

Week Beginning December 12, 2022

Meeting of December 14, 2022

The Board of County Commissioners, Trumbull County, Ohio, met for a Regular Meeting on the 14th day of December 2022, at approximately 10:30 a.m., in the office of said Board, with the following members present:

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

RE: MINUTES

1. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to dispense with reading the minutes of the Regular Meeting dated December 7, 2022 and approve them as distributed/printed.

Yeas: Cantalamessa, Fuda

Nays: Frenchko

MS. FRENCHKO VOTED NO STATING THERE WERE TYPOS, ERRORS. AND THE DATE WAS INCORRECT.

RE: APPROVE BILLS

2. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, 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.

Ms. Frenchko said she wanted to find out if the carpet was included in the bills. The Clerk stated she didn't know and she could ask Shara, Commissioner' A/P Clerk.

Yeas: Cantalamessa, Fuda

Nays: Frenchko

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**RE: AUTHORIZE FRANK S. FUDA TO EXECUTE
2023 OVI TASKFORCE CONTRACT WITH
WARREN CITY POLICE DEPARTMENT**

3. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to execute on behalf of Trumbull County, the 2023 OVI TASKFORCE CONTRACT with the Warren City Police Department, for the purpose of participating in the OVI Task Force Program to enforce criminal and traffic laws of Ohio as set forth in the Ohio Revised Code. Agreement is a necessary requirement in order to be reimbursed for overtime while assisting for OVI task force operations; this action per the recommendation of the Trumbull County Sheriff’s Office and is subject to review and approval of the Prosecutor’s Office.

**MS. FRENCHKO MADE A MOTION TO MODIFY ITEM #3 SUBJECT TO
HANDWRITTEN NUMBERS AND WORDS**

Mr. Fuda asked why this wasn’t addressed with the department at her department head meeting. Ms. Frenchko stated no one from the Sheriff’s Department attended her meeting so she sent an email to the Prosecutor’s Office. Ms. Frenchko said the Prosecutor’s Office approved it as to form, but didn’t approve the terms. She further stated she agrees with the item, but figures need to be typed in Agreements—not handwritten. Mr. Fuda addressed Ms. Frenchko stating she scribbled on county documents in the past. Ms. Frenchko asked Mr. Cantalamessa if he received a copy of the Agreement with the terms handwritten in. Mr. Fuda asked Ms. Frenchko if she knew how many documents she has scribbled on. Mr. Cantalamessa said she has done that to contracts and everything else.

DIED FOR A LACK OF SECOND

**THE CLERK SAID SHE NEEDED A MOTION ON THE ORIGINAL MOTION SHE
READ**

Yeas: Cantalamessa, Fuda
Nays: Frenchko

**MS. FRENCHKO SAID SHE WAS VOTING NO ONLY BECAUSE THINGS WERE
WRITTEN IN AND SHE THINKS THE CONTACTS SHOULD BE TYPED. SHE SAID
IT’S SILLY THE BOARD DOESN’T WANT THINGS TO LOOK PROFESSIONAL THAT
COME OUT OF OUR OFFICE.**

Mr. Cantalamessa said Ms. Frenchko writes on county material all the time.

Agreement recorded on Journal Page(s) _____.)

**RE: RECEIVE PETITIONS SIGNED BY OWNERS OF
LOTS AND LANDS SITUATED ON ANDERSON
MORRIS AND STILLWAGON ROAD
LOCATED IN WEATHERSFIELD TOWNSHIP**

4. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to receive the Petitions signed by owners of lots and lands situated on ANDERSON MORRIS AND STILLWAGON ROAD, located in Weathersfield Township, requesting Trumbull County to provide for the construction and maintenance of sanitary sewer lines to serve said lots and lands; and to refer said Petitions to the Trumbull County Sanitary Engineer for review and recommendations.

Yeas: Cantalamessa, Fuda, Frenchko
Nays: None

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

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**RE: ACCEPT MAINTENANCE BOND NO. S034441
WOODFORD EXCAVATING, LLC
FOREST HILLS PLAT 5 WATERLINE EXT.
COUNTY PROJECT NO. 1-W-18
LOCATED IN HOWLAND TOWNSHIP**

5. MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to accept Maintenance Bond No. S034441, submitted by WOODFORD EXCAVATING, LLC for the FOREST HILLS PLAT 5 WATERLINE EXTENSION, COUNTY PROJECT NO. 1-W-18, Howland Township. Maintenance Bond is issued by Employers Mutual Casualty Company, P.O. Box 712, Des Moines, IA. 50306-0712 for a period of two years from November 21, 2022 to November 21, 2024 in the amount of \$7,875.00. A non-reimbursable extension agreement with Daniel Alvarez, President, Managing Member of Skyline Developers, LLC was entered into on June 13, 2018 and duly recorded in Journal Volume 148, page 21663; this per the recommendation of the Trumbull County Sanitary Engineers Department.

Yeas: Cantalamessa, Fuda, Frenchko

Nays: None

Bond recorded on Journal Page(s)_____.)

