

Week Beginning March 27, 2023

Meeting of March 29, 2023

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 29th day of March 2023, at approximately 10:32 a.m., in the office of said Board, with the following members present:

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

The Board recognized area Vietnam Veterans who served from 1965 – 1975 in honor of of National Vietnam War Veterans Day. Mr. Herm Breuer said Trumbull County recognizes veterans every day and thanked the Commissioners for the beautiful new veterans building. He further stated Congress and the President of the United States signed the largest piece of veterans’ legislation since the Agent Orange Act of 1991. He said his office has recently seen the most disability claims from veterans. He closed by stating if any veterans need assistance, they can go the Trumbull County Veterans Office as they are there to help them.

Mr. Malloy and Mr. Cantalamessa stated it was an honor to recognize local Vietnam Veterans, and thanked them for their service.

RE: MINUTES

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to dispense with reading the minutes of the Regular Meeting dated March 22, 2023, and approve them as distributed and printed.

Yeas: Cantalamessa, Malloy
Nays: None

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
Nays: None

Week Beginning March 27, 2023

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**RE: CHANGE ORDER NO. 5
UNITED CONTRACTORS, INC.
FOR VOTER ACCESS IMPROVEMENTS
BOARD OF ELECTIONS**

3. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve Change Order No. 5 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, in the amount of \$28,029.00 revising the total contract amount to \$446,762.00 to be paid from ARPA fund No. 077-011-1000-1000-1-505506. Change Order No. 5 is necessary due to the following:

- Item 1. Install electric strike capability and data cable necessary to provide automatic locking doors and access control equipment between the lobby and worker areas.
- Item 2. Fabricate, deliver, and install approximately 5 cabinets to include legal file drawer banks, voter card sorting shelf and solid surface top.
- Item 3. Removal and replacement of approximately 400 SF of existing concrete apron in front of the BoE main entrance. Work includes the preplacement of a handicap curb ramp and will alleviate several tripping hazards within the existing BoE main entrance.

Total Increase of this Change Order: **\$28,029.00**

This action subject to approval from Baker, Dublikar, Beck, Wiley & Mathews, ARPA Legal Counsel; this action per the request of Michael J. Sliwinski, P.E., Trumbull County Chief Building Official.

Mr. Malloy stated the Board of Elections came in under budget and under time. He commended the architects, contractors and the Board of Elections Staff. Mrs. Edrea Mientkiewicz, BOE Deputy Director, thanked the Board of Commissioners and Mr. Michael Sliwinski, for the renovations at the Board of Elections and invited everyone to attend a ribbon cutting at the Board of Elections. She went on to speak about early voting, stating that hasn't happened since 2020.

Yeas: Cantalamessa, Malloy
Nays: None

Change Order recorded on Journal page(s) _____.

**RE: AGREEMENT BETWEEN SHERIFF PAUL S. MONROE
AND MECCA TOWNSHIP TRUSTEES FOR EXPANDED
POLICE SECURITY/SERVICE WITHIN GEOGRAPHICAL
BOUNDARIES OF MECCA TOWNSHIP, OHIO**

4. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve an Agreement by and between TRUMBULL COUNTY SHERIFF, PAUL S. MONROE, and the MECCA TOWNSHIP BOARD OF TRUSTEES, 6406 State Route 46, Mecca, OH 44402, for expanded police security and service within the geographical boundaries of Mecca Township, Ohio. The Mecca Township Board of Trustees agrees to pay the Trumbull County Sheriff's Office the total amount of \$20,437.56 per year due and payable on a monthly basis which is to be effective for nine hours (9) per weekly dedicated service—due and payable on a monthly basis. The contract is effective for the period of January 1, 2023 through December 31, 2023. The Sheriff agrees to furnish one (1) deputy to provide police protection and service to all geographical locations under the jurisdiction and control of the Mecca Township Trustees; this action per the request of the Trumbull County Sheriff and is subject to review and approval of the Prosecutor's Office.

Yeas: Cantalamessa, Malloy
Nays: None

Agreement recorded on Journal page(s) _____.

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**RE: RECEIVE/FILE 2022 TAX INCENTIVE
REVIEW COUNCIL (TIRC) ANNUAL REPORT –
PLANNING COMMISSION**

5. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to receive the Tax Incentive Review Council (TIRC) Annual Report for year ending 2022 Request the Trumbull County Commissioners to Accept TIRC Report, Recommendations and Meeting Minutes. Attached is the 2022 Annual Report of the Tax Incentive Review Council (TIRC) for Trumbull County. All active agreements approved prior to December 31, 2022, were reviewed. Seventeen (17) Enterprise Zone (EZ) Agreements were reviewed and found to be in compliance, and one (1) of those seventeen (17) EZ Agreements are recommended for removal due to expiration of the agreed term. Seven (7) Community Reinvestment Area (CRA) Agreements were discussed and found to be in compliance. The Trumbull County Planning Commission requests the Board of Commissioners to accept the 2022 TIRC report, recommendations, and meeting minutes.

