

Week Beginning November 6, 2017

Meeting of November 9, 2017

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 9th day of November, 2017, in the office of said Board, with the following members present:

Frank S. Fuda, Commissioner
Mauro Cantalamessa, Commissioner
Daniel E. Polivka, Commissioner

RE: MINUTES

1. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to dispense with reading the minutes of the Workshop Session dated October 31, 2017, and the Regular Meeting dated November 1, 2017.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

RE: APPROVE BILLS

2. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, 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: Polivka, Cantalamessa, Fuda
Nays: None

**RE: RECEIVE/FILE MONTHLY ACTIVITIES REPORT
DOG KENNEL – OCTOBER 2017**

3. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to receive and place on file the Monthly Activities Report for the TRUMBULL COUNTY DOG KENNEL for the month of OCTOBER 2017; as submitted by Gwen Logan, Executive Dog Warden.

NOTE: Monthly Report shall be recorded on the Journal for record purposes.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

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RE: LIQUOR PERMIT

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

TRANSFER CLASSES C1, C2

FROM:	ALDI INC. OHIO d/b/a ALDI INC. 52 Ridgewood Commons 35111 Center Ridge Road North Ridgeville, OH 44039
TO:	ALDI INC. OHIO d/b/a ALDI 41 2120 Elm Street Bazetta Township Cortland, OH 44410

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

RE: LETTER OF SUPPORT ON BEHALF OF THE FARMINGTON TOWNSHIP FIRE DEPARTMENT 2018 OHIO FIRE MARSHAL'S OFFICE MARCS RADIO GRANT

5. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to approve a Letter of Support on behalf of the Farmington Township Fire Department's request to submit an application to Jeff Hussey, State of Ohio Fire Marshal, for the 2018 State of Ohio Fire Marshal's Office MARCS Radio Grant. The Board of Trumbull County Commissioners supports the radio upgrade and understands the importance of effective communication being a life safety concern.

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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

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RE: EXECUTE DATA SHARING & CONFIDENTIALITY AGREEMENT #D-1819-15-0423 BETWEEN JOB & FAMILY SERVICES AND LOCAL WORKFORCE DEVELOPMENT AREA 18

6. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute the DATA SHARING AND CONFIDENTIALITY AGREEMENT #D-1819-15-0423 by and between the OHIO DEPARTMENT OF JOB & FAMILY SERVICES and LOCAL WORKFORCE DEVELOPMENT AREA 18 (the representatives include the Trumbull County Board of Commissioners, who are the Chief Elected Officials of the Local Area, the Area 18 Local Workforce Development Board, and the Trumbull County Department of Job & Family Services—which is the OhioMeansJobs Center Operator for the Local Area; AND to execute the PERSONAL CONFIDENTIALITY STATEMENT OF MR. WILLIAM J. TURNER, Executive Director of The Workforce Development Board of Trumbull County, allowing him access to confidential data. The Agreement will be in effect upon the signature of the Ohio Department of Job and Family Services Director and will remain in effect through June 30, 2019—unless said Agreement is suspended or terminated pursuant to Article X prior to the termination date; this action per the recommendation of William J. Turner, Executive Director of The Workforce Development Board of Trumbull County, and is subject to review and approval of the Prosecutor’s Office.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

RE: CLOSE ROAD

7. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to acknowledge that the County Engineer Closed the Road listed.

- **PHOENIX ROAD (C.H. 353) located in Howland Township;** closing location approximately 300’ east of Commonwealth Avenue (T.H. 652) for waterline relocation and repair.
Closing Dates: Monday, November 6, 2017
Closing Times: 8:00 a.m. until 5:00 p.m.
RECOMMENDED DETOUR: West on North River Road (C.H. 142); South on Larchmont Avenue (C.H. 1469); Northeast on Commonwealth Avenue (T.H. 652)

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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RE: GRANT QUARTERLY OPERATOR FLEET PERMITS – COUNTY ENGINEER

8. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to concur with the Trumbull County Engineer to grant the Quarterly Operator Fleet Permits to travel upon load posted Trumbull County Roadways (*not to exceed 80,000 lbs. gross vehicle weight*), requested by the companies listed. The necessary permit fees and insurance information have been submitted and approval is subject to the conditions listed on each permit.