**RE: ACCEPT MAINTENANCE BOND NO. S034443
WOODFORD EXCAVATING, LLC FOR FOREST
HILLS PLAT 5 SANITARY SEWER EXTENSION
COUNTY PROJECT NO. 2-S-18 IN HOWLAND
TOWNSHIP**

6. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to accept Maintenance Bond No. S034443, submitted by WOODFORD EXCAVATING, LLC for the FOREST HILLS PLAT 5 SANITARY SEWER EXTENSION, COUNTY PROJECT No. 2-S-18, Howland Township. Maintenance Bond is issued by Employers Mutual Casualty Company, P.O. Box 712, Des Moines, IA. 50306-0712, for a period of two years from November 21, 2022 to November 21, 2024, in the amount of \$7,120.00. A non-reimbursable extension agreement with Daniel Alvarez, President, Managing Member of Skyline Developers, LLC was entered into on June 13, 2018 and duly recorded in Journal Volume 148, page 21662; this per the recommendation of the Trumbull County Sanitary Engineers Department.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

Bond recorded on Journal Page(s)_____.)

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**RE: RATIFY LETTER OF SUPPORT SIGNED
BY FRANK S. FUDA ON BEHALF OF THE
COMMISSIONERS TO SUPPORT THE
NORTHEAST OHIO EDUCATION AND
WORKFORCE TRANSFORMATION ENTERPRISE
FOR APPALACHIAN COMMUNITY GRANT REVIEW
TEAM**

7. **MOTION:** Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Ratify the Letter of Support signed by Frank S. Fuda, President, Trumbull County Commissioners, on behalf of the Board of Trumbull County Commissioners, to support the NORTHEAST OHIO EDUCATION AND WORKFORCE TRANSFORMATION ENTERPRISE (NEO-EWTC) PROPOSAL for the Appalachian Community Grant Review Team as submitted by the Trumbull County Educational Service Center. The TCESC and project partners are proposing transformational change in the Northeast Ohio regional through re-imagined education and skills training, new and renovated community infrastructure and increase access to necessary healthcare services for those in need.

As a project partner, The Board of Trumbull County Commissioners commits to participate in relevant meetings designed to better understand the workforce, health and education needs in our region, contribute to the decision-making process as partners and create and refine regional goals, activities and projects that will transform our region's infrastructure, healthcare and workforce systems and collaborate with other regional partners to move this vision forward across the region.

NOTE: The Appalachian Community Grant Program allocation of \$500 million provides planning and development grants for communities located in Ohio's 32-county Appalachian region. Program funds are provided by Ohio's designation of American Rescue Plan Act (ARPA) dollars. The program is administered by the Governor's Office of Appalachia within the Ohio Department of Development. Projects should be designed to bring about transformational change and be a catalyst for future development by providing generational investments in the Appalachian region.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

Ms. Frenchko spoke about several ratified letters of support that were on today's agenda and stated they should be journalized and asked Mrs. Julie Greene if that's why she put several ratified letters of support on the Agenda. Ms. Greene said that is how it has been done historically.

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RE: RATIFY LETTER OF SUPPORT SIGNED BY FRANK S. FUDA FOR CITY OF YOUNGSTOWN’S APPLICATION TO APPALACHIAN COMMUNITY GRANT PROGRAM TO SECURE PLANNING MANAGEMENT SERVICES ON BEHALF OF THE MAHONING VALLEY COMMERCIAL CORRIDORS INITIATIVE

8. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Ratify the Letter of Support signed by Frank S. Fuda, President for the City of Youngstown’s application to the Appalachian Community Grant Program to secure planning management services on behalf of the Mahoning Valley Commercial Corridors Initiative. This initiative is a collaborative effort by seven communities in Mahoning and Trumbull Counties including but not limited to the City of Girard and Liberty Township to upgrade the visual appearance and economic vitality of their commercial districts and the arterial roadways that connect them to downtown Youngstown. The Mahoning Valley’s commercial corridors are the region’s main streets and principal arterial commuter routes to the region’s job centers. They are our collective front doors, and give visitors their first impressions of the Valley and our community.

NOTE: The Appalachian Community Grant Program allocation of \$500 million provides planning and development grants for communities located in Ohio’s 32-county Appalachian region. Program funds are provided by Ohio’s designation of American Rescue Plan Act (ARPA) dollars. The program is administered by the Governor’s Office of Appalachia within the Ohio Department of Development. Projects should be designed to bring about transformational change and be a catalyst for future development by providing generational investments in the Appalachian region.

Ms. Frenchko spoke about the City of Warren not being part of the initiative stating, they can and should be. She said Director Green was going to reach out to the City of Warren and hopes she does it quickly.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

RE: RATIFY ATTACHED LETTER OF SUPPORT SIGNED BY FRANK S. FUDA IN SUPPORT OF YOUNGSTOWN-WARREN REGIONAL CHAMBER’S APPLICATION FOR OHIO APPALACHIAN COMMUNITY GRANT TECHNICAL ASSISTANCE FUNDS

9. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to ratify the attached Letter of Support signed by Frank S. Fuda, President of the Board of Trumbull County Commissioners, in support of the YOUNGSTOWN-WARREN REGIONAL CHAMBER’S APPLICATION for Ohio Appalachian Community Grant technical assistance funds to support the development of a transformative and holistic approach to regional workforce development. This effort is led by the Chamber, but is powered by an entire regional Coalition of over 20 workforce partners working within Mahoning, Trumbull, and Columbiana Counties.

NOTE: The Appalachian Community Grant Program allocation of \$500 million provides planning and development grants for communities located in Ohio’s 32-county Appalachian region. Program funds are provided by Ohio’s designation of American Rescue Plan Act (ARPA) dollars. The program is administered by the Governor’s Office of Appalachia within the Ohio Department of Development. Projects should be designed to bring about transformational change and be a catalyst for future development by providing generational investments in the Appalachian region.

