

Trumbull County Board of Health – Regular Meeting
Wednesday, May 27, 2015 – 1:30 P.M.
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 Commissioner/Director of Env. Health
Sandra Swann, R.N., Director of Nursing
Jenna Amerine, CHES, Health Educator
Rodney Hedge, RS, Public Health Sanitarian
Kristofer Wilster, RS, Public Health Sanitarian
Johnna Ben, Administrative 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: 15-104 made by Mr. Messersmith, seconded by Mr. Appis to adopt the agenda as presented.

Roll Call Vote:

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

Motion carried.

III. Approval of Minutes: MOTION: 15-105 made by Mr. Appis, seconded by Mr. Messersmith to approve the minutes of the April 22, 2015, regular meeting, as presented.

Roll Call Vote:

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

Motion carried.

IV. Health Commissioner Report: Dr. Enyeart reported that he had just returned from attending the spring Public Health Combined Conference in Columbus. At the conference accreditation was one of the many

topics discussed, with one of the presenters addressing continuity of operations plans (COOP), and their importance in case of a disaster such as flood or fire, which a local health department had just faced. Dr. Enyeart also informed the Board that communication had just been received from the OEPA regarding the solid waste and construction & demolition debris program survey. The EPA commended the department on our program, and the health department will remain on the approved list. The health department was approached several months ago by Niles City regarding combining their health department with ours. Dr. Enyeart stated that he had just received an MOU from Niles, so the issue of combining will be explored further and the matter will also be discussed with the district advisory council. The receipt of the MOU from Niles is concrete evidence that they wish to move forward with combining, and according to the mayor, as fast as possible. Mr. Biery asked what the board needed to do at this point. Dr. Enyeart stated that currently there is nothing that the board needs to do until a contract is developed, and then it will be brought before the board for your review and approval.

Atty. Kokor described a process to the board wherein it would enable the Health Commissioner or the Director of Environmental Health to issue health orders instead of bringing everything in front of the board. By implementing such a process, it would streamline the process, making it more efficient and quicker. This is already being done in Stark County and one other county. Atty. Kokor asked that the board approve a resolution permit the Health Commissioner or the Environmental Director to issue public health orders in lieu of Board Orders where permissible under Ohio law. Further, a written procedure would be delineated within 30 days of the second reading of this resolution.

MOTION: 15-106 made by Mr. Appis, seconded by Mr. Simon to issue a resolution to permit the Health Commissioner or the Environmental Health Director to issue public health orders in lieu of Board Orders where permissible under Ohio law, and approve it for its first reading. Further, that a written procedure be delineated within 30 days of the second reading of this resolution.

Dr. Agana asked what issues this procedure would address. Atty. Kokor responded that the procedure would address code violations, and if the Board looked at today's agenda, it would address everything from item D. through X., variances and declarations of unfitness would still come before the Board. Dr. Agana questioned if a board member had any questions concerning one of the cases how that would be handled. Atty. Kokor explained that those questions would be addressed to the health commissioner or director of environmental health.

Mr. Messersmith questioned as to whether the board would receive copies of the cases. Atty. Kokor stated that if the board wishes to receive copies, then yes, it would all be how the board wishes the procedure to be written. Mr. Messersmith asked who would be developing the procedure. Atty. Kokor stated that it would be he, Dr. Enyeart, Mr. Migliozi and anyone else from the board if they wished. The only difference with this procedure is who issues the order, other than that; the process would remain the same. The individuals can also appeal the decision to the board.

Roll Call Vote:

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

Motion carried.

Mr. Biery stated that he felt that one board member should be included in the development of this procedure, and asked for a volunteer from the board. Mr. Messersmith volunteered to be involved as the board representative in development of this procedure.

V. Director of Nursing: Mrs. Swann provided the board with a written report for their review. Mrs. Swann also stated that she participated in the Warren Bike to Work event with Jenna Amerine. Mr. Biery asked as to how the DAWN program is tracked. Mrs. Swann stated that the participants are instructed to report back to the health department if the naloxone is used.