Yeas: Cantalamessa, Malloy
Nays: None

**RE: ADOPT A RESOLUTION AUTHORIZING THE
EXECUTION OF A RAD OMNIBUS AMENDMENT
AGREEMENT, A COMPLIANCE MONITORING
AGREEMENT, AND A CONSOLIDATED AGREEMENT
TO SUBORDINATE TO ELDERLY HOUSING USE
AGREEMENT RELATING TO THE COUNTY’S
HOUSING REVENUE BONDS, SERIES 2008 (GIRARD
MANOR APARTMENTS PROJECT).**

6. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to adopt the following Resolution as follows:

RESOLUTION

WHEREAS, the County, Girard Manor Associates, Ltd., an Ohio limited partnership (the “Owner”), and The Huntington National Bank (the “Trustee”) entered into a Regulatory Agreement and Declaration of Restrictive Covenants (the “Tax Regulatory Agreement”), dated December 1, 2008 and recorded January 8, 2020 in the County Recorder’s Office as Instrument No. 201001080000364, in connection with the County’s \$3,750,000 Housing Revenue Bonds, Series 2008 (Girard Manor Apartments Project) (the “Bonds”); and

WHEREAS, the proceeds of the Bonds, together with other sources of funds including a capital advance extended by the United States Department of Housing and Urban Development (“HUD”), financed the construction of a 40-unit, multi-family, affordable elderly-housing apartment complex located at 430 Washington Avenue, Girard, Ohio 44420 (the “Project”); and

WHEREAS, the Project currently receives rental assistance under a Project Rental Assistance Contract (“PRAC”) arrangement with HUD, pursuant to Section 202 of the Housing Act of 1959; and

WHEREAS, the Tax Regulatory Agreement was entered into for the purpose of imposing restrictions on the real property comprising the Project to preserve the tax-exempt status of the interest on the Bonds under Section 142(d) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Bonds have been retired in full and are no longer outstanding; however, certain covenants and agreements in the Tax Regulatory Agreement are required to be adhered to for a certain amount of time as more fully described in the Tax Regulatory Agreement; and

(Continued)

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**RE: HOUSING REVENUE BONDS, SERIES 2008 (GIRARD MANOR APARTMENTS PROJ)-
(Cont'd)**

WHEREAS, the Owner has informed the County that HUD has authorized the Owner's request to convert (the "Conversion") the Project to the Rental Assistance Demonstration ("RAD") Program created by the Consolidated and Further Appropriations Act, 2012, which will recast the Project's rent subsidies from PRAC payments to project-based rental assistance under Section 8 of the United States Housing Act of 1937, as amended, thereby providing stable long-term operating assistance for the Project and preserving the Project's affordability; and

WHEREAS, to effectuate the Conversion, the Owner has requested the execution and delivery of the following documents:

(a) a RAD Omnibus Amendment Agreement (Girard Manor Apartments) among the Trumbull Housing Development Corporation ("THDC"), the Owner, Girard Manor, Inc., an Ohio nonprofit corporation (the "General Partner"), the County, The Huntington National Bank, as monitoring agent (the "Monitoring Agent"), and the Ohio Housing Finance Agency ("OHFA") (the "Omnibus Amendment"), to amend terms and provisions of the existing transaction documents in order to replace Section 202 and PRAC provisions and requirements with RAD and Section 8 provisions and requirements; and

(b) a Compliance Monitoring Agreement among the County, the Owner, and the Monitoring Agent (the "Monitoring Agreement"), to continue the monitoring of certain continuing compliance obligations under the Tax Regulatory Agreement; and

(c) a Consolidated Agreement to Subordinate to Elderly Housing Use Agreement (the "Subordination" and, collectively with the Omnibus Amendment and the Monitoring Agreement, the "Girard Amendments") among the Owner, the County, The Huntington National Bank, OHFA, THDC, and the General Partner, which is required by HUD to subordinate various recorded encumbrance documents, including the Tax Regulatory Agreement, to the Elderly Housing Use Agreement executed by the Owner for the benefit of HUD;

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

Section 1. This Board of County Commissioners does hereby find and determine that any member of this Board, alone or in conjunction with any other member of this Board, is authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the County, each of the Girard Amendment Documents in substantially the forms of those documents submitted to this Board.

The Girard Amendment Documents are each approved with changes that are not inconsistent with this Resolution that are not adverse to the County, and that are approved by the officer or officers executing those documents. The approval of those changes by the officer or officers and the character of those changes, as not being adverse to the County, shall be evidenced conclusively by the execution and delivery of the Girard Amendment Documents by the officer or officers

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect immediately upon its adoption.

Yeas: Cantalamessa, Malloy

Nays: None

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RE: ADOPT THE FOLLOWING FINAL RESOLUTION ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF TRUMBULL, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT, ALSO REFERENCED AS PID NO. 108547.