Yeas: Frenchko, Cantalamessa, Fuda

Nays: None

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**RE: AUTHORIZE PLANNING COMMISSION TO
SUBMIT WAIVER REQUEST AND REQUIRED
DOCUMENTATION TO OHIO DEPARTMENT OF
DEVELOPMENT, OFFICE OF COMMUNITY
DEVELOPMENT TO USE CDBG ECONOMIC
DEVELOPMENT REVOLVING LOAN FUNDS (RLF)
TOWARDS LOCAL MATCH REQUIRED FOR
PROPOSED TOWNSEND AVENUE PROJECT
AREA STORM DRAINAGE INFRASTRUCTURE
IMPROVEMENT PROJECT LOCATED IN
LIBERTY TOWNSHIP AND AUTHORIZE FRANK S.
FUDA, TO SIGN ANY REQUIRED DOCUMENTS**

10. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, the Trumbull County Planning Commission is requesting that the Board of Trumbull County Commissioners authorize the Planning Commission to submit a waiver request and required documentation to the Ohio Department of Development, Office of Community Development to use CDBG Economic Development Revolving Loan Funds (RLF) towards the local match required for the proposed Townsend Avenue Project Area Storm Drainage Infrastructure Improvement Project located in Liberty Township being submitted for funding through the PY2022 CDBG Critical Infrastructure Grant AND authorize the President, Frank S. Fuda, to sign any and all required documentation. Trumbull County is requesting utilizing up to \$50,000 of the current RLF balance of \$262,961.98 in order to provide the required 10% local match for the competitive grant.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

Mr. Fuda said he spoke to the Liberty Township Trustees several times regarding Item #10 and Julie Greene made it happen.

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RE: AUTHORIZE PLANNING COMMISSION TO PREPARE/SUBMIT LETTER OF INTEREST TO APPLICATION TO OHIO DEPT. OF DEVELOPMENT FOR PY2022 CDBG CRITICAL INFRASTRUCTURE GRANT PRE-APPLICATION B-X-22-1CS-1 FOR PROPOSED TOWNSEND AVENUE PROJECT AREA STORM DRAINAGE INFRASTRUCTURE IMPROVEMENT PROJECT LOCATED IN LIBERTY TWP.

11. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to authorize the Planning Commission to Prepare/Submit a Letter of Interest Application to Ohio Department of Development for PY2022 CDBG Critical Infrastructure Grant Pre-Application; B-X-22-1CS-1 for the proposed Townsend Avenue Project Area Storm Drainage Infrastructure Improvement Project located in Liberty Township. The Trumbull County Planning Commission is working with Liberty Township in order to compile a grant pre-application to be considered for funding through the CDBG Critical Infrastructure Grant (CIG) Program for the low-and moderate income area of Townsend Avenue suffering from failing storm drainage infrastructure. The Trumbull County Planning Commission is requesting that the Board of Trumbull County Commissioners approve the following actions:

1. Authorize the Planning Commission to prepare and submit a Pre-Application to the Ohio Department of Development for a maximum amount not to exceed \$500,000 for the proposed Townsend Avenue Project Area Storm Drainage Infrastructure Improvement Project located in Liberty Township, located in a low-and moderate-income (LMI) area of Liberty Township; and
2. Authorize the President of the Board of Trumbull County Commissioners, Frank S. Fuda, to sign and execute any and all documents related to the pre-application.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

MS. FRENCHKO MOTION FROM THE FLOOR TO RATIFY LETTER OF SUPPORT SIGNED BY THE BOARD OF COMMISSIONERS FOR LABRAE SCHOOLS APPALACHIAN COMMUNITY GRANT TO SUPPORT MOBILE VISION CLINICS

Mr. Cantalamessa said that would be fine—he agrees with it and would like to have it on next week’s agenda to be voted on. Ms. Frenchko said it was set out for her to sign, and historically some letters of support are signed without being journalized. She said they just heard in the meeting, letters of support should be ratified and journalized. She said it was signed by the other two Commissioners, left for her to sign, and she doesn’t want to sign until its voted on. She said next week was fine or they could ratify it now so she can sign it and have it sent out. Mr. Cantalamessa said he wanted to wait until next week as it’s confusing when they do a lot of Motions from the Floor.

MOTION DIED FOR LACK OF SECOND

THE CLERK READ THE ROLE FOR THE ORIGINAL MOTION FOR ITEM #11 TO MAKE SURE IT WAS VOTED ON FOR THE RECORD.

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**RE: RECEIVE/PLACE ON FILE--MONTHLY
ACTIVITIES REPORT NOVEMBER 2022
DOG KENNEL**

12. MOTION: Made by Ms. Cantalamessa, seconded by Mr. Fuda, to receive and place on file the Monthly Activities Report for the TRUMBULL COUNTY DOG KENNEL for the month of NOVEMBER 2022; as submitted by Michelle Goss, Chief Executive Dog Warden.

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

Ms. Frenchko said she would like to see the Warden give a little discussion relative to the Dog Kennel Monthly Report. She further stated there are no policies and procedures at the kennel. Ms. Frenchko said she requested bench marks and timelines from the Warden of what has been done so far. Mr. Cantalamessa asked if she reached out to the Warden in writing. Ms. Frenchko said she has, but the Warden ignores her. Mr. Fuda said the Warden was out sick this week.

