grant	\$105,203	\$173	<b>\$105,376</b>
2060-B180 – Tobacco Prevention Grant	\$82,000	\$147	<b>\$82,147</b>
<b>TOTALS</b>	<b>\$1,263,810</b>	<b>\$527,112</b>	<b>\$1,790,922</b>

**TOTAL HEALTH DEPARTMENT BUDGET = \$1,790,922**

Section 2. That in preparing the 2008 Budget, Lorain City Council passes the necessary appropriation ordinances to pay the above detailed expenses set forth by the Lorain District Municipal Board of Health.

Section 3. That all other ordinances, resolutions, regulations, or sections or parts thereof herein before enacted which are in conflict with this Resolution are hereby expressly repealed.

Section 4. That this resolution shall take effect and be in force on and after January 1, 2008.

Date: January 16, 2008, Reading #1

Date: February 20, 2008, Reading #2

Date: March 26, 2008, Reading #3

PASSED: March 26, 2008

APPROVED: Mayor Anthony Krasienko (signed)  
Anthony Krasienko, Mayor  
President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

**Resolution No. 922 authorizing Health Commissioner to suspend Retail Food Operator license and repeal Resolution No. 846 – Third Reading.** *Mr. Killinger made a motion which was seconded by Mr. Fligner pass Resolution No. 922. 4 Ayes, 0 Nays; motion carried.*

## **RESOLUTION NO. 922**

A Resolution to repeal Resolution 846 and authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, to suspend a retail food operation license under; Section 3717.29 (B) Section 3717.29 (D)(1); Section 3717.49 (A) and Section (C)(1) of the Ohio Revised Code for violations presenting a clear and present danger or an immediate danger to the public health.

WHEREAS, Section 3717.29 (B) of the Ohio Revised Code stipulates that on determining that the license holder is in violation of any requirement of this chapter of the rules adopted under it applicable to retail food operations, including a violation evidenced by documented failure to maintain sanitary conditions within the operations, and

WHEREAS, Section 3717.29 (D) (1) of the Ohio Revised Code stipulates that on determining that a license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to retail food operations and that the violation presents a clear and present danger to the public health, and

WHEREAS, Section 3717.29 (C) (1) of the Ohio Revised Code; stipulates that the health commissioner employed by the board, if the health commissioner is authorized by the board to take the action, may take any action that the board may take under division (C) (1) and (D) (1) of Section 3717.29;

NOW, THEREFORE, BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1. That the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, is hereby authorized to suspend a retail food operation license under Section 3717.29 (B) and Section 371&.49 (A) respectfully of the Ohio Revised Code for violations presenting a clear and present danger or an immediate danger to public health.
- Section 2. That upon suspending a retail food operation license as per the Ohio Revised Code sections herewith mentioned; the Health Commissioner shall give the license holder written notice of the procedure for appealing the suspension.
- Section 3. That the Health Commissioner upon suspending a license under this Resolution's authority, on determining that there is no longer a clear and present danger to the public health, may rescind the suspension without consulting the board.
- Section 4. That the Lorain District Municipal Board of Health, at a holding of a regular or special meeting of the Board will determine whether to concur, extend, or modify the health commissioner's actions.
- Section 5. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code §121.22.
- Section 6. That Resolution No. 922 and all other Ordinances, Regulations, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 7. That this resolution shall take effect and be in force on and after March 26,

**Date: January 16, 2008, Reading # 1**

**Date: February 20, 2008, Reading # 2**

**Date: March 26, 2008 Reading # 3**

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko, President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

**Resolution No. 923 authorizing Health Commissioner to initiate enforcement action regarding food service operations in non-emergency capacity. – Third Reading.** *Mr. Fligner made a motion which was seconded by Mr. Love to pass Resolution No. 923. 4 Ayes, 0 Nays; motion carried.*

**RESOLUTION NO. 923**

A Resolution

authorizing the Health Commissioner, and/or his designee, the official authority to initiate enforcement action for Food Service Operations in non-emergency situations under Ohio Revised Code Section 3717.49 (B)(1).

WHEREAS, Section 3717.49 (B) (1) of the Ohio Revised Code stipulates except in the case of a violation that presents an immediate danger to the public health, prior to initiating action to suspend or revoke a food service operation license, this licensor shall give the license holder written notice specifying each violation and a reasonable time within each violation must be corrected to avoid suspension or revocation of the license., and

WHEREAS, Section 3717.49 (B) (1) of the Ohio Revised Code stipulates if the license holder fails to correct the violation in the time granted by the licensor, the licensor, the licensor may initiate action to suspend or revoke the food service operation license by giving the license holder written notice of the proposed suspension or revocation. The licensor shall include in the notice a description of the procedure for appealing the proposed suspension or revocation.

WHEREAS, Section 3717.49 (B) (1) of the Ohio Revised Code; stipulates any action that may be taken by the licensor under division (B) (1) of this section may be taken by a health commissioner or other person employed by the licensor if the person or health commissioner is authorized to take such action.

