

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

BOARD MEMBERS PRESENT: Dale Appis
John Simon, Jr.
John Messersmith
Robert Biery, Jr., President

BOARD MEMBERS NOT PRESENT: Marisha Agana, M.D.

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
Steve Kramer, R.S., Public Health Sanitarian
Kris Wilster, R.S., Public Health Sanitarian
Natalie Markusic, R.S., Accreditation Coordinator
Lisa Spelich, FSO Secretary
Johnna Ben, Administrative Secretary

MINUTES

- I. The meeting was called to order; the Pledge of Allegiance was said.**
- II. Board Reorganization: MOTION: 15-47** made by Mr. Messersmith, seconded by Mr. Appis that the Mr. Biery remain Board President and Mr. Messersmith remain President Pro Tempore.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

At this time, Mr. Biery and the Board introduced Mr. Simon and welcomed him to the Board.

- III. Adoption of Agenda: MOTION: 15-48** made by Mr. Messersmith, seconded by Mr. Appis to adopt the amended agenda as presented.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- IV. Approval of Minutes:** *MOTION: 15-49* made by Mr. Appis, seconded by Mr. Messersmith to approve the minutes of the February 18, 2015, meeting, as presented.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Abstain
Mr. Messersmith – Abstain
Mr. Biery – Yes

The motion was not passed by a majority vote. The February 18, 2015, meeting minutes, will be placed back on the April meeting agenda for approval.

- V. Health Commissioner Report:** Dr. Enyeart encouraged everyone to be aware of ticks this year, and Lyme disease. An informational brochure was available to those in attendance, and information has also been placed on the health department's website. The County Public Health Rankings were reviewed. Trumbull County's ranking is 77. Dr. Enyeart explained various things affect the rankings. In comparing numbers Dr. Enyeart stated that he found that loss of life at a younger age seems to be an indicator as to where counties rank, and that indicator ranking seems to be within a couple points of where the county ranks as a whole. To that end, Dr. Enyeart stated that the health department is trying to combat what seems to be a trend in Trumbull County with younger deaths, by participating in Project DAWN. Through Project DAWN, the Trumbull County Health Department has obtained funding to supply 50 naloxone kits to prevent drug overdose deaths. Mrs. Swann told a success story of a young woman whose life was recently saved as a direct result of a kit that was given by the health department to a family member. The young woman overdosed, naloxone was administered, which saved her life, and after recovering from the overdose the woman was referred to a rehab facility for treatment. This is just one example of the health department's efforts.

- VI. Director of Nursing Report:** Mrs. Swann presented a written report to the Board for their review, and reiterated that pamphlets on bite prevention from mosquitoes and ticks were available and encouraged people to take them. The 2014 CFR Annual Report was presented to the Board for their review. The report contains information on 2013 and 2014 deaths in Trumbull County, and the CFR Board will start receiving information at a more current rate in the future.

- VII. Director of Environmental Health Report:** Mr. Migliozi presented a written report to the Board for their review, and he too elaborated on the public being aware of ticks and mosquito bites as the warmer months approach. Mr. Migliozi asked that people take notice of areas of standing water and contact the health department. Stagnant/shallow water is a breeding ground for mosquitoes, and there is a new virus called Chikungunya, which can transfer from humans to mosquitoes and therefore can spread more quickly. The health department will begin larvaciding again soon to eliminate breeding sites and sources.

- VIII. Health Educator Report:** Mel Milliron, who will be retiring effective March 31st, took this opportunity to thank and compliment the Board, Dr. Enyeart, Mr. Migliozi and Mrs. Swann for not only their support of him in his capacity as Health Educator for Trumbull

County, but also for their efforts in improving the health outcomes for the residents of Trumbull County. Mr. Milliron then introduced Jenna Amerine, the new Health Educator, and Ms. Amerine presented her report to the Board.

- IX. Board Report:** The Board thanked Mr. Milliron for his many years of service, and Mr. Biery presented Mr. Milliron with a proclamation from the State of Ohio for his service and dedication to Trumbull County.

Mr. Messersmith stated that after the January meeting, he toured the Lafarge facility and found it to be very informative and educational. Mr. Messersmith recommended that if any Board Member had never been to the facility to schedule a tour.