VI. Director of Environmental Health: Mr. Migliozi provided a written report to the board for their review. Mr. Migliozi stated, as Dr. Enyeart had mentioned in his report, that the EPA had concluded their survey of the solid waste program, which encompasses CD&D, infectious waste facilities, composting facilities, and how we handle complaints, and the health department remains on the approved list. The health department is in the process of having the H₂S meter repaired and have been having staff do “drive bys” for odor. Lafarge has also responded to ours and the EPA’s notice of violation, and currently the health department is in conversation with the EPA as to what to accept and what not to accept. With regard to the KDA facility spill, the OEPA and ODH were asked to do additional testing for radium levels. The sample results showed no impact to the water wells from the spill. ODH will be implementing new food service inspection procedures that will standardize how inspections are conducted so that they are uniform across the state. With regard to accreditation, Kris Wilster has been working on the health department’s workforce development plan and it is near completion. The health department has also picked two quality improvement programs, and a KSU master program student is going to be assisting. Domain Teams are meeting on a weekly basis, and Mr. Migliozi commended staff on their active participation. Dr. Agana requested a schedule so that she might sit in on some of the meetings.

VII. Health Educator Report: Ms. Amerine stated that the promotional county video filming will start on June 1st. The Annual School Food Service Conference will be held on August 12, 2015 at LaBrae High School. The Bolindale Park inventory has been started to begin the clean-up process. Data has been gathered for 28 out of 30 community assessments needed for the CHANGE Tools (Community Health Assessment and Group Evaluation), which is one of the objectives required by the CHC grant. The Bike to Work event was held on May 15th at the Log Cabin in Downtown Warren. There were 67 attendees, which is the highest number of attendees in all four years of the event.

VIII. Board Report: At this time, Mr. Simon addressed the board, stating that when he sought the position on the board, one of the issues brought to his attention was the cost of septic installations in Trumbull County. Mr. Simon stated that he had done a lot of research and had spoken with Mr. Migliozi and others regarding this issue, and found that it has to do with the consent agreement with the state. Since that consent was instituted, Trumbull County has made significant progress to improve surface water quality; in addition to the fact that new rules were adopted under the Ohio Administrative Code earlier this year that actually negate the reason for the consent agreement. Mr. Simon stated that he had three reasons why he felt the consent agreement should be lifted: 1. It is more expensive to install septic systems in Trumbull County. Off-lot septic system installations in Trumbull County require a sand filter, which increases the cost by approximately \$3,000.00. If the entire consent agreement cannot be lifted, at the very least section 6.C.(iii), could be rescinded; 2. The consent agreement does not allow the Board to consider any exemptions or variances for sanitary sewer connections; and 3. If you have a lot that has soils that are conducive to an

on-lot septic system, basically you have a piece of property that is deemed unbuildable. Mr. Simon stated that he had been told that the board tried in 2008 to have the consent agreement lifted, but was unsuccessful. The consent has to be lifted by the Ohio Attorney General's Office and the Ohio EPA. Mr. Simon stated that he felt that the best approach to take was to lobby the local state representatives, Senator Cafaro and Representatives Michael O'Brien and Sean O'Brien; and that he took it upon himself to draft letters to them. Mr. Simon stated that he was not asking for a motion, but merely that the board review the letters and consider passing a motion at the next meeting.

At this time, Mr. Simon read the proposed letter into the record:

"The Trumbull County Board of Health is seeking your assistance in helping the residents of Trumbull County with household sewage treatment system costs.

One of the major areas of concern for residents of Trumbull County, who have household sewage treatment systems, is the fact that regulations in Trumbull County are more stringent than those in surrounding counties. This makes it much more expensive to install a system in Trumbull County than in those surrounding counties. One of the reasons for this is the result of a consent agreement that was negotiated with the Ohio EPA through the Ohio Attorney General's Office many years ago.