NOW, THEREFORE, BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1. That the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio and/or his designee, is hereby authorized to initiate enforcement action for Food Service Operations in non-emergency situations under Ohio Revised Code Section 3717.49 (B) (1).
- Section 2. That upon failure by the Food Service Operator to correct the violation within the time granted, the licensor may initiate action to suspend or revoke the license by giving the license holder written notice of the proposed suspension and/or revocation; the licensor shall give the license holder written notice of the procedure for appealing the suspension or revocation.
- Section 3. That upon any action that may be taken by the licensor under division (B) (1) of this section may be initiated by the Health Commissioner and/or his designee if the designee or Health Commissioner is authorized to take such action.
- Section 4. That the Lorain District Municipal Board of Health, at a holding of a regular or special meeting of the Board will determine whether to concur, extend, or modify the recommended actions by the health commissioner and/or this designee.

- Section 5. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code §121.22.
- Section 6. That all other Ordinances, Regulations, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 7. That this resolution shall take effect and be in force on and after March 26,

**Date: January 16, 2008, Reading # 1**

**Date: February 20, 2008, Reading # 2**

**Date: March 26, 2008 Reading # 3**

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko, President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

**NEW BUSINESS:**

**Annual Financial Report of Local Health Department – 2007.** *Mr. Killinger made a motion which was seconded by Mr. Love to accept this report. 4 Ayes, 0 Nays; motion carried.*

**Lorain City Health Department – 2007 Cost Report.** *Mr. Love made a motion which was seconded by Mr. Killinger to accept this report. 4 Ayes, 0 Nays; motion carried.*

**Lorain City Health Department – 2007 Annual Animal Bite Report.** *Mr. Fligner made a motion which was seconded by Mr. Love to accept this report. 4 Ayes, 0 Nays; motion carried.*

**Annual Report for Local Health Departments – Lorain County Solid Waste District.** *Mr. Killinger made a motion which was seconded by Mr. Love to accept this report. 4 Ayes, 0 Nays; motion carried.*

**Request from Michelle Crossan, Registrar/Record Controller, for maternity leave.** *Mr. Fligner made a motion which was seconded by Mr. Killinger to authorize Mrs. Crossan's maternity leave. 4 Ayes, 0 Nays; motion carried.*

**Resolution No. 927 authorizing memorandum of understanding (MOU) with the Lorain County Board of Commissioners for Lorain County Children & Family Funds.** *Mr. Killinger made a motion which was seconded by Mr. Fligner to suspend the rules for Resolution No. 927. 4 Ayes, 0 Nays; motion carried. Mr. Killinger made a motion which was seconded by Mr. Fligner to pass Resolution No. 927. 4 Ayes, 0 Nays; motion carried.*

## RESOLUTION NO. 927

A Resolution authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, to enter into a "Memorandum of Understanding" to modify prior agreement with the Lorain County Board of Commissioners, as the Administrative Agent for the Lorain County Children and Families Council, to provide Help Me Grow Service Coordination and Assessment Services for FY 2008, and declaring an emergency.

BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1            That the Lorain City Health Commissioner is hereby authorized to enter into a "Memorandum of Understanding" to modify a prior agreement with the Lorain County Board of Commissioners, and authorizing the redistribution of Lorain County Children & Family Funds for budget year July 1, 2007 to June 30, 2008.
- Section 2            That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code §121.22.
- Section 3            That this Resolution is hereby declared to be an emergency, the nature of the emergency being the need to provide Help Me Grow Service Coordination and Assessment Services, all in order to preserve the health, welfare and safety of the citizens of the Lorain Municipal Health District.
- Section 4            That this resolution shall take effect and be in force on and after January 1, 2008.

PASSED: March 26, 2008

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko, President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

**Resolution No. 928 authorizing contract agreement for seasonal lawn care of health department grounds.** *Mr. Fligner made a motion which was seconded by Mr. Killinger to suspend the rules for Resolution No. 928. 4 Ayes, 0 Nays; motion carried. Mr. Fligner made a motion which was seconded by Mr. Killinger to pass Resolution No. 928. 4 Ayes, 0 Nays; motion carried.*

## RESOLUTION NO. 928

A Resolution authorizing the Health Commissioner of the Lorain City Health Department of the City of Lorain, Ohio, to enter into a contract with Taylor's Lawn Care for the seasonal maintenance of the Lorain City Health Department grounds, and declaring an emergency.

BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1. A resolution authorizing the Health Commissioner of the Lorain City Health Department of the City of Lorain, Ohio, to enter into contract with Taylor's Lawn Care for "Seasonal Maintenance" of the Lorain City Health Department grounds.
- Section 2. That Taylor's Lawn Care will provide weekly grass mowing for thirty-four (34) weeks starting April 15, 2008 and shrubs will be trimmed two (2) times during the year.
- Section 3. That said contract with Taylor's Lawn Care shall be for a total charge of Three Thousand Ten Dollars and no cents (\$3,010.00); with payment made in full no later than June 1, 2008.
- Section 4. That this resolution is hereby declared to be an emergency the nature of the emergency being the need to provide adequate lawn care services for the Lorain City Health Department.
- Section 5. That all other Ordinances, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 6. That this resolution shall take effect and be in force on and after April 1, 2008.

