



**November 19, 2019**

The regular monthly Board of Health meeting was held on Tuesday November 19, 2019, at 8:15 A.M. in the Community Room, 2nd Floor, Trumbull Towers Building, 500 Market Street, Steubenville, Ohio.

**Present**

Board Members  
Frank L. Petrola, M.D.  
Terry Bell  
Michalene King, PhD, R.N.  
Patrick Macedonia, M.D.  
George VanWeelden, D.O

**Staff**

Nicole Balakos-Health Commissioner  
Dr. Jane Culp-Medical Director  
Marc Maragos-Registered Sanitarian  
Stephanie Chester- Registered Nurse  
Jack McGuire- Registered Sanitarian  
Hannah Piko, Acting Nursing  
Director  
Sam Ivkovich-PHEP Director  
Carla Gampolo-Registered Sanitarian  
Jodi Norris-Fiscal Manager

**Absent**

None

**Prosecutor**

Emanuela Agresta

**Guest**

See sign in sheet-168

**CALL TO ORDER**

Frank L. Petrola called the meeting to order at 8:15 am.



Action	Discussion By Laws Concerning Public Speaking at BOH meeting	Vote Detail (Roll Call)
Resolution 2019-036 Accepted Dr. Macedonia's motion to dispense from the by-laws and allow speakers who were not on agenda to speak	Dr. King read the by-laws as to how public participation is to proceed. Per the by-laws, each statement is limited to five minutes. Each person who wishes to speak is required to submit their request to the board within 72 hours of the meeting. A vote was taken and motion passed.	1 <sup>st</sup> Macedonia
		2 <sup>nd</sup> Van Weelden
		Petrola- no
		Van Weelden- yes
		Bell- yes
		King- no
		Macedonia- yes

**Public Participation**

168 Visitors came to the Board Meeting.

Mark Nelson read from the Sewage and Water Statement that is attached.

Aaron Dodds, Water Shed Coordinator, presented statements on behalf of Jefferson County Water and Soil. Aaron Dodds reported that the community has stood on the face of the landfill and seen and smelled the putridness that a landfill can bring. The Water Shed has received complaints regarding the odor at the Apex landfill, mainly within a four mile radius. The community wants to make sure that best practices are used. If there were an overlay of the Apex footprint over the Cross Ridge landfill, the four mile radius would affect 35,000 people in Jefferson County in a county with a population of 66,000. This landfill has the potential to impact half the county. According to the EPA, this new landfill is supposed to be modern and state of the art. Landfills create odors and that is unstoppable. According to Aaron Dodds, when Apex originally came to town, Apex owners said the same thing. The principles of Greenway Reclamation are making these same claims, and just had complaints and settlements against them. There are ongoing litigations. This landfill is an anticipated 190 acres and is twice the

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current footprint of Apex and this could double the issues and complaints. There are potential grants to assist in shutting landfills down. Cities on the rail line would possibly be more suitable. There have been major concerns since 1990, tied up in litigation, and Steubenville does not need to continue to be dragged down by another landfill. The possible, maybe the easiest solution, has been presented. There are developers who specialize in brown field development. The Ohio Department of Natural Resources may be interested in a recreation park for off road vehicles. Aaron Dodds continued, "This is like having a urinary tract infection and getting bladder cancer to treat it." The community's main fear is that the EPA is fast tracking this permit in the next 12 months. Air inversions, like hydrogen sulfide, are being trapped over the Ohio Valley. The EPA claims the only issue is the permit. Ohio EPA has rules and regulations putting the blame on JCGHD being the one designated to issue the license and perform inspections and enforcements. The Health Department may not have a vote, but the EPA is looking for the Health Department's recommendation. The citizens are just asking for the Board to join in with agreeing that Steubenville does not need another landfill in this county. "Jefferson County Water and Sewage are adamantly against this," claimed Aaron Dodds.

Mark Barnes, the Executive Director, of Sacred Heart Villa, a local Montessori and Home School Co-operative has many of the same concerns that have already been pointed out. In addition, Mark Barnes explained that he has concerns as the Villa has 30 students that meet there five days a week and two of those students suffer with asthma. This proposed landfill will be within one mile of this school property. According to Mark Barnes, Jefferson County will not prosper with another state's garbage. Mark Barnes questioned if Sacred Heart Villa would have any legal options.