Since that time, significant progress has been made by the health department to improve surface water quality through adherence of the state sewage regulations. Further; with the promulgation of new state sewage regulations that became effective January 2015, there is no reason to hold the Trumbull County General Health District to a higher standard than the rest of the state.

As such, we are writing today to ask you to consider supporting an initiative we are undertaking to have the consent decree case #2006 CV 2248, against the Trumbull County Board of Health, rescinded in its entirety so therefore allowing the health district to apply the same septic rules that all other health departments in the state of Ohio follow. Our main focus is to reduce the cost of replacing septic systems to residents of Trumbull County; thus, by the elimination of the consent decree, we believe the cost of systems will reduce.

If the consent decree cannot be rescinded in its entirety, we are requesting that Section 6(C) (iii) be removed as a requirement from the document. This would eliminate the required use of tertiary filtration for discharging systems that no other health district in the state of Ohio is required to use. Again however, we want to be very clear; our goal is to have the consent decree rescinded in its entirety.

For your convenience, we have attached letters you may use to forward to the Ohio EPA Division of Surface Water; and the Ohio Attorney General's Office Environmental Enforcement Division.

We are requesting that you please give the matter your utmost attention so that it may be remediated as soon as possible. As funding cuts to local governments continue, an increased amount of monetary burdens are placed on taxpayers to maintain roads, schools and safety forces, having this consent decree lifted is one way we can lessen an undue burden on our residents. Thank you in advance for your time and for considering our request. If you have any questions, please do not hesitate to contact the Trumbull County Health Board Members, Health Board Commissioner, James Enyeart M.D., or Health Board Deputy Commissioner Frank Migliozi."

Dr. Agana complimented and thanked Mr. Simon for his initiative, and is in agreement with Mr. Simon. Dr. Agana suggested that the letter show the monetary benefits, by giving a cost benefit analysis to show what is going on in other counties versus Trumbull County. Mr. Messersmith suggested that in paragraph 4, where it states that "...we believe the cost of systems will reduce.", that a monetary figure be attached. Mr. Simon replied that if they went along with what Dr. Agana suggested and contacted an installer to give an estimate on a system in Newton Falls, and then go into Mahoning County and give an estimate for the same.

IX. Old Business: A. Alleged Code Violation – Bertok Family Enterprises, LLC, 895, 917, 919 Youngstown Kingsville Road, Vienna Twp., - *This item was removed from the agenda.*

X. New Business: A. Variance Request – Eric & Beth Shafer, 5792 Phillips Rice Rd., Mecca Twp. – Mr. & Mrs. Shafer were present, along with their contractor, Pat Mahan. Mr. & Mrs. Shafer currently have a well that serves as a private water system and the primary source of water to their home. They wish to construct an addition to their home that will include a sun room that will be located over the existing well, and as a result the well would be located within the new foundation. They have proposed to install an access space within the foundation and flooring area to access the well if needed. Current ODH regulations do not allow for a well to be located within the foundation of any building, and must be 10 feet from any foundation, or no closer than 5 feet to the edge of a slab that has been extended from a residence. As a result, the matter was discussed with ODH, and their position is that the board should not grant this variance request because it defeats the spirit and intent of the rules. Following a lengthy discussion, Mr. Hedge recommended that the board deny the variance.

MOTION: 15-106 made by Mr. Messersmith, seconded by Dr. Agana to deny the variance request from Eric & Beth Shafer to extend a foundation/slab so that the existing well is located within the foundation or 5 feet from the edge of the foundation, for the private water system located at 5792 Phillips Rice Rd., Mecca Twp.

Additional discussion ensued, after which the roll was called.

Roll Call Vote:

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

Motion carried.

Mr. Messersmith questioned as to whether the owners could appeal. Mr. Miglioizzi stated that they could take the matter to the common pleas court and appeal the board's decision.

B. Approval of Trumbull County General Health District Job Descriptions – As part of the Trumbull County General Health District's Workforce Development Plan and as a requirement of accreditation, standardized and uniform job descriptions were developed.

