

**The Lorain District Municipal Board of Health their Regular Meeting on Wednesday –
September 16, 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-P.

MINUTES (Aug 12th; Aug 19th; & August 27th, 2009): *Mr. Love made a motion which was seconded by Mr. Fligner to accept the August 12, 19 & 27, 2009 meeting minutes. 5 Ayes, 0 Nays; motion carried.*

Mr. R.J. Budway, Assistant Law Director, entered the meeting.

CORRESPONDENCE:

Legal opinion #2009-32 from Law Director's office. Receive and file.

FINANCIAL REPORT:

Year to date Financial Report – August 2009. *Mr. Killinger made a motion which was seconded by Ms. Santiago 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 - September 2009

VENDOR	DESCRIPTION	AMOUNT	GRANT (if appl)
Accu Medical Waste Services	Medical Waste Pick Ups (8/6/09)	\$ 42.00	
Alltel	Cell Phone Charges: 7/19/09 Final Bill	\$ 3.80	PHI
Ann Boehnlein	Car Allowance - (March-July 2009)	\$ 50.60	
CDWG	Adobe Acrobat Pro (electronic distribution and media)	\$ 711.66	PHI
Cleveland Dept of Public Health	Lead Samples/Testing (June 2009)	\$ 40.00	
Columbia Gas	Gas Service 5ccf used Est Reading 8/20/09	\$ 18.45	
David Williams	Car Allowance - July 2009	\$ 23.65	
Federal Express	Overnight Shipping Charges	\$ 82.88	
Federal Express	Overnight Shipping Charges	\$ 60.01	
Federal Express	Overnight Shipping Charges	\$ 23.80	
Fleming Mosely	Car Allowance - July 2009	\$ 70.95	
Gloria Gonzalez	Car Allowance - July 2009	\$ 96.25	
Hopkins Medical Products	POD SUPPLIES & Shipping	\$ 1,023.51	PHI
Jill Darrow	Car Allowance - July 2009	\$ 59.40	
Joshua Jenkins	Car Allowance - July 2009	\$ 57.20	
Kathy Loughrie	Car Allowance - July 2009	\$ 150.15	
Kimberly Stutt	Car Allowance - July 2009	\$ 126.50	
Lynn Rebman	Car Allowance - July 2009	\$ 86.90	PHI
Mahoning County BOH	Lead (2543 Reid Ave, 1134 W. 8th St, 1736 E. 30th St)	\$ 490.00	
Martina Ewers	Car Allowance - July 2009	\$ 26.40	
Monica Tomaszewski	Car Allowance - July 2009	\$ 123.20	
Nancy Toth	Car Allowance - July 2009	\$ 28.60	
Ohio Edison	Electric Service - 8/20/09	\$ 3,230.15	
QuickSeries Publishing	Incident Command Systems / Public Health Emergencies + Shipp	\$ 293.97	PHI
Sheryl Corbin	Car Allowance - July 2009	\$ 4.73	
Staples	POD SUPPLIES	\$ 851.23	PHI
Teresa Kuhlman	Car Allowance - July 2009	\$ 204.60	
Treasurer, State of Ohio	Security Paper for Vital Stats (birth and death)	\$ 718.25	
Treasurer, State of Ohio	FSO Fee - August 2009	\$ 84.00	
Treasurer, State of Ohio (EPA)	EPA C&DD Disposal Fee Transmittal - June 2009	\$ 1,189.59	
W.W. Williams	Prev Maint & Operation Inspection Svcs for Emergency Power	\$ 630.00	PHI
Widmer Time Recorder	Svce Maint Contract for Birth/Death Record Seal Mach (annual)	\$ 270.00	
Yvonne Sproule	Car Allowance - July 2009	\$ 112.20	
		\$ 10,984.63	

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

ACTIVITY / COMMITTEE REPORTS:

July 2009 Activity Reports. Mr. Mosely fielded a few questions from the Board in regard to the Smoke Free program. *Mr. Killinger made a motion which was seconded by Mr. Love 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. Fligner made a motion which was seconded by Mr. Love to refer Resolution 967 to a third reading. 5 Ayes, 0 Nays; motion carried.*

Maternity Licensure Survey report as submitted by Kathy Loughrie, Director of Nursing. *Ms. Santiago made a motion which was seconded by Mr. Killinger to accept Mrs. Loughrie’s report. 5 Ayes, 0 Nays; motion carried.*

Ohio Department of Agriculture Retail Food Establishment Survey “Action Plan” as submitted by Fleming Mosely, Director of Environmental Health. *Mr. Killinger made a motion which was seconded by Ms. Santiago to accept Mr. Mosely’s report. 5 Ayes, 0 Nays; motion carried.*

NEW BUSINESS:

Request from Terrence Tomaszewski, Health Commissioner, to attend the Association of Ohio Health Commissioner’s Fall Conference, September 28-30, 2009 in Columbus, Ohio. Mr. Tomaszewski communicated that per ORC his attendance, or that of a department representative, is required. *Ms. Santiago made a motion which was seconded by Mr. Fligner to authorize Mr. Tomaszewski’s attendance at this conference. Roll Call 5 Ayes, 0 Nays; motion carried.*

Resolution No. 968 authorizing agreement with the Ohio Department of Health for delegation of authority as per Section 3742.34 of the Ohio Revised Code (Public Health Lead Poisoning Investigations). Mr. Tomaszewski communicated that we are the only health district within Lorain County who conducts these Lead Poisoning Investigations – Elyria City & Lorain County General Health Districts do not have this program. Therefore we conduct investigations throughout the County. *Mr. Love made a motion which was seconded by Mr. Killinger to suspend the rules for Resolution No. 968. 5 Ayes, 0 Nays; motion carried. Ms. Santiago made a motion which was seconded by Mr. Love to adopt Resolution No. 968. 5 Ayes, 0 Nays; motion carried.*

RESOLUTION NO. 968

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 Ohio Department of Health, to be granted delegated authority and receive Medicaid reimbursement for public health lead investigations for SFY10-11, and declaring an emergency.

WHEREAS, the Lorain Municipal Health District has established a comprehensive “Childhood Lead Program” that complies with the delegation of authority as outlined in Ohio Revised Code 3742.34 and Ohio Administrative Code 3701-30-06; and

WHEREAS, the Ohio Department of Health will continue to ensure that the Lorain District Municipal Board of Health upon accepting delegation of authority are complying with the regulations and requirements set forth in the Ohio Revised and Administrative Code;

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 Ohio Department of Health to be granted delegated authority.
- Section 2 That this agreement authorizes Medicaid reimbursement of public health lead investigations performed by the Lorain District Municipal Board of Health for Medicaid-eligible, lead poisoned children.
- Section 3 That said authorized agreement shall be for the State of Ohio Fiscal Year 10-11 (SFY 10-11); upon execution of this agreement through June 30, 2010.
- Section 4 That this resolution is hereby declared to be an emergency, the nature of the emergency being the need to provide public health lead investigations with risk assessment services within the Lorain Municipal Health District.
- 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 July 1, 2009

PASSED: September 16, 2009

APPROVED: Tony Krasienko (signed)
Tony Krasienko, President

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

Resolution No. 969 authorizing agreement with the Elyria City Health Department for Child & Family Health Services (CFHSP). Mr. Tomaszewski communicated this is a reduction from last year. The Board asked Mrs. Loughrie questions regarding this agreement. *Mr. Killinger made a motion which was seconded by Mr. Love to suspend the rules for Resolution No. 969. 5 Ayes, 0 Nays; motion carried. Ms. Santiago made a motion which was seconded by Mr. Love to adopt Resolution No. 969. 5 Ayes, 0 Nays; motion carried.*

RESOLUTION NO. 969

A Resolution authorizing the Health Commissioner of the Lorain District Municipal Board of Health, Lorain, Ohio, to enter into an agreement by and between the Elyria City Health Department, acting as fiscal agent for the Child & Family Health Services Project (CFHSP), to provide Direct Care Services, Enabling Services, Population Based Services and Infrastructure Building as per the CFHSP grant proposal within the Lorain Municipal Health District, period July 1, 2009 – June 30, 2010, and declaring an emergency.

BE IT RESOLVED BY the District Municipal Board of Health, City of Lorain, and 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 between Elyria City Health Department, as the Fiscal Agent for the Child & Family Health Services Grant in Lorain County, to provide Direct Care Services, Enabling Services, Population Based Services and Infrastructure Building in the Lorain Municipal Health District, period July 1, 2009 - June 30, 2010, and declaring an emergency.
- Section 2 That the Elyria City Health Department is the recipient of grant funds from the Ohio Department of Health, Division of Maternal and Child Health and is authorized to act as the Fiscal Agent for Lorain County.
- Section 3 That this resolution is hereby declared to be an emergency, the nature of the emergency being the need to provide Direct Care Services, Enabling Services, Population Based Services and Infrastructure Building by the Lorain District Municipal Board of Health within the Lorain Municipal Health District.
- Section 4 That all other Ordinances, Resolutions or Sections of 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 July 1, 2009.

PASSED: September 16, 2009

APPROVED: Tony Krasienko (signed)
Tony Krasienko – President

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

Resolution No. 970 authorizing agreement with the Ohio Department of Health for enforcement of Chapter 3794 of the Ohio Revised Code (Smoke Free Workplace Enforcement). *Ms. Santiago made a motion which was seconded by Mr. Killinger to suspend the rules for Resolution No. 970. 5 Ayes, 0 Nays; motion carried. Mr. Fligner made a motion which was seconded by Ms. Santiago to adopt Resolution No. 970. 5 Ayes, 0 Nays; motion carried.*

RESOLUTION NO. 970

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 Ohio Department of Health, to conduct follow up actions regarding complaints filed for violations of Chapter 3794 of the ORC in the Lorain Municipal Health District, for the period October 1, 2009 – June 30, 2010 and declaring an emergency.

