



Portage County Board of Commissioners
Meeting Minutes

449 South Meridian Street
Ravenna, OH 44266
<http://www.co.portage.oh.us>

Amy Hutchinson, Clerk
330-297-3600

Thursday, April 13, 2023

9:00 AM

Commissioners' Board Room

The following meeting minutes are summarized. Audio recordings and backup material are available in accordance with the Commissioners' Agenda and Audio Recording Retention Schedule.
Please contact the Commissioners' Office for specific details.

The Portage County Board of Commissioners' meeting came to order in the Commissioners' Boardroom located at 449 South Meridian Street, Ravenna, Ohio, with the following members present:

Attendee Name	Title	Status
Anthony J. Badalamenti	President	Present
Sabrina Christian-Bennett	Vice President	Absent
Mike Tinlin	Board Member	Present

Also attending throughout the day were County Administrator Michelle Crombie, Brian Ames, and Barb Tittle.

1. The Board of Commissioners approved the April 6th, 2023, regular meeting minutes.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

HUMAN RESOURCES

Present: Director Tami Soltis

Journal Entries:

In accordance with Section 305.30 of the Ohio Revised Code and this Board's Resolution 21-0396, Part 9(I), the Board of Commissioners acknowledged and approved the County Administrator's approval to:

1. Authorize the hire of Tim Stephens, JFS Custodial Worker, Portage County Job & Family Services. The tentative start date is Monday, April 24, 2023. The Board of Commissioners agreed that this hire is contingent upon the applicant passing the required pre-employment screenings.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

2. Accept the resignation of Brittney Dye, Peer Recovery Support Specialist, Ohio Means Jobs for the Portage County Job & Family Services effective April 17, 2023.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

3. Authorize the three-day internal posting of the bargaining position, for Peer Support Specialist, for the Portage County Job & Family Services, with an external posting if no internal appointment is made.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

4. Accept the resignation of Isaiah Jones, Social Service Worker 3 – Group Home, for the Portage County Job & Family Services effective April 16, 2023.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

5. Authorize the three-day internal posting of bargaining position, for Social Service Worker 3 – Group Home, for the Portage County Job & Family Services, with an external posting if no internal appointment is made.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

6. Approve anniversary/probationary step increase for the following non-bargaining employee:
a. Julie Gonzales

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT

Present: Director Jackie Petty

Journal Entries:

In accordance with Section 305.30(K) of the Ohio Revised Code and this Board's Resolution 21-0396 and this Board's Resolution 21-0878, the Board of Commissioners acknowledges and approves the County Administrator's approval to:

1. Direct the Auditor's Office to pay/process the April 6, 2023 bills/ACH payments, wires, journal vouchers and then & now's, as applicable, contingent upon the verification of the reports as presented by the County Auditor and reviewed by the Department of Budget and Financial Management.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

Expenditure Review		
County Funds: (0001 – 8399)		
Bill Payment and ACH list totaling:		
Bill Payment list	\$1,462,652.54	(Includes late fees of: \$0)
ACH/Neil Group of	\$0	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$469,306.75	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$5,891.46	
Journal Vouchers totaling:	\$98,112.03	
Then and Now list totaling:	\$124,638.86	
Debt Service wire list:	\$0	
BWC Wires:	\$0	

2. Process the April 6, 2023 budget amendments as reviewed and recommended by the Department of Budget and Financial Management.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

Resolutions:

1. Transfer from Fund 0001, General Fund to Fund 1414, Child Support General Administration./Resolution No. 23-0254

COUNTY ENGINEER'S OFFICE

Present: Chief Deputy County Engineer Larry Jenkins

Mr. Jenkins distributed information regarding the Silica Sand Road Resolution on today's agenda and noted the apparent low bidder (Matt Winders Excavating LLC) chose to put \$0.00 under item #26 (professional liability) and the other bidder questioned the validity of the bid.

We checked their references, we worked it out with ODOT, and we conferred with the Prosecutor's Office, and upon the Prosecutor's recommendation, we still have the ability and are recommending awarding the bid to Matt Winders Excavating.

Since we are a locally administered agency, we can make those rules as long as we determine it's not going to cause a bid to be materially imbalanced. The \$0.00 amount was on the professional liability insurance, not anything that calculates or exponentially increases the bid and it does not cause a material imbalance.

We wanted to present the information to you and recommend an award to the apparent low bidder on the advice of the Prosecutor.

Mr. Jenkins also mentioned the Prosecutor has determined it does not waive the requirement of having insurance and they have insurance, this is the cost of the premium bond, that's all.

Administrator Crombie asked if we are specifically bonded for this project or if will he be listing the County as additionally insured and Mr. Jenkins noted he will follow every rule that's listed in the County Engineer's bid book and there will be nothing different because of the \$0.00.

Commissioner Tinlin asked how long has this project been in fruition and Mr. Jenkins noted 3-4 years and we are finally going to get it done.

