Seneca County Board of Health Meeting Minutes

The Seneca County Board of Health met on Thursday, January 26, 2023, at the North Central Ohio Education Service Center, 928 W Market St, Tiffin, OH 44883. With a quorum present, Board President Dr. Clay Wolph called the Board's regular meeting to order at 6:00 pm. The Board then recited the Pledge of Allegiance.

Board Members Roll Call:

Bonnie Boroff – Present	Edward Logsdon – Present	Scott Lyons – Present
McKenzie Posey – Present	Natasha Vitte – Excused	Robert Watson – Present
Dr. Zachary West– Present	Dr. Clay Wolph - Present	

Others Present:
Anne Goon, MS, RD, LD, Health Commissioner
Anita Gaietto, BBA, Fiscal Director
Erika Handru, BA, Health Communications Specialist
Lisa England, Registrar

Dr. Clay Wolph started the meeting by reading the Mission Statement in the Seneca County Board of Health bylaws:

> The Seneca County General Health District, in collaboration with its citizens, promotes wellness, prevents disease, protects the environment, and assures access to quality health care.

CONSENT AGENDA:

Approval of Consent Agenda

Mr. Logsdon made a motion to approve the Consent Agenda:

a. Minutes from Previous Meetings – 12/15/2022 and 12/29/2022
b. WIC Division Report – Trisha Kahler, RD, LD
c. Nursing Division Report – Andrea Barrell, RN, BSN
d. Environmental Division Report (including Landfill report) - Laura Wallrabenstein, MA, REHS
e. Health Commissioner Activity Report – Anne Goon, MS, RD, LD
f. Health Planning and Promotion Section Report (Harold Huffman, PhD, and Leslie Shaffer, PhD)

Mrs. Boroff seconded the motion.

Dr. West asked about the body farm concept mentioned in the Environmental Report. He suggested contacting other states with body farms for more information. Ms Goon indicated this is already being done.

The motion carried unanimously.

ACTION AND DISCUSSION ITEMS

Health Commissioner Report

Ms. Goon provided the following updates:

1. PEOPLE PILLAR:
   - All Public Health Nurse 2 vacancies have been filled.
   - The Health Planning and Accreditation Manager has resigned. Her letter of resignation,

Ms. Goon's acceptance of same, and the exit interview are included in the board packet.

- Health District staff will wear red day on February 3 in observance of National Wear Red Day; Ms Goon has encouraged other workplaces to do the same. She will be representing the Health District at ProMedica Fostoria Community Hospital's 19th annual Red Dress Luncheon event that day.
- Ms. Goon received official notification today that Dr. Sarah Sewell, DO, has been appointed to the Board of Health by the city of Tiffin.

2. QUALITY PILLAR:
   - Community Health Assessment (CHA): The Seneca County Health Alliance released the 2022 Seneca County Community Health Status Assessment on December 31, 2022. It can be viewed on the SCGHD website. There will be opportunities to give community feedback in the coming months before the Health Alliance moves into the Community Health Improvement Plan (CHIP) process. Ms Goon has started the process of identifying the cost of the next CHA/CHIP, so that the Health Alliance can set its 3-year budget and annual contribution levels for funding members.
   - Sunny Farms Landfill: Ms. Goon provided Board members with a status update. The formal notice of the Board of Health's Intent to Deny was issued to Sunny Farms landfill on January 3, 2023. Legal counsel for Sunny Farms Landfill submitted a hearing request on January 19, 2023; a copy was included in the Board packet. Ms. Goon met with Prosecuting Attorney Devine earlier this week regarding the appointment of legal counsel. The process cannot proceed until Board legal counsel has been appointed.
3. GROWTH PILLAR:
   - Construction: Exterior stones are being placed on the building's façade, then windows will be installed in the right-hand corner. The entrance for double handicap-accessible doors has been made, and there is also interior work that needs done. Anticipated completion date is still sometime in the spring.
   - Strategic Planning: The Admin team have been working on Steps 3 and 4 of the planning process. Step 3 is identifying external trends and factors shaping public health practice in the future. Step 4 is analyzing results and identifying cross-cutting themes and strategic issues. Thus far, the team has identified key themes and strategic issues that need to be addressed in the 2023-2025 Strategic Plan:
     1) Workforce- broadening staff diversity and capabilities, retaining staff for the future;
     2) Technology- significant technological improvements are needed across the agency;
     3) Funding- sustainable funding is necessary to make technological improvements and attract/retain highly qualified staff;
     4) Equity- ensuring that the Health District is looking into all populations in the county, their access to health care, and what they need to live healthy lives;
     5) Communications- this is a gap identified during the COVID pandemic. The Health Communication specialist position was added last year to communicate accurate data to the right people at the right time.; and
     6) Data- both integrated data systems and data analysis skills are needed.

