

**Trumbull County Board of Health – Regular Meeting  
Wednesday, February 25, 2015 – 1:30 P.M.  
176 Chestnut Ave., N.E., Warren, Ohio**

**BOARD MEMBERS PRESENT:** Marisha Agana, M.D.  
Dale Appis  
Robert Biery, Jr., President

**BOARD MEMBERS NOT PRESENT:** Aron Blecher, M.D.  
John Messersmith, President Pro Tempore

**STAFF:** James J. Enyeart, M.D., Health Commissioner  
Frank Migliozi, M.P.H., R.S., Director of Environmental Health  
Sandra Swann, R.N., Director of Nursing  
Jenna Amerine, MPH, CHES, Health Educator  
Mel Milliron, C.H.E.S., Health Educator  
Rod Hedge, R.S., Public Health Sanitarian  
Kris Wilster, R.S., Public Health Sanitarian  
Johnna Ben, Administrative Secretary

**MINUTES**

- I. The meeting was called to order, the Pledge of Allegiance was said and a roll call was taken to confirm a quorum.**
- II. Adoption of Agenda: *MOTION: 15-31* made by Dr. Agana, seconded by Mr. Appis to adopt the amended agenda as presented.**

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

- III. Approval of Minutes: *MOTION: 15-32* made by Dr. Agana, seconded by Mr. Appis to approve the minutes of the January 28, 2015, meeting, as presented.**

**Roll Call Vote:**

Dr. Agana – Abstain  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

**a. Deputy Health Commissioner Selection: *MOTION: 15-33*** made by Dr. Agana, seconded by Mr. Appis to appoint Frank J. Migliozi, as Deputy Health Commissioner.

**Roll Call Vote:**

Dr. Agana – Yes

Mr. Appis – Yes

Mr. Biery – Yes

Motion carried.

**IV. Health Commissioner Report:** At this time, Atty. Kokor briefly reviewed the recent court decision regarding two private line sewer extensions. Atty. Kokor explained that with regard to the Sable Creek Development private sewer line extension, the court found that the owners were not notified of the cost and was therefore deprived of their due process. In the King Graves Road private line sewer extension case, the court found that the law was unconstitutional as it was applied. The county commissioners failed to pass a resolution to extend the sanitary sewers for the betterment of public health and welfare. The statutes regarding private line sewer extensions were not found unconstitutional on the whole, as the media reported, but that in these two instances the way that the statute was applied was found to be unconstitutional.

Dr. Enyeart informed the Board that the public health assessment that was undertaken by the health department over a year ago has produced some recommendations. There was an article in the Youngstown Vindicator regarding grants that were awarded to the Trumbull County Health Department, and various other agencies in both Trumbull & Mahoning Counties with regard to one such recommendation that came out of the public health assessment. Project Dawn, which is an emergency naloxone program, came about because drug use and drug related deaths were one of the priorities cited in the assessment, and Dr. Enyeart asked Mrs. Swann to report on the health department's program.

Mrs. Swann stated that the health department's Project Dawn has been very successful, and Kathy Parrilla, RN, one of the health department's public health nurses, has taken the lead on this program, collaborating with ASAP (Alcohol & Substance Abuse Prevention Program) and the Trumbull County Mental Health Board. With the grant, the health department will be able to provide 50 kits, and so far has given out 20 of the kits to family members of at risk persons. Through Mrs. Parrilla's efforts, she has collaborated with other agencies and will be getting additional funding to purchase more naloxone, and provide more kits for the community. It has been asked around the county as to what the health department does other than septic, and this is a prime example of what else the health department does, in addition to Help Me Grow, immunizations and various other programs. Dr. Enyeart stated that he feels that the health department staff deserves recognition for what has been accomplished in launching this program, as well as the many other works they do in the community.

Dr. Enyeart continued with his report stating that as the Board knows, the state passed statewide sewage regulation, which brings down, to almost zero, complaints about Trumbull

County being any different with the regulations now being the same across the board. The health department also returned the NPDES MOU to the Ohio EPA, which means the installers will have to go through the EPA to obtain approval for an off-lot sewage system. The Trumbull County Commissioners voted to amalgamate the sanitary engineer's office and the engineer's office, and Randy Smith, PE, will oversee both departments. The Trumbull County Health District Advisory Council's annual meeting will be held on March 11<sup>th</sup>, and the public is welcome to attend. Mr. Milliron, Mr. Migliozi, Mrs. Swann and Dr. Enyeart interviewed the Health Educator applicants, selected and hired Jenna Amerine. Dr. Enyeart also informed the Board that the health department also rescinded the MOU with the Ohio Manufactured Home Commission, and will no longer be conducting inspections in manufactured home parks.

