**Trumbull County Board of Health – Regular Meeting**
**March 16, 2011 – 7:00 P.M.**
**Southington Town Hall**
**3419 St. Rt. 534, Southington, Ohio**

**BOARD MEMBERS PRESENT:** Denise Allen
Dale Appis
Robert Biery, Jr.
William Hagood, President

**BOARD MEMBERS NOT PRESENT:** Dr. Pat DiTommaso, President Pro Tempore

**STAFF:** James J. Enyeart, M.D., Health Commissioner
Frank Migliozzi, R.S., Director of Environmental Health
Deborah Mokosh, R.N., Director of Nursing
Mel Milliron, C.H.E.S., Health Educator/Planner
Johnna Ben, Administrative Secretary

**OTHERS:** Robert Kokor, Legal Counsel

***M I N U T E S***

**I. Meeting was called to order and the Pledge of Allegiance was said.**

At this time, Mr. Appis made motion to reappoint Mr. Hagood and Dr. DiTommaso as President and President Pro Tempore for the Board. Second by Mrs. Allen.

***MOTION: 11-39***
***Reappoint Mr. Hagood and Dr. DiTommaso as President and President Pro Tempore for the Board of Health.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Abstain

Motion carried.

**II. Adoption of Agenda:** Mr. Migliozzi requested that a variance request be added to the agenda for Joseph & Jennifer Julian, 324 Mackey, Vienna Twp. Mr. Biery made motion to adopt the agenda as amended. Second by Mr. Appis.

***MOTION: 11-40***
***Adopt the agenda as amended.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

**III. Approval of the Minutes:** Mr. Biery made motion to approve the minutes from the February 23, 2011, meeting as presented. Second by Mrs. Allen.

***MOTION: 11-41***
***Approve the minutes of the February 23, 2011 meeting as presented.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Abstain
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

At this time, Mr. Hagood informed the Board and those in attendance that at the annual Trumbull County District Advisory Council they granted authorization to Mr. Hagood to appoint a representative from the swimming pool program to the Trumbull County Health Licensing Council. The District Advisory Council sent out requests for application, but none were received. Mr. Hagood stated that he had asked Mr. Appis to serve on the council as the swimming pool representative. Mr. Appis is a former member of the Licensing Council, and has agreed to accept that appointment.

**IV. Health Commissioner Report:** Dr. Enyeart asked and received authorization from the Board to write a letter of appreciation to Scott Thompson for his many years of service on the Board of Health. The annual Trumbull County District Advisory Council meeting was held on March 9, 2011, at which time the Trumbull County Health Department Annual Report was presented. The health department's annual report is available on the health department's website.

**V. Director of Nursing Report:** Mrs. Mokosh reported that a staff Quality Improvement Training session was held on 3/4/11, and conducted by Ken Sklenar of Easter Seals, and was well received by staff. A Quality Improvement Key Staff meeting will be held on March 23rd to discuss an Employee/Employer Worksite Wellness Project. A selection of a project was a requirement for state subsidy funding. A site visit by the Ohio Department of Health for the PHEP/PHER grant is scheduled for March 30th. A Local Technical Assistance Review, which is a local health department self-assessment tool required by the Ohio Department of Health as a requirement as part of the health department's Mass Care Emergency Preparedness Plan was conducted and submitted to the Ohio Department of Health on March 15th. A Memorandum of Understanding has been requested from the Eastwood Mall for a mass care site for the distribution of vaccine to the community in the event of a pandemic event. The health department will rent 26 Eastwood Mall televisions to be used for marketing for pandemic preparedness information for families. It will start in March and run for five months. The Ohio Children's Trust Fund grant was submitted, with a request of funding level of approximately $52,000.00. The health department is going to investigate and prepare to bill private insurance companies for adult vaccine, and is also preparing to add more information for the public on the health department website related to upcoming events, contact, referral information, press releases, prevention messages and links to community agencies. The nursing division also conducted 56 communicable disease investigations, 230 Help Me Grow visits, 9 Ohio Children's Trust Fund visits, 3 BCMH visits, and 3 public health nurse visits. The nursing division also held 2 car seat classes, distributing 14 seats.

Mr. Biery asked Mrs. Mokosh as to what effect if any the proposed state budget cuts will have on the Help Me Grow Program. Mrs. Mokosh stated that currently HMG is facing a 7.7% reduction.

**VI. Director of Environmental Health Report:** Mr. Migliozzi reported that the Ohio Department of Health completed their survey of the swimming pool, manufactured home park and recreational park programs. The health department will receive a written report of their findings within 45 days. Mr. Migliozzi informed the Board that he would be attending the Serve Safe training, which is training that is required for new owners of food service operations. The Ohio Department of Health and the Ohio Environmental Protection Agency have made two changes to the NPDES permit requirements. The changes effect eligibility and also take the testing standards from fecal standards to e-coli standards. The new state's amendments to the private water system rules will take effect on April 1, 2011.

