

July 5, 2018

RECEIVED

JUL 05 2018

Jim Shader, Chairman of the Board  
Trumbull County Planning Commission  
185 East Market Street, 2<sup>nd</sup> Floor, Suite A  
Warren, Ohio 44481

TRUMBULL COUNTY  
PLANNING COMMISSION

**RE: *Notice of Illness/Disability; Retaliatory Conduct Complaint for Whistleblowing***

Dear Chairman Shader,

I am not resigning my position as Executive Director of the Trumbull County Planning Commission, but I do want to advise you and the Planning Commission Board of serious work-related health conditions that have been caused from working in a very hostile work environment.

I have attached a statement from my physician, Dr. Robert Naples, Jr. My conditions are a direct result of the intense psychological abuse, bullying, retaliation, discrimination, and general harassment brought about by the Trumbull County Engineer and his associates.

I am requesting additional time off pursuant to the Family Medical Leave Act in order to seek medical treatment, and I am also asking your assistance, the Planning Commission Board's assistance and the County HR Director's assistance to alleviate the consistent attempts to discredit, attack, and dissuade me from execution of my job responsibilities, and to target the elimination of my job. I have reached out to many in positions of power for assistance for more than a year to no avail and no relief from the retaliatory attacks because we refused to violate the Subdivision Regulations. I even tried to offer a solution that created a lot of work for the Planning Commission by amending the Subdivision Regulations; however, even this gesture of goodwill did not alleviate the repetitive, hostile and unwanted attacks.

The Planning Commission knows the public policy we seek to enforce and regulate. Ignoring the public policy jeopardizes the essence of our role in the County. The attacks, as detailed, have all come about as a result of my trying to maintain the integrity of the Commission. Following the regulations does not harm anyone and assists in future planning concerns.

The attacks by Smith against me began around September 2016 regarding a Liberty Township development called "Kline's Farm." The developer was Jerry Altobelli. My job, and that of this Commission, was to enforce consistently the County Subdivision Regulations. The issue was the monument box itself and number. The 2016 Subdivision Regulations stated that "Centerline monumentation shall be set at all street intersections and points of curvature and shall be enclosed in an iron monument box of the type as approved by the County Engineer. All monumentation shall be established and set in accordance with the provisions of Chapter 4733 of the *Ohio Administrative Code* by a licensed Professional Surveyor, registered in the State of Ohio." The OAC is specific about the number and locations. Smith and his associates were

forceful in seeking a “variance” on the monument boxes and lowering the required number. This was going to save the developer anywhere from \$6,000.00 to \$7,000.00. The regulations state that a variance can be given due to *exceptional topographic or other physical conditions* and that the hardship *must be unique to the property* for which the variance is sought and not applicable to any other property; and the hardship must result from the strict application of the Regulations *as distinguished from* one of inconvenience due to the owner’s error, poor judgment or when the *only supporting evidence is that compliance would add to the development cost*. Therefore, the Plats & Zoning Committee and the Board denied the variance in December 2016. Smith and Commissioner Fuda would repeatedly raise the same issue again and again, although the decision had already been made to deny the variance.

At one point, Commissioner Fuda asked a board member if I only hired female candidates. I took this to be a discriminatory comment because I am a married, gay woman. Fuda was particularly aggressive, and at one point called and yelled at me, “Why don’t you just give the guy what he wants?” (March 1, 2017).

The Altobelli monument dispute continued, even after it had been denied by the Planning Commission Board on December 13, 2016, with Commissioners Fuda and Cantalamessa voting with the entire board to deny the variance request. On March 7, 2017 a meeting was called by Commissioner Fuda with all three commissioners, Randy Smith, Jim Shader, Lew Kostoff, Jack Mahan, Rich Fender, Shane Burkholder, and myself. Later that day, Commissioner Fuda complained that I make too much money.

Board members, on March 8, 2017, told me I was being targeted and to watch my back. Smith began to send County Engineer employees to the Planning Commission Board meetings. The calls continued to come in from Commissioner Polivka, again regarding the Altobelli monuments. On March 28-30, 2017, I continued to explain that the request had been denied by the Planning Commission on December 13, 2016.

Then, on April 5, 2017, it appears on the Commissioner’s weekly agenda that the County Engineer would review the Altobelli Monument/Kline’s Farm development and provide a written report of his findings to the Commissioners. There was not a legal basis to take this function of the Planning Commission and give it to the County Engineer.

