

Work Beginning August 22, 2022

Meeting of August 24, 2022

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 24th day of August, 2022, at 10:30 a.m. in the office of said Board, with the following members present:

Mauro Cantalamessa, Commissioner
Niki Frenchko, Commissioner
Frank S, Fuda, Commissioner

RE: MINUTES

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to dispense with reading of the minutes of the Regular Meeting dated August 17, 2022, and approve them as distributed/printed.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

MS. FRENCHKO VOTED NO STATING SHE BELIEVES THE MINUTES ARE BEING DONE INCORRECTLY.

RE: APPROVE BILLS

2. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to approve the bills, as per the individual departmental purchase orders/invoices forwarded to the Trumbull County Auditor for payment, providing all procedures of State law have been followed.

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

RE: TRANSFER MONIES

3. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, Pursuant to Ohio Revised Code Section 5705.14, to transfer monies as submitted to the Trumbull County Auditor’s Office between the dates of August 15, 2022 through August 19, 2022. *Complete list of money transfers shall be recorded onto the Journal for record purposes.*

❖ Departments/Offices requesting to transfer monies:

• Sanitary Engineers	\$ 350,000.00	Fund # 423
	\$ 226,585.94	Fund # 483
	\$ 63,521.19	Fund # 604
	\$ 3,125.45	Fund # 608

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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RE: ADDITIONAL APPROPRIATIONS

4. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to approve additional appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of August 15, 2022 through August 19, 2022. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting additional appropriations:

- Health Board FY22 (EOCOVID19) \$ 288,000.00 Fund # 964

Yeas: Cantalamessa, Frenchko, Fuda

Nays: None

Document(s) recorded on Journal Page(s)_____.)

RE: TRANSFER APPROPRIATIONS

5. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to transfer appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of August 15, 2022 through August 19, 2022. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer appropriations:

- SOS22 BOE \$ 311.22 Fund # 119
- Comm Devel FY20 \$ 111.78 Fund # 225
- Recorder \$ 660.00 Fund # 225
- Recorder \$ 500.00 Fund # 001
- Health Board \$ 6,100.00 Fund # 974
- Common Pleas Ct. \$ 1,000.00 Fund # 062
- \$ 20,000.00 Fund # 055
- NEOCAP \$ 202,657.61 Fund # 990

Yeas: Cantalamessa, Fuda

Nays: Frenchko

Document(s) recorded on Journal Page(s)_____.)

MS. FRENCHKO VOTED NO BECAUSE SHE DID NOT HAVE BACK-UP DOCUMENTATION FOR TWO DEPARTMENTS.

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**RE: AMENDED CERTIFICATE NO. 22-2022
COUNTY BUDGET COMMISSION**

6. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to receive the Amended Certificate of the County Budget Commission No. 22 - 2022, for the fiscal year beginning January 1, 2022, dated August 24, 2022, increasing estimated resources in the funds listed:

- **Health Board FY22 (EOCOVID19) Fund # 964**
- **Sanitary Engineers (Mosq WWT) Fund # 486**

Yeas: Cantalamessa, Frenchko, Fuda

Nays: None

**RE: RESOLUTION AUTHORIZING TRUMBULL CO.
TO APPROVE THE ISSUANCE OF HOSPITAL
FACILITIES REVENUE BONDS OF THE COUNTY
OF ALLEN, OHIO AND AUTHORIZATION OF ALL
DOCUMENTS IN CONNECTION THERE WITH THE
ISSUANCE OF SUCH BONDS.**

7. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to adopt the following Resolution:

WHEREAS, Bon Secours Mercy Health, Inc., successor by merger to Mercy Health, is a Maryland nonprofit nonstock membership corporation (the "Corporation") that, through its subordinate and affiliated nonprofit entities (the "Affiliates"), owns and operates healthcare facilities at various locations in Ohio, including Hospital Facilities, as defined in Section 140.01 of the Ohio Revised Code, in Trumbull County, Ohio (the "County") and the Corporation has determined to acquire, construct and equip certain additional Hospital Facilities located in the County (collectively, the "Local Facilities"), and has requested the County of Allen, Ohio (the "Issuer") to issue its bonds therefor; and

WHEREAS, Chapter 140 of the Ohio Revised Code provides a procedure by which "Public Hospital Agencies," as defined therein and including counties and municipal corporations, may enter into an agreement pursuant to which a Public Hospital Agency may issue its revenue bonds to fund the capital needs of Hospital Facilities located in the jurisdictions of each of the Public Hospital Agencies which are parties to such agreement, for the public purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby; and

WHEREAS, the Corporation has represented to the County that it has organized under a master trust indenture the financing of certain debt of the Corporation and the Affiliates, including debt incurred to fund the capital needs of the Local Facilities, and from time to time will undertake the financing and refinancing of Hospital Facilities, including the Local Facilities, thereby enhancing the availability, efficiency and economy of Hospital Facilities and the services rendered thereby in the County; and

RESOLUTION HOSPITAL REVENUE BONDS -continued on next page

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7. RESOLUTION HOSPITAL REVENUE BONDS (Cont'd)

WHEREAS, the County entered into the Participating Public Hospital Agencies Agreement with the Issuer and certain additional political subdivisions (collectively with the County, the "Participating Public Hospital Agencies") pursuant to Section 140.03, Ohio Revised Code, on May 1, 2008 for the purposes of (a) financing and refinancing through the Issuer certain capital equipment and construction needs of the Corporation and its Affiliates, including the Local Facilities, located within the jurisdiction of the County, including the reimbursement of costs advanced for those purposes, and (b) refunding and retiring outstanding prior indebtedness incurred for such purpose; and

