

**Trumbull County Board of Health – Regular Meeting  
December 13, 2017 – 1:30 PM  
176 Chestnut Ave. NE \* Warren, Ohio**

**BOARD MEMBERS PRESENT:** Thomas Borocz  
Gregory Dubos  
Kathy Salapata, RN  
John “Jack” Simon, Jr.  
John Messersmith, President Pro Tempore  
Robert Biery, Jr., President

**BOARD MEMBERS NOT PRESENT:** Dr. Harold Firster

**STAFF:** Frank Migliozi, MPH, REHS/RS, Health Commissioner  
Sandra Swann, RN, Nursing Director  
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  
William Gootee, RS, Public Health Sanitarian

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

**MINUTES**

- I. **The meeting was called to order at 1:30 PM, and the Pledge of Allegiance was said.**
- II. **Adoption of Agenda:** It was requested that an Executive Session be added to the agenda after Item XII. Citizens Comments, for discussion of pending litigation.

**MOTION: 17-198** made by Mr. Borocz, second by Mr. Messersmith to adopt the agenda as amended, with the addition of an Executive Session.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**III. Approval of Minutes: MOTION: 17-199** made by Mrs. Salapata, second by Mr. Simon to approve the minutes of the November 15, 2017, regular meeting, as presented.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**IV. Health Commissioner Report:** Mr. Migliozi presented a written report to the Board for their review. In addition, Mr. Migliozi informed the Board that he would be attending the Association of Ohio Health Commissioners special opioid meeting on January 31, 2018. Kathy Parrilla of our staff, and Lauren Thorp from ASAP will be speakers at this meeting. William Gootee was named Employee of the Month for the month of December. Mr. Gootee works in the sewage program, and also assisted in the mosquito program.

**MOTION: 17-200** made by Mr. Messersmith, second by Mr. Dubos to accept the Health Commissioner’s written report.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**V. Director of Nursing Report:** Mrs. Swann presented a written report to the Board for their review. In addition to her written report, Mrs. Swann presented the Child Outcome Survey Results and a report on the nursing activities for 2017. Mrs. Swann commended her staff on their efforts on behalf of the health district, and also thanked the Board and Frank Migliozi for their continued support.

**MOTION: 17-201** made by Mr. Borocz, second by Mrs. Salapata to accept the Nursing Director’s written report.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes

Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**VI. Director of Environmental Health Report:** Mr. Wilster presented a written report to the Board for their review. In addition, Mr. Wilster reported that he had received the food program survey results, and the health district will remain on the approved list to facilitate that program.

**MOTION: 17-202** made by Mr. Simon, second by Mrs. Salapata to accept the Director of Environmental Health's written report.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

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

**MOTION: 17-203** made by Mr. Messersmith, second by Mr. Borocz to accept the Health Educator's written report.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**VIII. Accreditation Coordinator Report:** Mrs. Markusic presented a written report to the Board for their review. Mrs. Markusic stated that she has been moving forward toward getting ready for the site visit, and will be working with staff getting everyone prepared.

**MOTION: 17-204** made by Mr. Dubos, second by Mrs. Salapata to accept the Accreditation Coordinator's written report.

Mr. Simon questioned since the health district started the accreditation process in conjunction with Warren City, and we have since cut ties, if Warren City does not achieve accreditation, and they would not be able to apply for grant funding or any state programs, should we be prepared to absorb them? Mr. Migliozi responded that he was not prepared to say that if Warren City did not achieve accreditation that it would force a merger.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**IX. Board Report:** Mr. Biery thanked Mr. Migliozi, on behalf of the Board, for inviting the Board to the Christmas luncheon.

**X. Old Business:** None.

**XI. New Business:** A. Variance Request – Jeff Adler et al, 480 Niles Vienna Rd., Vienna Twp. – Not present. As a result of a real estate evaluation, it was found that this property was connected to city water, but also had an existing cistern. A notice to seal the cistern was issued on October 19, 2017. The owner contacted the health department and requested that they not be required to seal the old cistern, as they use it for watering of the garden, and it was never part of the private water system for the home. Mr. Wilster recommended that the Board grant this variance.

**MOTION: 17-205** made by Mr. Dubos, second by Mrs. Salapata to grant a variance to the owners to allow the existing cistern to exist without sealing it to state specification for the property located at 480 Niles Vienna Rd., Vienna Twp.

