

**The Lorain District Municipal Board of Health their Regular Meeting on Wednesday –
October 21, 2009 at 4:30p.m.**

PLEDGE OF ALLEGIANCE:

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

Mayor Anthony Krasienko-P; Mr. Robert G. Cool, Jr.-P; Mr. Donald Killinger-P; Mr. Don Love-P; Mr. Ben Fligner-P, Ms. Mary J. Santiago-A.

MINUTES (September 16th; & September 30th, 2009): *Mr. Fligner made a motion which was seconded by Mr. Love to accept the September 16 & 30, 2009 meeting minutes. 4 Ayes, 0 Nays; motion carried.*

CORRESPONDENCE:

Letter from Ohio Department of Agriculture acknowledging receipt of Retail Food Establishment Survey “Action Plan” as submitted by Fleming Mosely, Director of Environmental Health. Receive and file.

FINANCIAL REPORT:

Ms. Santiago entered the meeting.

Year to date Financial Report – September 2009. Mr. Killinger questioned the anticipated year-end deficit and if a resolution had been made. Mayor Krasienko stated that the Law Department is still addressing the legal issue regarding the deficit and whether or not it would be funded. *Mr. Killinger made a motion which was seconded by Mr. Love to accept the financial report. 5 Ayes, 0 Nays; motion carried.*

Bills: The following bills were presented for payment:

Lorain City Health Department - Monthly Bills - October 2009

VENDOR	DESCRIPTION	AMOUNT	GRANT (if appl)
All Pro Sewer Cleaning	Emergency Repair of Main Sewer Line for Public Restroom	\$ 300.33	
AOHC	Fall Conference Registration - Tomaszewski	\$ 285.00	
B & H Foto Electronics Corp.	Camcorder, Digital Card, & Shipping	\$ 376.85	PHI
CHC Software Inc.	Software Maintenance - Annual - HDIS	\$ 3,103.87	PHI
Columbia Gas	Gas Service 8ccf used - Actual Reading 9/21/09	\$ 20.86	
David Williams	Car Allowance - August 2009	\$ 23.10	
Emerge Inc.	Website Updates & Center Website Horizontally (Nancy made)	\$ 225.00	PHI
First Merit Bank	Visa/MC Fees - August 2009	\$ 111.03	
First Merit Bank	AOHC Fall Conference (Hotel and Meal Expenses - Tomaszewski)	\$ 161.40	
Fleming Mosely	Car Allowance - August 2009	\$ 146.75	
Gergely's Maintenance King	Janitorial Services - September 2009	\$ 924.00	
Gergely's Maintenance King	Janitorial Services - October 2009	\$ 924.00	
Gloria Gonzalez	Car Allowance - August 2009	\$ 128.15	
Jill Darrow	Car Allowance - August 2009	\$ 133.10	
Joshua Jenkins	Car Allowance - August 2009	\$ 129.25	
Kathy Loughrie	Car Allowance - August 2009	\$ 163.90	
Kimberly Stutt	Car Allowance - August 2009	\$ 173.25	
Lynn Rebman	Car Allowance - August 2009	\$ 36.30	PHI
Martina Ewers	Car Allowance - August 2009	\$ 61.60	
Monica Tomaszewski	Car Allowance - August 2009	\$ 165.55	
Nancy Toth	Car Allowance - August 2009	\$ 69.30	
Ohio Division of Real Estate	Burial Permit Fee - August 2009	\$ 147.50	
Ohio Division of Real Estate	Burial Permit Fee - September 2009	\$ 102.50	
Ohio Edison	Electric Service - 9/19/09	\$ 2,968.18	
Sanofi Pasteur Inc.	Flu Zone (2 shipments of flu-280doses) U3184AA / U3205CA	\$ 2,458.12	
Teresa Kuhlman	Car Allowance - August 2009	\$ 240.90	
Treasurer of State	Vital Statistics Fee - August 2009	\$ 3,531.60	
Treasurer of State	Vital Statistics Fee - September 2009	\$ 2,738.08	
Treasurer of State (Fund 5C2)	MARCS Monitoring (7/1/09-6/30/10) Customer ID:M954	\$ 1,680.00	PHI
Treasurer, State of Ohio	FSO Fee - August 2009	\$ 84.00	
Treasurer, State of Ohio	Qtrly Remittance - State Vital Stats Fees (\$5 per cert) - (Jul-Sep 09)	\$ 10,745.00	
Treasurer, State of Ohio	FSO Fee - September 2009	\$ 112.00	
Treasurer, State of Ohio (EPA)	EPA C&DD Disposal Transmittal Fee - July 2009	\$ 1,537.86	
US BANK	Month to month lease payment on Ricoh 2045 copier	\$ 307.77	copiers
Verizon Wireless	Cell Phone Charges: Bill Date 7/20/09	\$ 1,246.14	PHI
Yvonne Sproule	Car Allowance - August 2009	\$ 55.55	
		\$ 35,617.79	