WHEREAS, the Corporation anticipates that the Issuer will issue its Hospital Facilities Revenue Bonds, Series 2022 (Bon Secours Mercy Health, Inc.), in one or more series (the "Series 2022 Bonds"), in a principal amount not to exceed \$300,000,000 to finance and refinance the acquisition, construction and equipping of Hospital Facilities located in the jurisdiction of the Participating Public Hospital Agencies, and the Issuer may, from time to time, determine to issue additional revenue bonds, in order to finance and refinance the costs of Hospital Facilities, in cooperation with the Participating Public Hospital Agencies; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that prior to their issuance, the Series 2022 Bonds must be approved by the "applicable elected representative" (as defined in such Section 147(f) of the Code) of the Issuer and of certain political subdivisions in which Hospital Facilities will be financed, including the County; and

WHEREAS, this Board of County Commissioners is the applicable elected representative of the County; and

WHEREAS, a public hearing was held with respect to the issuance of the Series 2022 Bonds prior to the consideration of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Trumbull, Ohio:

SECTION 1. That any revenue bonds issued under the authority of the Participating Public Hospital Agencies Agreement shall not be, and are not, general obligations, debt or bonded indebtedness of the County or any Participating Public Hospital Agency and the holders or owners of such revenue bonds shall not have the right to have excises or taxes levied by the County or any Participating Public Hospital Agency for the payment of principal of, or interest or premium, if any, on such revenue bonds. Such payment shall be made only from funds provided by the Corporation or its Affiliates.

RESOLUTION HOSPITAL REVENUE BONDS -continued on next page

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7. RESOLUTION HOSPITAL REVENUE BONDS (Cont'd)

SECTION 2. That this Board, as the "applicable elected representative" of the County for purposes of Section 147(f) of the Code, hereby approves the issuance of the Series 2022 Bonds by the Issuer, in the maximum principal amount of \$300,000,000. It is anticipated that the proceeds of the Series 2022 Bonds will be made available to the Corporation and certain of its non-profit affiliates. The Series 2022 Bonds will be issued as qualified 501(c)(3) bonds as defined in Section 145 of the Code, to (i) finance, refinance, or reimburse the costs of, the acquisition, construction and equipping of equipment, real property and improvements to Hospital Facilities, at some or all of the following locations in the County: (A) 979 Tibbetts-Wick Road, Girard, known as Hospice of the Valley – Trumbull County, (B) 5555 Youngstown-Warren Road, Eastwood Mall, Niles, known as St. Joe's at the Mall, (C) dwellings located at 457 and 807 Eastland Avenue SE, Warren, (D) dwelling located at 821 Eastland Avenue SE, Warren, (E) 627 Eastland Avenue SE, Warren, known as Eastland Medical Buildings, (F) 637-667 Eastland Avenue SE, Warren, known as St. Joseph Warren Hospital, (G) 1930-34 Niles-Cortland Road, Warren, known as Howland Medical Center, (H) a 62.88-acre parcel of land in Trumbull County, OH which abuts St. Rt. 5 to the South, Kent State University – Trumbull Campus to the West, Trumbull Career & Technical Center to the East, and Educational Highway to the North, (I) 1950 Niles-Cortland Road, Warren, known as Howland Urgent Care and Medical Building, (J) 1296 Tod Avenue NW, Warren, known as Warren Medical Center and Community Care, (K) 258 East Market St., Suite 201-202, known as WIC and Resource Mothers, (L) 341 Youngstown Kingsville Rd, Vienna, known as Vienna Primary Care, (M) 5000 East Market St., Suite 18 and 19, known as Howland ENT and Warren Hospice, (N) 8600 East Market St., Suite 5, known as Howland Sleep Lab, and (O) 421 South High Street, Cortland, known as Cortland Family Health Center (each, a "project" and collectively, the "projects"), the initial legal owner or principal user of each project being Mercy Health Youngstown LLC or Mercy Health Physicians Youngstown LLC, each an Ohio limited liability company, or the Corporation, or a related party thereof; (ii) refinance all or a portion of a taxable loan, the proceeds of which refunded the outstanding principal amount of the \$89,425,000 County of Allen, Ohio Adjustable Rate Hospital Facilities Revenue Bonds, Series 2017B (the "Series 2017B Bonds"); and (iii) finance certain costs associated with the issuance of the Series 2022 Bonds. The Corporation and its non-profit affiliates operate a healthcare system on several campus sites. The projects are and will be used by the Corporation in an integrated operation for the delivery of healthcare, education, scientific research and administrative activities supporting those activities on several campuses. Not more than \$75,000,000 of the stated principal amount of the Series 2022 Bonds will be spent at the projects in the aggregate, and not more than \$50,000,000 of the stated principal amount of the Series 2022 Bonds will be spent at any one project listed above. A portion of the proceeds of the Series 2022 Bonds will also be used to finance and refinance Hospital Facilities at locations outside the County, in the State of Ohio. This approval is intended to comply with the provisions of Section 147(f) of the Code, and does not constitute a finding of the Board as to the compliance or noncompliance by the Corporation or the Issuer with any legal requirements imposed upon them in connection with the issuance of the Series 2022 Bonds.