Dr. VanWeelden requested a show of hands for each individual who wishes to speak, with a different point of view other than those members of the community that have already spoken. Each person will get five minutes.

Rebekah Harwott Weigel agrees with the prior statements and wanted to add to this argument. Rebekah Harwott Weigel said, "I was born and raised here. Over the past few years, I have become proud of the growth and direction of this town so why we would take a town going in the right direction backwards?" Agreeing that there are alternatives and all over the world, other reclamation companies are making brownfields into greenspace for parks, according to Rebekah Harwott Weigel. Rebekah Harwott Weigel continued that Jim Recacousa, Vice President of Western Reserve Land Conservatory, agreed that if the community can get the land, Western Reserve Land Conservation would help Steubenville secure funds to transition this landfill into a park. There are state and federal grants to help Steubenville transition this landfill into a park. After talking to Jim Recacousa, who is currently working right now in Cleveland turning brown space into greenspace. According to Rebekah Harwott Weigel, "I want to be proud of our city, not causing it to have bigger problems. The citizens want quality of life and opportunities for the citizens that are here." Rebekah Harwott Weigel also reported there are people, including the

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Coalition of Ohio Land Trust, willing to volunteer to make sure this can happen and move Steubenville in the right direction.

Geary Bates, a representative of the Jefferson County Airpark, who lives on County Rd. 26, by the Crossridge Landfill added, "I checked with the FAA records and there are three jets landing two to three times a week." Regulation of 1958 UFC 4101 Window Ford Act restricts a landfill within six miles of an airport, reported Geary Bates. Geary Bates continued, one of the concerns being that birds are being sucked into the engines, due to the jets flying directly over the landfill. The airport board will help fight so as to protect the safety of Jefferson County Airport and the air traffic patterns. The processes used to manage the airport, seeing that it is a non-control tour location, should be taken into consideration. As a resident, Geary Bates owns 360 acres of personal property and his son has 40 acres with two creeks running off the hill. Geary Bates also stated, "The trucking companies used to haul leachate to the sewage plant which was stopped because it was too strong." Now the leachate is leaking into my son's creek."

John Belt, Assistant Superintendent of Indian Creek School District, also agreed with the previous statements. John Belt added, the Indian Creek School District is two years away from being a state of the art facility. The buses travel over 1100 miles a day and the route has already been affected by the gas and oil truck traffic. John Belt reported additional safety concerns.

Doug Oleski, Sunshine Park resident, stated, "The landfill isn't too far from the ATV Park, which already creates dirt clouds." Doug Oleski explained that after speaking with the members of the neighborhood, agreed that even more dust from the roads will be another one of the problems that will arise if the landfill is put in.

Matt Grimshaw, CEO of Trinity Hospital and a Jefferson County resident, reported that Trinity Hospital is making a large investment in this community more than there has been in generations. The hospital is downwind of the Crossridge landfill causing the smell to travel into the hospital. According to Matt Grimshaw, there are over 2,000 Trinity employees who are against this landfill. Matt Grimshaw further continued, the landfill will impact the patients as well as the employees. "On behalf of the Medical staff, our employees, our volunteers and our patients, please shut this down," stated Matt Grimshaw.

Rob Greiner is a Brady Circle resident. Prior to living at Brady Circle, Rob Greiner bought land in Amsterdam at the end of 267A. "We were the closest resident to the Apex landfill. The prior owner, Tom Gardner, who was very involved in fighting the Apex landfill, shared that information with me so I knew what I was getting into when I bought the land," said Rob Greiner. After doing research, the Apex landfill was on the decline in 2015. In the winter of 2016 the EPA approved an expansion of the landfill. Rob Greiner also read an email he sent to Marc Maragos, stating all concerns including how tracking is done on all the gas levels. The biggest concern was to know how these tests are done and more specifically were the tests done within three mile radius of the landfill. According to Rob Greiner, the last study was done in 2012.



