

**Trumbull County Board of Health – Regular Meeting**  
**Wednesday, April 22, 2015 – 1:30 P.M.**  
**176 Chestnut Ave., N.E., Warren, Ohio**

**BOARD MEMBERS PRESENT:** Marisha Agana, M.D.  
Dale Appis  
John Simon, Jr.  
John Messersmith, President Pro Tempore  
Robert Biery, Jr., President

**STAFF:** James J. Enyeart, M.D., Health Commissioner  
Frank Migliozi, MPH, REHS/RS, Deputy Health Commissioner/Director of Env. Health  
Sandra Swann, RN, Director of Nursing  
Jenna Amerine, CHES, Health Educator/Planner  
Rodney Hedge, RS, Public Health Sanitarian  
Kristofer Wilster, RS, Public Health Sanitarian

**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: 15-79*** made by Mr. Appis, seconded by Mr. Messersmith to approve the agenda as presented.

**Roll Call Vote:**

Dr. Agana – *Not Yet Present*  
Mr. Appis – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

- III. Approval of the Minutes: *MOTION: 15-80*** made by Mr. Messersmith, seconded by Mr. Appis to approve the minutes of the February 25, 2015, regular meeting as presented.

**Roll Call Vote:**

Dr. Agana – *Not Yet Present*  
Mr. Appis – Yes  
Mr. Messersmith – Abstain  
Mr. Simon – 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 May meeting agenda for approval.

**MOTION: 15-81** made by Mr. Messersmith, seconded by Mr. Simon to approve the minutes of the March 25, 2015, meeting minutes, as presented.

**Roll Call Vote:**

Dr. Agana – *Not Yet Present*  
Mr. Appis – Yes  
Mr. Messersmith – Yes  
Mr. Simon – Yes  
Mr. Biery – Yes

Motion carried.

- IV. Health Commissioner Report:** Dr. Enyeart spoke on the County Health Rankings and pointed out that many factors are involved when determining a county's health ranking, such as adult smoking, physical activity, exercise, obesity, infant mortality, drug use, etc.; factors that involve the whole community, and not necessarily an indication that a health department is doing a poor job. As an example, and as has been reported at previous meetings, the Trumbull County General District is involved in Project DAWN, which is a community based overdose education and naloxone distribution program. Since the health department's start of this program January 1, 2015, our program has been instrumental in saving two lives. This is just one example of how the Trumbull County General Health District is working to improve health outcomes in Trumbull County.
- V. Director of Nursing Report:** Mrs. Swann submitted a written report for the Board's review, and also spoke further on Project DAWN. Kathy Parrilla, RN, one of the public health nurses and the project coordinator for Project DAWN, has been working diligently and has been coordinating and collaborating with other agencies in obtaining additional funding sources to obtain the Naloxone and also doing presentations in the community to let the public know that this program is available. Mr. Messersmith inquired as to whether, when people receive the Naloxone and it is used, are they supposed to replace the kit? Mrs. Swann answered that the family member or friend is supposed to notify the health department when it is used, and they can get another free of charge.
- VI. Director of Environmental Health Report:** Mr. Migliozi submitted a written report for the Board's review, and also informed the Board of \$1,000,000.00 in additional grant monies that are becoming available to clean up watersheds, of which \$500,000.00 must go towards the toxic algae bloom areas. The additional money is to address failing sewage systems. Julie Green, the county's grants administrator, has applied for the money to address failing sewage systems, which, if awarded to Trumbull County, will be administered through the health department. Natalie Markusic and Sharon O'Donnell did a great job of pulling and preparing information for Julie Green, and the grant application was submitted on April 17, 2015. If Trumbull County is awarded this grant money, it will help homeowners with upgrades. Mr. Messersmith inquired as to which townships would be eligible for this money. Mr. Migliozi stated that it was for the Mahoning Valley Watershed, so it would encompass Weathersfield, Newton, Braceville, Lordstown, Howland, and portions of Green, Gustavus, Mecca, Johnston, Southington, Champion, Fowler, Bazetta, Liberty, and Vienna townships. Dr. Agana inquired as to how people would apply for the money. Mr. Migliozi stated that it would be determined by income, and Julie Green would handle that aspect of the grant. As the health department identifies people that need assistance, they will be placed on a list for when money becomes available.