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Discussion:*1. Randolph Road Flooding:*

Commissioner Badalamenti asked about flooding on Randolph Road.

Mr. Jenkins explained the property owner, Mr. Saal, was nice enough to allow us to come and take an assessment on his property, so we went out and met with the property owner and his attorney. We were trying to figure out how much effort it was going to be, so the Commissioners gave us the approach that we would have the County Engineer go out and remove debris and we were estimating what that cost would be, but we didn't know what it would be because we were acting in the dark.

We looked at the area and essentially there is no debris that we can remove, the culverts themselves are non-functional and that's what we encountered when we got out to the site. So

this finding is a complete change of scope as it's not just a debris removal, it's an obstruction in front of two operational pipes, and as a result, there isn't any debris for us to remove. The pipes are not functional at all.

Commissioner Badalamenti mentioned previously we discussed flooding, liability road damage and the water possibly reaching the bridge and the thought process was if it continues to happen, the road is going to be damaged and that is our liability, so what are we doing to prevent that from happening? Mr. Jenkins noted the direction from the last meeting was under the Prosecutor's direction, we can go out there and remove debris. If it's a debris obstruction, that's what we were there to do. There is no debris. The two pipes are completely non-functional and beyond their useful life. That's a whole other issue, we were talking about debris removal and we were grateful that the property owner allowed us to get out there, but there is no debris to remove and we have non-functional pipes. Commissioner Badalamenti asked if the non-functional pipes are the property owner's responsibility and Mr. Jenkins said they are Mr. Saal's responsibility because they are on private property. We assessed that there is nothing for the County Engineer's office to remove.

Resolutions:

1. Accept & award the bid of Matt Winders Excavating LLC for the Silica Sand Road Bridge replacement (NEL 162, CH 253) in Nelson Township, Portage County./Resolution No. 23-0255

INTERNAL SERVICES

Present: Interim Director Shannon Kautzman

Discussion:

1. *Project Updates*

EMA/EOC Addition to Station 30 for a new Building: The new addition bid date is due May 17th, 2023.

Ravenna Courthouse Replacement of the Parking Lot: The apparent low bid was received from Ohio Paving for \$710,000. We will be coordinating for use of Immaculate Conception's parking lot and another church's parking lot for Grand Jury parking. Time frame: approximately 12 weeks.

Resolutions:

1. The Board of Commissioners accepts the donation of an enclosed trailer to the Portage County Office of Homeland Security & Emergency Management./Resolution No. 23-0256
2. The Board of Commissioners accepts and awards the bid for the Portage County Prosecutor's Office Building Enclosure Repair./Resolution No. 23-0257
3. The Board of Commissioners agrees to set a proposal date for the invitation for bids for asphalt cement pavement sealing repair work for the Portage County Water Resources./Resolution No. 23-0258

4. The Board of Commissioners agrees to set a proposal date for the invitation for bids for tree clearing, pruning, and grubbing services for the Portage County Water Resources./Resolution No. 23-0259
5. The Board of Commissioners agrees to amend Resolution No. 23-0232 dated March 30, 2023; enter into a master service agreement with Water Resources and Utility Service, Inc./Resolution No. 23-0260
6. The Board of Commissioners authorizes Portage County to prepare plans, specifications, and cost estimates, and accept and enter into a grant agreement with the Ohio Environmental Protection Agency for the installation of an emergency power generator at the Rivermoor Water Treatment Plant, Project No. SU-W (23-030), Rivermoor WTP Emergency Generator, in Portage County, Suffield Township./Resolution No. 23-0261
7. The Board of Commissioners declares obsolete and authorizes the trade-in of one vehicle for use by the Portage County Water Resources Department./Resolution No. 23-0266
8. The Board of Commissioners declares the necessity to purchase seven (7) vehicles with a trade-in of one (1) vehicle for use by the Portage County Water Resources Department./Resolution No. 23-0262

COUNTY ADMINISTRATOR

Present: Michelle Crombie

Discussion:

1. Crisis Communication Training

County Administrator Crombie would like to provide Crisis Communication Training to the Board's Leadership Team, as well as any Elected Official (County, City, Township, and Villages included). The training is three hours and the price is a flat \$6,000 regardless of the number of attendees.

The Board agreed to move forward with the request and asked Administrator Crombie to extend the invitation to all Elected Officials, the Superintendents of schools, and Police Chiefs. The date of the training is Tuesday, May 16th and the location will be determined depending on projected attendance.

Administrator Crombie will present a Journal Entry next week.

