

Trumbull County Combined Health District

Board Continuing Ed. – 1:00 P.M. & Regular Meeting & Public Hearing – 1:30 P.M. – October 26, 2016

176 Chestnut Ave., NE, Warren, Ohio

BOARD MEMBERS PRESENT: Marisha Agana, M.D.
Thomas Borocz
Greg Dubos
Kathy Salapata, R.N.
John “Jack” Simon, Jr.
John Messersmith, President Pro Tempore
Robert Biery, Jr., President

STAFF: Frank Migliozi, MPH, REHS/RS, Health Commissioner
Sandra Swann, RN, Director of Nursing
Kristofer Wilster, MPH, REHS/RS, Director of Environmental Health
Jenna Amerine, MPH, CHES, Health Educator
Natalie Markusic, REHS/RS, Accreditation Coordinator

OTHERS PRESENT: James J. Enyeart, M.D., Medical Director
Robert Kokor, Legal Counsel

MINUTES

- I. **Board Member Continuing Education:** A 30-minute continuing education presentation was given for the Board Members.
- II. **Public Hearing for the Passage of Revision of “Regulation of the Trumbull County Combined Health District for Establishing Fees .06 Food A. – E. –** At this time, Mr. Biery opened the public hearing asking for any opponent or proponent testimony. Hearing none, the public hearing was closed.
- III. **The meeting was called to order at 1:35 P.M.,** and the Pledge of Allegiance was said.
- IV. **Adoption of Agenda: MOTION: 16-173** made by Mr. Simon, second by Mr. Borocz to adopt the agenda as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- V. **Approval of Minutes:** *MOTION: 16-174* made by Mrs. Salapata, second by Dr. Agana to approve the minutes of the September 28, 2016, regular meeting, as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- VI. **Health Commissioner Report:** Mr. Miglioizzi presented a written report to the Board for their review, and added that union negotiations will commence on November 3, 2016.

MOTION: 16-175 made by Mr. Messersmith, second by Mr. Borocz to accept the Health Commissioner's report as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- VII. **Director of Nursing Report:** Mrs. Swann presented a written report to the Board for their review, and added that the health district received notice of awards for the Maternal Child Health grant for \$120,000.00, and \$141,000.00 for the MIECHV home visiting program.

MOTION: 16-176 made by Mr. Dubos, second by Mr. Simon to accept the Director of Nursing's report as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- VIII. **Director of Environmental Health Report:** Mr. Wilster presented a written report to the Board for their review.

MOTION: 16-177 made by Mr. Borocz, second by Mrs. Salapata to accept the Director of Environmental Health's report as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- IX. **Health Educator Report:** Ms. Amerine presented a written report to the Board, and added that the health district received a notice of aware for \$124,455.00 for the Creating Healthy Communities grant.

MOTION: 16-178 made by Dr. Agana, second by Mr. Dubos to accept the Health Educator's report as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- X. **Accreditation Coordinator Report:** Mrs. Markusic presented a written report to the Board for their review.

MOTION: 16-179 made by Dr. Agana, second by Mrs. Salapata to accept the Accreditation Coordinator's written report as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes

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

Motion carried.

- XI. **Board Report:** At this time, Mr. Migliozi requested authorization to contract with Lynn, Kittinger & Noble to review Lafarge’s CD&D renewal application.

MOTION: 16-180 made by Mr. Messersmith, second by Dr. Agana to authorize the Health Commissioner to contract with Lynn, Kittinger & Noble for review of Lafarge’s (aka Lordstown Construction Recovery) 2017 construction & demolition debris renewal application, in an amount not to exceed \$8,000.00.

Dr. Agana questioned as to whether an update had been received on the issues of noise and smell that had been raised by residents. Mr. Migliozi stated that since the health district is not a party to those issues, he did not have a status update, but no additional complaints had been received by the health district. Mr. Migliozi did add that if the issues raised are not addressed and spelled out in the settlement with the Ohio EPA, that the health district will make it a condition of the license renewal.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- XII. **Old Business:** A. Appeal of Board’s Findings & Orders – Maria States, 1419 Townsend, Liberty Twp. – Ms. States was present and sworn at the meeting. Mrs. States indicated that the pictures being shown were old, and that she had cleaned up everything, with the only thing being storage boxes that contained household items. With regard to the harboring of animals, Mrs. States indicated that she got behind in cleaning up after the cats in January when she broke her ankle and was on crutches. The cats have been spayed and neutered, and no odor can be detected, and asked that the Board reconsider the findings & orders that were issued to her on September 29, 2016, wherein she was ordered to cease and desist bringing additional material onsite, and to cease and desist the harboring of animals within 30 days. Mrs. States also requested that another inspector be sent out, citing that she felt that Mr. Hedge did not like cats.

