

Week Beginning January 9, 2023

Meeting of January 11, 2023

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 11th day of January 2023, at approximately 10:32 a.m., in the office of said Board, with the following members present:

Mauro Cantalamessa, Commissioner
Niki Frenchko, Commissioner
Dennis Malloy, Commissioner

There was discussion regarding leading the Prayer during the Commissioners' Regular Meeting.

Items #29 and #30 started the meeting so Assistant Prosecutor, William Danso could make it to an important court hearing

**RE: ENTER INTO EXECUTIVE SESSION
CONCERNING DISPUTES INVOLVING THE
PUBLIC BODY THAT ARE THE SUBJECT OF
PENDING OR IMMINENT COURT ACTION**

29. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to enter executive session @ approximately 10:34 a.m. pursuant to R.C. 121.22(G)(3) for a conference with an attorney for the Board of Commissioners concerning disputes involving the public body that are the subject of pending or imminent court action. In attendance for Executive Session were Mr. Cantalamessa, Mr. Malloy, Ms. Frenchko, and Attorney William Danso.

Yeas: Frenchko, Cantalamessa, Malloy
Nays: None

RE: MOTION TO RECONVENE

30. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Reconvene from executive session at approximately 10:41 a.m., pursuant to R.C. 121.22(G)(3).

Yeas: Frenchko, Cantalamessa, Malloy
Nays: None

RE: MINUTES

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to dispense with reading the minutes of the Reorganization Meeting dated January 3, 2023, the Regular Meeting dated January 5, 2023, and approve them as printed/distributed.

Yeas: Cantalamessa, Malloy
Nays: Frenchko

MS. FRENCHKO VOTED "NO" STATING THAT THE MINUTES ARE MISSING THE LIST OF ITEMS SHE USED TO MAKE DECISIONS

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RE: APPROVE BILLS

2. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, 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, Malloy, Frenchko

Nays: None

RE: EMPLOYMENT TRANSFER-MR. JAMES HIGGINS FROM POSITION OF GROUNDSKEEPER-COUNTY MAINTENANCE DEPT. TO POSITION OF (AFTERNOON WORK SUPERVISOR) MAINTENANCE DEPT.

3. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve the personnel action for the employment transfer of MR. JAMES HIGGINS from the position of Groundskeeper, with the Trumbull County Maintenance Department, Pay Range 4 (15 years) at \$20.32/hr., to the position of (Afternoon Work Supervisor) MAINTENANCE DEPARTMENT, Pay Range 9 (15 years) at \$27.58/hr., effective January 17, 2023—pursuant to the authorized job posting from September 14 through September 22, 2022; this action per the recommendation of the Human Resources Department.

Yeas: Cantalamessa, Malloy

Nays: Frenchko

MS. FRENCHKO VOTED “NO” BECAUSE SHE RECEIVED NO BACKGROUND INFORMATION ON OTHER CANDIDATES AND HAD NO DOCUMENTATION TO SHOW THE PROCESS WAS DONE CORRECTLY

RE: EMPLOYMENT - MS. AMANDA ADAMS FOR POSITION OF JOURNAL CLERK I COMMISSIONERS’ OFFICE

4. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve the personnel action for the full-time employment of MS. AMANDA ADAMS for the position of JOURNAL CLERK I with the COMMISSIONERS’ OFFICE, Pay Range 7 (4 years) \$21.49/hr., effective January 17, 2023; pursuant to the authorized job posting of August 31, 2022 through September 30, 2022; this action per the recommendation of the Human Resources Department.

NOTE: Ms. Adams successfully completed a BCI background check and drug/alcohol screening with favorable results.

MS. FRENCHKO VOTED NO BECAUSE THE OPEN POSITIONS WERE ADVERTISED LAST AUGUST AND CANDIDATES WERE NOT INTERVIEWED UNTIL MID-DECEMBER, THE BOARD HAD ZERO INPUT ON HIRING PEOPLE THAT ARE PART OF THEIR STAFF, THE COUNTY HAS BEEN ABLE TO EFFECTIVELY CONTINUE WHAT THEY HAVE BEEN DOING WITHOUT ADDITIONAL STAFF AND STAFF LEVELS ARE BASED ON DEMOGRAPHICS. SHE STRONGLY RECOMMENDS RESTRUCTURING AND LOOKING WHERE THE BOARD COULD FIT IN MORE EFFECTIVE EMPLOYEES SUCH AS A COUNTY ADMINISTRATOR TO WORK MORE SPECIFICALLY WITH THE BUDGET, BUT INSTEAD THEY HAVE THE SAME CONTINUATION TO FILL IN THE EMPTY HOLES WHEN THE COUNTY HAS BEEN ABLE TO CONDUCT BUSINESS WITHOUT THEM. SHE SAID MANY BUSINESS FOUND DURING COVID, PEOPLE LEFT, AND BUSINESSES WERE ABLE TO CONTINUE ON WITH A PERSONNEL SAVINGS. MS. FRENCHKO FURTHER STATED THE ORC 124.88 DOES LET THE BOARD APPOINT THREE PEOPLE WHO ARE CLERKS OR ADMINISTRATIVE ASSISTANTS SO EACH BOARD MEMBER WOULD HAVE AN EMPLOYEE WHO WORKS SPECIFICALLY WITH THEM