During this time period, a key long-time employee was transferred by the County Commissioners without consulting the Planning Commission Director or Board, and our budget was reduced without notice. Commissioner Fuda told the employee to just leave my office without giving any notice and the employee told them that they would not do that to me, because I had always been good to them. Because this employee left, another long-term employee decided it was time to retire. Now the Planning Commission was suddenly short by at least three employees; and on June 13, 2016, Commissioner Cantalamessa told me that, “The more he sees what the Planning Commission is doing now, the more he is loving what I am doing, and you guys (the Planning Commission) are working harder than ever, and when we do get you up to speed (replacing employees), because he thinks that’s in the works, we want to continue that same work ethic and that same drive and maybe expand and then start talking about the possibility of getting even more contracts in other counties and possibly PA.” Commissioner

Cantalamessa went on to say he, "Has talked to other people that work directly with me and they speak very highly of me and the Planning Commission and that maybe Randy Smith just needs to know that the Planning Commission isn't going away, that it's just the opposite, that the Commissioners are - at least he is - actually looking at increasing (the Planning Commissions) capabilities." However, none of that happened because the Personnel Committee's recommendation to hire was blocked by Commissioner Fuda and suddenly Commissioner Cantalamessa's support vanished and within days he began to also oppose any staff replacements. In my decades of service, the Planning Commission has never been so short staffed and the great successes I have accomplished since becoming Director are now blocked from continuing and these actions have halted my ability to continue to implement my plans and goals as Director of the Planning Commission. I had broken records in bringing in new contracts for projects and Comprehensive Plans to help our communities and bring extra money into the County General Fund. I have worked hard to improve, streamline and make more efficient management and operation processes at the Planning Commission including updating the Subdivision Regulations three times, updating Flood Regulations, created new flood permit, new flood permit application and one-of-a-kind permitting forms to make it easier for applicants (often helping with permitting County Engineer projects) to get through the proper process more efficiently saving time and money; created new annual employee review forms; created new interview process with new forms; created Annual Reports; updated Bylaws; updated Job Descriptions; updated the Standard Operating Procedures Manual; and worked with Prosecutor's Office to make sure the Board Members were appointed according to Ohio Revised Code and put system in place to make sure Commissioners were notified before Board terms expire.

On July 20, 2017, an article appeared in the Tribune Chronicle detailing how the Engineer wanted to take away services from the Planning Commission. In the article, Smith states that his decision to try to cripple the functions of the Planning Commission related back to the Altobelli Monument attempt to avoid regulations.

During this time period, Smith and his employees all went after the Planning Commission regarding a performance bond issued in 2008 to the Sudheendra Family Limited Partnership for work done on Bennington Ridge in Howland. Despite this occurring before my tenure as Director, this bond became part of the attack. An email from the bond company states that the *bond expired on February 7, 2010*; once again, *long before my tenure as Director and not even a project I had ever worked on.*

The activity of the Engineer's office has increased in recent months and thousands of dollars have been wasted with his employees showing up at Planning Commission meetings to continue the attack upon me. On June 13, 2018, at the end of a Commissioners Meeting, Steve Papalous from the Engineer's office read about three (3) pages bashing the Planning Commission and myself and accused me of being unprofessional and wrongfully concluding that I needed help with Robert's Rules of Order since he thought I ran the meetings.

At this same meeting, Papalous stated that he has attended every Planning Commission meeting for about a year, which corresponds with the Altobelli Monument issue and the beginning of the escalated aggressive harassment and psychological abuse.

I have worked for nearly 22 years at the Trumbull County Planning Commission, earning 9 promotions, and *without a single negative mark on my record*. It was not until I “blew the whistle” on the Engineer’s attempts to circumvent the Planning Commission’s statutory authority that I became a target that they continually undermine, discredit and cut off from work opportunities that the Planning Commission would normally be involved in or leading.

The result of the actions of the County Engineer and his main ally, Commissioner Fuda, has been to create a hostile work environment that has led me to develop significant health issues. The psychological abuse and bullying has also developed into discrimination based upon my sexual orientation, given Commissioner Fuda’s comments.

I am seeking the assistance of the Planning Commission Board in addressing this issue and the County Human Resources Director in helping to end the retaliation, hostile work environment, and discrimination. This matter needs a resolution, and I would be pleased to cooperate in participating in the same.

I await your response and guidance on this situation. My health is extremely important and I would like to schedule leave immediately. I am not sure how long I will be out; I need this situation to be fixed. Initially, I would like to apply my earned compensatory time, then my sick time, then my vacation time and any applicable personal days before beginning FMLA.

Sincerely,



Trish Nuskiewicz, Executive Director  
Trumbull County Planning Commission

Enclosure

TAN:

cc: Richard Jackson, Trumbull County Human Resources Director  
William Danso, Trumbull County Prosecutor’s Office