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Additional discussions began back and forth with unidentified speakers. Rob Greiner added the reports would be relinquished. Rob Greiner did not continue that conversation. Rob Greiner stated, "The public would be appalled by the responses he had received." According to Rob Greiner, family breathing issues decreased with a vacation to the beach. That's when the family made the decision to move back to the city of Steubenville. Rob Greiner asked the board to take more consideration than what was given in 2017.

Fritz Tulancik, area resident of Township Rd 267, spoke about what our county should expect with this landfill. After dealing with the Apex issues for over twelve years, Fritz Tulancik explained that the local Health Departments hands are tied and there is no help from Ohio EPA because they are in it for the money. According to Fritz Tulancik, it will take strong will to fight the EPA.

Dr. Nicholas Mastros, ENT-Otolaryngologist in Steubenville, Ohio, grew up and is raising his family here. According to Dr. Nicholas Mastros, here as a medical specialist, many people from around the Apex landfill reported burning eyes, burning mouth and nose, and respiratory issues. Dr. Nicholas Mastros stated, "I can't fathom who would be in favor of accepting this landfill adjacent to this city." Dr. Nicholas Mastros asked the board to please accept the resolution to put an end to this project.

Action	Discussion Resolution for Cross Ridge	Vote Detail (Roll Call)
Resolution 2019-037 Accepted-The JCGHD does not support or recommend the Greenway application to operate a landfill at the Crossridge site. (See attached resolution)	Dr. Macedonia asked for permission to raise a motion concerning this matter. Terry Bell 2 <sup>nd</sup> the motion. Dr. King requested clarification as to what the motion is for since the motion was out of order. Dr. Macedonia stated that he wants to make a motion then he will explain it.	1 <sup>st</sup> Dr. Macedonia
		2 <sup>nd</sup> Bell
		Petrola- no
		VanWeelden- no
		Bell- yes
		King;- yes
		Macedonia- yes
	Motion made by Dr. Macedonia moved that the JCGHD does not support or recommend the Greenway LLC application to the EPA to operate a landfill in Jefferson County Ohio. More specifically, at the former Cross Ridge landfill located at County Rd 26 in Steubenville, Ohio. There was no discussion on the motion. There was a unanimous vote that passed.	1 <sup>st</sup> Dr. Macedonia
		2 <sup>nd</sup> Bell
		Petrola – Yes
		VanWeelden – Yes
		Bell – Yes
		King – Yes
		Macedonia - Yes



Dr. Macedonia went on to clarify the process to the public that even though the JCGHD has made a recommendation, this company can still apply to the EPA "The EPA can still grant them a permit. This is a discouraging point to the Greenway Company but this process may still go on. And although the JCGHD must issue the license, we can't just deny that license. You have to have good reason within the law to not issue that license," stated Dr. Macedonia.

Someone asked, "Do we go to the EPA and protest in front of them?"

Dr. Petrola responded, "That is exactly where you should go."

Someone in the public forum commented that the EPA's phone number is on the website and each person should take it upon themselves to make a phone call and convey their concern.

A member of the community stated that the citizens wanted to thank Dr. Macedonia and Dr. VanWeelden for making the motion and to the board for supporting this, as it is important that the Board stands behind the community and showed this today.

Geary Bates added to the argument that if this permit is issued, it will take money and legal representation to stop this. According to Geary Bates, the JC Airport board indicated that they are willing to try and help fight this.

Nicole Balakos explained that the meeting would be paused for anyone who wishes to leave to do so, stating that all are welcome to stay if they wish for the remainder of the business meeting.

Action	Discussion Current Months Expenses	Vote Detail (Roll Call)
Resolution 2019-038 Accept-Current expenses	Dr. Petrola brought to the table the next agenda item. The current month's expenses were presented to the Board of Health for approval. There was a unanimous vote that passed	1 <sup>st</sup> VanWeelden
		2 <sup>nd</sup> King
		Petrola- yes
		VanWeelden- yes
		Bell- yes
		King- yes
		Macedonia- yes

Action	Discussion Current Months Finances	Vote Detail (Roll Call)
Resolution 2019-039 Accept-current Finances	The monthly financial statement was presented to the Board of Health for approval. There were no irregularities to report. There was a unanimous vote that passed.	1 <sup>st</sup> Bell
		2 <sup>nd</sup> Macedonia
		Petrola- yes
		VanWeelden- yes
		Bell- yes
		King- yes
		Macedonia- yes



