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NICOLE BUSH BALAKOS, HEALTH COMMISSIONER

BOARD OF HEALTH REGULAR MEETING

August 18, 2020
8:15 a.m.

A regular meeting of the Board of Health was held on Tuesday, August 18, 2020.

Board Members Present:

Terry Bell
Chief Clark J. Crago
Patrick Macedonia, M.D.
Frank L. Petrola, M.D.
Jean-Philippe Rigaud

Staff:

Nicole Balakos, Health Commissioner
Kelly Wilson, Fiscal, Grants & PI Officer
Jodi Norris, Director, Finance & Admin
Tamika Jones, Accreditation Coordinator
Carla Gampolo, Registered Sanitarian
Marc Maragos, Environmental Director
Hannah Piko, Director of Nursing
Stephanie Chester, WIC Director

Absent:

Prosecutor:

Shawn Blake

Guests:

See sign in sheet

CALL TO ORDER

Mr. Bell called the meeting to order at 8:15 a.m.

PUBLIC PARTICIPATION

Mr. Bell stated that no public participation is scheduled for today's meeting.

APPROVAL OF MINUTES

The July 27, 2020 Minutes of the Regular Meeting were presented for approval. Dr. Macedonia pointed out that in the July 27, 2020 meeting, he referred to himself as the Chairman of the Environmental Committee and that was incorrect. Mr. Bell is the Chairman and he wants that to be noted. In addition, Dr. Macedonia stated that it's not on the Agenda but in follow up to the



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DAC meeting regarding the health board, Mr. Blake was supposed to look in to the DAC’s process regarding selection of a board member. Dr. Macedonia said the Agenda for the DAC was on the JCGHD’s letterhead. He wanted it to be clear that it was not a meeting of the Board of Health. Mr. Blake stated that was correct, it was not a meeting of the Board of Health.

<i>Action</i>	<i>Accept July 27, 2020 Minutes of Regular Meeting with changes noted</i>	<i>Vote Detail (Roll Call)</i>
Motion-2020-92	Chief Crago moved and Dr. Petrola seconded a motion to accept the July 27, 2020 Minutes of the Regular Meeting with changes noted. <ul style="list-style-type: none"> • Dr. Macedonia not Chairman of Enviro. Comm. • DAC meeting not a meeting of the Board of Health Motion passed unanimously.	1 st - Crago 2 nd – Petrola Bell - Aye Crago – Aye Macedonia - Aye Petrola – Aye Rigaud - Aye

July 2020 Expenses

<i>Action</i>	<i>Approval of July’s Expenses</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-93	Dr. Petrola moved and Mr. Rigaud seconded a motion to accept July 2020 expenses, excluding appropriation adjustments. Motion passed unanimously.	1 st - Petrola 2 nd - Rigaud Bell - Aye Crago – Aye Macedonia - Aye Petrola – Aye Rigaud - Aye

July 2020 Financial Report

<i>Action</i>	<i>Approval of July’s Financial Reports</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-94	Dr. Petrola moved and Chief Crago seconded a motion to accept the financial report for the month of July 2020. Motion passed unanimously.	1 st - Petrola 2 nd - Crago Bell - Aye Crago – Aye Macedonia - Aye Petrola – Aye Rigaud - Aye



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Consent Agenda

Dr. Macedonia requested that Item D. Adoption of Forms/Policies have the a) Conflict of Interest Statement for Board Members moved to New Business.

<i>Action</i>	<i>Accept Consent Agenda</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-95	Dr. Petrola moved and Mr. Bell seconded a motion to approve the Health Commissioner’s Consent Agenda Items A through D with the exception of D. a.) Conflict of Interest Statement for Board Members, which would be moved to New Business. Motion passed unanimously.	1 st - Petrola 2 nd – Bell Crago – Aye Bell – Aye Macedonia - Aye Petrola – Aye Rigaud - Aye

Health Commissioner’s Report

Health Commissioner Balakos delivered the Health Commissioner’s report to the Board. A copy of the report is attached hereto and made part of the official minutes.