Yeas: Cantalamessa, Fuda, Frenchko,
Nays: None

**RE: PERFORM 2023 WORK LISTED
COUNTY ENGINEER**

13. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to grant permission to the Trumbull County Engineer to perform the work, listed, during the period beginning January 1, 2023 and ending December 31, 2023, *as provided under Section 5543.19 of the Ohio Revised Code of the State of Ohio*; this action per the request of the County Engineer.

- ✓ To participate with various governmental subdivisions and bodies in the sharing of services and/or equipment per the O.R.C. 9.482.
- ✓ To maintain and repair equipment of the Engineer’s Department.
- ✓ To remove snow and spread ashes and salt for ice control on county roads.
- ✓ To stockpile aggregates at County’s Cortland and Warren yards, and other approved sites for use on the County’s various road projects.
- ✓ To paint centerline stripes, lane lines and edge lining on county hard surface roads.
- ✓ To erect and maintain barricades, road signs, signals and guard rail where necessary.
- ✓ To improve various county roads by mowing, grading, shaping berms, ditching and draining, and adding materials where necessary.
- ✓ To enter immediately upon any lands adjacent to any of the highways in the County for the purpose of opening an existing ditch or drain, or for digging a new ditch or drain for the free passage of water for the drainage of highways.
- ✓ To patch, surface treat and place bituminous wearing surfaces where needed on existing pavements or slag base roads.
- ✓ To repair, replace and paint bridges and to repair and replace culverts where necessary.
- ✓ To assist the Township Trustees in accomplishment of their road work.
- ✓ To employ private assistance as needed.
- ✓ To remove or trim any brush, shrubbery or trees (alive or dead) within the road right of way (whether it be overhanging or rooted) that is posing a safety hazard on any county road.
- ✓ To continue with summer jobs program pertaining to school students
- ✓ To permit the County Engineer and/or his staff members to attend meetings of the County Engineer’s Association of Ohio, Committee Meetings, and any meeting concerning County, State or Federal matters during the year 2023—also expenses for lodging and meals.
- ✓ To permit the County Engineer during Calendar Year 2023, to enter into “Consent Legislation” with the Ohio Department of Transportation as it pertains to all existing and future Federally Funded Local Public Agency (LPA) Projects.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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**RE: AMEND AGENDA ITEM DATED 11/30/2022,
JOURNAL VOL. 155, PAGE 25240, TO INCREASE
PROJECT COST AND AUTHORIZE FRANK S. FUDA
TO SUBMIT APPLICATIONS EXECUTE CONTRACTS
TO OHIO PUBLIC WORKS COMMISSION IN
REGARDS TO YEAR 2023 OHIO PUBLIC WORKS
COMMISSION FUNDS FOR SELECTED TRUMBULL
COUNTY PROJECT -- CH 105 SOUTH CANAL ST.
DRAINAGE UPGRADE -- COUNTY ENGINEER'S
DEPARTMENT AND AUTHORIZE
OFFICERS/MANAGE AS LISTED**

14. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to Amend Agenda Item dated November 30, 2022, Journal Volume 155, Page 25240, to increase project cost and authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to submit applications and execute contracts to the Ohio Public Works Commission in regards to Year 2023 Ohio Public Works Commission funds for the selected Trumbull County Project known as CH 105 SOUTH CANAL ST. DRAINAGE UPGRADE for the Trumbull County Engineer's Department; AND to authorize Frank S. Fuda, President of the Board of Trumbull County Commissioners, to act as "*Chief Executive Officer*", Adrian S. Biviano, Trumbull County Auditor, to act as Project "*Chief Financial Officer*", and Randy Smith, P.E., P.S., Trumbull County Engineer, to act as "*Project Manager*"—AMENDMENT necessary to increase the project cost; this action per the recommendation of the Trumbull County Engineer.

Funding for Project is as listed:

Estimated Project Cost	= \$ 374,989
OPWC Loan Money	= \$ 374,989

The CH 105 South Canal St. Drainage Upgrade is located in Newton Township and will consist of the replacement and upgrade of 2,025 feet of 30-inch to 42-inch diameter storm sewer and the installation of thirteen (13) catchbasins along South Canal Street.

Ms. Frenchko said the Engineer's estimates went up due to the project start date.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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**RE: ADVERTISE FOR BIDS
2023-2024 AGGREGATE MATERIALS
COUNTY ENGINEER**

15. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to authorize the Clerk of the Board of Trumbull County Commissioners to advertise for sealed bids for 2023-2024 AGGREGATE MATERIALS for use by the Trumbull County Engineer, in accordance with the bid specifications as submitted by the Trumbull County Engineer—for the contract period of February 11, 2023 through February 10, 2024; this action per the recommendation of the Trumbull County Engineer.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

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

16. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa, to concur with the Trumbull County Engineer to grant the Special Annual Supplier Fleet Permit for fleet vehicles to transport aggregate, concrete, construction goods or other like materials (*not to exceed 80,000 lbs. gross vehicle weight*), to sites located upon load posted Trumbull County roadways requested by the company listed. The necessary permit fee and insurance information have been submitted and approval is subject to the conditions listed on the permit.

