

Week Beginning November 14, 2022

Meeting of November 16, 2022

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 16th 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

Mr. Fuda asked for a moment of silence for Mr. Richard Jackson, former Human Resources Director, who recently passed away.

RE: MINUTES

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to dispense with reading the minutes of the Regular Meeting dated November 9, 2022, and approve them as distributed/printed.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Ms. Frenchko voted "No" because found errors within the minutes.

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

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

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 November 7, 2022 through November 11, 2022. *Complete list of money transfers shall be recorded onto the Journal for record purposes.*

❖ Departments/Offices requesting to transfer monies:

• Comm Devel FY20	\$	5,000.00	Fund # 225
• Comm Devel FY21	\$	20,000.00	Fund # 225
• Sanitary Engineers	\$	43,940.75	Fund # 604
	\$	2,686.83	Fund # 608
	\$	115,058.46	Fund # 604
	\$	5,830.67	Fund # 608
	\$	36,057.50	Fund # 488

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

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RE: ADDITIONAL APPROPRIATIONS

4. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to approve additional appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of November 7, 2022 through November 11, 2022. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting additional appropriations:

- Health Board \$ 70,000.00 Fund # 959

Yeas: Frenchko, Cantalamessa, 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 November 7, 2022 through November 11, 2022. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer appropriations:

- Health Board \$ 2,000.00 Fund # 950
- Comm Devel FY22 \$ 11,476.29 Fund # 258
- \$ 143.77 Fund # 258
- Planning Commission \$ 129.99 Fund # 001
- EMA \$ 1,500.00 Fund # 023
- Common Pleas \$ 572.89 Fund # 001
- \$ 736.00 Fund # 001
- \$ 98,000.00 Fund # 055
- Probate \$ 91.11 Fund # 001
- \$ 175.54 Fund # 001
- \$ 174.05 Fund # 001
- Sanitary Engineers \$ 2,000.00 Fund # 602
- \$ 1,371.41 Fund # 474
- Children’s Service \$ 9,000.00 Fund # 012
- Board of DD \$ 100,000.00 Fund # 004
- Coroner \$ 83.65 Fund # 001

Yeas: Cantalamessa, Fuda
Nays: Frenchko

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

Ms. Frenchko voted “No” because the Courts and Coroner’s Office did not submit an explanation for the transfers.

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**RE: AMENDED CERTIFICATE NO. 31-2022
COUNTY BUDGET COMMISSION**

6. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to receive the Amended Certificate of the County Budget Commission No. 31 - 2022, for the fiscal year beginning January 1, 2022, dated November 16, 2022, increasing estimated resources in the funds listed:

- **Health Board Fund # 959**

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

**RE: ADOPT RESOLUTION PROCLAIMING
MONTH OF NOVEMBER AS
NATIONAL ADOPTION MONTH AND
NOVEMBER 19, 2022 AS ADOPTION DAY**

7. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to adopt a Resolution proclaiming the month of NOVEMBER as ‘NATIONAL ADOPTION MONTH’ AND NOVEMBER 19, 2022, as ‘ADOPTION DAY in Trumbull County, Ohio. The theme for this year's National Adoption Month is “Small Steps, Open Doors”; The Board of Trumbull County Commissioners recognizes the extensive efforts of Probate Court Judge, James Fredericka, and the Trumbull County Children Services to find loving permanent families for all children. Together they endeavor to make sure that ‘Every Child Deserves a Place to Call Home!’

Yeas: Cantalamessa, Frenchko, Fuda

Nays: None

The Board of Commissioners presented a Resolution to Mr. Timothy Shaffner, Children Services Director.

**RE: AUTHORIZE NON-UNION EMPLOYEES TO
PARTICIPATE IN THE ANNUAL ALLOWANCE
OF CASHING OUT VACATION TIME**

8. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize Non-Union Employees to participate in the annual allowance of cashing out vacation time to be paid on November 25, 2022.

NOTE: This practice is part of the AFSCME Local 2493 Contract, Article 21, Section 5, “Each employee may receive cash payment for up to two (2) weeks, in one-week increments, of accumulated but unused vacation at the end of the calendar year.” This has been extended to non-bargaining unit employees in the past.

Ms. Frenchko asked why the Board was approving perks for non-union employees that have been negotiated for non-union employees only and asked if this was a conflict to be negotiating for union employees that end up being given to the rest of the employees. Mr. Fuda said these agreements have been made over the years. Ms. Frenchko said it’s not an agreement as it is up the Board to extend benefits to non-union employees. Ms. Frenchko asked if anyone knew the costs associated with the cash out. Mr. Fuda asked Ms. Frenchko why she didn’t do that before the meeting. Mr. Fuda said the lack of an HR Director makes this very difficult as the human resource dept. is down to two people. Ms. Frenchko said this is continuation of the status quo process the county has been doing without justification and evaluating the cost. Mr. Cantalamessa said that was Ms. Frenchko’s opinion.