SECTION 3. That the Clerk of this Board and any member of this Board be and they hereby are authorized to execute and deliver on behalf of the County such certificates, documents and instruments in connection with the issuance and public sale of the Series 2022 Bonds and of revenue bonds issued from time to time under authority of the Participating Public Hospital Agencies Agreement, and the delivery of the Participating Public Hospital Agencies Agreement, as may be required, necessary or appropriate, including, without limitation, applicable elected representative approvals, conveyances of title to real and personal property, terminations of financing statements and other releases of security interests in property. Such documents, including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution thereof by the proper officers of this Board.

RESOLUTION HOSPITAL REVENUE BONDS -continued on next page

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7. RESOLUTION HOSPITAL REVENUE BONDS (Cont'd)

SECTION 4. That the provisions of this Resolution are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Resolution.

SECTION 5. All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed, including but not limited to the Resolution Authorizing the County of Trumbull, Ohio to Approve the Issuance of Hospital Facilities Revenue Bonds of the County of Allen, Ohio; and Authorizing other Documents in Connection with the Issuance of such Bonds, adopted by this Board on July 20, 2022.

SECTION 6. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Board in accordance therewith.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

Document(s) recorded on Journal Page(s)_____.)

**RE: RIGHT-OF-WAY PERMITS
COUNTY ENGINEER**

8. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to concur with the Trumbull County Engineer to grant the Right-of-Way Permits requested by the companies listed. The necessary permit fee has been submitted and approval is subject to the conditions listed on the permit.

- **COUNTRY ACRES CONSTRUCTION, Robert Miller, 5871 Old State Rd., W. Farmington, OH 44491, to install a minimum of 30 feet of 15” HDPE double wall conduit for a driveway access 2,100’ west of Painsville Warren State Rd. (C.H. 206) in Farmington Township.**
- **DOMINION EAST OHIO, 320 Springside Dr., Akron, OH 44333, to bore under and work in the right-of-way of Hoagland Blackstub Rd., Akron, OH 44333 (C.H. 203C), in order to install a gas service line for service address 6688. This will be located approximately 4,000 feet north of State Route 88 in Mecca Township.**

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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**RE: SPECIAL ANNUAL SUPPLIER FLEET PERMITS
COUNTY ENGINEER**

9. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to concur with the Trumbull County Engineer to grant the Special Annual Supplier Fleet Permits for fleet vehicles to transport aggregate, concrete, construction goods or other like materials (*not to exceed 80,000 lbs. gross vehicle weight*), to sites located upon load posted Trumbull County roadways requested by the companies listed. The necessary permit fee and insurance information have been submitted and approval is subject to the conditions listed on the permit.

- **JIM'S TRUCKING & EXCAVATING/LAKEVIEW LANDSCAPE SUPPLY**
P.O. Box 232, Southington, OH 44070
Permit No.: AF-053-2022
Permit Effective: August 26, 2022 through August 26, 2023

- **BRISTOL DISPOSAL, INC.**
P.O. Box 251, Bristolville, OH 44402
Permit No.: AF-054-2022
Permit Effective: August 18, 2022 through August 18, 2023

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

RE: CLOSE ROAD LISTED – COUNTY ENGINEER

10. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to grant permission to the County Engineer to Close the Road listed.

- **HOAGLAND BLACKSTUB ROAD (C.H. 203E) located in Bazetta Township;** closing location between Geauga Portage Easterly Road (T.H. 198) and Everett Hull Rd. (C.H. 193) for a culvert replacement.
Closing Dates: Monday, August 29, 2022 through Friday, September 9, 2022
RECOMMENDED DETOUR: *North on Hoagland Blackstub Road (C.H. 203); West on State Route 88; South on North Park Ave. C.H. 263); East on State Route 305*

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

**RE: CLOSE ROAD LISTED – HARTFORD TOWNSHIP
TRUSTEES**

11. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to grant permission to the Hartford Township Trustees to Close the Road listed.

- **FIVE POINTS HARTFORD ROAD (CH 187) located in Hartford Township;** closing location between State Route 7 and Bushnell Campbell Road (CH 185) for the annual Hartford Apple Festival Parade, per the recommendation of the Hartford Township Trustees.
Closing Date: Saturday, September 17, 2022
Closing Times: 5:30 p.m. – 7:00 p.m.
SPECIAL NOTE: *The Hartford Township Police Department along with neighboring law enforcement agencies will coordinate traffic control.*

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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**RE: RESIGNATION OF MRS. KELLY CLARKE
JOURNAL CLERK 1 – COMMISSIONERS’ OFFICE**

12. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to accept the Resignation of MRS. KELLY CLARKE from her position as Journal Clerk 1 with the TRUMBULL COUNTY COMMISSIONERS’ OFFICE, effective August 19, 2022.

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

Mr. Fuda stated the retirement of Mrs. Clarke puts the office down two employees and wants to move on advertising for this position quickly.