Additional discussion ensued regarding how people qualify for the assistance. Mr. Messersmith questioned, and expressed concern over people who do not attend the hearings and are not showing an effort to work with the department, being placed on the list and possibly obtaining assistance over someone that is trying to follow the rules. Atty. Kokor stated that if the county is awarded the grant money, there will be a set of restrictions, and those eligible will have to work within those guidelines.

At this time, Mr. Biery requested a motion to accept Dr. Agana into the meeting.

**MOTION: 15-82** made by Mr. Messersmith, seconded by Mr. Appis to accept Dr. Agana into the meeting.

**Roll Call Vote:**

Mr. Appis – Yes

Mr. Simon – Yes

Mr. Messersmith – Yes

Mr. Biery – Yes

Motion carried. (1:55 P.M.)

Mr. Migliozi also reported that a meeting was held by Lordstown officials that he, Dr. Enyeart and Kevin Francis attended, regarding the Lafarge complaints. At this meeting, the steps were outlined as to what the Ohio EPA, the health department and air pollution control would be taking to address the complaints at Lafarge; Mr. Migliozi stated that he and Mr. Francis attended a meeting in Twinsburg with the Ohio EPA regarding the issues. The state has outlined the steps to have air monitoring conducted at the site, and an air monitor is installed to have set readings done around the clock. The Mahoning-Trumbull Air Pollution Control has hand meters that they are going out with throughout the day and evening doing readings, and although the health department does not have meters, staff is going out early in the day and late in the evenings to see if they observe any odors by means of a “sniff” test, notice any dust issues, or other issues. The level of inspections at the facility has been increased to at least twice per week, and sometimes more often. The health department is monitoring the situation and working closely with the Ohio EPA, and Mr. Migliozi stated that he would keep the board up to date on the matter. Dr. Agana questioned as to how long the monitoring will be conducted. Mr. Migliozi stated that the monitoring will be conducted for as long as needed. The Ohio EPA did ask if the health department consider imposing restrictions on Lafarge’s CD&D license, and currently the health department is seeking advice from the Trumbull County Prosecutor’s office.

Lastly, regarding the KDA spill in Vienna Township, the health department was first notified of the spill on April 3, 2015, late in the afternoon. Monday morning Mr. Migliozi spoke with a trustee that stated that residents were concerned about their water wells, so a plan was immediately worked on to make sure that water wells would get tested. The Ohio Department of Health and Ohio EPA assisted in this testing; the Ohio Department of Health agreed to cover the cost of all of the testing so that no homeowner would have to pay the cost, Ohio EPA provided the resources and the lab, and by Monday evening the environmental health staff had completed the sample collection. Rod Hedge was very instrumental in achieving this goal; helping to locate homeowners to ensure that sampling could be completed that day. Mr. Simon stated that he was at the county commissioners’ meeting a questioned was raised by a township trustee. The trustee stated that all the well tested were for home, and a property owner who has a well for

drinking water for his cattle was not eligible for the free testing, even though his property was within the ½ mile radius of the spill. Mr. Hedge responded that the first conference call by the state, it was stated that the free sampling was only for private water systems, and not for agricultural wells, and that parameter was set by the state. Mr. Simon questioned since cattle are eaten and therefore consumed by humans, why would those wells within in the prescribed parameter be precluded, and asked that Mr. Migliozi look into it. Mr. Migliozi stated that he would get the information from Mr. Simon and discuss it with the state officials.

Atty. Kokor informed the Board that an opinion had been requested from the Trumbull County Prosecutor's office approximately a year ago regarding whether the health department was right in charging a 100% penalty fee, or if it should have been a 25% penalty fee for late/non-payment of annual renewal. Because this is such a complicated issue, and there are many factors to consider, the response received from Atty. Toth of the prosecutor's office, was that they didn't want to issue an opinion, but wanted to get an opinion from the Ohio Attorney General's office. Atty. Kokor stated that he would contact Atty. Toth, to see if their office is to request the opinion from the attorney general's office, or if Atty. Toth would be making the request.