Yeas: Cantalamessa, Fuda

Nays: Frenchko

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**RE: REAPPOINT INDIVIDUALS AS LISTED
MEMBERS OF THE TRUMBULL COUNTY
LOCAL CORRECTIONS PLANNING BOARD**

9. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to reappoint the individuals listed as Members of the TRUMBULL COUNTY LOCAL CORRECTIONS PLANNING BOARD, for an additional three (3) year term commencing November 16, 2022 and ending November 16, 2025; this action per the request of Keith A. Evans, Chief Probation Officer.

- **VINCENT E. PETERSON**, Officer-In-Charge of ISP
Trumbull County Adult Probation Department
- **ERIC MERKEL**, Chief of Police
Warren Police Department
- **DARRYL L. RODGERS**, Drug Court Coordinator
Trumbull County Court of Common Pleas
- **RONALD RICE**, Judge
Trumbull County Court of Common Pleas
- **CHARLES MORROW**, Assistant Prosecuting Attorney
Trumbull County Prosecutor’s Office
- **MAURO CANTALAMESSA**, Commissioner
Trumbull County Board of Commissioners
- **CAROL FAMBRO-HENDERSON**, BS, MS, LSW, LICDC
Community Activist

Ms. Frenchko voted “No” because the Board Positions were not advertised within the entity the vacancies are required to be filled. She further stated board appointments should be advertised and not just reappointed so they can see if anyone else is interested. Ms. Frenchko stated Mr. Cantalamessa was voting for himself. Mr. Cantalamessa said Ms. Frenchko could take his spot. Mr. Fuda told Ms. Frenchko she was on many boards and she doesn’t make any meetings such as the Geauga Solid Waste Meeting and the Planning Commission Meeting. Mr. Fuda said Ms. Frenchko doesn’t attend meetings, but wants to put people on Boards. Ms. Frenchko said when she came on Board, they were going to make an effort to advertise for all Boards and it’s not happening here so that’s where she takes exception to the process. Mr. Fuda said sometimes that makes sense and sometimes it doesn’t make sense to do that. He further stated Ms. Frenchko should read everything and learn what the County is about before she makes statements about things she knows nothing about.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Ms. Frenchko voted no because they were all reappointments and there was no advertisement.

**RE: ACKNOWLEDGE RECEIPT OF PROPOSAL
FOR THE NEWTON FALLS COVERED BRIDGE (NEWTON
FALLS CITY NO. 3) AND AUTHORIZE CLERK OF
COMMISSIONERS TO RE-ADVERTISE FOR SEALED BIDS
AS NO BIDS WERE RECEIVED FOR THIS PROJECT**

10. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to acknowledge receipt of the Proposal for the NEWTON FALLS COVERED BRIDGE (NEWTON FALLS CITY NO. 3) which consists of the replacement of the several damaged wood structural members, wood curb, and siding boards due to a vehicular accident that occurred on February 10, 2022; AND authorize the Clerk of the Board of Trumbull County Commissioners to RE-ADVERTISE for sealed bids as *NO BIDS WERE RECEIVED FOR THIS PROJECT* for repairs to the Newton Falls Covered Bridge which was constructed in 1831, located on Arlington Blvd., in the Village of Newton Falls and spans the East Branch of the Mahoning River—*no general funds are required.*

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

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

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**RE: SPECIAL HAULING PERMIT TO MOVE
OVERWEIGHT EQUIPMENT --
COUNTY ENGINEER**

11. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to concur with the Trumbull County Engineer to grant the Special Hauling Permit to Move Overweight Equipment over Trumbull County roadways, requested by the company listed. The necessary permit fee, bond and insurance have been submitted and approval is subject to the conditions listed on each permit.

- **ALL ERECTION AND CRANE RENTAL CORP.**
7809 Old Rockside Rd., Independence, OH 44131
Permit No.: 1165
Permit Effective: November 4, 2022 through November 8, 2022
To haul or move overweight equipment over Larchmont Avenue (C.H. 1469A) in Bazetta Township and Larchmont Ave. (C.H. 1469 B & C) and Dietz Rd. (C.H. 145) in Howland Township.

Mr. Fuda said Ms. Frenchko met with an employee from the Highway Department for 1.5 hours and said he has a job to do. Ms. Frenchko called, Point of Order that discussion should be relative to the agenda item. Mr. Fuda said it is relative as Ms. Frenchko is meeting with some employees for 1.5—sometimes 3 hours and they have jobs to get to. Ms. Frenchko told Mr. Fuda he was upset that department doesn't meet with him. Mr. Fuda said Ms. Frenchko is wasting county money.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

**RE: SPECIAL HAULING PERMIT TO HAUL STEEL
COILS - COUNTY ENGINEER**

12. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to concur with the Trumbull County Engineer to grant the Special Hauling Permits to Haul Steel Coils on Trumbull County roadways, requested by the company listed. The necessary permit fee has been submitted and approval is subject to the conditions listed on the permit.