Mr. Messersmith questioned as to whether the health district would follow up on this property. Mr. Wilster stated that he did not plan on it, but could; however, the cistern is merely collecting rainwater.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes

Mr. Biery – Yes

Motion carried.

B. Declaration of Unfit for Human Habitation – 1627 Collar Price Rd., Hubbard Twp. – Jeffrey Hughes & Wendy Delliquardri, Owners – The owners were not present; however, Hubbard Township Zoning Inspector was present and stated that this property has been a problem for over 10 years. The property is a rental, and is currently vacant, but is in very bad condition. Upon inspection, the inspector noted that the floors were covered and soaked with feces and urine, the health district currently has the owner in court for a failed sewage system, gross unsanitary conditions exist and the smell from the structure was horrible.

**MOTION: 17-206** made by Mr. Messersmith, second by Mr. Borocz to declare the structure at 1627 Collar Price Rd., Hubbard Twp., unfit for human habitation.

**Roll Call Vote:**

Mr. Borocz – Yes

Mr. Dubos – Yes

Mrs. Salapata – Yes

Mr. Simon – Yes

Mr. Messersmith - Yes

Mr. Biery – Yes

Motion carried.

C. Declaration of Unfit for Human Habitation – 5267 Craig Ave. NW, Champion Twp. – Connie Brest, Owner - Ms. Brest was present. Upon inspection of the structure, the inspector noted the presence of solid waste, rodent and/or insect infestation and the inside of the structure was filthy. Ms. Brest stated that one and a half years ago, she lost her job, the roof started leaking and fell in, and she became financially overwhelmed. Mr. Biery told Ms. Brest to work with the township officials, and Mr. Wilster instructed her to speak with Rhonda Fonce at Champion Township, and work with her to see if there are any avenues available to help her. Mr. Miglioizzi also suggested that she contact the Trumbull County Planning Commission for CBDG money to assist with the repairs.

**MOTION: 17-207** made by Mr. Messersmith, second by Mr. Dubos to declare the structure at 5267 Craig Ave. NW, Champion Twp., unfit for human habitation.

Mr. Messersmith asked that Mr. Wilster contact Champion Township, and let them know that Ms. Brest attended the meeting, and request their help in possible assistance available for Ms. Brest.

**Roll Call Vote:**

Mr. Borocz – Yes

Mr. Dubos – Yes

Mrs. Salapata – Yes

Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

D. Declaration of Unfit for Human Habitation – 3001 Lewis Seifert Rd., Hubbard Twp., Paul Dixon, Owner – The owner died in March, and the structure has been vacant since. No one was present representing the owner. Upon inspection, the inspector noted that the floor was water damaged, there was garbage and trash throughout the house, no working electrical components and gross unsanitary conditions.

**MOTION: 17-208** made by Mr. Messersmith, second by Mr. Borocz to declare the structure at 3001 Lewis Seifert Rd., Hubbard Twp., unfit for human habitation.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

E. Declaration of Unfit for Human Habitation – 909 Washington Ave., Girard City – Patricia & Douglas Moon, Owners – Not present. Upon inspection, the inspector noted garbage, cat litter cans and cat food scattered throughout the structure and an intolerable odor.

**MOTION: 17-209** made by Mr. Messersmith, second by Mr. Borocz to declare the structure at 909 Washington Ave., Girard City, unfit for human habitation. The property owner must secure and make improvements, or raze the structure, within 90 days.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

F. RECISSION – Declaration for Unfit for Human Habitation – 1185 Leavitt Rd., Warren Twp. – Paul Bennett, Owner – Not present. At the August 15, 2012, Board of Health meeting, the Board voted to

declare the structure on this property unfit for human habitation. Since that time, a new owner has obtained possession of the property and has made several repairs to the structure. On October 27, 2017, Warren Township stated that they were presented evidence showing that the conditions that were present at the time of the health department's inspection have been corrected, and requested that the Board of Health rescind their declaration of unfit. A recent inspection by the environmental health staff concurs with the township's findings.