Dr. Macedonia stated that there are questions in the community about spectators at sporting events. He referred to the Restart Ohio guidelines where one says you can have spectators and another one says you cannot have spectators. The Health Commissioner tried to explain that sometimes one replaces another and that they should be dated. Dr. Macedonia doesn’t know how we expect the community to understand. He told the Health Commissioner that this wasn’t about her. This is really about the state. His concern is if he’s somebody from the school wanting to know exactly what to do how are they supposed to know. The question is, can they have spectators? The Health Commissioner stated that the announcement is coming out tomorrow. Dr. Macedonia was concerned about today; how are we supposed to know what to tell people. If we can’t get clear guidance from the state, we ourselves can’t be clear when we are trying to explain this to other people. He believes we are confusing schools, parents, and kids. Dr. Macedonia stated again that his concern is we are giving guidance and we don’t have the clear guidance ourselves. Dr. Kissinger agreed that information is confusing and it’s not only information coming from the state, but the WHO and the CDC. The Health Commissioner reiterated that a Sports Order is forthcoming. Chief Crago said that he thinks part of everyone’s frustration comes from the last minute decisions. We are getting this stuff so late and are supposed to make it work. The Health Commissioner said she agrees. A good example was that the Sports Order is supposed to come out today and there are games scheduled for this Friday.

Dr. Macedonia brought up the subject of a restaurant in Jefferson County restaurant that has sign with a false statement saying that the health department has stated “We are exempt from wearing masks by ODH as well as the Jefferson County Health Department because of the temperature in our facility.” That restaurant needs to be investigated. The Health Commissioner indicated she



was unaware of this situation and has not had any conversations with this restaurant. Dr. Macedonia asked that it be investigated. The Health Commissioner said that she believes that people will make their choices with their dollars and their feet. If someone doesn't feel like a business is being safe, they won't shop/dine there. The real damage and risk is to the employees in possibly contracting the disease. If businesses choose to do that, it's the employees who are most at risk.

Medical Director's Report

Dr. Kissinger reported that things are still dominated by Covid-19. He stated that we are trying to give the community the best evidence-based advice we can. Despite all the Covid-19 activities, we must still address the other health care issues affecting our community. He pointed out that the same risk factors we are dealing without Covid are the same risk factors that determine death, morbidity and mortality with Covid. For example, hypertension, diabetes, heart disease, smoking, etc., are still issues needing addressed. These are the underlying conditions that tend to kill people with Covid-19. Yes, we've had a surge in cases, but so far we have gotten lucky with deaths.

Dr. Kissinger also spoke about how nice it has been having the cooperation of community partners. The weekly meeting with the Task Force and cooperation between and among participants has been wonderful to see. Dr. Kissinger hopes that soon he will be able focus more on prevention activities.

Nursing Report

Nurse Piko delivered the Nursing Report to the Board. A copy of the report is attached hereto and made part of the official minutes. She also followed up with information about Lyme disease from last month. Dr. Macedonia asked if we had any cases from January-May. Nurse Piko stated that she was having Nurse Slivka enter everything in to the system and with everything that was going on with Covid in those months, she does not believe that Nurse Slivka was able to do any investigations during that time. The Western Blot is not enough to classify as a positive/confirmed case of Lyme Disease. Dr. Macedonia asked about the salmonella case and asked for a history without any identifying information. Nurse Piko reported that we had just gotten this information and at this time, we do not know the source.

WIC Report

Stephanie Chester presented the WIC report for the month of June. A copy of the report is attached hereto and made part of the official minutes. She reported that August is breastfeeding awareness month. Dr. Macedonia wanted to know where the number of participants is derived from and if the numbers are for the entire county. WIC Director Stephanie Chester provided clarification and stated that it's based on population, those who are income/Medicaid eligible and deliveries in the county. Dr. Macedonia commented that despite the numbers of participants



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noted in the report, he felt the WIC department was doing a good job considering the circumstances.

Environmental

Marc Maragos presented the Environmental report. Several reports are attached to these minutes and are being made part of the official minutes.

Odor Complaints

See attached report. Dr. Macedonia asked if those filing a report all lived on the same street. Mr. Maragos stated that they are from all over.

Crossridge Landfill

Marc Maragos reported that the landfill is due for its quarterly inspection. Carla will be working with Attorney Blake who will contact Attorney Stickles to get access to the landfill to perform the inspection.

Hometown Buffet

An update on Hometown Buffet was given by Mr. Maragos. The restaurant has been inspected and the license reinstated. They now have an employee on payroll with the proper food service certifications. They have met all requirements. The health department continues to work with the restaurant owners. Mr. Maragos believes they are confusing Covid-19 requirements with food service regulations. The owners were allowing people to go up to a buffet and serve themselves. Folks are not to be serving themselves on the buffet. This is a Covid-19 rule. Mr. Maragos is confident that they now understand that they (HB) have to serve the food to the customers when they walk up to the buffet. Customers cannot touch any of the utensils and plates. Dr. Macedonia asked if hair nets were still required. Mr. Maragos stated that yes, some type of hair restraint, whether it be a net, hair pulled back, or a hat is required. Dr. Macedonia asked Mr. Maragos to pay a little closer attention to this when they are out at the restaurants.

