

**Trumbull County Board of Health – Regular Meeting & Public Hearing
Wednesday, January 25, 2017
176 Chestnut Ave. NE * Warren, Ohio 44483**

BOARD MEMBERS PRESENT: Marisha Agana, MD
Thomas Borocz
Gregory Dubos
Kathy Salapata, RN
John Messersmith, President Pro Tempore
Robert Biery, Jr., President

BOARD MEMBERS NOT PRESENT: John “Jack” Simon

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
Kevin Francis, RS, Public Health Sanitarian
Rodney Hedge, RS, Public Health Sanitarian
Sharon Bednar, Secretary
Johnna Ben, Administrative Secretary

OTHERS: James J. Enyeart, MD, Medical Director
Robert Kokor, Legal Counsel

MINUTES

- I. Mr. Biery opened the swimming pools and spas public hearing to hear proponent and opponent testimony; hearing none, the public hearing was closed 1:35 P.M.**
- II. The meeting was called to order at 1:35 P.M., and the Pledge of Allegiance was said.**
- III. Adoption of Agenda: *MOTION: 17-01* made by Mr. Messersmith, second by Dr. Agana to adopt the agenda as presented.**

Roll Call Vote:

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

Motion carried.

- IV. Approval of Minutes: *MOTION: 17-02* made by Mr. Messersmith, second by Mrs. Salapata to approve the minutes of the December 14, 2016, regular meeting, as presented.**

Roll Call Vote:

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

Motion carried.

MOTION: 17-03 made by Mr. Dubos, second by Dr. Agana to approve the minutes of the December 28, 2016, special meeting, as presented.

Roll Call Vote:

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

Motion carried.

- V. Health Commissioner Report:** Mr. Migliozi submitted a written report to the Board for their review. In addition, Mr. Migliozi informed the Board that some of the new signage for the building was being installed, which coincides with the health district's marketing plan. In addition, at the November meeting, the Board adopted a Recognition Policy, and as such, staff will nominate an Employee of the Month every month. At this time, Mr. Migliozi recognized and congratulated Sharon Bednar as the Employee of the Month for January.

MOTION: 17-04 made by Mr. Borocz, second by Dr. Agana 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. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

- VI. Director of Nursing Report:** Mrs. Swann presented a written report to the Board for their review. In addition, Mrs. Swann presented the Board with the communicable diseases year-end statistics. The nursing division is working on an active TB case, and conducting surveillance testing, making sure no one else has been exposed. To date, none have been found.

MOTION: 17-05 made by Mrs. Salapata, second by Dr. Agana to accept the Director of Nursing's report as presented.

Mr. Migliozi added that it has been very busy in the nursing division. Sandy Swann and Randee Shoenberger have spent a lot of time through the week, and on the weekends, working on not only the TB case, but there was also a meningitis case in the Amish Community. Since the Amish do not have telephones, Mrs. Swann and Mrs. Shoenberger spent a Saturday driving out to the community interviewing clients. In addition to those events, the FBI, who was investigating an incident with white powder in Hubbard, visited the nursing division.

Roll Call Vote:

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

Motion carried.

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

MOTION: 17-06 made by Dr. Agana, second by Mr. Borocz, 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. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

VIII. Health Educator Report: Ms. Amerine presented a written report to the Board for their review.

MOTION: 17-07 made by Mrs. Salapata, second by Mr. Borocz, 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. Messersmith – Yes

Mr. Biery – Yes

Motion carried.

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

MOTION: 17-08 made by Dr. Agana, second by Mrs. Salapata, to accept the Accreditation Coordinator’s report as presented.

Mr. Messersmith asked if there had been any feedback from Warren City. Mrs. Markusic stated that there had been none.

Roll Call Vote:

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

Motion carried.

- X. Board Report: None**

- XI. Old Business:** A. Passage of Revision of the “Regulation of the Trumbull County Combined Health District for Establishing Fees” .08 Recreation – B. Pools – 2nd Reading

MOTION: 17-09 made by Dr. Agana, second by Mrs. Salapata, to pass the revision of the “Regulation of the Trumbull County Combined Health District for Establishing Fees” .08 Recreation – B. Pools, and approve it for its second reading.

Roll Call Vote:

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

Motion carried.

- XII. New Business:** A. Variance Request – Daniel & Susan Tietz, 3982 St. Rt. 305, Southington Twp. – Mrs. Tietz was present at the meeting. A real estate evaluation was conducted on October 5, 2015, and at the time of the inspection it was revealed that a hand dug well and cistern were present. A notice to seal the existing hand dug well was issued. The owner contacted the health department and requested that they not be required to seal the old hand dug well. The owners purchased the property based upon the potential for restoration of the circa 1837 I-house that is located on the property. Mr.

& Mrs. Tietz have requested a variance to allow them to keep the hand dug well and cistern for historical reasons. Mr. Wilster stated that ODH has no opinion regarding the granting of this variance, and that his only objection is setting a precedence wherein anyone would request a variance stating it was for historic reasons. Mrs. Tietz, who is a Survey & National Register Manager for the Ohio Historical Society, presented evidence substantiating her request to keep the hand dug well and cistern to preserve the historical nature of the property. Mr. Messersmith questioned as to whether Mrs. Tietz planned on using the dug well or cistern for human consumption; Mrs. Tietz stated that they were not.