**MOTION: 17-210** made by Mr. Messersmith, second by Mr. Simon to rescind the August 15, 2012, declaration unfit for the structure located at 1185 Leavitt Rd., Warren Twp.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

- G. Approve Policy ADM-1540, Communicable Disease Investigations
- H. Approve Policy ADM-1550, Disease Reporting & Sharing Health Information
- I. Approve Policy ADM-1560, Outbreak Investigations
- J. Approve Amended Workforce Development Plan

**MOTION: 17-211** made by Mrs. Salapata, second by Mr. Simon to approve policies ADM-1540, Communicable Disease Investigations, ADM-1550, Disease Reporting & Sharing Health Information and ADM-1560, Outbreak Investigations and the amended Workforce Development Plan as presented.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

K. Lafarge 2018 C&DD Renewal Application – Present at the meeting were Brian Gasiorowski, Hans Schrama, Mark Schmidt and Mike Bastys from Lafarge to answer any questions from the Board, Bill Makosky from Lynn, Kittinger & Noble was present to review his report of Lafarge's application, Jennifer Kurko & Lynn Sowers from the Ohio EPA and Robert Kovac, a neighbor was present to address the Board regarding Lafarge and his concerns and complaints.

Mr. Makosky reviewed his written report with the Board. There were some deficiencies and suggested revisions to the application. The majority of the items discussed involved cross checking information, which conflicted with other sections of the application. These cross checks involved minor revisions, which could be completed by Patrick Loper of Bowser Morner, Lafarge's engineering firm. Representatives of Lafarge stated that they had made the necessary changes and had the corrections with them today.

Mr. Kovac addressed the Board stating his complaints and concerns regarding Lafarge. Mr. Kovac stated that notices of violations were issued in November regarding odor, in which there were 11 days where the meter, that is in his yard, measured 20 ppm, and some were over 200 ppm. Further stating that it is his feeling that rules are made and not followed, but if the paperwork is sufficient then the license gets approved. Another issue brought up was the blowing of debris, and Mr. Migliozi asked Mr. Kovac if he had reported that, and he stated that he had not. Mr. Migliozi responded that it was a condition of their license that the facility was to cease the rotary dumping and grappling when there were sustained winds of 15 mph. Kevin Francis stated that other material is still coming in from long haulers and locals, and that he had witnessed blowing of material. Mr. Migliozi stated that there was to be no activity at all during windy conditions, and if that is not being followed, then that is a problem. Mr. Wilster added that if a resident witnesses this, then they should call and report it right away. Mr. Simon asked if an inspector is going out on a regular basis, and if they have any measuring equipment. Mr. Francis responded that he does inspect on a regular basis, unless there is a complaint, and that he did not have any measuring equipment to measure the wind. Mr. Migliozi and Mr. Wilster stated that the C&DD rules are EPA rules. The Trumbull County Combined Health District can issue limiting conditions on the license, but we are not allowed to develop rules; all rules and findings & orders are issued by the EPA. Ms. Kurko stated that there was an odor event over Thanksgiving that was investigated and a notice of violation was issued. The facility was to place a monitor in the low lying area where the odors appeared to be most prevalent. The operating practices that the facility was using were discontinued and there was more placement of soil. At this time, it appears that the changes the facility made are working, and there will be extra surveillance and self-monitoring by the facility. Atty. Kokor stated that he had spoken with the Ohio EPA's attorney regarding the NOV issued in November. The EPA went out to investigate the matter, additional meters were deployed to monitor the hydrogen sulfide, and the levels went down. In addition, Lafarge representatives worked with officials and changed some of their operating practices. Currently, the facility is considered, by the Ohio EPA, to be in substantial compliance with the EPA rules, and no enforcement action is pending. Mr. Wilster asked about any scheduled plans for capping. Mr. Schmidt stated that there were 15.5 acres in the south area scheduled to be capped in 2018. Mr. Dubos expressed a concern for the workers being exposed to elevated levels of hydrogen sulfide. Mr. Migliozi asked Atty. Kokor if the health district could impose a condition on the license for a permanent monitor to be installed at the "S" curve, and additional monitors as the need arises. Atty. Kokor stated that it depended upon how it would be written up, but it would be fine to put it as a part of an agreement.

