

Week Beginning November 7, 2022

Meeting of November 9, 2022

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 9th day of November 2022, at approximately 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 the minutes of the Regular Meeting dated November 2, 2022, and approve them as distributed/printed.

Yeas: Cantalamessa, Fuda
Abstain: Frenchko

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 Ms. Frenchko, seconded by Mr. Cantalamessa, Pursuant to Ohio Revised Code Section 5705.14, to transfer monies as submitted to the Trumbull County Auditor’s Office between the dates of October 31, 2022 through November 4, 2022. *Complete list of money transfers shall be recorded onto the Journal for record purposes.*

❖ Departments/Offices requesting to transfer monies:

• Juvenile Probation	\$ 120.62	Fund # 207
• Health Department	\$ 101,523.37	Fund # 961
	\$ 8,200.00	Fund # 968
	\$ 1,200.00	Fund # 969
	\$ 56,487.47	Fund # 961
	\$ 39,200.63	Fund # 967
	\$ 84,309.00	Fund # 968
	\$ 24,500.39	Fund # 968
	\$ 21,025.21	Fund # 971
	\$ 17,878.37	Fund # 976
• Health Dept. FY22	\$ 12,000.00	Fund # 953
	\$ 59,350.00	Fund # 968
	\$ 31,568.00	Fund # 971

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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RE: ADDITIONAL APPROPRIATIONS

4. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve additional appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of October 31, 2022 through November 4, 2022. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting additional appropriations:

• Comm Devel FY22	\$ 110.59	Fund # 258
	\$ 4,337.50	Fund # 258
	\$ 110.59	Fund # 258
	\$ 3,412.50	Fund # 258
	\$ 110.59	Fund # 258
	\$ 4,612.50	Fund # 258
	\$ 110.59	Fund # 258
	\$ 4,362.50	Fund # 258
	\$ 110.59	Fund # 258
	\$ 2,500.96	Fund # 258
	\$ 33.18	Fund # 258
	\$ 1,698.75	Fund # 258
	\$ 33.18	Fund # 258
	\$ 978.75	Fund # 258
• Sheriff	\$ 54,500.16	Fund # 710
• Health Board FY23	\$ 66,000.00	Fund # 953
	\$ 45,000.00	Fund # 977
	\$ 51,140.00	Fund # 963
	\$ 143,000.00	Fund # 952
• Commissioners	\$ 227,721.00	Fund # 077

Yeas: Cantalamessa, Fuda
Nays: Frenchko

MS. FRENCHKO VOTED “NO” STATING SHE DID NOT HAVE ALL OF THE REQUESTED EXPLANATIONS

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 October 31, 2022 through November 4, 2022. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer appropriations:

• Health Board	\$ 21,025.21	Fund # 971
	\$ 84,309.00	Fund # 957
	\$ 17,878.37	Fund # 976
	\$ 4,930.00	Fund # 974
	\$ 200.00	Fund # 951
	\$ 48,168.03	Fund # 963
• Health Board FY22	\$ 12,000.00	Fund # 953
	\$ 21,750.00	Fund # 977
	\$ 57,764.28	Fund # 954

TRANSFER APPROPRIATIONS continued on next page

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TRANSFER APPROPRIATIONS (Cont'd)

	\$	37,000.00	Fund # 952
	\$	25,200.00	Fund # 965
	\$	31,568.00	Fund # 971
• Health Department	\$	360,771.16	Fund # 964
	\$	85,853.23	Fund # 973
	\$	67,631.24	Fund # 973
	\$	78,703.66	Fund # 954
	\$	84.01	Fund # 952
	\$	21,891.83	Fund # 977
	\$	14,500.00	Fund # 965
• Comm Devel FY21	\$	2,000.00	Fund # 225
• Coroner	\$	734.55	Fund # 001
• Dog Kennel	\$	1,000.00	Fund # 010
	\$	100.00	Fund # 010
• Sanitary Engineers	\$	300.00	Fund # 600
	\$	6,200.00	Fund # 602
	\$	197.83	Fund # 602
	\$	5,000.00	Fund # 602
	\$	1,000.00	Fund # 602
	\$	15,000.00	Fund # 602
	\$	126.37	Fund # 604
• Court of Appeals	\$	7,300.00	Fund # 001
• County Courts	\$	1,200.00	Fund # 035
	\$	85.00	Fund # 053
• Probate Court	\$	195.00	Fund # 001
• Recorder	\$	163.50	Fund # 001
	\$	267.60	Fund # 001

Yeas: Cantalamessa, Fuda
Nays: Frenchko

MS. FRENCHKO VOTED “NO” STATING SHE DID NOT HAVE ALL OF THE REQUESTED EXPLANATIONS

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

Mr. Fuda told Ms. Frenchko she would know these things if she came to work.