MISCELLANEOUS

Journal Entries:

1. The Board of Commissioners acknowledged receipt of the March 31, 2023 Certificate of the County Auditor that the Total Appropriations from each fund do not exceed the Amended Official Estimate of Resources for the fiscal year beginning January 1, 2023, as presented by the Portage County Auditor's Office.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

2. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report and Intake Report for March 20, 2023, through March 26, 2023, as presented by Chief Dog Warden Dave McIntyre.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

Resolutions:

1. The Board of Commissioners sets the date and time for a Public Meeting to discuss the designation of Shalersville Township as a restricted area to prohibit the construction of economically significant wind farms, large wind farms, and large solar facilities.
/Resolution No. 23-0263
2. The Board of Commissioners authorizes the holding of a special session of the Portage County Board of Commissioners at 6:30 PM on Thursday, May 18, 2023, at the Shalersville Town Hall in Shalersville, Ohio./Resolution No. 23-0264
3. The Board of Commissioners authorizes support for the Natural Area Land Conservancy (NALC)'s application to the Ohio Department of Agriculture's Local Agricultural Easement Program (LAEPP) on behalf of Dave and Polly Winchell./Resolution No. 23-0265

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Water Resources Director Dan Blakely attended to discuss the resolution to purchase 7 vehicles for the Water Resources Department.

We need 7 vehicles for this year and the year before we did not take possession of any vehicles, before that we took possession of 3, before that, we took possession of 13 vehicles and 14 vehicles the year prior. The primary reason we stopped purchasing was due to COVID and the availability of vehicles, and we now feel there are some vehicles we need to replace. Unfortunately, the class of pickup trucks has gone up dramatically in price, even over the course of the last 2 years they've increased from \$31,000 to \$68,000.

We have a camera truck we would like to trade in and the intent of that will be for the actual equipment that's on it – the camera equipment needs 2 people to operate and this equipment needs one, so we can lessen the manpower and get more efficient use out of our workforce.

Commissioner Badalamenti asked how often a camera truck needs to be replaced and Mr. Blakely responded we would like to go 12 years, but that's dependent on what's happening with the vehicle. This is a relatively new trade and the one that we're trading in is only five years old, but we're going to save more money because the operation can be performed by one person.

Commissioner Tinlin stated I would like to request when we purchase vehicles, we try to stay within the County and I think that's very important and maybe they could do a dealer-to-dealer purchase and make sure any of our local dealers meet the state bid pricing, but anytime we make a big purchase like that, we need to stay in County. Mr. Blakely responded it's a great idea and we intend to do that by having our Facilities Manager make sure we check with all the local dealerships and as long as they can meet the state price or lower, we'll definitely move forward.

PUBLIC COMMENT

Present: Larry Doak

I'm glad to be here to talk a little bit about what we're talking about that obstruct (Potter's Creek, Randolph). I just want to start by reading what Amy Hutchinson sent to us from Chris Meduri. She says hello again, I just spoke with the Prosecutor's Office and this is what they said:

Mr. Doak's email states that the County Engineer's Office is unable to do the project. Also, after County personnel went out on site in March, it was reported back that the situation is more involved than anticipated and it was suggested that an engineering and wildlife study be performed to determine the course of action in this floodplain area. At this time, the landowner has not provided consent for any improvements to be done on private property. Even if specifications were to be drafted, it is questionable whether a suitable contractor would be willing to go onto private property without the approval of the property owner. Even if a contractor could be retained who was going to do so, the Board should not send a private contractor onto private property in this situation and the Sheriff should not have to become involved in a situation of this nature.

This is outrageous to me, but that's all I want to say right now and I'll let my wife finish.

PUBLIC COMMENT

Present: Cathy Doak

Hello, I'm Cathy Doak from Randolph. So, you did place this order from the Ohio Revised Code asking for the removal of the obstruction to be ordered. It took nearly two months for Chris Meduri to send that order out, so we have been delayed two months already to get to this point.

Chris Meduri seems to be implying several things to me by that response: number one is that because the problem is bigger than it sounds like, he doesn't want the County to do anything

about it, number two, he claims that the property owner has not consented to improvements and I don't know why he would ever improve his property, the Ohio Revised Code indicated to remove obstructions from the property, not improve Mr. Saal's property and that should never be the responsibility of the County to improve his property. Then, he seems to be implying that bullying by the private property owner could somehow prevent us from fixing this problem.

Larry Jenkins stated there was nothing to remove, I would disagree with that, there is something to remove – the culverts need to be removed, they are the obstruction now according to them. I just want to remind you that the stormwater resolution says that the water force must be free-flowing and that it's a promise to the whole community that you will act on the stormwater rules and have the private property owner be responsible for keeping his water force clear. Then, the Ohio Revised Code gives you the power to do that and the issue is really simple that the promise has been made, the order has been executed, and obstruction has been identified and that's the culverts.

We are here asking that you will continue with efforts to remove the obstruction. The cost really shouldn't be an issue because the private property can be back-charged for that. I guess I would ask you, I know that all three Commissioners are not here today and you probably can't do anything and Commissioner Badalamenti stated it only takes 2 and we've had a discussion this morning about the letters that have been sent, I have questions about the situation, as well. I think Mr. Jenkins just said that it's not the culvert, it's the pipes on private property that are blocked. I find it very frustrating and both Mike and I had questions after receiving the letters and we are still trying to figure out what to do and there's that legal word that everybody keeps throwing at us about what we can do and what we can't do. I get frustrated.