Following discussion, Mr. Migliozi recommended the Board of Health approve the renewal of the 2018 C&DD license for Lordstown Construction Recovery aka Lafarge, with the following conditions: 1. The facility is to cease all rotary dumping, grappling & vehicle dumping, etc. when there are sustained winds of 15 mph; and 2. The facility is to install an additional hydrogen sulfide meter on the facility's property

boundary, at the “S” curve on Newton-Falls Bailey Rd., with the installation/placement of additional monitors as needed and/or requested by our agency or the Ohio EPA.

**MOTION: 17-212** made by Mr. Messersmith, second by Mrs. Salapata to approve the renewal of the 2018 C&DD license for Lordstown Construction Recovery with the following conditions: 1. The facility is to cease all rotary dumping, grappling & vehicle dumping, etc. when there are sustained winds of 15 mph; and 2. The facility is to install an additional hydrogen sulfide meter on the facility’s property boundary, at the “S” curve on Newton Falls Bailey Rd., with the installation/placement of additional monitors as needed and/or requested by our agency or the Ohio EPA.

Atty. Kokor advised that until the application deficiencies outlined by Mr. Makosky have been reviewed, he recommended that the Board not make a motion to approve the application. Mr. Migliozi suggested that the Board take a recess to allow Mr. Makosky and the health district time to review the submitted corrections. It was decided that during the executive session, the information would be reviewed.

**MOTION: 17-213** made by Mr. Messersmith, second by Mrs. Salapata to rescind their motion to approve the review of Lafarge’s 2018 C&DD application, until such time as the additional information submitted has been reviewed by the engineering firm and the health district.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**XII. Citizens Comments – None**

**MOTION: 17-214** made by Mr. Messersmith, second by Mr. Borocz to close for executive session for discussion of pending litigation.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**MOTION: 17-215** made by Mr. Messersmith, second by Mr. Dubos to reopen to public session.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata- Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried. (Closed 2:56 – Reopened 3:18 PM)

Mr. Makosky stated that he reviewed the documentation and the necessary amendments have been made, and he finds that the 2018 C&DD application submitted by Lordstown Construction Recovery to be complete.

Mr. Migliozi recommended the Board of Health approve the renewal of the 2018 C&DD license for Lordstown Construction Recovery aka Lafarge, with the following conditions: 1. The facility is to cease all rotary dumping, grappling & vehicle dumping, etc. when there are sustained winds of 15 mph; and 2. The facility is to install an additional hydrogen sulfide meter on the facility’s property boundary, at the “S” curve on Newton-Falls Bailey Rd., with the installation/placement of additional monitors as needed and/or requested by our agency or the Ohio EPA.

**MOTION: 17-216** made by Mr. Messersmith, second by Mr. Simon to approve the renewal of the 2018 C&DD license for Lordstown Construction Recovery with the following conditions: 1. The facility is to cease all rotary dumping, grappling & vehicle dumping, etc. when there are sustained winds of 15 mph; and 2. The facility is to install an additional hydrogen sulfide meter on the facility’s property boundary, at the “S” curve on Newton Falls Bailey Rd., with the installation/placement of additional monitors as needed and/or requested by our agency or the Ohio EPA.

**Roll Call Vote:**

Mr. Borocz – Yes  
Mr. Dubos – Yes  
Mrs. Salapata – Yes  
Mr. Simon – Yes  
Mr. Messersmith – Yes  
Mr. Biery – Yes

Motion carried.

**XIII. Approval of Payment of the Bills: MOTION: 17-217** made by Mr. Messersmith, second by Mrs. Salapata to approve the payment of the bills as submitted.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried.

**XIV. Date of Next Regular Meeting: January 24, 2018. MOTION: 17-218** made by Mr. Messersmith to change the meeting time to 1:00 PM. The motion died for lack of a second.

**XV. Adjournment: MOTION: 17-219** made by Mr. Messersmith, second by Mrs. Salapata to adjourn.

**Roll Call Vote:**

- Mr. Borocz – Yes
- Mr. Dubos – Yes
- Mrs. Salapata – Yes
- Mr. Simon – Yes
- Mr. Messersmith – Yes
- Mr. Biery – Yes

Motion carried. (Adjournment 3:22 PM)

**RECORDED BY:**

**ATTESTED BY:**

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**Johnna Ben**  
**Administrative Secretary**  
**Trumbull County Combined Health District**

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**Robert Biery, Jr.**  
**President**  
**Trumbull County Board of Health**

**For**

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