Golden Plate Award

Mr. Maragos reported that there are five applicants for the Golden Plate Award. Four of them do not meet the requirements for the award at this time. One of them may. He will report at the next meeting. He believes that Covid-19 had an impact on not getting as many applications as we may typically have seen. This was most likely the last thing on their mind.

General Discussion on Environmental Reports

Dr. Macedonia then asked for some clarification on the Environmental report under tattoos. He wanted to know what miscellaneous was. Are they complaints or investigations. Mr. Maragos said that they are anything to do with the tattoo program. It could be anything from a phone call



to a consultation. He then went on to provide an example that there were 9 in July. Dr. Macedonia then asked what Vector control was. Marc explained that is anything involving mosquitoes. The Health Commissioner explained that these should be considered “incidents”. It may be 3 phone calls, 2 visits for a total of 5 for tattoo related questions. If it is food service, it goes under food service. Those establishments not licensed go under administration questions. The figures provided represent encounters or incidents under each specific heading. Dr. Macedonia asked why it was being tracked. It was explained by the Health Commissioner that their time must be tracked in HDIS for cost methodology purposes. Environmental is the only department required to do so. Dr. Macedonia indicated that he just didn’t want people to do extra work if there was no purpose in doing it.

Mr. Bell requested that the landfill pictures be done in color. Dr. Macedonia brought up an issue about the landfill report and said he would like to have a deadline placed on when a repair or correction needs to be made. A date needs to be indicated. Mr. Bell questioned whether the Board had the authority to dictate to them that they have 15 days to fix a problem? Dr. Macedonia said that according to Ohio Revised Code we have the authority to do that.

<i>Action</i>	<i>Approval that requires the environmental department add a timeframe to reports/letters/citations that the landfill has to make any repairs or take any action when a deficiency is found.</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-96	Dr. Macedonia moved and Dr. Petrola seconded a motion that requires the environmental department add a timeframe to reports/letters/citations that the landfill has to make any repairs or take any action when a deficiency is found. Motion passed unanimously.	1 st - Macedonia 2 nd – Dr. Petrola Bell - Aye Crago – Aye Macedonia - Aye Petrola – Aye Rigaud – Aye

Dr. Macedonia inquired about the Odor Patrol Report. He wanted to know how many odor complaints were needed until they get to the next level of violation. We can’t get 50 odor complaints and not do anything about them. Dr. Macedonia thinks we need to put a number on it and Dr. Petrola said we had never put a number on it in the past. Marc Maragos and Carla Gampolo explained how an event is determined, as per the Odor Management Plan with the EPA. Mr. Maragos explained that the health department cannot issue any monetary fines. Dr. Macedonia believes that we can refer them to the prosecutor’s office for violations. A lot of discussion continued regarding the Odor Management Plan and what classified as an event. It was noted that the Odor Management Plan is a negotiated agreement between the EPA and the landfill owner. Dr. Macedonia commented that the new ownership seems to be doing a better job than what was done in the past.



The discussion then turned to the Crossridge mediation. Dr. Macedonia asked if there was an update they could be privy to. The Health Commissioner stated that there was nothing that she can say because she signed a confidentiality agreement and she was not a party to the negotiations. Joe Scugoza spoke up and said that the health commissioner was there and was part of the phone conference and that he thought she would have told the Board. The Health Commissioner said she did not tell them anything due to the confidentiality agreement and she was not going to breach that. Joe Scugoza said that the Board may wish to be part of any future mediation instead of someone who can't make a decision.

The Health Commissioner stated that she shared with the Board that possible additional mediation is open until August 31st and that if there is another mediation scheduled, it has to happen before August 31st. If there's no agreement prior to then, the hearing is scheduled for October 31st. Dr. Macedonia asked if the board could offer or do anything. The Health Commissioner said that the parties to the mediation, which are Joe Scugoza, his mother, EPA and the AGs office would need to reschedule, then if you were to be invited in those rooms that would be at that point in time, but we weren't a party to the meeting.

Additional discussion went back and forth about everything that had been talked about in prior meetings and Joe Scugoza said he wanted the Board to understand the fixes and solutions and that it affects Jefferson County. Dr. Petrola said it better not affect Jefferson County. Mr. Scugoza said he wants the Board to understand what could happen if they just listen for the good of the community. Dr. Petrola stated that the community has already spoken. At that time, President Bell called for Order.