- X. Old Business:** A. Alleged Code Violation – Melvin Byler, 10236 Durst Colebrook Rd., Greene Twp. – Not present. This matter was tabled from the December 2014 Board agenda to allow time for a follow up water test. The water test was conducted on January 6, 2015, and the results exceeded the acceptable standards for safe bacteria levels. The owner was ordered to complete special disinfecting procedures and make arrangements for another sample. To date this has not occurred.

MOTION: 15-50 made by Mr. Messersmith, seconded by Mr. Appis to require Melvin Byler, 10236 Durst Colebrook Rd., Greene Twp., to meet with Southwind Drilling to determine why the private water system has failed two bacteria tests, make any necessary repairs to the system and have the water rested within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

B. Alleged Code Violation – Jonas C. Detweiler, 4143 Painesville Warren Rd., Southington Twp. – Not present. This matter was tabled at the November 2014 meeting for 90 days to provide the owner an opportunity to work with the health inspector to resolve all remaining issues. To date this has not occurred.

MOTION: 15-51 made by Mr. Appis, seconded by Mr. Messersmith to require Jonas C. Detweiler to submit the state pump completion form, prepared by a registered private water system contractor, as well as a well sealing report, within 90 days. In addition, the owner is to make arrangements to have a water sample collected for bacterial testing. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XI. New Business: A. Variance Request – Daniel & Rebecca Miller, 7540 Girdle rd., Farmington Twp. – Not present. Mr. & Mrs. Miller are requesting a variance that would allow occupancy of the new home without the distribution components of the sewage system being installed. The system will have septic tanks, shallow leaching trenches, with a perimeter drain. The installer, Eli Troyer, has requested to install the septic tanks, which will be capped and equipped with a high level alarm that will signal when the tanks require pumping.

MOTION: 15-52 made by Mr. Appis, seconded by Mr. Messersmith to grant a variance to rule OAC 3701-29-18 (C) (6) to Daniel & Rebecca Miller to allow occupancy of the dwelling at 7540 Girdle Rd., Parcel #58-904379, Farmington Twp., prior to the distribution components of the sewage system being installed. All other components are to be installed, including the prescribed septic tank(s) that will be capped so that no liquid will exit this chamber. These components can only be installed after a permit to install has been obtained. The second tank must be equipped with a high level liquid alarm with an emergency buffer capacity of 300 gallons to signal the owner of the necessity to pump. The tank shall be installed in the exact location and manner as designed. At no time is any sewage permitted to be discharged onto the surface of the ground. The entire sewage system must be installed by July 31, 2015, at which time this variance shall be null and void. The installation must comply with all other code sections.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

C. Declaration of Unfit for Human Habitation –

1. REAFFIRM – 8933 St. Rt. 45 (aka Tod Ave.), Lordstown Village – Lyle Holton, Owner - Not present.

MOTION: 15-53 made by Mr. Messersmith, seconded by Mr. Appis to reaffirm the declaration of unfit declared at the January 28, 2015, board of health meeting for the structure located at 8933 St. Rt. 45 (aka Tod Ave.), Lordstown Village.

Mr. Simon questioned as to whether anyone was living in the structure. Mr. Hedge stated that the structure was vacant.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

2. REAFFIRM – 50 Manor Dr., Brookfield Twp., James Eaker, Owner – Not present. Mr. Miglioizzi stated that the owner called and wanted this property removed from the agenda;

however, a call was received from Brookfield Township and they adamantly opposed having the property removed.

MOTION: 15-54 made by Mr. Appis, seconded by Mr. Messersmith to reaffirm the declaration of unfit declared at the January 28, 2015, board of health meeting for the structure located at 50 Manor Dr., Brookfield Twp.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

3. REAFFIRM – 42 Mahoning Ct., Newton Falls Village, Colleen Watts, Owner – Not present.

MOTION: 15-55 made by Mr. Messersmith, seconded by Mr. Appis to reaffirm the declaration of unfit declared at the January 28, 2015, board of health meeting for the structure at 42 Mahoning Ct., Newton Falls Village.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

4. REAFFIRM – 139 Center St., Hubbard City, Vincent Scopacasa, Owner – Mr. Scopacasa was not presented, but was represented by his legal counsel, Justin Markota. Bill Fisher, Hubbard City Police Officer, was present at the meeting also. The Board reviewed photos of the property, which showed missing material, cracked or bowed foundation, missing material, broken or sagging porches and/or stairs; solid waste, mold and moisture contamination, missing or badly damaged ceiling tiles, walls and/or flooring and gross unsanitary conditions.

