

**Trumbull County Board of Health
Regular Meeting – December 16, 2015 – 1:30 P.M.
176 Chestnut Ave., NE – Warren, Ohio**

BOARD MEMBERS PRESENT: Dale Appis
John “Jack” Simon, Jr.
Kathy Salapata, R.N
John Messersmith, President Pro Tempore
Robert Biery, Jr., President

BOARD MEMBERS NOT PRESENT: Marisha Agana, M.D.

STAFF: James J. Enyeart, M.D., Health Commissioner
Frank Migliozi, MPH, REHS/RS, Deputy Health Comm./Dir. of Env. Health
Sandra Swann, R.N., Director of Nursing
Jenna Amerine, CHES, Health Educator/Planner
Rodney Hedge, R.S., Public Health Sanitarian
Kristofer Wilster, MPH, RS/REHS, 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: 15-249 made by Mr. Appis, second by Mr. Messersmith to adopt the agenda as presented.

Roll Call Vote:

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

Motion carried.

III. Approval of Minutes: MOTION: 15-250 made by Mr. Simon, second by Mrs. Salapata to approve the minutes of the November 18, 2015, regular meeting as presented.

Roll Call Vote:

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

Motion carried.

IV. Health Commissioner Report: Dr. Enyeart reported to the Board that the amalgamation of the Girard City Health Department with the Trumbull County Combined Health District is on track, and scheduled to take effect January 1, 2016. A special district advisory council meeting is scheduled for December 22, 2015, regarding the amalgamation. The ongoing federal case has worked its way through the appellate court. The appellate court dismissed the cases and the department is free of any litigation. This was the last board of health meeting for Dr. Enyeart as Health Commissioner, and he provided the Board with a “snapshot” of where the department was and where it is now, and stated that he feels the department is on the right track.

Mr. Biery thanked Dr. Enyeart for his years of service, and added that he was glad that he would be staying on as Medical Director for the department.

V. Director of Nursing Report: Mrs. Swann reported that the DAWN project had been funded for another year. The TMH Foundation awarded the health department \$19,126.94 for the program, which was the full amount requested. The department will also be receiving \$15,000.00 of funding through a grant awarded by the Ohio Department of Health to Cuyahoga County.

VI. Director of Environmental Health Report: Mr. Migliozi reported that normally in December the annual CD&D landfill license renewal for Lafarge and the solid waste residual landfill license renewal for BDM comes before the Board, but the EPA has asked that the Board not take any action on those renewals at this time. Jennifer Kurko of the Ohio EPA was present at the meeting to discuss the matter. Ms. Kurko stated that the EPA is in negotiation with Lafarge to resolve outstanding notices of violation and surface water notice of violation, which are severe enough to consider the facility to be out of compliance, which is a requirement for renewal. If the Board were to consider the renewal at this time, the application would have to be denied. If Lafarge develops a compliance schedule, which is acceptable with the EPA, the facility would be considered in compliance, which would make it unnecessary for the Board to deny the renewal. This is why the EPA is currently recommending that the Board take no action regarding their renewal application at this time. Mr. Migliozi informed the Board that the health department may need to re-engage an engineer as things in the application may change. Ms. Kurko stated that the facility would be allowed to continue to operate as long as the renewal application was submitted timely. Mr. Messersmith questioned as to whether the facility could operate under their existing license if there were outstanding notices of violation. Ms. Kurko responded that although there may be outstanding violations, if the facility and the EPA reach a compliance agreement, the EPA would consider the facility in substantial compliance. Mr. Messersmith questioned if the facility did not comply with the compliance schedule, would their license be revoked. Atty. Kokor and Ms. Kurko stated that progressive action would then be taken to enforce the compliance schedule.

Mr. Migliozi stated that with regard to BDM, they did not have a 2015 license renewal, which caused the closure process to be initiated. BDM submitted a renewal application for 2016, but since they did not have a valid license for 2015, there is nothing to renew. Ms. Kurko stated that BDM wants to put the facility back into use, and are working with them on the hazardous waste and asbestos issues. They have removed buildings, there are surface water lagoons and they want to address the landfill areas that are there, but not currently in use. BDM’s plan is to mine the metals out of the landfills on the property. The owners are working with the EPA to move forward on these issues.

VII. Health Educator Report: Ms. Amerine reported that the department was awarded \$115,529.00 funding for the CHC grant, which is 100% of what was requested. Ms. Amerine also showed a video that was developed, that promotes the CHC grant programs and projects in the community.

VIII. Old Business: A. Passage of Revision of “Regulation of the Trumbull County Combined Health District for Establishing Fees” .06 Food A. – E. – 3rd & Final Reading –

MOTION: 15-251 made by Mr. Simon, second by Mr. Appis to approve the 3rd and final reading of the revision of the “Regulation of the Trumbull County Combined Health District for Establishing Fees” .06 Food A. – E., and approve the fee revisions.

Roll Call Vote:

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

Motion carried.

IX. New Business: A. Declaration of Unfit for Human Habitation – 6501 St. Rt. 87, Kinsman Twp., Peter Fedak, Owner – Mr. Fedak was present and sworn. Atty. Burkey was present representing Mr. Fedak. Atty. Burkey requested that the Board take no action on this matter today, stating that he had only just been requested to review this matter. Mr. Fedak has indicated that he would like to work with the health department to get the property into compliance. Some clean-up had already started, and a few more months was requested to give Mr. Fedak an opportunity to develop a plan of action to clean up the property. Mr. Biery explained that Mr. Fedak should work with the trustees. Mr. Hedge added that in his conversation with Kinsman Township, it was his understanding that no one lived on the property.

