



**Public Health**  
Prevent. Promote. Protect.

# Board of Health Sidney-Shelby County

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The regular meeting of the Sidney-Shelby County Board of Health was called to order by Dr. Aaron Sargeant at 7:01 p.m. on October 18, 2023. The meeting was held at the health department located at 202 West Poplar Street, Sidney, Ohio.

Other Board of Health members present included; Bill Ankney, Ted Holthaus, Shelby Pence, and Dr. Matthew Vasko. Also in attendance were Kent Topp, REHS, Environmental Health Director, Kimberly DeLoye, Fiscal Officer, Erica Lentz, MSN, RN, Health Commissioner, Samuel Green, Mindy Stueve, Ruhenkamp Boring & Trenching, Chris Wooddell, and Quentin Derryberry, Attorney for Joyce Freytag.

## **ADOPTION OF REVISED AGENDA**

Dr. Vasko moved, seconded by Mr. Holthaus to approve the revised agenda. Motion approved.

## **APPROVAL OF SEPTEMBER 20, 2023 MEETING MINUTES**

Dr. Vasko moved, seconded by Ms. Pence to approve the September 20, 2023 meeting minutes. Motion approved.

## **ENVIRONMENTAL HEALTH REPORT**

### **Appointment to Sewage Treatment System Appeals Board for Shelby County**

Kent Topp presented this agenda item to appoint Chris Woodell to the Shelby County Sewage Treatment System Appeals Board. The appointment will end December 31, 2024.

Mr. Holthaus moved, seconded by Ms. Pence to appoint Chris Wooddell to the Shelby County Sewage Treatment System Appeals Board. Motion approved.

### **493 Realty Services LLC./William Freytag/Joyce Freytag, 14131 Luthman Rd., Anna, McLean Twp.- Failure to Abate Public Health Nuisance.**

Kent Topp presented this agenda item and Quentin Derryberry updated the Board on the status of case proceedings for his client.

Situation: The property owner listed by the County Auditor is 493 Realty Services LLC. The 10.33 acre property consists of a house partially demolished by William Freytag, and piles of partially burned demolition debris, and an old septic tank and a water well.

#### **Additional Information:**

July 6, 2023 Order sent to William Freytag to have abated by August 21, 2023.

July 9, 2023 Minster Fire Dept. was called to site to extinguish demolition debris that was on fire.

July 11, 2023 Wiesenmayer writes they want to save well for new owner, and there is no septic.

July 12, 2023 Health Dept. responds they may save well if protected, and yes there is an old septic.

July 17, 2023 Wiesenmayer responds in writing that they should be able to comply by deadline.

July 18, 2023 MSI Environmental pumped out the old septic tank, and pumping report was submitted.

Aug 22, 2023 Reinspection, C&DD still at site and no STS abandonment form submitted.

Aug 25, 2023 Order to attend administrative hearing on Sept. 13 sent to William Freytag & Wiesenmayer.

Aug 30, 2023 William Freytag called in and was told what still needed to be done for abatement.

Sept 13, 2023 Administrative hearing, Wiesenmayer explains that the property is Joyce Freytag's via divorce.  
Sept 13, 2023 Order sent to Joyce Freytag to have abated by October 17, 2023.  
Sept 14, 2023 William Freytag files in court an appeal to the divorce decree/settlement of assets.  
Sept 25, 2023 Derryberry contacts us, it's tied up in appeal, they will cooperate, nuisance caused by William.  
Oct 13, 2023 William Freytag called in and said he would meet with Dave Nagel and get us a time-schedule to clean up the C&DD, he will turn in STS abandonment report, and have Quinter check out the well.  
Oct 17, 2023 Reinspection, C&DD still at site and no STS abandonment form, photos attached.  
Oct 17, 2023 William Freytag called and left message that Dave Nagel has not returned his calls yet.  
Oct 18, 2023 William Freytag came into the Health Dept., he still hasn't heard from Nagel, William is going to use his 955 Excavator to start organizing piles for the clean-up, no abandonment report yet.

Staff Recommendation(s): To keep things moving by not having to wait 30 days for a monthly board meeting, the following recommendation is being submitted for Board consideration. Recommend a Board motion in effect for 90 days authorizing the Health Commissioner to send this to the county prosecutor to file charges and/or to have the nuisance(s) corrected by contractors and place the costs on the property taxes for reimbursement.

Dr. Vasko moved, seconded by Ms. Pence, to give authority to the Health Commissioner for the next 90 days, to send this to the county prosecutor to file charges and/or to have the nuisance(s) corrected by contractors and place the costs on the property taxes for reimbursement, based on the action or non-action at the site. Motion approved.

#### **Samuel & Emily Green, 1801 Versailles Rd., Russia, Loramie Twp.- Variance Request**

Kent Topp presented this agenda item.

Situation: The Greens have a residence on a rural 5 acre lot. The lot contains a water well to the southeast of the house and sewage treatment system (STS) to the west of the house. They would like to build a 25' x 30' addition to the north side of the house.

The proposed plan would put the addition in a location involving the STS. The addition would be 7 feet from the septic tank. This would not meet the current code requirement of 10 feet of separation. They are seeking a variance for the addition to be only 7 feet from the septic tank.

Additional Information: A variance would be needed from the Ohio Sewage Treatment System Rules: O.A.C. 3701-29-06(G)(3)(a) for a distance of less than 10 feet between a STS and an addition. These requirements are in the rules to allow adequate room to access the addition and the STS, and to prevent possible damage between the addition and the STS. The Board has allowed variances in the past to be allowed at 50% the separation distance for permanent structures such as additions/buildings.