MOTION: 15-107 made by Mr. Simon, seconded by Mr. Messersmith to approve and adopt all of the job descriptions as presented.

Mr. Biery inquired as to what these job descriptions replaced. Mr. Migliozi stated that any old job description that was being used.

Roll Call Vote:

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

Motion carried.

C. Declaration of Unfit for Human Habitation –

1. 51 Mahoning Court, Newton Falls City – Clyde E. & Patricia A. Workman, Owner – Not present.

MOTION: 15-108 made by Dr. Agana, seconded by Mr. Messersmith to declare the structure at 51 Mahoning Ct., Newton Falls City, 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. 277 Maple St., Newton Falls City – Robert Kinkis, Owner – Not present.

MOTION: 15-109 made by Dr. Agana, seconded by Mr. Simon to declare the structure at 277 Maple St., Newton Falls, 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. 25 Mahoning Court, Newton Falls City – Gene F. Brumley, Owner – Not present.

MOTION: 15-110 made by Mr. Simon, seconded by Mr. Appis to declare the structure at 25 Mahoning Ct., Newton Falls, 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. 6144 St. Rt. 45, Bristol Twp., D&B Quality Foods Inc., Owner – Not present.

MOTION: 15-111 made by Mr. Appis, seconded by Dr. Agana to declare the structure at 6144 St. Rt. 45, 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.

D. Alleged Code Violation – Consent Agreements

MOTION: 15-112 made by Dr. Agana, seconded by Mr. Appis to approve the consent agreements as presented:

Joseph Rushwin, 7099 White Oak, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Joseph & Lori Panton, 7067 White Oak, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Don Williams, 7030 White Oak, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Michael Zappa, 6976 White Oak, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Matthew Shearer, 7066 Tamarack, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Branko Markulin, 7024 Tamarack, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

James Lacko, 7169 Pine Grove, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Albert Scudier, Jr., 6996 Pine Grove, Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Douglas Williams, 7049 Chestnut Ridge Rd., Hubbard Twp.

- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Karen A. Eusanio, 1778 Cherry Ln., Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Mark Hopkinson, 1758 Cherry Ln., Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Valentini S. Oddi, 1958 Brookfield Rd., Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Phyllis Lacivita, 7019 White Oak, Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Patricia Kruest, 7078 White Oak, Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. Kathleen Dash, 1955 Brookfield Rd., Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days. John Phillips, 1824 Cherry Ln, Hubbard Twp.
- Connect into the available sanitary sewer and submit tank abandonment form within 90 days.

Mr. Messersmith questioned as to whether it is the health department’s responsibility to enforce sanitary sewer connections. Dr. Enyeart responded that it is required by law.

Roll Call Vote:

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

Motion carried.

E. Alleged Code Violation – Mary Sue Hood, 6341 Morrell Ray Rd., Mecca Twp. – As a result of a property transfer search, it was determined that this property was transferred without an inspection of the sewage system.

MOTION: 15-113 made by Mr. Messersmith, seconded by Dr. Agana to require Mary Sue Hood to make arrangements to have the sewage system evaluated at 634 Morrell Ray Rd., Mecca 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 owner does not comply with the 14 day notice. 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 – Keith & Kimberly Jennings, 3575 Five Points, Hartford Twp. – Not present. As a result of a property transfer search, it was determined that the property was transferred without an inspection of the sewage system.

MOTION: 15-114 made by Mr. Appis, seconded by Dr. Agana to require Keith & Kimberly Jennings to make arrangements to have the sewage system evaluate at 3575 Five Points Rd., Hartford 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 owners do not comply with the 14 day notice. 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.

G. Alleged Code Violation – Corey Reed DeLong, 6273 Bushnell Campbell Rd., Vernon Twp. – Not present. As a result of a property transfer search, it was determined that the property was transferred without an inspection of the sewage system.

