

RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
August 16, 2022
4:00 p.m. to 6:20 p.m.

IN ATTENDANCE: Mr. Christopher Peterson, Vice-President
Mr. Michael Sullivan, Board Member
Mr. Darren Biggs, Supt. of Utilities
Ms. Cinthia Slusarczyk, Clerk
Mr. Christopher Kogelnik, Engineer

ALSO PRESENT: Ms. Kellie Bordner, Planning & Zoning
Mr. George Ebling

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 16th of August, 2022.

MR. PETERSON: Call the meeting to order. Please stand for the Lord's Prayer and Pledge of Allegiance.

ROLL CALL:

MR. PETERSON: Welcome everybody to the meeting. Roll call please.

MS. SLUSARCZYK: Kevin Campbell.

(No response.)

MS. SLUSARCZYK: Michael Sullivan.

MR. SULLIVAN: Here.

MS. SLUSARCZYK: Christopher Peterson.

MR. PETERSON: Here.

MS. SLUSARCZYK: Darren Biggs.

MR. BIGGS: Here.

MS. SLUSARCZYK: Cinthia Slusarczyk, present. Chris Kogelnik.

MR. KOGELNIK: Present.

APPROVAL AND CORRECTION OF MINUTES:

MR. PETERSON: Approval of the minutes for July 19.

MR. SULLIVAN: Move to approve.

MR. PETERSON: I'll second that. All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

CORRESPONDENCE:

MR. PETERSON: Any Correspondence?

MS. SLUSARCZYK: No.

MR. PETERSON: No. Okay.

PUBLIC COMMENTS:

MR. PETERSON: At this time Public Comments.

MR. EBLING: Gentleman, ladies I'm here to plead my case again.

MR. SULLIVAN: Give your name and address.

MR. EBLING: George Ebling. 1456 Salt Springs Road, Warren, Ohio 44481. I'm just trying to find out if we made any progress on what's going on with my water line on Woodridge. I'm gonna be ready to move in about three weeks, so --

MR. PETERSON: I know. Do you want to -- it doesn't matter to me.

MR. SULLIVAN: Yeah. Well, you did most of the leg work.

MR. PETERSON: That -- yeah, that's fine. I did talk to Attorney Dutton regarding this matter. He said normally how this would work is the developer would run the water line. Obviously that didn't happen in this aspect, so it would fall to the property owner is what he said. I know Kellie, did you have something to add or say or --

MS. BORDNER: All I was just gonna do was let you know that I had continued doing some research as you guys had asked and, you know, going back to this Plat No. 2 that encompasses the two extra parcels at the end of Woodridge Way and the little bit of additional roadway that was done in March of 2007. I looked high and low in the minutes for Planning Commission at that time, I have nothing. It says nothing in there about, you know, having come for what at that point in time would have been a preliminary plat because preliminarily you would say here's what we're gonna do. And then you would have to file a final plat. That's according to our Code Sections 1103.10. And then that's for a preliminary plat. And then if within two years you don't come back and file your final plat, then it's void and the final plat is 1103.12. So I didn't show an additional final plat, I couldn't find that. Some of the other things that were weird about this particular plat that, you know, I just -- I questioned, I don't understand, is that for example James Apger owned the property at the time; and he essentially split these two parcels off from the bigger area that was, you know -- ultimately at that time in 2007 he was trying to engage in the creation of Spring Creek Planned Unit Development. It was that year, Mike, you were correct. And so he split these two parcels off, I think simply to keep them in line with Woodridge and then come down and kind of make a turn to get into this PUD. And I have - they filed a preliminary plat on that at relatively the exact same time. But James Apger signed this Plat No. 2, but there's a slash and then the initials "SD". Well at that time Sandra Drewek was working for James Apger, Dan Wilson, Dan Cuckovich, she was either administrative assistant or secretary of some type. But not only did she sign James Apger's signature and then, you know, put her initials that she signed it, she notarized it which you can't do. So, I mean, that alone would void this whole document. The other thing that's odd is then when I look at all the Village signatures and the dates on those, again James Apger signed or allegedly with Sandra Drewek actually signing it, this document on September 6 of 2007; and everyone from the Village, the president of the BPA, the secretary of the Planning Commission, the street commissioner, the chairman of the Planning Commission, all signed this document on September 11, 2006. So a year before. How did that happen? Even if somebody argued that okay, it should have

actually been the seven, yeah 2007, and they just made a mistake on the year, okay, here's what doesn't further make sense. This document was again signed by James Apger on September 6, 2007 and taken separate to the County Auditor, Recorder, their stamps are down here, as being September 6, 2007, same day that they signed it. So there's no way that the Village -- there's no way they could have signed it because even if we take a look and say okay, the year 2006 this was a mistake, then everything is a mistake because they signed it on September 11 which literally would have been after they filed it with the County if we make the argument that, you know, 2006 was a mistake and it should have been 2007, that was just a typo.