**VII. Health Educator Report:** Mr. Milliron reported that under his Creating Health Communities Grant, a Farm To School workshop was held on March 4th. There were 40 people in attendance. A grant proposal is being written to the Wean Foundation to put irrigation into the community garden, as well as a shelter to be used for summer education programs. The community garden will be expanded by two 15 x 400 foot sections so that the Southwest Pantry can produce their own vegetables for their own use. Mr. Milliron also reported that he has been working with Community Health Care Initiatives on a Walk With the Doc program, which will take place on March 19th. A Best Practices in Glucose Monitoring class has been scheduled for May 18th, and a Health Ministries Conference is scheduled for May 21st, which will look at the areas of nursing, nutrition and social work.

**VIII. Board Report:** Mr. Hagood informed the Board that because of the numerous problems at a manufactured home park, he had sent a letter to the Ohio Department of Health questioning the health department's authority with regard to enforcement of the rules and regulations of the manufactured home park program. A response was received from the Ohio Department of Health, and Mr. Hagood submitted a copy to the Board for their review.

**IX. Old Business:** None.

**X. New Business:** A. Variance Request – DISTANCES

1. Joshua & Heather Booth, 2296 Stillwagon Rd., Howland Twp. – Not present. Mr. & Mrs. Booth are in the process of upgrading their septic system, which will consist of an off-lot system. Upon laying out the system, it was determined that the sewage drain line and building sewer cannot be installed to comply with the state code on setback requirements from the property line, house foundation and garage foundation.

2. Joseph & Jennifer Julian, 324 Mackey, Vienna Twp. – Not present. Mr. & Mrs. Julian are in the process of upgrading their septic 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 the state code on setback requirements from the house foundation.

Mr. Migliozzi recommended the Board grant the variances as requested. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Appis.

***MOTION: 11-42***

***Grant a variance to Joshua & Heather Booth to install the building sewer and sewage drain line approximately two feet from the house foundation and four and one half feet from the property line, and***

***also install the building sewer and sewage drain line approximately three feet from the garage foundation at 2296 Stillwagon Rd., Howland Twp. Grant a variance to Joseph & Jennifer Julian to install the sewage drain line approximately five feet from the house foundation at 324 Mackey, Vienna Twp. All other code sections regarding these sewage installations must be complied with.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

B. Declaration of Unfit for Human Habitation – 1. 3397 Pothour Wheeler Rd., Hubbard Twp. – Estate of William Swartz, Owner – Not present. A request was received from Hubbard Township Trustees and an inspection was conducted on February 17, 2011, to determine if the structure on this property was fit for human habitation. Mr. Migliozzi recommended the Board declare the structure unfit for human habitation. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

***MOTION: 11-43***
***Declare the structure at 3397 Pothour Wheeler Rd., Hubbard Twp., unfit for human habitation.***

Mr. Appis asked Mr. Migliozzi if the declaration of unfit included the building in the back of the property. Mr. Migliozzi stated that it did not.

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

C. Alleged Code Violation – Consent Agreements
1. Scott Johnson, 3101 Palmyra Rd., Warren Twp.
2. Edward Yount, 3334 Franklin, Hubbard Twp.
3. Melvin C. Hetzler, 1045 North Rd., Howland Twp.

Mr. Migliozzi recommended the Board accept the consent agreements as presented. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Appis.

***MOTION: 11-44***
***Accept the consent agreements as follows:***
***Scott Johnson, 3101 Palmyra Rd., Warren Twp.***
****Properly abandon the existing septic tank and submit a tank abandonment form by April 30, 2011.***
****Properly seal the existing water well to state code and submit a well sealing report within 6 months.***
***Edward Yount, 3334 Franklin, Hubbard Twp.***
****Complete the band-aid fix by installing the chlorinator and pumping the septic tank on a six month interval basis, commencing within 60 days.***

***Melvin C. Hetzler, 1045 North Rd., Howland Twp.***
****Connect to the available sanitary sewer by July 31, 2011.***
****Have the existing septic tank properly abandoned by the drain layer and submit a pumping receipt and tank abandonment form.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