- **Permit No.: QF-008-2017**
Permit Effective: October 30, 2017 through January 28, 2018
DANIEL D. GINGERICH, 16640 Madison Road, Middlefield, OH 44062
- **Permit No.: QF-009-2017**
Permit Effective: November 1, 2017 through January 30, 2018
DeNOON LUMBER COMPANY, LLC, 571 County Highway 52, Bergholz, OH 43908

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

RE: EXECUTE DIRECT PAYMENT OF CONSULTANT AGREEMENT FOR PALMER ENGINEERING COMPANY – TRU-NORTH ROAD/REEVES ROAD INTERSECTION IMPROVEMENT PROJECT

9. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to execute the Direct Payment of Consultant Agreement for PALMER ENGINEERING COMPANY, 460 White Pond Drive, Suite #300, Akron, OH 44320 for professional engineering services for the TRU-NORTH ROAD/REEVES ROAD INTERSECTION IMPROVEMENT PROJECT, located in Howland Township and the City of Warren—requesting that all payments for the Federal/State share of the costs of the Agreement performed by Palmer Engineering Company be paid directly to Palmer Engineering Company; this action per the recommendation of the Trumbull County Engineer and the Ohio Department of Transportation and is subject to review and approval of the Prosecutor’s Office.

NOTE: On May 24, 2017, duly recorded in Journal Volume 146, Page 20782, the Board of Commissioners awarded the contract to Palmer Engineering Company in the amount of \$130,961.00. On September 27, 2017, duly recorded in Journal Volume Page 147, Page 21109, the Commissioners amended the original Journal Action to include additional federal funding to offset local funds which were committed as part of the original Agreement revising the 80% payment from \$71,900.00 up to a maximum federal share of \$104,768.80 and the 20% local share from \$59,061.00 to \$26,192.20.

SPECIAL NOTE: The revised Professional Services Agreement will be subject to payment from a federal grant received through the Eastgate Regional Council of Governments.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

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RE: APPROVE EASEMENT AGREEMENT BETWEEN COMMISSIONERS AND TERRACE NORTH CONDOMINIUM UNIT OWNERS ASSOCIATION FOR PERMANENT LAND ACQUISITION OF REAL PROPERTY PARCEL NO. 5-SH – NORTH RIVER ROAD INTERSECTION IMPROVEMENT PROJECT

10. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to approve an Easement Agreement by and between the BOARD OF TRUMBULL COUNTY COMMISSIONERS and TERRACE NORTH CONDOMINIUM UNIT OWNERS ASSOCIATION, 3000 North River Road, Unit F 25, Warren, OH 44483 for Permanent Land Acquisition of Real Property for Parcel No. 5-SH for the NORTH RIVER ROAD INTERSECTION IMPROVEMENT PROJECT located in Howland Township. The land acquisition and is required for the purpose of performing work necessary to construct, operate, maintain the North River Road Intersection Improvement Project. Trumbull County is required to pay Terrace North Condominium Unit Owners Association the total cost of \$300.00--to be paid from the County Engineer's Fund Nos. 01-002-030-1720-5400 and 01-002-030-1720-6800 (subject to Federal and State reimbursement)--*no County General Revenue Funds will be utilized*; this action per the recommendation of the Trumbull County Engineer and subject to review and approval of the Prosecutor's Office.

NOTE: All right-of-way acquisition has followed the guidelines set forth in the Ohio Department of Transportation's (ODOT's) Real Estate Policy & Procedures Manual and those in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

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**RE: EXECUTE LEASE AGREEMENT
CROSBY MOOK OFFICE EQUIPMENT
TWO (2) MULTIFUNCTION COPIERS FOR
DATA PROCESSING & GIS/TAX MAP DEPTS.**

11. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute a Lease Agreement with CROSBY MOOK OFFICE EQUIPMENT, 558 High Street, N.E., Warren, OH 44481 for the TRUMBULL COUNTY IS/TELECOMMUNICATIONS DEPARTMENT to lease two multi-function copiers: (1) Toshiba e-Studio 4508A, 45 PPM and (1) Toshiba e-Studio 2508A, 30 PPM for use by the Data Processing Department and the GIS/Tax Map Department at a monthly cost of \$203.00 for a term of 60 months—to be paid for from Fund No. 01-007-011-1130-6620; this action per the request of David Ranttila, IT Director and is subject to review and approval of the Prosecutor’s Office.