- **L. BEQUEATH**
11230 Owsley Rd., McDonald, OH 44432
Permit No.: AF-080-2022
Permit Effective: December 12, 2022 through December 12, 2023

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

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

- **NORTHEAST OHIO NATURAL GAS CORP.**, 8470 Station Street, Mentor, OH 44060, to bore under and work in the right-of-way of Barclay Messerly Road (C.H. 123 C), in order to install a gas service connection. This will be located approximately 1,750' north of Warren Burton Rd. (C.H. 744) in Southington Township.
- **DOMINION EAST OHIO.**, 320 Springside Dr., Akron, Ohio 44333, to bore under and work in the right-of-way of Warren Sharon Rd. (C.H. 329 B), in order to install a gas service connection. This will be located approximately 190' east of Bartlett St. SE in Vienna Township.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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

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

- **DIAMOND STEEL CONSTRUCTION COMPANY**
P.O. Box 156, North Lima, OH 44452
Permit No.: 1167
Permit Effective: December 1, 2022 through December 5, 2022
To haul or move overweight equipment over Larchmont Avenue (C.H. 1469 A) in Bazetta Township and Larchmont Avenue (C.H. 1469 C & B) and Dietz Rd. (C.H. 145) in Howland Township.

Yeas: Frenchko, Cantalamessa, Fuda
Nays: None

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RE: ADOPT RESOLUTION AUTHORIZING EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE AND OTHER NECESSARY INSTRUMENTS AND DOCUMENTS IN CONNECTION WITH AMENDMENT OF THE INTEREST RATE DETERMINATION PROVISIONS OF THE COUNTY OF TRUMBULL, OHIO ADJUSTABLE RATE HEALTH CARE FACILITIES REVENUE REFUNDING BONDS, SERIES 2013 (SHEPHERD OF THE VALLEY LUTHERAN RETIREMENT SERVICES, INC. OBLIGATED GROUP) AND THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL BOND TRUST INDENTURE AND OTHER NECESSARY INSTRUMENTS AND DOCUMENTS IN CONNECTION WITH AMENDMENT OF THE INTEREST RATE DETERMINATION PROVISIONS OF THE COUNTY OF TRUMBULL, OHIO ADJUSTABLE RATE HEALTH CARE FACILITIES REVENUE BONDS, SERIES 2018 (SHEPHERD OF THE VALLEY LUTHERAN RETIREMENT SERVICES, INC. OBLIGATED GROUP PROJECT).

19. MOTION: Made by Ms. Frenchko, seconded by Mr. Cantalamessa to adopt the Resolution as follows:

RESOLUTION

WHEREAS, Shepherd of the Valley Lutheran Retirement Services, Inc., a nonprofit Ohio corporation (the "Corporation"), owns and operates healthcare facilities at various locations in Ohio, including facilities within the boundaries of Trumbull County, Ohio (the "County"); and

WHEREAS, the County previously issued its Adjustable Rate Health Care Facilities Revenue Refunding Bonds, Series 2013 (Shepherd of the Valley Lutheran Retirement Services, Inc. Obligated Group) (the "Series 2013 Bonds") the proceeds of which were used to refund and retire the County's Health Care Facilities Revenue Refunding and Improvement Bonds, Series 2001 (Shepherd of the Valley Lutheran Retirement Services, Inc. Obligated Group); and

WHEREAS, the County previously issued its Adjustable Rate Health Care Facilities Revenue Bonds, Series 2018 (Shepherd of the Valley Lutheran Retirement Services, Inc. Obligated Group Project) (the "Series 2018 Bonds") the proceeds of which were used to finance the acquisition, construction and equipping of certain improvements to the Existing Facilities, as defined in the Bond Trust Indenture dated as of August 1, 2018 (the "2018 Indenture"), between the County and The Huntington National Bank, as

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE continued on next page.

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE (Cont'd)

trustee (the "Trustee"), including a new campus consisting of a 79-unit skilled nursing building, a building housing 30 assisted living units, 30 memory care assisted living units, and 30 independent living apartments, and a commons building, located at 1501 Tibbetts-Wick Road, Girard, Ohio; and

WHEREAS, the County previously entered into a First Supplement to Bond Trust Indenture dated as of August 1, 2018 between the County and the Trustee to extend the Initial Private Placement Rate Period for the Series 2013 Bonds, as defined in the Bond Trust Indenture dated as of September 1, 2013 between the County and the Trustee for the Series 2013 Bonds (the "2013 Indenture" and, together with the 2018 Indenture, the "Indentures"); and

WHEREAS, broad industry initiatives are underway to prepare for the permanent cessation of all forms of the current interest rate index for the Series 2013 Bonds and the Series 2018 Bonds, the London Interbank Offered Rate ("LIBOR"); and

WHEREAS, in anticipation of and preparation for the cessation of LIBOR, the respective holders of the Series 2013 Bonds and the Series 2018 Bonds and the Corporation wish to supplement the interest rate determination provisions of the Series 2013 Bonds and the Series 2018 Bonds by implementing fallback language from the existing LIBOR-based interest rate provisions to the Secured Overnight Financing Rate (commonly referred to as SOFR) interest rate provisions, which has emerged in the public finance and commercial lending markets as a suitable replacement for LIBOR; and

WHEREAS, the modification of the interest rate determination provisions of the Series 2013 Bonds requires certain amendments to the 2013 Indenture between the County and the Trustee; and

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE continued on next page.