MR. SULLIVAN: Well, what year was the Planned Unit Development?

MS. BORDNER: 2007.

MR. SULLIVAN: Well that's when Apger had the property.

MS. BORDNER: Right.

MR. SULLIVAN: Those two units were gonna stay with Woodridge and the rest, like you said, was gonna go all the way over to 45 and there was gonna be condos and green space and all that. And I was on Planning and Council at that time, and we did approve. And I thought that once we approved it that was it. And when that other guy wanted it I found out it's only good for two years, three years.

MS. BORDNER: Two years. When you file these types of things initially like this these are just preliminary. You have to come back and go through Planning Commission and get final approval. I mean, they never did on the original Spring Creek, they never did on that, never happened. I have no minutes that reflect even that going through. I do, I do have minutes that reflect that Spring Creek, the Spring Creek preliminary plat did go through Planning Commission. I do have that. But I do not show them speaking at all about these last two parcels that were then supposed to, you know, stay with Woodridge Way. So I mean, I don't know what else to offer. I tried to find more that may have been of assistance, but really --

MR. SULLIVAN: I believe in '07 when we did that, isn't that when we put a "T" at the end of to separate Woodridge from the Planned Unit Development?

MS. BORDNER: Correct. Because ultimately you have to have a "T" at the end even temporarily. We're not supposed to have any dead-end street or anything like that, those aren't supposed to exist here in the Village according to our Codes, they don't allow dead-end streets. And at the time, you know, the school bus would go down there and turn around.

MR. SULLIVAN: Turn around, right?

MS. BORDNER: Yeah.

MR. SULLIVAN: Chris, did you have a chance to figure out what the engineering is or what it would cost?

MS. SLUSARCZYK: I don't think Chris was asked to do that.

MR. PETERSON: No, I didn't ask him to do that. I figured we could do that tonight.

MR. KOGELNIK: It's not our responsibility.

MR. PETERSON: Do you have an idea, could you get an

idea together of how much that would cost?

MR. KOGELNIK: How many feet of water line is it approximately?

MR. EBLING: Well, I have 20 feet on my property. My whole, my entire lot's 102 at the front.

MS. BORDNER: Yeah, it's 102.

MR. KOGELNIK: So he would need to extend another 102. I would say, you know, you can factor in a very liberal amount of like a unit price of \$250 a lineal foot. That should be more -- well more than you need there. But it's a small job. And, you know, a contractor, so a contractor typically, Darren, is that already ending in -- is there a hydrant nearby?

MR. BIGGS: There's a hydrant and a stick after it.

MR. KOGELNIK: A stick after it. Okay.

MR. SULLIVAN: So it's got to go past the hydrant.

MR. KOGELNIK: It would go past the hydrant. And conceivably it would be extended further if there was more people that built further down from him.

MS. BORDNER: Well once you get into that question, that becomes part of Darren's Code in terms of- and it has really no bearing on whether or not -- I mean, ultimately the thought is that the property onto the -- I'm gonna get my directions straight here. The property to the south of Mr. Ebling could in the future be developed, could simply be developed much like it was projected for Spring Creek. There's nothing to stop anybody from doing that. It was a perfect place for a Planned Unit Development and, you know, untouched it still remains a perfect place for a Planned Unit Development.

MR. SULLIVAN: Well, now Krisher owns it as a corn field.

MS. BORDNER: Correct, he is using it for agricultural purposes. But he has children that -- you know, that have -- I mean, this is all just like hearsay at this point, but they've come in and said to me we have no intention of continuing to do all of the land that, you know, our parents own currently and continue it in agricultural use. So eventually, I mean, they will sell off some. What portions and what areas, I don't know but --

MR. KOGELNIK: If he had to extend that line, I think it's an 8-inch line; right, Darren?