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 Ohio Department of Health to conduct follow up actions regarding complaints filed for violations of Chapter 3794 of the ORC in the Lorain Municipal Health District
- Section 2 The Lorain Municipal Health District through its designated staff has prepared and submitted a plan to the Ohio Department of Health specifying the methodology use to assure completion of the deliverables of this agreement.
- Section 3 That this agreement shall be in effect from October 1, 2009 through June 30, 2010.
- Section 4 That the Ohio Department of Health agrees to pay compensation in the amount of \$115.00 per completed investigation with a cap of \$4,485.00.
- Section 5 That this resolution is hereby declared to be an emergency, the nature of the emergency being the need to provide follow up actions regarding Chapter 3794 of the ORC within the Lorain Municipal Health District.
- Section 6 That all other Ordinances, 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 October 1, 2009.

PASSED: September 16, 2009

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. *Mr. Killinger made a motion, which was seconded by Mr. Love to refer Resolution No. 971 to a second reading. 5Ayes, 0 Nays; motion carried.*

Department Seniority Listing, October 2009. Mr. Tomaszewski communicated this listing is prepared annually based on current staffing. *Mr. Killinger made a motion which was seconded by Mr. Love to accept the Department's Seniority Listing. 5 Ayes, 0 Nays; motion carried.*

PUBLIC HEALTH NUISANCE REPORTS/HEARINGS:

520 West 18th Street, Lorain, Ohio – hearing. Mr. Williams provided a presentation of pictures of this property. No taxes have been paid on this property for 5 years. The State of Ohio still owns this property. There has been no contact with the current owner after several attempts. There was no representation at this hearing for this property.

Mr. Love made motion seconded by Ms. Santiago to declare 520 West 18th Street, Lorain, Ohio, a public health nuisance 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.

3707 Lorain Avenue, Lorain, Ohio - hearing

Mr. Williams provided a presentation of pictures for this property. Mary Crowfoot (3847 Lorain Avenue, Lorain, OH 44055) was present representing the estate of her parents. She communicated they have been painting but had some setbacks due to problems with her van. She provided colored photos of improvements that were made. Mr. Williams has no problem granting another 30-day extension allowing the owner to made additional improvements. *Mr. Love made a motion which was seconded by Mr. Fligner to grant Mary Crowfoot another 30-day extension on this property. 5 Ayes, 0 Nays; motion carried.*

Mr. Killinger made a motion which was seconded by Mr. Fligner to hold a special meeting of the Board on Wednesday September 30, 2009 at 4:30pm specifically to conduct business in regard to Public Health Nuisances. 5Ayes, 0 Nays; motion carried.

INFORMATION:

Information from Ohio Department of Health regarding Vital Statistics Fee Increase effective October 16, 2009. Mr. Cool asked Registrar, Michelle Crossan, regarding a memo he received in the mail pertaining the Columbus Vital Statistics Department. Receive and file.

Ms. Santiago brought up the earlier issue regarding the legal opinion (#2009-32) on the funding of the Board of Health. After discussion, *Ms. Santiago made a motion which was seconded by Mr. Love to authorize Mr. Tomaszewski to write a letter to the Law Director regarding this legal opinion. 5Ayes, 0 Nays; motion carried.*

Mayor Krasienko informed the Board that Auditor Mantini re-certified his revenue report and in summary the City of Lorain is going to need to cut an additional \$700,000 or more from the budget by year end so the chances of the City providing additional General Fund monies to the

Health Department is not feasible. Mr. Tomaszewski indicated if that is the case the Board would need a letter from the Administration so they can meet and come up with a solution. Mayor Krasienko said he could have a letter tomorrow.

Mr. Fligner made a motion which was seconded by Mr. Love to nominate Mr. Cool to appoint two Board members to serve on a Budget Committee of the Board. 5 Ayes, 0 Nays; motion carried. Mr. Cool asked the Board if there were any volunteers. Ms. Santiago and Mr. Killinger volunteered to sit on this Budget Committee.

Mr. Fligner left the meeting.

Mr. Tomaszewski shared with the Board a memo he received just this morning from Kathy Boylan, Elyria City Health Commissioner, requesting Lorain City Health and Elyria City Health Districts meet to discuss the option of collaborating. *Mr. Love made a motion which was seconded by Ms. Santiago for Mr. Tomaszewski to request a meeting of the Mayors, Health Commissioners and a representative from each Board for the purpose of discussion on this legislation. 4 Ayes, 0 Nays; motion carried.*

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 5:50pm.

APPROVED: _____

Mr. Bob Cool – President Pro Tem

ATTEST: _____
Terrence J. Tomaszewski