**RE: AUTHORIZE PLANNING COMMISSION TO
PUBLISH LEGAL NOTICE FOR ENGINEERING
FIRMS TO SUBMIT STATEMENT OF
QUALIFICATIONS TO COMMISSIONERS’ OFFICE
FOR PROJECTS RELATED TO THE GOLDEN
TRIANGLE AREA – CITY OF WARREN AND
HOWLAND TOWNSHIP**

13. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to authorize the Trumbull County Planning Commission to publish a legal ad in the *Tribune Chronicle* one time on August 26, 2022, for engineering firms to submit Statement of Qualifications to the Commissioners’ office no later than 3:00 p.m., on Friday, September 16, 2022. The proposed project consists of three interrelated roadway improvements located in the Golden Triangle area of the City of Warren and Howland Township. This projects being funded through the U.S. Department of Commerce’s Economic Development Administration (EDA) FY2021 American Rescue Plan Act and local matching funds provided by the Trumbull County Engineer, the City of Warren and Howland Township. The Commissioners approved publishing a Legal Notice for Engineering Firms to submit Statement of Qualifications for the Golden Triangle Roadway Improvements on July 7, 2022, JV 154, Page 24921, but there were no Statement of Qualifications submitted on the due date of August 9, 2022.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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RE: RESOLUTION AUTHORIZING COMMISSIONERS TO APPLY FOR, ACCEPT, AND ENTER INTO A PY2023 WATER POLLUTION CONTROL LOAN FUND AGREEMENT FOR REPAIR AND REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS (HSTS)

14. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, the Planning Commission is requesting that the Trumbull County Commissioners authorize the following actions by resolution:

- 1) Authorize the Director to prepare and submit the Ohio Water Pollution Control Loan Fund Program Year 2023 HSTS Project Nomination/Application forms to the Ohio EPA that are required for receiving funding through the Home Sewage Treatment System (HSTS) Reserve Fund; and
- 2) Authorize the President of the Trumbull County Commissioners, Frank S. Fuda, to execute all documents (including but not limited to the forgivable loan agreement) required for the submission, execution and implementation of the Home Sewage Treatment System (HSTS) Reserve Fund Project

RESOLUTION

RESOLUTION AUTHORIZING THE BOARD OF TRUMBULL COUNTY COMMISSIONERS TO APPLY FOR, ACCEPT, AND ENTER INTO A PY2023 WATER POLLUTION CONTROL LOAN FUND AGREEMENT FOR THE REPAIR AND REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS (HSTS)

WHEREAS, the County of Trumbull seeks to repair and/or replace failing home sewage treatment systems; and

WHEREAS, the County of Trumbull intends to apply to the PY2023 Water Pollution Control Loan Fund (WPCLF) available as a forgivable loan through the Home Sewage Treatment System (HSTS) Program for the repair and/or replacement of failing home sewage treatment systems; and

WHEREAS, the Ohio Water Pollution Control Loan Fund administered by the Ohio Environmental Protection Agency (EPA) in conjunction with the Ohio Water Development Authority requires the government authority to pass legislation for application of a loan and the execution of a WPCLF assistance agreement.

NOW THEREFORE, BE IT RESOLVED by the Board of Trumbull County Commissioners, Ohio:

SECTION 1. To authorize the Planning Commission to prepare and submit a nomination, model contract and any related forms for review and approval to the EPA for the PY2023 Water Pollution Control Loan Fund that are required for receiving funding through the Home Sewage Treatment System (HSTS) Program; and

SECTION 2. That Frank S. Fuda, President of the Board of Trumbull County Commissioners, be and is hereby authorized to apply for funding through the Water Pollution Control Loan Fund Program AND sign all documents for and enter into a Water Pollution Control Loan Fund assistance agreement with the OEPA for the repair and/or replacement of failing home sewage treatment systems on behalf of the Board of Trumbull County Commissioners, Ohio. The President is authorized to execute all documents (including but not limited to the forgivable loan nomination form and loan agreement) required for the submission, execution and implementation of the PY2023 Home Sewage Treatment System (HSTS) Program; and

RESOLUTION PLANNING COMMISSION -continued on next page

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14. RESOLUTION PLANNING COMMISSION (Cont'd)

SECTION 3. That is resolution shall take effect and be in force from and after the earliest period allowed by law.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

RE: AUTHORIZE RENEWAL OF ATTACHED CITIZEN PARTICIPATION POLICY FOR PY2022 - PLANNING COMMISSION

15. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, Planning Commission is requesting the Board of Trumbull County Commissioners to authorize the renewal of the attached Citizen Participation Policy for PY2022. The Citizen Participation Policy is a required element of the County's Community Development Block Grant (CDBG) Program. The Trumbull County Planning Commission is responsible for carrying out public outreach activities related to the CDBG Program. The policy ensures that all persons living in Trumbull County have access to information pertaining to CDBG programs, particularly those programs that target low- and moderate-income persons. In addition, a detailed procedural process is defined within the policy for registering citizen complaints. All of the referenced documents in the Citizen Participation Policy can be viewed at the offices of the Trumbull County Planning Commission, 185 East Market Street, 2nd Floor, Suite A, Warren, Ohio 44481 between the hours of 8:30 a.m. and 4:30 p.m. daily, except on legal holidays and weekends. This policy takes effect on September 1, 2022, for program year 2022 and extends through August 31, 2023. The Citizen Participation Policy is an annual policy that is reviewed, revised and renewed each program year.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

RE: APPROVE RECOMMENDATION SUBMITTED BY PLANNING COMMISSION (EVALUATED BY PLANNING COMMISSION/SANITARY ENGINEER) TO SELECT IBI GROUP AS MOST QUALIFIED ENGINEERING FIRM TO PROVIDE PROFESSIONAL SERVICES FOR WEST FARMINGTON SANITARY SEWER HOUSEHOLD CONNECTIONS ACTIVITY AND TO ENTER INTO NEGOTIATIONS TO DEVELOP FINAL PRICE PROPOSAL FOR NECESSARY CONSTRUCTION ADMINISTRATION WORK

16. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, approve the recommendation submitted by the Trumbull County Planning Commission and evaluated by the Planning Commission and the Sanitary Engineer staff to select IBI GROUP, 4150 Belden Village Street, Suite 104, Canton, Ohio 44718 as the most qualified engineering firm to provide professional services for the West Farmington Sanitary Sewer Household Connections Activity; part of the PY2021 CDBG Allocation Program (B-F-21-1CS-1) AND to authorize the Trumbull County Sanitary Engineer and Planning Commission staff to enter into negotiations with IBI Group to develop a final price proposal for the necessary construction administration work.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

Ms. Frenchko stated the recommendation came from the Planning Commission and not the Sanitary Engineer's Department.