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Mr. Malloy spoke about Item #3 and #4 stating there was discussion in the Workshop regarding the personnel agenda items, the amount of work staff does in the office, employees working over, and finding the best candidate. Mr. Malloy spoke about Item #3 and the ranking sheets that were used. Ms. Frenchko called, Point of Order stating discussion is going back to an item that was already voted on. Mr. Malloy spoke about road blocks and grandstanding. Mr. Cantalamessa spoke about the current staff level compared to other counties, having one journal clerk, indexing being behind, and not hiring because there has been no hr director for six months. Discussion continued about public records request regarding the applications, staff filing union grievances, human resource director instructing an employee not to do as Ms. Frenchko asked, and the many hires that occurred in the county without an hr director, Clerks selecting who they want as an assistant, Clerk not disciplining employees, hiring a county administrator and/or budget finance manager, each Commissioner having their own administrative employee according to 124.11.88, power of the Board giving authority, Commissioner wanting their own hire without advertising, advertising for three/administrative assistants, journal clerks that do specific jobs, working on agenda items with the Clerk, Commissioner choosing who they would like to be their assistant without taking time away from other employees, Commissioner putting up a made up position and salary, that was a rehire. Ms. Frenchko called, Point of Order, stating this discussion wasn't related to the Agenda Item. Mr. Cantalamessa spoke about Policies and Procedures. Ms. Frenchko addressed Mr. Malloy about being a leader. Mr. Malloy spoke about meeting outside the light of day receiving demands. Mr. Cantalamessa spoke about the two-hour Workshop that's open to the public and press, stating it would be easier if Ms. Frenchko attended to hash the items out. Ms. Frenchko spoke about past workshop that lasted hours which created a lot of work for staff regarding the Minutes, Workshops not occurring at all, Ms. Frenchko having a private workshop because she won't make a decision without reviewing information, and her private workshop prevented the other Commissioners from jabbing at her. Mr. Malloy called, Point of Order stating Ms. Frenchko never attended a meeting with him. Ms. Frenchko spoke about last week's workshop, discussion that could lead to sanctions, and controlling the meeting. Discussion continued regarding sanctions, being transparent to explain statements, pending litigation, at risk with insurance for lack of cooperation with Counsel, litigation, raised premiums, waiving privilege on letter and premiums, and dishonesty. Mr. Malloy spoke about the Board meeting in a public meeting to understand and vote on agenda items presented by Commissioner Frenchko, being bashed on Facebook for not siding with proposed agenda items stating Ms. Frenchko had some great ideas. Ms. Frenchko spoke about being a dishonest bully, and she explained all of the items last week. Discussion continued regarding explaining the items in the office doorway. Mr. Cantalamessa stated he witnessed that. Ms. Frenchko spoke about presenting every agenda item the previous week, rewriting items verbatim, and Mr. Malloy still voted, no. Mr. Malloy spoke not having time to do research regarding Ms. Frenchko's agenda items. Ms. Frenchko spoke about Mr. Malloy having access to CCAO, contacting any organization, doing a google search to see the amount of days' jobs should be advertised for. Mr. Molloy said he does a great deal of research. The discussion continued regarding doing research, trusting department heads, not criticizing department heads, employees that have been public servants for many years, being elected to be leaders with fresh ideas and do research based on past practice and not status quo, continuing to do things the same way, purchasing scandals, and doing what's right.

Yeas: Cantalamessa, Malloy
Nays: Frenchko

MS. FRENCHKO VOTED 'NO' BECAUSE OF THE REASON SHE STATED EARLIER AND THERE WAS NO SPREAD SHEET AS TO THE HIRING.

Mr. Cantalamessa stated the sheets were sent to the Board. Ms. Frenchko said there was no spreadsheet. Mr. Cantalamessa stated for the record, he would produce them for anyone that wanted them. Ms. Frenchko said the employees who were chosen were sent to the Board. Mr. Cantalamessa said they were ranked and graded.

**RE: EMPLOYMENT - MS. CHELSEA DURMAN
FOR POSITION OF JOURNAL CLERK I
COMMISSIONERS' OFFICE**

5. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve the personnel action for the full-time employment of MS. CHELSEA DURMAN for the position of JOURNAL CLERK I with the COMMISSIONERS' OFFICE, Pay Range 7 (0 years) \$18.39/hr, effective January 17, 2023; pursuant to the authorized job posting of August 31, 2022 through September 30, 2022; this action per the recommendation of the Human Resources Department.

NOTE: Ms. Durman successfully completed a BCI background check and drug/alcohol screening with favorable results.

Yeas: Cantalamessa, Malloy
Nays: Frenchko

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MS. FRENCHKO VOTED NO FOR SAME REASONS AS ITEM NO. #4 AND SHE HAS NO IDEA HOW THE WEEDING OUT PROCESS TOOK PLACE

RE: REMOVE INDIVIDUALS LISTED AS MEMBERS OF TRUMBULL COUNTY LOCAL CORRECTIONS PLANNING BOARD

6. **MOTION:** Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to remove the individuals listed as Members of the TRUMBULL COUNTY LOCAL CORRECTIONS PLANNING BOARD effective immediately; this action per the request of Tracy Hunt, Chief Probation Officer.

NOTE: The following individuals are being removed due to their recent retirement.

- **HONORABLE JUDGE PETER J. KONTOS**
Judge, Trumbull County Court of Common Pleas
- **HONORABLE JUDGE W. WYATT MCKAY**
Judge, Trumbull County Court of Common Pleas
- **CHIEF KEITH A. EVANS**
Trumbull County Adult Probation

Yeas: Frenchko, Cantalamessa, Malloy

Nays: None

RE: APPOINT INDIVIDUALS LISTED AS MEMBERS OF TRUMBULL COUNTY LOCAL CORRECTIONS PLANNING BOARD

7. **MOTION:** Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to appoint the individuals listed as Members of the TRUMBULL COUNTY LOCAL CORRECTIONS PLANNING BOARD, for a three (3) year term commencing January 3, 2023 and ending January 3, 2026; this action per the request of Tracy Hunt, Chief Probation Officer.

