

Week Beginning July 18, 2022

Meeting of July 20, 2022

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 20th day of July 2022, in the office of said Board, with the following members present:

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

**RE: REMOVE FROM TABLE ITEM #1
– MEETING OF JULY 7, 2022**

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to REMOVE FROM TABLE ITEM NO. 1, under the meeting date of July 13, 2022, dispensing with reading the minutes of the Regular Meeting dated July 7, 2022.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Ms. Frenchko voted No because she stated they are not being done correctly.

RE: MINUTES – JULY 7, 2022

2. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to dispense with reading the minutes of the Regular Meeting dated July 7, 2022.

Ms. Frenchko voted No because she stated they are not being done correctly. Ms. Frenchko went on to say how embarrassing it is that the other two Commissioners just pass things through and asked Mrs. Vivoda-Klotz to learn and look up ORC and start doing them correctly. Mrs. Vivoda-Klotz explained that she is following suit with what Ms. Ferris & Ms. Godfrey had done for decades.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

RE: MINUTES -- JULY 13, 2022

3. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to dispense with reading the minutes of the Regular Meeting dated July 13, 2022.

Yeas: Cantalamessa, Fuda
Nays: Frenchko

Ms. Frenchko voted No because she stated they are not being done correctly.

RE: APPROVE BILLS

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

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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RE: TRANSFER MONIES

5. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, Pursuant to Ohio Revised Code Section 5705.14, to transfer monies as submitted to the Trumbull County Auditor’s Office between the dates of July 11, 2022 through July 15, 2022. Complete list of money transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer monies:

• Sanitary Engineers	\$	15,000.00	Fund # 602
	\$	58,895.17	Fund # 604
	\$	2,950.24	Fund # 608

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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

RE: ADDITIONAL APPROPRIATIONS

6. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve additional appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of July 11, 2022 through July 15, 2022. Complete list of additional appropriations shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting additional appropriations:

• Auditor	\$	67,562.50	Fund # 301
	\$	40,465.74	Fund # 921
• Board of DD FY23	\$	107,261.14	Fund # 220

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

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

RE: TRANSFER APPROPRIATIONS

7. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to transfer appropriations, as submitted to the Trumbull County Auditor’s Office between the dates of July 11, 2022 through July 15, 2022. Complete list of appropriation transfers shall be recorded onto the Journal for record purposes.

❖ Departments/Offices requesting to transfer appropriations

• Sanitary Engineers	\$	300.00	Fund # 600
• Health Board	\$	1,000.00	Fund # 951

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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

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**RE: AMENDED CERTIFICATE NO. 17 - 2022
COUNTY BUDGET COMMISSION**

8. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to receive the Amended Certificate of the County Budget Commission No. 17 - 2022, for the fiscal year beginning January 1, 2022, dated July 20, 2022, increasing estimated resources in the funds listed:

- **Board of DD FY23 Fund # 220**

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

RE: ESTABLISH PROMOTION POLICY

9. MOTION: Made by Mr. Frenchko, seconded by Mr. Cantalamessa, to establish a Policy that ALL county promotions be approved by the Board of Commissioners prior to being filled and that those promotions be journalized.

NOTE: It has come to the board’s attention that only the positions at Department of Job and Family Services and the Child Support Enforcement Agency are not sent to the Board of Commissioners for approval and to be journalized, the Department of Job and Family Services Human Resources Director Position was filled without the board’s knowledge. All promotions must come before the Board of Commissioners for a vote just as the other departments under the board do, and our office does.

SUMMARY OF DISCUSSION

Mr. Cantalamessa said the agenda item states, to establish a Policy that ALL County promotions, and the Board does not control all County promotions. He went on to say that Ms. Frenchko tells the Clerk to have Resolutions ready, but Ms. Frenchko comes in with Resolutions that don’t make sense and are factually incorrect. He said the Board does not control promotions in the Prosecutor’s Office or the Auditor’s Office. Ms. Frenchko said she was sorry for omitting a word, but if Mr. Cantalamessa would have attended Mr. Fuda’s department head meeting, he could have asked the Clerk to ask her to change her wording because it’s an actual problem as there is only one department under the Commissioners that makes high promotions without placing them on the agenda. She stated even laborer positions are journalized by other departments. She said she wants to make sure things aren’t signed in the back office and are publicly done. Mr. Cantalamessa said he agreed with Ms. Frenchko that everything needs to be journalized, but this journal action is her journal action, and it’s incorrect.