**VII. Health Educator Report:** Ms. Amerine reported that the Ohio Department of Health is doing promotional videos for all agencies that have the Creating Healthy Communities (CHC) grant. Filming will begin this summer and Ms. Amerine recruited Sandy Swann and Chuck Matthews from the Bolindale Food Pantry, which is in the CHC grant's priority area, to put together a skit for this video. A meeting was also held with Howland Park Board to discuss with them the plans for the Bolindale Park restoration. One project in the grant was to clean up the park, and assist with restoration. Additional money was received to install security lights in the park. Plans are being formulated for the annual school food service conference, which will be held at LaBrae High School in August. Ms. Amerine is also working with Marie Economos from the OSU Extension office on the Farm-to-School program; attended the Ohio Tobacco Free Alliance in Columbus, who is working on legislation for smoke free multi-unit housing, and the American Cancer Society is working with HUD to make all HUD housing smoke free. The Bike to Work Event is planned for Friday, May 15<sup>th</sup>, in downtown Warren at the log cabin, and flyers are available to anyone interested in participating.

**VIII. Board Report: MOTION: 15-83** made by Mr. Messersmith, seconded by Mr. Appis to promote the Deputy Health Commissioner to Health Commissioner when the vacancy becomes available.

Mr. Biery questioned as to whether this was the proper time in which to make this motion. Atty. Kokor stated that it can be done at any time.

**Roll Call Vote:**

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

Motion carried.

Mr. Messersmith also added that there was question among the board members as to whether the health commissioner and legal counsel were authorized to come up with a compensation package for that position when it becomes available, and asked if that was being developed. Dr. Enyeart responded that a contract was being developed. Atty. Kokor also responded that work has begun on a contract for the new health commissioner, and it will include a compensation package, and the same process is being used as for previous health commissioner's contracts.

At this time, Mr. Biery called for a motion to approve the minutes of the February 25, 2015, regular meeting.

**MOTION: 15-84** made by Mr. Messersmith, seconded by Mr. Appis to approve the minutes of the February 25, 2015, regular meeting, as presented.

**Roll Call Vote:**

- Dr. Agana – Yes
- Mr. Appis – Yes
- Mr. Simon – Abstain
- Mr. Messersmith – Abstain
- Mr. Biery – Yes

Motion carried.

**IX. Old Business:** None.

**X. New Business:** A. Declaration of Unfit for Human Habitation –

1. Dale Hood, parcel ID# 48-049230 Housel Craft Rd., Bristol Twp. – Mr. Hood was present and sworn. Mr. Hood stated that he was trying to sell the property and had an interested buyer who wanted to renovate the structure. The process used for declarations of unfit from the board was explained to Mr. Hood.

**MOTION: 15-85** made by Dr. Agana, seconded by to declare the structure at Parcel #48-049230 Housel Craft Rd., Bristol Twp., unfit for human habitation.

**Roll Call Vote:**

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

Motion carried.

2. Trupti Kapasi, 3201 St. Rt. 5, Braceville Twp. (Sales Building & Motel) – Not present.

**MOTION:15-86** made by Mr. Appis, seconded by Mr. Messersmith to declare the structures, both the sales building & motel, located at 3201 St. Rt. 5, Braceville Twp., unfit for human habitation.

**Roll Call Vote:**

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

Motion carried.

3. Carolyn Hurst, 4430 St. Rt. 82, Braceville Twp. – Ron DiGiacobbe, Ms. Hurst’s son-in-law, was present and sworn. Mr. DiGiacobbe stated that they were either going to have the structure torn down, or have the township fire department burn it down. Mr. DiGiacobbe asked if they should have the structure boarded up in the meantime, and was told that it would be a good idea to do so.

**MOTION: 15-87** made by Mr. Messersmith, seconded by Mr. Simon to declare the structure at 4430 St. Rt. 82, Braceville Twp., unfit for human habitation.

