

Health Board Minutes
March 21st, 2023
Members present in person at the Health Department and on Zoom

Members Present:

Linda Bauer
Thomas Martin
Catherine Rountree
James Zimmerly

Members Absent:

Michael Day
Thomi Elmore
Cynthia Rose

Staff Present:

Corey Frost
Taylor Hardesty
Judy Hess
John Kennard
Ernie Reed
Dr. Norman Oestrike, Health Officer

Guests Present:

Kristie Blanchette
Avery Dellinger
Bonita Dellinger
Rich Hofstetter
Clint Studabaker

Meeting called to Order- In the absence of Thomi Elmore and Dr. Michael Day, Dr. Norman Oestrike presided over the meeting.

Brown County Regional Sewer District Update-Clint Studabaker

- a. Sewer Expansion Project Update
 - I. Clint wanted to give the board an overall progress update regarding the Regional Sewer District. In the Bean Blossom watershed, new water sampling was conducted to verify that E-Coli was present. Through further testing conducted by the Scientific Method Laboratory, it was revealed that the source of the E-Coli ranged from roughly 50% human versus animal, to as high as 94%, human versus animal.
 - II. Clint said that the plans have been made for the Helmsburg sewer center to be the central location for wastewater treatment, as the existing plant can be expanded. The project area runs from Woodland Lake, down Gatesville Road, and continues west along 45, to the county line in Lake Lemon. He stated the Regional Sewer District is also working with Monroe County and the Lake Lemon Conservancy District to look at reaching into Monroe County, especially on North Shore Drive, as there are major contributors to E-Coli entering the lake in that area. The total project would include 700-800 homes within the projected area that spans about 11 miles, and the construction would happen in 2 different phases.
 - III. Clint stated that they are currently gathering estimates. 2 more preliminary engineering reports (PER) still need to be completed. In terms of timeframe, once the final PER is completed in the spring, and the design and construction has been reviewed and finalized, he is hopeful the expansion would be finished in roughly 2025.
 - IV. He said that the SRF consulting group hired a company called Hometown Engineering who evaluated all the different options as far as building new plants or expanding any existing. They determined from that evaluation that Helmsburg being the regional center for waste would be the most practical and economical. The Indiana Department of Environmental Management (IDEM) has also been favorable of expanding the Helmsburg plant and would like a singular wastewater treatment plant rather than multiple smaller plants.
 - V. A vast majority of the funding has been provided by the SRF Consulting Group and USDA Rural Development but due to the scale of the project they are still seeking additional sources of funding for infrastructure.

VI. The more homes that are hooked onto the sewer will decrease the monthly rate. However, a homeowner with a newer septic system can opt out. The way statutes are set up, if you have a septic that's within 10 years of newness the state allows the homeowner to opt out of a connection to a sewer line that runs by. At the end of that 10 years, the homeowner can reapply for opting out for five more years, and possibly another 5 years after that before reaching the maximum for opting out. In addition, the homeowner must provide evidence that the system is functioning and adequate to be eligible to opt out each cycle. However, it is something each homeowner will have to assess financially, as it is much cheaper to hook onto the sewer line while it is being ran, than to be connected later.