MS. FRENCHKO MADE A MOTION FROM THE FLOOR TO MODIFY ITEM #9, TO READ:

‘To establish a Policy that ALL county promotions under the jurisdiction of the Commissioner’s Office be approved by the Board of Commissioners prior to being filled and that those promotions be journalized.’

****SUMMARY OF COMMENTS CONTINUED REGARDING ITEM #9 BEFORE THE ADJOURN FOR PAGE NUMBER PURPOSES****

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RE: ESTABLISH POLICY THAT ALL PROMOTIONS UNDER THE JURISDICTION OF COMMISSIONERS' OFFICE ARE JOURNALIZED

9. MOTION: Made by Ms. Frenchko to Modify Item #9, seconded by Mr. Cantalamessa, to read: **To establish a Policy that ALL county promotions under the jurisdiction of the Commissioners' Office be approved by the Board of Commissioners prior to being filled and that those promotions be journalized.** *NOTE:* It has come to the board's attention that only the positions at Department of Job and Family Services and the Child Support Enforcement Agency are not sent to the Board of Commissioners for approval and to be journalized, the Department of Job and Family Services Human Resources Director Position was filled without the board's knowledge. All promotions must come before the Board of Commissioners for a vote just as the other departments under the board do, and our office does.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

RE: CLOSE ROAD - COUNTY ENGINEER

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

- **STODDARD HAYES ROAD (C.H. 249C) located in Gustavus Township;** closing location between State Route 87 and Gardner Barclay Road (T.H. 284) for paving.
Closing Dates: Monday, July 18, 2022 through Friday, July 22, 2022
RECOMMENDED DETOUR: West on State Route 87; South on State Route 193; East on Gardner Barclay Road (T.H. 284)

Mr. Fuda said he has an open department head meeting that the Highway Department has not been attending, but he is familiar with these projects, and will vote for them. Ms. Frenchko called, Point of Order. Ms. Frenchko said that the Engineer explained why he doesn't attend Mr. Fuda's meetings stating Mr. Fuda has made some insults in front of employees, and has insulted her during his meetings. Mr. Fuda said he will be honest with them every time and asked why she was speaking for that department. Ms. Frenchko said she doesn't work for Mr. Fuda.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

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

- **SEAN BORAWIEC**, 1515 Warner Rd., Hubbard, OH 44425 to work in the right-of-way of Everett East Rd. (C.H. 22A), in order to install 150' of 12" plastic conduit and a catch basin. This will be approximately 100' east of Warner Rd (C.H. 43) in Hubbard Township.
- **DOMINION ENERGY OHIO**, 1165 W. Rayen Ave., Youngstown, OH 44502, to work in the right-of-way of South Canal Street (C.H.105C) in order to install 5 anodes to provide cathodic protection to an existing gas line. This will be located along South Canal St. between Niles Ave. and Cleveland Ave. in Newton Township.
- **DOMINION ENERGY OHIO**, 1165 W. Rayen Ave., Youngstown, OH 44502, to open cut and work in the right-of-way of North River Rd. (C.H. 142B), in order to install 2' valve box. This will be located at the northeast radius of the intersection of Redwood Ave. (T.H. 817) in Howland Township.
- **DOMINION ENERGY OHIO**, 1165 W. Rayen Ave., Youngstown, OH 44502, to work in the right-of-way of Warren Ravenna Rd. (C.H. 848 B), in order to install 2' anodes to provide cathodic protection to an existing gas line. This will be located along Warren Ravenna Rd. between Washington Ave. and Wilson Ave. in Newton Township.
- **X-PRESS UNDERGROUND, INC.**, 116405 Stateline Rd., P.O. Box 345, Petersburg, OH 44454, to install a 6-inch main waterline along Helsley Fusselman Rd. (C.H. 208 C). This will be located between the intersection of Braceville Robinson Rd. (C.H. 114) and extend approximately 3.500' east along Helsley Fusselman Rd. In Southington.