- **HONORABLE CYNTHIA WESTCOTT RICE**
Judge, Trumbull County Court of Common Pleas
(replacing retired Judge Peter J. Kontos)
- **HONORABLE SEAN O'BRIEN**
Judge, Trumbull County Court of Common Pleas
(replacing retired Judge W. Wyatt McKay)
- **MS. TRACY HUNT**
Chief Probation Officer, Adult Probation
(replacing Mr. Keith A. Evans)

Yeas: Frenchko, Cantalamessa, Malloy

Nays: None

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

8. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, 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.

- **EVERSTREAM SOLUTIONS, LLC**, 1228 Euclid Ave, Suite 250, Cleveland, OH 44115, to work in the right-of-way of North River Rd. (C.H. 142 C), in order to install a 1-2" PVC conduit with tracer wire and vault. This will be located approximately 30 feet west of North Park Ave. (C.H. 143) in Warren Township.
- **DOMINION EAST OHIO**, 320 Springside Drive, Akron, OH 44333, to bore under and work in the right of way of Scoville North Rd. (C.H. 161B), in order to install a gas service connection at address 600. This will be located approximately 250' south of Candywood Lane (C.H. 350) in Vienna Township.

Yeas: Frenchko, Malloy, Cantalamessa
Nays: None

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

9. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, to concur with the Trumbull County Engineer to grant the Special Hauling Permit 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 SERVICES, INC.**
975 Post Road NW, Warren, OH 44483
Permit No.: 2023-001
Permit Effective: January 6, 2023 through January 6, 2024

Yeas: Frenchko, Malloy, Cantalamessa
Nays: None

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RE: SPECIAL ANNUAL SUPPLIER FLEET PERMIT-
COUNTY ENGINEER

10. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, 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 company listed. The necessary permit fee and insurance information have been submitted and approval is subject to the conditions listed on the permit.

- R & L CARRIERS
600 Giliam Rd., Wilmington, OH 45177
Permit No.: AF-002-2023
Permit Effective: February 3, 2023 through February 3, 2024
- JV LUMBER PRODUCTS
5652 Ensign Rd., West Farmington, OH 44491
Permit No.: AF-003-2023
Permit Effective: January 15, 2023 through January 15, 2024

Yeas: Frenchko, Malloy Cantalamessa
Nays: None

RE: AMEND AGENDA ITEM DATED 01/05/2023
APPROVING EMPLOYMENT OF
MR. GINO CICCHILLO FOR POSITION OF
SEWER LINE MAINTENANCE CREW ASSISTANT
SANITARY ENGINEERS DEPARTMENT—
AMENDMENT IS NECESSARY TO REVISE
START DATE

11. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to Amend the Agenda Item dated January 5, 2023, Volume 155, Page 25403, approving the personnel action for the employment transfer of MR. GINO CICCHILLO for the position of SEWER LINE MAINTENANCE CREW ASSISTANT with the TRUMBULL COUNTY SANITARY ENGINEERS DEPARTMENT—AMENDMENT is necessary to revise the start date to be effective Thursday, February 2, 2023.

NOTE: Mr. Cicchillo’s previous start date was Monday, January 9, 2023.

Ms. Frenchko spoke about making a motion to table this item last week because of information she received. She said the Board voted to approve the item and now they are revisiting it. Ms. Frenchko stated she has concerns relative to the employee’s start date. She said someone was misleading and dishonest and she believes there is a problem now with an employee that stated they could start on a certain date and are on some type of leave that indicated they couldn’t start until a later date in February. She said in absence of a County Administrator, the Board is the Administrator that should be making sure they are investigating things appropriately instead of trusting everyone that tells them what should be done. Mr. Malloy said this item was discussed heavily at the Workshop, the dept. head did further research and he believes it was no fault of the employee or dept. head. He further discussed leave transfers from one dept. to another. Ms. Frenchko spoke about explanations without documentation. Ms. Frenchko stated the agenda item is incorrect. She stated employees cannot transfer from a department under and elected official to another department under a different elected official, and the human resources dept. should make sure this is coming to the agenda correctly. She said this item could be placed at the end of the Agenda for the Human Resources Department to correct it as it’s not a transfer, it’s a new hire. Mr. Leightner about Item #11 stating he was protecting the consistency in Administration, as he advised to move the date back. He spoke about conversations regarding the human resources department and false narratives. Ms. Frenchko asked Mr. Malloy if he believed this to be a transfer.

Yeas: Cantalamessa, Malloy
Nays: Frenchko

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**RE: EMPLOYMENT OF MR. JOHN LUTTON
POSITION OF SLUDGE PROCESS WORKER -
SANITARY ENGINEERS DEPARTMENT --
AMENDMENT IS NECESSARY TO REVISE
START DATE**

12. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to Amend the Agenda Item dated January 5, 2023, Volume 155, Page 25403, approving the personnel action for the employment of MR. JOHN LUTTON for the position of SLUDGE PROCESS WORKER with the TRUMBULL COUNTY SANITARY ENGINEERS DEPARTMENT; AMENDMENT is necessary to revise the start date to be effective Tuesday, January 17, 2023.

NOTE: Mr. Lutton’s previous start date was Monday, January 23, 2023.

