

THE MINUTES OF THE MEETING OF THE BOARD OF HEALTH, CITY OF OAKWOOD, STATE OF OHIO

The meeting was conducted in the Council Chambers of the City Building, 30 Park Avenue, on November 20, 2006.

In attendance were:

Dr. Greg Ramey, Ph.D., Chair	Mr. Norbert Klopsch, Administrator/City Manager
Dr. David Denka, D.O., Member	Mr. Paul Scaglione, R.S., Sanitarian
Dr. Marvin Miller, M.D., Member	Dr. Mary Pryor, M.D., Health Commissioner
Mr. Paul Holcomb, R. Ph., Member	Dr. Richard Garrison, M.D., Assistant Health Commissioner
Dr. Gloria Goldman, Ph.D., Member	

Also in attendance were:

Dr. John Eastman, Ph.D., P.E., Chief Environmental Engineer, LJB, Inc.
 Jay Weiskircher, Assistant City Manager
 Dalma Grandjean, City Attorney
 Dan Ruble, Oakwood Community Center

The following visitors registered:

Marlene and Henry Maimon, 1101 Ridgeway Road
 Bruce Langos, 1700 S. Patterson Boulevard
 Staff Member from Dayton Daily News
 Staff Member from WHIO-TV
 John and Heike Kennel, 1541 Runnymede
 Lance Winkler, 428 Hadley
 Jane and Mike Maney, 300 Southview Road
 Laura Funk
 Judy Cook, Mayor
 William Duncan, Council Member
 Roger Blumensheid, Council Member

Chairman Greg Ramey called the meeting to order at 5:10 p.m. Dr. Ramey noted that Dr. Miller will arrive shortly (Dr. Miller arrived at 5:21 p.m.).

Dr. Ramey asked that the minutes of the September 26, 2006 meeting be reviewed. There being no comments or suggested edits, Mr. Holcomb moved that the minutes be approved as written; second by Dr. Goldman. Upon a viva voce vote, motion passed unanimously.

Report from Chairman: Dr. Ramey invited Mayor Judy Cook to address the Board. Mayor Cook announced that Health Commissioner Dr. Mary Pryor had recently received a Living Legend Medicine Award from the West Virginia School of Medicine. Mayor Cook offered congratulations on behalf of the entire community and noted the many lifetime achievements of Dr. Pryor. Dr. Ramey added his congratulations.

Report from Sanitarian: Mr. Scaglione reported that the annual cost methodology for determining health inspection fees will be completed during the first week of December.

Report from Health Commissioner: No report.

Report from Administrator/City Manager: No report.

Old Business: Dr. Ramey announced that the remainder of the meeting would be dedicated to receiving a report on the environmental issues at the former NCR Sugar Camp property and the adjacent land at the northwest corner of Far Hills and West Schantz. Dr. Ramey then asked Mr. Klopsch to provide a brief

summary of the five properties formerly owned by NCR (i.e., Sugar Camp, Lots #2 and #3 along Far Hills, Old River Fields, the 49-acre property owned by UD, and the recently acquired Dayton Daily News (*DDN*) building along Far Hills). Mr. Klopsch provided an overview of the properties and then introduced Dr. John Eastman.

Dr. Eastman gave a summary of recent developments on former NCR properties in the Oakwood area and in the city of Dayton just north of Oakwood. These include the University of Dayton owned land for which an Urban Setting Designation has been requested, land purchased by the *DDN*, the Oakwood owned Old River Soccer Fields and Lots #1, 2 and 3 of the former Sugar Camp land. Dr. Eastman stated that when he refers to Sugar Camp, he only means Lot #1. Dr. Eastman then explained that he is working directly for the city and on behalf of the citizens of Oakwood. His work is focusing on the following four items:

- Protection of the Oakwood well fields, particularly the Springhouse Wellfield;
- Protection of children using the soccer fields;
- Protection of Oakwood residents living in the area; and
- Understanding of possible contamination that might lie within the Oakwood corporation limits.

Regarding the Springhouse Wellfields, Dr. Eastman explained that the wellfield is hydrologically separated from any of the possible sources of contamination on former NCR property by virtue of being perched at a higher elevation. Water testing done by the city of Oakwood over the past six decades has never shown any contamination.

Regarding the Sugar Camp property (Lot #1), the potential environmental issues are:

- A pad mounted transformer is located on the property, but there are no signs of any leakage and therefore no known existing environmental impact.
- A former 20,000 gallon heating oil underground storage tank. This tank was removed some years ago and soil testing showed that the site was clean.
- Former location of Miami and Erie Canal. There are some fill areas but none are known to consist of any hazardous materials.
- Material from Runnymede Playhouse. All available evidence shows that potentially radioactive materials were taken to a Department of Energy secure location outside of Oakwood. No evidence has been found to support rumors of placement of any Runnymede Playhouse materials at Sugar Camp.

Dr. Eastman then reviewed the Old River Soccer Fields. The recreational use of this land began in approximately 1938 and the use has remained recreational since then. Prior to construction of the athletic fields, the only other previous use identified was a community gardens. The land lies in former flood plain of the Great Miami River prior to the construction of the Miami Conservancy District levies and dams. From May through September, 2003, Dr. Eastman reviewed the property and testing data provided by the NCR Corporation. That study included reviewing test results for lead and arsenic. Although some levels thought to be above background were found, none were found to provide a risk to human health or the environment. Prior to the city of Oakwood purchasing the fields, LJB conducted a Phase I Environmental Site Assessment. That assessment concluded with a confirmation of the 2003 determination that no evidence suggests that the site poses any threat to human health or the environment. LJB has completed a Chronic Risk Assessment for arsenic (copy attached) and found that there is no health risk to children using the soccer fields. A previous determination had been done regarding lead which also showed that lead was not a health risk to children using the soccer fields.