Atty. Markota asked, since the property owners were not notified of the inspection and not present, can a search (warrant) of the property be conducted. Officer Fisher replied that when an owner refuses, yes.

Atty. Kokor stated that the Board of Health’s function is just to review the information provided and decide whether the structure is fit for human habitation or not, it is then up to the city to take any further action.

MOTION: 15-56 made by Mr. Messersmith, seconded by Mr. Appis to reaffirm the declaration of unfit for human habitation declared at the January 28, 2015, meeting for the structure at 139 Center St., Hubbard City.

Roll Call Vote:

- Mr. Appis – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

5. 3870 W. Market St., Warren Twp., Suk Hui Hayes, Owner – Not present. Mr. Simon questioned as to whether this structure was occupied, or boarded up and secured. Mr. Hedge stated that it was not occupied, and as of yet not secured. Mr. Miglioizzi added that when it is declared unfit the township will take the next step of either securing the structure or having it demolished.

MOTION: 15-57 made by Mr. Messersmith, seconded by Mr. Simon to declare the structure at 3870 W. Market St., Warren Township, unfit for human habitation.

Roll Call Vote:

- Mr. Appis – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

C. Alleged Code Violation – Consent Agreements

1. Harvey & Kathryn Kaufman, 4671 Kinsman Rd., Mesopotamia Twp.
2. David Hanshaw, 7996 Pound Rd., Hubbard Twp.
3. David Law, 6813 Oakfield North Rd., Bristol Twp.
4. Roy H. Taylor, 922 Everett Hull Rd., Bazetta Twp.
5. Ernest (Joe) Dasinger, 3503 Durst Clagg Rd., Bazetta Twp.
6. Conroy & Julie Miller, 365 Johnson Plank Rd., Bazetta Twp.

MOTION: 15-58 made by Mr. Appis, seconded by Mr. Messersmith to accept the consent agreements as presented:

Harvey & Kathryn Kaufman, 4671 Kinsman Rd., Mesopotamia Twp.

*Identify all system components by means of a down hole camera or excavation by a registered tank installer or camera operator within 60 days, and submit layout to health department.

David Hanshaw, 7996 Pound Rd., Hubbard Twp.

*Identify all system components by means of a down hole camera or excavation by a registered tank installer or camera operator within 90 days. If camera/ID shows disapproval, submit paperwork within 30 days, obtain a permit to install and have system installed within 90 days.

David Law, 6813 Oakfield North Rd., Bristol Twp.

*Make repairs to septic system by September 1, 2015.

Roy H. Taylor, 922 Everett Hull Rd., Bazetta Twp.

*Have system pumped by registered sanitary serviceman immediately & submit copy of receipt.

*Complete required work outlined in health department letter & make appointment to have system dye tested in 90 days.

*Have plumbing work completed immediately.

Ernest (Joe) Dasinger, 3503 Durst Clagg Rd., Bazetta Twp.

*Submit all necessary paperwork, obtain permit to install and have the system installed by November 1, 2015, weather permitting.

Conroy & Julie Miller, 365 Johnson Plank Rd., Bazetta Twp.

*Submit all necessary paperwork, obtain permit to install and have system installed by July 30, 2015, weather permitting.

Roll Call Vote:

Mr. Appis – Yes

Mr. Simon – Yes

Mr. Messersmith – Yes

Mr. Biery – Yes

Motion carried.

D. Alleged Code Violation – Kathryn M. Reel, 665 Everett Hull Rd., Bazetta Twp. – Not present. As a result of a nuisance complaint, the septic system was inspected and found to consist of a septic tank with a direct discharge to the storm sewer. Mr. Hedge reported that this is one property that has a house with one mailing address of 665 and a doublewide trailer that was moved on by the son with a mailing address of 639. The step mother, who lives in the house with the 665 Everett Hull mailing address, filed a complaint stating that her step son moved the trailer on and installed an illegal septic system.

MOTION: 15-59 made by Mr. Appis, seconded by Mr. Messersmith to require Kathryn M. Reel to upgrade the septic system located at 639 aka 665 Everett Hull Rd., Bazetta Twp., by submitting all paperwork, obtaining a permit to install within 30 days and having the system installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action.