Action	Discussion Accept October minutes	Vote Detail (Roll Call)
Resolution 2019-040 Accept-October Minutes with corrections	Motion to accept the October minutes. Dr. King made a motion to approve the minutes with corrections given to Nicole in writing. There was a unanimous vote that passed.	1 <sup>st</sup> – Bell
		2 <sup>nd</sup> – Macedonia
		Petrola- yes
		Van Weelden- yes
		Bell- yes
		King- yes
		Macedonia- yes

Action	Discussion Accept November 13,2019 minutes	Vote Detail (Roll Call)
Resolution 2019-041 Accept-the special meeting minutes of Nov. 13,2019	Motion to accept the November 13 special meeting that went into executive session, minutes. There was a unanimous vote that passed.	1 <sup>st</sup> Macedonia
		2 <sup>nd</sup> King
		Petrola- yes
		Van Weelden- abstain
		Bell- abstain
		King- yes
Macedonia- yes		

WIC Report

Dr. Jane Culp read the WIC Report for July. Dr. Culp explained, "The state assigned case load was 1085 and the actual case load was 809. They had 50 certifications and 96 re-certifications." WIC has now gone to an appointment schedule as opposed to a walk-in schedule. Initially WIC saw a reduction in certifications, but it is coming back-up, assumed to be because people were getting used to having a scheduled appointment. WIC will continue to track that to make sure the numbers don't decrease. Statistics were read (see report). Stephanie Chester stated, "We hired a peer-to-peer consultant, Crystal Wickham. She had to be a previous WIC participant who breastfed her child for at least six months, so she can relate to some of the questions. This position takes some of the load off of the lactation consultant." Stephanie Chester continued, "Based on October, numbers are up for both percentage of infants as well as the percentage of moms, and that is directly related to the peer-to-peer consultant. The consultant calls the moms before and after delivery to see if they need help with breastfeeding. She is a great support system for them." Stephanie attended the Director's meeting earlier this month where she

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learned the new system that will likely be rolled out in January or February, 2020. Stephanie stated that she has the breastfeeding report card that Dr. Macedonia requested a few months ago. Dr. Macedonia asked, "Are we teaming up with Trinity regarding breastfeeding/lactation specialists. One of the recognitions of being a birth center is playing a role in breastfeeding and Trinity is way below the benchmark. This starts in the physician's office before delivery." He recommended that Stephanie Chester reach out to Trinity to discuss their program, as WIC is really a continuation of what they start in early stages. Stephanie Chester explained, "I have a lot of ideas, but in the past Trinity hasn't been interested in being involved with WIC. I would love to have the nurses ask if patients are WIC participants then WIC could send someone to the hospital to talk to the new mothers. WIC could be that help because our goals are the same." Dr. Macedonia will get with Stephanie Chester with contacts and how to partner.

**Medical Director Report**

Dr. Jane Culp reported that we had 493 communicable diseases for the year including 38 in October. There was a high of 113 in March, 2019 which was reflective of influenza season. In October we had twenty four Chlamydia, eight HEP C, zero HEP B, five cases of Salmonella and one invasive Pneumococcus.

Dr. Macedonia asked, "Where do the Salmonella reports come from."

Dr. Culp explained that The Food Core, which is a group of Epidemiology students, did an investigation but no connecting thread was identified for the cases. There was an outbreak with dog treat in the form of pig ears and the CDC put an alert out for Legionnaires' in hot tubs, being the only two alerts from the CDC right now.

**Environmental Report**

Marc Maragos gave the Environmental report starting with the number of odor complaints coming through the hotline. In October there were 24 complaints and to date in November there have been 25. Marc Maragos did a report that the convenience line has been approved by the EPA. The approval means local haulers can expedite, no longer having to wait on rail haulers and out of area haulers.

The Environmental Division started to do inspections on evenings and weekends to inspect food establishments at times they do not expect.