Dr. Petrola exited the meeting at 9:27 a.m.

Accreditation

Tamika Jones, Accreditation Coordinator, delivered the Accreditation report to the Board. A copy of the report is attached hereto and made part of the official minutes.

PHEP

Mr. McGuire was not at the meeting but sent a PHEP report and a copy of the report is attached hereto and made part of the official minutes.

Correspondence

Mr. Bell read the letter he wrote on behalf of the Board to Attorney Stickles regarding Crossridge and that the Board is not interested in listening to any further proposals regarding the landfill.

The letter the Health Commissioner wrote to Wells Township regarding the haunted house was next on the correspondence list but the discussion immediately turned to whether or not haunted houses were permitted. The Health Commissioner reminded them that it was considered a mass



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gathering because it was more than 10 people. Dr. Macedonia said they should be permitted to have the event as long as they follow the five requirements of the Responsible Restart. It was pointed out that those five requirements are for businesses. The Health Commissioner explained that anything not specifically opened via an Order is not open. Live entertainment is not open. A haunted house is live entertainment. Dr. Macedonia stated that he talked to the Governor's office just two days ago about this very issue. He said if you can provide distance, masking, etc. that the 10 people does not apply. Dr. Macedonia said he talked to them for another reason, not this. He said they told him if you can satisfy the five requirements, they're ok to have an event, dance, graduation. Dr. Macedonia said he wants to go back to the haunted house. The Health Commissioner tried to point him to the minutes of the meeting from her phone calls with the chief legal counsel of ODH where they said specifically no haunted houses. The same discussion went back and forth. Chief Crago stated it is very confusing. You can allow people at football games, but not at a haunted house with less people. The Health Commissioner said that she will do whatever the Board tells the health department to do. The Health Commissioner said that she can't tell someone it's fine when she knows it's a violation. Jefferson County is not following the Orders.

Mr. Robert Martin in the audience spoke up asking the Board if they're saying to ignore the Governor's Orders? He pointed out that if the Health Commissioner knowingly gave permission and it's still closed, somebody's going to have her job. Mr. Martin stated that it's not their decision to make, it's the Governor's decision.

The discussion between Dr. Macedonia, the Health Commissioner, with some interjection by Chief Crago went on for quite some time with the same things being discussed that were already discussed in previous meetings about what can be open versus what cannot be open.

Mr. Rigaud stated that he feels likes it's important for the Board to provide an answer and that the public is asking for guidance. He wants to take responsibility, whatever it may be. We've never dealt with Covid before and if the Board has to take on more responsibility, he thinks they should. He feels the Board needs to take ownership and work out of the confidence of what we know of what we can interpret of what has been given to us. The ownership is us supporting the decisions that are coming down from the Governor's office. He does not see why we don't follow the Orders.

More discussion ensued about whether the health department should/should not approve plans, etc. Dr. Macedonia wanted to talk about Dark View Haunted House's plan. He does not want to get in to subjective decision making. He wants to endorse it. The Health Commissioner stated that she would like them to be more specific on sanitation and that they appoint a specific contact person for the event (someone in charge) if any problems arise. Dr. Macedonia said that we were supposed to have sent that to the Prosecutor's office for approval. The Health Commissioner stated that Emanuela had that and she doesn't know where it's at since she is no longer our representative. Dr. Macedonia doesn't want us to be sued. Dr. Macedonia wants to know if we are legally allowed to put someone in that role. We are not the ones who appoint that person, it is



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the event coordinator or the person wanting to have the event who appoints the person in charge. Dr. Macedonia asked what the process would be if someone called the person in charge with a complaint. The Health Commissioner stated that first would be a phone call to the person in charge and if a second complaint, we would send someone out to the site for an investigation. Dr. Macedonia said the department was never approved to do this type of investigation and that's his concern.

<i>Action</i>	<i>Approval for Dark View Haunted House to hold their event with change as suggested by Health Commissioner</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-97	Mr. Bell moved and Mr. Rigaud seconded a motion allowing the Dark View Haunted House event to be held, with one change to the plan, requiring them to have hand sanitizing stations near the port-a-johns. Motion passed unanimously.	1 st - Bell 2 nd - Rigaud Bell - Aye Crago – Aye Macedonia - Aye Petrola – Absent Rigaud – Aye

Mr. Bell then spoke to all in attendance about point of order. All people wanting to speak at a meeting need to be placed on the Agenda prior to the meeting. Individuals may request to be placed on the Agenda and they will be placed on the Agenda under Public Participation. It must be done prior to the meeting.