Ms. Santiago made a motion, which was seconded by Mr. Killinger to forward the presented bills for payment. Roll Call 5 Ayes, 0 Nays; motion carried.

ACTIVITY / COMMITTEE REPORTS:

August 2009 Activity Reports. *Mr. Love made a motion which was seconded by Mr. Killinger to accept the Activity Report as presented. 5 Ayes, 0 Nays; motion carried.*

OLD BUSINESS:

Resolution No. 967 authorizing the “Tag”, “Embargo”, or “Condemn and Destroy” foods; second reading. *Mr. Love made a motion which was seconded by Mr. Killinger to pass Resolution 967. 5 Ayes, 0 Nays; motion carried.*

RESOLUTION NO. 967

A Resolution authorizing the Health Commissioner and/or those registered sanitarians working in the Environmental Division of the District Municipal Board of Health of the City of Lorain, Ohio, to “Tag” articles to remove from use; to “Embargo” food; or to “Condemn and destroy” food under sections 901:3-4-12 (A); 901:3-4-15 (B) and 901:3-4-15 (E) of the Ohio Administrative Code respectively; and repealing Resolution No. 847.

WHEREAS, Section 901:3-4-12 (A) of the Ohio Administrative Code stipulates that the licensor may tag any article such as a utensil, material, or piece of equipment and prohibit its use in a retail food establishment if it presents a public health hazard. For the purpose of this rule, a public health hazard is presented by any article whose use can reasonably be expected to result in the contamination or adulteration of a food product based upon its state of repair, cleanliness, location or construction; and

WHEREAS, Section 901:3-4-15 (B) of the Ohio Administrative Code stipulates whenever the licensor finds or has cause to believe within a retail food establishment or food service operation in their jurisdiction that any food is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code, or that infant formula, or baby food is expired, the licensor shall affix to the item a tag giving notice that the item is, or is suspected of being adulterated, misbranded or expired and has been embargoed; and

WHEREAS, Section 901:3-4-15 (E) of the Ohio Administrative Code stipulates whenever the licensor finds in any retail food establishment or food service operation, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and the licensor shall forthwith condemn or destroy the foods, or in any other manner render the items un-salable as human food; and

WHEREAS, Section 901:3-4-01 (C) (1) of the Ohio Administrative Code means either the Board of Health of a city or general health district, or the authority having the duties of a Board of Health as authorized by Section 3709.05 of the Revised Code, approved under Section 3717.11 of the Revised Code; and

WHEARAS, Section 901:3-4-12 (D) and 901:3-4-15 (F) of the Ohio Administrative Code stipulates that any action that may be taken by a licenser under paragraphs (A) to (C) of rule 901:3-4-12 and paragraphs (A) to (E) of rule 901:3-4-15 may be taken by a Health Commissioner or other person employed by the licenser if the person or Health Commissioner is authorized by the licenser to take the 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 and/or those registered sanitarians working in the Environmental Division of the District Municipal Board of Health of the City of Lorain, Ohio, are hereby authorized to tag articles and prohibit their use under Section 901:3-4-12 (A) of the Ohio Administrative Code.
- Section 2. That the Health Commissioner and/or those registered sanitarians working in the Environmental Division of the District Municipal Board of Health of the City of Lorain, Ohio, are hereby authorized to tag and/or embargo articles and prohibit their use under Section 901:3-4-15 (B) of the Ohio Administrative Code.
- Section 3. That the Health Commissioner and/or those registered sanitarians working in the Environmental Division of the District Municipal Board of Health of the City of Lorain, Ohio, are hereby authorized to condemn and/or destroy food under Section 901:3-4-15 (E) of the Ohio Administrative Code.
- Section 4. 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 5. That Resolution No. 847 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 6. That this resolution shall take effect and be in force on and after October 21, 2009.