- **JARO TRANSPORTATION**
975 Post Rd., Warren, OH 44483
Permit Nos.: 2022-133 through 2022-138
Permit Effective: November 9, 2022 through November 9, 2023

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

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

13. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, 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.

- **DOMINION EAST OHIO**, 320 Springside Drive, Akron, OH 44333, to work in the right-of-way of Everett Hull Rd., (C.H. 193 A), in order to install a gas service line for address #3239. This will be located 495' feet east of center line of State Route 11 in Fowler Township.
- **JASON CHENEY**, 1078 State Route 7, Brookfield, OH 44403, to work in the right-of-way of Stewart Sharon Rd., (C.H. 174 C), in order to install a 20 feet of 18" HDPE double wall pipe for a driveway access. This will be located approximately 200 feet west of State Route 7 located in Brookfield Township.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

**RE: ADOPT RESOLUTION GRANTING ANNEXATION
OF 0.9397 ACRES OF LAND FROM BAZETTA
TOWNSHIP TO CITY OF CORTLAND, OHIO**

14. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to adopt a Resolution granting the request on the Petition for the proposed Annexation of 0.9397 acres of land from Bazetta Township to the City of Cortland, Ohio. On August 22, 2022, Attorney Thomas C. Nader, Agent for the Petitioners, filed the Petition as a Regular Annexation; pursuant to Ohio Revised Code Section 709.02 and 709.03. Annexation has met the requirements pursuant to Ohio Revised Code Section 709.15.

NOTE: The Petition for Annexation was filed with the Clerk of the Board of Trumbull County Commissioners on August 22, 2022, and entered upon the Board of Commissioners' Journal on August 31, 2022, duly recorded in Journal Volume 155, Page(s) 25045. The Board of Commissioners conducted a Public Hearing on the proposed Annexation on October 26, 2022, at 11:30 a.m.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

(Documents recorded on Journal Page(s)_____)

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**RE: RESOLUTION AUTHORIZING EXPENDITURES
FOR RESPONDING TO OR MITIGATING PUBLIC
HEALTH EMERGENCY FROM AMERICAN
RESCUE PLAN ACT FUNDS-TRUMBULL
COUNTY REVOLVING LOAN FUND**

15. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to adopt a Resolution Authorizing Expenditures as follows:

WHEREAS, the County has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, non-entitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and,

WHEREAS, Department of Treasury Final Rule, published at 31 CFR Part 35, provides, in part, that:

Under the Category of Eligible Uses for Public Health and Economic Impacts, the Rule requires the recipient to: (1) identify a need created by the pandemic, and (2) articulate how the funds will respond to that specific need. (Rule, Section II(A)(1), p. 4340). Assistance to small businesses is one of the expressly permitted uses, as set forth in the Final Rule, Section II(A)(3)(b), starting on p. 4376. The Rule defines “small businesses” as those (1) with no more than 500 employees, and (2) are a small business concern as defined in the Small Business Act (15 U.S. 632). (Rule, p. 4377) and;

WHEREAS, the Rule further observes that:

This provision “must respond to a harm experienced by a small business or class of businesses as a result of the public health emergency.” (Rule, p. 4377). The Rule also clarifies that the County may award these funds to another entity to carry out this program. (Rule, p. 4378). Therefore, so long as the criteria for the Trumbull County Revolving Loan Fund meets the requirements set forth in the Final Rule, the County is permitted to utilize Valley Economic Development Partners to carry out this program.

Recipients may consider impacts “such as lost revenue or increased costs, challenges covering payroll, rent, or mortgages, or other operating costs, the capacity of small businesses to weather financial hardships, and general financial insecurity resulting from the public health emergency.” (Rule, p. 4377). There is an exception for businesses in a Qualified Census Tract (QCT), as those businesses are presumed to be adversely impacted by the pandemic, therefore, any businesses that are located within a QCT are presumed eligible and technically would not be required to actually demonstrate revenue loss or increased costs.

**RESOLUTION AUTHORIZING EXPENDITURES FOR RESPONDING TO OR MITIGATING
THE PUBLIC HEALTH EMERGENCY (Continued)**

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15. RESOLUTION AUTHORIZING EXPENDITURES FOR RESPONDING TO OR MITIGATING THE PUBLIC HEALTH EMERGENCY FROM AMERICAN RESCUE PLAN ACT FUNDS- TRUMBULL COUNTY REVOLVING LOAN FUND -(Cont'd)