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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

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

- **JOHN RODOMSKY, JR.**
1514 Squaw Creek Drive, Girard OH 44420
Permit No.: AF-033-2022,
Permit Effective: July 12, 2022 through July 12, 2023
- **KMB, INC., d/b/a KING BROS.**
P.O. Box 240, Bristolville, OH 44402
Permit No.: AF-034-2022,
Permit Effective: July 24, 2022 through July 24, 2023

Yeas: Cantalamessa, Frenchko, Fuda
Nays: None

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**RE: CREATE FUND NO. 223 – FY2021 AMERICAN
RESCUE PLAN ACT ECONOMIC ADJUSTMENT
ASSISTANCE NOTICE OF FUNDING
OPPORTUNITY– GOLDEN TRIANGLE PROJECT**

13. MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to create Fund No. 223 for the FY2021 American Rescue Plan Act Economic Adjustment Assistance Notice of Funding Opportunity – EDA-2021 ARPA-EAA – Golden Triangle Project.

NOTE: Approvals for grant application and related approvals granted by the Trumbull County Commissioners occurred on November 3, 2021, JV 154, Pages 24506-24507, January 26, 2022, JV 154, Page 24545, and May 25, 2022, JV 154, Page 24816.

Yeas: Cantalamessa, Frenchko, Fuda

Nays: None

Report filed on Journal Page(s)_____.)

**RE: SATISFACTION OF MORTGAGE
– ROSIE BURG Y**

14. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to approve the “Satisfaction of Mortgage” on the property of the homeowner ROSIE BURG Y. The mortgage was filed on March 24, 2017, in the contract amount of \$19,556.00. The mortgage was set for a ten (10) year declining repayment schedule. The remaining balance of the lien is paid in full due to sale of the property. Ms. Burg y’s Estate has satisfied all terms and conditions required for the mortgage. Ms. Burg y received assistance through the County HOME Program in 2017; this action per the recommendation of the Trumbull County Planning Commission and is subject to review and approval of the Prosecutor’s Office.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

Documents filed on Journal Page(s)_____.

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RE: AWARD CONTRACT
RUDZIK EXCAVATING, INC.
STATE ROAD PHASE 2 SANITARY SEWER
IMPROVEMENTS PROJECT NO. 4-S-16

15. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to award the lowest and best bid response and enter into a contract for the STATE ROAD PHASE 2 SANITARY SEWER IMPROVEMENTS PROJECT No. 4-S-16, to RUDZIK EXCAVATING, INC., P.O. Box 206, 401 Lowellville Road, Struthers, Ohio 44471, for the total bid amount of \$1,085,586.00. \$230,000.00 of this contract is to be paid with ARP Fund No, 077-011-1000-1000-1-505538. The remaining cost of the contract is to be paid directly from the grant and loan sources listed below; this action per the recommendation of the Trumbull County Sanitary Engineer and is subject to the approval of the Trumbull County Prosecutor’s Office and the Ohio Environmental Protection Agency Division of Environmental and Financial Assistance (OEPA/DEFA).

NOTE: Engineer’s estimate for this contract is \$1,311,255.00

Funding Sources:

Table with 2 columns: Funding Source, Amount. Rows include OPWC Grant (\$250,000.00), ARP Grant Funds (\$230,000.00), Ohio EPA/WPCLF 0% Interest Loan (\$912,225.35), and Total (\$1,392,225.35).

Other Bids Submitted:

Table with 3 columns: Bidder Name, Amount When Opened, Amount After Tabulation. Rows include United Earthworks LLC, Woodford Excavating, LLC, CATTs Construction, J.S. Bova Excavating, LLC, Xpress Underground, Inc., S.E.T. Inc., and Lockhart Concrete.

*Bids that were adjusted as a result of the bid tabulation

SUMMARY OF DISCUSSION:

Mr. Fuda asked Mr. Gary Newbrough to explain the State Road Project. Mr. Newbrough said this project was a result of Petitions and the public hearing was held in 2020 and then delayed in the anticipation of ARPA Funds. He spoke about the Engineer’s estimate and said this project was not affected by the rising cost of things. Ms. Frenchko said she is the only Commissioner who received the supplemental information regarding this item, and she only saw the bid tab for this project yesterday.