Personnel Actions

Dr. West made a motion to approve the following personnel actions:

1. Approve employment of Lori Clouse, RN, as Full-Time Public Health Nurse 2, effective

02/13/2023 (Resolution 2023.01)
2. Approve employment of Patricia Elchert, RN, as Full-Time Public Health Nurse 2, effective 01/30/2023 (Resolution 2023.02)
3. Accept resignation of Leslie Shaffer, PhD, MPH, Health Planning and Accreditation Manager, effective 02/03/2023

Mrs. Posey seconded the motion. The motion carried unanimously.

Policy Actions

Removal of Board Member Scott Lyons for non-attendance

Dr. Wolph requested discussion of the removal of Board of Health Member Mr. Scott Lyons, citing the Board of Health By-laws, Article III: Membership (second paragraph):

> "In the event a vacancy is created by death, resignation, significant non-attendance (defined as missing more than four (4) regular meetings in a calendar year), or other dereliction of duty as determined by the original appointing authority, the vacancy shall be filled in like manner as the original appointment and shall be for the unexpired term. When the vacancy of a member representing the District Advisory Council occurs more than ninety (90) days prior to the first Monday in March ensuing, the remaining members of the Board may appoint a member to fill such vacancy until the annual meeting of the District Advisory Council."

Dr. West made a motion to remove Mr. Lyons from the Board of Health for a violation of the Board by-laws due to significant-nonattendance and send communications to District Advisory Council to proceed with filling the vacancy. Mrs. Posey seconded the motion for the purposes of discussion.

Mr. Lyons noted that the attendance policy was changed at the September 26, 2022, meeting from 6 absences to 4 absences per calendar year as the definition of significant non-attendance. Mr. Lyons stated that the Board can't make the by-laws retroactive and that the rule is by calendar year.

Dr. West stated the meeting dates missed by Mr. Lyons included the September 26th meeting when the attendance revision to the bylaws was voted on. Dr. West said the by-laws went into place at the time they were adopted and that absenteeism is a violation of the board's bylaws.

Mr. Lyons had a letter signed by staff members backing him as a board member. Mr. Lyons states he has supported the staff and Health Commissioner, and has served Seneca County for 12 years. He was also upset that a letter dated January 1, 2023, was sent to all staff a letter with his name on it, when he was not present at the meeting where issuance of this letter was discussed (special Board meeting on December 29, 2022).

Dr. Wolph responded that there was a question about the by-laws asked in a follow-up meeting of the Board President and Vice President with staff.

Dr. West added that as a Board Member, every member has an obligation to the tax payers of Seneca County to represent this health district which would require attendance at the meetings.

Mr. Lyons said that it was for a short period of time that the meeting did not work for his schedule. They need to look over a 12-year history, not a few months.

Dr. West said he is asking for accountability from the Board for rules they adopted for themselves.

Mr. Logsdon indicated that he felt the changes made to the Board bylaws on September 26, 2022, were not retroactive. He also noted that Mr. Lyons has a long history with the board and had good attendance at meetings prior to COVID-19 affecting his businesses.