NOTE: All quotes include installation, maintenance, parts and supplies (excluding paper and staples).

OTHER PROPOSALS SUBMITTED

<i>COMPANY</i>	<i>AMOUNT</i>
VALLEY OFFICE SOLUTIONS 8534 South Avenue, Youngstown, OH 44514	(2) Sharp MX-365 N, 36 PPM Monthly Cost: \$271.00
COMDOC, INC. 6790 Belmont Avenue Girard, OH 44420	(2) Xerox 5335, 35 PPM Monthly Cost: \$279.92

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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

RE: ADDITIONAL APPROPRIATIONS

12. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to approve additional appropriations, as listed:

ARRA-HOME SEWAGE RESERVE PROGRAM		
01-258-070-5100-5500-17	Contracted Services	\$ 2,287.50
FOOD SERVICE OPERATION		
02-951-040-4900-5120	Salaries	\$ 17,500.00
02-951-040-4900-5151	PERS	\$ 4,000.00
02-951-040-4900-5156	Medicare Coverage	\$ 500.00
02-951-040-4900-5157	Hospital & Life Insurance	\$ 11,800.00
TITLE ADMINISTRATION FUND		
01-036-012-2420-5600	Professional Services	\$ 3,000.00
BRACEVILLE TWP. WATER DISTRICT		
01-603-030-3030-5800	Pymts. to other Governments	\$ 4,000.00

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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RE: TRANSFER MONIES

13. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, pursuant to Ohio Revised Code Section 5705.14, to transfer monies, as listed.

FROM:	TO:	AMOUNT:
01-943-130-1100-7000 Interfund Transactions Casino Shared Revenue Fund	01-001-0000-05165 Inter Governmental Receipts General Fund	\$2,300,000.00
01-921-011-1100-7100 Bond Indebtedness-Transfer Out Undivided Sales Tax	01-301-1100-13060 Sales Tax-Transfer In General Bond Fund	\$1,400,000.00
01-604-030-3030-7200 Interfund Reimbursements Four Twp. Water District	01-606-3030-09610 From Other Funds Brookfield Water District	\$ 52,171.09
01-608-030-3030-7200 Interfund Reimbursements Hubbard Water District	01-606-3030-09610 From Other Funds Brookfield Water District	\$ 2,698.50
01-601-030-3020-7000 Interfund Transactions Metropolitan Sewer District	01-600-3000-13010 Transfers In Sanitary Engineers	\$176,330.00
01-603-030-3030-7000 Interfund Transactions Warren Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 3,660.00
01-604-030-3030-7000 Interfund Transactions Four Twp. Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 23,648.00
01-605-030-3020-7000 Interfund Transactions Mosquito Creek Sewer District	01-600-3000-13010 Transfers In Sanitary Engineers	\$108,100.00
01-606-030-3030-7000 Interfund Transactions Brookfield Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 22,284.00
01-607-030-3030-7000 Interfund Transactions Champion Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 41,868.00
01-608-030-3030-7000 Interfund Transactions Hubbard Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 2,093.00
01-609-030-3030-7000 Interfund Transactions Mineral Ridge Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 14,667.00
01-610-030-3030-7000 Interfund Transactions Mosquito Creek Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 9,049.00
01-611-030-3030-7000 Interfund Transactions Howland Water District	01-600-3000-13010 Transfers In Sanitary Engineers	\$ 31,387.00

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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RE: RECEIVE AMENDED CERTIFICATE NO. 30-2017
COUNTY BUDGET COMMISSION

14. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to receive the Amended Certificate of the County Budget Commission No. 30-2017, for the fiscal year beginning January 1, 2017, dated November 9, 2017, increasing appropriations in the funds listed:

- Fund 013 – Probate Computer Research
- Fund 021 – Drug Law Enforcement –Prosecutor
- Fund 034 – Probate Computerization
- Fund 809 – Double Paid Real Estate
- Fund 917 – Port Authority – Motel Levy
- Fund 946 – Housing Trust Fund – Record
- Fund 947 – Trumbull County Tourism Board
- Fund 948 – Motel Administration Clearing Fund

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

RE: TRANSFER APPROPRIATIONS

15. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to transfer appropriations, as listed:

FROM:	TO:	AMOUNT:
01-012-050-4600-5900 Financial Aid Children Services	01-012-050-4600-5200 Supplies Children Services	\$ 5,000.00
01-012-050-4600-5900 Financial Aid Children Services	01-012-050-4600-5300 Maintenance Materials Children Services	\$ 5,000.00
01-001-012-2510-5214 Operation Supplies Eastern District Court	01-001-012-2510-5201 Office Supplies Eastern District Court	\$ 500.00
01-600-030-3010-5400 Capital Outlay Sanitary Engineers	01-600-030-3010-5600 Professional Services Sanitary Engineers	\$ 1,600.00
01-001-012-2300-6220 Witness Fees Probate Court	01-001-012-2300-5156 Medicare Coverage Probate Court	\$ 1,540.00
01-001-020-1610-5503 Medical Testing Coroner	01-001-020-1610-5616 Autopsy Services Coroner	\$ 3,187.03
01-001-011-1200-5501 Advertising & Printing Treasurer	01-001-011-1200-5510 Equipment Maintenance Treasurer	\$ 172.00
01-001-012-2020-5203 Postage Jury Commission	01-001-012-2020-5522 Utilities Jury Commission	\$ 14.58

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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RE: APPROVE AMENDMENT NO. 3 TO LICENSE AND SERVICE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE ADDITIONAL PURCHASE OF AN ACCOUNTING SOFTWARE PACKAGE --- AMENDMENT ALLOWS SANITARY ENGINEER (WATER/SEWER ACCOUNTING DIVISION) TO PURCHASE ACCOUNTING SOFTWARE PACKAGE

16. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to approve an Amendment No. 3 to the License and Service Agreement with TYLER TECHNOLOGIES, INC., 1 Tyler Drive, Yarmouth, ME 04096 for the purchase of the countywide accounting software. AMENDMENT allows for the additional purchase of an ACCOUNTING SOFTWARE PACKAGE consisting of Tyler Cashiering, Utility Billing, Citizen Self Service, Tyler Forms Library and associate hardware to be use by the Trumbull County Sanitary Engineers Department (Water/Sewer Accounting Division), in the amount of \$194,082.00—to be paid for from Fund No. 01-600-030-3011-5500—*absolutely no County General Revenue Funds will be utilized*; AND to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute said License and Services Agreement and Munis Amendment and all other related documents on behalf of Trumbull County; this action per the recommendation of the Sanitary Engineers Department and is subject to review and approval of the Prosecutor’s Office.

NOTE: The Board of Commissioners approved the original Agreement with Tyler Technologies, Inc. on behalf of the Trumbull County Recorder’s Office on December 16, 2015, duly recorded in Journal Volume 144, Page 19550. On November 2, 2016, duly recorded in Journal Volume 145, Page 20283, the Commissioners approved an amendment for the purchase of an Accounting Software Package for use by the Auditor’s Office in the amount of \$895,780.00. On August 23, 2017, duly recorded in Journal Volume 147, Page 20142, the Commissioners approved an amendment for the purchase of an Accounting Software Package for use by the County Engineer’s Office in the amount of \$166,605.00

IMPORTANT NOTE: Tyler Technologies, Inc. was awarded a National Joint Powers Alliance Contract numbered 110515-TTI—which negates the need for the bidding process. Trumbull County is a member of the National Joint Powers Alliance with a Membership ID #8329.