MOTION: 17-10 made by Mr. Messersmith, second by Dr. Agana to grant a variance to Daniel & Susan Tietz to not require the hand dug well and cistern to be sealed for historical reasons, based upon the documentation supplied by the property owner.

Mr. Dubos questioned as to whether this type of variance had ever been granted previously. Mr. Wilster stated that to his knowledge, no. Mr. Miglioizzi added that variances such as these would be handled on a case-by-case basis.

Roll Call Vote:

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

Motion carried.

B. Variance Request – Joseph & Trudy Pavlic, 6578 St. Rt. 87, Kinsman Twp. – Not present. Mr. & Mrs. Pavlic installed a new on-lot septic system in 2006. In March of 2016, our office was notified by the Trumbull County Sanitary Engineer’s office that this property was benefited by sewers, through the Kinsman Phase 2 Sanitary Sewer Project, and a notice to connect was issued to the owners. The property owners submitted a request for a variance from connecting to the available sanitary sewer. An inspection of the septic system was conducted, and upon inspection, it was found that there existed a septic system that consisted of two-1,000 gallon tanks, 500 feet of leach field with a splitter box. A dye test was conducted, and the system was found to be acceptable on a performance basis.

MOTION: 17-11 made by Mr. Messersmith, second by Dr. Agana, to grant a variance to Joseph & Trudy Pavlic from the orders to connect to the available sanitary sewer, for the property located at 6578 St. Rt. 87, Kinsman Twp., for a period of five (5) years. The homeowner must re-apply for a variance every five (5) years to continue the variance, or must connect to the sanitary sewers.

Roll Call Vote:

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

Motion carried.

C. Declaration of Unfit for Human Habitation – RECISSION – 27 W. Liberty St., City of Newton Falls, Alberto Talanca, Owner – Mr. Talanca was present at the meeting. At the October 26, 2016, Board of Health meeting, the Board voted to declare this structure unfit for human habitation. According to the policy, the occupant of the house was cooking meth in the garage, which posed a significant fire and chemical poisoning exposure hazard to the individuals in the home. The health district was called in by the Trumbull County Sheriff’s Department to conduct an inspection of the structure. Since that time, the owner has made several repairs to the structure. Mr. Talanca has removed all of the carpeting, removed the kitchen flooring and any wood flooring was stripped and repainted. The kitchen and upstairs walls were removed and new drywall was installed, and the downstairs walls have been cleaned and repainted. Newton Falls City Officials are satisfied with the evidence presented showing that the conditions that were present at the time of the health department’s inspection have been corrected, and requested that the declaration of unfit be rescinded, and the environmental health staff concurs with the city’s findings. Mr. Francis stated that Mr. Talanca went above and beyond cleaning and making the necessary repairs to the structure.

MOTION: 17-12 made by Mr. Messersmith, second by Dr. Agana to rescind the October 26, 2016, declaration of unfit for 27 W. Liberty St., Newton Falls City.

Roll Call Vote:

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

Motion carried.

D. Declaration of Unfit for Human Habitation – 8210 Main St., Kinsman Twp., SLW & BCW Enterprises Inc., Owners – Not present. A request for inspection was made by Kinsman Township Zoning. Upon inspection, the inspector, Rod Hedge, noted water damage and that the ceiling in the rear of the building was in collapse due to the heavy water damage.

MOTION: 17-13 made by Mr. Messersmith, second by Mr. Borocz to declare the structure at 8210 Main St. (aka 8476 Main St.) Kinsman Township, 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.

E. 2017 Geauga Trumbull Solid Waste Management District Agreement- Each year the Board of Health is required to enter into an agreement with the Geauga-Trumbull Solid Waste District. This agreement provides for the health department to inspect facilities for compliance, as well as solid waste nuisance compliance, and to be monetarily reimbursed for those services. No major changes have been made from the 2016 contract.

MOTION: 17-14 made by Mr. Dubos, second by Dr. Agana to approve the 2017 contract with the Geauga-Trumbull Solid Waste District and authorize the Health Commissioner to sign the 2017 agreement.

Roll Call Vote:

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

Motion carried.

F. Approval of Fraud Reporting Procedure – **MOTION: 17-15** made by Mrs. Salapata, second by Dr. Agana, to approve the Auditor of State’s Fraud Reporting System Procedure for the Trumbull County Combined Health District.

Roll Call Vote:

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

Motion carried.

XIII. Citizens Comments: None

XIV. Approval of Payment of the Bills: MOTION: 17-16 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. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

Mrs. Salapata questioned as to the status of the car purchase. Mr. Migliozi stated that they were going to be contacting a local Ford dealership, as well as a couple local Chevy dealerships, and hope to have something to present to the Board at the February meeting.

XV. Adjournment: MOTION: 17-17 made by Mr. Messersmith, second by Dr. Agana for adjournment.

Roll Call Vote:

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

Motion carried. (Adjournment 2:06 PM)

RECORDED BY:

ATTESTED BY:

Johnna Ben
Administrative Secretary
Trumbull County Combined Health District

Robert Biery, Jr.
President
Trumbull County Board of Health

For

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