

**Trumbull County Board of Health  
Regular Meeting – November 18, 2015 – 1:30 P.M.  
176 Chestnut Ave., NE – Warren, Ohio**

**BOARD MEMBERS PRESENT:** Marisha Agana, M.D.  
Dale Appis  
John “Jack” Simon, Jr.  
Kathy Salapata, R.N.  
John Messersmith, President Pro Tempore  
Robert Biery, Jr., President

**STAFF:** James J. Enyeart, M.D., Health Commissioner  
Frank Migliozi, MPH, REHS/RS, Deputy Health Comm./Dir. of Env. Health  
Sandra Swann, R.N., Director of Nursing  
Rodney Hedge, RS, Public Health Sanitarian  
Kristofer Wilster, MPH, REHS/RS, Public Health Sanitarian  
Sharon Bednar, Secretary

**OTHERS:** Robert Kokor, Legal Counsel

**MINUTES**

**I. The meeting was called to order and the Pledge of Allegiance was said.**

**II. Adoption of Agenda: MOTION: 15-234** to adopt the agenda as presented made by Mr. Messersmith, second by Dr. Agana.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – *Not yet present*  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**III. Approval of Minutes: MOTION: 15-235** to approve the minutes of the October 28, 2015 Public Hearing and Regular Meeting as presented made by Dr. Agana, second by Mrs. Salapata.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – *Not yet present*  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Abstain

Motion carried.

- IV. Health Commissioner Report:** Dr. Enyeart reported that the Girard City Mayor vetoed city council's vote to combine health department services with the county. Subsequently, council then voted to override the veto and moved to join the Trumbull County Combined Health District. Mr. Hanley, Chairman of the Trumbull County Health District Advisory Council requested a letter from the Board of Health that the Board is in agreement with Girard joining the health district. A memorandum of understanding will be developed for the Board's review and approval. One employee from the Girard City Health Department will be joining our department.

**MOTION: 15-236** made by Mr. Messersmith, second by Dr. Agana to accept Dale Appis into the meeting.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – *Abstain*  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

- V. Director of Nursing Report:** Mrs. Swann presented the Board with a written report.
- VI. Director of Environmental Report:** Mr. Migliozi presented the Board with a written report for their review. Mr. Migliozi also requested that the Board make a motion in support of a moratorium on injection wells in Trumbull County.

**MOTION: 15-237** made by Mr. Simon, second by Dr. Agana to support the moratorium on injection wells in Trumbull County.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

- VII. Health Educator Report:** Ms. Amerine was attending mandatory training, and not present at the meeting, but did supply the Board with a written report for their review.

**VIII. Board Report:** Mr. Simon informed the Board that he had met with State Representative Sean O'Brien. Mr. O'Brien met with the Director of the Ohio EPA to discuss lifting the consent decree on Trumbull County. The Director seemed very receptive to lifting the consent decree, and Mr. Migliozi sent a chronological timeline of the consent. Mr. Simon would like the Board to agree to move forward with this agenda, and stated that after the Ohio Attorney General looks at the information, he would request that it be placed on the agenda for an official vote.

**IX. Old Business:** A. Passage of Revision of "Regulation of the Trumbull County Combined Health District for Establishing Fees" .06 Food A.-E. – Second Reading

**MOTION: 15-238** made by Mrs. Salapata, second by Mr. Simon to approve the second reading of the Passage of Revision of "Regulation of the Trumbull County Combined Health District for Establishing Fees" .06 Food A. – E.

**Roll Call Vote:**

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

Motion carried.

**X. New Business:** A. Contract with Girard City Health District

**MOTION: 15-239** made by Dr. Agana, second by Mr. Messersmith to send a letter to the Trumbull County Health District Advisory Council in support of the Girard City Health Department amalgamation.

**Roll Call Vote:**

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

Motion carried.

Mr. Biery stated that he would like to request that the Board have a meeting in Niles and Girard after the first of the year.

B. Variance Request – William & Joanne Hunter, 1775 Lucretia Dr., Liberty Twp. – Not present. Mr. & Mrs. Hunter are in the process of upgrading their septic system. The upgrade will consist of an off-lot system. Upon laying out the system, it was determined that the sewage treatment tanks (trash trap,

aeration tank and UV/post-air tank), building sewer and sewage drain line could not be installed to comply with the state code on setback requirements from the property line and house foundation.