<i>Action</i>	<i>Authorize Chairman to respond to letter regarding records request from Attorney Piero P. Cozza regarding Crossridge documents for the last 18 months</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-98	Dr. Macedonia moved and Chief Crago seconded a motion to allowing the Chairman of the Board to respond to the public records request from Attorney Piero P. Cozza regarding Crossridge documents for the last 18 months. Motion passed unanimously.	1 st - Macedonia 2 nd - Crago Bell - Aye Crago – Aye Macedonia - Aye Petrola – Absent Rigaud - Aye

Old Business

Solid Waste Contract

The Health Commissioner reported that the Solid Waste Contract has now been signed by the Solid Waste Authority. The department is moving forward with gathering the 2020 information



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as well as reconciling 2019. Dr. Macedonia asked if a deadline was given to provide the information and the Health Commissioner responded at the end of 2020. She reported that the Solid Waste Authority is building a template for us on how they want to see things reconciled for 2019.

Credit Card Policy

Dr. Macedonia said he thought the credit card limit was required to be \$20,000 per Ohio Revised Code. Both Kelly Wilson and Jodi Norris stated they could not find it in the ORC where the limit was required to be no larger than \$20,000. Kelly pointed out that ORC stated that the limit for the type of credit card had to spelled out in the policy. Dr. Macedonia asked that “payment in full” be changed to “balance in full”.

<i>Action</i>	<i>Approval of Credit Card Policy</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-99	Mr. Rigaud moved and Chief Crago seconded a motion to approve the Credit Card Policy with the suggested changed from “payment in full” to “balance in full less any disputed items”. Motion passed unanimously.	1 st - Rigaud 2 nd - Crago Bell - Aye Crago – Aye Macedonia - Aye Petrola – Absent Rigaud - Aye

New Business

Appropriation Adjustment

<i>Action</i>	<i>Approval of 2020 Appropriation Adjustments</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-100	Chief Crago moved and Dr. Macedonia seconded a motion to approve the adjustments to the 2020 appropriations as presented. Motion passed unanimously.	1 st - Crago 2 nd – Macedonia Bell - Aye Crago – Aye Macedonia - Aye Petrola – Absent Rigaud - Aye

Physical Space

Chairman Bell excused himself at 10:34 a.m. The Health Commissioner proceeded to talk about the physical space. She requested new signage for the front of the building, and possibly for the other side of the building. The only signage that we have now is the “election type” sign that is stuck in the ground in the front of the building. Also, we still don’t have a sink for the clinical room, which is required for accreditation. We still do not have chairs for our customers to wait in



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the hallway. Mr. Bell returned at 10:36. Right now our customers are waiting in the hallway standing or are in the lobby of the building waiting to be served. The Health Commissioner requested that the Board recommend that we look for signage, whether we seek grant funding or allocate funding, and approach the commissioners about putting a sink in the clinical room, as well as explore options for a waiting area. Dr. Macedonia said he was in agreement that we should approach the Commissioners about the three items presented. The other Board members agreed. The Health Commissioner stated that she will write a letter to the Commissioners making the requests.

The Conflict of Interest Statement for Board Members was tabled until the next meeting.

Mr. Rigaud reported to the Board about the information session that he and Dr. Macedonia had with the fiscal staff regarding how the reports are prepared and the limitations that are faced when preparing monthly fiscal reports. Jodi Norris reported that the new reports will be presented on a one-month lag.

A motion to adjourn was made at 10:44 a.m.

<i>Action</i>	<i>Motion to Adjourn</i>	<i>Vote Detail (Roll Call)</i>
Motion – 2020-101	Mr. Rigaud moved and Dr. Macedonia seconded a motion to adjourn. Motion passed unanimously.	1 st - Rigaud 2 nd - Macedonia Bell - Aye Crago – Aye Macedonia - Aye Petrola – Absent Rigaud – Aye

There being no further business before the Board, the meeting was adjourned at 10:44 a.m.

The next meeting of the Board of Health is scheduled for Tuesday, September 15, 2020 at 8:15 a.m. in the Trumbull Towers Building, 2nd Floor.

ATTESTED:

Terry Bell

Mr. Terry Bell, Board President

Nicole Balakos

Nicole Balakos, Health Commissioner