Yeas: Cantalamessa, Malloy, Frenchko
Nays: None

**RE: ADVERTISE FOR “STATEMENT OF
QUALIFICATIONS” FOR ALL PROJECTS
INVOLVING WATER AND SANITARY SEWER
CONSTRUCTION AND/OR TREATMENT FOR
PROGRAM YEAR 2023**

13. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to authorize The Board of Trumbull County Commissioners’ Clerk to advertise for “Statement of Qualifications” for all projects involving water and sanitary sewer construction and/or treatment for Program Year 2023; this action per the recommendation of the Trumbull County Sanitary Engineers Department.

NOTE: This blanket request for Engineering Qualifications will assist to establish a list of qualified and available consultant engineers for all water and sewer projects throughout 2023.

Yeas: Cantalamessa, Malloy, Frenchko
Nays: None

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

**RE: EXTEND PERIOD TO PURCHASE DOG
LICENSE (TAGS) FOR ONE (1) ADD’L MONTH
UNTIL END OF BUSINESS DAY ON 02/28/2023**

14. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, to extend the period to purchase DOG LICENSE (TAGS) for one (1) additional month until the end of the business day on TUESDAY, FEBRUARY 28, 2023; this action per the recommendation of Adrian S. Biviano, Trumbull County Auditor.

Yeas: Frenchko, Malloy, Cantalamessa
Nays: None

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RE: REMOVE FROM TABLE ITEM NO. 18, COMMISSIONERS' MEETING AGENDA, UNDER DATE OF JANUARY 5, 2023, TO REAPPOINT MR. JAMES E. DAVIES AS A MEMBER OF PLANNING COMMISSION BOARD

15. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to remove from Table Item No. 18, Commissioners' Meeting Agenda, under date of January 5, 2023, WHICH READS AS FOLLOWS:

To reappoint MR. JAMES E. DAVIES as a Member of the TRUMBULL COUNTY PLANNING COMMISSION BOARD for an additional three (3) year term commencing January 1, 2023 and ending December 31, 2025. Mr. Davies is a resident of Hartford Township.

NOTE: The Board of Commissioners originally appointed Mr. Davies on April 10, 2019, duly recorded in Journal Volume 149, Page 22310.

SPECIAL NOTE: Pursuant to Ohio Revised Code Section 713.22, members serving on the Planning Commission Board must be residents of Trumbull County, Ohio.

Yeas: Frenchko, Cantalamessa, Malloy

Nays: None

RE: REAPPOINT MR. JAMES E. DAVIES MEMBER--PLANNING COMMISSION BOARD

16. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to reappoint MR. JAMES E. DAVIES as a Member of the TRUMBULL COUNTY PLANNING COMMISSION BOARD for an additional three (3) year term commencing January 1, 2023 and ending December 31, 2025. Mr. Davies is a resident of Hartford Township.

NOTE: The Board of Commissioners originally appointed Mr. Davies on April 10, 2019, duly recorded in Journal Volume 149, Page 22310.

SPECIAL NOTE: Pursuant to Ohio Revised Code Section 713.22, members serving on the Planning Commission Board must be residents of Trumbull County, Ohio.

Yeas: Frenchko, Cantalamessa, Malloy

Nays: None

Ms. Frenchko read Item #16. Mr. Malloy stated the Clerk didn't read the Motion. Ms. Frenchko stated she made the motion. Ms. Frenchko started to read Agenda Item #17. Mr. Malloy said he wanted to stick with decorum and have the Clerk read the Agenda items.

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RE: REMOVE FROM TABLE ITEM NO. 19, COMMISSIONERS' MEETING AGENDA, UNDER DATE OF JANUARY 5, 2023, TO REAPPOINT MR. PHILLIP PEGG AS A MEMBER PLANNING COMMISSION BOARD

17. MOTION: Made by Mr. Malloy, seconded by Mr. Cantalamessa, to remove from Table Item No. 19, Commissioners' Meeting Agenda, under date of January 5, 2023, WHICH READS AS FOLLOWS:

To reappoint MR. PHILLIP PEGG as a Member of the TRUMBULL COUNTY PLANNING COMMISSION BOARD for an additional three (3) year term commencing January 1, 2023 and ending December 31, 2025. Mr. Pegg is a resident of Vienna Township.

NOTE: The Board of Commissioners originally appointed Mr. Pegg on January 8, 2020, duly recorded in Journal Volume 151, Page 22944, to replace Mr. David Rouan's term that expired on December 31, 2021.

SPECIAL NOTE: Pursuant to Ohio Revised Code Section 713.22, members serving on the Planning Commission Board must be residents of Trumbull County, Ohio.

Yeas: Malloy, Cantalamessa, Frenchko
Nays: None

Ms. Frenchko addressed Mr. Malloy regarding Rules of Order and called, Point of Order stating the President isn't the first one to make a Motion as it should always go to one of the other members of the Board.

RE: REAPPOINT MR. PHILLIP PEGG MEMBER - PLANNING COMMISSION BOARD

18. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to reappoint MR. PHILLIP PEGG as a Member of the TRUMBULL COUNTY PLANNING COMMISSION BOARD for an additional three (3) year term commencing January 1, 2023 and ending December 31, 2025. Mr. Pegg is a resident of Vienna Township.

NOTE: The Board of Commissioners originally appointed Mr. Pegg on January 8, 2020, duly recorded in Journal Volume 151, Page 22944, to replace Mr. David Rouan's term that expired on December 31, 2021.

SPECIAL NOTE: Pursuant to Ohio Revised Code Section 713.22, members serving on the Planning Commission Board must be residents of Trumbull County, Ohio.