WHEREAS, the U.S. Treasury has recognized Section 603 ARPA Funds may be used to provide assistance to small businesses in the form of: (1) loans or grants to mitigate financial hardship such as decline in revenue or (2) loans, grants, or in-kind assistance for COVID-19 prevention and mitigation (Rule p. 4378) and to provide grants to small business startups to provide new opportunities. (Rule, p. 4378). The Final Rule separately addresses assistance to non-profits, see Rule Section II(A)(3)(c), starting on page 4379. Nonprofits are defined as 501(c)(3) organizations and 501(c)(19) organizations. (Rule, p. 4381); and,

WHEREAS, the County has identified the Trumbull County Revolving Loan Fund project to be administered by Valley Economic Development Partners which, in the judgment of the Board, qualifies as a type of project which will respond to and mitigate the effects of the pandemic, and;

WHEREAS, on March 9, 2022, by way of Resolution duly recorded in Journal Volume 154, Page 24641, the County Commissioners appropriated \$1,000,000 of ARPA funds to be used for this purpose; and;

WHEREAS, the County Commissioners believes that this project is in the best interest of the County and therefore an RLF Plan is attached and contained in the Contract, including all addendums, by and between the Board of Trumbull County Commissioners and Valley Economic Development Partners.

THEREFORE, BE IT RESOLVED by the Commissioners that:

1. The Project is hereby authorized and shall be paid for from the ARPA Funds.
2. The Project described herein serves the objectives of the Act by responding to a harm experienced by a small business or class of businesses as a result of the public health emergency (Rule, p. 4377).
3. Accordingly, the Project is in the best interests of the County and is deemed a priority for the community and the type of Project eligible expressly permitted by the Final Rule.
4. The County authorizes the previously appropriated \$1,000,000 to be used for the funding of the Trumbull County Revolving Loan Fund a grant program to aid small businesses located in Trumbull County.
5. The County shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. Section 200:334.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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RE: AGREEMENT BETWEEN COMMISSIONERS AND VALLEY ECONOMIC DEVELOPMENT PARTNERS, INC. TO MANAGE TRUMBULL COUNTY REVOLVING LOAN FUND

16. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, enter into an Agreement by and between the BOARD OF TRUMBULL COUNTY COMMISSIONERS and Valley Economic Development Partners, Inc., D.B.A. VALLEY PARTNERS, 4319 Belmont Avenue, Youngstown, OH 44505, to manage the Trumbull County Revolving Loan Fund. The Trumbull County Revolving Loan Fund will be a loan program to aid small businesses, located within Trumbull County, to receive loan funds at rates below prime for up to \$250,000.00 per eligible applicant for qualified expenses. Valley Partners will maintain files and track all loan recipients on behalf of the Board of Trumbull County Commissioner.

NOTE: The BOARD OF TRUMBULL COUNTY COMMISSIONERS allocated \$1,000,000 from the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act towards the creation of the Trumbull County Revolving Loan Fund dedicated to small business loans duly recorded in Journal Volume 154, Page(s) 24641.

Mr. Cantalamessa said the Board of Commissioners has been able to give over 3 million dollars in grants to small business and introduced Teresa Miller of Valley Partners. Ms. Miller explained the difference between the grants and the loan program that helps small businesses get back on their feet. Mr. Cantalamessa said they had a strict process and Valley did a great job with the grant program.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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

RE: RENEWAL CERTIFICATION APPLICATION OHIO NATURAL GAS GOVERNMENTAL AGGREGATORS” WITH PUBLIC UTILITIES COMMISSION OF OHIO AND AUTHORIZE FRANK S. FUDA TO EXECUTE SAID DOCUMENTS

17. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute on behalf of Trumbull County, the “RENEWAL CERTIFICATION APPLICATION OHIO NATURAL GAS GOVERNMENTAL AGGREGATORS” with the PUBLIC UTILITIES COMMISSION OF OHIO, Docketing Division, 13th Floor, 180 East Broad Street, Columbus, OH 43215-3793. The current Certificate is effective for the period of January 20, 2021 through January 20, 2023 and the application term is January 20, 2023 through January 20, 2025; this action per the recommendation of Thomas M. Bellish, President of Buckeye Energy Brokers, Inc.

Mr. Fuda said the Board has been fortunate for many years as Mr. Bellish informs them of what’s happening with the Aggregation and lets the Board know when to make a move.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

MOTION BY FRENCHKO TO TABLE ITEM #18 REGARDING HIRING MR. CHARLES LEIGHTNER AS INTERIM HUMAN RESOURCES DIRECTOR.

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**** SUMMARIZED COMMENTS REGARDING INTERIM HUMAN RESOURCE DIRECTOR ARE AT THE END FOR PAGE NUMBER PURPOSES BEFORE PUBLIC COMMENTS****

MOTION DIES FOR LACK OF A SECOND

Ms. Frenchko said Mr. Fuda and Mr. Cantalamessa will get dinged for this. Mr. Fuda said Mr. Frenchko tried to fire someone from the Department of Job and Family Services. Mr. Cantalamessa said Ms. Frenchko thinks by dinging people in the County she is doing her job, and that they need to move the County forward by working together. Ms. Frenchko said she will never work with someone who is making an effort to violate ethics laws. Ms. Frenchko said the only person that can get the opinion is that person...