Mr. Messersmith questioned as to whether the septic system is going to be abandoned and a new septic system installed. Mr. Hedge stated that what Ms. Reel wants to do is abandon the septic system, have the trailer declared unfit and have it removed with the mailing address of 639 Everett Hull Rd. Ms. Reel did not file a complaint against 665 Everett Hull Rd., so her septic system was not inspected.

Following discussion, Mr. Appis and Mr. Messersmith rescinded their motion.

MOTION: 15-60 made by Mr. Appis, seconded by Mr. Messersmith to require Kathryn M. Reel to upgrade the septic system located at 639 aka 665 Everett Hull Rd., Bazetta Twp., by submitting all paperwork, obtaining a permit to install within 30 days and have the system installed within 60 days, weather permitting; or within 30 days pump, crush and properly abandon the septic system and have the trailer removed. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

E. Alleged Code Violation – Jeffrey A. Hughes & Wendy S. Delliquadri, 1627 Collar Price Rd., Hubbard Twp. – Mr. Hughes was present & sworn. As a result of a nuisance complaint, the property was inspected on June 13, 2012. At the time of inspection it was noted that tires, garbage, solid waste and other miscellaneous debris was openly being dumped on the property, as well as the owner harboring of cats. Orders were issued, but the owner did not comply and an in-house hearing was held on September 25, 2014, wherein they agreed to work with Mr. Hedge to develop a compliance schedule, but again they did not comply. Reinspections occurred on May 30, 2014 and February 13, 2015, to determine if the orders had been complied with, but to no avail.

Mr. Hughes stated that he was the landlord and that he had never seen solid waste. There is one nice older lady who lives there who collects scrap metal, but it is all organized in the driveway. The pictures were again shown to Mr. Hughes and the items and garbage in question were pointed out to Mr. Hughes. Mr. Hughes stated that he would love to have the property cleaned up, but he would not go to the property without someone going with him, because “he didn’t want to get shot”. Following discussion, Atty. Kokor recommended that Mr. Hughes take the motion that the Board makes to the township and ask for their assistance in complying with the order.

MOTION: 15-60 made by Mr. Messersmith, seconded by Mr. Simon to require Jeffrey a. Hughes & Wendy S. Delliquadri to remove all solid waste from 1627 Collar Price Rd., Hubbard Twp., within 30 days and submit receipts to the environmental division of the health department to verify proper disposal to a licensed facility. In addition, the owner is to cease and desist in the harboring of cats on the property by not placing food and water in an outdoor location to attract them to the property; this is to occur within 7 days. The owner is also to contract with a licensed trapper to remove the stray cats from the property; this is to occur within 45 days. Failure to comply with this order shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

F. James G. Evans III, 2149 Ewalt, Howland Twp. – *This item was removed from the agenda.*

G. Alleged Code Violation – Paul Robert Alexander, Jr., 5776 Warren Meadville Rd., Johnston Twp. – Not present. As a result of a property transfer, it was determined that this property was transferred with a real estate evaluation.

MOTION: 15-61 made by Mr. Messersmith, seconded by Mr. Appis to require Paul Robert Alexander, Jr., to make arrangements to have the sewage system evaluated at 5776 Warren Meadville Rd., Johnston Twp., within 14 days. Furthermore that the Board of Health authorize the Health Commissioner, pursuant to O.R.C. 3709.091, to cause assessment to be filed against the property owner for failure to pay the required inspection fee in the amount of \$312.50 (\$250.00 inspection fee & \$62.50 penalty fee) if the 14 day notice is complied with. After this is completed an inspection the sewage system will occur.

Roll Call Vote:

- Mr. Appis- Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

H. Alleged Code Violation – Simon A. Yoder & Emma Byler, 7289 Curtis Middlefield Rd., Farmington Twp. – Not present. As a result of a property transfer search, it was determined that this property was sold without an inspection of the sewage system.

MOTION: 15-62 made by Mr. Messersmith, seconded by Mr. Simon to require Simon A. Yoder and Emma Byler to make arrangements to have the sewage system evaluated at 7289 Curtis Middlefield Rd., Farmington Twp., within 14 days. Furthermore that the Board of Health authorize the Health Commissioner, pursuant to O.R.C. 3709.091, to cause assessment to be filed against the property owner for failure to pay the required inspection fee in the amount of \$312.50 (\$25.00 inspection fee & \$62.50 penalty fee) if the 14 day notice is not complied with. After this is completed, an inspection of the sewage system will occur.