**Roll Call Vote:**

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

Motion carried.

4. Sara Grove, 4182 St. Rt. 82, Braceville Twp. – Not present.

**MOTION: 15-88** made by Dr. Agana, seconded by Mr. Simon, to declare the structure at 4182 St. Rt. 82, Braceville Twp., unfit for human habitation.

**Roll Call Vote:**

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

Motion carried.

**B. Alleged Code Violation – Consent Agreements**

1. Matthew Jones, 7298 Stoddard Hayes Rd., Johnston Twp.
2. Danny Palmer, 3458 Hoagland Blackstub Rd., Bazetta Twp.
3. Russell French, 6167 Amy Boyle Rd., Brookfield Twp.
4. Wilma Saterlee, 6653 Girdle Rd., Farmington Twp.
5. William Palette, 4018 York, Gustavus Twp.
6. Gloria Jennings, 8836 Coombs Rd., Mesopotamia Twp.

7. Gary Mathews, 3215 Ridge Rd., Howland Twp.
8. Keith Elser, 577 Orris, Warren Twp.

Motion was made by Mr. Appis, seconded by Dr. Agana to accept the consent agreements as presented. Mr. Appis and Dr. Agana, rescinded their original motion, and amended their motion to include Armand & Andrea Nannicola, 4069 Warren Sharon Rd., Vienna Twp., under the consent agreements also.

**MOTION: 15-89** made by Mr. Appis, seconded by Dr. Agana to accept the consent agreements as follows:

Matthew Jones, 7298 Stoddard Hayes Rd., Johnston Twp.

- Submit all necessary paperwork, obtain permit to install and have system installed by October 25, 2015, weather permitting.

Danny Palmer, 3458 Hoagland Blackstub Rd., Bazetta Twp.

- Submit all necessary paperwork, obtain permit to install and have system installed by October 25, 2015, weather permitting.

Russell French, 6167 Amy Boyle Rd., Brookfield Twp.

- Make arrangements with inspector Kris Wilster to have the septic system evaluated within 30 days by making application with the health department.

Wilma Saterlee, 6653 Girdle Rd., Farmington Twp.

- Remove/abandon 2 cisterns not in use within 60 days.

William Palette, 4018 York, Gustavus Twp.

- Fix noted deficiencies on November 21, 2013, letter and schedule a dye test within 60 days.

Gloria Jennings, 8836 Coombs Rd., Mesopotamia Twp.

- Submit all necessary paperwork, obtain permit to install and have system installed within 6 months, weather permitting.

Gary Mathews, 3215 Ridge Rd., Howland Twp.

- Submit all necessary paperwork, obtain permit to install and have system installed by October 1, 2015, weather permitting; or, submit verification from the sanitary engineer's office that sewers will be available and connected will be completed.

Keith Elser, 577 Orris, Warren Twp.

- Have system pumped by registered sanitary serviceman within 30 days and submit receipt. Continue to pump the system at a frequency of every 6 months & submit receipts.
- Install chlorinator and correct plumbing issues.
- Submit all necessary paperwork, obtain alteration permit, have system installed by August 1, 2015, weather permitting, and maintain registration for the life of the temporary upgrade.

Armand & Andrea Nannicola, 4069 Warren Sharon Rd., Vienna Twp.

- Pump the septic system, have the distribution boxes and curtain drain brought to grade and address the plumbing issues with the septic system within 60 days.

**Roll Call Vote:**

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

Motion carried.

C. Alleged Code Violation – David & Becky Benton, 2605 Wilson Sharpsville Rd., Bazetta Twp. – Not present. As a result of a real estate evaluation the septic system was inspected on August 22, 2012, and found to consist of a septic tank, of unknown quantity and no baffles, with a discharge to the storm sewer.

**MOTION: 15-90** made by Mr. Messersmith, seconded by Dr. Agana to require David & Becky Benton to upgrade the septic system located at 2605 Wilson Sharpsville 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.

**Roll Call Vote:**

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

Motion carried.