Mr. Wilster stated that the complaint received by the health district came from the Trumbull County Adult Protective Services, and it stated that there was a strong cat urine odor emanating from the home that was affecting others. An inspection was conducted on May 26, 2016, and at the time of inspection, the inspector noted trash, solid waste and horrible animal odors. Notices of violation were issued on May 26, 2016 and on August 22, 2016. On September 22, 2016, an administrative hearing was held, but Mrs.

States did not attend, nor was she represented by legal counsel. On September 29, 2016, Board's Findings & Orders were issued.

Atty. Kokor added that the health district will not send anyone else out to the property to inspect, Mr. Hedge is the sanitarian that handles nuisance complaints of this nature, and asked Mrs. States how many cats she is harboring and how large her home was. Mrs. States replied that she has 20 cats in her 800 sq. ft. home, and that she cleans the litter boxes every day.

Dr. Agana asked Mrs. States if she had a backup plan should she become ill. Mrs. States responded that if she became incapacitated that she would surrender the cats to animal welfare.

Atty. Kokor questioned Mrs. States as to whether she feels that it is healthy to keep 20 cats in an 800 sq. foot home. Mrs. States replied that as long as she kept up with the cleaning and care of the animals, yes.

MOTION: 16-181 made by Dr. Agana, second by Mr. Messersmith to extend the timeframe for the findings and order issued against Maria State, 1419 Townsend, Liberty Twp., until the November Board of Health meeting.

Roll Call Vote:

- Dr. Agana – Yes
- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

B. Appeal of Board's Findings & Orders – Paul E. Mott, Parcel #03-471701 Youngstown Conneaut Rd., Brookfield Twp. – Mr. Mott was present and sworn. A complaint was received on March 30, 2016, from the Ohio EPA regarding construction & demolition debris being stored on a property, and possible run off being generated from said debris. An inspection was conducted on April 5, 2016, and upon inspection, the inspector noted that open dumping was occurring on the property. Notices of violation were issued on April 6, 2016 and August 22, 2016. On September 22, 2016, an administration hearing was scheduled, but Mr. Mott did not attend, nor was he represented by legal counsel. On September 29, 2016, Board's Findings & Orders were issued instructing Mr. Mott, within 30 days, to cease and desist bringing additional material on site, and to remove all solid waste and construction & demolition debris to a licensed facility.

Mr. Mott stated that the pictures being shown were not accurate, and the only items left on the property were items that he intended to use. Mr. Migliozzi stated that if Mr. Mott has a use for the remaining items, that he needs to state in writing their purpose, when they will be used and send it to the Director of Environmental Health's attention. Further discussion ensued regarding the remaining items.

MOTION: 16-182 made by Mrs. Salapata, second by Dr. Agana to extend the findings and orders issued against Paul E. Mott, Parcel #03-471701 Youngstown Conneaut Rd., Brookfield Twp., until the November Board of Health meeting.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

C. Passage of Revision of “Regulation of the Trumbull County Combined Health District for Establishing Fees” .06 Food A. – E., Second Reading

MOTION: 16-183 made by Dr. Agana, second by Mr. Simon to approve the second reading of the proposed food service operation and retail food establishment fee changes for license period 2017.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XIII. **New Business:** A. Declaration of Unfit for Human Habitation – 2079 S. Leavitt Rd., Warren Twp., Damian Brumfield, Owner – Not present. The Board reviewed pictures of the structure and the findings of the inspector.

MOTION: 16-184 made by Mrs. Salapata, second by Dr. Agana, to declare the structure at 2079 S. Leavitt Rd., Warren Twp., unfit for human habitation.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

B. Declaration of Unfit for Human Habitation – 27 Liberty, Newton Falls, Alberto Talanca – Trustee of the Talanca Family Trust – Not present. The renter of the structure was present at the meeting, but did not disclose his name. The Board reviewed pictures of the structure and the findings of the inspector. This request was made by the Trumbull County Sheriff’s Department. According to police, the occupant was cooking meth in an attached garage. This poses a significant fire and chemical poisoning exposure hazard to individuals in the home. Upon inspection, the inspector also noted that the basement ceiling was leaking into a bucket, and home was very cluttered and had a very strong cigarette smoke odor.

The renter stated that he had papers stating that nothing was found in the house only in the attached garage. Mr. Wilster stated that the concern is the residue produced from the chemicals when meth is cooked, and said that the health district is erring on the side of caution with regard to this structure. Mr. Migliozi added that the garage where the meth lab was being housed is attached. The chemical vapors are released, can go into the house, and additional, residue can be tracked into the house by persons in the garage, which clearly presents a danger to life and health. If it is not taken care of, it can also lead to a chemical explosion.