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE (Cont'd)

WHEREAS, the modification of the interest rate determination provisions of the Series 2018 Bonds requires certain amendments to the 2018 Indenture between the County and the Trustee; and

WHEREAS, the County is a body corporate and politic and a political subdivision of the State of Ohio, and by virtue of the laws of the State of Ohio, including Chapter 140, Ohio Revised Code (the "Act"), is authorized and empowered among other things to adopt this Resolution and execute the First Supplement to Bond Trust Indenture with respect to the Series 2018 Bonds (the "First Supplement") and the Second Supplement to Bond Trust Indenture with respect to the Series 2013 Bonds (the "Second Supplement"), all as hereinafter identified, and all other documents to be executed by it, upon the terms and conditions provided herein; and

WHEREAS, the Corporation and the Purchaser have determined that it is necessary at this time to modify the Indentures in connection with the cessation of LIBOR, and the County is relying on such determinations; and

WHEREAS, the County is authorized to enter into the First Supplement and the Second Supplement to modify certain provisions of the Indentures to make necessary conforming changes and to do or cause to be done all acts provided or required herein to be performed on its part.

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

Section 1. Definitions. All defined terms used herein and not otherwise defined herein shall have the respective meanings given to them in the Indentures.

Any reference herein to the County, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE continued on next page.

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE (Cont'd)

Section 2. Determination of Authority. This Board hereby finds and determines, based solely on information and representations provided by the Corporation, that the amendment of the Indentures is necessary in connection with the cessation of LIBOR.

Section 3. Authorization of the Second Supplement with Respect to the Series 2013 Bonds. At least two members of this Board be and they are hereby authorized and directed to execute on behalf of the County, the Second Supplement, in substantially the form presented to this Board and on file with the Clerk. The Second Supplement shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution of the Second Supplement.

Section 4. Authorization of the First Supplement with Respect to the Series 2018 Bonds. At least two members of this Board be and they are hereby authorized and directed to execute on behalf of the County, the First Supplement, in substantially the form presented to this Board and on file with the Clerk. The First Supplement shall be subject to such changes, insertions and omissions as may be approved by this Board, which approval shall be conclusively evidenced by the execution of the First Supplement.

Section 5. Authorization of All Other Documents to be Executed by the County. The appropriate officers of the County, including the appropriate members of this Board, be and they hereby are authorized to execute and deliver on behalf of the County such other certificates, documents and assignments, including any document necessary to further amend the interest rate provisions of the Indentures, to be executed or accepted by the County, in substantially the forms submitted to the County, which are hereby approved, with such changes therein not inconsistent with this Resolution and not substantially adverse to the County, as may be permitted by the Act and approved by the

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE (Cont'd)

officer executing the same on behalf of the County. The approval of such changes by said officer, and that such are not substantially adverse to the County, shall be conclusively evidenced by the execution of such documents and assignments by the appropriate officer of the County.

The appropriate officers of the County are hereby separately authorized to take any and all actions and to execute such financing statements, assignments, certificates, IRS Forms 8038, and other instruments that may be necessary or appropriate in the opinion of Dinsmore & Shohl LLP, as Bond Counsel, in order to effect the amendment of the Indentures and the intent of this Resolution. The appropriate officers of the County each are separately authorized to certify a true transcript of all proceedings had with respect to the amendment of the Indentures, along with such information from the records of the County as is necessary to determine the validity of the amendment proceedings

Section 6. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Second Supplement or the First Supplement or other document authorized hereby, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any member of this Board, or officer, official or employee, as such, past, present, or future, of the County, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to any holder of any Series 2013 or Series 2018 Bond, or otherwise, of any sum that may be due and unpaid by the County upon any of the Series 2013 Bonds or the Series 2018 Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member or officer, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE continued on next page.

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RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL BOND TRUST INDENTURE (Cont'd)

thereof, or for or to the owner or any holder of any Series 2013 Bond or Series 2018 Bond, or otherwise, of any sum that may remain due and unpaid upon any Series 2013 Bond or Series 2018 Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Second Supplement and the First Supplement and any other document authorized hereby.

Section 7. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. Sunshine Law. This Board hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 9. Conflicts. All resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Summarized Comments:

Ms. Frenchko spoke about the Budget Hearings stating the departments present what they are requesting to the Board, but there isn't a public meeting where the Board makes their determination regarding budget decisions. She spoke about meeting publicly with the projected revenue. Mr. Cantalamessa said he has no problem with her request.

Mr. Fuda spoke about a resident, Mr. Kline, who had trouble selling his house and property. He further stated the difficulties were not the fault of the County and Mr. Kline called and thanked everyone who helped him.

Mr. Newbrough handed the Board a letter he drafted in response to comments/concerns, Mayor McIntosh (Village of West Farmington) spoke about at the Commissioners' Regular Meeting dated December 14, 2022. **The letter will be placed in the Commissioner' Meeting File dated, December 14, 2022.

Mr. Newbrough said he left the Commissioners' Meeting last week when the Board went into Ex. Session and knows now he shouldn't have left during the question period. He said when he saw the Mayor McIntosh, he assumed she was attending for the CDBG item. Mr. Newbrough said many people at last week's meeting were there to attack his department and the easier solution would have been to notify them ahead of time so he could address their concerns or schedule a meeting to discuss the issues.

