

**Week Beginning December 31, 2018**

**Special Meeting of December 31, 2018**

The Board of County Commissioners, Trumbull County, Ohio, met for a Special Meeting on the 31<sup>st</sup> day of December, 2018, in the office of said Board, with the following members present:

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

**This Special Meeting is called at 8:30 a.m. for the purpose of passing legislation regarding the following Agreement:**

- **Amendment No. 2 to the Defense/Prosecution Agreement regarding Kinsman Phase 2 Sanitary Sewer Improvement Project.**

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**RE: AMENDMENT NO. 2 TO JOINT DEFENSE/PROSECUTION AGREEMENT BETWEEN COMMISSIONERS AND MS CONSULTANTS, INC. FOR KINSMAN PHASE 2 SANITARY SEWER COUNTY PROJECT NO. 9-S-08**

**1. MOTION:** Made by Mr. Fuda, seconded by Mr. Cantalamessa, to approve Amendment No. 2 to the Joint Defense/Prosecution Agreement by and between the BOARD OF TRUMBULL COUNTY COMMISSIONERS and MS CONSULTANTS, INC., 333 Federal Plaza East, Youngstown, OH 44503, for the KINSMAN PHASE 2 SANITARY SEWER PROJECT, known as County Project No. 9-S-08. Amendment No. 2 is necessary to delete Section D(2) of the Agreement in its entirety and replace it with the following language: *“The tolling of the statute of limitations, statute of repose and the time requirements for the giving of any notice required with respect to any claims between the Parties shall continue through March 31, 2019; AND the fifteen (15) day advance written notice period referenced in the first sentence of Section D(3) and as stated in said Amendment No. 1, shall be deleted and replaced with a thirty (30) day advance written notice period; this action per the recommendation of Attorney David A. Detec of Manchester, Newman & Bennett.*

**NOTE:** The Board of Commissioners approved the original Joint Defense/Prosecution Agreement on July 8, 2015, duly recorded in Journal Volume 143, Page 19205. The Commissioners approved Amendment No. 1 on August 22, 2018, duly recorded in Journal Volume 148, Page 21843.

**Comments:**

*Commissioner Fuda commented on untimely submission of this legislation to the Commissioners’ office.*

*Attorney Detec addressed Mr. Fuda’s concerns regarding the late transmission of legislation.*

*Attorney Blair spoke about the insurance and the need to pass the legislation.*

Yeas: Fuda, Cantalamessa, Polivka

Nays: None

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**RE: EXECUTIVE SESSION**

**MOTION:** Made by Mr. Fuda, seconded by Mr. Cantalamessa, to go into Executive Session at approximately 8:38 a.m. to discuss pending litigation for the Sanitary Engineers Office. In attendance were Attorney Matt Blair, Attorney David Detec, Attorney William Danso, Chuck Miller, Scott Verner, Commissioner Fuda, Commissioner Cantalamessa, and Commissioner Polivka.

Yeas: Fuda, Cantalamessa, Polivka

Nays: None

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**RE: RECONVENE**

**MOTION:** Made by Mr. Fuda, seconded by Mr. Cantalamessa, to reconvene from Executive Session at 9:01 a.m.

Yeas: Fuda, Cantalamessa, Polivka

Nays: None

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**RE: ADJOURN**

**MOTION:** Made by Mr. Fuda, seconded by Mr. Cantalamessa, to adjourn the Special Meeting of December 31, 2018, and to meet again for the Reorganization on January 7, 2019.

Yeas: Fuda, Cantalamessa, Polivka

Nays: None

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

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DANIEL E. POLIVKA, PRESIDENT

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MAURO CANTALAMESSA, COMMISSIONER

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FRANK S. FUDA, COMMISSIONER

ATTEST:

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PAULETTE A. GODFREY, CLERK

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