7. **MOTION:** Made by Mr. Cantalamessa, seconded by Mr. Malloy, to adopt the following Resolution as follows:

FINAL RESOLUTION

WHEREAS, on 8th day of February, 2023, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of rerouting a waterline along State Route 46 just south of the State Route 82 interchange to East Market Street, including removal of the current waterline and placement of new conduit, lying within Trumbull County; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The County agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **Six Hundred Seventeen Thousand Five Hundred Twenty and - - - - 00/100 Dollars, (\$617,520.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement. Page 2 of 3

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of Six Hundred Seventeen Thousand Five Hundred Twenty and - - - - 00/100 Dollars, (\$617,520.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.**
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.**

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RE: FINAL RESOLUTION REROUTING A WATERLINE ALONG STATE ROUTE 46 JUST SOUTH OF THE STATE ROUTE 82 INTERCHANGE TO EAST MARKET STREET-(Cont'd)

III. That the LPA enter into a contract with the State, and that the Trumbull County Commissioners be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

Yeas: Cantalamessa, Malloy

Nays: None

RE: APPROVE PAYMENT SCHEDULE FOR PAYMENTS REQUIRED UNDER FINAL RESOLUTION AND CONTRACT OHIO DEPARTMENT OF TRANSPORTATION PID NO.10854 AND AUTHORIZE DENNY MALLOY TO EXECUTE PAYMENT SCHEDULE

8. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve the Payment Schedule for payments required under the Final Resolution and Contract with the Ohio Department of Transportation for PID No.10854, which will allow the estimated cost of \$617,520.00 to be divided into five quarterly payments, AND to authorize Denny Malloy, President of the Trumbull County Board of Commissioners, to execute the Payment Schedule.

NOTE: This payment is for the rerouting of a waterline along State Route 46 just south of the State Route 82 interchange to East Market Street, including removal of the current waterline and placement of new conduit, lying within Trumbull County.

Yeas: Cantalamessa, Malloy

Nays: None

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

RE: EMPLOYMENT TRANSFER - MS. ELIZABETH JONES FROM POSITION OF TV INSPECTOR/GROUTING CREW LEADER TO POSITION OF TREATMENT PLANT SANITARY ENGINEER'S DEPARTMENT

9. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve the personnel action for the employment transfer of MS. ELIZABETH JONES from the position of, TV INSPECTOR/GROUTING CREW LEADER Pay Range 7 (7 years) \$22.52 to the position of TREATMENT PLANT OPERATOR – MCWWTP Pay Range 8, (7 years) \$24.22 with the Trumbull County Sanitary Engineer's Department, effective Thursday, March 30, 2023, pursuant to the authorized job posting of March 9 through March 17, 2023; this action per the recommendation of the Human Resources Department in conjunction with the Sanitary Engineer's Department.

NOTE: This vacancy is due to an employee transfer. As a condition of the transfer, Ms. Jones has 18 months to earn an Ohio EPA Class I Wastewater Operator license.

Yeas: Cantalamessa, Malloy

Nays: None

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**RE: SPECIAL HAULING PERMITS TO
HAUL STEEL COILS – COUNTY ENGINEER**

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

- **P. I. & I. MOTOR EXPRESS, INC.**
P.O. Box 685, Sharon, PA 16146
Permit No.: 2023-045
Permit Effective: March 22, 2023 through March 22, 2024

- **JARO TRANSPORTATION SERVICES, INC.**
975 Post Road NW, Warren, OH 44483
Permit No.: 2023-043
Permit Effective: March 20, 2023 through March 20, 2024

- Permit No.: 2023-044**
Permit Effective: March 26, 2023 through March 26, 2024

Yeas: Cantalamessa, Malloy
Nays: None

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

11. MOTION: Made by Mr. Cantalamessa, 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.

- **W. LUCKIWITZ**, 819 Braceville Robinson Rd., N.W., Newton Falls, OH 44444, to work in the right-of-way of Braceville Robinson Rd. (C.H. 114D), in order to install 30’ of 24” CMP, RCP, or HDPE pipe for a driveway access. This will be located approximately 3,800’ north of State Route 82 in Braceville Township.

- **DOMINION EAST OHIO**, 320 Springside Drive, Akron, OH 44333, to work in the right-of-way of Champion Ave., W. (C.H. 200A), in order to work on a gas line. This will be located approximately near the intersection of Painsville Warren State Rd., between the driveways of 812 & 796 Champion Ave. W. in Champion Township.

- **PROSCAPE SEPTICS, INC.**, 3862 Peck Leach Rd., West Farmington, OH 44491, to work in the right-of-way of Parkman Mespo Rd., (C.H. 313A), in order to install 40’ of 12” HDPE double wall pipe for driveway access. This will be located approximately 200’ southwest of Parks West Rd. (C.H. 314) in Mesopotamia Township.

- **EVERSTEAM SOLUTIONS, LLC** 1228 Euclid Ave., Suite 250, Cleveland, OH 44115, to work in the right-of-way of Howland Wilson Rd., NE (C.H. 155B), in order to install 1-2” PVC conduit with tracer wire and vault. This will be located approximately 700’ north of Squires Lane (C.H. 363) in Howland Township.