D. Alleged Code Violation – REAL ESTATE EVALUATION
1. William Beasley, 8988 Coombs Rd., Mesopotamia Twp. – Mr. Beasley was present and sworn in at the meeting. As a result of a property transfer search, it was determined that the property was transferred without an inspection of the sewage system. A notice of violation of issued on July 29, 2010. On February 22, 2011, Mr. Beasley stated that the property was vacant. It was explained that the issue is to evaluate the septic system. Mr. Beasley stated that the real estate evaluation application had been mailed, and he would call the inspector to schedule an inspection. The application did come in the mail, but the inspection fee was not included. An attempt was made to reach Mr. Beasley by phone, but was unsuccessful. Mr. Beasley stated that he did not have the money to send with the application. He purchased the property because it was a good deal, but someone went in and stripped the plumbing and electric. Currently, he is only using the structure for storage. There is a bathroom sink and toilet, but they are cracked and need replaced. Mr. Beasley stated that he hopes to renovate the home and move in, but needs to figure out what needs to be done. Following discussion, Mr. Migliozzi recommended the Board require Mr. Beasley to make the arrangements for the inspection and submit the fee within 60 days. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

***MOTION: 11-45***
***Require William Beasley to make arrangements to have the sewage system evaluated at 8988 Coombs Rd., Mesopotamia 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 $500.00 ($250.00 inspection fee & $250.00 penalty fee) if the 60 day notice is not complied with. After this is completed an inspection of the sewage system will occur.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

2. Brian Tomlin, 1286 Salt Springs Rd., Weathersfield Twp. – Not present. As a result of a property transfer search, it was determined that the property was transferred without an inspection by the Board of Health. A notice of violation was issued on August 25, 2010, they did not comply. An in-house hearing was scheduled for

February 15, 2011, but no one attended. Mr. Migliozzi recommended the require Brian Tomlin to make arrangements to have the sewage system evaluated within 14 days. Mrs. Allen made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Appis.

***MOTION: 11-46***

***Require Brian Tomlin to make arrangements to have the sewage system evaluated at 1286 Salt Springs rd., Weathersfield 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 $500.00 ($250.00 inspection fee & $25.00 penalty fee) if the 14 day notice is not complied with. After this is completed an inspection of the sewage system will occur.***

**Roll Call Vote:**

Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

E. Alleged Code Violation – SEWAGE UPGRADE

1. Ruth L. Cathan, Trustee – 4851 St. Rt. 534, Farmington Twp. – Not present. As a result of a real estate evaluation, the septic system was inspected on December 11, 2007. The system was found to consist of an aerobic treatment unit to a chlorine contact tank. The system effluent samples exceeded the limit standards. A notice of violation was issued on August 23, 2010, with orders to obtain a service provider, repair the system and scheduled for a re-test. To date, this has not occurred. Mr. Migliozzi recommended the Board order the owner to upgrade the septic system by obtaining the services of a registered service provider, have the repairs made to the system and schedule for a re-sample within 30 days. Failure to comply will result in the matter being referred for appropriate legal action. Mr. Appis made motion to follow the recommendation of the Director of Environmental Health. Second by Mr. Appis.

***MOTION: 11-47***

***To require Ruth L. Cathan, Trustee, to upgrade the septic system located at 4851 St. Rt. 534, Farmington Twp., by obtaining the services of a registered service provider, have the repairs made to the system and schedule for a re-sample within 30 days. Failure to comply will result in the matter being referred for appropriate legal action.***

**Roll Call Vote:**

Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

2. Harry Pissini, 2992 Anderson Morris Rd., Weathersfield Twp. – Not present. As a result of a real estate evaluation the septic system was inspected on September 4, 2007. The system was found to consist of a septic tank with a discharge to waters of the state. A notice of disapproval with orders to upgrade was issued on

September 7, 2007, and an in-house administrative hearing was scheduled for February 15, 2011, but no one attended. Mr. Migliozzi recommended the Board require Mr. Pissini to upgrade the septic system 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. Mr. Biery made motion to follow the recommendation of the Director of Environmental Health. Second by Mrs. Allen.

***MOTION: 11-48***

***Require Harry Pissini, 2992 Anderson Morris Rd., Weathersfield Twp., to upgrade his sewage system 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:**

Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

F. Administrative Hearing – Rodney Yoho, Yoho Excavating Inc. – Rodney Yoho, Frank Migliozzi, Rodney Hedge and Natalie Markusic were sworn in to give testimony.

Mr. Yoho stated that he would like to get his tank installer's registration back. It was his brother, not he that filed bankruptcy, and his brother should have no bearing on his registration.

Mr. Migliozzi explained that the reason Rodney Yoho's registration was not renewed was because as of January 1, 2007, the state established registration of a firm and not each individual of a firm. We have continued to follow this procedure. Thus, it is actually the company that is registered. When Rodney Yoho's registration renewal came in, his bond was issued under Yoho Excavating, which was the same as his brother, and the bond had both individuals listed as one company. Atty. Kokor inquired as to what the situation was currently with their registrations. Mr. Migliozzi stated that currently the only holder of a valid tank installer's registration was Kristina Yoho. Atty. Kokor asked Mr. Migliozzi the health department's reasons for not renewing Rodney or Ryan Yoho's registrations in 2010. Mr. Migliozzi stated that there were repeated improper installations with regard to items such as improper depth, improper grade and improper pitch/fall. Atty. Kokor stated then that their registrations were not renewed because they were not performing competently under their registrations, and asked if they were registered with the health department for any other company. Mr. Migliozzi stated that their company was registered as a service provider.