Date: August 12, 2009, Reading # 1

Date: September 16, 2009, Reading # 2

Date: October 21, 2009, Reading # 3

APPROVED: Tony Krasienko (signed)
Tony Krasienko, President

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

Notice of Award and Resolution No. 971 authorizing agreement with Lorain County Board of Commissioners for Help Me Grow service coordination – second reading. Mr. Tomaszewski commented that this is effective for program period 10/01/09 – 06/30/10. *Ms. Santiago made a motion which was seconded by Mr. Love to suspend the rules for Resolution No. 971. 5 Ayes, 0 Nays; motion carried. Mr. Fligner made a motion which was seconded by Mr. Killinger to adopt Resolution No. 971. 5 Ayes, 0 Nays; motion carried.*

RESOLUTION NO. 971

A Resolution authorizing the Health Commissioner of the Lorain District Municipal Board of Health, Lorain, Ohio, to enter into an agreement by and among the Lorain County Board of Commissioners, as the Administrative Agent for the Lorain County Children and Families Council, to provide Help Me Grow Components for FY 2010, and declaring an emergency.

WHEREAS; the Lorain County Board of Commissioners on behalf of the Lorain County Children and Families Council is the recipient of grant funds (FY 2010: October 1, 2009 – June 30, 2010) from the State of Ohio biennial budget for the implementation and maintenance of a coordinated, community-based infrastructure that promotes trans-disciplinary family-centered services for expectant parents, newborns, infants, toddlers and their participant in collaboration and cooperation with other state and local agencies;

WHEREAS; the Lorain County Board of Commissioners per Resolution #09-576 have issued a notice of award to the Lorain City Health Department as a FY10 Help me Grow service provider;

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 Lorain District Municipal Board of Health, Lorain, Ohio, to enter into an agreement by and among the Lorain County Board of Commissioners, as the Administrative Agent for the Lorain County Children and Families Council, to provide on-going Service Coordination in accordance to the Help Me Grow program policies and components, and declaring an emergency.

Section 2

That the total value of this agreement shall not exceed \$201,298.00 for FY 2010: October 1, 2009 – June 30, 2010), and will be reimbursed monthly based on actual services provided.

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 by the Lorain District Municipal Board of Health.

Section 4 That all other Ordinances, Resolutions or Sections of Parts of Sections thereof in conflict herewith, are and the same are hereby expressly repealed.

Section 5 That this resolution shall take effect and be in force on and after October 1, 2009.

PASSED: October 21, 2009

APPROVED: Tony Krasienko (signed)
Tony Krasienko, President

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

NEW BUSINESS:

Revised department Organizational Chart. *Ms. Santiago made a motion which was seconded by Mr. Killinger to adopt the organizational chart as presented. 5 Ayes, 0 Nays; motion carried.*

Resolution No. 972 and letter from Fleming Mosely, Director of Environmental Health; establishing fees for food service operations and request a public hearing. Mr. Mosely provided a synopsis at Mr. Cool's request. *Ms. Santiago made a motion which was seconded by Mr. Killinger to move Resolution No. 972 to a second reading and set a public hearing to be held at the December 16, 2009 regularly scheduled Board of Health meeting. 5 Ayes, 0 Nays; motion carried.*

Memorandum from Lynn Rebman, Public Health Preparedness Coordinator, regarding the H1N1 implementation plan. Ms. Rebman provided the Board a synopsis and answered the Board's questions. *Ms. Santiago made a motion which was seconded by Mr. Killinger to adopt and implement this plan as presented. 5 Ayes, 0 Nays; motion carried.*

PUBLIC HEALTH NUISANCE REPORTS/HEARINGS:

311 West 14th Street – hearing. (Owner: Andrew Watkins, present) Mr. Watkins communicated that he has gas, water, trash pick-up and also got the title. *Ms. Santiago made a motion which was seconded by Mr. Love to give Mr. Watkins a 30-day extension. 5 Ayes, 0 Nays; motion carried.*