Elkinsville Cemetery Road- Avery & Bonita Dellinger, Kristie Blanchette

a. Structure on Elkinsville Cemetery Road

- I. Dr. Oestrike explained that a complaint was filed on a structure located on Elkinsville Cemetery Road. When John and Ernie went to inspect the property, they deemed the structure to be a dwelling that was built without permits and did not have a septic system. The property owners and their daughter appealed this decision to the board, as they state the structure is strictly a hunting shed that would not require a septic system. Dr. Oestrike asked Ernie to present pictures of the property to the board and elaborate further on the situation.
- II. Ernie elaborated that 2 trespassing complaints had been filed on the property which was the reason for their inspection. Ernie presented pictures of the structure which showcased the structure measures 12' 3" x 16' 1" and has 2 stories. The windows are thermal pane with screens, the entry door is foam core with 1' insulated glass, and the whole building is insulated. Ernie stated that they have not inspected the inside of the structure, as they were not given permission. Due to previous confrontational interactions on the property, Ernie said the sheriff's department was in attendance when he and John posted the stop work order and condemnation order on the building on February 27th. The packet of photos showcased a building that was on the property in 2015 that was extremely dilapidated. Dr. Oestrike opened the conversation to the Dellinger's and Kristie Blanchette but emphasized that no personnel issues could be discussed in a public meeting, as the appeal form that was submitted contained personnel complaints.
- I. Kristie Blanchette stood at the podium and spoke to the board on behalf of her parents, the property owners, Avery and Bonita Dellinger, who were seated in the audience. Kristie stated that her father bought the parcel of land in 1974 and built a hunting shed on the property, which is the structure that was pictured in the packet from 2015. She said growing up her family visited the shed to hunt and camp. A few years ago, other family members accidentally caught the building on fire, causing major fire and water damage. In 2021, her and her husband, Marc, decided to restore the shed. As they were remodeling the structure they initially were staying in a tent on the property on the weekends while working on it, but later began sleeping inside of it once it was safe enough to do so. Kristie stated that it had never crossed her mind to obtain any permits for the work they were doing to the structure, as she didn't realize how extensive the repairs would be. When she spoke to Lonnie, the building inspector at the Building Department, Kristie said Lonnie told her that she should have obtained permits, but since she had already constructed so much of the structure that he would let her continue working without fining or penalizing her. Kristie claimed that they tried to use all the undamaged materials from the original structure and that the original shed was larger. Kristie emphasized that this is a seasonal structure and her and her husband own a home in Indianapolis, and they only stay overnight occasionally while working on the building. The building does not have running water and has never had a septic system or a toilet. Kristie explained that they have it insulated so they can hunt in the cold, and the windows have screens so they can hunt inside from the window.
- II. Kristie stated that it is just a storage shed that holds power tools, guns, and fishing poles. She said that the building does have a generator, but it is for medical equipment, lighting, running power tools, and charging their phones. They use outdoor cooking equipment while staying on the property. She said that once the construction of the building is complete, they do not intend to stay there as often as they have been. Kristie declared that she tried to rectify the issue, but she was not given much information as she is not the property owner. When a letter was sent to the property owners, Kristie was made aware that her mother, Bonita Dellinger, had spoken to Dr. Oestrike to say

Kristie was indeed trespassing, and wasn't allowed to build anything on the property. Kristie said that her mother only said this because she has memory issues and didn't remember at the time that she had granted Kristie and Marc permission to do work on the property. Bonita Dellinger stated that she just did not want any trouble.

- III. Linda Bauer inquired how often the Blanchette's visit the property. Kristie said that while working on the building her and her husband usually stay 3 or 4 days at a time but never longer than 7 consecutive days. Linda asked where they use the restroom when they stay. Kristie said that in an emergency they use the Elkinsville Cemetery outhouse which is about 1 minute away. She also stated that her neighbor allows her to use their toilet and shower. She said they primarily use the facilities at Story Inn, which is roughly 5 or 6 minutes away. Rich Hofstetter, the owner of Story Inn, allows them to use the restroom, shower, and do their laundry at his hotel. Rich was in the audience to attest that this is true. Kristie said they are willing to use a composting toilet or something similar but was informed they are illegal. Kristie said that to mitigate the situation, she was willing to not sleep in the shed if it would solve the problem.
- IV. Linda Bauer emphasized that using other facilities does not provide a permanent solution to there being no waste disposal on site. Linda also raised the concern that if they sell the property in the future, it will cause a problem for the new buyers. With the rise in popularity of tiny homes, the new owners could potentially live in the shed as it fits within the size classification of a tiny home.
- V. Linda stated that the board would need to further review this topic and the laws surrounding it. Dr. Oestrike then opened the floor for John to present the laws.
- VI. John provided the board and audience with excerpts from 410 IAC 6-8.3. He quoted section 15 that states "*Dwelling*" or "*residence*" means *any house or place used or intended to be used as a place of seasonal or permanent human habitation or for sleeping for one (1) or two (2) families, and any associated outbuildings that are for the private use of the owner.*" He also referenced section 51-D which gives authorization for the department to visit the property. Section 52-D was also provided which states "*Any dwelling that is not connected, or cannot be connected, to a sanitary sewerage system shall be provided with a residential on-site sewage system that includes a septic tank and a soil absorption system that has not failed.*"
- VII. John stated that he received 2 trespassing complaints, one stating that the Blanchette's had been living in the building for 2 years. Kristie replied that the complaint was not true. Linda emphasized that when a complaint comes in, the department must take it for face value and investigate the complaint thoroughly. John stated that the main question is if the structure is determined to be a residence or a shed. By the definitions he provided, he believes it should be considered a residence because they do use it seasonally and have admitted to occasionally sleeping in it. John said there are some grants and low interest loans available to help pay for a septic system if needed.
- VIII. Kristie replied that she is willing to fully camp on the property instead of sleeping inside. Ernie Reed said that this would be considered primitive camping, and the waste still must be disposed of in some form or carried out according to DNR state code. Linda inquired if a camper toilet was allowed for primitive camping. Ernie said more research would need to be done on that topic.
- IX. Linda said she often sees primitive camping listings on Air B&B, but the difference is the department cannot do anything about those listings without receiving a complaint.
- X. Dr. Oestrike said that the discussion should be tabled until a special meeting can be scheduled, and an executive session held later so more information can be divulged.
- XI. Cathy Rountree questioned the need for a condemnation notice on top of the stop work order. John said the rationale was if they aren't allowed to work there, they also shouldn't be allowed on the property. Cathy raised concerns about the legality of not allowing the family to use their property for hunting in the meantime. Through some discussion, it was determined the family can use the property but cannot stay overnight until a resolution is met.