MOTION BY FRENCHKO TO REQUIRE MR. LEIGHTNER TO GET AN ETHICS ADVISORY OPINION FROM THE ETHICS COMMISSION AND PRESENT IT TO THE BOARD

MOTION DIES FOR LACK OF A SECOND

Mr. Cantalamessa said Mr. Leightner gave a public proposal—not private, to discuss what he was offering to the Board. Ms. Frenchko said Mr. Leightner spoke about sidebar conversations he had with Mr. Fuda and it's all recorded. Ms. Frenchko said he also named his price and asked where can you just call a human resources department with a price. Ms. Frenchko said the agenda item came over stating \$8,600/mo at Mr. Leightner's request and Mr. Charles could verify that information. Mr. Cantalamessa said he urges everyone to go and see what the Human Resources Department does on a daily basis. Mr. Fuda said Mr. Leightner discussed the pay with him. Ms. Frenchko said the two largest departments have their own HR department along with DJFS and CSEA. She further stated sanitary and highway have their own. Mr. Cantalamessa said Mr. Biviano, Mr. Sam Lamancusa, and Mr. Latell don't have their own Director.

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**RE: EMPLOYMENT—MR. CHARLES LEIGHTNER
INTERIM HUMAN RESOURCES DIRECTOR**

18. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve the personnel action for the employment of MR. CHARLES LEIGHTNER to the position of INTERIM HUMAN RESOURCES DIRECTOR with the Human Resources Department effective Monday, November 21, 2022.

NOTE: Mr. Leightner will be paid \$8,600.00 per month and will receive no health benefits per his recommendation.

Yeas: Cantalamessa, Fuda

Nays: Frenchko

Ms. Frenchko said there was no Executive Session regarding this item and that just shows Mr. Cantalamessa and Mr. Fuda made a decision behind closed doors. Mr. Cantalamessa and Mr. Fuda said that was a lie that Ms. Frenchko made up.

Ms. Frenchko voted no for the previous reasons stated also to include: the violation of the county policy, the failure for the Board to follow the Prosecutor's advice, conflict of interest, obvious ethics violations, failure to get an Ethics Advisory Opinion that was recommended, wasn't properly advertised, violates Affirmative Action Policy, purely a political stunt, costs, Mr. Leightner naming his price, willingness of some panel members who offered to help without the cost.

Mr. Fuda said that individual never spoke to anyone but Ms. Frenchko. Mr. Fuda said Ms. Frenchko doesn't work with anyone but the Highway Engineer's Office.

**RE: FILE APPLICATION – COURT OF COMMON PLEAS
FOR APPOINTMENT OF ATTORNEY THOMAS
WILSON OF COMSTOCK, SPRINGER
& WILSON CO., LPA AS LEGAL COUNSEL FOR
COMMISSIONERS AND PLANNING COMMISSION IN
CONNECTION WITH LEGAL ADVICE AND COUNSEL
SURROUNDING STATUS, DEDICATION, AND
ACCEPTANCE OF EDUCATIONAL HIGHWAY IN
CHAMPION TOWNSHIP**

19. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, 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 THOMAS WILSON of COMSTOCK, SPRINGER & WILSON CO., LPA, 100 Federal Plaza East, Suite 926, Youngstown, OH 44503, as legal counsel for the Trumbull County Board of Commissioners and the Planning Commission in connection with legal advice and counsel surrounding the status, dedication, and acceptance of Educational Highway in Champion Township, including all related legal actions.

NOTE: The Trumbull County Prosecutor's Office generally assists in matters such as this one, but in this case there is a concern about conflicts of interests. Moreover, with the present workload of the Prosecutor's Office and the specialized property matters that will likely be involved, outside counsel will ensure that this matter can be expedited. Therefore, the Board believes that independent counsel is appropriate and has recommended Attorney Thomas Wilson at the rate of \$ 175.00 per hour.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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RE: RESOLUTION AUTHORIZING EXPENDITURE FOR RESPONDING TO/MITIGATING PUBLIC HEALTH EMERGENCY FROM AMERICAN RESCUE PLAN ACT FUNDS-FAMILY COURT BOILER

20. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, Resolution authorizing Expenditure as follows:

WHEREAS, the County has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and,

WHEREAS, Department of Treasury Final Rule, published at 31 CFR Part 35, provides, in part, that:

Under the Category of Eligible Uses for Public Health and Economic Impacts]-

Mitigating the impact of COVID-19, including taking actions to control its spread . . . , continues to require a major public health response from State, local and Tribal governments.

The need for public health measures to respond to COVID-19 will continue in the months and potentially years to come.