**RE: AMENDED CERTIFICATE NO. 18-2020
COUNTY BUDGET COMMISSION**

6. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to receive the Amended Certificate of the County Budget Commission No. 30 - 2022, for the fiscal year beginning January 1, 2022, dated November 9, 2022, increasing estimated resources in the funds listed:

- **Comm Devel FY22** **Fund # 258**
- **Health Board FY23** **Fund # 952**
- **Health Board FY23** **Fund # 953**
- **Health Board FY23** **Fund # 963**
- **Health Board FY23** **Fund # 977**
- **Sheriff** **Fund # 710**

Yeas: Cantalamessa, Fuda
Nays: Frenchko

MS. FRENCHKO VOTED “NO” STATING THAT SHE DID NOT HAVE ALL OF THE REQUESTED EXPLANATIONS

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RE: COMMIT \$200,000 FROM SALES TAX FUND TO MATCH 5310 GRANT FUNDS USED TO PROVIDE COUNTY-WIDE ON-DEMAND TRANSPORTATION FOR TRUMBULL COUNTY DISABLED RESIDENTS UNDER 60 YEARS OF AGE BEGINNING DECEMBER 1, 2022, THROUGH NOVEMBER 30, 2024

7. **MOTION:** Made by Mr. Cantalamessa, seconded by Mr. Fuda, to concur with Michael Salamone, Transit Administrator, to commit \$200,000 from the Sales Tax Fund 921-130-1100-1100-1-505550 for the next two years annually beginning December 1, 2022, through November 30, 2024. These funds will be used to match 5310 grant funds from the Ohio Department of Transportation, and to provide County-Wide On-Demand Transportation for the Trumbull County disabled residents under 60 years of age.

NOTE: The current service ending November 30, 2022 is projected to provide over 7,000 trips at a cost of approximately \$206,000 fully funded by 2021 5310 FTA program. Due to the impact of COVID pandemic periods, a local match percentage was not required, therefore, all consumers less than 60 were provided transportation without any local match requirements. For 2022, 5310 ODOT programs, the local match requirements are required.

SUMMARIZED DISCUSSION:

Ms. Frenchko stated Item #7 wouldn't have happened without the efforts of Eastgate and the state of Ohio because the application was faulty. Ms. Frenchko said she requested back-up information yesterday and stated the numbers didn't match. She said she called the State to get more information because she wasn't receiving it from the Transit Administrator. Mr. Fuda thanked Mr. Salamone for getting the 80/20 match. Mr. Fuda told Ms. Frenchko it was much better than the quarter percent she wanted to pass that would amount to \$7 million dollars which would go to Mahoning County. Ms. Frenchko said Mr. Fuda's statement was not true.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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

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RE: COMMIT \$750,000 FROM SENIOR LEVY FUND #065 TO MATCH 5310 GRANT FUNDS FROM OHIO DEPARTMENT OF TRANSPORTATION AND TO PROVIDE COUNTY-WIDE ON-DEMAND TRANSPORTATION FOR TRUMBULL COUNTY SENIOR RESIDENTS BEGINNING DECEMBER 1, 2022 THROUGH NOVEMBER 30, 2024

8. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to concur with Diane Siskowic-Jurkovic, Trumbull County Senior Levy Administrator, and the recommendation from the Senior Services Advisory Council (SSAC) to commit \$750,000 from Senior Levy Fund #065 for the next two years annually beginning December 1, 2022 through November 30, 2024. These funds will be used to match 5310 grant funds from the Ohio Department of Transportation, and to provide County-Wide On-Demand Transportation for the Trumbull County Senior residents.

NOTE: The current senior portion of the transportation service ending November 30, 2022 is projected to provide approximately 26,500 trips at \$755,000 partially funded by 2021 5310 FTA program at \$290,000 for a net cost to senior levy funds of \$465,000 or \$17.55/trip. For the entire Senior and Disabled program, projections through November 2022 is 38,000 trips. As a Third Party Capital Cost of Contracting ODOT Program beginning December 2022, ODOT will provide 80% with the local match at 20% of the total program cost up to \$556,939 as awarded per letter dated September 29, 2022. The 2023 PROGRAM YEAR SECTION 5310 includes disabled transportation for individuals less than 60 years of age as well as the senior population aged 65 and older.

Mr. Fuda thanked Ms. Diane Jurkovic and Mr. Mike Salamone for the job they are doing in getting transportation for a reasonable amount of money. He further stated that joining WRTA for a quarter per cent would cost \$7 million dollars.

Ms. Frenchko stated Trumbull County does not provide transportation for the general public.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

RE: CHANGE ORDER NO. 1 RUDZIK EXCAVATING, INC. FOR STATE ROAD PHASE 2 SANITARY SEWER IMPROVEMENTS PROJECT NO. 4-S-16

9. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute Change Order No. 1 with RUDZIK EXCAVATING, INC., 401 Lowellville Road, Struthers, OH 44471 for State Road Phase 2 Sanitary Sewer Improvements Project No. 4-S-16. Change order is for an additional amount of \$2,450.00 increasing the total contract amount to \$1,088,036.00. Change Order No. 1 consists of:

Additional labor and materials to reconnect and properly restore storm drainage culverts approximately 223 linear feet east of the State Road/SR305 intersection by adding a precast 2-4 catch basin. The addition of the catch basin also reduces the quantity for Rock Channel Protection with Type "C" GeoFabric by 11 cubic yards.

The entire cost of this change order is to be paid with Ohio Public Works Commission and OEPA Water Pollution Control Loan Funds; this action per the recommendation of the Trumbull County Sanitary Engineers and is subject to the review and approval of the Prosecutor's Office.