Ms. Doak stated the Ohio Revised Code spells it out very clearly – it is an obstruction and you have the power to remove it and the cost should be passed on.

Commissioner Badalamenti stated we haven't talked about the cost because they've identified other things that could be causing issues, too and Ms. Doak responded the obstruction is still the obstruction and it has been identified and Commissioner Badalamenti replied we are still discussing that with our legal counsel as to what we can do and what we can't do. Ms. Doak asked if there was something in the works and Commissioner Badalamenti replied, we just received the letters and we're still talking.

PUBLIC COMMENT

Present: Brian Ames

I didn't plan to do public comment, but I have something relevant to what they just said. A few years ago, the culvert at the end of my driveway completely collapsed and water was backing out onto the road and I made arrangements with the County Engineer, I paid for 2 culvert pipes and they installed them and took the old ones out. Sounds to me like what we're talking about here. That's an example of how this similar situation was corrected. That might be something to check into.

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Commissioner Badalamenti stated Ms. Barb Tittle has a request for the Board to create a proclamation to recognize May as Motorcycle Awareness Month in Ohio and we will get that prepared.

Recessed: 9:37 AM

Reconvened: 11:00 AM

PROSECUTOR'S OFFICE

Discussion:

1. Randolph Road Flooding (Potter's Creek)

Attorney Meduri stated back in March, several County agents went out to inspect the area and the landowner (Mr. Saal) did allow us to go onto his property to look at the situation. The bottom line with this is, that it's unfortunate, I mean, we've all tried to help her, and we'd like to help neighboring property owners, but the statute they cite is not a criminal statute, it's discretionary, what we call civil remedial statute. This Board is not mandated to proceed under that statute. There's no statutory requirement, the Board may, but the problem you have here is the landowner is not at this point, open and giving us consent and I'm not comfortable sending anyone out there without consent or a court order. For us to get a court order, we would actually have to line up an expert who would have to say what needs to be done to solve the problem in the whole floodplain area.

Commissioner Badalamenti stated the whole floodplain area, not just the street that's getting flooded because Chief Deputy County Engineer Larry Jenkins stated there's no blockage, the culverts are at the end of their useful life. Attorney Meduri stated, the accessway was put in back in the 1930s, so there's no entranceway to the culverts – essentially there's an opening before and an opening after. I've been told Mr. Saal did some work within the ditch to remove sediment, so how much better he made it, I don't know. The bottom line is that this is not a good situation. Even if the County Engineer isn't able to do the project due to the scope, we would be forced with having to try to find a private contractor, whether or not we could find a private contractor to go onto private property without consent, that in and of itself is risky, we would have to get the Sheriff out there and it's just not a good scene.

Commissioner Badalamenti noted I hear two issues; you've got one downstream that has to do the wildlife study and that's to the right of where we're getting flooded and then you have the first area that seemed like it might have been blocked that is clear now and then we find out to the left of that is where the culvert pipes are located and blocked. I thought when we spoke the first time about this, we were worried about damage to the road, and if the flooding continues the road is going to be damaged. There's a bridge close by and the water is coming right to the bottom of the bridge. These are two separate issues. What's the major problem and what's the immediate fix? Does the immediate fix include going on a person's property or do the culverts run along the side of the road? Attorney Meduri responded that the culverts we're talking about are way back on Mr. Saal's private property and merely serve the private access way to the back of his property. So who put those in, who knows, it was decades ago, but the bottom line is the culverts on private property are at their end of life.

Attorney Meduri stated we do have the right of ways that we can operate in and I would have to defer to the Engineer's Office, but I would hope that if the road is being impacted, there's some type of fix where we could stay within our right of way to solve that problem.

Attorney Meduri went on to say concerning the road, and I'll be frank with you, last fall Director Roberts and myself were pretty much on the same page before the road issue was mentioned that this is something the County should stay out of. I understand the Doak's position and we'd like to help them, I know people don't like to hear this, but they have a private remedy whereby they could bring a private nuisance action, I'm not saying they should or shouldn't, but they could retain a lawyer and bring a private trespass issue against the property owner. Again, that's between them. They could also petition this Board of Commissioners for a petition ditch, but the problem with that is you would have to do a study and then assess the benefiting property owners. So, there's no easy solution, there are solutions, but for this Board to act under that statute where we don't have consent or court order and getting a court order would take time, we would have to line up the expert, we'd have to sue for an injunction, we'd have to win the case, then the court would issue an injunction from there. Then, the landowner would have his due process in court, because remember, everybody has land rights, both the Doaks and Mr. Saal and before we go on anybody's private property, we have to make sure this Board is doing it under the color of law.

