

**Trumbull County Board of Health – Regular Meeting
January 19, 2011 – 7:00 P.M.
Warren Township Administration Building
3765 W. Market Street, Leavittsburg, Ohio**

BOARD MEMBERS PRESENT: Denise Allen
Robert Biery, Jr.
Dr. Pat DiTommaso, President Pro Tempore
William Hagood, President

BOARD MEMBERS NOT PRESENT: Donald Scott Thompson

STAFF: James J. Enyeart, M.D., Health Commissioner
Selene Layton, R.N., Director of Nursing
Frank Migliozi, R.N., Director of Environmental Health
Mel Milliron, C.H.E.S., Health Educator/Planner
Deborah Mokosh, R.N., Public Health Nurse
Greg Hall, R.S., Public Health Sanitarian
Sharon Bednar, Secretary III

OTHERS: Atty. Robert Kokor, Legal Counsel

MINUTES

- I. Meeting was called to order and the Pledge of Allegiance was said.**
- II. Adoption of Agenda:** Mr. Migliozi recommended that the Board add an Item B.2. under Variance Requests, for Ralph Lambright & Marilyn Artman, and remove Items E.4. and I. Dr. DiTommaso made motion to adopt the agenda as amended. Second by Mr. Biery.

MOTION: 01-11

Adopt the agenda as amended.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

- III. Approval of Minutes:** Mrs. Allen made motion to approve the minutes of the December 15, 2010, regular meeting, as presented. Second by Mr. Biery.

MOTION: 02-11

Approve the minutes of the December 15, 2010, regular meeting, as presented.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Abstain
Mr. Hagood – Yes

Motion carried.

- IV. **Health Commissioner Report:** Dr. Enyeart announced that this would be Selene Layton's last Board of Health meeting. Effective January 28, 2011, Mrs. Layton will be retiring her position as Director of Nursing for the health department. Mrs. Layton has had many accomplishments for the health department over the years, including the addition of the Help Me Grow program, and wishes her well in her retirement. Mr. Hagood thanked Mrs. Layton for her dedication to the department, and wished her well in the future. Deborah Mokosh, will be replacing Mrs. Layton as the health department's Director of Nursing.
- V. **Director of Nursing Report:** Mrs. Layton reported that the nursing division has investigated 52 communicable disease reports, 20 animal bite reports, and conducted 218 home visits and 2 car seat classes, giving out 9 seats.
- VI. **Director of Environmental Health Report:** Mr. Migliozi reported that the survey of the private water system program that the Ohio Department of Health was to conduct has been rescheduled for next month. Mr. Migliozi and the sewage staff will be meeting with a sanitarian from the Ohio Department of Health on January 28, 2011, to offer technical support regarding the new sewage regulations.
- VII. **Health Educator Report:** Mr. Milliron did a presentation on his Creating Healthy Communities Grant. Dr. DiTommaso questioned as to whether there is any education available for children on dog bites, and could this possibly be something that interns could participate in.
- VIII. **Board Report:** Mr. Hagood reported that he was trying to work with the state on the problems at Vintage Village, and would be attending a meeting on January 20, 2011, regarding the matter.
- IX. **Old Business:** None.
- X. **New Business:** A. Advancement of Natalie Markusic, R.S. & Steven Kramer, R.S. to Registered Sanitarian IIs – Pursuant to the collective bargaining agreement, Natalie Markusic and Steven Kramer have met the requirements to be promoted from a Sanitarian I to a Sanitarian II position, effective December 5, 2010 and September 7, 2010, respectively. Both Mrs. Markusic's & Mr. Kramer's job responsibilities will remain the same. Mr. Migliozi recommended the Board approve these advancements. Dr. DiTommaso made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

MOTION: 03-11

Approve the advancement of Natalie Markusic, R.S. & Steven Kramer, R.S. to Registered Sanitarian IIs, pursuant to the collective bargaining agreement, effective December 5, 2010 and September 7, 2010, respectively.

Roll Call Vote:

- Mrs. Allen – Yes
- Mr. Biery – Yes
- Dr. DiTommaso – Yes
- Mr. Hagood – Yes

Motion carried.

