

**Trumbull County Board of Health – Special Meeting
May 6, 2019 – 1:30 PM
176 Chestnut Ave. NE * Warren, Ohio**

BOARD MEMBERS PRESENT: Thomas Borocz
Gregory Dubos
Dr. Harold Firster
Kathy Salapata, RN
John “Jack” Simon, Jr.
Robert Biery, Jr., President

BOARD MEMBERS NOT PRESENT: John Messersmith

STAFF: Frank Migliozzi, MPH, REHS/RS, Health Commissioner
Kristofer Wilster, MPH, REHS/RS, Director of Environmental Health
Kevin Francis, RS, Public Health Sanitarian
Johnna Ben, Administrative Secretary

OTHERS: Robert Kokor, Legal Counsel

MINUTES

- I. The meeting was Called to Order at 1:35 PM, and the Pledge of Allegiance was said.
- II. **Adoption of Agenda:** *MOTION: 19-78* made by Dr. Firster, second by Mrs. Salapata to adopt the agenda as presented.

Roll Call Vote:

Mr. Borocz – Yes
Mr. Dubos – Yes
Dr. Firster – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes
Mr. Biery – Yes

Motion carried.

- III. **Old Business:** A. Administrative Hearing Appeal – Sean Ross, Reform Fitness, 8094 E. Market St., Howland Twp. – Mr. Ross was present, along with his attorney, Brendan Keating. At the April 25, 2019, Board of Health meeting, an administrative hearing was held regarding violations at this facility, Mr. Ross was invited, but was not in attendance. The Board listened to testimony and ordered that the 2018-2019 swimming pool license be revoked, and a renewal not be considered for the 2019-2020 licensing period until Mr. Ross had contacted ODH, went through the plan review process and came into compliance. On May 1, 2019, a request to appeal the Board’s Findings & Orders was made by Mr. Ross. An inspector revisited the facility on April 30, 2019, and noted that a pool company was on site, and it appeared that several improvements and repairs had

been made. Mr. Wilster informed the Board that an inspector had gone out to the facility today, and all violations have been corrected.

Atty. Keating addressed the Board and stated that they were not challenging the inspector's findings, but Mr. Ross has a contract with a pool service that comes in and checks the equipment and chemicals, and the day before the inspector was in, the chlorine levels were in range. Atty. Keating added that Mr. Ross accepts that it is on him to stay on top of the operation of the pool, and its condition. Mr. Ross thanked the Board for their time, and allowing him to meet with them. He stated that he was trying to correct all the violations that the health inspector had noted, and he will continue to operate the facility in a proper manner. Mr. Wilster informed Mr. Ross that should he be allowed to regain his license for the facility, the health district will be monitoring the facility closely. The health district is willing to help him in any way we can, but should he have any questions, it is always best to call the office and speak to the inspector. Mr. Ross responded that he knows that safety is most important, and understands that it is upon him to stay on top of conditions of the pool and spa.

Mr. Wilster stated that if the Board rescinded the revocation of the license and accepted the renewal application for the 2019-2020 license, he would ask that Board also put in the motion to not charge a penalty. Since the Board's motion was not to accept the renewal application, Mr. Ross has missed the April 30th deadline submission.

Mr. Dubos questioned Mr. Ross as to whether he is under contract with a pool service for regular maintenance, or on an as needed basis. Mr. Ross responded that he was under contract to have the pool service come out at least once per month to monitor the two auto controllers that monitor and feed the chlorine into the system. Mr. Wilster told Mr. Ross that he needs to test the chemical levels before he opens every day, and then every 12 hours thereafter.

Mr. Simon stated that it was his understanding that the health district's inspectors had trouble gaining access to Mr. Ross and the pool to make inspections. Mr. Francis stated that on two occasions he was unable to locate Mr. Ross after he had completed his inspections. Mr. Simon stated to Mr. Ross that the last thing that the Board of Health wants to do is close down a business, but the Board also does not want to have to revisit this matter. Mr. Wilster added that Mr. Ross has a problem or a question, it is always best to call. The health district wants to help him, as well as keep the public safe.

Mr. Migliozi told Mr. Ross that if he tests the chlorine and it is not at the appropriate level, shut the pool down temporarily and get it corrected. Mr. Ross stated that there is another tenant at the building that uses the pool also. Atty. Kokor suggested that if the Board rescinds the revocation, it may be wise for Mr. Ross to contact the inspector and discuss with him what the law is if there are unauthorized people using the pool.

MOTION: 19-79 made by Mr. Dubos, second by Mr. Simon to rescind the previous findings and orders that were issued at the April 24, 2019, administrative hearing regarding Reform Fitness, 8094 E. Market St., Howland Twp. Allow the renewal of the 2019-2020 license, and waive the late fee, if the renewal application and license fee is submitted within 48 hours. In addition, the operator is to allow more frequent inspections of the facility as the health district requires.

Roll Call Vote:

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

Motion carried.

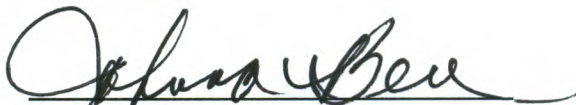
IV. Adjournment: MOTION: 19-80 made by Dr. Firster, second by Mrs. Salapata to adjourn.

Roll Call Vote:

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

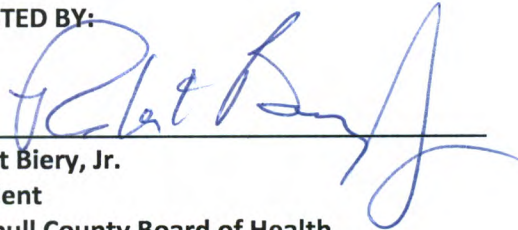
Motion carried. (Adjournment 1:54 PM)

RECORDED BY:



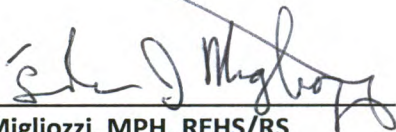
Johanna Ben
Administrative Secretary
Trumbull County Combined Health District

ATTESTED BY:



Robert Biery, Jr.
President
Trumbull County Board of Health

For



Frank Migliozi, MPH, REHS/RS
Health Commissioner and Secretary
Trumbull County Board of Health