Ms. Frenchko stated that she does not like the Agenda wording that Bids are said to be the lowest & best bid if only one of the contractors was interviewed. She said she would like to wait a week to look at the quality of the bidder as she found out some additional information about Rudzik. Mr. Fuda stated Mr. Newbrough is versed in knowing the performance and quality of work done by the Contractors. Mr. Cantalamessa asked if she was advocating for paying more. Ms. Frenchko said she was advocating to make sure it was the best and spoke about change orders. Mr. Fuda said Mr. Newbrough has worked with all of these contractors for many years and knows their background and his job. Ms. Frenchko wanted to evaluate this bid further. Ms. Frenchko said she spoke to Bill Makosky yesterday regarding this item and he acknowledged that he didn’t speak to all of the contractors, but moving forward he would. Mr. Fuda asked Gary Newbrough how much the County saved hiring Mr. Makosky to do this work. Gary Newbrough said they did not have to hire an outside consultant for construction administration which would probably be \$100,000. Mr. Newbrough handed the Board the official bid recommendation stating he forgot to leave it when he came yesterday as he had so many documents. Mr. Newbrough said Rudzik is one of the best contractors out there and have done more than a half of dozen of sewer contracts with no problems. He went on to speak about warranted change orders with contractors, and said he had to get this item on the agenda this week for the OEPA so they can get the August award. Mr. Cantalamessa said it’s the lowest bid and asked Mr. Newbrough if he felt it was the best bid. Mr. Newbrough answered, yes. Ms. Frenchko asked if there was a ranking process done. Mr. Newbrough said that’s not a normal procedure within the bid documents. He said the lowest bid met all of the requirements so there was no need to grade them as that would be a waste of resources. Ms. Frenchko said when she worked for a consulting company and the Planning Commission, they ranked contractors looking at certain criteria to determine the best. Ms. Frenchko asked Mr. Newbrough if they would lose a grant if this was held up. Mr. Newbrough said to get the August loan award, this needed approved today.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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Ms. Frenchko said she was voting yes for the reason Mr. Newbrough stated, and in the future she would like to see he evaluated the other contractors to determine that they're the best. Mr. Cantalamessa said they are the lowest and the best and asked what she didn't understand. Ms. Frenchko said she was disappointed the Board was going to vote on something without reviewing it. Mr. Cantalamessa said she was making assumptions again. Mr. Fuda said he has been working on this project for many years and she doesn't try to work with the departments.

**RE: APPROVE DETAIL SEWER DRAWINGS –
ALLMANS WASTE WATER TREATMENT
PLANT REPLACEMENT PROJECT NO. 9-S-20**

16. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to approve the Detailed Drawings for the ALLMANS WASTE WATER TREATMENT PLANT REPLACEMENT PROJECT, known as County Project No. 9-S-20, in the Trumbull County Combined Sanitary Sewer District, Metro Sub District; this action per the recommendation of the Trumbull County Sanitary Engineers Department.

Ms. Frenchko asked Mr. Newbrough if the new Engineer could design the drawings. Gary Newbrough said this has been awarded previously. Mr. Newbrough said he can't say if this is something the new Engineer would do.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

**RE: RESOLUTION AUTHORIZING STORMWATER AND
SEWER PROJECTS FROM AMERICAN RESCUE PLAN
ACT – HEATON CHUTE SANITARY SEWER
IMPROVEMENTS PROJECT**

17. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, 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, Section 603(c) generally provides that:

(1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

RESOLUTION ARPA (HEATON CHUTE) continued on next page

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17. RESOLUTION ARPA (HEATON CHUTE) (Cont'd)

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

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

The ARPA provides funds to State, local, and Tribal governments to make necessary investments in water and sewer infrastructure. By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health. Understanding that State, local, and Tribal governments have a broad range of water and sewer infrastructure needs, the interim final rule provides these governments with wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their own communities, which may include projects on privately-owned infrastructure. The interim final rule does this by aligning eligible uses of the Fiscal Recovery Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

WHEREAS, the Rule further observes that:

The types of projects eligible for CWSRF assistance include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution.