Yeas: Cantalamessa, Malloy
Nays: None

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

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

- **SOUTHERN PINES TRUCKING, INC.**
4200 Industrial Blvd., Aliquippa, PA 15001
Permit No.: 1172
Permit Effective: March 22, 2023 through March 26, 2023
To haul or move overweight equipment over Hubbard Masury Road (C.H.) 331 A & B) in Hubbard Township.

Yeas: Cantalamessa, Malloy
Nays: None

**RE: REVISE 'BRIDGE LOAD LIMIT REDUCTION
WEIGHT LIMIT' -- COUNTY ENGINEER**

13. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to authorize the Trumbull County Engineer to Revise the 'BRIDGE LOAD LIMIT REDUCTION WEIGHT LIMIT' on the highway structure listed, AND to express as *coded truck type/weight limit in tons*—the legal weight limit for Ohio truck classifications 2F1, 3F1, 4F1, and 5C1 are 15 ton, 23 ton, 27 ton, and 40 ton respectively; SU4, SU5, SU6, and SU7 are 27 ton, 31 ton, 34.75 ton, and 38.75 ton, EV2 and EV3 are 28.75 ton and 43 ton respectively; this action per the recommendation of the County Engineer.

- ❖ **GRE#19 (SFN 7844778):**
POST 2-Axle/5, 3-axle/5, 4-axle/5, 5-axle/5, 6+ axle/5
The results of a recent inspection dictate the need for the specified posting. The Greene No. 19 structure is located on York Street (C.H. 290), approximately 1,050 feet west of SR 46 in Greene Township.

Yeas: Cantalamessa, Malloy
Nays: None

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RE: FILE APPLICATION – COURT OF COMMON PLEAS
APPOINTMENT OF ATTORNEY BRODI J. CONOVER WITH
BRICKLER & ECKLER LLP, LEGAL COUNSEL FOR
COMMISSIONER CANTALAMESSA, COMMISSIONER
MALLOY AND CLERK, PAULA VIVODA-KLOTZ

14. MOTION: Made by Mr. Malloy, seconded by Mr. Cantalamessa, 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 Brodi J. Conover and the law firm of Brickler & Eckler LLP as legal counsel for Commissioner Mauro Cantalamessa and Commissioner Denny Malloy, in their official capacities as a majority of the members of the Trumbull County Board of Commissioners, and Clerk of the Board of Commissioners Paula Vivoda-Klotz in *State ex rel. Niki Frenchko, et al. v. Trumbull County Board of Commissioners, et al.*, Trumbull County Court of Common Pleas case 2023-CV-0412.

NOTE: The Trumbull County Prosecutor’s Office has an ongoing attorney-client relationship with all three Commissioners, whose interests are now directly opposed in this litigation, leading to a conflict of interest for the Prosecutor’s Office. Moreover, Commissioner Frenchko and her co-litigant Open Government Advocates/Brian Ames continue to make public records requests of Trumbull County departments that are likely to require legal advice and could foreseeably be related to litigation in which the Prosecutor’s Office is conflicted. Attorney Conover will provide legal counsel and representation at the rate of \$375.00 per hour.

The Clerk read item #14 that did not have the Firm’s name, Attorney or the amount per hour.

Mr. Malloy made a motion, read Item #14, and inserted the Firm’s name, Attorney or the amount per hour.

Mr. Cantalamessa stated the Prosecutor’s Office has a conflict of interest in this matter, so the Board had to seek outside counsel. He said he did his due diligence, and interviewed firms best in this field, and seconded the Motion.

Mr. Malloy said he also interviewed various firms and is confident in the firm he selected to represent them.

Yeas: Malloy, Cantalamessa

Nays: None

RE: FILE APPLICATION – COURT OF COMMON PLEAS
APPOINTMENT OF ATTORNEY BRODI J. CONOVER
WITH BRICKLER & ECKLER LLP, LEGAL COUNSEL
FOR COMMISSIONER CANTALAMESSA, COMMISSIONER
MALLOY AND CLERK, PAULA VIVODA-KLOTZ
AND ANY/ALL OTHER TRUMBULL COUNTY DEPARTMENTS,
BOARDS, OFFICERS, OFFICIALS OR EMPLOYEES FOR PURPOSE
OF PROVIDING LEGAL ADVICE AND COUNSEL

15. MOTION: Made by Mr. Malloy, seconded by Mr. Cantalamessa, 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 Brodi J. Conover and the law firm of Brickler & Eckler LLP as legal counsel for Commissioner Mauro Cantalamessa and Commissioner Denny Malloy, in their official capacities as a majority of the members of the Trumbull County Board of Commissioners, and Clerk of the Board of Commissioners Paula Vivoda-Klotz, and any and all other Trumbull County departments, boards, officers, officials or employees for the purpose of providing legal advice and counsel, and for the defense of any litigation, involving open meetings and public records requests and/or challenges brought by Niki Frenchko, Brian Ames, Open Government Advocates, and/or their potential agents.