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Summarized Comments:

Mr. Newbrough read Part 1 of his letter stating a resident from the Lakeshore neighborhood in Bazetta Twp. complained about assessments in regards to the Lakeshore Sanitary Sewer Project. He said the project was in a consent decree area, and the property owners also submitted petitions for sanitary sewer service. He said this project was presented at a public hearing and had an approval rating of 83.41%. He stated the tentative assessments were \$86.71/front foot, a service connection assessment of \$2,263.20, and there was a monthly capital charge of \$39.25. He continued and said the final assessments were \$72.41/front foot (16.5% below the tentative), a final service connection assessment of \$1500.41 (33.7% below the tentative) and a monthly capital charge of \$29.05 (26% below the tentative). Ms. Frenchko said she wanted to comment. Mr. Cantalamessa called, Point of Order. Ms. Frenchko said this was not on the Agenda. Mr. Cantalamessa said this was to clear up misinformation. Ms. Frenchko asked Mr. Newbrough if he was instructed by the Board to prepare a six-page packet. Mr. Cantalamessa said it was a packet of facts. Mr. Newbrough said he felt it was proper since his department was attacked. Ms. Frenchko said when constituents and tax payers come with concerns, she doesn't think it's appropriate to be so petty. Mr. Newbrough asked Mr. Cantalamessa and Mr. Fuda if they had any objections to him reading the letter. Mr. Cantalamessa said there were accusations and innuendos made against Mr. Newbrough's department and he needed to dispel those rumors. Mr. Fuda said Ms. Frenchko brought people to the meeting last week and he asked them to come back so Gary could discuss the issues with them. Mr. Cantalamessa said the information is beneficial to the County and she doesn't want to hear it and asked Ms. Frenchko to let him speak. Ms. Frenchko said the letter was written on December 8th and asked why it wasn't given to her. Mr. Newbrough said he was doing a few modifications and going back and forth. Ms. Frenchko said Mr. Newbrough should have sent it as he knew what he was doing. Mr. Fuda said it wasn't given to him either. Ms. Frenchko said department heads shouldn't come in to attack their elected officials. Mr. Newbrough said it wasn't an attack on her—it's just to set the record straight. Ms. Frenchko said she saw Mayor McIntosh's name all through the letter. Mr. Newbrough said it wasn't an attack on anyone and to let him read through it. Mr. Fuda said no one asked Mr. Newbrough to write the letter. Mr. Newbrough continued reading stating the resident was correct that the income level within the neighborhood prevented the availability of a CDBG grant which had a maximum grant amount of \$600,000. He said the lack of CDBG grant funding, the Mosquito Creek District spent over \$600,000 to expand the capacity of the Sterling Drive WWTP that was not charged to the project beneficiaries. Mr. Fuda said that's kind like getting grants. Mr. Newbrough said the resident's concern was the recent sewer rate increase. The Lakeshore neighborhood is within the Mosquito Creek Sub-district, so her rate won't go up until January of 2024. He said he regrets the rates have to go up due to inflation. He said there are a lot of factors that are within the rate study. Mr. Newbrough spoke about Part 2 of his letter stating he sent a letter to the Prosecutor's Office regarding financially combine the water districts. He said that Resolution is still down there and Ms. Frenchko spoke about that saying Mr. Newbrough didn't go through his proper diligence before he sent it to the Prosecutor's Office. He said the legal research conducted by Jim Brutz and felt it was legal, and Matt Blair did recent research regarding the legalities and didn't have a problem with it. He said he found a folder of previous Sanitary Engineer, Tom Holloway, where he was trying to achieve the same thing and everything in the folder indicated it was legal to do it. Mr. Newbrough ran it by the County Auditor and he also felt it was legal to do it. He said Commissioner Frenchko accused him of not using proper due diligence before he placed the item on the agenda, recommending the approval of the water rate study. He said he received a positive opinion from two attorneys, the Auditor and a former Sanitary Engineer before placing the water rate study on the agenda. He said he doesn't know what else he could have done. Mr. Fuda said Mr. Newbrough did the right thing. Mr. Newbrough spoke about Part 3 of his letter stating Mayor McIntosh came and expressed concerns about combining the water districts. Mr. Fuda said the Village buys bulk water. Mr. Newbrough spoke about Part 4 of his letter and stated Mayor McIntosh's had concerns about the Haloacetic Acids (HAA5s) and stated they are currently having a problem with in the Braceville District and her concerns are completely warranted. He said the County's water superintendent, operators, the Ohio EPA and Burgess & Niple are currently investigating the cause of the problem and are making every effort to identify the cause of the spike and eliminate it as this is a problem for both water systems for the County and they are making every effort to correct it. Mr. Newbrough explained some of the procedures and extreme effort they are doing to eliminate the problem and said there is an upcoming meeting to see what they can do. Mr. Newbrough spoke about Part stating the Mayor gave the impression that if not for the Village of West Farmington, the County would never have built the Blueprint Water Project. He stated that prior administration was negligent concerning the operation and maintenance of the water system and the resultant deteriorated condition.

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Summarized Comments:

He said it was not the Mayor's fault as she was not there—it was previous Administration. He said the Village had a dilapidated water treatment plant, leaks in the majority of their service connections, non-working valves, and outdated unreliable meters.