WHEREAS, the Rule further observes that:

Enumerated eligible uses of funds in the first category include support for prevention, mitigation, or other services in congregate settings, as well as ventilation improvements in congregate settings; and

WHEREAS, the U.S. Treasury has recognized Section 603 ARPA Funds may be used to fund “COVID-19 mitigation efforts,” through “[C]apital investments in public facilities to meet pandemic operational needs” (U.S. Treasury Fact Sheet); and,

WHEREAS, the County has identified a project which, in the judgment of the Board, qualifies as a type of project which will respond to and mitigate the effects of the pandemic which consists of the following:

Purchase a boiler for the Trumbull County Family Courthouse and Justice Center which can maintain essential air quality systems within the building, as well as cover all costs related to installation of the boiler

This Project will be categorized as Expenditure Category EC 1.4 – Prevention in Congregate Settings.

(Continued)

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**20. RESOLUTION AUTHORIZING EXPENDITURES FOR RESPONDING TO OR MITIGATING THE PUBLIC HEALTH EMERGENCY FROM AMERICAN RESCUE PLAN ACT FUNDS- TRUMBULL COUNTY REVOLVING LOAN FUND -
(Cont'd)**

THEREFORE, BE IT RESOLVED by the Commissioners that:

1. The Project is hereby authorized and shall be paid for from the ARPA Funds.
2. The Project described herein serves the objectives of the Act by improving ventilation and mitigating the spread of the virus in congregate settings.
3. Accordingly, the Project is in the best interests of the County and is deemed a priority for the community.
4. The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed \$460,800.00
5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

**RE: AWARD BID
CONTI CORPORATION
TO INSTALL TWO (2) NEW BOILERS INCLUDING
LABOR/MATERIALS--TRUMBULL COUNTY
FAMILY COURT**

21. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to accept and award the lowest responsive responsible proposal submitted by the CONTI CORPORATION, 527 West Wood Street, Lowellville, OH 44436, to install two (2) new boilers including labor and materials at the TRUMBULL COUNTY FAMILY COURT, 220 South Main Street, Warren, OH 44481, in the amount of \$417,800.00 to be paid from Fund #077-011-1000-1000-1-505506, ARPA Funding source, and to authorize Mr. Frank S. Fuda, President of the Board of Trumbull County Commissioners to execute any/all documents necessary for the Agreement on behalf of Trumbull County; this action per the request of the Trumbull County Building and Operations Manager, William L. Hart and subject to approval from ARPA Legal Counsel.

OTHER BIDS SUBMITTED

COMPANY	AMOUNT
WADSWORTH SOLUTIONS 1500 Michael Owens Way Perrysburg, OH 43551	\$574,575.00
PROUT BOILER HEATING COOLING AND WELDING 3124 Temple Street Youngstown, OH 44510	\$550,400.00

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

Week Beginning November 14, 2022

Meeting of November 16, 2022

RE: FILE APPLICATION – COURT OF COMMON PLEAS FOR APPOINTMENT OF ATTORNEY THOMAS NADER -- LAW FIRM OF NADER & NADER, AS LEGAL COUNSEL FOR COUNTY ENGINEER TO PROVIDE LEGAL ADVICE/COUNSEL SURROUNDING PROPOSED ANNEXATION OF 31.381 ACRES OF LAND FROM HOWLAND AND VIENNA TOWNSHIPS TO CITY OF NILES, OHIO

22. 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 THOMAS NADER of the Law Firm of NADER & NADER, 7011 E. Market St. Warren, OH 44484, as LEGAL COUNSEL for 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.

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. Attorney Nader will provide legal counsel and representation at the rate of \$200.00 per hour.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

SUMMARIZED COMMENTS:

Ms. Frenchko said Mr. Leightner named his price at \$8,600/mo and called the Human Resources Office to initiate that. She said there is an ethical issue as he is a member of the Human Resources Panel that was set to identify candidates for the Human Resources Director Position. She said she contacted the Prosecutor’s Office about getting an Ethics Advisory Opinion from the Ethics Commission. She said she emailed Mr. Leightner and shared this information as the penalty could be fines or jail time. She said when one has an interest on the Board they serve, the violation could be fines and jail sentencing. She spoke about an advisory bulletin that is available online and stated Mr. Fuda gave incorrect information to the Ohio Ethics Commission as he stated the County hasn’t been able to hire a director after a couple of attempts. She went on to say she spoke to someone at the Ohio Ethics Commission and reported the dishonesty to them. Ms. Frenchko read aloud some emails from Human Resources Panel members that shared their concerns and ideas regarding Item #18. Ms. Frenchko said there is a panel member that said he would help the county in the HR Director matter for free and Mr. Leightner is charging \$8,600/mo. Ms. Frenchko said the Board did not receive Mr. Leightner’s resume. She said this item is a slap in the face to all of the people that were working on the panel and other applicants that made it through the process that are still interested. Ms. Frenchko said she wants to table Item #18 and wants the Board to know she will file an Ethics Complaint against Mr. Fuda, Mr. Cantalamessa and absolutely against Mr. Leightner if the item moves forward. Ms. Frenchko said the Prosecutor’s Office suggested getting an Ethics Opinion and those do not come over night as they send opinions on similar matters regarding the information that was requested of them, but the opinion often takes a few weeks to receive.