Yeas: Frenchko, Cantalamessa, Malloy
Nays: None

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**RE: ADOPT RESOLUTION
INTENT TO CONDUCT AN INTERNET AUCTION
FOR SALE OF UNNEEDED, OBSOLETE OR UNFIT
COUNTY PERSONAL PROPERTY IN CALENDAR
YEAR 2023**

19. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to adopt a formal Resolution of Intent to Conduct an Internet Auction for the Sale of Unneeded, Obsolete or Unfit County Personal Property in Calendar Year 2023, pursuant to Ohio Revised Code Section 307.12 ©.

NOTE: House Bill 226 of the 124th General Assembly, which became effective on January 26th, 2002, authorizes a board of county commissioners to dispose of unneeded, obsolete or unfit personal property through the use of an Internet Auction.

SPECIAL NOTE: This Resolution shall be published, according to the requirements, in a newspaper of general circulation within the county, notice of its intent to do so. Resolution shall be recorded on journal for record purposes, and shall be forwarded to the County Auditor, and the County Commissioners' Association of Ohio.

Yeas: Frenchko, Cantalamessa, Malloy

Nays: None

**RE: CONTINUE CURRENT SELLERS AGREEMENT WITH
GOVDEALS, INC. TO PROVIDE A MEANS FOR
TRUMBULL COUNTY TO LIST ITEMS FOR SALE AND
FOR POTENTIAL BUYERS TO BID UPON THESE
ITEMS VIA AN INTERNET-BASED AUCTION SYSTEM**

20. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to continue the current Sellers Agreement with GovDeals, Inc., a Delaware Corporation, having its principal place of business at 100 Capital Commerce Boulevard, Montgomery, AL 36117 for an additional one (1) year period. GovDeals will to provide a means for Trumbull County to list items for sale and for potential buyers to bid upon these items via an Internet-based auction system. Trumbull County selects Flexible Pricing Option A2 which provides that the buyer pay a fee of 7.5% to GovDeals or a minimum of \$5.00 for any item that is sold as a result of having posted it to the GovDeals website.

NOTE: The Board of Commissioners approved the original Sellers Agreement with GovDeals on August 8, 2007, duly recorded in Journal Volume 129, Page 12785 and it has been automatically renewed every year thereafter. The terms of the Agreement state that it shall be automatically extended for one-year periods—unless either party notifies the other in writing of its intent not to renew at least sixty (60) days prior to the anniversary date. Either party may request a re-negotiation of the terms hereof during a period of sixty (60) days prior to the anniversary date of the Agreement. Any charges owed either party prior to terminating the Agreement will remain payable.

SPECIAL NOTE: *Trumbull County will only post items to the GovDeals auction site that the County has the legal right to sell or dispose of to qualified buyers.*

Ms. Frenchko spoke about Item #20 stating Gov Deals used Docu-sign to sign the required forms for this Agreement and it is allowable by the Prosecutor's Office. She stated she has been advocating for this for a long time, and it's used in the real estate world. The Clerk explained electronic signatures are allowable as long as the Board adopts an Electronic Signature Policy which was done in 2015.

Yeas: Cantalamessa, Malloy, Frenchko

Nays: None

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RE: ADOPT HIRING POLICY FOR NON-UNION POSITIONS

21. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, to Adopt a Hiring Policy for Board of Commissioners, through its Human Resources Department: All non-union positions under the Board of Commissioners will be advertised for 30 days, with applicants ranked based on relevant experience, knowledge and education. The ranking instrument and grid will be approved by the Board of Commissioners.

SPECIAL NOTE: The existing Policy which allows jobs to be passed on without advertising or posting is incongruent with best practice and the County’s Affirmative Action Plan.

There was discussion regarding Item #21 regarding taking time to research the item further, discussion at great length at the workshop regarding the agenda item, the pros and cons, changing the word from Adopt to Refine as a hiring policy does exist, 30 days is a sticking point because of special circumstances, sources used to obtain information, internal applicant policy, making an effort to have the county advertise and not pass jobs off, continuing with status quo at the request of department heads, updating all policies by March 2024 in open public meetings, leading by example by doing policy changes collectively, policy changes needing the input of department heads, certain positions in the county this policy wouldn’t apply to, being flexible for certain department to run efficiently, minimum of 15 days, non-union positions and best practice, getting push back from department heads when there are policy changes, ranking tools that are subjective instead of objective, and DJFS. Mr. Cantalamessa called, Point of Order stating, the statement regarding DJFS was hearsay. Discussion continued regarding poor government practice, management audit finding, passing jobs off without advertising internally, opinions versus facts, placing a position on the agenda and coming up with the salary creating a position and coming up with the salary, handpicking the individual without advertising, fair government, policies applying to everyone, policy change agenda item predating agenda item for Commissioners to hire their own administrative assistant, wanting to improve process, and insults.

Yeas: Frenchko

Nays: Malloy, Cantalamessa

RE: HIRE MR. MICHAEL ESPOSITO OF CLEMENS-NELSON & ASSOCIATES, INC. TO INVESTIGATE VEHICLE PURCHASE AS LISTED

22. MOTION: Made by Ms. Frenchko, to hire MR. MICHAEL ESPOSITO, of Clemens-Nelson & Associates, Inc., 485 Metro Place 5, Suite 200, Dublin, OH 43017, to investigate the vehicle purchase approved by Commissioner Cantalamessa & Commissioner Fuda on November 2, 2022 to determine who was complicit as it relates to bid splitting for this fleet purchase.

NOTE: An investigation was requested by the Prosecutor’s Office. This cannot be done at the department level because Mr. Gary Newbrough approves the purchase order who is the Director.