WHEREAS, the USEPA has identified eleven (11) "types of projects [which] are eligible to receive CWSRF assistance", including:

Construction of publicly owned treatment works

Assistance to any municipality or inter-municipal, interstate, or state agency for construction of publicly owned treatment works

Nonpoint source

Assistance to any public, private, or nonprofit entity for the implementation a state nonpoint source pollution management program, established under CWA section 319

RESOLUTION ARPA (HEATON CHUTE) continued on next page

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17. RESOLUTION ARPA (HEATON CHUTE) (Cont'd)

Decentralized wastewater treatment systems

Assistance to any public, private, or nonprofit entity for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage

Stormwater

Assistance to any public, private, or nonprofit entity for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water

Water conservation, efficiency, and reuse

Assistance to any municipality or inter-municipal, interstate, or state agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse

WHEREAS, the Final Rule further provides that the following projects are also eligible:

- (1) expansion of permitted stormwater infrastructure projects;
- (2) remediating lead in water;
- (3) dam and reservoir rehabilitation;
- (4) expansion of drinking water infrastructure to meets needs of existing population;
- (5) floodplain management and flood mitigation;
- (6) irrigation projects; and
- (7) consumer mitigation programs

WHEREAS, the County has identified a project which, in the judgment of the County, qualifies as a type of project which would be eligible to receive financial assistance through the CWSRF or is otherwise eligible under the Final Rule, which consists of the following:

- Heaton Chute Sanitary Sewer Improvements Project to extend public sanitary sewer service to approximately 71 households and businesses in Weathersfield Township; and

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. The Project is here authorized and shall be partially paid for from the ARPA Funds.
2. The Project described herein serves the objectives of the ARPA by providing public sanitary sewer service to 71 existing households and businesses.
3. Accordingly, the Project is in the best interests of the Country, is deemed a priority for the community, and is the type of improvement which would be eligible to receive financial assistance through the CWSRF, the DWSRF, or is otherwise expressly permitted by the Final Rule.

RESOLUTION ARPA (HEATON CHUTE) continued on next page

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17. RESOLUTION ARPA (HEATON CHUTE) (Cont'd)

4. The County authorizes the expenditure of \$571,000 for the Heaton Chute Sanitary Sewer Improvements Project.

5. The County shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

SUMMARY OF DISCUSSION:

Mr. Fuda said Mr. Gary Newbrough and Mrs. Julie Green have been working on funding for these projects for many years and he appreciates the great work Gary is doing and has done in the past.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

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

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

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

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

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

WHEREAS, the County entered into the Participating Public Hospital Agencies Agreement with the Issuer and certain additional political subdivisions (collectively with the County, the "Participating Public Hospital Agencies") pursuant to Section 140.03, Ohio Revised Code, on May 1, 2008 for the purposes of (a) financing and refinancing through the Issuer certain capital equipment and construction needs of the Corporation and its Affiliates, including the Local Facilities, located within the jurisdiction of the County,

RESOLUTION HOSPITAL REVENUE BONDS continued on next page

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RESOLUTION HOSPITAL REVENUE BONDS -continued on next page

including the reimbursement of costs advanced for those purposes, and (b) refunding and retiring outstanding prior indebtedness incurred for such purpose; and

WHEREAS, the Corporation anticipates that the Issuer will issue its Hospital Facilities Revenue Bonds, Series 2022 (Bon Secours Mercy Health, Inc.), in one or more series (the "Series 2022 Bonds"), in an amount not to exceed \$200,000,000 to finance and refinance the acquisition, construction and equipping of Hospital Facilities located in the jurisdiction of the Participating Public Hospital Agencies, and the Issuer may, from time to time, determine to issue additional revenue bonds, in order to finance and refinance the costs of Hospital Facilities, in cooperation with the Participating Public Hospital Agencies; and

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

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

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

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

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

19. To discuss execution of the Extension of Agreement for Dispatch Services provided by the Trumbull County 911 Center for the City of Warren.

SUMMARY OF DISCUSSION:

Ms. Frenchko explained the issue with the extension agreement stating this was intended to be sent over as an Agenda Item to execute the extension of this agreement. She said that monies are owed to the county and it has taken a long time for the City of Warren to come to the table for this item. Mr. Fuda said there was supposed to be a meeting at 10 a.m. yesterday and the City cancelled. Ms. Frenchko said this needs to be on the Agenda next week, so the County is paid.