B. Variance Request – Distances

1. Violet Hebrock, 784 Gilmer Rd., Warren Twp. – Not present. Ms. Hebrock is in the process of upgrading her septic system, which will consist of an off-lot system. Upon laying out the system, it was determined that the sewage drain line cannot be installed to comply with the state code on setback requirements from the property line. Ms. Hebrock is requesting a variance to allow the installation of the sewage drain line approximately three feet from the property line. All other code sections will be complied with. Mr. Migliozi recommended the Board grant the variance as requested. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

MOTION: 04-11

Grant a variance to Violet Hebrock to install the sewage drain line approximately three feet from the property line at 784 Gillmer Rd., Warren Twp. All other code sections must be complied with.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

2. Ralph Lambright & Marilyn Artman, 5120 St. Rt. 45, Bristol Twp. – Not present. Mr. Lambright & Ms. Artman are in the process of upgrading their sewage system, which will consist of an off-lot system. Upon laying out the system, it was determined that the sewage drain line could not be installed to comply with state code on setback requirements from the house foundation. Mr. Migliozi recommended the Board grant a variance to allow the installation of the sewage drain line approximately six feet from the house foundation. All other code sections must be complied with. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Dr. DiTommaso.

MOTION: 05-11

Grant a variance to Ralph Lambright & Marilyn Artman to install the sewage drain line approximately six feet from the house foundation at 5120 St. Rt. 45 in Bristol Twp. All other code sections must be complied with.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

C. Declaration of Unfit for Human Habitation – 1. 4405 Kincaid Rd., Champion Twp., Mary M. Timko, Trustee – A request was received from Champion Twp. Trustees to determine if this structure was fit for human habitation, and inspection was conducted on January 7, 2011. Based upon the sanitarian's inspection, Mr. Migliozi recommended the Board declare the structure unfit for human habitation. Dr. DiTommaso made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

MOTION: 06-11

Declare the structure at 4405 Kincaid Rd., Champion Twp., unfit for human habitation.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

D. Alleged Code Violation – Consent Agreements

1. Melvin Hetzler, 1045 North Rd., S.E., Howland Twp. – Atty. Burkey was present representing Mr. Hetzler.

Atty. Burkey informed the Board that Mr. Hetzler will have to bore under the road to connect to the sewer. Following discussion, Dr. DiTommaso made motion to table any action on this consent agreement for one month. Second by Mr. Biery.

MOTION: 07-11

Table any action on the consent agreement for Melvin Hetzler, 1045 North Rd., S.E., Howland Twp. for one month.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

2. Kimberly Clarke, 3240 Milear Dr., Fowler Twp.
3. James Gault, 8170 High St., Orangeville Village
4. Larry Carr, Sr., 571 Burwell, Warren Twp.
5. William Hrusovsky, 2284 Hoagland Blackstub Rd., Bazetta Twp.
6. Ricky Bragg, 6551 Belmont Ave., Liberty Twp.
7. Gregory Schultz, 6470 & 6609 Belmont Ave., Liberty Twp.
8. Hadi Hadi, 6546 Belmont Ave., Liberty Twp.
9. Thong Troung, 3443 Logan Way, Liberty Twp.
10. David O'Brien, 919 Owsley, Brookfield Twp.

Mr. Migliozi recommended the Board approve the remaining consent agreements as presented. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Biery.

MOTION: 08-11

Approve the consent agreements as follows:

Kimberly Clarke, 3240 Milear Dr., Fowler Twp.

***Within 60 days have the septic system serviced by a registered service provider and submit a written report. Also, make arrangements to have the system re-sampled within 60 days of the completed service work.**

James Gault, 8170 High St., Orangeville Village

***Submit all necessary paperwork, obtain permit to install and have system installed by 8/31/11, weather permitting.**

Larry Carr, Sr., 571 Burwell, Warren Twp.

***Complete the prescribed band-aid fix by April 30, 2011, and provide for an inspection.**

William Hrusovsky, 2284 Hoagland Blackstub Rd., Bazetta Twp.

***Connect into the available sanitary sewer and submit tank abandonment form by June 30, 2011.**

Ricky Bragg, 6551 Belmont Ave., Liberty Twp.

***Connect into the available sanitary sewer and submit tank abandonment form by June 30, 2011.**

Gregory Schultz, 6470 & 6609 Belmont Ave., Liberty Twp.

***Connect into the available sanitary sewer and submit tank abandonment form by June 30, 2011.**

Hadi Hadi, 6546 Belmont Ave., Liberty Twp.

***Connect into the available sanitary sewer and submit tank abandonment form by June 30, 2011.**

Thong Troung, 3443 Logan Way, Liberty Twp.

***Connect into the available sanitary sewer and submit tank abandonment form by May 31, 2011.**

Daniel O'Brien, 919 Owsley, Brookfield Twp.