Mr. Messersmith made motion to defer any action regarding the matter until the April 2016 meeting. The motion died for lack of a second. Mr. Biery questioned as to whether the Board could declare a structure unfit if it was occupied. Mr. Migliozi responded that it was the Board’s policy to only declare structures that were unoccupied. Atty. Kokor recommended that the Board table the matter for 30 days.

MOTION: 15-252 made by Mr. Simon, second by Mr. Messersmith to table the matter until the February 2016 meeting.

Atty. Burkey stated that Mr. Fedak was going out of the country for one month on a missionary trip. Mr. Migliozi responded that Atty. Burkey could work out a compliance schedule. The only reason it came before the Board for a declaration of unfit, was because it was believed that the structure was unoccupied. If a structure is occupied, the township has a difficult time having the structure removed. Once the township realizes that someone is living there, they can work with the owner to get the property cleaned up.

Roll Call Vote:

Mr. Appis – Yes
Mrs. Salapata – Yes
Mr. Simon – Yes

Mr. Messersmith – Yes
Mr. Biery – Yes

Motion carried.

B. Declaration of Unfit for Human Habitation – 5122 Oak Knoll Ave., Newton Twp., Charles Goff, Owner – Not present. An inspection of the structure was conducted on December 1, 2015, and the inspector noted that the structure was unsafe and collapsing, and gross unsanitary conditions.

MOTION: 15-253 made by Mr. Messersmith, second by Mr. Appis to declare the structure unfit for human habitation.

Roll Call Vote:

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

Motion carried.

C. Declaration of Unfit for Human Habitation – 8467 Main St., Kinsman Twp., Roger Flowers, Owner – Not present. An inspection of the structure was conducted on November 23, 2015. Upon inspection the inspector noted missing material, cracked or bowed foundation, missing material, broken or sagging porches and/or stairs, broken, missing, or board windows and doors, missing roof and/or exterior finishes, missing material and/or out of plumb chimney. The roof and foundation are structurally unsound, and the inspector felt that the structure was unsafe to enter.

MOTION: 15-254 made by Mr. Simon, second by Mrs. Salapata to declare the structure at 8467 Main St., Kinsman Twp., unfit for human habitation.

Roll Call Vote:

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

Motion carried.

D. Declaration of Unfit for Human Habitation – 1708 Keefer Rd., Liberty Twp., Valeria Holcomb, Owner – Not present. An inspection was conducted on November 18, 2015. Upon inspection, the inspector noted missing material, cracked or bowed foundation, broken, missing or boarded windows and doors, missing material and/or out of plumb chimney, the presence of solid waste, missing or badly damaged ceiling tiles, walls and/or floors, no heating components and gross unsanitary conditions.

MOTION: 15-255 made by Mr. Appis, second by Mrs. Salapata to declare the structure at 1708 Keefer Rd., Liberty Twp., unfit for human habitation.

Roll Call Vote:

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

Motion carried.

E. Approval of the 2016 Solid Waste Enforcement Contract with the Geauga-Trumbull Solid Waste Management District – Mr. Migliozi informed the Board that there were no major changes made to the contract, with the exception of the health department’s contract amount will increase from \$15,000.00 to \$21,000.00 because of the amalgamation with Girard City.

MOTION: 15-256 made by Mrs. Salapata, second by Mr. Appis to approve the 2016 contract with the Geauga-Trumbull Solid Waste District and authorize the health commissioner to sign the 2016 agreement.

Roll Call Vote:

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

Motion carried.

F. Letter of Support for the U.S. 422 Corridor Redevelopment Plan Implementation – Proposed “Better Block” Event –

MOTION: 15-257 made by Mr. Messersmith, second by Mrs. Salapata to authorize the Health Commissioner to sign a letter of support for the U.S. 422 Corridor Redevelopment Plan Implementation – Proposed “Better Block” Event Letter of Support.

Roll Call Vote:

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

Motion carried.

G. Approval of 2016 Proposed Amended Budget – The Board had previously approved the 2016 proposed budget; however, the budget was amended to reflect the amalgamation with Niles and Girard cities.

MOTION: 15-258 made by Mr. Messersmith, second by Mr. Appis to approve the 2016 proposed amended budget.

Roll Call Vote:

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

Motion carried.

X. Executive Session: MOTION: 15-259 made by Mr. Appis, second by Mrs. Salapata to close for executive session for discussion of employee contracts and pending litigation, discussion to include Dr. Enyeart and Atty. Kokor.

Roll Call Vote:

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

Motion carried.

MOTION: 15-260 made by Mr. Messersmith, second by Mr. Appis to reopen to public session.

Roll Call Vote:

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

Motion carried. (Closed 2:25 – Reopened 2:53 P.M.)

MOTION: 15-261 made by Mr. Messersmith, second by Mrs. Salapata to approve employment contracts with Kristofer Wilster for Director of Environmental Health and Sandra Swann for Director of Nursing.

Roll Call Vote:

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

Motion carried.

XI. Data of Next Regular Meeting: January 27, 2016

XII. Adjournment: *MOTION: 15-262* made by Mr. Messersmith, second by Mrs. Salapata to adjourn.

Roll Call Vote:

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

Motion carried. (Adjournment 2:56 P.M.)

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
Deputy Health Commissioner
Trumbull County Board of Health