**MOTION: 15-240** made by Mr. Messersmith, second by Mr. Appis to grant a variance from rule OAC 3701-29-06(G)(3) to William & Joanne Hunter to install the sewage treatment tanks, the building sewer and the sewage drain line approximately four feet from the house foundation and approximately two feet from the eastern property line at 1775 Lucretia Dr., Liberty Twp. The owners must comply with all other code sections.

**Roll Call Vote:**

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

Motion carried.

The Board requested that Kris Wilster contact Kim Blasco at the Trumbull County Sanitary Engineer’s office and verify that there are no plans for sewers in that area that would benefit this property.

C. Variance Request – Nate Weaver, 4255 Phalanx Mills Herner Rd., Southington Twp. – Not present. Mr. Weaver is in the process of upgrading his septic system. The upgrade will consist of an on-lot septic tank to a leach field system. Mr. Weaver is requesting a variance that would allow the construction of a barn with living space, and occupy the structure without the distribution components of the sewage system being installed. This will be on a temporary basis until the new home is built. The system will have a dual 2,000-gallon septic tank, to shallow trenches, to achieve the required vertical separation distance. Installer, Dan Gwinn, has requested to install the septic tank, which will then be capped to prevent liquid from existing.

**MOTION: 15-241** made by Dr. Agana, second by Mrs. Salapata to grant a variance to Nate Weaver to allow the construction and occupancy of a barn at 4255 Phalanx Mills Herner Rd., Southington Twp., prior to the distribution components of the sewage system being installed. The prescribed septic tank(s), are to be installed and capped so that no liquid will exit this chamber. 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 owner is required to pump the septic tank on a quarterly basis and submit receipts to the health district within 30 days of pumping. The entire sewage system must be installed by July 31, 2016, and the variance shall be null and void by November 30, 2016. Upon completion of the new home, the living space shall be removed from the barn within 90 days. The owners must comply with all other code sections.

**Roll Call Vote:**

- Dr. Agana – Yes
- Mr. Appis – Yes
- Mrs. Salapata – Yes

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

Motion carried.

D. Declaration of Unfit for Human Habitation – 535 Potic Dr. Warren Twp., Kim Macaluso, Owner – Not present. An inspection of the structure was conducted on October 29, 2015, and it is the recommendation of the inspector that the structure be declared unfit.

**MOTION: 15-242** made by Dr. Agana, second by Mr. Simon to declare the structure at 535 Potic Dr., Warren Twp., unfit for human habitation.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**XI. Executive Session: MOTION: 15-243** made by Mr. Messersmith, second by Mr. Appis to close for executive session for discussion of legal issues, contracts and personnel matters and to include Atty. Kokor and Dr. Enyeart in the discussions.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**MOTION: 15-244** made by Mr. Messersmith, second by Mrs. Salapata to reopen to public session.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried. (Closed 1:58 P.M. – Reopened 2:45 P.M.)

**XII. Medical Director Contract: MOTION: 15-245** made by Mr. Simon, second by Mr. Messersmith to enter into a three (3) year contract with James J. Enyeart, M.D., for Medical Director services, for the amount of \$45,000.00 per year, with no benefits.

**Roll Call Vote:**

Dr. Agana – No  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**XIII. Approval of Payment of the Bills: MOTION: 15-246** made by Mr. Messersmith, second by Dr. Agana to approve payment of the bills as presented.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**XIV. Date of Next Regular Meeting: MOTION: 15-247** made by Mr. Messersmith, second by Dr. Agana to change the next regular meeting date to December 16, 2015.

**Roll Call Vote:**

Dr. Agana – Yes  
Mr. Appis – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**XV. Adjournment: MOTION: 15-248** made by Mr. Messersmith, second by Mr. Appis to adjourn.

**Roll Call Vote:**

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

Motion carried. (Adjournment: 2:50 P.M.)

**RECORDED BY:**

**ATTESTED BY:**

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**Johnna Ben**  
**Administrative Secretary**  
**Trumbull County Combined Health District**

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**John Messersmith**  
**President Pro Tempore**  
**Trumbull County Board of Health**

**For**

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