***Complete a design to privately extend sanitary sewers to 919 Owsley, install and connect to the sewer and abandon the existing septic tank by July 31, 2011.**

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

E. Alleged Code Violation – SANITARY SEWER

1. Hubert & Dixie Flowers, 6670 Belmont, Liberty Twp. – Mr. & Mrs. Flowers were present at the meeting and were sworn in by Atty. Kokor. Mr. & Mrs. Flowers stated that the business at this location is currently closed. They do not want to tie into sewer because they may tear the structure down and file for bankruptcy. Following discussion, Mr. Migliozi recommended the Board require the connection to the available sanitary sewer within 30 days. The existing septic tank must be 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 shall result in the matter being referred for appropriate legal action. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Dr. DiTommaso.

MOTION: 10-11

Require Hubert & Dixie Flowers of 6670 Belmont, Liberty Twp., to connect to the available sanitary sewer within 30 days. Also, the existing septic tank must be 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 shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

2. Elba L. Navarro, 6456 Belmont, Liberty Twp. – Not present. Mr. Migliozi recommended the Board require the owner to either demolish the structure and abandon any septic tank and/or water well or abandon the existing septic tank and connect to the available sanitary sewer within 90 days. The existing septic tank must be properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within the prescribed timeframe. Failure to comply shall result in the matter being referred for appropriate legal action. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Dr. DiTommaso.

MOTION: 11-11

Require Elba L. Navarro of 6456 Belmont, Liberty Twp., to either demolish the structure and abandon any septic tank and/or water well or abandon the existing septic tank and connect to the available sanitary sewer within 90 days. The existing septic tank must be properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department

within the prescribed timeframe. Failure to comply shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

3. Chander M. Kohli, 6250 Belmont, Liberty Twp. – Not present. Mr. Migliozi recommended the Board require Mr. Kohli to either demolish the structure and abandon any septic tank and/or water well or abandon the existing septic tank and connect to the available sanitary sewer within 90 days. The existing septic tank must be properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within the prescribed timeframe. Failure to comply shall result in the matter being referred for appropriate legal action. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Biery.

MOTION: 12-11

Require Chander M. Kohli of 6250 Belmont, Liberty Twp., to either demolish the structure and abandon any septic tank and/or water well or abandon the existing septic tank and connect to the available sanitary sewer within 90 days. The existing septic tank must be properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department within the prescribed timeframe. Failure to comply shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

4. Brian Adkins, 6176 Belmont Ave., Liberty Twp. – *This item was removed from the agenda.*

5. Ercole Marziani, 6196 Belmont Ave., Liberty Twp. – Mr. Marziani was present at the meeting and was sworn in by Atty. Kokor. Mr. Marziani stated that the house was vandalized and gutted. He is waiting on his attorney and the insurance company regarding the matter, but that the house is currently not livable. Following discussion, Mr. Migliozi recommended the Board require the owner to connect to the available sanitary sewer within 90 days. Also, the existing septic tank must be properly abandoned by the licensed drain layer who must submit a pumping receipt and abandonment form to the health department. Failure to comply shall result in the matter being referred for appropriate legal action. Dr. DiTommaso made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Biery.

MOTION: 13-11

Require Ercole Marziani of 6196 Belmont Ave., Liberty Twp., to connect to the available sanitary sewer within 90 days. Also, the existing septic tank must be 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 shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

6. Kenneth McFall, 6676 Belmont Ave., Liberty Twp. – Mr. McFall was present at the meeting and was sworn in by Atty. Kokor. Mr. McFall questioned as to why the sewer line was run by his property when there are so few houses and most being empty. Mr. Hagood responded that this part of the sewer extension was only Phase I, and it needed to be run so as to continue to the airport. Following discussion, Mr. Migliozi recommended the Board require Mr. McFall to connect to the available sanitary sewer within 30 days. Also, the existing septic tank must be 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 shall result in the matter being referred for appropriate legal action. Dr. DiTommaso made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

MOTION: 14-11

Require Kenneth McFall of 6676 Belmont, Liberty Twp., to connect to the available sanitary sewer within 30 days. Also, the existing septic tank must be 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 shall result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

F. Alleged Code Violation – O & M Registration – 1. Linda Lloyd, 5697 Stoddard Hayes Rd., Johnston Twp. – Not present. An inspection of the system was conducted on August 10, 2010, and was found not to be operating properly. The aerator and dosing pump were not working, and no chlorine tablets were present. In addition, there was no contract in place with a registered service provider to service the system. A notice of violation was issued, and to date no corrective measures have been taken. Mr. Migliozi recommended the Board require Linda Lloyd to operate & maintain the entire sewage treatment system per manufacturer's requirements and the terms of the permit to operate for the system. This includes submittal of a service report from a registered service provider within 14 days. Failure to comply shall result in the matter being referred for appropriate legal action. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Biery.