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**RE: APPROVE MODIFICATION NO. 2 TO
ENGINEERING AGREEMENT WITH
CT CONSULTANTS, INC. INC. FOR MOSQUITO
CREEK WASTE WATER TREATMENT PLANT
CAPITAL IMPROVEMENT PROJECT**

17. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve Engineering Modification No. 2 to the Engineering Agreement with CT CONSULTANTS, INC., 20 Federal Plaza West, Suite 303, Youngstown, Ohio 44503, for the MOSQUITO CREEK WASTE WATER TREATMENT PLANT CAPITAL IMPROVEMENT PROJECT, County Project No. 1-S-13. Modification No. 2 is for an additional \$392,330.68 revising the total contract amount to \$4,355,007.68 – to be paid from Sanitary Engineer’s Fund No. 486-080-3000-3020-1-505610 – *no County General Revenue Funds will be utilized.* Modification No. 1 is necessary for additional supporting administration and resident project representation as outlined in the Amended Exhibit “A”; this action per the recommendation of the Trumbull County Sanitary Engineers Department and subject to approval of the Prosecutor’s office.

NOTE: The Board of Commissioners approved Modification No. 1 with CT Consultants Inc. in the amount of \$416,800.00 on May 30, 2019 duly recorded in Journal Volume 150, Page 22409 for additional design costs outside the original scope and to provide additional services during construction and post construction. The Board of Commissioners approved the original contract with CT Consultants Inc. in the amount of \$3,545,877.00 on February 15, 2017, duly recorded i

Mr. Cantalamessa made the original Motion for Item #17, Ms. Frenchko seconded the motion for discussion purposes. Ms. Frenchko shared concerns regarding modifications and change orders being approved by the Prosecutor’s Office, past change orders that were not in compliance, and submitting Sanitary Projects for ARPA Reimbursement that was not allowed. She said the Board needs to make sure that mods and change orders are in compliance with original contracts and are approved by the Prosecutor’s Office. Mr. Fuda questioned if the Motion was seconded by Commissioner Frenchko. Ms. Frenchko called, Point of Order. Mr. Fuda stated there was a lot of controversy at the beginning of the contract and a lot of money was lost because of unnecessary delays. Mr. Cantalamessa said there were many meetings regarding this contract and it has been negotiated down. Mr. Verner said he and Bill Durst had weekly meetings regarding this contract. Ms. Frenchko spoke about wanting to table this item until a Prosecutor’s review has been done, the delays in the contract and the increase to the original contract. She said she sent a request to the Prosecutor’s Office to make sure this was an allowable modification. Mr. Cantalamessa said it is subject to the Prosecutor’s review so they can vote on it now and if there’s a problem, they can rescind the vote. Ms. Frenchko spoke about a change order that was voted on a couple of weeks by the Mr. Cantalamessa and Mr. Fuda for material costs that wasn’t allowed. Mr. Cantalamessa and Mr. Fuda called, Point of Order. Ms. Frenchko stated Change Orders and Modifications should be approved ahead of time. Mr. Cantalamessa said that is how it has always been done and how every county does it. Mr. Cantalamessa asked Ms. Frenchko exactly what change orders she had a problem with.

FRENCHKO MADE A MOTION TO THE FLOOR TO TABLE ITEM # 17 IN ORDER TO GET THE PROSECUTOR’S OPINION

MOTION DIED FOR LACK OF SECOND

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Ms. Frenchko voted no because there is an open request to the Prosecutor’s Office and she only received it yesterday. She further stated she has not seen the original Contract.

Document(s) recorded on Journal Page(s)_____.)

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**RE: CHANGE ORDER NO. 7
A.P. O’HORO COMPANY FOR MOSQUITO CREEK
WASTE WATER TREATMENT PLANT (WWTP)
CAPITAL IMPROVEMENTS PROJECT-- COUNTY
PROJECT NO. 1-S-13**

18. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve Change Order No. 7 with A.P. O’HORO COMPANY, 3130 Belmont Avenue, Youngstown, Ohio 44504-0228, for the MOSQUITO CREEK WASTE WATER TREATMENT PLANT (WWTP) CAPITAL IMPROVEMENTS PROJECT, known as County Project No. 1-S-13, located in the Trumbull County Combined Sanitary Sewer District, Mosquito Creek Sub-District, Howland Township; Change Order No. 7 results in a \$541,997.95 increase revising the total Contract amount at \$32,492,711.20. Change Order No. 7 is necessary for a credit and additional work performed outside of the original scope as follows:

COP-77	Platform Credit at the Sludge Processing Building	(\$63,310.00)
COP-78	Garage Floor Patching in the Administration Building	\$4,765.00
COP-79	Additional Aluminum Railings	\$87,740.00
COP-80	Header Beams at the Operations Building	\$23,350.00
COP-81	Modifications at the Digester Tanks	\$58,835.00
COP-82	Additional Painting	\$72,290.00
COP-83	UV Tank Drain	\$26,940.00
COP-84	Tankage Light Poles	\$55,336.50
COP-85	Yard Hydrants	\$83,445.00
COP-86	Fence Additions and Credits	\$17,160.00
COP-87	2 Floor Drains at the Second Level of the Sludge Processing Building	\$14,290.00
COP-88	Utility Sink and Water Heater at the Second Level of the Sludge Processing Building	\$10,890.00
COP-89	Stair treads and Risers in Administration Building Stairwell	\$3,224.00
COP-90	Secondary Clarifier Distribution Box Grating Platform and Railing	\$13,680.00
COP-91	Metal Site Stairs at Distribution Boxes	\$39,340.00
COP-92	Replace Sensor remote Mount Terminal Block in Flow Meter In the Grit and Screenings Building	\$4,367.70
COP-93	Hydrostatic Sensor for Influent Wet Well / Headworks Building	\$9,007.75
COP-94	Additional VCT Flooring in the Operations Building	\$11,036.00
COP-95	Control Wiring for Aeration Flow Meters	\$13,236.00
COP-96	Builders Risk Insurance Coverage Extension	\$29,175.00
COP-97	PR-052 Patio Canopy at the Administration Building	<u>\$27,200.00</u>
		\$541,997.95

This action per the recommendation of the project consultant, CT Consultants, Inc. and the Trumbull County Sanitary Engineers Department and is subject to the review and approval of the Prosecutor’s Office and the Ohio EPA Division of Environmental and Financial Assistance.

NOTE: The Board of Commissioners approved the original contract with A.P. O’Horo Company in the amount of \$31,782,653.50 on May 8, 2019, duly recorded in Journal Volume 150, Page 22371. On February 26, 2020, duly recorded in Journal Volume 151, Page 23052, the Commissioners approved Change Order No. 1 for a reduction of \$52.00 ---- revising the total contract amount to \$31,782,601.50. On October 21, 2020, duly recorded in Journal Volume 152, Page 23525, the Commissioners approved Change Order No. 2 for a 163-day extension resulting in no monetary adjustment to the current contract amount. On November 25, 2020, duly recorded in Journal Volume 152, Pages 23591 - 23592, the Commissioners approved Change Order No. 3 for a reduction of \$94.79 ---- revising the total contract amount to \$31,782,506.71. On October 14, 2021, duly recorded in Journal Volume 153, Page 24324, the Commissioners approved Change Order No. 5 for additional work with a credit applied resulting in a \$0.00 Dollar increase resulting in the total contract amount remaining at \$31,782,506.71. On February 2, 2022, duly recorded in Journal Volume 154, Page 24559, the Commissioners approved Change Order No. 6 for an additional \$168,206.54 ---- revising the total contract amount to \$31,950,713.25.

**MS. FRENCHKO MADE A MOTION TO THE FLOOR TO TABLE ITEM # 18
MOTION DIED FOR LACK OF SECOND.**

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Mr. Cantalamessa asked Scott Verner to speak about Item #18. Mr. Verner said this Project is \$710,000 over. Mr. Cantalamessa asked if Change Orders for a project like this are typical. Mr. Verner stated they were and the last upgrade was 36 years ago and things get missed when planning the contract and sometimes decided after the fact. Ms. Frenchko said many things listed are newly added on to the contract and they need to make sure that all change orders and within the scope and allowable of the four corners of the Contract. Mr. Verner spoke about builder's insurance. Ms. Frenchko questioned Mr. Verner about the county paying for builder's insurance. Mr. Cantalamessa said that is subject to the Prosecutor's Office as that is who reviews the contract. Ms. Frenchko stated the item should not be voted on without the Prosecutor's review and she proposes to have a week to straighten matters out verses an afternoon. Mr. Verner said the builder's insurance was discussed with CORSA and he didn't want to put the County at risk by decreasing the insurance. Ms. Frenchko had concerns if the county or contractor should be paying for the insurance. Ms. Frenchko asked the Clerk if she gave Mr. Cantalamessa the information regarding item #18. The Clerk said yes and the information was forwarded to Mr. Cantalamessa from the BOC email. Mr. Verner said he spoke to Mr. Cantalamessa and Mr. Fuda separately about the Change Order.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Document(s) recorded on Journal Page(s)_____.)

Ms. Frenchko said because she only received the information yesterday and because she is waiting to make sure the Change Order is within the four corners of the Contract, her answer is no.

**RE: RECEIVE PETITION FOR PROPOSED VACATION
OF A PORTION OF JESSE ROAD AKA JESSIE
ROAD LOCATED IN BROOKFIELD TOWNSHIP**

19. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to RECEIVE the PETITION for the proposed Vacation of a Portion of JESSE ROAD aka JESSIE ROAD located in BROOKFIELD TOWNSHIP; and to adopt a formal Resolution setting forth the date, time, and place for both the Public Viewing and Public Hearing on the proposed Road Vacation.

NOTE: *The Petition was filed by Attorney James. E. Hoffman III, Attorney for the Petitioners, on August 9, 2022.*

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

(Documents recorded on Journal Page(s)_____.)