- V. Director of Nursing Report:** Mrs. Swann presented a written report to the Board for their review, and also informed the Board that the health department's Baby & Me Tobacco Free program received an "orchid" in the Warren Tribune.
- VI. Director of Environmental Health Report:** Mr. Migliozi presented a written report to the Board for their review. Mr. Migliozi also stated that he had met with his staff regarding the odor complaints at Lafarge. A fact sheet was developed explaining how the investigation would be handled, and those fact sheets were delivered door-to-door by staff to approximately 40 households.
- VII. Health Educator Report:** Mr. Milliron presented a written report to the Board, but also discussed an article that appeared in the newspaper regarding his grant. In the article, it stated that the health department would be receiving \$500,000.00, which is true; however, it is \$100,000.00 per year for 5 years. The Ohio Department of Health will be distributing additional monies for current projects, which will be used for 2 parks, a mobile food pantry and an OSU Ext. project.
- VIII. Board Report:** Although Dr. Blecher was not in attendance, Mr. Biery publicly thanked Dr. Blecher for his participation on the Board, and also congratulated Mr. Migliozi on his appointment to Deputy Health Commissioner. Mr. Migliozi thanked Mr. Biery and the Board for their vote of confidence, stating that he feels that the health department has a tremendous staff and he looks forward to working for better health outcomes for the county in his new position. Mr. Biery also welcomed Jenna Amerine to the health department.
- IX. New Business:** A. Variance Request – Liston Burnworth, 5040 Risher Rd., Warren Twp. – Not present. Mr. Burnworth is requesting a temporary variance to continue to occupy the garage/camper while a new home is completed and set on the property. A letter was received from Warren Township zoning stating that the proposed structure is in compliance with local rules, and that the variance can proceed.

**MOTION:** 15-34 made by Mr. Appis, seconded by Dr. Agana to grant a temporary variance to Liston Burnworth allowing continued occupancy of the garage/camper at 5040 Risher Rd., Leavittsburg, Ohio, until the new home is completed and set on the lot. The existing sewage system must be maintained by a registered service provider at all times

during this process, and the variance shall become null and void on October 31, 2015. By October 31, 2015, the replacement septic system must be installed, inspected and approved, and the garage/camper must no longer be occupied.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

B. Alleged Code Violation – Consent Agreements – 1. Thomas J. Culver, 787 McConnell, Warren Twp.

**MOTION: 15-35** made by Mr. Appis, seconded by Dr. Agana to accept the consent agreement for Thomas J. Culver, 787 McConnell, Warren Twp., in which Mr. Culver agrees to submit all necessary paperwork, obtain an alteration permit and have the components installed within 120 days, weather permitting.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

C. Alleged Code Violation – Larry & Kathleen Kellar, 4428 Nelson Mosier Rd., Braceville Twp. – Mr. Kellar was present and sworn. As a result of a real estate evaluation the septic system was inspected and found to consist of a crock that is being used as a septic tank, and no other secondary components. The owner was asked to submit a written timeline for compliance by December 31, 2015, but nothing was ever received. Mr. Wilster stated that the health department had just been made aware of grant monies for which Mr. Kellar may be eligible. Mr. Kellar added that he was working on getting the contractor to start work.

**MOTION: 15-36** made by Dr. Agana, seconded by Mr. Appis to table any action regarding the alleged code violation for Larry & Kathleen Kellar, 4428 Nelson Mosier Rd., Braceville Twp., to allow time to see if the Kellars are eligible for grant funding.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

D. Alleged Code Violation – Robert A. Lancey, 2114 Tibbetts Wick Rd., Liberty Twp. – Rebecca Lancey was present and sworn. As a result of a real estate evaluation, the existing private water systems were inspected. The result of the inspection revealed that a hand dug well and a cistern exist on the property, and only one of the systems is the primary source of water to the structure. The health department received an application to seal the cistern, but the sealing did not occur. An in-house administrative hearing was scheduled for October 16, 2015, and the matter was tabled to allow the owner time to contact the contractor and have the sealing completed. A second hearing was scheduled for January 29, 2015, but no attended. Mrs. Lancey stated that the house runs off of the hand dug well and not the cistern. They were having issues with the contractor, Ryan Yoho, in getting the cistern abandoned. Ryan Yoho was present at the meeting, and he stated to the Board that he would have the cistern abandoned and sealed within seven days.

**MOTION: 15-37** made by Mr. Appis, seconded by Dr. Agana to required Robert A. Lancey to properly abandon the old private water system that is not the primary source of water to the structured located at 2114 Tibbetts Wick Rd., Liberty Township, according to state code requirements within 30 days. In addition, that the owner submit the necessary state sealing report to the department within that same timeframe. Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – Yes

Mr. Appis – Yes

Mr. Biery – Yes

Motion carried.