MOTION: 15-11

Require Linda Lloyd to operate & maintain the entire sewage treatment system per manufacturer's requirements and the terms of the permit to operate for the system located at 5697 Stoddard Hayes Rd., Johnston Twp. This includes submittal of a service report from a registered service provider within 14 days. Failure to comply will result in the matter being referred for appropriate legal action.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes

Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

G. Alleged Code Violation – Sewage Upgrade – 1. Robert & Anna Miller, 5040 Parks West Rd., Mesopotamia Twp. – Not present. As a result of a real estate evaluation the septic system was inspected and found to consist of two septic tanks and a leach field. Sewage effluent was surfacing onto the ground and the basement sink and laundry are not to the septic. A notice of violation was issued to upgrade, but to date no corrective measures have been taken. Mr. Migliozi made motion to require the owners to repair or upgrade the septic system by submitting all paperwork and obtaining a permit to install within 30 days and having the repairs made, or the system installed within 60 days, weather permitting. Failure to comply will result in the matter being referred for appropriate legal action. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Dr. DiTommaso.

MOTION: 16-11

Require Robert & Anna Miller to repair or upgrade the septic system located at 5040 Parks West Rd., Mesopotamia Twp., by submitting all paperwork and obtaining a permit to install within 30 days and having the repairs made, or 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:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

H. Alleged Code Violation – Richard L. Pangborn, Jr., 5135B, 5135C, 5131, 5131B, 5075, 5069, 5065, 5075B Warner Rd., Johnston Twp. – Mr. Pangborn and his attorney, Robert Burkey, were present and sworn in by Atty. Kokor. As a result of a nuisance complaint, an investigation was conducted with regard to an unlicensed manufactured home park being operated and the individual homes having failing septic systems. The results of the investigation revealed that eight manufactured homes exist on one lot with non-functional aerobic tanks discharging to waters of the state. The state code defines a manufactured home park as a lot that contains three or more manufactured homes. Notices of violation were issued with orders to make application to the state to get the park approved and licensed, and also to abate the sewage nuisance conditions. Atty. Burkey stated that Mr. Pangborn's proposal for resolution is that he wants to split the lots into ten lots with two trailers per lot, or as tenants leave that he not replace them, or have the septic systems put into compliance. The lot split is on the Planning Commissions agenda for their March meeting. Greg Hall was sworn in by Atty. Kokor and reported the condition of the septic tanks when he inspected. Upon discussion, Dr. DiTommaso made motion that Mr. Pangborn cap and vent all sewage tanks within 14 days to create holding tanks and have the matter re-visited at the April 20, 2011, Board of Health meeting. Second by Mr. Biery.

MOTION: 17-11

Richard L. Pangborn, Jr., be required to cap and vent all sewage tanks located at 5135B, 5135C, 5131, 5131B, 5075, 5069, 5065 & 5075B Warner Rd., Johnston Twp., within fourteen days to create holding tanks. The matter will be re-visited at the April 20, 2011, Board of Health meeting.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Abstain

Motion carried.

I. Alleged Code Violation – Ervin & Arlene Miller, 9261 N. Girdle Rd., Mesopotamia Twp. – *This item was removed from the agenda.*

XI. Other Business & Public Participation: None

XII. Executive Session: Mrs. Allen made motion to go into executive session for discussion of personnel. Second by Dr. DiTommaso.

MOTION: 18-11

Close for executive session for discussion of personnel.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

Dr. DiTommaso made motion to reopen to public session. Second by Mrs. Allen.

MOTION: 19-11

Reopen to public session.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried. (Closed 9:00 P.M. – Reopened 9:20 P.M.)

XIII. Approval of Payment of Bills: Dr. DiTommaso made motion to approve the payment of the bills as presented. Second by Mrs. Allen.

MOTION: 20-11

Approval of payment of the bills as presented.

Roll Call Vote:

Mrs. Allen – Yes
Mr. Biery – Yes
Dr. DiTommaso – Yes
Mr. Hagood – Yes

Motion carried.

XIV. Adjournment: Mr. Biery made motion to adjourn. Second by Mrs. Allen.

MOTION: 21-11

Adjournment.

Roll Call Vote:

Mrs. Allen – Yes

Mr. Biery – Yes

Dr. DiTommaso – Yes

Mr. Hagood – Yes

Motion carried. (Adjournment 9:30 P.M.)

RECORDED BY:

ATTESTED BY:

Sharon Bednar
Secretary
Trumbull County Health Department

William Hagood
President
Trumbull County Board of Health

For

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