NOTE: The Board of Commissioners approved the original contract with Rudzik Excavating, Inc. in the amount of \$1,085,586.00 on July 20, 2022, duly recorded in Journal Volume 155, Page 24946.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

(Change Order recorded on Journal Pages(s)_____.)

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MS. FRENCHKO VOTED “NO” STATING SHE DID NOT RECEIVE REQUESTED BACK-UP INFORMATION FROM THE SANITARY ENGINEER FOR ITEM #9.

RE: SECURE REAL PROPERTY BY PERMANENT EASEMENT FOR PROPERTY IN WEATHERSFIELD TOWNSHIP OWNED BY EDWARD ZAJAC JR. FOR THE HEATON CHUTE SANITARY SEWER IMPROVEMENTS PROJECT KNOWN AS COUNTY PROJECT NO. 5-S-13

10. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to secure real property by Permanent Easement for property in Weathersfield Township owned by Edward Zajac Jr., 1277 Grandview Avenue, S.E., Niles, OH 44446 necessary for the HEATON CHUTE SANITARY SEWER IMPROVEMENTS PROJECT, known as County Project No. 5-S-13, in accordance with Section 307.08 and 163.01 – 163.22 of The Ohio Revised Code. The proposed Easement is across parcel numbers 24-007800. 24-259561, 24-259700, 24-259600 and 24-259560. Trumbull County’s Good Faith Offer proposes to pay Edward Zajac Jr. \$1,020.00 to be paid for from Fund No. 474-080-3000-3020-1-506880; AND to authorize the Trumbull County Prosecutor’s Office to assist in the procurement of the necessary Easement, including any necessary legal actions for appropriation; this action per the recommendation of the Trumbull County Sanitary Engineers Department and is subject to review and approval of the Prosecutor’s Office.

NOTE: The procurement of the property by a Permanent Easement is necessary for public use, the general welfare of the public, and for said project.

Mr. Fuda thanked Mr. Newbrough for the great job he is doing.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

MS. FRENCHKO VOTED “NO” STATING SHE DID NOT HAVE ANY BACK-UP TO REVIEW FOR ITEM #10 AND NO ONE FROM SANITARY ATTENDED HER DEPT. HEAD MEETING

Mr. Fuda stated this item was discussed at the workshop Tuesday and Ms. Frenchko chooses not to attend that meeting where she would receive all of the information if she did. Ms. Frenchko said there was no paperwork given to her to support this item accept for the Agenda Item language. Mr. Cantalamessa asked Ms. Frenchko why her meetings are closed-door meetings. Ms. Frenchko said there used to be a Workshop and Regular Meeting and sometimes the meetings were two to three hours long and the staff didn’t want to do the minutes for both. She further stated Mr. Fuda and Cantalamessa cancelled the Workshops and she is the one that continued to have a meeting with department heads because she doesn’t want to vote on something without discussing it. Mr. Cantalamessa asked Ms. Frenchko why her meeting was not open to the public and the press. Mr. Fuda said Ms. Frenchko talks about being transparent. Ms. Frenchko said it is difficult to gather information when you sit between two people who yell and scream, and it is more effective to meet with the department heads. Mr. Fuda said it has been the opposite since day one when Ms. Frenchko was elected--her meetings are closed and his are open for the Press and the public to attend. Ms. Frenchko said the conversation was not focused on the Agenda item.

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

RE: SUBMIT APPLICATIONS/EXECUTE CONTRACTS WITH OHIO PUBLIC WORKS COMMISSION AND STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) FUNDS FOR PENDLETON/GILLMER SANITARY SEWER IMPROVEMENTS PROJECT NO. 6-S-22 AND TO AUTHORIZE OFFICERS/MANAGER AS LISTED

11. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to submit applications and execute contracts with the Ohio Public Works Commission in regard to State Capital Improvement Program (SCIP) Funds for the PENDLETON/GILLMER SANITARY SEWER IMPROVEMENTS PROJECT NO. 6-S-22 for the Trumbull County Sanitary Engineers Department; AND to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to act as “Chief Executive Officer”, Adrian S. Biviano, Trumbull County Auditor, to act as “Chief Financial Officer”, and Gary E. Newbrough, PE, Sanitary Engineer, to act as “Project Manager”; this action per the recommendation of the Trumbull County Sanitary Engineer.

The funding plan for this project includes:

\$ 750,000.00	OPWC/SCIP Grant
\$ 250,000.00	Appalachia Regional Commission Grant
\$ 520,000.00	CDBG/RPIG Grant
<u>\$4,767,750.00</u>	<u>Ohio EPA/WPCLF 0% Loan</u>
\$6,287,750.00	Estimated Total Project Cost

Mr. Gary Newbrough presented a spreadsheet to the Commissioners that was used to score the Pendleton/Gillmer Sanitary Sewer Improvements Project. Mr. Newbrough spoke about the phases of the project. Mr. Newbrough said the Pendleton/Gillmer Project scored #1 out of two counties. He further stated they’re joint applicants with the City of Girard that scored second. Ms. Frenchko asked how much money has been tied up on this project and asked if there was a risk of the project is pulled. Mr. Newbrough explained the status of Phase 1 and Phase 2 of the project and stated he’s never had one pulled. Mr. Fuda said Gary does an excellent job and is one of the best Engineer’s in the state when it comes to obtaining grant money and being organized. Mr. Fuda and Mr. Cantalamessa thanked Mr. Newbrough for doing a great job. Mr. Cantalamessa said Trumbull County scored first in funding out of 50 projects. Mr. Fuda spoke about grant funds Mr. Newbrough received for Weathersfield Township in the past.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