MS. FRENCHKO MADE A MOTION TO MODIFY ITEM # 22

Ms. Cantalamessa asked if Ms. Frenchko was going to go out for bid. Ms. Frenchko said the board already uses them and were instructed to do this immediately. Mr. Malloy said he didn’t see that memo. Mr. Cantalamessa said this is the danger of putting things on the agenda that are completely false. Ms. Frenchko called, point of order.

MS. FRENCHKO MADE A MOTION TO MODIFY ITEM # 22 TO HIRE MR. MICHAEL ESPOSITO, OF CLEMENS-NELSON & ASSOCIATES, INC.

OR ANOTHER ATTORNEY FROM THAT LAW FIRM WHO WE ALREADY DO BUSINESS WITH TO INVESTIGATE THE VEHICLE PURCHASE APPROVED BY COMMISSIONER CANTALAMESSA & COMMISSIONER FUDA ON NOVEMBER 2, 2022 TO DETERMINE WHO WAS COMPLICIT AS IT RELATES TO BID SPLITTING FOR THIS FLEET PURCHASE. AN INVESTIGATION WAS REQUESTED BY THE PROSECUTOR’S OFFICE. THIS CAN’T DONE AT THE DEPARTMENT LEVEL BECAUSE MR. GARY NEWBROUGH APPROVES THE PURCHASE ORDER WHO IS THE DIRECTOR WHICH IS UNLAWFUL BECAUSE IT IS CONTRARY TO COMPETITIVE BIDDING. THEY COMPLETELY CIRCUMVENTED COMPETITIVE BIDDING IN ORDER TO MAKE THIS PURCHASE.

Ms. Frenchko said this has already been referred to the Attorney General’s Office.

MOTION TO MODIFY DIED FOR LACK OF A SECOND

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**RE: ELIMINATE HEALTH INSURANCE BENEFITS
GIVEN TO COUNTY EMPLOYEES NOT WORKING
30 HOURS PER WEEK**

23. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to eliminate Health Insurance Benefits given to County employees not working 30 hours per week for the purpose of complying with the Trumbull County Policy & Procedure Manual.

NOTE: The Sanitary Engineer employs an hourly employee who logs approximately 25 hours per week, clocks in remotely, does not account for time as other Sanitary Engineering staff, and receives full health care benefits. Currently other part-time county employees have requested full benefits. If the County allows one employee to receive benefits contrary to county policy, then others could argue disparity. The County should be consistent with the benefits policy. *Ms. Frenchko added the County should follow their own rules relative to this or they could have a management finding or finding of recovery.*

MR. CANTALAMESSA SECOND THE MOTION FOR DISCUSSION

Mr. Cantalamessa spoke about administrative decisions that need to be made, value in individuals, shameful and disgusting treatment of this employee.. Ms. Frenchko called, Point of Order stating discussion is not relative. Mr. Cantalamessa said this employee is being targeted and singled out. Ms. Frenchko called Point of Order stating the discussion is attacking a Commissioner running afoul.. Mr. Cantalamessa spoke about attacking employees. Ms. Frenchko said this wasn't an attack-it was a fact. Discussion continued regarding not complying with the Policy Manual, favor to someone, donating to campaigns, giving certain employees benefits when they work the same amount of hours, a county engineer employee who doesn't receive benefits, county engineer giving benefits to the employee referenced in Item #23 in the past--the same as the Board is doing now, duty to citizens to not continue doing things that are contrary to policy, Commissioner that violates social media policy and hiring policy, encourage employee at County Engineer to receive benefits for the service he provides, suggested motion from the floor to allow all employees to receive benefits for consistency, management finding with state auditor, suggested motion to allow employees working 20-30 hours per week to receive benefits, special services received from attorneys saving county hundreds of thousands a year, employees working for the county only to collect benefits, process started over 15 years ago by the Prosecutor's Office, rubber stamping, responsibility to comply with policy, wanting to make the employee relating to Item #23 the Administrator in the past, sanitary vehicle purchase issue, vehicle issue discussed extensively at the workshop, question if vehicle purchase circumvented competitive bidding, offering to make vehicle purchase documentation presented at the Workshop available for public, question if privilege can be waived on initial Prosecutor's Opinion, and a new opinion letter from Prosecutor expected after they received new information.

Yeas: Frenchko

Nays: Cantalamessa, Malloy

**RE: ADOPT OFFICE POLICY ON ALL
DOCUMENTS REQUIRING EXECUTION**

24. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, to Adopt the following Commissioners' Office Policy requiring all documents requiring execution be brought to Commissioners' Hearing Room after Workshops/Meetings or taken to each Commissioners' Office to be signed per the Commissioners' request. The paperwork must be complete with all documents included to review, all supportive journal actions, and all documents must be fully typed, with no hand-written additions or blanks filled in by hand. Contracts must be approved with a stamp or line from the Prosecutor's Office and signed and approved as to form and PROCESS from the Prosecutor's Office before coming to the Commissioners for signatures. Signatures lines must have the name of the signer under the signature line.

NOTE: It is necessary to be sure contracts are reviewed by Prosecutor's Office to protect the county before illegal & improper contracting happens.

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Commissioner Frenchko stated this process could have stopped the vehicle error and the Prosecutor’s Office prefers this process.