D. Alleged Code Violation – Kimberly M. Kalin, 132 N. Leavitt Rd., Warren Twp. – Ms. Kalin was present and sworn. An inspection of the septic system on the property occurred on March 13, 2012, and at the time of inspection the system consisted of septic tanks and leach lines. The tanks, splitter box/distribution boxes were below grade, and the basement sink went to the footer sump. A notice of violation of issued with orders to have the tanks pumped, and everything brought to grade and have the plumbing issues addressed. An in-house administrative hearing was held, wherein Ms. Kalin’s attorney, Atty. Robert Root, attended and stated that Ms. Kalin would pump the tanks, eliminate the basement sink and contact the health department with a timeframe for completion, but nothing was received. Ms. Kalin stated that she just recently went back to work, and requested more time to have the septic issues addressed.

**MOTION: 15-91** made by Dr. Agana, seconded by Mr. Messersmith to table the alleged code violation for Kimberly M. Kalin, 132 N. Leavitt Rd., Warren Twp., for 90 days.

**Roll Call Vote:**

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

Motion carried.

E. Alleged Code Violation – Bat Holdings Eight LLC, 3366 Eagle Creek Rd., Braceville Twp. – Not present. As a result of a property transfer search, it was determined that this property was transferred without an inspection.

**MOTION: 15-92** made by Dr. Agana, seconded by Mr. Simon to require Bat Holdings Eight LLC, to make arrangements to have the sewage system evaluated at 3366 Eagle Creek Rd., Braceville 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 not complied with. After this is completed, an inspection of the sewage system will occur.

**Roll Call Vote:**

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

Motion carried.

F. Alleged Code Violation – Armand & Andrea Nannicola, 4069 Warren Sharon Rd., Vienna Twp. – *This item was moved to a consent agreement.*

G. Alleged Code Violation – Richard L. Hartman, 763 Everett Hull Rd., Bazetta Twp. – Not present. As a result of a real estate evaluation, the septic system was inspected on May 21, 2012, and found to consist of an aerobic tank, with a non-working motor, to an upflow filter, that goes to a splitter box to an unknown leach field.

**MOTION: 15-93** made by Dr. Agana, seconded by Mr. Appis to require Richard L. Hartman to repair the septic system located at 763 Everett Hull Rd., Bazetta Twp., by making all the repairs outline in the May 25, 2012, letter signed by inspector Kris Wilster, within 30 days and having the system reinspected within 90 days of all repairs. Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

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

Motion carried.

H. Alleged Code Violation – Jonas & Rachel Detweiler, 4143 Painesville Warren Rd., Southington Twp. – Not present. As a result of a property transfer search, it was determined that the property was transferred without an inspection.

**MOTION: 15-94** made by Dr. Agana, seconded by Mr. Simon to require Jonas & Rachel Detweiler to make arrangements to have the sewage system evaluated at 4143 Painesville Warren Rd., Southington 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 not complied with. After this is completed, an inspection of the sewage system will occur.

**Roll Call Vote:**

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

Motion carried.

I. Alleged Code Violation – Joseph Wise, 1348 Karen Oval Dr., Vienna Twp. – Not present. As a result of a septic upgrade, the existing private water systems were inspected on October 4, 2013. The result of the inspection revealed that 2 wells exist on the property, but only one of them is used as the primary source of water to the structure.

**MOTION: 15-95** made by Mr. Messersmith, seconded by Dr. Agana to require Joseph Wise to properly abandon the old private water system, that is not the primary source of water to the structure, located at 1348 Karen Oval Dr., Vienna Township, according to state code requirements and submit the necessary state sealing report to the department within 30 day; or, within 30 days submit all paperwork and complete testing to demonstrate compliance with rule OAC 3701-28-17(D)(1)(2). Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

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

Motion carried.

J. Alleged Code Violation – Amy Kuhn, 6520 Corey Hunt Rd., Bristol Twp. – Not present. As a result of a real estate evaluation, the existing private water systems were inspected on August 27, 2014. The result of the inspection revealed that a pond, well and cistern, and per the owner, the pond is the primary source of water to the structure.