NOTE: The Trumbull County Prosecutor’s Office has an ongoing attorney-client relationship with all three Commissioners, whose interests are now directly opposed in this litigation, leading to a conflict of interest for the Prosecutor’s Office. Moreover, Commissioner Frenchko and her co-litigant Open Government Advocates/Brian Ames continue to make public records requests of Trumbull County departments that are likely to require legal advice and could foreseeably be related to litigation in which the Prosecutor’s Office is conflicted. Attorney Conover will provide legal counsel and representation at the rate of \$375.00 per hour.

Mr. Malloy explained Item #15 as it relates to outside departments and employees.

Yeas: Malloy, Cantalamessa

Nays: None

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RE: TO EXECUTE OPEN-ENDED (EQUITY) LEASE WITH ENTERPRISE FM TRUST FOR TWO (2) 2023 CHEVY TRAVERSES FOR USE BY TAG LAW ENFORCEMENT TASK FORCE

16. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to authorize DENNY MALLOY, President of the Board of Trumbull County Commissioners, to execute on behalf of Trumbull County, the Open-End (Equity) Lease Rate Quote as submitted by ENTERPRISE FLEET MANAGEMENT, INC., d/b/a ENTERPRISE FM TRUST (the Lessor), 8249 Mohawk Drive, Strongsville, OH 44136 (with a billing address at P.O. Box 800089, Kansas City, MO 64180-0089), for the lease of two (2) 2023 Chevy Traverses in the amount of \$506.55 each per month for a 36-month period for use by the TAG Law Enforcement Task Force; this action per the recommendation of the TAG Law Enforcement Task Force and is subject to review and approval of the Prosecutor's Office.

NOTE: These vehicles will replace the 2020 Ford F-250 that's lease has expired and Dodge Durango that will be turned in due to the lease expiring this year.

Yeas: Cantalamessa, Malloy
Nays: None

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

RE: LIQUOR PERMIT

17. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to notify the Ohio Department of Liquor Control that a public hearing is not requested on the Liquor Permit Application listed.

CLASS D3A

NEW:	WA HA KA TACO LLC 132 Niles Cortland Rd. NE Howland Twp. Warren, OH 44484
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Yeas: Cantalamessa, Malloy
Nays: None

RE: EXECUTIVE SESSION

18. MOTION: Made by Mr. Malloy, seconded by Mr. Cantalamessa, to Enter into executive session @ approx. 10:56 a.m. pursuant to Ohio Revised Code 121.22(G)(1) to discuss the employment, and compensation of a public employee with the Trumbull County Department of 911--those present were Mr. Cantalamessa, Mr. Malloy, Ms. Alex DeVengencie-Bush, and Ms. Patty Goldner.

Yeas: Malloy, Cantalamessa
Nays: None

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RE: RECONVENE EXECUTIVE SESSION

19. MOTION: Made by Mr. Malloy, seconded by Mr. Cantalamessa, to Reconvene from Executive Session @ approx. 11:16 a.m. pursuant to Ohio Revised Code 121.22(G)(1) to discuss the employment, and compensation of a public employee, employee with the Trumbull County Department of 911.

Yeas: Malloy, Cantalamessa
Nays: None

**RE: APPROVE PLACING MS. TIFFANY FISHER
ON PAID ADMINISTRATIVE LEAVE**

20. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve placing Ms. Tiffany Fisher, part-time employee (30-hours per week) at Trumbull County 911, on a paid administrative leave effective February 6, 2023, while awaiting documentation regarding employees return to work date.

Yeas: Cantalamessa, Malloy
Nays: None

**RE: AMEND AGENDA ITEM DATED 3/22/2023
VOL. 156, PAGE(S) 25551-25552 FOR
SICK/VACATION CONVERSION PLAN –
COUNTY ENGINEER – AMENDMENT
NECESSARY TO CORRECT LANGUAGE**

21. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to concur with the County Engineer and Amend Agenda item dated March 22, 2023, Volume 156, Page(s) 25551-25552, to change the language to read correct:
Pursuant to Section 145.01 of the Ohio Revised Code and Ohio Administrative Code 145-1-26, Trumbull County Engineer is executing a plan for the conversion of sick leave and vacation leave to cash for leave that is accrued, but not used, during the calendar year, as defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.
Leave shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year. For retiring employees, conversion payment must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

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21. COUNTY ENGINEER’S AMENDED SICK/VACATION (Cont’d)

The following payments made to employees shall not have retirement contributions withheld, as the payments do not meet the definition of earnable salary for OPERS purposes:

- leave in excess of the annual amount of leave accrued January 1 to December 31 less leave used January 1 to time of payment
- leave earned in previous calendar years (other than payments made in January for leave accrued but not used during the previous calendar year)
- conversion of leave to employees separating employment
- conversion of leave to retiring employees outside of regular payment schedule

The conversion is for non-bargaining unit employees. Employees receive payment for hours converted in January of the following year. Participating employees may convert both sick and vacation leave or may choose to convert only sick leave or only vacation leave. The maximum amount of leave employees convert in a year is:

- Sick leave (80 hours)
- Vacation leave (40 hours)

Leave Accrual:

- Sick leave is accrued per pay period
- Vacation leave is accrued per pay period

To participate in the conversion plan, employees must have a balance of 1,040 hours sick leave and 520 hours vacation leave. The maximum amount of sick hours allowed to be cashed out in 2023 is 80 hours. The maximum amount of vacation hours allowed to be cashed out in 2023 is 40 hours.