NO ACTION WAS TAKEN ON ITEM #19

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Mr. Fuda asked Ms. Frenchko why she is writing all over public documents. He said the documents sit there for three weeks and she complains when the documents are taken away stating she didn't get to sign them. He said they have post-it notes that she could write on and stick them on the documents, but she is writing on the actual documents. Ms. Frenchko said she is the only Commissioner that reviews a Contract before she signs it. Commissioner Cantalamessa said that is not true and called, Point of Order. Mr. Fuda said Ms. Frenchko was lying as she does not know what he does. Ms. Frenchko said only the signature page was sitting out that was signed by Commissioners Fuda and Cantalamessa stating, this is a routine thing that has been happening. She said another thing she won't sign is something that doesn't show it was approved as to form by the Prosecutor's Office. She said she wants documents scanned and emailed to her with the date they were put out and the date they were taken away. She said she has written it on post it notes, sent emails and this time wrote on the document and it got their attention. Mr. Fuda said it is not the first time Ms. Frenchko has written on documents. Mr. Cantalamessa said that Ms. Frenchko wrote on this document that was approved to form by Jason Toth and he can't help it if she doesn't know Jason Toth works for our Prosecutor's Office. Mr. Cantalamessa asked Mr. Fuda to show Ms. Frenchko that the document has approved to form with Mr. Toth's signature on it. Mr. Cantalamessa said this is all for show and the games have to stop. He said she voted yes on the item and now says it's wrong. Mr. Cantalamessa said Ms. Frenchko is defacing public documents. Ms. Frenchko stated Mr. Cantalamessa called to have her arrested last week Mr. Cantalamessa said he can't arrest her. Mr. Fuda said Ms. Frenchko just makes stuff up. Ms. Frenchko said she doesn't want anyone in Trumbull County to be intimidated by coming to the meeting and making public comments. She said there are a lot of people who thought what happened two weeks ago was an effort to intimidate her from doing her job and to intimidate the rest of the people who disagree with the establishment and the Sheriff not to come and make public comments. She doesn't want anyone to feel uncomfortable coming to the meetings. She said no-one is going to bully her-- she is going to continue to say what she has to say and she has received 20 more complaints since this has happened and maybe she will have the Clerk read them next week. Mr. Cantalamessa asked what about when she bullies people? Mr. Fuda asked Ms. Frenchko is she realized she intimidated this Clerk with her phone—He told Ms. Frenchko she stood right there and would not let the Clerk read a public document and he had a major issue that day and she accused him of telling the Sheriff's department to come up there. He said he wanted to get out of that meeting as his wife was sent to the hospital, but she didn't care as she prolonged the meeting by making statements as she does week after week. Ms. Frenchko said the meeting was prolonged by having someone read something-- another elected official would instead have the decency to make a public statement. She said this is a Board of Commissioners meeting, not the Sheriff's meeting and not the Clerk's meeting. She said if other elected officials have a problem, they issue a press release--they don't ask staff to read. She said they were working in concert. She asked if someone asked the Prosecutor's Office about creating a policy that would prevent her from coming in the building outside of business hours. Mr. Cantalamessa said it was during business hours regarding her going through the back door and not going through the metal detectors during business hours. Ms. Frenchko asked if they would release the letter. Mr. Cantalamessa said, sure. Mr. Fuda said she is the only Commissioner who refuses to come through security. Mr. Cantalamessa said Ms. Frenchko doesn't come through security. Mr. Fuda asked if there was a reason. Mr. Cantalamessa said there are people who don't feel comfortable with her coming through the back door. Mr. Fuda said especially when Ms. Frenchko has talked to the cleaning people about guns. Mr. Cantalamessa said it wasn't funny and that security issues are not funny and asked why she can go through the back door and everyone else has to go through metal detectors.

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PUBLIC COMMENTS:

Mr. Fuda said the County has a fire department working without proper communication because of towers that aren't working, and they have been working on this problem for over eight months. Mr. Doug Johnson discussed the need for a Marcs Tower System in Brookfield Twp. He said they need a 100 x 100 square foot piece of property and found one the county owns in Brookfield Township that would be perfect for a new 330-foot tower. He said Marcs has done some research on this specific piece of property. Mr. Johnson referred to a handout he gave the Board to review regarding the tower. Mr. Johnson asked Board for help in obtaining the property for the tower. Ms. Frenchko asked about coverage. Mr. Johnson said he would send her additional information. Mr. Fuda said in past meetings they talked about two towers and wanted to know if this one tower would suffice. Mr. Johnson said Marcs researched and took a drone in the air and found there would be 98 percent street coverage with portable radios. Mr. Fuda asked about when the funding would be addressed regarding the tower. Mr. Johnson said they would need to acquire the land first because they need an address to associate the funding with. Mr. Cantalamessa asked how much would this approve communication. Mr. Johnson said a lot.