E. Alleged Code Violation – Dennis R. Hamilton, 2377 Risher Rd., Warren Twp. – Elizabeth Fisher, niece of Mr. Hamilton, was present and sworn. Mr. Hamilton was also present, but gave no testimony. As a result of a real estate evaluation, the existing private water system was inspected on August 5, 2015. The result of the inspection revealed that the primary source of water to the structure is city water, but a well exists. Ms. Fisher stated that she has no record of where the well is located, and would also like to connect to sanitary sewer. Mr. Hedge stated that according to health department records from 1996, Economy Well Drilling performed an alteration on the well, but there is no record that the well was sealed. Mr. Miglioizzi stated that the hearing today had nothing to do with the septic, but recommended to the Board that they table the matter to allow Ms. Fisher time to find out about connecting to sanitary sewer and get information on the well location.

**MOTION: 15-38** made by Mr. Appis, seconded by Dr. Agana to table any action regarding the alleged code violation for Dennis R. Hamilton, 2377 Risher Rd., Warren Twp., for 90 days.

**Roll Call Vote:**

Dr. Agana – Yes

Mr. Appis – Yes

Mr. Biery – Yes

Motion carried.

F. Suellen & Russell Cornell, 6146 Bushnell Campbell Rd., Vernon Twp. – Not present. As a result of a nuisance complaint, the property was inspected on March 11, 2013, and it was found that tire, trash and other miscellaneous debris is openly being dumped on the property.

**MOTION: 15-39** made by Mr. Appis, seconded by Dr. Agana to require Suellen & Russell Cornell to remove all solid waste from 6146 Bushnell Campbell Rd., Vernon Twp., within 60 days, weather permitting, and submit receipts to the environmental division of the health department to verify proper disposal to a licensed facility. Failure to comply with this order shall result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – Yes

Mr. Appis – Yes

Mr. Biery – Yes

Motion carried.

G. Alleged Code Violation – Matthew P. Spanish, 5204 Cleveland, Newton Twp. – Not present. As a result of a nuisance complaint the property was inspected and it was found that solid waste was being openly dumped on the property.

**MOTION: 15-40** made by Mr. Appis, seconded by Dr. Agana to require Matthew P. Spanish to remove all solid waste from 5204 Cleveland, Newton Twp., within 60 days and submit receipts to the environmental division of the health department to verify proper disposal to a licensed facility. Failure to comply with this order shall result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – Yes

Mr. Appis – Yes

Mr. Biery – Yes

Motion carried.

H. Alleged Code Violation – Steve Haynie, 1110 Sodom Hutchings Rd., Vienna Twp. – Mr. Haynie was present and sworn. An application for construction of a new well was received on April 8, 2013, from a licensed private water system contractor. A well log for the newly constructed well was received on May 6, 2013. A pump completion form was received on October 31, 2015, and was submitted by a non-licensed private water system contractor. An in-house administrative hearing was held and Mr. Haynie was given 90 days to resolve the matter by involving the state department of health. The well driller put in

writing that they did not install the pump, and will not sign off on it. Therefore, the remaining issues are that Mr. Haynie was to have an approved contractor do the work and have the water tested. Mr. Haynie stated that Jim Farmer was coming out to do the work.

**MOTION: 15-41** made by Dr. Agana, seconded by Mr. Appis to require Steve Haynie to hire a registered contractor, complete the pump completion work, submit the state required form and made arrangements with Rod Hedge to have the water tested within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

I. Alleged Code Violation – John E. Fowler, 3012 Austintown Warren Rd., Weathersfield Twp. – Not present. As a result of a real estate evaluation, it was found that a well exists along with a city water supply.

**MOTION: 15-42** made by Mr. Appis, seconded by Dr. Agana to require John E. Fowler to properly abandon the old private water system located at 3012 Austintown Warren Rd., Weathersfield Twp., according to state code requirements and submit the necessary state sealing report to the health department within 30 days; or within 30 days demonstrate compliance with rule 3701-28-17(D) to keep the well. Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

**X. Executive Session: MOTION: 15-43** made by Dr. Agana, seconded by Mr. Appis to close for executive session for discussion of personnel, and to include legal counsel and the health commissioner.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

Prior to the Board going into the executive session, Greg Dubos, of Newton Township, thanked Mr. Migliozzi & Mr. Kevin Francis for keeping the township informed on Lafarge.

**MOTION: 15-44** made by Mr. Appis, seconded by Dr. Agana, to reopen to public session.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried. (Closed 2:33 P.M. – Reopened 2:53 P.M.)

**XI. Approval of Payment of Bills: MOTION: 15-45** made by Dr. Agana, seconded by Mr. Appis to approve the payment of the bills as presented.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried.

**XII. Adjournment: MOTION: 15-46** made by Dr. Agana, seconded by Mr. Appis to adjourn.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mr. Biery – Yes

Motion carried. (Adjournment 2:54 P.M.)

**RECORDED BY:**

**ATTESTED BY:**

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**Johnna Ben**  
**Administrative Secretary**  
**Trumbull County Health Department**

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**Robert Biery, Jr.**  
**President**  
**Trumbull County Board of Health**

**For**

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**James J. Enyeart, M.D.**  
**Health Commissioner and Secretary**  
**Trumbull County Board of Health**