This plan must be submitted to OPERS for approval by March 31 of each year, or prior to any conversion plan payment being made to employees.

There was discussion relating the changes within Item #21.

Yeas: Cantalamessa, Malloy

Nays: None

RE: TRANSFER MONIES

22. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, pursuant to Ohio Revised Code Section 5705.14, to transfer monies as submitted to the Trumbull County Auditor’s Office between the dates of January 1, 2023 through March 23, 2023. *Complete list of money transfers shall be recorded onto the Journal for record purposes.*

❖ Departments/Offices requesting to transfer monies:

• Sanitary Engineers	\$ 82,900.62	Fund # 602
	\$ 221,256.00	Fund # 602
	\$ 221,256.00	Fund # 602
	\$ 221,256.00	Fund # 602
	\$ 136,229.00	Fund # 602
	\$ 136,229.00	Fund # 602
	\$ 136,229.00	Fund # 602
	\$ 31,100.00	Fund # 604
	\$ 31,100.00	Fund # 604

(Continued)

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RE: TRANSFER MONIES (Cont'd)

\$ 31,100.00	Fund # 604
\$ 54,225.83	Fund # 604
\$ 73,878.97	Fund # 604
\$ 44,484.62	Fund # 604
\$ 25,401.00	Fund # 606
\$ 27,561.00	Fund # 606
\$ 27,561.00	Fund # 606
\$ 27,561.00	Fund # 606
\$ 51,900.00	Fund # 607
\$ 51,900.00	Fund # 607
\$ 51,900.00	Fund # 607
\$ 2,675.00	Fund # 608
\$ 2,675.00	Fund # 608
\$ 2,675.00	Fund # 608
\$ 2,907.95	Fund # 608
\$ 3,473.57	Fund # 608
\$ 2,479.26	Fund # 608
\$ 18,075.00	Fund # 609
\$ 18,075.00	Fund # 609
\$ 18,075.00	Fund # 609
\$ 11,098.00	Fund # 610
\$ 11,098.00	Fund # 610
\$ 11,098.00	Fund # 610
\$ 40,752.00	Fund # 611
\$ 40,752.00	Fund # 611
\$ 40,752.00	Fund # 611
\$ 4,818.00	Fund # 612
\$ 4,818.00	Fund # 612
\$ 4,818.00	Fund # 612

Yeas: Cantalamessa, Malloy
Nays: None

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

RE: DECREASE APPROPRIATIONS

23. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve decrease appropriations, as submitted to the Trumbull County Auditor's Office between the dates of January 1, 2023 through March 23, 2023. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

• Juvenile Probation	\$ 12,346.00	Fund # 112
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Yeas: Cantalamessa, Malloy
Nays: None

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

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RE: ADDITIONAL APPROPRIATIONS

24. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to approve additional appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of January 1, 2023 through March 23, 2023. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting additional appropriations:

• Sanitary Engineers	\$ 309.96	Fund # 493
	\$ 280.36	Fund # 483
	\$ 191.77	Fund # 482
	\$ 25.18	Fund # 497
• Commissioners	\$ 12,000.00	Fund # 023
	\$ 10,500.00	Fund # 030
• Auditor	\$ 12,000.00	Fund # 921
• Common Pleas Court	\$ 9,500.00	Fund # 041
	\$ 1,500.00	Fund # 041
	\$ 5,000.00	Fund # 041
	\$ 3,000.00	Fund # 041
	\$ 250.00	Fund # 041
• NEOCAP	\$ 17,800.00	Fund # 993
• Sheriff	\$ 3,297.82	Fund # 074
	\$ 1,307.20	Fund # 074
	\$ 3,455.04	Fund # 074
• Sheriff (FY 2023)	\$ 2,610.00	Fund # 237
	\$ 17,115.82	Fund # 237

Yeas: Cantalamessa, Malloy
Nays: None

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

RE: TRANSFER APPROPRIATIONS

25. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to transfer appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of January 1, 2023 through March 23, 2023. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer appropriations:

• Adult Prob (FY 2023)	\$ 5,000.00	Fund # 140
• NEOCAP	\$ 1,550.92	Fund # 993
	\$ 1,246.25	Fund # 990
	\$ 5,641.25	Fund # 990
	\$ 6,332.17	Fund # 990
	\$ 2,923.00	Fund # 990
	\$ 1,500.00	Fund # 990
	\$ 24,140.45	Fund # 990
	\$ 30,826.96	Fund # 990
	\$ 3,331.41	Fund # 990
	\$ 38,120.35	Fund # 990
• Health Board	\$ 10,000.00	Fund # 950
	\$ 20,000.00	Fund # 950