Mr. Fuda said he spoke to Molly Burns of the Ethics Commission over three weeks ago and she did send information and he had it forwarded to the Prosecutor’s Office. Mr. Fuda said since February, the County has not had a Human Resources Director, they set up a panel, got applications and Ms. Frenchko did not act for several months. Mr. Fuda asked again for Ms. Frenchko to let him continue speaking. Ms. Frenchko said Mr. Fuda’s statement of her delaying the hiring process was not true as she interviewed the applicants. Mr. Fuda said months passed by after they received the applications and she didn’t say a word for several months. He said he had to call a meeting with the panel where the Board asked them to select six candidates for the Board to consider. He said he interviewed three—two of which were excellent and one was iffy after looking into his background. Mr. Fuda said Ms. Frenchko was making statements about his interview and asked her if she was there. Ms. Frenchko said she was told Mr. Fuda only spent 10 minutes with the candidate he was referring to as being iffy. Mr. Fuda said he wasn’t impressed with the interview with one candidate, interviewed an excellent lady from Youngstown who had a great background that refused to meet with Ms. Frenchko.

(Continued)

Week Beginning November 14, 2022

Meeting of November 16, 2022

SUMMARIZED COMMENTS (Cont'd)

Ms. Frenchko said that wasn't true. Mr. Cantalamessa and Mr. Fuda said it was true and Mr. Cantalamessa said the candidate said she wouldn't take the job because of Ms. Frenchko and they could bring her there if Ms. Frenchko wanted them to. Ms. Frenchko said she sent out a questionnaire to all candidates before their interviews to use as a point of reference, and the lady said she wasn't interested after receiving it. Mr. Fuda said there was a third candidate Ms. Frenchko interviewed for three hours who refused to take the job. Mr. Fuda stated he called the candidate regarding an issue between Ms. Frenchko and the Clerk. Ms. Frenchko said there are forty days left of lying. Mr. Fuda said the Board went through the same process again and found a candidate the entire panel recommended. Mr. Fuda said the candidate called him at 4 p.m. stating he wanted the job, called Mr. Cantalamessa at 5 p.m. stating he wanted the job and at 6 p.m., he called Mr. Fuda again stating he was declining the offer. The candidate stated he received a call from Ms. Frenchko while he was having dinner with his daughter to tell him he did not have the qualifications for the job. Ms. Frenchko said that was not true. Mr. Fuda asked Ms. Frenchko to let him speak as he let her speak and she doesn't tell the truth. Ms. Frenchko said she recorded the conversations. Mr. Fuda said there are now only two employees working in the Human Resources Dept. and four out of seven employees left in the Commissioners' Office. Mr. Fuda said he sees what happens and works with these employees every day and knows the complications of the job. Mr. Fuda said you can't run a department from home and asked when it stops as he is leaving and doesn't want things to fall apart. Mr. Fuda said he asked Mr. Leightner if he was interested in the Interim position. Mr. Fuda said he spoke to Ms. Burns from the Ethics Commission and did not lie to her when he spoke to her. Ms. Frenchko said she knows as she received a copy of Ms. Burns' email. Mr. Fuda said he called Ms. Burns last evening and this morning and she hasn't returned his call yet. Ms. Frenchko said Ms. Burns emailed her and said she wouldn't be available until later in the week and if Mr. Fuda used email, he would know that. Ms. Frenchko said the Board needs the opinion and not just to talk to someone as it gives no protection. Mr. Fuda said Ms. Frenchko is doing the same thing Mr. Polivka did and that is to hire people she can control—and put people on boards she can control and he is tired of it. Ms. Frenchko said there are board members volunteering to do this process for free and the others want to spend \$8,600/mo. Mr. Cantalamessa asked if this individual was going to work 40 hr/wk for free. Mr. Fuda asked why this individual didn't step up to the plate and state this. Ms. Frenchko said he offered it a long time ago. Mr. Fuda asked Mr. Cantalamessa if the individual made that statement to him as Mr. Fuda was never told this information. Mr. Fuda asked if this person was a personal friend of Ms. Frenchko. Ms. Frenchko answered, no. Mr. Cantalamessa said there have been a number of individuals they interviewed and after meeting with Ms. Frenchko, they declined to take the job. Mr. Cantalamessa said, that's just it—end of story—the truth. Mr. Cantalamessa said one employee has not been employed in years and is currently an Uber driver. Ms. Frenchko said that wasn't true and she hopes the individual sues him. Mr. Cantalamessa said that is what he remembers him saying during his interview. Mr. Cantalamessa said Ms. Frenchko spoke at a public meeting stating the Board needed to have someone with more credentials and Ms. Frenchko suggested a board member that was SHRM HR Certified and Ms. Frenchko advocated interviewing a board member for the Human Resources Director position before anyone.