Dr. Eastman then discussed Lots #2 and #3 which are owned or leased by the Versant Group. His comments included a review of data provided by the NCR Corporation and by Weston Solutions, Inc. in a report dated November 17, 2006. The report findings are as follows:

- Residential Direct Contact. Lot #2 and the southern part of Lot #3 are not acceptable under the residential direct contact standard unless controls and/or remediation is completed.
- Commercial Direct Contact. Commercial direct contact is acceptable.

- Protection of Construction Workers. Acceptable for Lots #2 and #3.
- Vapor Intrusion for Residential Use. Not acceptable without engineering controls, however more accurate soil vapor sampling may lead to a different finding.
- Vapor Intrusion for Commercial Use. Lots #2 and #3 found to be acceptable.

Dr. Ramey then introduced Mr. Herold Williams, CEO of the Versant Group. Mr. Williams stated that he and his consultant have carefully studied Lots #2 and #3 and portions of Lot #1 that he intends to use for his part of the development and they understand the environmental conditions. He then introduced his environmental consultant, Laura Funk, from the Weston Group. Ms. Funk discussed her study of the properties and report. All of the environmental issues on the property are understood and can be addressed to comply with the Voluntary Action Program (VAP) with oversight of the Ohio Environmental Protection Agency (OEPA).

Dr. Ramey then introduced Mr. Joe Smindak. Mr. Smindak is the Manager of the Division of Emergency & Remedial Response at the Southwest District Office of the OEPA. He provided a brief summary of his duties relating to the University of Dayton Urban Setting Designation request and development of Lots #1, 2 and 3 in Oakwood. His primary role will be to oversee waste disposal investigation and vapor investigation. He suspects that the primary focus will be on vapor intrusion.

Dr. Ramey then introduced Lee Schear, a partner with Oakwood Investment Group, Inc., who owns Lot #1. Mr. Schear briefly commented on the studies that OIG had completed for Lot #1 and their understanding of the environmental issues.

Dr. Ramey then opened the public hearing and invited comments. Mr. John Kennel, 1541 Runnymede Road, introduced himself and asked what remediation would be needed for Lots #2 and #3 and how the developer would stop contaminated material from traveling to other bordering properties. Dr. Eastman responded that the limits of foundry sand from former NCR manufacturing operations has been clearly identified through topographic studies and field surveys and is clearly limited to Lots #2 and #3. Materials are static and there is no risk of natural migration to adjoining properties. Mr. Williams commented that the Versant Group is still studying the volume of foundry sand material to determine the extent of soil removals necessary. Based on a thorough study of the property, he does not expect the remediation effort to cost more than is economically feasible for the development. Mr. Kennel asked how the public will know the results of the final testing and decisions regarding remediation. Mr. Williams responded that the Planning Commission will receive that information. Mr. Kennel asked if there will be soil testing required during construction, based on conditions found during earthwork operations. Dr. Eastman commented that there are clear ways to determine if testing is warranted. Mr. Kennel asked if the Phase I site assessment for the Sugar Camp property noted drums located along the northern edge and the presence of a trailer. Dr. Eastman responded that the drums appeared to be empty trash containers, such as what one would see dispersed throughout a park. Dr. Eastman stated that there was no evidence of a trailer on the site.

There being no other public comments, Dr. Ramey closed the public hearing.

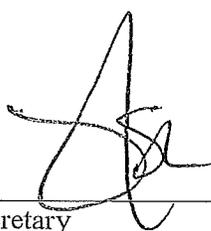
Dr. Ramey asked what the next step should be. Mr. Klopsch responded that the Planning Commission will receive the Master Plan application at their meeting on December 13 and that he would like for the Board of Health to provide a statement to the Planning Commission that the environmental issues have been discussed and provisions are in place to ensure that all issues of public health have been (or will be) addressed.

Dr. Miller asked Mr. Smindak what the level of severity was for this project and whether Mr. Smindak, in his capacity with the OEPA, considered this a hard project. Mr. Smindak said that this is a comparatively easy property from an environmental standpoint and can easily be developed. Dr. Ramey then suggested that a motion by the Board of Health be presented that: 1) includes a requirement that the sites (Lots #1, 2 and 3) be visited and monitored regularly during construction; 2) that regular written reports of site visits be prepared by Dr. Eastman and submitted to the Board of Health; and 3) that verbal

reports from Dr. Eastman be provided at regular upcoming Board of Health meetings with the first such report coming in three months.

Therefore, it was moved by Dr. Ramey and seconded by Mr. Holcomb that the requested requirements outlined above be forwarded to the Planning Commission along with an explanation that the Board of Health has requested regular reports be received from Dr. Eastman which monitor the environmental and health concerns of this project, in particular Lots #2 and #3 and that the first report to the Board of Health be given in approximately three months.

There being no other business, Dr. Ramey adjourned the meeting at 6:29 p.m.



Secretary


Chair



Commissioner of Health