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RE: AMEND AGENDA ITEM DATED 08/10/2022 TO CONCUR WITH SENIOR SERVICES ADVISORY COUNCIL’S RECOMMENDATIONS FOR DISTRIBUTION OF SENIOR SERVICES LEVY DOLLARS.--AMENDMENT NECESSARY TO CORRECT CONTRACT DATES IN-HOME SERVICES/HOME DELIVERED MEALS PROGRAM FOR VENDORS LISTED

20. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Amend Agenda Item dated August 10, 2022, Journal Volume 155, Page 24999, concur with the Trumbull County Senior Services Advisory Council’s Recommendations for Distribution of the SENIOR SERVICES LEVY DOLLARS; AND to authorize distribution to the agencies as listed— Amendment is necessary to correct the contract dates for the In-Home Services/HOME DELIVERED MEALS Program to beginning October 1, 2022 and ending September 30, 2024 for the following vendors:

- 1) Country Neighbor Program, Inc., P.O. Box 212, Orwell, Ohio 44076
Award \$ 85,000 per year for Home Delivered Meals @ \$8.55/meal delivered
- 2) Youngstown Area Jewish Federation, 505 Gypsy Lane, Youngstown, Ohio 44504
Award \$170,000 per year for Home Delivered Frozen Meals @ \$8.50 /meal delivered
- 3) Trumbull Mobile Meals, Inc., 323 East Market Street, Warren, Ohio 44481
Award \$ 210,000 per year for Home Delivered Meals @ \$8.25 /meal delivered

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

RE: ADVERTISE FOR JOURNAL CLERK I – COMMISSIONERS’ OFFICE

21. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve the posting and/or advertising for the vacant position of Journal Clerk 1 within the Trumbull County Commissioners’ Office.

NOTE: This position is open due to a recent resignation.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Legal Notice recorded on Journal Page(s)_____.)

Ms. Frenchko made statements regarding the restructuring of the Commissioners’ Office, the Commissioners’ Scheduling Clerk, the size of the County, approving technology, County Administrator and budget person, and exploring hiring an appointee to assist her. Commissioner Fuda and Cantalamessa called, Point of Order. Mr. Fuda said on Commissioner Frenchko’s first day she wanted to fire Mr. Jackson and Mr. Misocky and hire and Administrator. Mr. Fuda said Ms. Frenchko opposed the Planning Commission hiring additional staff and wants to hire an Administrator to do her job.

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Comments:

Mr. Fuda gave a verbal Public Records request to Ms. Frenchko requesting the document Ms. Frenchko said he signed and he wants the original document. Ms. Frenchko said she had it with her, but was not going to give it to him. Mr. Fuda asked her to tell the public the truth and asked Ms. Frenchko how many documents she has placed on the signing table that he read and did not sign.

Mr. Cantalamessa spoke about the YARS Public Hearing stating the airport is one of the largest employers in the Region. He spoke about Fowler and Vienna Townships and Matrix Design Group, expanding the base, attending the meetings and getting information to the Community. Mr. Fuda said there were members from the airbase present and spoke about a meeting he and Mr. Cantalamessa had in Vienna with Mr. Pegg. Ms. Frenchko spoke about her trip to Washington DC where she was advocating for YARS as well. Commissioner Cantalamessa and Mr. Fuda commented on Ms. Frenchko's expense reports for the trip to Washington D.C.

The Clerk left to get the timer for the comment period.

Ms. Lee Anne Rimar asked Ms. Frenchko not to leave while she was commenting. Ms. Rimar wanted the record to reflect that Ms. Frenchko leaving while she was speaking was not giving her the representation she was paying her for. Ms. Rimar spoke in support of Trumbull County Dog Warden, Michelle Goss, and an employee that was not disciplined from the Dog Kennel, deplorable conditions at the dog kennel, ARPA funds needed to find a new pound. Ms. Rimar said she is one of many that feel the same about finding a new pound. She asked if any of the ARPA Funds were going to help the pound. Mr. Cantalamessa spoke about meetings he has had with Mr. Misocky and stated they are working on partnering with the Animal Welfare League who has new members on the Board presently—He said they are farther along now than ever before and thinks it will be a wonderful partnership. Ms. Lamar said it has to be prioritized because it has been going on for way too long. Mr. Fuda spoke about a facility right off the highway that has a lot of room for the dogs. Ms. Rimar asked why nothing was done to an employee at the Dog Kennel. Ms. Frenchko said Executive Session cannot be discussed and as a result the Board did not take any action. Ms. Frenchko explained to Ms. Rimar the timeframe for disciplinary action after a hearing according to the Union Contract. Mr. Fuda said the director of the dog kennel did her job well.

Mr. Brad Silvers spoke about disc golf baskets that he would like to use at the metro parks and his plans of donating the remaining at Warren City Schools. Mr. Silvers said his project has come to a halt because it was thought that the property located behind Children Services was school property, but later found out it is county-owned property. Mr. Cantalamessa said he has a request for the Prosecutor's Opinion ready to be sent, but he wanted the entire Board to have the information. Ms. Frenchko requested to see it and make sure the terms were correct.