Mr. Lyons again stated that a letter was sent to the staff with his name on it without his consent. Mr. Logsdon would also like clarification on the letter that was also sent to the staff. Dr. Wolph said there was an opportunity to change things in that letter that was emailed. Mr. Lyons said he did not sign the letter and that they couldn't sign his name to it without his consent.

Mrs. Posey asked and then the Board discussed if the by-laws were per calendar year and when did the rule start, if the rule could be retroactive. Mrs. Posey asked Mr. Lyons if he felt that he would be able to attend meetings in the future. Mr. Lyons said it has been consistent for 12 years.

The motion to remove Mr Scott Lyons from the Board of Health failed upon roll call vote:

Bonnie Boroff – No	Edward Logsdon – No	Scott Lyons – No
McKenzie Posey – No	Robert Watson – No	Dr. Zachary West– Yes
Dr. Clay Wolph - Yes		

Property Condemnation Orders

a. Dr. West made a motion to approve the condemnation of:
   - 430 W Center St. Fostoria, Ohio 44830, Owned by ISANTHES LLC, 2003 Western Ave. Seattle, WA 98121

   Mr. Logsdon seconded the motion. The motion carried unanimously.

b. Dr. West made a motion to approved the condemnation of:
   - 310 Elwood Ave Fostoria, Ohio 44830, Owned by Deborah A. Oman 5172 CR 26 Rawson, Ohio 45881

   Mr. Logsdon seconded the motion. The motion carried unanimously.

c. Dr. West made a motion to approved the condemnation of:
   - 340 W. South St. Fostoria, Ohio 44830, Owned by Kirby Wilson 736 Sandusky St. Fostoria, Ohio 44830

   Mrs. Posey seconded the motion. The motion carried unanimously.

Review, consider, and make changes or modifications in the Board's contractual relationships for legal counsel.

Dr. West made a motion that the Seneca County Board of Health pursue and retain joint legal counsel representation from Haak Law, LLC, and Van Kley Law, LLC, for purpose of environmental counsel related to matters presented to the Board of Health. Mr. Watson seconded the motion for the purposes of discussion.

Dr. West presented a written proposal for joint representation by Mr. William Haak Law from Haak Law LLC and Mr. Jack A. Van Kley of Van Kley Law, LLC. The blended cost for their legal representation would be $375 per hour for legal consulting services. Mr Van Kley's rate would be reduced to $275 per hour for time spent in litigation activities, while Mr Haak's litigation rate would remain at $375 per hour. The proposal also included background information for both attorneys. Dr West indicated that these attorneys are eager to represent the Board of Health.

Ms. Goon asked how many boards of health these attorneys have represented. Dr. West didn't not have the exact number but he knew that Mr. Van Kley has represented local health jurisdictions in the past.

Mr. Lyons wanted to clarify if these attorneys would be working together but not with the counsel whose contract has expired (Joseph Durham with Eastman & Smith, LLP). Mr. Lyons and Mr. Logsdon also expressed concerns if these attorneys would be prepared in time for the hearing process and whether this would cause a delay in the process.

Ms. Goon stated similar concerns, noting the additional strain on staff to provide all the necessary information to bring them up to speed. She is also concerned about the working relationship between the new lawyers and the staff. She would like to meet these proposed attorneys to answer any questions.

Mr. Lyons asked if the previous attorney would have to disclose the information he currently has and would this save time and burden on the staff.

The Board discussed concerns with previous legal counsel and if there was a possibility to have an overlap in counsel.

Ms. Goon explained the process involved in conducting the hearing regarding the Board's intent to deny Sunny Farms Landfill's 2023 operating license. The process will take several months to complete, but the Board of Health does need to respond to Sunny Farms Landfill's hearing request in a timely manner.