Atty. Kokor asked the renter how long he had lived there, and who was cooking the meth? The renter stated that he had lived there 10 years, and he was cooking the meth. The renter also had a female companion with him, who stated that she had experience with the chemicals and cleaning up these types of things, and had cleaned up the garage with bleach.

MOTION: 16-185 made by Mrs. Salapata, second by Mr. Borocz to declare the structure at 27 Liberty, Newton Falls, unfit for human habitation.

Mr. Simon questioned as to whether an actual meth lab was found, or if it was a suspected meth lab? The TAG Law Enforcement Task Force was who notified the health district that they had found evidence of a meth lab in the garage of the home. Mrs. Swann added that the chemicals from a meth lab could seep into the floors and the walls of a structure, so it has to be properly cleaned to remove the hazard.

Roll Call Vote:

- Dr. Agana – Yes
- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

Mr. Messersmith questioned as to whether it would have made a difference if it were an unattached garage. Mr. Wilster replied that it is better to be safe than sorry, but it that was the situation, he may have looked at it differently.

C. Approval to Enter into a Contract with LexisNexis Payment Solutions – LexisNexis Payment Solutions is a payment-processing suite that provides a credit card payment option for those who wish to use a credit card, at no cost to the health district. The health district is interested in providing this as an

payment option for clients. There is no cost for the system or the setup, as long as the health district provides an average of 50 transactions a month. If that average is not met, a one-time setup fee of \$500.00 can be paid by the health district in order to continue offering credit care payments. The client will be charged, by LexisNexis, an additional \$2.00 or 3% of the fee charged, whichever is greater for credit card use, or if using a debit card, there will be a flat \$2.00 fee. These processing fees are charged on top of the health district's fee, and the client will be notified of the additional charge when opting to use their credit or debit card.

MOTION: 16-186 made by Mr. Messersmith, second by Mr. Dubos to authorize the Health Commissioner to enter into a contract with LexisNexis Payment Solutions for the payment-processing suite.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

D. Variance Request – David Carlisle, 6677 Warren Sharon Rd., Brookfield Twp. – Not present. Upon laying out the sewage system on this property, it was determined that parts of the septic system cannot be installed to comply with the state code on setback requirements from the garage foundation and the driveway.

MOTION: 16-187 made by Mr. Simon, second by Mr. Messersmith to grant a variance from rule OAC 3701-29-06(G)(3)(a) to David Carlisle to install the sewage system five (5) feet from the pole barn foundation and the discharge line seven (7) feet from the foundation through the driveway to the front yard at 6677 Warren Sharon Rd., Brookfield Twp. The owners must comply with all other code sections.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

E. Adoption of the Revised CHA/CHIP – **MOTION: 16-188** made by Dr. Agana, second by Mrs. Salapata to adopt the revised CHA/CHIP plans as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz- Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

F. Adoption of Confidentiality Policy – **MOTION: 16-189** made by Mr. Messersmith, second by Mr. Borocz to adopt the Trumbull County Combined Health District’s Confidentiality Policy ADM-1150, as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XIV. **Citizens Comments – None.**

XV. **Approval of Payment of the Bills: MOTION: 16-190** made by Mr. Messersmith, second by Dr. Agana to approve payment of the bills as presented.

Roll Call Vote:

Dr. Agana – Yes
Mr. Borocz – Yes
Mr. Dubos – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XVI. **Date of Next Regular Meeting:** The next regular meeting date would fall the day before Thanksgiving, Mr. Miglioizzi inquired as to whether the Board wished to have the meeting date changed.

MOTION: 16-191 made by Dr. Agana, second by Mr. Borocz to change the November meeting date to the 3rd Wednesday, November 16, 2016.

Atty. Kokor informed the Board that he has a court hearing scheduled for the 16th, and may not be able to attend the meeting.

Roll Call Vote:

- Dr. Agana – Yes
- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

XVII. **Adjournment: MOTION: 16-192** made by Mr. Messersmith, second by Dr. Agana to adjourn.

Roll Call Vote:

- Dr. Agana – Yes
- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried. (Adjournment 2:25 P.M.)

RECORDED BY:

ATTESTED BY:

Johnna Ben
Administrative Secretary
Trumbull County Combined Health District

Robert Biery, Jr.
President
Trumbull County Board of Health

For

Frank Migliozi, MPH, REHS/RS
Health Commissioner and Secretary
Trumbull County Combined Health District