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

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**RE: EXECUTE MODIFICATION NO. 1
AGREEMENT WITH GPD GROUP FOR
ADDITIONAL CONSTRUCTION
ADMINISTRATION/INSPECTION –
GIRARD MULTI-GENERATIONAL CENTER
ROOF PROJECT AND AUTHORIZE MR. FUDA
TO EXECUTE ANY RELATED DOCUMENTS**

12. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, the Trumbull County Planning Commission is requesting that the Board of Trumbull County Commissioners authorize and execute Modification No. 1 to an agreement with GPD GROUP, 100 Federal Plaza East, Suite 200, Youngstown, OH 44503 AND authorize Mr. Fuda to sign and execute any related documents. Modification No. 1 reflects an increase in costs as part of the scope of services and fee proposal for additional construction administration and inspection as part of the Girard Multi-Generational Center Roof Project. The length of construction was longer than anticipated due to material delivery and timing issues. This resulted in more staff time and documentation being necessary to provide information needed as part of the CDBG Grant compliance. Included as part of the additional fee will be on-site CDBG Wage Interviews, Part-Time Inspection, and Project Coordination/Closeout.

The following breakdown is a summary that outlines the additional fee requested:

Project Mod. No. 1 (Additional CA/CI):	\$ 2,000.00
Construction Documents & CA/CI (Original):	<u>\$17,198.00</u>
Revised Project Total:	\$19,198.00

The additional cost is being funded through B-F-21-1CS-1; Fund No. 225-030-5121-5104-1-505610.

NOTE: Original Contract Award proposal was granted by the Trumbull County Commissioners on January 5, 2022, JV 154; Page 24495

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

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

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RE: ACCEPTANCE OF TOWNSHIP OF CHAMPION INTO THE TRUMBULL COUNTY NATURAL GAS PROGRAM

13. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize acceptance of the Township of Champion into the Trumbull County Natural Gas Program. The Township of Champion has passed Resolution G2022-115 on October 18, 2022 to authorize participation; this action per the recommendation of Thomas M. Bellish, President of Buckeye Energy Brokers, Inc.

Ms. Frenchko interrupted the reading of Item #13 stating this was at the recommendation of the Champion Township Trustees and not Mr. Bellish. She said Champion Township passed a Resolution and she asked for the correction to be made on the Agenda. Mr. Fuda asked Ms. Frenchko to let the Asst. Clerk finish reading the item. The Assistant Clerk stated the Agenda Item was by the recommendation of Mr. Bellish as she checked with the Clerk.

Mr. Fuda stated Mr. Bellish does a tremendous job informing the Board and informs them when it is best to opt in the aggregation program. Mr. Fuda said earlier in the year, Mr. Bellish presented information to opt in the program and unfortunately a Commissioner slowed them down and didn't let the item pass. He further stated that if the item didn't pass on the next week's agenda, all Townships in the program would be paying a dollar more. Mr. Fuda stated Ms. Frenchko needs to learn the job before she cost the county millions of dollars. Ms. Frenchko stated she was attempting to bring other vendors to the table that are interested in performing the same service. Ms. Frenchko spoke about the county's worker's compensation bid and said rather than handing the award to the same people or vendor year after year as they have done with the jail contract, they need to open things up. Ms. Frenchko said they need have a public meeting so others can showcase their services. Ms. Frenchko said she understands the individual does a good job, but he also contributes to others campaigns. Ms. Frenchko said competition improves costs and quality of service delivery. Mr. Cantalamessa stated that Ms. Frenchko wanted to delay getting into the Aggregation for no good reason and had months and months to bring in other vendors. He said Ms. Frenchko dragged her feet and wants to hold it against Mr. Bellish because he does a good job. Ms. Frenchko said the special projects coordinator refused to assist her with the Aggregation Program. Mr. Cantalamessa stated this was complete obstruction by Ms. Frenchko and it's actually a political game as Ms. Frenchko is posting on Facebook discussing, who is going to be next, worrying about other Commissioners, and department heads. Ms. Frenchko said there used to be an employee in the Commissioners' Office who was shifted and hides in the Auditor's Office. She went on to say, this employee refused to do things for her individually. Mr. Fuda said told Ms. Frenchko that her statement was totally not true. Mr. Fuda addressed the Press and stated if the Board would have followed Ms. Frenchko's advice, all of the Townships would be paying a dollar more, and townships like Champion and Weathersfield would not have wanted to be part of this aggregation program.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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

RE: RESCIND AGENDA ITEM DATED 6/29/2022 APPROVING CONTRACT BETWEEN COMMISSIONERS AND BRINKS U.S. FOR PURPOSE OF PROVIDING SECURE TRANSPORTATION OF MONEY FROM SANITARY ENGINEER'S BUILDING IN VIENNA

14. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Rescind Agenda Item dated June 29, 2022, Journal Volume 154, Page 24898, approving the contract by and between the Board of Trumbull County Commissioners and BRINKS U.S., (a division of Brinks Incorporated) 555 Dividend Drive, Suite 100, Coppell, TX 75019. This contract is for the purpose of providing the secure transportation of money from the Trumbull County Sanitary Engineer's building in Vienna—Item needed rescinded as Brink U.S. could not provide necessary services needed.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

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PRIOR TO THE READING OF ITEM # 15

MOTION MADE FROM THE FLOOR BY MS. FRENCHKO TO READ AS FOLLOWS:

To authorize the Trumbull County Board of Commissioners to join with the Trumbull County Prosecuting Attorney to file an application with the Trumbull County Court of Common Pleas for the appointment of ATTORNEY ROBERT BURKEY of BURKEY, BURKEY & SCHER CO., LPA, 200 Chestnut Ave., NE, Warren, OH 44483, as LEGAL COUNSEL for the Trumbull County Board of Commissioners and the Trumbull County Engineer to provide legal advice and counsel surrounding the proposed Annexation of 31.381 Acres of Land from Howland and Vienna Townships to the City of Niles, Ohio. The fee is \$200.00/hr and the County Engineer has requested to join in so he can have the same representation and in order to be cost effective it's necessary to use the same counsel and if not, they will probably have an Agenda item next week to hire counsel for the Highway Engineer.

Mr. Cantalamessa asked Ms. Frenchko if she discussed this request with Mr. Burkey to see if there's a conflict of interest. Mr. Fuda said he has a concern because he knows some of the things that happened with the Highway Engineer and some of the people connected with the property in the past and is concerned there may be a conflict. Mr. Fuda told Ms. Frenchko instead of checking with Mr. Burkey, she just wants to do things and if she doesn't have the information, she shouldn't do it. Ms. Frenchko said the Highway Engineer is already being contacted by opposing counsel and that's not a good thing for the County as they need counsel right away. Mr. Cantalamessa agreed the Highway Engineer needed counsel, but asked Ms. Frenchko if she reached out to Mr. Burkey to see if he's willing to represent the Engineer's Office. Mr. Fuda told Ms. Frenchko constantly is having meetings and works with the Engineer and she should be working with the Commissioners. Mr. Fuda spoke about concerns he had with the Engineer and some of the things that happened in the past with that particular piece of property. Ms. Frenchko said she reached out because the Board had the Clerk tasked with finding legal counsel for the Annexation. She said this was an important matter with the Townships being at risk and it was important to find someone that specialized in opposing Annexations that has had success. Ms. Frenchko said she reached out to Attorney Al Schrader who was extremely successful with Townships and does this sort of thing constantly. She said when she contacted Attorney Schrader, he had already been contacted by Howland Township to represent them—possibly Vienna as well. Ms. Frenchko said she was happy the townships have excellent counsel. She said is comfortable using a local land title firm as they are good attorneys—not necessarily experts in Annexations, but she is comfortable moving forward. Mr. Cantalamessa said if Ms. Frenchko contacted someone and wanted to put them on the Agenda, she should have done it. Mr. Fuda asked Ms. Frenchko if she was making deals with people. Ms. Frenchko spoke about an email she received from the Clerk regarding seeking counsel. Mr. Cantalamessa said he spoke publicly regarding the need to find an attorney for the Annexation quickly at the meeting of November 2, 2022.

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MOTION DIED FOR LACK OF SECOND.

MOTION FROM THE FLOOR BY MS. FRENCHKO TO WITHDRAW HER PREVIOUS MOTION AND TO TABLE ITEM #15 UNTIL COUNCIL IS RETAINED AND THERE IS NO LEGAL CONFLICT AND THAT THEY WILL REPRESENT THE BOARD OF COMMISSIONERS AND THE ENGINEER FOR THE PURPOSE OF BEING FINANCIALLY PRUDENT AND EFFICIENT SO WE HAVE ONE ATTORNEY FOR THE BOARD OF COMMISSIONERS AND THE COUNTY ENGINEER.

Ms. Frenchko said Attorney Schrader said nothing is going to happen this week and there may be a continuance. Mr. Cantalamessa said he spoke to the Prosecutor's Office and the Board will not be requesting a continuance. Mr. Cantalamessa further stated the Public Hearing is December 7th, an attorney needs to have this information to do research, and prepare everything. Ms. Frenchko said the Engineer needs representation also so delaying it a week would be cost effective. Mr. Cantalamessa told Ms. Frenchko to worry about the Board of Commissioners.

– MOTION DIED FOR LACK OF SECOND.

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RE: FILE APPLICATION – COURT OF COMMON PLEAS APPOINTMENT OF ATTY. ROBERT BURKEY OF BURKEY, BURKEY & SCHER CO., LPA AS LEGAL COUNSEL FOR BOARD OF COMMISSIONERS TO PROVIDE LEGAL ADVICE AND COUNSEL SURROUNDING THE PROPOSED ANNEXATION OF 31.381 ACRES OF LAND FROM HOWLAND AND VIENNA TOWNSHIPS TO THE CITY OF NILES, OHIO

15. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize the Trumbull County Board of Commissioners to join with the Trumbull County Prosecuting Attorney to file an application with the Trumbull County Court of Common Pleas for the appointment of ATTORNEY ROBERT BURKEY of BURKEY, BURKEY & SCHER CO., LPA, 200 Chestnut Ave., NE, Warren, OH 44483, as LEGAL COUNSEL for the Trumbull County Board of Commissioners to provide legal advice and counsel surrounding the proposed Annexation of 31.381 Acres of Land from Howland and Vienna Townships to the City of Niles, Ohio. The Agent for the Petitioner, Attorney Nils Peter Johnson, Johnson & Johnson, 12 W. Main Street, Canfield, OH 44406 filed said Petition with the Clerk of the Board on October 4, 2022, 4:13 p.m. *Under the new Annexation Law, the Agent filed this Petition as a “Regular” Annexation—which requires a Public Hearing. The Petition was accepted at the Commissioners’ Regular Meeting of October 26, 2022, Journal Volume 155, Page 25152, and the Hearing was set for December 7, 2022, at 11:30 a.m., in the Commissioners’ Hearing Room.*

NOTE: The Trumbull County Prosecutor’s Office generally assists in matters such as this one, but that office faces a conflict of interest because it represents multiple parties involved in this matter. Therefore, the Board believes that independent counsel is appropriate and has recommended Attorney Robert Burkey at the rate of \$ 200.00 per hour.

Mr. Fuda said he is there every day and he knows how much work the Clerk put into getting this done.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

MOTION FROM THE FLOOR BY MS. FRENCHKO:

THE BOARD OF COMMISSIONERS WILL CONTACT ATTORNEY BURKEY TO FIND OUT IF THERE IS A CONFLICT OF INTEREST AND IF HE ALSO WILLING TO REPRESENT THE COUNTY ENGINEER FOR THE PURPOSE OF SAVING THE COUNTY MONEY.

Mr. Fuda stated again, he had concerns about the Highway Engineer relationship with that property and things he said in the past—people that he met with in the past that Mr. Fuda is aware of. Mr. Fuda said he would talk to Mr. Burkey about his concerns. Ms. Frenchko reminded the Board there was motion on the floor that would save the County money. Mr. Cantalamessa said there is also concern of potential conflict and he is not comfortable voting on that right now and she shouldn’t be either. Ms. Frenchko said Mr. Cantalamessa and Mr. Fuda are now making decisions for attorneys.

– MOTION DIED FOR LACK OF SECOND.

Week Beginning November 7, 2022

Meeting of November 9, 2022

RE: PAYMENT TO TREASURER, STATE OF OHIO, OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) FOR 2022 OHIO EPA ANNUAL DISCHARGE FEE-TRUMBULL COUNTY STORM WATER PHASE II PROGRAM

16. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to authorize payment to the TREASURER, STATE OF OHIO, Ohio Environmental Protection Agency (OEPA), P.O. Box 77005, Cleveland, OH 44194, for the 2022 OHIO EPA ANNUAL DISCHARGE FEE, authorized by Ohio Revised Code (ORC) 3745.11(L)(4), for the Trumbull County Storm Water Phase II Program, in the amount of \$8,086.00--to be paid for from Fund No. 644-030-1000-1000-1-506860; this action per the recommendation of the Director of the Soil and Water Conservation District.

NOTE: On January 8, 2003, duly recorded in Journal Volume 117, Page 9075, the Board of Commissioners adopted a Resolution authorizing the Trumbull County Soil and Water Conservation District to be the ‘Acting Administrative Agency’ for the Trumbull County Commissioners with regard to the mandated “Phase II Storm Water Program”.

SPECIAL NOTE: The fee is \$100 per square mile of area permitted under the program.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

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

RE: ESTABLISH CREATION OF FUND NO. 058 GENERAL DIVISION TECHNOLOGY AND ADVANCEMENT FUND -- TRUMBULL COUNTY COURT OF COMMON PLEAS

17. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to establish the creation of the GENERAL DIVISION TECHNOLOGY AND ADVANCEMENT FUND to be known as FUND NO. 058, for use by the Trumbull County Court of Common Pleas. The money in this account will be used to fund advancements to court technology and court operations.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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RE: EXECUTE EASEMENT BETWEEN COMMISSIONERS AND THE STATE OF OHIO FOR PURPOSES OF ACCESS, OPERATION AND MAINTENANCE OF COMMUNICATIONS TOWER AND ASSOCIATED EQUIPMENT/STRUCTURES UPON EASEMENT AREA FOR CONSTRUCTION OF MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM (MARCS) TOWER TO ENHANCE COMMUNICATION WITH COUNTY 911 SYSTEM

18. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize the Board of Trumbull County Commissioners to execute the Easement to The State of Ohio, by and between the Board of Trumbull County Commissioners, the grantor, and the State of Ohio, the grantee, for purposes of access, operation and maintenance of a communications tower and associated equipment and structures upon the easement area for purposes of the construction of a Multi-Agency Radio Communications System (MARCS) tower to enhance communication with the Trumbull County 911 System. The easement area is located within Brookfield Township on a portion of the land owned by the county as fully described in the Easement Exhibit "A ". The full copy of the easement is attached hereto for record purposes as approved by legal counsel for the State of Ohio and Attorney Gilbert Rieger on behalf of the County; and to further authorize Commissioner Frank S. Fuda, President of the Board of Trumbull Commissioners to execute any and all other documents required to facilitate this project.