Commissioner Badalamenti stated I was thinking that the culvert ran alongside of the road and you're saying it is in the back and way off the road and that's what they believe to be causing the flooding? Attorney Meduri stated I'm not saying it is or it isn't, Mr. Saal's position is there are at least four or five beaver dams upstream that are impacting it, hence the thought of an engineering and wildlife study to see what the solution is, but that is expensive.

Commissioner Badalamenti stated if the County Engineer says the integrity of the road has been compromised because of what we believe is water-related, would we then try to find out where the water's coming from and would we have the right to fix it, and Attorney Meduri stated it would be best to let the Engineer's Office speak to their roads, but if the County road is being hurt, steps would be taken to fix that – whether that's within the right of way or something else. Commissioner Badalamenti asked if that's what we talked about the first time – if County roads are being damaged, we would have the right to go in and fix it and Attorney Meduri stated you can always do it within your right of way, but even when you need to go off your right of way without consent, a lot of times we do appropriation actions eminent domain where, you know, we give a landowner their due process, and that takes time.

The Board thanked Attorney Meduri for the explanation.

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**RESOLUTION NO. 23-0254 - RE: TRANSFER FROM FUND 0001, GENERAL
FUND TO FUND 1414, CHILD SUPPORT
GENERAL ADMINISTRATION**

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

- WHEREAS,** the Portage County Board of Commissioners has agreed to provide the local match for Child Support IV-D contract payments; and
- WHEREAS,** it is necessary to do a transfer from the General Fund; now therefore be it
- RESOLVED,** that the following transfer of funds be made in the amount of \$12,621.24 for March 2023 IV-D contract payments local match for Prosecutor December -January 2023, Clerk of Courts December 2022-January 2023, Juvenile October 2022, and Domestic November-December 2022 payment as reviewed and recommended by the Department of Job & Family Services:

FROM:FUND 0001, COUNTY GENERAL FUND

ORGCODE - 00100009

Debit Expense Account

Object: 910000- Transfer Out \$12,621.24

TO:FUND 1414, CHILD SUPPORT GENERAL ADMINISTRATION

ORGCODE - 14140512

Credit Revenue Account

Object: 280000 - Transfer In

Project NONE \$12,621.24

; and be it further

- RESOLVED,** that the County Auditor is hereby requested to make said transfer by Journal Entry, and that a certified copy of this resolution be filed with the Portage County Auditor, the Portage County Job & Family Services, and the Department of Budget and Financial Management; and be it further
- RESOLVED,** that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea;
*Sabrina Christian-Bennett, Absent;
*Mike Tinlin, Yea;
***RESOLUTION NO. 23-0255**

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RE: ACCEPT AND AWARD THE BID OF MATT WINTERS EXCAVATING LLC FOR THE SILICA SAND ROAD BRIDGE

REPLACEMENT (NEL 162, CH 253) IN NELSON TOWNSHIP, PORTAGE COUNTY.

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, notice of Receiving Bids for the **Silica Sand Road Bridge Replacement** was published in the Record Courier on February 3, February 10 and February 17, 2023; and

WHEREAS, two (2) sealed bids were received, tabulated and recorded on March 29, 2023, for furnishing all labor, materials and equipment necessary to complete the project known as the **Silica Sand Road Bridge Replacement**; and

WHEREAS, after reviewing said bids, it was the recommendation of the Portage County Engineer that the bid of **Matt Winters Excavating LLC** be accepted as the lowest and best bid received; now therefore be it

RESOLVED, that the bid of **Matt Winters Excavating LLC, 3310 Kent Road, Suite 6, Stow, OH 44224**, be accepted and awarded as the lowest and best bid received in accordance with specifications and plans prepared for the **Silica Sand Road Bridge Replacement** in Nelson, Portage County, and be it further

RESOLVED, that a contract be entered into with **Matt Winters Excavating LLC** in the total amount of **\$1,084,460.00**, and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea; Sabrina Christian-Bennett, Absent; Mike Tinlin, Yea;

**RESOLUTION NO. 23-0256 - RE: ACCEPTANCE OF DONATION TO THE
OFFICE OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT**

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, the Mantua-Shalersville Fire Department presented the Portage County Office of Homeland Security and Emergency Management an enclosed trailer equipment donation valued at \$1,500.00 to be used by emergency services personnel to respond to water rescue and dive rescue incidents; now therefore be it

RESOLVED, the Board of Portage County Commissioners does hereby accept this donation in accordance with Resolution No. 13-1010, adopted on October 3, 2013, on behalf of the Portage County Office of Homeland Security and Emergency Management; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea; **Sabrina Christian-Bennett**, Absent; **Mike Tinlin**, Yea;
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**RESOLUTION NO. 23-0257 - RE: ACCEPT AND AWARD THE BID FOR THE
PORTAGE COUNTY PROSECUTOR'S
OFFICE BUILDING ENCLOSURE REPAIR.**