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RE: TRANSFER APPROPRIATIONS (Cont'd)

• Highway Engineer	\$ 25,000.00	Fund # 002
	\$ 25,000.00	Fund # 002
	\$ 20,000.00	Fund # 002
	\$ 30,000.00	Fund # 002
• Sheriff	\$ 380.00	Fund # 001
	\$ 77.39	Fund # 001
• Sanitary Engineers	\$ 24,132.67	Fund # 479
	\$ 18,099.50	Fund # 484
	\$ 100,000.00	Fund # 486
	\$ 247,008.00	Fund # 488
	\$ 103,533.17	Fund # 496
	\$ 860.00	Fund # 612
	\$ 220.00	Fund # 607

Yeas: Cantalamessa, Malloy

Nays: None

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

RE: AMENDED CERTIFICATE NO. 1 - 2023
COUNTY BUDGET COMMISSION

26. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to receive the Amended Certificate of the County Budget Commission No. 1 - 2023, for the fiscal year beginning January 1, 2023, dated March 29, 2023, increasing estimated resources in the funds listed:

- Sheriff FY23 Fund # 237
- Sheriff K-9 Fund # 074
- Auditor Fund # 921
- Commissioners Fund # 928

Yeas: Cantalamessa, Malloy

Nays: None

RE: ACCEPT RESIGNATION -- MR. CHARLES LEIGHTNER
FROM POSITION OF INTERIM HUMAN RESOURCES
DIRECTOR

27. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to Accept the resignation of Mr. Charles Leightner from his position of Interim Human Resources Director with Trumbull County effective March 29, 2023.

NOTE: The Board would like to thank Charles Leightner for stepping up and assuming the role as Interim Human Resources Director. The Board wishes him much happiness in all his future endeavors.

Mr. Malloy thanked Mr. Leightner for his service to the County stating he was a joy to be around. He said Mr. Leightner had a lot to offer from his extensive background. He went on to wish him the best in all his future endeavors. Mr. Cantalamessa concurred with Mr. Malloy's comments and said Mr. Leightner stepped into a difficult position and brought wise leadership to the table.

Yeas: Cantalamessa, Malloy

Nays: None

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RE: ADOPT A RESOLUTION AUTHORIZING EXPENDITURE FOR RESPONDING TO OR MITIGATING THE PUBLIC HEALTH EMERGENCY FROM AMERICAN RESCUE PLAN ACT FUNDS- ARCHITECTURAL AND ENGINEERING SERVICES-(DEPARTMENT OF JOB & FAMILY SERVICES WINDOWS)

28. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to adopt the following Resolution:

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:

Architectural and engineering services required for the preparation of the Technical Specification Manual for the Replacement of seventy-five windows of the Trumbull County Jobs & Family Services facility to allow the windows to open and provide circulating fresh air to alleviate the potential Covid-19 virus in a congregate setting serving over one hundred employees and numerous clients as members of the public,

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

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RE: ARCHITECTURAL AND ENGINEERING SERVICES-(DEPARTMENT OF JOB & FAMILY SERVICES WINDOWS)-Continued

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 congregate setting spacing for vital County functions 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 \$7,600.00.
5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Yeas: Cantalamessa, Malloy
Nays: None

**RE: AWARD PROPOSAL
BAKER, BEDNAR, SNYDER & ASSOCIATES, INC.
FOR TECHNICAL SPECIFICATIONS MANUAL FOR
WINDOW REPLACEMENT PROJECT AT TRUMBULL
COUNTY JOB AND FAMILY SERVICES BUILDING
AND TO FURTHER AUTHORIZE DENNY MALLOY TO
EXECUTE ALL DOCUMENTS**

29. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to accept and award the proposal submitted by BAKER, BEDNAR, SNYDER & ASSOCIATES, INC., 628 Niles Cortland Road SE, Warren, OH 44484, for the Technical Specifications Manual for the Window Replacement Project at the Trumbull County Job and Family Services Building, 280 North Park Ave., Warren, OH 44481, in an amount not to exceed \$7,600.00 - to be paid from Fund No. 077-011-1000-1000-1-505610: AND to further authorize Denny Malloy, President of the Board of Commissioners to execute any and all documents necessary to effectuate this Agreement; subject to approval from Baker, Dublikar, Beck, Wiley & Matthews, ARPA Legal Counsel; this action per the request of William Hart, Trumbull County Maintenance Supervisor.

Yeas: Cantalamessa, Malloy
Nays: None

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

SUMMARIZED PUBLIC COMMENTS

Mr. Malloy discussed the length of the today's meeting and the hours spent at the Workshop reviewing items and making necessary changes.