Roll Call Vote:

- Mr. Appis – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

I. Alleged Code Violation – Rennie F. Davis, 2545 Homestead, Liberty Twp. – Not present. As a result of a real estate evaluation the septic system was inspected on February 13, 2013.

The system consists of unknown septic tank type, no secondary components and the laundry does not drain to the septic tank. Mr. Simon questioned as to why it has been 2 years since the system was inspected before it came to the Board. Mr. Wilster stated that house was sold and then had been vacant.

MOTION: 15-63 made by Mr. Messersmith, seconded by Mr. Appis to require Rennie F. Davis to upgrade the septic system located at 2545 Homestead, Liberty Twp., by submitting all paperwork, obtaining a permit to install within 30 days and having the system installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

J. Alleged Code Violation – Conroy & Julie Miller, 365 Johnson Plank Rd., Bazetta Twp. – *Changed to a consent agreement.*

K. Alleged Code Violation – Richard C. Meikle, 1144 Wakefield Rd., Warren Twp. – As a result of a real estate evaluation, the septic system was inspection on February 20, 2014. The system consists of an unknown buried septic tank and no secondary components. A notice of disapproval with orders to complete a temporary fix was issued on February 20, 2014.

MOTION: 15-65 made by Mr. Messersmith, seconded by Mr. Appis to require Richard C. Meikle to complete the temporary fix to the existing septic system located at 1144 Wakefield Rd., Warren Twp., by submitting all paperwork, obtaining an alteration permit within 30 days and having the components installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

L. Alleged Code Violation – Darrell I. Frazier, 6468 Lincoln, Hubbard Twp. – Not present. As a result of a nuisance complaint, the septic system was inspected on September 24, 2014. Upon inspection, the registered sanitarian documented the presence of odor and color of raw

sewage ponding on the surface of the ground. A notice to allow for a dye test of the system was issued, but the owner never responded.

MOTION: 15-66 made by Mr. Messersmith, seconded by Mr. Simon to require Darrell I. Frazier to make arrangements with inspector Rod Hedge to complete the dye test of the existing septic system within 14 days. Upon completion of the testing, if a nuisance is confirmed, the owner is required to upgrade the septic system located at 6468 Lincoln in Hubbard Township by submitting all paperwork, obtaining a permit to install within 30 days and having the system installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis- Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

M. Alleged Code Violation – Ali Mufleh, 1313 Crumrine, Liberty Twp. – Not present. As a result of a real estate evaluation, the existing private water system was inspection on August 16, 2013. The result of the inspection revealed that the structure is connected to a municipal water supply as the primary source of water to the structure, but a cistern is still present.

MOTION: 15-67 made by Mr. Messersmith, seconded by Mr. Appis to require Ali Mufleh to properly abandon the old private water system located at 1313 Crumrine, Liberty Twp., according to state code requirements and submit the necessary state sealing report to the health department within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

N. Alleged Code Violation – Andrew Dobson, 8454 High St., Howland Twp. – Not present. As a result of a nuisance complaint, the property was inspected on October 22, 2014. At the time of inspection trash and other debris was being openly dumped on the property.

MOTION: 15-68 made by Mr. Appis, seconded by Mr. Messersmith to require Andrew Dobson to remove all solid waste from 8454 High St., Howland Twp., within 30 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:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

O. Alleged Code Violation – Rosie Lee Harris, 8386 Brigden Rd., Mesopotamia Twp. – Ms. Harris was present and affirmed. As a result of a nuisance complaint, the septic system was inspected on June 5, 2013. The system consists of an aerobic treatment unit with a chlorination tank. The system is not registered under the permit to operate program. The aerator is not running, no chlorine in the feeder tube and raw sewage was discharging at the road ditch. A notice of disapproval with orders to upgrade was issued on June 5, 2013. An in-house administrative hearing was scheduled for February 5, 2014, but no one attended. This was the second attempt to have an in-house hearing with this property owner.

Ms. Harris stated that the sewage system was installed in 2003 and the trailer had been vacant, but her nephew started staying in it. Ms. Harris asked that the Board deem the trailer unfit and she would have the sewage system shut down. Mr. Migliozi stated that she would have to have the trustees request a declaration of unfit. Ms. Harris asked what would happen if she just removed the trailer and abandoned the septic system. Mr. Migliozi stated that she could have the trailer removed and ask for a variance to allow the sewage treatment system to remain on the property. Following additional discussion, it was recommended that the matter be tabled for 90 days.