MOTION: 15-115 made by Dr. Agana, seconded by Mr. Appis to require Corey Reed DeLong to make arrangements to have the sewage system evaluated at 6273 Bushnell Campbell Rd., Vernon 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 owners do not comply with the 14 day notice. After this is completed, an inspection of the sewage system will occur.

Mr. Simon questioned as to how all of these properties were able to be transferred without an inspection. Mr. Wilster stated that the recorder does not require it, and Atty. Kokor added that it is required, but the recorder has decided not to require it before recording a deed.

Roll Call Vote:

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

Motion carried.

H. Alleged Code Violation – David & Rose Marie Zook, 2362 Hyde Shaffer Rd., Bristol Twp. – Not present. As a result of a real estate evaluation on June 18, 2014, it was found that the septic system consists of a septic tank of unknown quantity, to no known, observed or identified secondary treatment components.

MOTION: 15-116 made by Mr. Messersmith, seconded by Mr. Simon to require David & Rose Marie Zook to upgrade the septic system located at 2362 Hyde Shaffer Rd., Bristol 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.

I. Alleged Code Violation – John & Wendy Robinson, 2406 McCleary Jacoby Rd., Bazetta Twp. – Not present. On December 13, 2011, the health department received a request for a real estate evaluation of the septic system, but the inspection fee was not included. Upon receipt of the application, Mr. Robinson was contacted and he stated that the house was currently vacant and the neighbor was looking into a private line sewer extension. Mr. Robinson was instructed to submit that information in writing to the health department. On December 19, 2011, a note was received from Mr. Robinson wherein he stated that the property would not be occupied for approximately one year due to restoration work, and that they were currently in the process of tapping into the sewer. On June 12, 2012, Mr. Robinson entered into a consent agreement wherein it was agreed to table any action for 90 days, and at the end of the 90 days Mr. Robinson was to submit the application and make arrangements with the inspection for the evaluation of the septic system. If the development of sewers occurred within the 90 day timeframe, Mr. Robinson was to submit documentation and the consent would then be modified, but nothing was received. On October 19, 2012, the health department contacted the sanitary engineer's office and was told that Mr. Robinson had approached their office, but no plans for sewer extension had been submitted. On November 16, 2012, a real estate evaluation application and fee was submitted, and an inspection was conducted. At the time of inspection, it was found that the system consisted of a septic tank of unknown capacity, no secondary or tertiary treatment, discharging to a small creek, and the laundry was running to the footer sump and a water treatment system and footer were discharging to the septic. To date no correction measures have been taken.

MOTION: 15-117 made by Mr. Messersmith, seconded by Mr. Appis to require John & Wendy Robinson to upgrade the septic system located at 2406 McCleary Jacoby Rd., in Bazetta Twp., by submitting all paperwork, obtaining a permit to install within 30 days and having the system installed within 60 days, weather permitting; or, cap and vent the system, have the septic system pumped every 30 days and submit copies of the pumping receipts until a sanitary sewer connection is complete. 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 – Shelby R. Tingler, 3927 Nelson Mosier Rd., Braceville Twp. – Ms. Tingler was present and sworn. Ms. Tingler stated that a soil scientist came out, but she did not receive the report; the soil scientist was associated with the tank installer. Ms. Tingler also stated that she had given the layout of the system to her attorney.

MOTION: 15-118 made by Mr. Messersmith, seconded by Dr. Agana, to table the matter regarding the alleged code violation for Shelby R. Tingler, 3927 Nelson Mosier Rd., Braceville Twp., for 90 days to allow the owner time to comply.

Mr. Wilster told Ms. Tingler that if her lawyer had the paperwork, that she needed to get him to send it into the health department.

Roll Call Vote:

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

Motion carried.

K. Alleged Code Violation – Bobby Joe & Janice Maynard, 1707 Brookfield Rd., Hubbard Twp. – Not present. On July 21, 2015, the health department was notified by the Trumbull County Sanitary Engineer’s office that this property was benefited by sanitary sewers, but not connected.