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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

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RE: EXECUTE FEE AGREEMENT AND LETTER OF ENGAGEMENT WITH LAW FIRM OF MANCHESTER, NEWMAN & BENNETT FOR LEGAL REPRESENTATION REGARDING CASE NO. 2017-CV-1891, LOUIS BENDZAK Vs. TRUMBULL COUNTY, ET AL

17. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute a Fee Agreement and Letter of Engagement with the Law Firm of MANCHESTER, NEWMAN & BENNETT with representation by ATTORNEY THOMAS F. HULL, II or ATTORNEY SCOTT LANZ, Atrium Level Two, 201 East Commerce Street, Youngstown, OH 44503-1641, at the rate of \$200.00 per hour, for a total amount not to exceed \$5,000.00. Said legal representation is necessary to provide advice and legal counsel to the Board of Commissioners regarding the Workers Compensation Case No. 2017-CV-1891, LOUIS BENDZAK vs TRUMBULL COUNTY, ET AL in the Trumbull County Court of Common Pleas—and all proceedings related to this matter; this action per the request and recommendation of Richard Jackson, Trumbull County Human Resources Director.

NOTE: Mr. Bendzak is an employee of the Trumbull County Children Services Board.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

RE: ADVERTISE FOR” REQUEST FOR STATEMENT OF QUALIFICATIONS” OR “LETTER OF INTEREST” FOR CONSULTING ENGINEERING SERVICES FOR ELM ROAD WATER IMPROVEMENTS COUNTY PROJECT NO. 2-W-16

18. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to authorize the Board of Trumbull County Commissioners’ Clerk to advertise for “Request for Statement of Qualifications” or “Letter of Interest” for Consultant Engineering Services for the ELM ROAD WATER IMPROVEMENTS PROJECT, known as County Project No. 2-W-16, located in Bazetta Township; this action per the recommendation of the Trumbull County Sanitary Engineers Department

NOTE: Consulting Engineering Services shall include hydraulic analysis, design engineering, soil borings, calculation of opinion of probable cost, assistance with grant and loan preparation and submittals, attendance at public hearing, preparation of construction specifications and bid packages, construction management services, wetland delineation, historical and cultural resource survey, environmental site assessment with database review and screening with a potential phase 2 screening for petroleum contaminated soils, assistance with establishing a new water district and preparation of necessary easement documents.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

Week Beginning November 6, 2017

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**RE: AMEND ACTION TAKEN ON 10/04/2017
CONCURRING WITH 2016 TAX INCENTIVE
REVIEW COUNCIL ANNUAL REPORT --
AMENDMENT CHANGED ONE (1) COMMUNITY
REINVESTMENT AREA AGREEMENT TO ONE (1)
TAX INCREMENT FINANCING AGREEMENT**

19. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to amend the Journal Action taken by the Board of Trumbull County Commissioner on October 4, 2017, duly recorded in Journal Volume 147, Page 21125 concurring with the findings of the 2016 Tax Incentive Review Council (*per their August 22, 2017 meeting*). The 2016 Tax Incentive Review Council Annual Report found Enterprise Zone Agreements with fourteen (14) companies (*active agreements approved prior to December 31, 2016*). All agreements were found to be in compliance including two (2) Tax Increment Financing Agreements and three (3) Community Reinvestment Area Agreements; AND to authorize the Trumbull County Planning Commission to submit the complete 2016 Annual Report, *including minutes of each meeting held*, to the Ohio Development Services Agency, to fulfill the requirements under Ohio Revised Code Section 5709.63. Three (3) Enterprise Zone Agreements and one (1) Community Reinvestment Area Agreement are recommended for removal due to the expiration of the agreed term. AMENDMENT is necessary to change the one (1) Community Reinvestment Area Agreement (CRA) to one (1) Tax Increment Financing Agreement (TIF) which is recommended for removal; this action per the recommendation of the Trumbull County Planning Commission.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

**RE: EMPLOYMENT TRANSFER
MICHAEL D. KELSH FROM MAINTENANCE
DEPARTMENT TO POSITION OF TITLE FILE
CLERK I WITH CLERK OF COURTS
DEPARTMENT, AUTO TILE DIVISION**

20. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to approve the personnel action for the employment transfer of MICHAEL D. KELSH, from the position of Custodian with the Trumbull County Maintenance Department, (Pay Range 2, 0 years) to the position of TITLE FILE CLERK I with the TRUMBULL COUNTY CLERK OF COURTS DEPARTMENT, Auto Title Division, (Pay Range 3, 0 years), effective November 20, 2017; this action per the recommendation of Richard Jackson, Human Resources Director, in conjunction with Karen Infante Allen, Clerk of Courts.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

**RE: RESOLUTION APPOINTING ATTORNEY
AARON J. HEAVENER AS MEMBER OF
THE NORTHEAST OHIO COMMUNITY
ALTERNATIVE PROGRAM**

21. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to adopt a Resolution appointing Attorney Aaron J. Heavener of Portage County as a member of the Northeast Ohio Community Alternative Program (NEOCAP) facility governing board for a three (3) year term expiring November 9, 2020.

RESOLUTION

WHEREAS, the Northeast Ohio Community Alternative Program (NEOCAP) was established by the Common Pleas Judges of Portage, Geauga, Lake, Ashtabula and Trumbull Counties in 1997 and serves as the Community Based Corrections Facility (CBCF); and

WHEREAS, Ohio Revised Code Section 2301.51(E) provides that the Community Based Corrections Facility be governed by a Facility Governing Board to which the judicial advisory board of the CBCF shall appoint two-thirds of the members and the boards of county commissioners of the member counties of the CBCF shall appoint the remaining one-third of the members; and

WHEREAS, Attorney Heavner has indicated his interest in serving on the Board. Therefore, the Board of Trumbull County Commissioners, in concurrence with the member NEOCAP County Commissioners, hereby wishes to appoint Attorney Aaron J. Heavner representing Portage County to the NEOCAP Facility Governing Board as required by HS 162, for term ending November 9, 2020; and

NOW, THEREFORE, BE IT RESOLVED, that the Clerk of the Board of County Commissioners is hereby directed to forward certified copies of this Resolution to the Board of County Commissioners of Portage, Geauga, Ashtabula and Lake Counties, Trumbull County Auditor, Trumbull County Prosecutor, Trumbull County Court of Common Pleas, Trumbull County Adult Probation, Trumbull County Probate Court, Northeast Ohio Community Action Program (NEOCAP), Portage County Court of Common Pleas, Geauga County Court of Common Pleas, Ashtabula County Court of Common Pleas and Lake County Court of Common Pleas.

BE IT FURTHER RESOLVED, the Board of Trumbull County Commissioners hereby finds and determines that all formal actions of this Board of County Commissioners relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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

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RE: RESOLUTION AUTHORIZING RETENTION OF LAW FIRMS AS LISTED TO PURSUE ANY AND ALL LEGAL CLAIMS AGAINST DISTRIBUTERS AND MANUFACTURERS OF OPIOID PAIN MEDICATION

22. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to adopt the following Resolution authorizing the Retention of the Law Firms as listed to pursue any and all legal claims that Trumbull County, Ohio may have against the Manufacturers and Distributors of Opioid Pain Medication.

RESOLUTION

WHEREAS, the opioid crisis has had a severe impact upon the health, safety and welfare of Trumbull County residents and Trumbull County agencies; and

WHEREAS, the Board of Trumbull County Commissioners requested law firms of Napoli Shkolnik PLLC, Plevin & Gallucci Company, L.P.A., Thrasher, Dinsmore & Dolan, L.P.A., Scott Elliot Smith, L.P.A., and Pasternack, Tilker, Ziegler, Walsh, Stanton & Romano L.L.P. make a proposal for their retention for the purpose of pursuing claims on behalf of Trumbull County against manufacturers and distributors of opioid pain medication; and

WHEREAS, the law firms of Napoli Shkolnik PLLC, Plevin & Gallucci Company, L.P.A., Thrasher, Dinsmore & Dolan, L.P.A., Scott Elliot Smith, L.P.A. and Pasternack, Tilker, Ziegler, Walsh, Stanton & Romano L.L.P. submitted such a proposal;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trumbull County Commissioners accepts the proposed Legal Services Contract from the law firms of Napoli Shkolnik PLLC, Plevin & Gallucci Company, L.P.A., Thrasher, Dinsmore & Dolan, L.P.A., Scott Elliot Smith, L.P.A. and Pasternack, Tilker, Ziegler, Walsh, Stanton & Romano L.L.P.; AND that Frank S. Fuda, President of the Board of Trumbull County Commissioners, be and is hereby authorized and empowered to execute the Legal Services Agreement on behalf of Trumbull County.