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, one (1) contractor requested bid specifications for the Portage County Prosecutor's Office Building Enclosure Repair; and

WHEREAS, one (1) bid for were received, tabulated and recorded on April 5, 2023; and

WHEREAS, upon review of the bids received, it is the recommendation of the Portage County Interim Director of Internal Services that the Portage County Board of Commissioners accept the bid received from United Glass & Panel Systems, Inc. be accepted; now therefore be it

RESOLVED, that the Board of County Commissioners agree to enter into a contract with United Glass & Panel Systems, Inc, 4250 Strausser St. NW, North Canton, OH 44720 in the amount not to exceed Two Hundred Eighty-Four Thousand One Hundred Thirty-Three Dollars (\$284,133.00); and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were

amend Resolution 23-0232; and be it further

RESOLVED, that the costs of the professional services shall be two hundred ninety-three thousand and 00/100 dollars (\$293,000.00) each year for five years from the start of the MSA and then reduce to approximately fifty thousand and 00/100 dollars (\$50,000.00) for each year for years six through ten; and be it further

RESOLVED, that the payment for maintenance and repairs shall be made from PCWR Water Fund 54002004413000; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taking in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea;
*

Sabrina Christian-Bennett, Absent;
*

Mike Tinlin, Yea;
*

RESOLUTION NO. 23-0261

- **RE: A RESOLUTION AUTHORIZING PORTAGE COUNTY TO PREPARE PLANS, SPECIFICATIONS, COST ESTIMATE, AND ACCEPT AND ENTER INTO A GRANT AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE INSTALLATION OF AN EMERGENCY POWER GENERATOR AT THE RIVERMOOR WATER TREATMENT PLANT, PROJECT NO. SU-W (23-030), RIVERMOOR WTP EMERGENCY GENERATOR, IN PORTAGE COUNTY, SUFFIELD TOWNSHIP.**

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, this Board by Resolution No. 74-78, adopted April 11, 1974, established the Portage County Regional Sewer District, hereinafter called "SEWER DISTRICT"; and

WHEREAS, Portage County owns and operates the Rivermoor Water Treatment Plant (WTP) to serve primarily the Rivermoor Estates Subdivision; and

- WHEREAS,** the Rivermoor WTP does not have an emergency power backup; and
- WHEREAS,** it has become necessary for the Portage County Water Resources Department to request authorization to prepare plans, specifications, and cost estimate for the Project No. SU-W (23-030), Rivermoor WTP Emergency Generator, hereinafter called PROJECT; and
- WHEREAS,** the Portage County Water Resource Department prepared and submitted an Emergency Generator Equipment Grant application to the Ohio Environmental Protection Agency on October 26, 2022, for the construction of the PROJECT; and
- WHEREAS,** the PROJECT was awarded to receive \$50,000.00 in grant funds; and
- WHEREAS,** the Ohio Environmental Protection Agency requires the Board to execute a grant agreement; now therefore be it
- RESOLVED,** by the Board of Commissioners of Portage County, Ohio:

- Section 1. That Board authorizes PCWR to prepare plans, specification and estimate of cost for the PROJECT.
- Section 2. That Board hereby agrees to enter into a grant agreement with the Ohio Environmental Protection Agency for the construction of the PROJECT and authorizes the President of the Board to sign the Grant Agreement on behalf of the entire Board, with the Vice President as an alternate.
- Section 3. That the Clerk of this Board is hereby directed to certify a copy of this Resolution to the Department Of Budget and Financial Management, the Department of Internal Services and the County Auditor within 15 days after its passage.
- Section 4. That it is hereby found and determined that all formal actions of this Board concerning and relation to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea;
*

Sabrina Christian-Bennett, Absent;
*

Mike Tinlin, Yea;
*

RESOLUTION NO. 23-0262

- RE: DECLARE THE NECESSITY TO PURCHASE SEVEN (7) VEHICLES WITH A TRADE IN OF ONE (1) VEHICLE FOR USE BY THE PORTAGE COUNTY WATER RESOURCES DEPARTMENT