Staff Recommendation(s): The staff recommends allowing the variance for 7 feet of separation between the proposed addition and the existing septic tank.

Ms. Pence moved, seconded by Mr. Ankney to approve the variance for 7 feet of separation between the proposed addition and the existing septic tank. Motion approved.

#### **Jason Heckman, 11080 Friemering Rd., Ft. Loramie, McLean Twp.- Variance Request**

Kent Topp presented this agenda item. Mindy Stueve provided information on the variance and sampling history.

Situation: Jason Heckman owns a 2.5 acre tract located at the above address, where he has his residence, water well, and septic system. In 2015 Ruhenkamp Boring & Trenching installed a new geothermal system that was only 20 feet from his well. This was in violation of 2015 well regulations which required 50 feet of separation. This was 60% out of compliance. He attained a variance in 2015 from the Board of Health. The Board enacted a

stipulation that the well shall be sampled every year since then, and every year the sample result has come back as “not detected”.

In 2020 the Ohio Department of Health, changed the geothermal distance from 50 feet to 25 feet. This is O.A.C. Rule 3701-28-07(J)(13). This makes their 20 feet of separation only 20% out of compliance. This is a 40% improvement.

Brookside Labs no longer does this type of testing in New Bremen. Due to the negative results, Ruhenkamp Boring & Trenching would like the Board of Health to reduce its testing stipulation to every 10 years, or even possibly to have the sampling discontinued.

Additional Information: The SSCHD has no precedent on frequency of sampling based on a percentage of non-compliance.

Staff Recommendation(s): Since the distance is not 100% in compliance (only 80%), we believe the sampling should not be discontinued in its entirety. However, reduction in frequency seems a reasonable request. Any Board decision in the range of every 5-10 years would be acceptable to the staff.

Mr. Holthaus moved, seconded by Dr. Vasko to approve the variance to test in five years from the 2022 sampling, and if no contamination is detected, to test every ten years . Motion approved

#### **RD Sidney Holdings, LLC, 827 E. Court St., Sidney- Order to Remain Vacant**

Kent Topp presented this agenda item.

Mr. Ankney moved, seconded by Ms. Pence to approve the order to remain vacant. Motion approved

#### **APPROVAL OF BILLS**

Dr. Vasko moved, seconded by Mr. Holthaus to approve bills. Motion approved.

#### **FINANCIAL REPORT**

Kim DeLoye presented the September 30, 2023 financial report.

#### **September 21, 2023 Letter to the Auditor (New Fund Structure)**

The Health Commissioner sent a letter to the Auditor on September 21, 2023 requesting the following changes: Set up new structure funds per Board approval at the September 20, 2023 Board of Health Meeting.

#### **September 21, 2023 Letter to the Auditor**

The Health Commissioner sent a letter to the Auditor on September 21, 2023 requesting the following changes: Increase appropriations in PERS (water) by \$350 and advance out \$33,000 in COVID-19 Enhanced Operations Grant.

#### **October 3, 2023 Letter to the Auditor**

The Health Commissioner sent a letter to the Auditor on October 3, 2023 requesting the following changes: Advance \$33,000 from COVID 19 Enhanced Operations Grant to Health.

Mr. Ankney moved, seconded by Dr. Vasko to approve both September 21, 2023 and October 3, 2023 Letters to the Auditor. Motion approved.

#### **PUBLIC HEALTH NURSING REPORT**

**Monthly Report**

Erica Lentz presented the September 2023 nursing report, infectious disease report, and gave an update on COVID-19 vaccines and immunization clinics.

**HEALTH COMMISSIONER UPDATES/FYI MATERIALS**

Erica presented the following items.

**Retention Bonus**

The health department has the opportunity to give retention bonuses from the Workforce Development Grant. The bonus amounts are set by the grant in the amount of 3% of employee’s annual salary with a maximum of \$1,500. Erica asked the Board to approve bonuses for staff.

Dr. Vasko moved, seconded by Mr. Ankney to approve the retention bonuses for staff in the amount of 3% of employee’s annual salary with a maximum of \$1,500. Motioned approved.

**New county vacation accrual policy**

Shelby County has changed vacation accrual per the recommendation of the Retention and Recognition Committee. The policy allows employees to earn more vacation in a shorter time frame starting with the November 9, 2023 pay period.

Dr. Sargeant moved, seconded by Mr. Ankney to adopt the new policy of vacation accrual for health department employees. Motion approved.

**Updates**

Erica attended the Community Service Council meeting on October 11, 2023 and presented a PowerPoint on health department services, programs, funding sources, and levy facts.

Sidney-Shelby County Health Department Levy’s Facebook page has 216 members

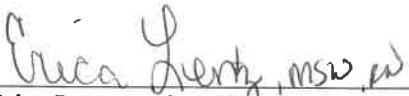
Measurements were taken last week for the new sliding doors for the front of the building. This will be paid from the COVID-19 Enhanced Grant. Estimated 10 weeks until installation.

**Next Board of Health Meeting- November 15, 2023 at 7:00 p.m.**

**ADJOURNMENT**

Dr. Vasko moved, seconded by Ms. Pence to adjourn the meeting. Motion approved.

  
Aaron Sargeant, DVM, PhD, President  
Sidney-Shelby County Board of Health

  
Erica Lentz, MSN, RN  
Health Commissioner/Board Secretary

15 Nov 2023  
Date