ROLL CALL VOTE: Motion to keep the stop work order in place and to not allow any overnight staying in the structure until a special meeting is held passed unanimously.

Approval of Minutes from January 17th, 2023

ROLL CALL VOTE: Motion to approve the amended minutes to replace the word "implored" with the word "inquired" from the January 17th meeting passed unanimously. The minutes now state "Cindy Rose inquired if the citizens that receive Naloxone are given training on how to administer it."

Health Officer- Dr. Norman Oestrike

- a. Funding
 - I. Dr. Oestrike wanted to discuss funding for the department. He said the health department had a significant influx of money because of federal COVID reimbursement dollars. With that, the property tax rate the department receives was decreased. He believes the department will be in good shape for 2023 and probably 2024, but if the council continues to cut the budget, they are going to have difficulty finding employees. Currently a full-time nursing position has been open for several months due to how low the nursing salary is. Dr. Oestrike said that the governor is trying to establish a program which will allow all health departments to be funded by the state rather than the county at a substantial level, like employees within the legal system. If this legislation passes, this will allow a bigger budget to hire employees and continue functioning. Although the discussion is still in the early stages, he wanted the board to be aware of these discussions going on.

ROLL CALL VOTE: Motion to approve the Health Officer's report passed unanimously.

Annual Report-Report Mailed

- I. Cathy Rountree thanked the department for their hard work on the annual report. She asked that a correction be made to the nursing report to change the terminology from "eskimo" to "Alaskan native."

ROLL CALL VOTE: Motion to approve the amended annual report passed unanimously.

Front Office- Judy Hess and Taylor Hardesty – Report Mailed

ROLL CALL VOTE: Motion to approve the front office report passed unanimously.

Emergency Preparedness-Corey Frost– Report Mailed

- a. Community Needs Assessment
 - I. Corey Frost announced that he has applied for a grant from the Community Foundation to help pay for a community health needs assessment, as it costs about \$30,000 to hire a contractor to do this. He stated that this assessment will help identify the main health risks in Brown County to help move forward with the community paramedicine program. An assessment has been performed before which identified respiratory diseases as the biggest health risk, so he is curious to see what the new report will determine.
- b. Toxic Exposures
 - I. Jim Zimmerly asked what the risk of a toxic exposure is with the various railroads. Corey declared that a hazard vulnerability assessment is done every year and the railroad is always discussed. Within the next year he will be performing a hazardous commodity flow study. In that study, he will receive a list of items being transported and the exact times and locations of transportation from the Indiana Railroad Company.
 - II. Corey emphasized that several plans are in place should a hazard arise. Trainings are also conducted through the local emergency planning committee. Right now, his focus is on radiation.

ROLL CALL VOTE: Motion to approve the emergency preparedness report passed unanimously.

Nursing- Seleah Settle – Report Mailed

ROLL CALL VOTE: Motion to approve the nursing report passed unanimously.

Environmental Health –Jennifer Heller – Report Mailed

ROLL CALL VOTE: Motion to approve the environmental health report passed unanimously.

Environmental Health-John Kennard & Ernie Reed-Report Mailed

a. Septic Failure Complaints

- I. Jim asked if there has been any progress made for the failing septic complaints that were carried over from 2022. Ernie stated that he currently has 2 property owners fully working with him that plan to install a new system when septic season begins. He has many more complaints that are unresolved.
- II. Jim asked if there are workable solutions for the remaining complaints. Ernie said that not much can be done besides keeping in contact with the homeowner and offering information about septic grants and loans.

ROLL CALL VOTE: Motion to approve the environmental health report passed unanimously.

ROLL CALL VOTE: Motion to adjourn meeting at approximately 6:30 pm passed unanimously.

Respectfully Submitted,



Norman Oestrike, MD
Health Officer

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