Mr. Newbrough said he knew of no other project where every service connection in a system was replaced. He said the county installed all new meter pits with modern meters, all new curb boxes, all new hydrants, new valves, restored their elevated water tank, and retrofitted an aeration system in order to help with their THM removal. He said they went above and beyond for the Village. He said they added a million dollars of extras to give them a modern system. The County installed a state of the art SCADA system and new billing software to calculate their water loss that's less than 5 % now. He said he is proud of the work they did up there, but all he does is hear criticism about it. Ms. Frenchko told Mr. Newbrough to get used to it in government. Mr. Newbrough spoke about Part 6 of his letter stating Mayor McIntosh said that she all Mr. Newbrough spoke about was THM. He said he didn't understand that as they got rid of that problem. He said a comment was made that he is unapproachable and stated, nothing could be further from the truth. He said he has returned every email and phone call and has always treats Mayor McIntosh with respect. He said he doesn't understand why she has such a belligerent attitude towards him when he has done so much to help the Village. He said he doesn't know anyone else who could have figured out to get water to the Village and modernize their system in an affordable manner as they have done and as far as he knows they haven't had to raise the rates. He spoke about the Contract K project stating it is a benefit to everyone including the Village. Mr. Newbrough spoke about a punch list and he went out personally, along with a representative of Burgess & Niple, accompanied the Mayor's husband to every property in the Village. He said a punch list was created by Burgess & Niple, given to Woodford Excavating and the County paid Woodford to address every item on the punch list. He said Burgess & Niple informed him, the Mayor's husband told them that he was pleased with the work and not to worry about the small problems. Mr. Fuda said Ms. Frenchko was trying to get the Village's water bill forgiven and she wanted special treatment for them. Mr. Cantalamessa said Ms. Frenchko wanted the County to forgive the bill. Mr. Newbrough said he never made the comment, the Village would not get principal forgiveness for their sewer project. He said that was something he would say or cheer against. Mr. Newbrough said, Commissioner Frenchko and the Mayor made negative comments about hiring Bill Makosky at \$140,000/year. He said he was hired at \$90,000/year and is a registered professional engineer with over 30 years of experience in water and sewer projects. He has been assigned to 2 projects since he was hired--the State Road Project, the County intends to invoice the Ohio EPA for \$42,000 for services related to him to include bid services and construction management and inspection. Mr. Newbrough said if the County would have hired a consultant for this work, it would have cost approximately \$150,000. He said for the Heaton Chute Project, the County will invoice the Ohio EPA \$60,000.00. Mr. Newbrough said the county can expect to be reimbursed over \$100,000 for services related to him while saving the project beneficiaries approximately \$248,000. He asked how could anyone have a negative thing to say about the hiring of Engineer Makosky. Mr. Newbrough said the mayor stated he was no expert when it comes to water and sewer projects. Mr. Newbrough said he challenged anyone to show him someone else in this State or Country that has figured out how to successfully construct as many water and sewer projects as he has. Mr. Newbrough spoke about comments made by Mr. Phil Pegg, Vienna Trustee, about the negotiation of the Niles contract to supply the Southeast Water District and Mr. Peg asked if they approached Aqua Ohio or the City of Warren for bulk water. Mr. Newbrough said the answer is, no. He said Niles is the cheapest and most high quality water provider and City of Warren provides water for 3 of the water districts at a substantially higher bulk water rate than Niles. He further stated a new water mains and perhaps pump stations and water tanks would be necessary for Warren to supply the Southeast Water District and he doubts Warren has the capacity to do so. Mr. Newbrough said he attached a couple of documents to support what he stated today.

Mr. Fuda spoke about an individual that was just elected that told him, Frank Fuda wants to hire 13-17 people before he leaves office. Mr. Fuda asked Ms. Frenchko where that information came from as it was sent through a text. Mr. Cantalamessa asked if that was a sunshine law violation. Ms. Frenchko said it was sharing information. Mr. Fuda told Ms. Frenchko to try to tell the truth. Ms. Darlene Fuda spoke about Ms. Frenchko bringing the Mayor in to speak. Mrs. Fuda said the Mayor was allowed to speak as long as she wanted and said Ms. Frenchko was going to leave when Mr. Newbrough spoke. Ms. Frenchko said she was present when Mr. Newbrough spoke.

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Summarized Comments:

Ms. Amanda Hebert spoke on the conference line that when people are on the phone, they can unmute themselves at any time as call zoom doesn't have that option, but video zoom does. Ms. Hebert spoke about being attacked for months for stating something that was correct. She commented Ohio Bill 164 (felonies for animal abuse) asking people to contact their state reps as a decision needs to be made by the end of the year. Mr. Shawn Shook called in though the conference line and told Mr. Cantalamessa he hopes Ms. Frenchko never gives him a hard time about touching his phone during a meeting. He said Ms. Frenchko cut her feed so her followers couldn't hear the rest of the meeting and stayed on Facebook playing. Mr. Shook said Mr. Newbrough's information needed to be sent to the press. Mr. Shook made comments about transparency and rules. Mr. Fuda spoke about Ms. Frenchko's department head meeting not being transparent. Mr. Fuda spoke about consent decrees regarding septic systems. Mr. Fuda spoke about Mr. Rex Fee and Gary Newbrough and Julie Green and thanked them for the work they have done.

RE: ADJOURN

MOTION: Made by Mr. Cantalamessa, seconded by Mr. Fuda, to adjourn the Regular Meeting of December 14, 2022 @ approximately 12:22 p.m., and to meet again in Regular Session on December 21, 2022.

Yeas: Cantalamessa, Fuda, Frenchko

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