217 West 15th Street – hearing. *Mr. Killinger made motion seconded by Mr. Love to proceed with the abatement of the public health nuisance located at 217 West 15th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 5 Ayes 0 Nays; motion carried.*

415 West 17th Street – hearing. (Owner: Kevin Justice, present). *Mr. Killinger made motion seconded by Ms. Santiago to proceed with the abatement of the public health nuisance located at 415 West 17th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 5 Ayes 0 Nays; motion carried.*

932 West 17th Street – hearing. *Mr. Fligner made motion seconded by Mr. Love to proceed with the abatement of the public health nuisance located at 932 West 17th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 5 Ayes 0 Nays; motion carried.*

320 East 22nd Street – hearing. *Mr. Fligner made motion seconded by Ms. Santiago to proceed with the abatement of the public health nuisance located at 320 East 22nd Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 5 Ayes 0 Nays; motion carried.*

336 East 22nd Street – hearing. (Attorney from Deutch Bank is present) *Mr. Killinger made a motion which was seconded by Ms. Santiago to provide a 30-day extension. 5 Ayes, 0 Nays; motion carried.*

202 West 25th Street – hearing. *Mr. Fligner made motion seconded by Mr. Love to proceed with the abatement of the public health nuisance located at 202 West 25th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 5 Ayes 0 Nays; motion carried.*

Mr. Fligner left meeting.

856-862 North Central Drive – hearing. *Mr. Love made motion seconded by Mr. Killinger to proceed with the abatement of the public health nuisance located at 856-862 North Central Drive, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

408 East 27th Street – hearing. *Mr. Love made motion seconded by Mr. Killinger to proceed with the abatement of the public health nuisance located at 408 East 27th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

3151 Denver Avenue – hearing. (Owner: Mr. Lewis, present) *Mr. Killinger made a motion which was seconded by Ms. Santiago to provide a 30-day extension. 4 Ayes, 0 Nays; motion carried.*

923 East 35th Street – hearing. *Mr. Love made motion seconded by Ms. Santiago to proceed with the abatement of the public health nuisance located at 932 West 17th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

1005 East 35th Street – hearing. *Ms. Santiago made motion seconded by Mr. Killinger to proceed with the abatement of the public health nuisance located at 1005 East 35th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

1624 East 33rd Street – hearing. *Ms. Santiago made motion seconded by Mr. Killinger to proceed with the abatement of the public health nuisance located at 1624 East 33rd Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

1670 East 32nd Street – hearing. *Mr. Killinger made motion seconded by Mr. Love to proceed with the abatement of the public health nuisance located at 1670 East 32nd Street, Lorain, Ohio,*

and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.

1704 East 29th Street – hearing. *Ms. Santiago made motion seconded by Mr. Love to proceed with the abatement of the public health nuisance located at 1704 East 29th Street, Lorain, Ohio, and refer all necessary information to the Lorain City Law Director to begin legal proceedings in Lorain County Common Pleas Court. 4 Ayes 0 Nays; motion carried.*

3707 Lorain Avenue. (Marie Crowfoot-3847 Lorain Ave, Lorain, OH, present). Mr. Williams feels the nuisance has been abated. *Mr. Killinger made a motion which was seconded by Ms. Santiago to provide a 30-day extension. 4 Ayes, 0 Nays; motion carried.*

INFORMATION:

Meeting update from Terrence Tomaszewski, Health Commissioner, regarding the Association of Ohio Health Commissioner’s Fall Conference, September 28-30, 2009 in Columbus, Ohio. Receive and file.

Public Health Infrastructure Grant; final program report. Receive and file.

Updated department “After-hours contact information”. Receive and file.

HIV Education Grant; 2nd & 3rd quarter reports. Receive and file.

Help Me Grow Post Audit Report with Agency Response. Receive and file.

Notice of Ohio Association of Boards of Health Annual Conference. Receive and file.

CONCERNS FROM PUBLIC: None

Mr. Love made a motion which was seconded by Ms. Santiago to adjourn the meeting. 4 Ayes, 0 nays; Meeting adjourned at 6:43pm.

APPROVED: _____
Mr. Bob Cool – President Pro Tem

ATTEST: _____
Terrence J. Tomaszewski