MR. MALLOY SECONDED THE MOTION FOR COMMENT

Mr. Malloy stated his contention with Item #24 is the language, ‘the documents have to be taken to each Board members office to be signed’, stating his first days in office. He spoke about instances he witnessed regarding documents that needed signed that were on the signing table in a common area where staff was directed to take the documents to a specific Commissioners’ Office. Mr. Cantalamessa spoke about staff sharing concerns regarding their safety and allegations. He further stated signing in a common area would avoid the concerns and be best. Ms. Frenchko spoke about the Board signing their own resignation, reviewing documents before they are signed, questioned allegations, staff keeping documents in back office, and documents being placed on signing table six months ago. The Clerk stated documents have been not returned for up to two weeks and public documents were often written all over and they wanted to make it a good process for Ms. Frenchko and the staff. Ms. Frenchko called, Point of Order stating this was a Commissioners’ Meeting. The Clerk stated she was asked to speak. Ms. Frenchko spoke about emails she had that would show documents weren’t being placed on signing table, 80-page documents that can be placed in her box to sign, and other counties bringing documents out to sign during their regular meeting.

Yeas: Frenchko

Nays: Malloy, Cantalamessa

The Clerk read Item #25 until the note:

MR. MALLOY STOPPED THE CLERK FROM READING AFTER THE FIRST PARAGRAPH WHERE THE NOTE STARED, STATING IT COULD LEAD THE COUNTY DOWN A SLIPPERY PATH WITH ALLEGATIONS THAT AREN’T BASED IN FACT AS TO PROTECT THE COUNTY AND EMPLOYEES THAT ARE GOING TO BE ACCUSED BEYOND THIS

RE: MODIFY POLICY AND PROCEDURE MANUALS

25. MOTION: Made by Ms. Frenchko, to modify the journal action establishing policy and procedure manuals to develop purchasing, maintenance & major building requests, budgeting & contract/legal paperwork processing & updating a countywide procurement policy within two months.

NOTE: The county has recently violated purchase law, with the Sanitary engineer staff bid splitting & purchasing before gaining commissioner approval— this over \$400,000 fleet purchase could lend itself to findings of recovery would have been prevented with an improved countywide purchasing policy & contract policy which was suggested by our Prosecutor’s Office; Commissioner Frenchko suggested this over the past years & it was all voted down last week. The Prosecutor’s Office recommends policies and procedures on January 4, 2023.

Major maintenance issues are ignored and there’s no defined process for addressing Maintenance. Commissioners’ staff goes to auditor legal staff, and get delayed to the point where it costs 100’s of thousands more and buildings have had notices to vacate and been listed for demolition due to lack of proper process. We must act now to develop procedure that is done within the Commissioner’s purview.

Budget process has never been outlined and has been done by the Auditor, though it’s a statutory duty of the Board of Commissioners. It’s dereliction of duty of the Commissioners not to prepare, and monitor the budget. There have been shortfalls over the years, and we must take action not to develop a statutorily compliant process overseen by the Board of Commissioners.

Due to the additional cost of a plow contract which cost taxpayers 37k extra, delayed drainage district processing which delayed a developer, and dozens of lien removals that sat 3 months to be signed, we need a defined flow chart and policy to ensure no taxpayer, developer, department has delays to projects or increases in costs due to confusion due to of lack of policy with timeline.

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MOTION DIED FOR LACK OF A SECOND

RE: ELIMINATE POSITION OF SANITARY ATTORNEY FOR SANITARY ENGINEER’S DEPARTMENT.

26. MOTION: Made by Ms. Frenchko, to eliminate the position of Sanitary Attorney for the Sanitary Engineer’s Department.

NOTE: The County Engineer has legal counsel in the Prosecutor’s Office that is paid from the Sanitary Engineer’s budget. Paying for an employee who the Director refers to as the county’s legal counsel is unnecessary. The Sanitary Engineer relies on the Sanitary Attorney as legal counsel, though that is not his job description, the Prosecutor’s Office would have prevented the vehicle purchases. This is the only employee who clocks in remotely and doesn’t account for his time, and only employee that clocks in remotely. Opinions sought from this position have included the Director asking if he could refuse to communicate with a Commissioner. We don’t need staff interference with appropriate reporting to the Commissioner who investigates before rubber stamping proposals and contracts.

DIED FOR LACK OF A SECOND

MR. MALLOY STOPPED THE CLERK IN THE MIDDLE OF THE READING OF ITEM #26 STATING THE NOTE FOR ITEM #26 WAS GETTING INTO HEARSAY REGARDING NOTES AND THERE WILL BE NO DISCUSSION OR TOLERATED FROM THE CHAIR

COMMISSIONER FRENCHKO MOVED TO ELIMINATE THE POSITION OF THE SANITARY ATTORNEY AT THE SANITARY ENGINEER’S DEPARTMENT WITH THE NOTE READING: THE COUNTY ENGINEER HAS LEGAL COUNSEL. Mr. Cantalamessa called, Point of Order stating it is filled with hearsay, innuendos and false statements. Mr. Malloy stated this is discussion disguised as a note. There was discussion regarding Point of Order, discussion, rules of order, and automatic second. Mr. Cantalamessa called, Point of Order after Ms. Frenchko continued reading her Motion.

MOTION DIED FOR LACK OF A SECOND

RE: REVISED JOB DESCRIPTION OF COMMISSIONERS’ SCHEDULER/ADMINISTRATIVE ASSISTANT

27. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, approve the revised Job Description of the Commissioners’ Scheduler/Administrative Assistant and change the Pay Grade from Range four (4) to six (6).

Yeas: Cantalamessa, Malloy
Nays: Frenchko

There was discussion regarding the County not having an Administrator to help with budget matters or budget/finance officer, Commissioners’ Statutory duties regarding the budget. Mr. Cantalamessa called, Point of Order stating the statements were of opinion. Discussion continued regarding the ORC, 88 counties all doing things their own way, creating and revising other job descriptions in the County when other positions would be more vital, increasing pay range and change job descriptions, positions that aren’t needed, hiring an Administrator for over \$100k, hiring budget/finance director for over \$100k, Board of Commissioners salary over 100k, and Commissioners being capable of carrying out duties. Ms. Frenchko said she is capable as she has a master’s degree in public admin and has worked in policy development, department heads attending Commissioner Frenchko’s meeting, ordering department heads, plan for County Administrator with qualifications, ideas and discussions, doing what’s right, taking initiative by ranking resumes for hr director, addressing the Chair when speaking, letting someone else make the Board’s decision, and the need or not for filling vacant positions when there are critical positions left vacant in county.