Amanda Hebert spoke about a landscaping company that put a toxic weed killer on the grass at the Dog Kennel. She spoke about a rat-borne bacteria that almost killed a dog at the kennel and she had to take it to a vet. Ms. Frenchko asked Ms. Hebert if she took a pound dog to the vet. Ms. Hebert said under the ORC it is legal. Ms. Frenchko asked the Clerk to turn the volume of the conference bridge machine all the way down so she could speak and not be interrupted. Ms. Frenchko commented on management and union issues regarding a volunteer doing a union members job and said this was an HR and Management issue. Mr. Cantalamessa said there was no grievance filed. Ms. Frenchko said she spoke to the Union Representative (Mr. Tom Elder) regarding some concerning activities at the Dog Kennel stating the volunteers should only be walking the dogs, not shopping with the director and those types of things. Mr. Cantalamessa called, Point of Order. Ms. Frenchko suggested counseling with the Dog Warden to make sure she understood these things, so she wasn't creating liability and risk for the County. Ms. Rimar asked if the dog should have died while everyone was waiting for a conclusion. Mr. Cantalamessa said we wouldn't have the kennel they have without the volunteers and if there is an issue with the union, they should file a grievance. Ms. Frenchko said she would send the email to Ms. Goss to make sure she was following the proper guidelines. Ms. Frenchko called, Point of Order in response to Mr. Fuda stating Ms. Frenchko was attacking everyone stated he was not sticking to County business.

Comments (Cont'd)

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Comments (Cont'd)

Mr. Kelley Glenn spoke about the security of the employees and Ms. Frenchko not going through the metal detectors, the man who came up into the building that asked about an employee of the Commissioners' Office, and Dr. Naffah's fundraiser asking the public to look into his cause. Ms. Frenchko responded to Mr. Glenn regarding the gentleman that came into the building and asked how he had specific details. Mr. Glenn stated it was on social media. Ms. Frenchko spoke about staff's the desire to increase security and add buzzers and to spend tax payer's money because someone wore a shirt that was offensive to an employee. Ms. Frenchko said there is Freedom of Speech and you can wear what you want and it can say whatever it wants to say—if its offensive, it's not the County's problem. She said we don't need to spend money to create a safe space. Ms. Frenchko said the receptionist didn't hit the panic button when the incident happened. Ms. Frenchko said she doesn't want to restrict access to the Commissioners' Office as there is a metal detector and two deputies at all times in the building. Ms. Frenchko said it is silly to send the deputies to do walks on the floors when their already watching what is going on. She said staff is creating a scenario where people can't come in because they were upset by reading something. Mr. Fuda said this staff are so afraid of a lot of things. Mr. Fuda stated Ms. Frenchko made a comment when she started working afternoon shift about carrying. He said the Prosecutor's Office said there are no guns allowed in the building. He said many are upset because Ms. Frenchko doesn't go through the front door—she comes through the back and they don't know if she is carrying or not. Mr. Fuda spoke about transparency. Mr. Fuda said he is in favor of putting the buzzer on the doors. Ms. Frenchko stated the Board of Commissioners are not there to address everyone's fears or have fears of irrational things. Mr. Cantalamessa said he wouldn't call security measures that are in place for everyone's protection silly. Mr. Cantalamessa stated Ms. Frenchko is the one who has hit the panic button on several occasions. Mr. Cantalamessa told Ms. Frenchko that she said she has felt threatened, but the staff hasn't felt threatened. Ms. Frenchko said the staff is asking to create a buzzer system because they didn't like what the man's shirt said. Ms. Frenchko said she spoke to Dawn who said the guy was weird. The Clerk said she was off that day, but she was told that the gentleman asked for an employee specifically by name of the Commissioners' Office because he heard she didn't like to be on camera and that was concerning to her. Ms. Frenchko said that information was not in the text message she received. The Clerk said it was said that the gentleman was looking for Shara. A member from the audience showed the Board a post on his cellphone regarding the man who entered the building. Mr. Fuda spoke about Ms. Frenchko planting a document for them to sign because she doesn't sign the bills. Mr. Fuda said he has asked the newspaper and television stations to come to the office to see what a Commissioner does. Ms. Frenchko asked if there were any actual charges against the man who came into the building. Mr. Fuda told Ms. Frenchko that people were worried about some records he had stating they don't know what to expect from her. Mr. Cantalamessa said he wanted a copy of the records Mr. Fuda had. Mr. Kelley Glenn addressed Ms. Frenchko about not going through the detectors last week. Ms. Frenchko said because she carries a gun and exercises her right to do so-if that causes someone to feel afraid of her then that's irrational. She said there are rules, but the Board could actually make it so elected officials can carry because some of them can. Ms. Frenchko said maybe that will change with next year's Board composition. She said she has access to the building any day at any time because the Board of Commissioners are partial owners of the building. Mr. Cantalamessa said the people are the owners of the building. Ms. Frenchko said if she is able to come on a Sunday with no security then what would the difference be if she bypassed security during the day. Mr. Cantalamessa brought up shootings that are occurring in the news and it is not right that she is bypassing security as an elected official makes people uneasy. Ms. Frenchko said she is usually on the phone when she is walking in and it would go off anyway. Mr. Fuda stated that Ms. Frenchko quit parking in her assigned spot and had her name plate taken off her spot because she was in fear of being attacked by someone. He went on to say Ms. Frenchko has no concern for her workers. Mr. Fuda spoke about the newspaper and tv stations and what they report and don't report on.

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RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to adjourn the Regular Meeting of August 24, 2022, at approximately 11:52 a.m., and to meet again in Regular Session on August 31, 2022.

Yeas: Cantalamessa, Fuda

Nays: None

WE CERTIFY THAT EACH AND ALL OF THE FOREGOING TO BE CORRECT.

FRANK S. FUDA, PRESIDENT

MAURO CANTALAMESSA, COMMISSIONER

NIKI FRENCHKO, COMMISSIONER

ATTEST:

PAULA J. VIVODA-KLOTZ, CLERK