Auditor Yoder clarified statements that were made regarding Mr. Leightner's compensation. Mrs. Yoder stated Mr. Leightner was an hourly employee who did not have any vacation hours as employees need to work a year before they accrue vacation hours. She stated Mr. Leightner had earned a little sick time as he was accruing it as everyone else. She further stated that even though Mr. Leightner did not resign until today, he was not costing the tax payers any money.

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SUMMARIZED PUBLIC COMMENTS-(Cont'd)

Mr. Malloy addressed statements that were made last week relating to paying the salary of two Human Resources Directors—he said the statements were not true and there was a misunderstanding. Mrs. Yoder said he was not being paid, and used a small amount of sick time he had left.

Mrs. Yoder also discussed property accusations (capital projects) where money is borrowed for these purchases. She said Notes the County has are rebid in July and if they wait until after July there are extra fees. She further stated Ms. Santangelo could explain how the timing could save money in fees relating to Notes/Bonds being rebid before July.

Mr. Newbrough presented an updated spreadsheet to the Board outlining ARPA Projects relating to sanitary sewer projects. He stated the Board has already approved 4.2 million dollars of water/sewer infrastructure from ARPA funds and he has submitted applications for 3 million more. Mr. Cantalamessa said 1500 properties have already benefitted from the use of these funds that will be a permanent improvement for the County. Mr. Newbrough said every dollar in ARPA funds means less debt to the residents. Mr. Malloy asked Mr. Newbrough about Stateline Rd., Smith Stewart and Scoville Rd. and asked if the Trustees needed to do anything further regarding the application for ARPA Funds. Mr. Newbrough said if they get approval for those three projects, he is ready to go the public hearing. He further stated, he received several calls regarding projects the public is waiting on, he has exhausted all other funding sources, and he is waiting on ARPA Funds to move these projects forward. Mr. Newbrough said his GIS Director is putting together a map that was requested.

Mr. Malloy discussed the ARPA Public Meeting stating Ms. Frenchko said she needed additional information to plan the Special Arpa Public Meeting. He said he hopes to have a date set for the meeting by next week. Discussion continued relating 7 to 7.5 mil of ARPA funding to be set aside for Townships. He stated when he talks to some of the trustees, he asked them to submit one request that is most beneficial for their township, rather than multiple requests. He spoke about sanitary projects, EMA vehicle, and large projects that are going to take up some of the remaining funding. Mr. Cantalamessa said one of the most pressing issues is the MARCS Tower in Brookfield that is a safety concern. He further stated he and Mr. Misocky would soon be having a conversation with Mr. Dick Miller from the State—hoping to get as much assistance as possible. He said they need to act on this as quickly as possible.

Mr. Malloy addressed the storms and power outages throughout the County. Mr. Malloy commended all the County emergency service agencies and workers-especially the 911 dispatchers. He further stated he received over 11 updates from EMA Director, John Hickey, and Ms. Goldner also went into the 911 Center to assist her staff. Ms. Goldner explained how 911 works and the purpose of 911. She said she was impressed with her staff as they responded to call after call. She explained dispatchers have to determine the need of the caller as soon as they say, “911, what’s your emergency?” She further stated the dispatcher has to determine if the call is an emergency or if it has to be transferred to the non-emergency line as that will allow more emergency calls to ring in. She spoke about the high volume of calls that came in Saturday and how difficult it is to keep up with that volume. She further discussed calls being rolled over to non-emergency lines because of the high volume of calls coming in. She closed by saying she is extremely proud of her staff for the exemplary job they did during the storm.

PUBLIC COMMENTS VIA CONFERENCE BRIDGE:

Mrs. Julie Green stated the Youngstown Air Reserve Station Outreach Activities are ongoing and they are reaching out to the 26 affected communities and are sharing the deliverables resulting from the Military Installation Sustainability Grant Program. Mr. Malloy said the study is very important to the Valley and the future of the airbase and thanked all that are involved to protecting the integrity of the airbase.

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*Mr. Tim Haniford said the public can mute themselves (*6) during public comments.*

PUBLIC COMMENTS VIA CONFERENCE BRIDGE:

Mr. Cantalamessa spoke about HB 1 and how funding will impact Townships.

Mr. Rex Fee, Champion Township Trustee, spoke on HB 1 and asked if the Auditor could look into the Bill. Mr. Cantalamessa said many Townships are already strapped—even to make payroll. He further stated he believed they need to discuss the Bill with their legislators in Columbus. Mr. Fee said it would also effect the school districts.

Mr. Malloy brought up fishing season on Mosquito Lake as more people come to fish our area now than any other time of the year. He said he welcomes all the people to the area, but there is also more litter surrounding the causeway. He said he would like to work with Sheriff and local judges to offer some clean up assistance after the fisherman are done. He also said the public can help by taking away litter when they see it. He further stated the public can see the migrating ducks at the lake this weekend if they are looking for something to do with their families.

RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Mr. Malloy, to adjourn the Regular Meeting of March 29, 2023 @ approximately 11:48, and to meet again in Regular Session on April 5, 2023.

Yeas: Cantalamessa, 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