Terry Bell brought a question to the table. He wanted to know if Crossridge landfill is locked down. Marc Maragos answered that it is. Dr. Macedonia asked for clarification. Terry Bell responded that Crossridge is closed down but our sanitarians have documented that Crossridge is receiving trash from tree trimmers. It was confirmed that the trash dumping was observed by the environmental department last Wednesday, November 13, 2019. That information was sent to the Attorney General of the State of Ohio. Carla Gampolo responded, "We have not yet



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received a response as of yet and that there is an investigator through the EPA and Attorney General's office which works off the books. Some confidential things are happening, but we don't know what the Attorney General's office is finding as it is not disclosed to us." Terry Bell questioned, "If we are the ones that 'caught them', why do we not get the information from the investigation?" Nicole Balakos clarified, "Just because you reported the crime, doesn't mean you will be privy to the steps in the investigation." Marc Maragos explained that the gates are pad locked and when Carla Gampolo was out there and saw someone was dumping, the gates were still locked. Someone had to have gotten into contact with Mr. Scugoza to unlock the gates and permitted the company in. So the sanitarians end up being the bad guys. Terry Bell said, "We need to let the public know, through media, that we are going out and checking these sites."

Dr. Macedonia suggested to the Board that we need to figure out how to go about officially closing Crossridge landfill. The Health Department owes it to the community to abate this leachate problem, and JCGHD has not done it. Nicole Balakos explained that she and the environmental team have been going to court every time this is in front of the judge. It's in Judge Miller's hands now. Nicole Balakos further explained that the judge gave 14 days to come up with evidence of a remediation plan and no evidence was presented. Since it is past the 14 days, the next court dates will be December 16<sup>th</sup> and 17<sup>th</sup>. The details include option to incarcerate because of non-compliance and contempt over many years. This is why the sanitarian department went directly to the Attorney General with hopes that all three agencies (EPA, Attorney General and local court system) can all work together on this issue. There has been more movement and progress on these abatements since Labor Day than there have been since 1999.

Dr. Macedonia explained to Nicole Balakos that her efforts are appreciated but putting the owner in jail is not helping with the issues. The EPA needs to step in because most important is the environment. The next questions should be what the next step is and who do we hold accountable?

Nicole Balakos informed the Board she has further meetings with the EPA, including with Craig Butler, who is the southeast director, to talk about the next steps to be made. Judge Miller continues to make progress even though we don't have all the details of the investigation. The biggest frustration is that the EPA has been dragging their feet for years.

Dr. Macedonia asked, "How does the Health District follow-up, and what is the role with abating odor control?" Dr. Macedonia also wanted to know if the complaints are substantiated and the same month after month. Marc Maragos explained that the Health Department doesn't actually have the authority to issue fines. The Sanitarians are required to do odor patrols at a minimum of biweekly and can give a notice of violation. When a sanitarian detects odors, the sanitarians issue a notice of violation (NOV) to the landfill. A notice of violation carries little weight however it does affect the ability to finance and for growth. The Sanitarians partner with the operator, to try to figure out what operational issues could be causing the odors. Sometimes

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the odor is something like air inversions, which can't be controlled.

Fritz Tulancik feels that the EPA has no respect for the health department even though the health department is the EPA's reporting agent on site. The media needs to follow up on all complaints even though the topic is old news. There has been some movement after going to the Commissioners and asking them to send a letter, because the EPA doesn't like negative press. News 9 needs to dig into the details and to follow-up and do more investigative reporting and follow the money to see where these tipping fees are going.

Mr. Bates explained that he was told the EPA doesn't have money to remediate Crossridge. The EPA did not come in and call it hazardous until the Federal Government came in and shut the landfill down.

Dr. Macedonia asked, "Can we investigate what the Federal Government's role is in this? Also, who will pay the fee for this?"

Terry Bell asked to table this issue for more discussions later.

#### PHEP Report

Sam Ivkovich with PHEP reported that he attended a tabletop exercise on November 8<sup>th</sup> on Pandemic Flu and next year the event will be a functional exercise. He also stated that we passed the 24/7 drill despite a few phone issues, and will be traveling to Noble County on December 12<sup>th</sup> for the after action meeting.

#### Accreditation

Accreditation - nothing to report.

#### Old Business

Nicole Balakos is still working on getting a credit card for the Health Department. There have been issues with the requirements by the bank. Nicole Balakos has a meeting with the auditors on Thursday to find a resolution.