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**RE: CHANGE ORDER NO. 2
UNITED CONTRACTORS, INC. FOR
VOTER ACCESS IMPROVEMENTS
BOARD OF ELECTIONS**

28. MOTION: Made by Ms. Frenchko, seconded by Mr. Malloy, to Modify language approving Change Order No. 2 with UNITED CONTRACTORS, INC., 7126 Brookwood Drive, Brookfield, OH 44403, for the VOTER ACCESS IMPROVEMENTS for the TRUMBULL COUNTY BOARD OF ELECTIONS, 2947 Youngstown Warren Road, Warren, OH 44484—**Modified language, not to exceed \$29,356.00, Based Upon Actual Construction Costs in the amount of \$29,356.00, revising the total contract amount to \$375,513.00,** to be paid from ARPA fund No. 077-011-1000-1000-1-505506. Change Order No. 2 is necessary due to the following:

Item 1. Finishes upgrade. Cost associated with these items is \$19,780.00

Item 2. Security wall and door to meet Secretary of State Security mandates. Cost associated with this additional wall is \$9576.00

Total Increase of this Change Order: **\$29,356.00**

This action subject to approval from the County’s ARPA Legal Counsel, Baker, Dublikar, Beck, Wiley & Mathews, ARPA Legal Counsel; this action per the request of Stephanie N. Penrose, Director, Trumbull County Board of Elections.

Yeas: Frenchko, Malloy, Cantalamessa
Nays: None

COMMISSIONER FRENCHKO MADE A MOTION TO TABLE ITEM #28 UNTIL NEXT WEEK.

There was discussion regarding Item #28 relating to construction projects related to construction management, verification that everything is properly priced, attending the Workshop, Mike Sliwinski, reducing the price down, tabling the item, time delay that could run into primary election, early voting moved to another location will be costly to County. Mr. Malloy said he would support Ms. Frenchko on tabling as long as it did not cause a delay.

THE PREVIOUS MOTION TO TABLE WAS RETRACTED BY MR. MALLOY WITH A NEW MOTION TO TABLE PER MS. FRENCHKO’S CONCERNS REGARDING THE COSTS

Ms. Frenchko spoke about change orders, construction projects and the appropriate person who should present the change orders—stating it’s usually not a clerical or administrative employee, urgency of passing Item #28 as the directors of the Board of Election are coming to the Board stating the change order is urgent. Ms. Edrea Mientkowicz, Deputy Director, Board of Elections called the Conference Bridge line and spoke about Mr. Sliwinski asking her to attend the Commissioners’ Workshop, selecting three different carpets, stating by the time the contractor order them they were out of stock. Mr. Malloy asked Ms. Mientkowicz if Mr. Sliwinski asked her to attend the workshop to present the item for him. Ms. Mientkowicz answered, yes. She said Mr. Sliwinski was short-staffed and the only employee in his office. Ms. Frenchko spoke to Mr. Sliwinski on the conference bridge line regarding the cost. Mr. Malloy asked Mr. Sliwinski if he thought the item should remain tabled or move forward. Mr. Sliwinski stated they were under material delays for ordering and it should move forward so it doesn’t delay the rest of the project.

MOTION TO TABLE DIED WITH A NEW MOTION TO MODIFY MADE FROM THE FLOOR

**COMMISSIONER FRENCHKO MADE A MOTION FROM THE FLOOR TO MODIFY THE EXISTING LANGUAGE TO READ, ‘NOT TO EXCEED \$29,356.00 AND BASED UPON ACTUAL CONSTRUCTION COSTS FOR THE TOTAL CONTRACT AMOUNT OF \$375,513.00’
MR. MALLOY SECONDED THE MOTION**

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PUBLIC COMMENTS:

Mr. Walter Horodyski, Jr. of Vernon Township spoke about road projects that are 10 times the Townships budget and asked the Board for any assistance they could lend. Mr. Malloy addressed Mr. Horodyski and spoke about following procedure with the ARPA funds. Ms. Frenchko addressed Mr. Horodyski and told him about the ARPA Applications that are online. Amanda Hebert requested an update regarding the Dog Kennel Facility. Mr. Cantalamessa updated Ms. Hebert stating he has some preliminary numbers on space and urged the other Commissioners to look at the numbers also. Mr. Malloy said he knows the dog kennel is a sensitive issue and many residents are concerned about the dogs and he plans to visit next week. He asked the Board to bring him up to speed. Ms. Frenchko spoke about the entire Board being updated regarding the Dog Kennel. The Board discussed the Workshop format, open meetings, and private meetings. Mr. Malloy offered for Ms. Frenchko to chair next week’s workshop as long as it was a public meeting where they could discuss all issues.

RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Mr. Frenchko, to adjourn the Regular Meeting of January 11, 2023 @ approximately 12:03 p.m., and to meet again in Regular Session on January 19, 2023.

Yeas: Cantalamessa, Frenchko, Malloy

Nays: None

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

DENNIS MALLOY, PRESIDENT

MAURO CANTALAMESSA, COMMISSIONER

NIKI FRENCHKO, COMMISSIONER

ATTEST:

PAULA J. VIVODA-KLOTZ, CLERK