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

- WHEREAS,** pursuant to ORC 307.41, the Board of the Portage County Board of Commissioners declares it necessary to purchase one (1) E450 camera van, two (2) trucks, and four (4) SUV vehicles for use by the Portage County Water Resources Department; and
- WHEREAS,** the Portage County Water Resources Department has personal property that is not needed and has been declared as obsolete or unfit for its intended use; now therefore be it
- WHEREAS,** the purchase of one E450 camera van will be made from Best Equipment with a trade in
- WHEREAS,** one vehicle in the amount of \$384,906.49 for a 2024 Ford E450 (Sourcewell #120721-EVS) will be purchased from Best Equipment with a trade in of one vehicle for \$80,000.00 for a sum total to be paid to Best Equipment for \$304,906.49,
- WHEREAS,** the purchase of the two trucks will be made from Valley Chevrolet, the purchase of the three SUV's will be made from Montrose Auto Group and one SUV from Valley Ford of Huron, Inc.; and
- WHEREAS,** two (2) trucks in the amount of \$136,496.00 for two 2024 Chevy 2500 HD (state contract RSI010203) will be purchased from Valley Chevrolet, three SUV vehicles in the amount of \$110,128.50 for two 2023 Ford Escapes and one 2023 Ford Expedition (state contract RSI010871) will be purchased from Montrose Auto Group, one SUV in the amount of \$45,350.00 for a 2023 Ford Explorer (state contract RSI011029) will be purchased from Valley Ford of Huron, Inc, through the Portage County Water Resources Department funds; now therefore be it
- RESOLVED,** that the Board of Commissioners of the Department of Water Resources does hereby declare it necessary to purchase seven (7) vehicles for the total amount of \$596,880.99 all-inclusive of upfitting, with a trade in of one (1) vehicle for a total amount of \$304,906.49 to be paid to Best Equipment, \$136,496.00 to Valley Chevrolet, \$110,128.50 to Montrose Auto Group and \$45,350.00 to Valley Ford of Huron, Inc.; and be it further

map showing the boundaries of the proposed restricted areas at all public libraries within Portage County; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea; Sabrina Christian-Bennett, Absent; Mike Tinlin, Yea;

* * * *

RESOLUTION NO. 23-0264 - RE: AUTHORIZE THE HOLDING OF A SPECIAL SESSION OF THE PORTAGE COUNTY BOARD OF COMMISSIONERS AT 6:30 PM ON THURSDAY, MAY 18, 2023 AT THE SHALERSVILLE TOWN HALL, 9090 STATE ROUTE 44, SHALERSVILLE, OHIO, FOR A DISCUSSION ON THE DESIGNATION OF SHALERSVILLE TOWNSHIP AS A RESTRICTED AREA IN ACCORDANCE WITH SECTION 303.58 OF THE OHIO REVISED CODE (ORC), TO PROHIBIT THE CONSTRUCTION OF ECONOMICALLY SIGNIFICANT WIND FARMS, LARGE WIND FARMS AND LARGE SOLAR FACILITIES, AS DEFINED IN ORC 303.57, 4906.13 AND ORC 4906.01.

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, Shalersville Township Trustees adopted Resolution No. 2023-03, dated March 8, 2023, requesting the Board of Commissioners prohibit any large or commercial wind and solar farms in Shalersville Township; and

WHEREAS, it is the desire of the Board to hold a public meeting specifically for this purpose, and to discuss whether a resolution should be adopted designating the Township of Shalersville in Portage County as a restricted area; now, therefore, be it

RESOLVED, that the Board of Portage County Commissioners will hold a Special Session of the Board of Commissioners, as advertised in the Record Courier newspaper, on **Thursday, May 18, 2023, at**

6:30 PM, for a discussion about the designation of Shalersville Township as a restricted area in accordance with section 303.58 of the Ohio Revised Code (ORC), to prohibit the construction of economically significant wind farms, large wind farms and large solar facilities, as defined in orc 303.57, 4906.13 and orc 4906.01; and be it further

RESOLVED, that the Board of Portage County Commissioners will move its meeting location from the Portage County Administration Building to the **Shalersville Town Hall, 9090 State Route 44, Shalersville,** in order to attend said meeting; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll Call Vote as Follows:

Anthony J. Badalamenti, Yea; Sabrina Christian-Bennett, Absent; Mike Tinlin, Yea;
 * * * *

RESOLUTION NO. 23-0265 - RE: SUPPORT FOR NATURAL AREAS LAND CONSERVANCY'S APPLICATION TO THE OHIO DEPARTMENT OF AGRICULTURE'S LOCAL AGRICULTURE EASEMENT PURCHASE PROGRAM ON BEHALF OF DAVE AND POLLY WINCHELL

It was moved by Mike Tinlin, seconded Anthony J. Badalamenti that the following resolution be adopted:

WHEREAS, Natural Areas Land Conservancy is a Certified Local Sponsor for the State of Ohio's Local Agricultural Easement Purchase Program (LAEPP); and

WHEREAS, Dave and Polly Winchell, who own 4 parcels totaling 117 acres of farmland off of Hankee Road in Freedom Township, desire to apply for the Clean Ohio Local Agricultural Easement Purchase Program (LAEPP) in partnership with Natural Areas Land Conservancy; now therefore be it

RESOLVED, that the Portage County Board of Commissioners supports the LAEPP application submitted by Natural Areas Land Conservancy on behalf of Dave and Polly Winchell for 117 acres of farmland in Freedom Township, Portage County; and be it further

Roll Call Vote as Follows:

**RESOLUTION NO. 23-0266 - RE: DECLARE OBSOLETE AND AUTHORIZE
THE TRADE IN OF ONE (1) VEHICLE FOR
USE BY THE PORTAGE COUNTY WATER
RESOURCES DEPARTMENT**

WHEREAS, the Board of County Commissioners of the Portage County Water Resources Department has determined that one (1) E450 camera van is not needed for public use, and is obsolete, or unfit for the use for which such was acquired, and be it further,"

Item	Trade in & Rebate Credits
2018 Ford E450 Van with Camera System	\$80,000.00

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

0909.