The motion to pursue and retain joint legal counsel representation from Haak Law, LLC, and Van Kley Law, LLC, for purpose of environmental counsel related to matters presented to the Board of Health related to Sunny Farms Landfill passed upon roll call vote:

Bonnie Boroff – Yes	Edward Logsdon – Yes	Scott Lyons – Yes
McKenzie Posey –Yes	Robert Watson – Yes	Dr. Zachary West– Yes
Dr. Clay Wolph - Yes		

Financial Transactions

Payment of Bills

Dr. West made a motion to approve the December bills as presented. Mr. Watson seconded the motion. The motion carried unanimously

Cash Advances and Cash Advance Repayment

Mr. Logsdon made a motion to approve the following cash advances and cash advance repayment:

1. $20,000.00 from 7060-0705-5358-01 (General Fund-advances out) to 7130-0007-4029-00 (MRC Rise -advances in)
2. $20,000.00 from 7060-0705-5358-01) General Fund-advances out) to 7150-0007-4029-00 (Covid 19 Detection and Mitigation in Confinement Facilities-advances in)

Dr. West seconded the motion. The motion carried unanimously

Approval of December Intra-Fund Transfers (Appropriation Transfers)

Mrs. Posey made a motion to approve the following Intra-Fund Transfers:

1. $50,000.00 from 7089-0714-5306-00 (C & DD-contract services) to 7089-0714-5332-00 (C & DD-remit to state)
2. $605.00 from 7089-0714-5303-00 (C & DD-supplies) to 7089-0714-5102-00 (C & DD-salaries)
3. $1,000.00 from 7069-0715-5102-00 (Jt. Solid Waste-salaries) to 7069-0715-5306-25 (Jt. Solid Waste-software license/service)
4. $900.00 from 7164-0709-5309-00 (HSTS-Misc.) to 7164-0709-5306-30 (HSTS-leases)
5. $1,750.00 from 7164-0709-5309-00 (HSTS-Misc.) to 7164-0709-5307-00 (HSTS-travel)
6. $630.00 from 7082-0709-5307-00 (WIC-travel) to 7082-0709-5365-01 (HSA Contribution)

Mr. Logsdon seconded the motion. The motion carried unanimously.

Contracts and Agreements
Mr. Logsdon made a motion to approve the following contracts:

1. National Association of County and City Health Officials, for Medical Reserve Corp RISE 2 services, effective upon signatures thru 09/15/2023 not to exceed $50,000.00 (payee)
2. Oriana House, Inc., for COVID-19 Detection & Mitigation in Confinement Facilities services, 11/01/2022-10/31/2023, not to exceed $494,545.45 (payer)
3. Seneca County Sheriff's Office, for COVID-19 Detection & Mitigation in Confinement Facilities services, 11/01/2022-10/31/2023, not to exceed $160,000.00 (payer)
4. Geophyta, Inc., for H2Ohio home sewage treatment systems soil evaluation & system design (McDaniel property), 01/26/2023-03/11/2023, not to exceed $2,970.00 (payer)
5. Geophyta, Inc., for H2Ohio home sewage treatment systems soil evaluation & system design (Swickard property), 01/26/2023-03/11/2023, not to exceed $2,970.00 (payer)
6. Geophyta, Inc., for H2Ohio home sewage treatment systems soil evaluation & system design (Peters property), 01/26/2023-03/11/2023, not to exceed $2,970.00 (payer)
7. Geophyta, Inc., for H2Ohio home sewage treatment systems soil evaluation & system design (Myers property), 01/26/2023-03/11/2023, not to exceed $2,970.00 (payer)

Mr. Lyons seconded the motion. The motion carried unanimously.

Board Continuing Education: Foundational Public Health Services
Ms. Goon presented a PowerPoint presentation about the Foundational Public Health Services. Ohio led the nation, along with the states of Washington and Oregon, in developing the Foundational Public Health Services framework. This process began back in 2011-2012 when the Association of Ohio Health Commissioners (AOHC) strategically examined the roles of local public health in Ohio. AOHC recognized that Ohio's local public health infrastructure needed to be strengthened to ensure all health departments would be capable of providing a minimum package of services to their residents.