Mr. Fuda said they have been dealing with this issue for quite some time and they have to fix communication problems. Ms. Patty Goldner said she is glad to see this is moving forward as it's long overdue.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

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

RE: RESIGNATION -- MR. TIMOTHY CAVNAH POSITION OF SEWER LINE MAINTENANCE ASSISTANT SANITARY ENGINEERS DEPT.

19. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to accept the resignation of MR. TIMOTHY CAVNAH from his position of SEWER LINE MAINTENANCE ASSISTANT with the Trumbull County Sanitary Engineers Department, effective November 11, 2022. *Mr. Cavnah's resignation letter shall be recorded onto the Journal for record purposes; this action per the recommendation of the Sanitary Engineers Office and the Human Resources Department.*

NOTE: We wish Tim the best of luck in the next step of his career.

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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

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**RE: GO INTO EXECUTIVE SESSION TO DISCUSS
VACANT POSITION OF TRUMBULL COUNTY
9-1-1 DIRECTOR.**

20. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to go into executive session at approximately 11:11 a.m. pursuant to Ohio Revised Code 121.22(G)(1) to discuss the appointment, employment, promotion, demotion, and compensation of a public employee, specifically for the vacant position of Trumbull County 9-1-1 Director. In attendance were Commissioner Cantalamessa, Commissioner Frenchko, Commissioner Fuda and Ms. Patty Goldner.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

RE: MOTION TO RECONVENE

21. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to Reconvene from Executive Session @ approximately 11:21 a.m. pursuant to Ohio Revised Code 121.22(G)(1) to discuss the appointment, employment, promotion, demotion, and compensation of a public employee, specifically for the vacant position of Trumbull County 9-1-1 Director.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

Summarized Comments:

Mr. Cantalamessa spoke about the Oak Hill Collaborative Presentation that was done back in September relative to the Broadband Initiative. He said he felt it would be very beneficial to the County as it emphasizes on digital connection through education. He spoke about qualifications and discounted rates on internet bills, refurbishing computers for those in need, and local libraries and senior centers that would assist residents. Mr. Cantalamessa said he would like to submit this application to the ARPA attorneys for approval. He said they are asking for \$95 thousand a year that will benefit over 6,000 individuals including low to moderate income residents, seniors, and people with connectivity problems. He further stated, Trumbull County is one of the least connected counties in the state, and the City of Warren is the least connected in Trumbull County. Mr. Cantalamessa spoke about the three prong approach; Accessibility, Education and Affordability. Mr. Cantalamessa also spoke about the Broadband Feasibility Study they did three years ago that delineated what areas of the county need what services. He spoke about the Route 11 Backbone Initiative that will provide broadband service to many residents in the area. Mr. Cantalamessa said the cooperative with the City of Warren will be beneficial as they're willing to put money in the pot and the more money contributed, the more people can be served throughout the County.

Ms. Frenchko spoke about the Mahoning Valley Food Truck stating it was only a \$150,000 ask and wanted to know what the status was relating to the ARPA application and opinion from the ARPA attorney. Ms. Frenchko asked the Board to reach out to Mr. Misocky to check the status as he doesn't work for the Commissioners' Office anymore. Mr. Cantalamessa told Ms. Frenchko she has the same access to Mr. Misocky as he does. Mr. Fuda told Ms. Frenchko to send something to Mr. Misocky regarding the Mahoning Valley Food Truck to get an opinion from the ARPA Attorney.

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Summarized Comments:

Ms. Diane Jurkovic thanked the Board for approving the Resolutions for the local match. She said it wasn't easy, but she and Mike worked very hard to get the grant rolling properly and ODOT has done a great job of giving them the guidelines and steps to follow. She said the original application was denied because they didn't understand the Trumbull County Program which is very different than other counties. She said it's not easy and they are making it work with what the Board has advised them to do.

Mr. Fuda said the County has gone without a Human Resources Director for almost a year. He spoke about the 9-person Human Resources Panel who reviewed 150 applications and narrowed them down, for the Board to interview. He said those candidates were chased away. Mr. Fuda said the timeframe is the biggest problem because when a person submits and doesn't hear anything for five months, they find other employment. He went on to say the panel chose three excellent candidates, but they all rejected the offer and it's not good for the County to be without an HR Director.