MOTION: 15-69 made by Mr. Messersmith, seconded by Mr. Simon to table the matter regarding Rosie Lee Harris, 8386 Brigden Rd., Mesopotamia Twp., for 90 days to allow time for Ms. Harris to remove the trailer and request a variance to allow the sewage system to remain.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

P. Alleged Code Violation - Joseph J. Klein, 3517 Homewood, Hubbard Twp. – Not present. As a result of a real estate evaluation, the existing private water system was inspected on July 7, 2014. The result of the inspection revealed that a well and cistern are both present on the property, and the well is the primary source of water to the structure.

MOTION: 15-70 made by Mr. Messersmith, seconded by Mr. Appis to require Joseph J. Klein to properly abandon the cistern located at 3517 Homewood, Hubbard Twp., according to state code requirements and submit the necessary state sealing report to the health department within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

Q. Alleged Code Violation – Danny A. Robinson, 4180 Leavitt Rd., Warren Twp. – Present and sworn. As a result of a plumbing inspection for a septic upgrade, an inspection was conducted on August 29, 2014. The result of the inspection revealed that a well is located in the basement of the house, but the structure is connected to city water. Mr. Robinson stated that he had contracted with Mike Maraczi to take care of the issue.

MOTION: 15-71 made by Mr. Appis, seconded by Mr. Messersmith to require Danny A. Robinson to properly abandon the old private water system located at 4180 Leavitt Rd., Warren Twp., according to state code requirements and submit the necessary state sealing report to the department within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

R. Alleged Code Violation – Sheila & Janhz Clinkscale, 2934 Anderson Morris Rd., Liberty Twp. – Not present. As a result of a reconstruction of a home, the septic system was inspected and there were no known components founds.

MOTION: 15-72 made by Mr. Simon, seconded by Mr. Messersmith to require Sheila & Janhz Clinkscale to make arrangements with inspector Steve Kramer to test and evaluation the entire sewage treatment system located at 2934 Anderson Morris Rd., Liberty Twp., within 30 days. In addition, should the system be found to be creating a nuisance, the existing system must be upgraded by submitting all paperwork, obtaining a permit to install within 30 days and having the system installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

S. Alleged Code Violation – Food Service Operations & Retail Food Establishments Non-Renewal and/or Non-Payment of Late Fees

MOTION: 15-73 made by Mr. Appis, seconded by Mr. Messersmith to order those food service operations and retail food establishments that have not renewed their licenses or paid the proper penalty fees and are currently operating without a valid license to make application and submit the required fee and/or penalty to renew their license by Friday, march 27, 2015 by 3:00 P.M. If they are not submitted, the Board of Health hereby authorizes the Health Commissioner to close the facilities beginning Friday, March 27, 2015, until all licenses are obtained and fees are paid.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

T. Tax Assessment for Unpaid Permit to Operate & Registration Certificate Fees

MOTION: 15-74 made by Mr. Appis, seconded by Mr. Messersmith, pursuant to O.R.C. 3709.091, to authorize the Health Commissioner to cause assessments to be filed against property owners for failure to pay their permit to operate fee required in the Trumbull County Household Sewage Treatment System Rules. All parties were served notice and have not responded within the 30 day allotted timeframe.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XII. Executive Session: MOTION: 15-75 made by Mr. Messersmith, seconded by Mr. Appis to go into executive session for discussion of personnel and pending legal issues, and also to include Atty. Kokor, Dr. Enyeart and Mr. Migliozi.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

MOTION: 15-76 made by Mr. Messersmith, seconded by Mr. Simon to reopen to public session.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried. (Closed 3:15 P.M. – Reopened 3:45 P.M.)

XIII. Approval of Payment of the Bills: MOTION: 15-77 made by Mr. Messersmith, seconded by Mr. Appis to approve payment of the bills as presented

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XIV. Date of Next Regular Board Meeting: April 22, 2015

XV. Adjournment: MOTION: 15-78 made by Mr. Messersmith, seconded by Mr. Appis to adjourn.

Roll Call Vote:

Mr. Appis – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery - Yes

Motion carried. (Adjournment 3:46 P.M.)

RECORDED BY:

ATTESTED BY:

Johnna Ben
Administrative Secretary
Trumbull County Health Department

Robert Biery, Jr.
President
Trumbull County Board of Health

For

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