The Foundational Public Health Services framework consists of 1) Foundational Capabilities, 2) Foundational Areas, and 3) Other public health services unique to local needs. Ms Goon focused on the 8 Foundational Capabilities, which are cross-cutting skills and capacities needed to support basic public health protections, programs, and activities that are key to providing fair and just opportunities for all citizens to be healthy. They are considered to be so fundamental that they need to be present in health departments everywhere for the public health system to work anywhere. These include: 1) Assessment & Surveillance, 2) Community Partnership Development, 3) Equity, 4) Organizational Competencies, 5) Policy Development & Support, 6) Accountability & Performance Management, 7) Emergency Preparedness & Response, and 8) Communications.

Ms Goon noted that, over the course of the 2023 Board of Health continuing education sessions, Health District staff will provide examples of how the Health District is providing Foundational Public Health Services, as well as some of the barriers that limit its ability to do all of the services.

Public Comment
Mr. Bryan Ezyk, WIN Waste Innovations, encouraged everyone to read the response that Sunny Farms provided in their request for a public hearing. He has read the community health assessment and noted that there were health needs of the community in that assessment. He felt that the board spent its time talking about a landfill that is in compliance and voted to change attorneys based on the recommendation of two of its newest members. Mr. Ezyk stated that it is unprecedented to change lawyers in the middle of an action and that this will subject both entities to time and cost he feels would be much better spent working on issues identified in the Community Health

Assessment and any of the questions that the public has about the landfill. Mr. Ezyk felt that four years ago, three members of the current board created a change in this community and at the Sunny Farms facility. He stated since that time, the landfill has operated in stellar compliance. They had a landfill inspection on Tuesday and once again no violations were observed at the site. He feels that it is not what the Board should be spending its time on: denying a license, removing an experienced attorney, and removing members of the Board who have been members for years. Mr. Ezyk feels these are all things that are going to subject the tax payers to money poorly spent. Mr. Ezyk stated that WIN Waste is a company that is here to stay and will continue to operate the site.

Mr. Bob Podach volunteered his assistance if the Health Department needs help sending out the information to the new attorneys. He spoke about the Assessment and Surveillance slide from the continuing education presentation from Ms. Goon. He said he understands the consent order and sees what they are building on the site to capture the bad gas and turn it into good gas. He thinks that people who live near the landfill don't want to see it or smell the landfill and that it probably isn't going away. He would like the Landfill to be monitored and feels that the EPA is not doing it. He is happy that the Board is getting a new set of attorneys on board. Mr. Podach feels the board doesn't follow the by-laws or Robert's Rules of Order.

Mrs. Susan Platt of Loudon Township, founding member of Residents against Trash established in 1993, stated that she is concerned that the health commissioner feels that her and the staff will be consumed or overwhelmed by sending documents to the new lawyers. She also spoke for the Citizens for Open Government, stating she was concerned that the Board violated its own by-laws. She felt two Board members voted to keep the by-laws and the rest voted against it. She also added that the article from The Advertiser Tribune January 2023 failed to mention that the Board of Health proposed conditions to the Sunny Farms Landfill License and that all of those conditions were denied by the landfill. The Advertiser Tribune article also failed to mention that the landfill denied access to water sampling because they didn't want a Board of Health employee to destroy the environment while collecting the water. She asked what business denies access to inspections for testing if they operate 100% lawfully. Also, what would the Health Department do if a local restaurant would deny access to an inspection or testing. She stated they would close and fine the restaurant. She feels the rules for Sunny Farms are different than they are for other businesses in the community. She feels it appears that Sunny Farms wants to make their own rules which include self-monitoring of their own operations. Citizens for Open Government would like to thank Board members who are fighting and representing for the values of the residents of Seneca County. As Board members, they are public officials and should always represent the interest of the citizens of Seneca County and not those of for-profit operations with out of state owners. She feels they are making millions of dollars by dumping dangerous waste in our community. She then reviewed the health department mission.

Dr. West made a motion to adjourn the meeting at 7:43 pm. Motion carried.

The next Board of Health meeting is scheduled for February 23, 2023, at 6:00 pm, at the North Central Ohio Education Service Center.

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Board of Health President Board of Health Secretary