BE IT FURTHER RESOLVED, the Board of Trumbull County Commissioners hereby finds and determines that all formal actions of this Board of County Commissioners relative to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Yeas: Polivka, Cantalamessa, Fuda

Nays: None

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

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RE: EXECUTE AGREEMENT FOR SERVICES / AUTHORIZATION FOR SURVEY WORK LYNN, KITTINGER & NOBLE, INC. TO REVISE A 1.273 ACRE PARKING LEASE DESCRIPTION AS SHOWN ON MAP NO. 856

23. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute an Agreement for Services/Authorization for Survey Work with LYNN, KITTINGER & NOBLE, INC., 2900 Elm Road, N.E., Warren, OH 44483-2606 to revise a 1.273 acre Parking Lease Description as shown on Lynn, Kittinger & Noble, Inc.'s Map No. 856 (Part of City of Warren Lots 736, 737, 742, 743 and 744); and prepare new legal descriptions for both parcels and revise the survey map. Trumbull County will pay Lynn, Kittinger & Noble, Inc. \$850.00 for said services—to be paid for from Fund No. 01-001-070-1000-5607; this action per the recommendation of James J. Misocky, Administrator of Special Projects, and is subject to review and approval of the Prosecutor's Office.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

RE: RECEIVE REQUEST TO WITHDRAW THE PETITION FOR ANNEXATION OF APPROXIMATELY 0.8338 ACRES OF LAND LOCATED IN BAZETTA TOWNSHIP TO THE CITY OF CORTLAND, OHIO FROM ATTORNEY THOMAS NADER

24. MOTION: Made by Mr. Polivka, seconded by Mr. Cantalamessa, to receive the Request from Attorney Thomas C. Nader, Agent for the Petitioner, Diana K. Ashdown, requesting to "Withdraw" the Petition for Annexation of approximately 0.8338 acres of land located in Bazetta Township to the City of Cortland, Ohio, filed with the Board of Commissioners on October 12, 2017. *The request to withdraw the Petition, received by the Board of Commissioners on November 8, 2017, shall be recorded onto the Journal for record purposes.*

NOTE: The Board of Commissioners received the Petition for Annexation onto their Journal on October 18, 2017, duly recorded in Journal Volume 147, Page(s) 21171-21175—filed as an Annexation of land into a municipal corporation when land is not to be excluded from township; pursuant to Ohio Revised Code Section 709.023.

Yeas: Polivka, Cantalamessa, Fuda
Nays: None

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

Week Beginning November 6, 2017

Meeting of November 9, 2017

Comments:

The Fire Chief of the Farmington Fire Department thanked the Commissioners for their support of the 2018 State of Ohio Fire Marshal's Office MARCS Radio Grant.

Herm Brewer thanked the Commissioners for holding the meeting at the Veteran's Resource Center.

The Commissioners discussed the hiring of a legal team to pursue legal claims against manufacturers and distributors of opioid pain medication. A lengthy discussion ensued between the hired attorneys and the Commissioners. They discussed the current state of the opioid crisis and its financial impact on the government. The claims being pursued are to hold the corporations accountable for their actions and pose no financial risk to Trumbull County as the only fees being assessed will be from any potential funds recovered in the upcoming suits filed. (A draft of the motions to be filed were passed to the Commissioners and is on file in the Commissioners' Office.)

RE: ADJOURN

MOTION: Made by, Mr. Polivka, seconded by Mr. Cantalamessa, to adjourn the Regular Meeting of November 9, 2017, and to meet again in Regular Session on November 15, 2017.

Yeas: Polivka, Cantalamessa, Fuda,
Nays: None

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

FRANK S. FUDA, PRESIDENT

MAURO CANTALAMESSA, COMMISSIONER

DANIEL E. POLIVKA, COMMISSIONER

ATTEST:

PAULETTE A. GODFREY, CLERK