MOTION: 15-119 made by Dr. Agana, Mr. Appis to require Bobby Joe Maynard & Janice Maynard of 1707 Brookfield Rd., Hubbard Twp., to connect to the available sanitary sewer within 30 days, and have the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within 45 days. Failure to comply will result in the matter being referred for appropriate legal action.

Mr. Messersmith stated that he would like to reemphasize what he had said previously, and feels that this should be the responsibility of the sanitary engineer.

Roll Call Vote:

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

Motion carried.

L. Alleged Code Violation – Kelly & Christopher Simmons, 1904 Brookfield Rd., Hubbard Twp. – *This item was removed from the agenda.*

M. Alleged Code Violation – Wayne K. Shay, 1940 Brookfield Rd., Hubbard Twp. – Not present. On July 21, 2014, the health department was notified by the sanitary engineer’s office that the property was benefited by sanitary sewers, but not connected.

MOTION: 15-120 made by Mr. Appis, seconded by Dr. Agana, to require Wayne K. Shay, 1940 Brookfield Rd., Hubbard Twp., to connect to the available sanitary sewer within 30 days, having the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within 45 days. Failure to comply will result in the matter being referred for appropriate legal action.

Mr. Messersmith noted his previous comment, that this should be handled by the sanitary engineer’s office.

Roll Call Vote:

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

Motion carried.

N. Alleged Code Violation – Randall & Brenda Park, 2064 Brookfield Rd., Hubbard Twp. – Mr. Park was present and sworn. On July 21, 2014, the health department was notified by the Trumbull County Sanitary Engineer’s office that this property was benefited by sanitary sewers, but not connected. Mr. Park questioned as to why the permit was so expensive. Atty. Kokor stated that the connection fees are all set by the Trumbull County Sanitary Engineer’s office, and he would have to discuss that issue with their department.

MOTION: 15-121 made by Dr. Agana, seconded by Mr. Appis to require Randall & Brenda Park, 2064 Brookfield Rd., Hubbard Twp., to connect to the available sanitary sewer within 30 days and have the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within 45 days. 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.

O. Alleged Code Violation – Kenneth & Julie Bencetic, 1744 Cherry Ln., Hubbard Twp. – Not present. On July 21, 2014, the health department was notified by the sanitary engineer’s office that this property was benefited by sanitary sewers, but not connected.

MOTION: 15-121 made by Mr. Appis, seconded by Mr. Simon to require Kenneth & Julie Bencetic of 1744 Cherry Ln., Hubbard Twp., to connect to the available sanitary sewer within 30 days and have the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within 45 days. 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.

P. Alleged Code Violation – John C. Phillips, 1824 Cherry Ln., Hubbard Twp. – *This item was changed to a consent agreement.*

Q. Alleged Code Violation – Jack R. Reese – Minnie Reese Life Estate, 2072 Brookfield Rd., Hubbard Twp. – Mr. Reese was present and sworn. Mr. Reese stated that he had applied for a permit to connect to the sewer and had contracted with a drain layer to do the work. Mr. Migliozi asked Mr. Reese if his contractor had stated how much time he would need, and after discussion, it was decided to grant 90 days.

MOTION: 15-122 made by Mr. Messersmith, seconded by Dr. Agana, to require Jack R. Reese – Minnie Reese Life State, 2072 Brookfield Rd., Hubbard Twp., to connect to the available sanitary sewer within 90 days and have the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department. 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.

R. Alleged Code Violation – Dorothy Harrison, 7044 Tamarack, Hubbard Twp. – Ms. Harrison was present and sworn. On July 21, 2014, the health department was notified by the sanitary engineer’s office that this property was benefited by sanitary sewers, but not connected. Ms. Harrison stated that she was applying for financial assistance through a grant from the county.

MOTION: 15-123 made by Mr. Appis, seconded by Dr. Agana to table the alleged code violation for Dorothy Harrison, 7044 Tamarack, Hubbard Twp., for 90 days, to allow time for Ms. Harrison to seek financial assistance.