Ms. Frenchko said, no to this statement. Mr. Cantalamessa asked Ms. Frenchko to listen to the tape to hear what she said and because it was her person, it was okay to suggest them. Ms. Frenchko asked if the Board had seen Mr. Leightner's resume. Mr. Cantalamessa said he did and Mr. Leightner had 40 years in the private sector of negotiating hundreds of contracts. Ms. Frenchko said the Board was ignorant to withhold information from her as he would be working for her. Ms. Frenchko said the individual the Board offered the job to in the second round was not working in human resources for eight years as those were some of the questions she asked him and he was currently not employed. Mr. Cantalamessa said he was employed. Ms. Frenchko said he was from Michigan and wasn't employed when she spoke to him on the phone. Mr. Cantalamessa told Ms. Frenchko to vote how she wants as they have kicked this can down the road and someone has to move the County forward. Ms. Frenchko said it was wrong, and political. Mr. Cantalamessa said Mr. Leightner was a life-long Republican. Ms. Frenchko said that doesn't matter as Mr. Jackson was also a Republican. Ms. Frenchko said they want someone to carry out political agendas in the office and are not doing what is right. Ms. Frenchko said they want to hire someone for \$8600/mo that is \$103 k/year with the purpose of hiring his replacement without the Board of Commissioners' input.

Week Beginning November 14, 2022

Meeting of November 16, 2022

PUBLIC COMMENTS:

Ms. Amanda Hebert said she had a copy of the October 31, 2022 newspaper article regarding the dogs at the kennel living outside along with the daily sheets from the Dog Kennel dated October 3, 2022 through the October 31, 2022. Ms. Frenchko called for Point of Personal Privilege at 11:31 a.m. Ms. Hebert said she would wait to continue speaking when Ms. Frenchko returned at 11:34 a.m. Ms. Hebert spoke about comments Ms. Frenchko made about her and she didn't appreciate being lied about. She spoke about honesty and ethics violations stating the way she talks about people is violation of her social work. Ms. Frenchko said the conversation had nothing to do with county business. Ms. Hebert said the way Ms. Frenchko speaks about people online is county business. Ms. Hebert asked if anyone wanted to see the screenshots she had on her phone. Ms. Frenchko asked if Ms. Hebert was arranging visits at the pound. Ms. Hebert said the pound is a public facility and they could come when they want to. Ms. Frenchko said there are employees participating in political activity over there.

Ms. Amy Jo Giovannone said she and Mr. Hernandez have been attending the Commissioners Meetings stating Ms. Frenchko has a problem with that. Ms. Giovannone said she contacted the Director of the pound and toured the pound. She said Ms. Hebert was there because she's a volunteer. Ms. Giovannone said they observed the workers and volunteers doing the best they can with a small facility. Ms. Giovannone asked Ms. Frenchko why she would have a problem with anyone touring the dog pound and caring what happens to the animals. Ms. Giovannone said everyone in the Mahoning County is related somehow and she and Ms. Frenchko have the same uncle. Ms. Frenchko responded and said it's a minor misdemeanor for people doing political activity if their classified or unclassified on county time. She further stated there was a political candidate with his campaign manager that was wearing a political hat and shirt take photographs with the dog kennel employees, volunteer and a union employee in uniform and the photo was shared on a Facebook page and partisan political page and that constitutes partisan political activity during the work day and that's not only contrary to the county's policy and procedures manual, it's a misdemeanor if it's a union employee.

Ms. Frenchko said if an employee sees that someone is wearing political clothing, they should politely get out of the picture. Ms. Giovannone said the hat she was wearing was her brand and Ms. Frenchko must have really zoomed in to see what was on her jacket and that Ms. Frenchko does that constantly. Ms. Giovannone said what Ms. Frenchko is complaining about is something she does constantly. Mr. Cantalamessa told Ms. Frenchko she uses her position and she is doing it right now by politicizing the meetings. Mr. Cantalamessa told Ms. Frenchko to get a Prosecutor's Opinion regarding the matter. Ms. Frenchko asked if they could do it together and she would write it up. Mr. Cantalamessa agreed stating there is nothing illegal that prohibits that. Mr. Fuda said they have a county that is doing good and the only problem is the constant fighting and lies on social media. Ms. Frenchko asked if there were any more comments of substance.

Week Beginning November 14, 2022

Meeting of November 16, 2022

RE: ADJOURN

MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to adjourn the Regular Meeting of November 16, 2022 @ approximately 11:45, and to meet again in Regular Session on November 23, 2022.

Yeas: Frenchko, 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