

**Trumbull County Board of Health – Special Meeting  
Wednesday, July 15, 2015 – 1:30 PM  
176 Chestnut Ave., NE, Warren, Ohio**

**BOARD MEMBERS PRESENT:** Marisha Agana, M.D.  
Dale Appis  
John (Jack) 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 Comm./Dir. of Env. Health  
Johnna Ben, Administrative Secretary

**MINUTES**

- I. The meeting was called to order and the Pledge of Allegiance was said.**
- II. Adoption of Agenda: *MOTION: 15-156* made by Mr. Messersmith, seconded by Mr. Appis to adopt the agenda as presented.**
- III. New Business:** A. Variance Request – Lorrie Dietz, 3040 Phalanx Mills Herner Rd., Southington Twp. – Not present. Because of a real estate evaluation, an inspection was conducted on January 12, 2015. The result of the inspection revealed that a well and a cistern both exist, with the well being used as the primary source of water to the structure. A notice to abandon the old existing cistern was issued on January 12, 2015, and a second notice was sent on March 3, 2015. On June 3, 2015, the owner contacted the health department and requested that they not be required to seal the old cistern because they wanted it as a backup for watering livestock and plants. After consultation with the Ohio Department of Health, it was recommended that a variance be applied for with the Board placing restrictions. On June 22, 2015, the owner submitted an application for a variance to allow the cistern to remain on the property.

*MOTION: 15-157* made by Mr. Messersmith, seconded by Dr. Agana to grant a variance to Lorrie Dietz, to allow the existing cistern, located at 3040 Phalanx Mills Herner Rd., Southington Twp., to exist without abandoning it to state specification. This variance shall be subject to an annual water sample, and shall remain in effect provided no contamination is occurring. The owners are also required to have all piping that runs from the cistern into the home to the pumping system colored purple, and repairs made to the cistern covers as previously requested by the sanitarian. The cistern is only to be used for watering, and is not to be used as a means for a potable water supply.

**Roll Call Vote:**

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

Motion carried.

B. Peter Allen Inn c/o Richard Thompson, 8581 State St., Kinsman Twp. – Mr. Thompson was present and sworn. Mr. Thompson is in the process of constructing a multi-use structure that will involve a banquet center, a bed-n-breakfast and a single apartment for management to reside. The structure is to be connected to the sewer line that is currently being installed in Kinsman Twp. Due to construction problems, the owner is not permitted to connect to the sewer at this time. Mr. Thompson is requesting a variance that would allow occupancy of the apartment only, without being connected to sewers until all issues are resolved. The banquet center and bed-n-breakfast will remain closed. The system will have a 1,500-gallon septic tank, which will be capped and equipped with a high-level alarm that will signal when the tanks require pumping.

**MOTION: 15-158** made by Mr. Messersmith, seconded by Mr. Appis to grant a variance to Richard Thompson to allow occupancy of the apartment only at 8581 State St., Kinsman Twp., prior to connection to the sanitary sewer. A 1,500 gallon septic tank is to be installed that will be capped so that no liquid will exit this chamber. This component can only be installed after an alteration permit to install has been obtained. The 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 an area that is easily accessible for pumping by a Trumbull County registered sewage hauler. At no time is sewage permitted to be discharged onto the surface of the ground. The variance is in effect for period not to exceed 12 months, at which time the matter can be revisited.

**Roll Call Vote:**

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

Motion carried.

C. Variance Request – Kecia Cross Patrick, 853 St. Rt. 7, Brookfield Twp. – Not present. Kecia Cross Patrick recently upgraded her septic system, which consists of an off-lot system, including an ATU, sand filters and UV with post aeration. Upon installing the system, it was determined that the aerobic tank and dosing tank could not be installed to comply with the state code on setback requirements from the paved driveway, which is 10 feet. A variance is required prior to granting final approval and use of the system. The sanitarian has verified that no other options remain.

**MOTION: 15-159** made by Mr. Appis, seconded by Mr. Messersmith to grant a variance from rule OAC 3701-29-06(G)(3) to Kecia Cross Patrick to allow the recently installed aerobic tank and dosing tank to remain a horizontal distance of seven (7) feet from the driveway at 853 St. Rt. 7, Brookfield Twp. The owners have complied with all other code sections.

**Roll Call Vote:**

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

Motion carried.

**IV. Adjournment: MOTION: 15-160** made by Mr. Messersmith, seconded by Dr. Agana to adjourn the meeting.

**Roll Call Vote:**

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

Motion carried. (Closed 3:45 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**  
**Trumbull County Board of Health**