Roll Call Vote:

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

Motion carried.

S. Alleged Code Violation – Phyllis D. Lacivita, 7019 White Oak, Hubbard Twp. – *Changed to a consent agreement.*

T. Alleged Code Violation – Patricia Kruest, 7078 White Oak, Hubbard Twp. – *Changed to a consent agreement.*

U. Alleged Code Violation – Kathleen Dash, 1955 Brookfield Rd., Hubbard Twp. – *Changed to a consent agreement.*

V. Alleged Code Violation – Joseph g. Keil, Jr., 1962 Brookfield Rd., Hubbard Twp. – Not present. On July 21, 2014, the health department was notified by the sanitary engineer’s office that this property was benefited by sanitary sewers, but not connected.

MOTION: 15-124 made by Mr. Appis, seconded by Mr. Simon to require Joseph G. Keil, Jr., 1952 Brookfield Rd., Hubbard Twp., to connect to the available sanitary sewer within 30 days and have the existing septic tank properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to this agency within 45 days. 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.

W. Alleged Code Violation – Danielle E. Aulizio, 1412 Niles Cortland Rd., Howland Twp. – Not present. As a result of a real estate evaluation the septic system was inspected on November 7, 2013, and found to consist of a septic tank of unknown capacity, to no known or identified secondary components.

MOTION: 15-125 made by Mr. Appis, seconded by Dr. Agana to require Danielle E. Aulizio to upgrade the septic system located at 1412 Niles Cortland Rd., Howland 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.

X. Alleged Code Violation – Paul & Betty Burkholder, 3340 Painesville Warren Rd., Southington Twp. – Not present. As a result of a real estate evaluation the septic system was inspected on March 31, 2014, and found to consist of no known septic tank, no secondary or tertiary treatment, and when dye tested the dye appeared on the ground. A notice of disapproval with orders to upgrade was issued on March 31, 2014. An in-house administrative hearing was scheduled for March 24, 2015, but no one attended. Mr. Burkholder did call May 18, 2015, wanting to know why he needed to attend the board meeting, and it was explained that no paperwork or communication had been received regarding the septic system. Mr. Burkholder stated that he would contact his installer.

MOTION: 15-126 made by Mr. Appis and seconded by Dr. Agana to require Paul & Betty Burkholder to upgrade the septic system located at 3340 Painesville Warren Rd. in Southington 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.

XI. Executive Session: MOTION: 15-127 made by Mr. Messersmith, seconded by Mr. Appis to close for executive session for discussion of pending and emerging legal matters, and to include legal counsel, the health department and deputy health commissioner in the discussion.

Roll Call Vote:

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

Motion carried.

MOTION: 15-128 made by Mr. Messersmith, seconded by Mr. Appis to reopen to public session.

Roll Call Vote:

Dr. Agana – Yes
Mr. Appis – Yes
Mr. Simon – *Due to an emergency, Mr. Simon left the meeting at the beginning of executive session.*
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried. (Closed 3:10 P.M. – Reopened 3:42 P.M.)

XII. Approval of Payment of Bills: MOTION: 15-129 made by Mr. Messersmith, seconded by Dr. Agana to approve payment of the bills.

Roll Call Vote:

Dr. Agana – Yes
Mr. Appis – Yes
Mr. Simon – Not present
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

XIII. Date of Next Regular Board Meeting: June 24, 2015

XIV. Adjournment: MOTION: 15-130 made by Mr. Appis, seconded by Mr. Messersmith to adjourn.

Roll Call Vote:

Dr. Agana – Yes
Mr. Appis – Yes
Mr. Simon – Not present
Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried. (Adjournment: 3:43 P.M.)

RECORDED BY:

Johnna Ben
Administrative Secretary
Trumbull County General Health District

For

James Enyeart, M.D.
Health Commissioner and Secretary
Trumbull County Board of Health

ATTESTED BY:

Robert Biery, Jr.
President
Trumbull County Board of Health