Rodney Yoho stated to the Board that he did not realize when he took the test that he was taking the test for the company and not for himself.

At this time, Mr. Migliozzi & Mr. Hedge described more specifically some of the problems with their installations, and Atty. Kokor asked Mr. Hedge who he discussed problems with when they arose. Mr. Hedge stated that all his conversations regarding problems were with Ryan Yoho. He would see Rodney Yoho in the field only, and if he asked them to correct something they would, but after a while it was the same errors repeatedly.

Rodney Yoho asked Mr. Hedge is he had ever had a meeting with him. Mr. Hedge responded that he had not.

At this time Atty. Kokor asked Mrs. Markusic to describe the problems she encountered with their sewage installations. Mrs. Markusic stated that it was as Mr. Hedge described. There were elevation issues and this such as that. Things that in of themselves were not major issues, but they were repeated errors. Atty. Kokor stated then that their entire body of work was incompetent and asked Mrs. Markusic to whom she would address these deficiencies. Mrs. Markusic stated that she would discuss them with Rodney Yoho, but she also had a problem with a leach field that was installed against contour and that she met with Ryan Yoho, along with Mr. Hedge, and Rodney Yoho became combative and got loud, but that was just one time. Atty. Kokor asked Mrs. Markusic if she felt that their entire body of work could be considered incompetent. Mrs. Markusic stated yes.

Rodney Yoho stated that he felt that his tank installer's registration was taken because of his brother losing his. All the administrative hearings that the health department held were with Ryan and not him. Rodney Yoho further went on to say that he took his installer's test to start his own business.

Mr. Migliozzi said that the Trumbull County Health Department continues to follow the Ohio Department of Health's January 1, 2007, position of registration and bonding of a firm. When Rodney Yoho's registration renewal and bond came in, it was under the name of his brother's firm so Rodney Yoho did not start his own business. When administrative hearing notices were sent, they were sent to both Ryan and Rodney Yoho to the firm's address. Hearings that were held were for the firm.

Atty. Kokor asked Rodney Yoho whether or not he knew that he needed a bond in order to obtain his renewal and become registered. Mr. Yoho acknowledged that he did.

Following further discussion, Atty. Kokor questioned as to how the working relationship was with Rodney & Ryan Yoho's sister, Kristina Yoho, who is also a registered tank installer under her own company name. Mrs. Markusic replied that working with Kristina Yoho was a totally different situation and she does not have a problem with her. Mr. Hedge also stated that he was comfortable with Rodney Yoho working with his sister Kristina Yoho. Atty. Kokor recommended that Rodney Yoho contact any attorney to request amendment to the judgment entry to allow him to work for his sister. Rodney Yoho asked if he could then have his registration. Mr. Migliozzi stated that he would have to make a decision as to what he was requesting. Either he was requesting to have his registration reinstated, or he was requesting permission to work for his sister's business.

At this time, the Board took no formal action regarding this matter. Rodney Yoho was instructed to seek out legal counsel, decide whether he was requesting a renewal of his registration to start his own company or if he was requesting to work for his sister and then request an amendment to the judgment entry.

**XI. Other Business & Public Participation:** None.

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

***MOTION: 11-49***
***Close for executive session for discussion of personnel.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

Mrs. Allen made motion to reopen to public session. Second by Mr. Appis.

***MOTION: 11-50***
***Reopen to public session.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried. (Closed 8:00 P.M. – Reopened 8:43 P.M.)

At this time, Mr. Biery made motion to grant authorization to the Health Commissioner to reopen the collective bargaining agreement with the union. Second by Mrs. Allen.

***MOTION: 11-51***
***Grant authorization to the Health Commissioner to reopen the collective bargaining agreement with the union.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

**XIII. Approval of Payment of the Bills:** Mrs. Allen made motion to approve payment of the bills as presented. Second by Mr. Biery.
***MOTION: 11-52***
***Approve payment of the bills as presented.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried.

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

***MOTION: 11-53***
***Adjournment.***

**Roll Call Vote:**
Mrs. Allen – Yes
Mr. Appis – Yes
Mr. Biery – Yes
Mr. Hagood – Yes

Motion carried. (Adjournment 8:45 P.M.)

**RECORDED BY:**

**Johnna Ben**
**Administrative Secretary**
**Trumbull County Health Department**

**For**

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

**ATTESTED BY:**

**William Hagood**
**President**
**Trumbull County Board of Health**