**MOTION: 15-96** made by Dr. Agana, seconded by Mr. Simon to require Amy Kuhn to properly abandon all of the old private water systems, that are not the primary source of water to the structure, located at 6520 Corey Hunt Rd., Bristol Twp., according to state code requirements and submit the necessary state sealing report to the department within 30 days; or, within 30 days submit all paperwork and complete testing to demonstrate compliance with rule OAC 3701-28-17(D)(1)(2). Failure to comply will result in the matter being referred for appropriate legal action.

Mr. Appis questioned as to whether someone is permitted to use a pond as their private water system. Mr. Hedge stated that it was allowed, but the owner did not do it properly.

**Roll Call Vote:**

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

Motion carried.

K. Alleged Code Violation – Kelly Carowick, 2052 Custer Orangeville Rd., Hartford Twp. – Not present. As a result of a real estate evaluation, the existing private water systems were inspected on June 5, 2014. The result of the inspection revealed that a hand dug well and a buried well both exist, but only one of them is the primary source of water to the structure.

**MOTION: 15-97** made by Dr. Agana, seconded by Mr. Simon to require Kelly Carowick to properly abandon the old private water system that is not the primary source of water to the structure located at 2052 Custer Orangeville Rd., Hartford Township, according to state code requirements and submit the necessary state sealing report to the department within 30 days; or, within 30 days submit all paperwork and testing to demonstrate compliance with rule OAC 3701-28-17(D)(1)(2). Failure to comply will result in the matter being referred for appropriate legal action.

**Roll Call Vote:**

Dr. Agana – yes  
Mr. Appis – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

L. Alleged Code Violation – Marvin & Emma Miller, 10086 Bundysburg Rd., Mesopotamia Twp. – Not present. As a result of a private water system being altered, the well was inspected on October 30, 2014. The result of the inspection revealed an alteration to the existing private water system had occurred without an approved state permit being first obtained.

**MOTION: 15-98** made by Mr. Messersmith, seconded by Dr. Agana to require Marvin & Emma Miller to obtain a state alteration permit and pay the appropriate fee with penalty for all alterations made to the existing private water system located at 10086 Bundysburg Rd., Mesopotamia Twp., within 14 days; and within 30 days have all inspections and sampling conducted. Failure to comply will result in the matter being referred for appropriate legal action.

Dr. Agana questioned if the alteration that was done was in compliance with the state code. Mr. Hedge stated that what the Millers did was actually dig a line over to their neighbor's well and connected to it, which is legal; however, you need an alteration permit to do that; which they did not obtain.

**Roll Call Vote:**

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

Motion carried.

M. Alleged Code Violation – Patrick Marsh, 7792 Chestnut Ridge Rd., Brookfield Twp. – Not present. As a result of a nuisance complaint, the property was inspected on November 14, 2014. At the time of inspection, it was noted that tires, construction & demolition debris and other miscellaneous debris was being openly dumped on the property.

**MOTION: 15-99** made by Dr. Agana, seconded by Mr. Simon to require Patrick Marsh to remove all solid waste from 7792 Chestnut Ridge Rd., Brookfield 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.

- XI. Executive Session: MOTION: 15-100** made by Mr. Messersmith, seconded by Mr. Appis to go into executive session for discussion of pending legal action and personnel and include the Health Commissioner and legal counsel.

**Roll Call Vote:**

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

Motion carried.

**MOTION: 15-101** made by Mr. Messersmith, seconded by Mr. Simon to reopen to public session.

**Roll Call Vote:**

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

Motion carried. (Closed 2:50 P.M. – Reopened 3:19 P.M.)

- XII. Approval of Payment of Bills: MOTION: 15-102** made by Mr. Messersmith, seconded by Dr. Agana to approve payment of the bills as presented.

**Roll Call Vote:**

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

Motion carried.

**XIII. Date of Next Regular Board Meeting: May 27, 2015 – 1:30 P.M.**

**XIV. Adjournment: MOTION: 15-103** made by Mr. Messersmith, seconded by Dr. Agana to adjourn.

**Roll Call Vote:**

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

Motion carried. (Adjournment 3:20 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**