Mrs. Alicia Hineman said she is here about an issue that has already been voted on. She spoke about problems she is having in regards to a waterline on Helsley Fusselman Road. She said she had denied tying in on several occasions. She said information was missing on the plans regarding a gas transmission line that runs through her property. She stated she spoke to Mr. Newbrough and he sent someone who drew up the blueprints to contact her. She spoke about concerns regarding anode beds that run along the property that ground the transmission line. She said the anode beds dissolve so there is a section of her yard where nothing will grow. She is concerned if they run this line, they will damage the anode beds. She said they are throughout her yard and she didn't find until Cobra took over. She stated she was told they would run around the anode bed, but they did not do that. She spoke about financial concerns regarding damage to her property, and the safety as there are no flaggers. She said she had a cement truck to install her driveway and she was told to wait until next year after the line is installed. She said the gentleman told her they may have to dig up her driveway. She said it was voted on last month and she would have spoken up but was told it was too late. She had questions if this meets the criteria for the funding. She spoke about the safety of the workers with the traffic on the road because there are dangerous hills that go up and down. She spoke of several accidents that occurred over the last fifteen years. She said construction equipment is blocking the lanes with no flaggers. Gary Newbrough said he had Burgess and Niple investigate and said they are doing a horizontal drill that shouldn't affect her property and the contractor is meeting with Cobra to discuss it.

Mrs. Hineman said she has concerns of damage down the road. Mr. Newbrough said the property would be restored if it was damaged in any way. She spoke about the dangers when school is in session. Ms. Frenchko asked why they weren't flagging. Mr. Newbrough said they are flagging and he would call and check into it. Mr. Newbrough said he would make sure they are adhering to safety procedures. Mr. Fuda asked if they could get a deputy out there. Ms. Frenchko asked if there could be a camera installed so no one gets injured. Mr. Newbrough said he had to look into it. Mr. Cantalamessa said whatever we have to do to keep people safe. Mr. Newbrough said there are 17 curb boxes. Ms. Frenchko said she wanted a report by the end of the day or someone else if he couldn't get to it. Mrs. Hineman said she would have appreciated better communication regarding the project. Mrs. Hineman also had concerns regarding internet service disruption. Mr. Newbrough took her contact information.

Mr. Barry Brown, Fair Board President, gave a fair update and said it was a great year for the fair. He gave the Board a packet and thanked everyone that came out to help. He addressed ARPA Funds and said he broke it down to five projects and thanked Julie Green for her help and the County Engineer. The five projects at the fair that ARPA money is being requested are: the handicapped assessable restroom, 4-H Building (warming kitchen, bathroom and showers)—he said the one they have now is condemned/closed, the roof for the Annex building, four horse barns that need new roofs, and the last is the parking lot. Mr. Brown said this has been destroyed when the health department was set up to give covid shots. Mr. Brown said Mrs. Green put every pertinent piece of information in the packet for the Board. He stated everything has been sent to the ARPA Attorney who said these projects were eligible. Mr. Cantalamessa thanked Mrs. Julie Green for her assistance with these projects. He said he was in favor of these improvement projects for the fair. Ms. Frenchko said she was also in favor of the projects and she attended the fair every day. She said she spent time with 4-H families and some have health conditions and disabilities and these improvements are long overdue. She stated there is a timing issue and hopes this can be completed by next year and said the parking lot damage had nothing to do with the fair so that burden should not be on the fair board. Mr. Fuda said he received many compliments regarding the fair. He said these are much needed improvements that couldn't be done in the past because of funding, but the capabilities are there now. He went on to say, the 4-H kids are phenomenal.

