

Special Meeting Health Board Minutes

April 18th, 2023

Members present in person at the Health Department and on Zoom

Members Present:

Linda Bauer
Michael Day
Thomi Elmore
Thomas Martin
Cynthia Rose
Catherine Rountree
James Zimmerly

Staff Present:

Jennifer Heller
Judy Hess
John Kennard
Ernie Reed
Dr. Norman Oestrike, Health Officer

Guests Present:

Kristie Blanchette
Marc Blanchette
Avery Dellinger
Bonita Dellinger

Elkinsville Cemetery Road- Avery & Bonita Dellinger, Kristie Blanchette

- a. Structure on Elkinsville Cemetery Road
 - I. Kristie Blanchette stood at the podium and spoke on behalf of her parents, the property owners, Avery and Bonita Dellinger, who were present through Facetime. Kristie summarized again that her and her husband, Marc Blanchette, had renovated a dilapidated structure that was on her parent's property. The structure that was originally there was built in 1974 and had suffered major water and fire damage. In 2021, Kristie and her husband decided to remodel and downsize the building. Once a trespassing complaint was filed, the Health Department issued a stop work order and order to vacate on the property, as permits were never obtained and there are no means for sewage disposal.
 - II. Thomi Elmore specified that the department must follow state law which states that any building that is used for sleeping quarters requires a septic system.
 - III. Kristie stated that they do not live in the building, therefore she does not understand the need for a septic system. She said she has slept in the structure, but they do not live there.
 - IV. John Kennard stated that in state code if the building measures 12' x 10' and is on skids it is then considered a shed, but their structure measures 12' 3" x 16' 1" making the size closer to the specifications of a tiny home.
 - V. Marc Blanchette stepped up to the podium and began stating the health department was impeding his civil rights to hunt and fish. Thomi clarified that the health department has nothing to do with his ability or right to hunt and fish and the purpose of the meeting was to only discuss the structure. Linda Bauer began to speak and said that she and other board members had driven by the property, causing Marc Blanchette to begin yelling and approaching the board members. He then accused Linda and the board of trespassing and peaking in his windows. He also threatened litigation. Due to his confrontational demeanor, Marc was asked to leave the meeting and did so accordingly. Linda emphasized that when she and the board visited the property they stayed on the road and did not exit their vehicles. Kristie said she understood and did not believe the board looked in the windows.
 - VI. Dr. Michael Day clarified that if someone has a mansion but claims they do not live there, they are still required to have a septic system due to the size of the structure, therefore, the amount of time they stay there does not have any bearing on the need for sewage disposal.
 - VII. Kristie began to state that she was being picked on by her neighbor who filed the complaint. John specified that the neighbor was never the complainant, but rather the complaints of trespassing came from conservation officers and the sheriff's department.

- VIII. John Kennard again referenced 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 believes between the size and Kristie admittingly sleeping in it on occasion, that it should be considered a dwelling.
- IX. Kristie stated that she is concerned that requiring them to install a septic system would increase the tax bracket for her parents when it was never intended to be used as a residence. She said she is willing to sign a paper stating they won't sleep in the building.
- X. Dr. Day said signing a paper would not work because there is no way to monitor whether they are sleeping in the structure or not. He stated that the real issue is the size and the fact it qualifies as a residence, which means state code requires a means of sewage disposal.
- XI. Kristie stated that she has recordings of every conversation that she has had with the department and that she was called a liar and was told it was a residence based off the porch and windows. She said everything was completely unprofessional and began to elaborate before being told that personnel issues must be discussed in an executive session.
- XII. Jim Zimmerly inquired if the building has a loft. Kristie said that the building does have a loft, but that is only accessible by a ladder and only contains storage.
- XIII. John clarified that if the structure is placed on skids and reduced to 12' x 10' that it would be considered a shed and the issue would be resolved. Kristie agreed that they would reduce the size and the department had permission to come back to the property and measure it once it was complete.
- XIV. Cathy Rountree stated that this is a two-fold issue, the first issue being the size of the structure and the second being the usage of the structure. She inquired how the usage aspect of the complaint would be resolved. Kristie specified that they have a camper they can bring to property, or they will sleep in a tent.
- XV. Amidst much debate it was determined that the building should be reduced by 6' so it fits within the 12' x 10' specifications of a shed. The board decided they would grant them until May 1st, 2024 to complete this change. If the completion date is not met, the board may agree to a final extension date of September 1st, 2024.

ROLL CALL VOTE: Motion to require the structure to be reduced to 12' x 10' by May 1st, 2024, with a review at that time and possible final extension of September 1st, 2024 passed unanimously.

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

Respectfully Submitted,



Norman Oestrike, MD
Health Officer

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