The credit card policy will be ready for adoption once we have completed the process.

Dr. Macedonia asked about Medicare fees, even inquiring at the hospital and no one knew about the fees. The Health Department already has a National Providers Insurance number and only needed to add Dr. Culp and this should not be an issue. The reason it may be different is because



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of being a government agency, but we need to follow-up with Fenner again to confirm. Dr. Culp confirmed that Medicare/Medicaid has everything they need for her regarding her information including her license numbers, birthdate, etc. The previous fiscal officer talked directly to Medicare/Medicaid and was told there was a lapse which resulted in the required fees. An action is needed to go directly to Medicare/Medicaid to find out what they believe to be true.

New Business

Action	Discussion Gas Card Application	Vote Detail (Roll Call)
Resolution 2019-042 Accepting-application for a gas credit card at Speedway	Nicole Balakos asked the Board's permission to apply for a Speedway gas credit card. There was a unanimous vote that passed.	1 <sup>st</sup> Bell
		2 <sup>nd</sup> VanWeelden
		Petrola- yes
		VanWeelden - yes
		Bell - yes
		King- Yes
		Macedonia- yes

Action	Discussion Reading of the Fees	Vote Detail (Roll Call)
Resolution 2019-043 Accepting of environmental fees.	2020 Environmental fees were read for a second reading. (Attached) No changes to food services fees, no reading required. There was a unanimous vote that passed.	1 <sup>st</sup> Dr. VanWeelden
		2 <sup>nd</sup> Terry Bell
		Petrola- yes
		VanWeelden- yes
		Bell- yes
		King- yes
		Macedonia- yes

Nicole Balakos tabled the operations and maintenance program to allow time to discuss.



Administration Report

Nicole Balakos reported the EPA estimates that a landfill the size of Crossridge generates 88,000 gallons of leachate per month, but this can vary due to age and weather. There is no idea where the leachate has gone with some months of nothing being hauled out and some months as little as 10,000 gallons hauled out. A reasonable person may assume it is going over the hillside. There is also 90,000 cubic yards of open dumping with no open dumping permit and there is strong reason to believe that open dumping is still going on, as evidence with the tree trimmer dumping last week. EPA estimates that the open dumping would cost \$500,000 to roll into Municipal Solid Waste site or \$3,000,000 to take the open dumping off site with another \$100,000 per acre to close an open landfill and \$50,000 an acre to maintain annually. The Health Department is counting on the community to help decide what to do with the landfill and look at ways to abate the environmental hazards, which is the primary focus of the health department. Nicole Balakos thanked the people who came out today to express their opinions, their concerns and their passion to work as a community to be sure the environmental hazards is contained.

Dr. Macedonia requested an item be added to the Environmental report regarding progress on the Crossridge site.

Sheryl Suppa will schedule the public meeting regarding the fees.

Action	Discussion Consent Agenda Approval	Vote Detail (Roll Call)
Resolution 2019-044 Accepted- all items being listed as a block under agenda/consent/ approvals	Dr. VanWeelden made a motion to vote for all items under Consent Agenda Approvals including the travel requests as a block.	1 <sup>st</sup> - Dr. VanWeelden
		2 <sup>nd</sup> – Dr. King
		Petrola- yes
		Van Weelden- yes
		Bell- yes
		King- ves
		Macedonia- yes



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Action	Discussion Adjournment	Vote Detail (Roll Call)
Resolution 2019-045 Accepted- Adjournment	Dr. VanWeelden made a motion for adjournment	1 <sup>st</sup> - Vanweelden
		2 <sup>nd</sup> - Macedonia
		Petrola- yes
		VanWeelden- yes
		Bell- yes
		King- ves
		Macedonia- yes

**Action Items:**

ENV- Investigate Federal government role & closure costs, Crossridge item on report

Old Business- NPI

- Speedway
- Reading of Fees/Public hearing
- O&M Program
- Consent Agenda Review



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Next meeting Tuesday, December 17, 2019 at 8:15.  
No Executive Meeting

There Being No Further Business before the Board of Health, the meeting was adjourned.

ATTESTED:

Dr. Frank L. Petrola, Board of Health President

Nicole Balakos, Health Commissioner