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SUMMARY OF DISCUSSION CONTINUED FOR ITEM #9

Ms. Frenchko said there is a Motion on the floor to Modify that supersedes any previous Motions. Mr. Fuda said he wanted a chance to discuss the item. Commissioner Frenchko called, Point of Order stating there is a Motion on the floor. Mr. Fuda and Ms. Frenchko disagreed regarding letting Mr. Fuda discuss the item. Ms. Frenchko called, Point of Order several times stating there was a Motion on the Floor stating it needs to be seconded for discussion. Mr. Fuda said she and Mr. Cantalamessa had an opportunity to discuss and she was denying him the opportunity. Mr. Fuda asked Ms. Frenchko why she did not attend his department head meeting so he could understand and correct her regarding the wording of her item. He said Ms. Frenchko wants the Board to vote on things that are incorrect and without all of the information. Ms. Frenchko called, Point of Order to focus on the Agenda Item. Ms. Frenchko repeated her Motion on the Floor to Modify. Mr. Cantalamessa seconded the Motion and went on to state that when these items come in, they need to be more factual as this is a broad statement. He stated they don't have the authority to tell the Prosecutor, Auditor or Treasurer what to do. Mr. Fuda asked if he could discuss now. Ms. Frenchko said she is discussing now stating she just found out this information a week ago and this has been happening for decades. Mr. Fuda spoke about his department head meeting stating Ms. Frenchko had the opportunity to discuss the item. He said she puts things on the agenda, does not have the facts, and she expects them to vote without all of the information--then complains when she does not have enough information and she expects special privileges. Ms. Frenchko called, Point of Order stating the discussion needs to relate to the Agenda Item. Mr. Fuda called, Point of Order stating Ms. Frenchko was interrupting him. Ms. Frenchko stated the President doesn't get to call Point of Order and that is what the gavel is for. Mr. Fuda said she doesn't listen to the gavel and Ms. Frenchko constantly speaks about following Roberts Rules and it says, no cell phones and she is using her cellphone and she is breaking the first rule. Ms. Frenchko called, Point of Order stating that this is not related to the Agenda Item.

Ms. Frenchko said anyone in the audience using a cellphone in a public meeting for recording purposes is allowed to do so as the Sunshine Law allows, supports and defends this. She stated, one could have a cause of action against the Board if you are not able to record a meeting.

Mr. Gargano spoke about Agenda Item #9 stating he disagrees with Commissioner Frenchko when she stated DJFS went rouge as this has been the process prior to him-for the past 30 years. Mr. Gargano said he has Anna Loney who is the HR person, involved with administrative, supervisor promotions of this nature. He said there is nothing nefarious that was implied by Ms. Frenchko going on. He said they have been following a Policy from 2002 that states all appointments to non-bargaining positions are subject to Commissioners' approval except that in-house applicants selected for non-bargaining positions are not subject to Commissioners' approval. Mr. Gargano stated he had a conversation with Ms. Frenchko about this and his department tests employees who receive these promotions. Mr. Gargano said Mrs. Anna Loney was present to speak about this and also brought Mrs. Shelly Blosser who would be taking over for Mrs. Loney. Mr. Gargano wanted the Board to know they have been following a process that has been in place way before all of them were there. Ms. Frenchko said what Mr. Gargano just stated is the problem she has seen within Government overall. She said to state, this is how it's always been done, is not acceptable as it lacks transparency when giving high-level promotions, and DJFS is the only department doing it this way, it needs to be consistent, and that is what she was elected to do. Mr. Fuda said he has had discussions regarding these things and Ms. Frenchko wants to put things on the Agenda without discussion. Ms. Frenchko stated, Point of Order stating, Mr. Fuda doesn't get to attack her and to focus on the Agenda Item. Mrs. Loney said the reason the promotions did not go to the Board is they go to DAS and were approved by the State. Mr. Fuda asked if they trained employees to step into a position if a tragedy were to happen and that position needed filled. Mr. Cantalamessa said he appreciated the rationale and appreciated their explanations. He said he doesn't think it hurts to put it on the Agenda for transparency but understands what Mrs. Loney and Mr. Gargano are saying.

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RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Ms. Frenchko, to adjourn the Regular Meeting of July 20, 2022, and to meet again in Regular Session on July 27, 2022.

Yeas: Cantalamessa, Frenchko, Fuda

Nays: None

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

FRANK S. FUDA, PRESIDENT

MAURO CANTALAMESSA, COMMISSIONER

NIKI FRENCHKO, COMMISSIONER

ATTEST:

PAULA J. VIVODA-KLOTZ, CLERK