Mr. Charles Leightner, who volunteered for the HR Panel addressed the Board stating he is retired now, worked in the Human Resources field for over 45 years, ran his own business and worked for two fortune 500 companies. Mr. Leightner said he and the Panel reviewed 150 applications and narrowed them down to the top applicants. He said some of the candidates were no longer available and some turned the offer down. Mr. Leightner said it's his opinion that human resource professionals are very sensitive to the culture of a business and when the top candidates were contacted—some had found other employment and others realized there is a lot of conflict within the County and they were turned off by it so they refused the position. Mr. Leightner said David (volunteer on the HR Panel) made an observation, stating the County's system is broken as there's not a single person in Trumbull County that has the authority to make a final decision on matters such as who would be the best candidate for the human resources director position. He stated, until you fix the system, you will never find the most qualified candidate for the job. Mr. Leightner said he's been in contact by telephone with Mr. Fuda and he's concerned there's no one is filling the position. Mr. Leightner said from his past experiences, he's driven to find a solution to this problem and when he is charged with a responsibility, he can't let go of it. Mr. Leightner said he called Mr. Fuda a couple of weeks ago with an idea/solution to the problem stating the Board needs a person to make a decision and hire an interim. He said that individual should have the experience, credentials, fortitude and character and get the human resources department up to speed. He went on to say the Interim Human Resources Director would have the authority to make the final decision on their own as to who would be a good permanent replacement. He said Mr. Fuda asked him if he would consider being the Interim. Mr. Leightner said initially he was not interested in the Interim position as he is retired and doesn't need it. He said Mr. Fuda asked him how long did he think it would take for the Interim to find a director and he told Mr. Fuda around four months as there are things pending including a collective bargaining agreement. Mr. Leightner said he spoke to his wife about the interim position and expressed his concerns regarding his reputation as he's an ethical person and would not want anyone to think he manipulated the system to get the position. Mr. Leightner said the human resources director should have in-depth collective bargaining experience, experience speaking with union representatives and know how to compromise with people. He said he is reluctantly accepting the interim director position with the understanding he would have the authority of the Director--he is interim--meaning he can leave at any time, the County can terminate his employment at any time, and he will create a strategy to hire a permanent person for that position. He said one benefit is he doesn't require health insurance as he is covered by Medicare. He said he is familiar with the issues that have come up within discussions with the Panel from discrimination, arbitration, constructive discharge, and lawsuits. He said his purpose for attending the meeting today is to do something to help improve the County and to also help the citizens of Trumbull County. Mr. Cantalamessa thanked Mr. Leightner for his service on the HR Panel and asked Mr. Leightner if his first priority would be to find a replacement for the director position. Mr. Leightner said he would not recruit on the first week of the job as he would want to get familiar with the personality and culture to find the best replacement—but within a month or so he would start a professional recruiting effort. Ms. Frenchko asked Mr. Leightner if he would be making the decision who was hired as the new director. Mr. Leightner said if he was the Interim Director, he would be making the final decision as that's why their having problems right now because they can't come together as a group. Ms. Frenchko said there is a person that was chosen by the panel that's still interested in the position and she feels everyone is glazing over the fact there is still a candidate interested. Mr. Leightner said Ms. Frenchko has brought this up several times, but it's not relevant as they didn't apply for the job. Ms. Frenchko said there is a candidate that's still interested in the position and she would like them to come in and give a 20-minute presentation. Mr. Leightner said Ms. Frenchko was back to managing by committee. Ms. Frenchko said again this person is still interested and Mr. Leightner has had a lot of contact with Mr. Fuda and she can already tell by his demeanor towards her—she also stated that Mr. Fuda wasn't going to be there, but is trying to influence who the next director is. Mr. Cantalamessa said that is Ms. Frenchko's opinion. Ms. Frenchko said the Board needs to wait until the next Commissioner is on board to make this big decision that should include him. Mr. Fuda said he interviewed the candidate Ms. Frenchko is speaking about and he was not impressed with the interview. Mr. Fuda said there was a candidate that was interviewed and wanted to take the job, but Ms. Frenchko called him at home while he was having dinner with his daughter to tell him he was not qualified for the job.

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Summarized Comments:

Ms. Frenchko said she does a little pre-evaluation before she schedules the interview and there were things he had written down that didn't match his experience. Ms. Frenchko said she recorded the conversation if the Board wanted to hear it. Mr. Fuda said he is not going to be there and Ms. Frenchko wants to put someone the position she can control, he had to initiate meeting with the panel, and he is concerned about the County. He said this is a serious job and as they are working for 203,000 people.

MS. FRENCHKO LEFT FOR BREAK @ 11:53 A.M. AND RETURNED @ 12:01 P.M.

Mr. Cantalamessa said the difficult aspect is two Commissioners are left to make the decisions, research, work with the department heads, and one Commissioner comes in after the fact and criticizes everything and offers nothing towards a solution. Mr. Fuda said unfortunately it never gets put in the press. Mr. Cantalamessa thanked Mr. Leightner for stepping up and realizing the need the County has as there are labor negotiations and OPBA contracts coming up. Mr. Fuda said the office had seven employees and now has four. Ms. Frenchko said the 911 Interim Director was supposed to have a proper evaluation and the human resources director did nothing to facilitate that. Mr. Cantalamessa said there wasn't a director at the time. Ms. Frenchko spoke about performance evaluations and handing jobs off. Mr. Cantalamessa said Ms. Frenchko was a pathological liar and not fit to hold office. Ms. Frenchko said they have a Commissioner on his way out and is still trying to meddle and offer jobs. Mr. Fuda said everything Ms. Frenchko said was a lie.

MS. FRENCHKO LEFT THE MEETING @ 12:05 P.M.

Mr. Fuda said he will be a citizen in a few months and he will not allow her to keep leaving the meeting. Ms. LeAnne Rimar said job reviews should start with Ms. Frenchko and she would volunteer to do it. She asked if the Board has heard from the fair board as the weather is turning cold. Mr. Cantalamessa said he and Mr. Hart went to the fairgrounds and looked at the space and they're ready to go and the dogs will be indoors during the inclement weather. Ms. Rimar said they can't get a human resources director because of the one who marched out.

* * * * *

RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to adjourn the Regular Meeting of November 9, 2022 @ approximately 12:20 p.m., and to meet again in Regular Session on November 16, 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