PASSED: March 26, 2008

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko – President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski – Secretary

**Influenza Activity Proposal for 2008.** *Mr. Fligner made a motion which was seconded by Mr. Love to accept this report. 4 Ayes, 0 Nays; motion carried.*

**Resolution No. 929 authorizing agreement for HIV Prevention Grant.** *Mr. Killinger made a motion which was seconded by Mr. Love to suspend the rules for Resolution No. 929. 4 Ayes, 0 Nays; motion carried. Mr. Killinger made a motion which was seconded by Mr. Love to pass Resolution No. 929. 4 Ayes, 0 Nays; motion carried.*

## **RESOLUTION NO. 929**

A Resolution authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, enter into an agreement with the City of Portsmouth, Ohio, acting through its Board of Health, for Health Education Risk Reduction (HERR), and Counseling, Testing Referral, Partner Counseling, and Referral (CTRPCR) services, and declaring an emergency.

WHEREAS, the Portsmouth City Health Department has received a grant from the Ohio Department of Health for STATE AIDS PREVENTION; and

WHEREAS, as a part of said grant, the Lorain District Municipal Board of Health intends to provide AIDS PREVENTION services;

NOW, THEREFORE, BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1 A resolution authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, to enter into an agreement with the City of Portsmouth, Ohio, acting through its Board of Health, for Health Education Risk Reduction (HERR), and Counseling, Testing Referral, Partner Counseling, and Referral (CTRPCR) services.
- Section 2 That said authorized agreement shall be for the period January 1, 2008 through December 31, 2008.
- Section 3 That this resolution is hereby declared to be an emergency, the nature of the emergency being the need to provide AID PREVENTION services.
- Section 4 That all other Ordinances, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 5 That this resolution shall take effect and be in force on and after January 1, 2008.

PASSED: March 26, 2008

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko, President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

**Resolution No. 930 authorizing agreement for Sub Grant agency in conjunction with the TUPCF Grant.** *Mr. Killinger made a motion which was seconded by Mr. Fligner to suspend the rules for Resolution No. 930. 4 Ayes, 0 Nays; motion carried. Mr. Killinger made a motion which was seconded by Mr. Fligner to pass Resolution No. 930. 4 Ayes, 0 Nays; motion carried.*

### **RESOLUTION NO. 930**

A Resolution authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, to enter into an agreement with Alpha Community Services to implement school based strategies for reducing tobacco use/abuse in conjunction with the Tobacco Use Prevention and Control Grant; period January 1, 2008 – June 30, 2008, and declaring an emergency.

WHEREAS, the Lorain County Community Initiative for Tobacco Use Prevention and Control has been awarded grant funds from the Ohio Tobacco Use Prevention and Control Foundation (TUPCF) to build a strategy for reducing tobacco use/abuse, and

WHEREAS, the Lorain City Health Department has been designated as the lead agency and serves as the administrative/fiscal agent for the Lorain County Community Initiative;

NOW THEREFORE, BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, State of Ohio:

- Section 1. A resolution authorizing the Health Commissioner of the District Municipal Board of Health of the City of Lorain, Ohio, to enter into an individual agreement with the identified agency listed in Section 2 of this resolution in conjunction with the Tobacco Use Prevention and Control Grant.
- Section 2. That the "Sub Grant" awarded agency shall not be awarded monies to exceed stated amounts listed below:  
*Alpha Community Services*  
*\$8,100.00*
- Section 3. That this resolution is hereby declared to be an emergency; the nature of the emergency being the need to implement designated initiatives as per the Tobacco Use Prevention and Control Grant.
- Section 4. That all other Ordinances, Resolutions or Sections or Parts of Sections thereof in conflict herewith, be and the same are hereby expressly repealed.
- Section 5. That this resolution shall take effect and be in force on and after January 1, 2008.

PASSED: March 26, 2008

APPROVED: Anthony Krasienko (signed)  
Anthony Krasienko, Mayor  
President

ATTEST: Terrence J. Tomaszewski (signed)  
Terrence J. Tomaszewski, Secretary

### **INFORMATION:**

**Lorain City Health Department's 2007 Annual Report for the City of Avon Lake.** Receive and file.

**Grant Proposal for Ohio Lead Awareness Week Activity.** Mr. Tomaszewski added that the \$1,000 will be appropriated for this grant. Receive and file.

**Invitation from the National Association of Local Boards of Health to attend the 9<sup>th</sup> Annual Ned E. Baker Lecture in Public Health.** Receive and file.

**Lorain County Child Fatality Review Board – Annual Reporting and Summary.** Receive and file.

### **CONCERNS FROM PUBLIC**

*Mr. Love made a motion which was seconded by Mr. Killinger to adjourn the meeting. Meeting adjourned at 5:35pm.*

APPROVED: \_\_\_\_\_

Mr. Robert Cool – President Pro Tem

ATTEST: \_\_\_\_\_

Terrence J. Tomaszewski