Anthony J. Badalamenti, Yea;
*Sabrina Christian-Bennett, Absent;
*Mike Tinlin, Yea;
***Journal Entries:**

In accordance with Section 305.30 of the Ohio Revised Code and this Board's Resolution 21-0396, Part 9(I), the Board of Commissioners acknowledged and approved the County Administrator's approval to:

1. Authorize the hire of Tim Stephens, JFS Custodial Worker, Portage County Job & Family Services. The tentative start date is Monday, April 24, 2023. The Board of Commissioners agreed that this hire is contingent upon the applicant passing the required pre-employment screenings.

Motion: Commissioner Tinlin**Seconded: Commissioner Badalamenti**

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

2. Accept the resignation of Brittney Dye, Peer Recovery Support Specialist, Ohio Means Jobs for the Portage County Job & Family Services effective April 17, 2023.

Motion: Commissioner Tinlin**Seconded: Commissioner Badalamenti**

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

3. Authorize the three-day internal posting of bargaining position, for Peer Support Specialist, for the Portage County Job & Family Services, with an external posting if no internal appointment is made.

Motion: Commissioner Tinlin**Seconded: Commissioner Badalamenti**

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

4. Accept the resignation of Isaiah Jones, Social Service Worker 3- Group Home, for the Portage County Job & Family Services effective April 16, 2023.

Motion: Commissioner Tinlin**Seconded: Commissioner Badalamenti**

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

5. Authorize the three-day internal posting of bargaining position, for Social Service Worker 3- Group Home, for the Portage County Job & Family Services, with an external posting if no internal appointment is made.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti
All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;
Absent: Commissioner Christian-Bennett, Absent;
Motion Carries

6. Approve anniversary/probationary step increase for the following non-bargaining employees:
 a. Julie Gonzales

Motion: Commissioner Tinlin
Seconded: Commissioner Badalamenti
All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;
Absent: Commissioner Christian-Bennett, Absent;
Motion Carries

In accordance with Section 305.30(K) of the Ohio Revised Code and this Board's Resolution 21-0396 and this Board's Resolution 21-0878, the Board of Commissioners acknowledges and approves the County Administrator's approval to:

7. Direct the Auditor's Office to pay/process the April 6, 2023 bills/ACH payments, wires, journal vouchers and then & now's, as applicable, contingent upon the verification of the reports as presented by the County Auditor and reviewed by the Department of Budget and Financial Management.

Motion: Commissioner Tinlin
Seconded: Commissioner Badalamenti
All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;
Absent: Commissioner Christian-Bennett, Absent;
Motion Carries

Expenditure Review		
County Funds: (0001 – 8399)		
Bill Payment and ACH list totaling:		
Bill Payment list	\$1,462,652.54	(Includes late fees of: \$0)
ACH/Neil Group of	\$0	
ACH Payment list totaling:	\$0	
Health Benefit Wire transfers totaling:		
Medical Mutual Admin of	\$0	
Medical Mutual Claims of	\$469,306.75	
Medical Mutual Flex Admin of	\$0	
Medical Mutual Flex Claims of	\$5,891.46	
Journal Vouchers totaling:	\$98,112.03	
Then and Now list totaling:	\$124,638.86	
Debt Service wire list:	\$0	
BWC Wires:	\$0	

8. Process the April 6, 2023 budget amendments as reviewed and recommended by the Department of Budget and Financial Management.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

9. The Board of Commissioners acknowledged receipt of the March 31, 2023 Certificate of the County Auditor that the Total Appropriations from each fund does not exceed the Amended Official Estimate of Resources for the fiscal year beginning January 1, 2023, as presented by the Portage County Auditor's Office.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

10. The Board of Commissioners acknowledged receipt of the Kennel Disposition Report and Intake Report for March 20, 2023 through March 26, 2023 as presented by Chief Dog Warden Dave McIntyre.

Motion: Commissioner Tinlin

Seconded: Commissioner Badalamenti

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

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Motion: by Commissioner Tinlin, seconded by Commissioner Badalamenti that the Board adjourns the Meeting of **April 13, 2023, at 11:08 AM.**

All in Favor: Commissioner Tinlin, Yea; Commissioner Badalamenti, Yea;

Absent: Commissioner Christian-Bennett, Absent;

Motion Carries

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners' meeting of **April 13, 2023.**



Anthony J. Badalamenti, President

-----ABSENT-----

Sabrina Christian-Bennett, Vice President



Mike Tinlin, Board Member



Amy Hutchinson, Clerk