MR. BIGGS: I think so.

MR. KOGELNIK: Assume, you know. You're looking. I would use a unit price of 250 plus I'd also install a blow-off at the end so that he doesn't have stagnant water.

MR. BIGGS: That would also need to be approved by the E.P.A., and engineers might have to do that also.

MR. KOGELNIK: For one house that is required?

MR. BIGGS: Yeah.

MR. KOGELNIK: So, in terms of construction price, you know, you're looking at 240 times the length of that, probably plus a contingency of 10 percent on top of that.

MR. EBLING: Okay. Can I speak? Are you finished, Chris?

MR. PETERSON: Sure.

MR. EBLING: I don't feel I should be responsible for

footing the cost of extending that line. Personally, I don't care if it's extended or not. The way I see it, I've got 20 feet on my property and that's all I need to get a tap. I know of other instances in the Village of Lordstown where a similar instance has happened and the homeowner didn't pay for the extending the water line.

MS. SLUSARCZYK: Where would that be?

MR. EBLING: End of Oak Ridge, Oakview. That water line was extended 70 or 80 feet.

MS. SLUSARCZYK: I was here when Oakview -- when they put the house at the end of Oakview. I don't remember any extension. I do know that it ended at the customer's place.

MR. SULLIVAN: It would have extended.

MS. SLUSARCZYK: I don't recall. There was no formal water line extension.

MR. EBLING: The water line didn't go to the end of the right-of-way.

MR. SULLIVAN: Right.

MR. PETERSON: So, do you just want a service line that far? Did they -- I'm saying, is it a service line?

MR. BIGGS: He has a pit at the end of the "T". He has a pit because he's so far back, and then that's all his line all the way to the end.

MR. EBLING: From where the water line stopped to where the pit is now, that was extended about 70 or 80 feet. I know that.

MR. BIGGS: I can't answer that one, I don't know. I'm just speaking for the resident. He has a pit; I know it's to the end now. But how it got there, I'm not sure.

MR. PETERSON: Well, I think your issue is if it ever gets developed further we have a line, you know. I mean, we're 82 foot short of the next line. A developer behind there is not gonna extend that, not gonna pay for that lineal footage I'm assuming.

MR. KOGELNIK: Normally the developer would extend that line to the terminal point of the development, opening up, you know, the future for the subsequent connections.

MR. SULLIVAN: Who run the 20 feet?

MR. EBLING: I have no idea. I assume that that was --

MS. SLUSARCZYK: That was Elite. Elite, Dan.

MR. EBLING: They ran the water line 20 feet and stopped, but the sewer goes beyond my property.

MR. KOGELNIK: That's interesting.

MR. EBLING: Yes, it is. The sewer goes beyond my property. The gas, which is on the opposite side of the street, goes to the end of the property.

MR. KOGELNIK: Let me ask this. If the sewer I don't know the nature of all this, but does the sewer go further in order to make a connection to an existing, or does it go further and then stop?

MR. BIGGS: I believe it stops and it was where it would be turned at, I think is what happened. Who did it, I don't know. But I think it just -- this would be the turning point I think was the plan. That's what it appears.

MR. EBLING: When we looked in the manhole --

MR. KOGELNIK: That's interesting.

MR. EBLING: When we looked in the manhole, I assume it's a stub to the south which is probably plugged, you know, and one to the west as well.

MR. KOGELNIK: Okay. Sometimes they would stub out a 10-foot joint of sanitary pipe and cap it.

MR. EBLING: Right.

MR. KOGELNIK: But if what you're saying it goes another full manhole run or so --

MR. EBLING: What I believe to be the end manhole is probably 10 feet south of my property line.

MR. KOGELNIK: Okay. But that's -- if that's the terminal manhole, then there's probably a logical reason for that because manhole lengths are kind of pre-defined when they're designing and building them. Sometimes you don't just stop at a property line or something.

MR. EBLING: Understood, yeah.

MR. KOGELNIK: You extend to where you think like -- see, manhole runs are typically 400 feet apiece at the maximum.

MR. EBLING: Correct.

MR. KOGELNIK: So maybe they had a pre-designed termination point, and that's why the sanitary ends where it ends. But the water line, it should have at least been extended, you know, in a similar length to the sanitary line. That's a head-scratcher for me.

MS. SLUSARCZYK: Plat 1 ended with for the first 16 lots. So, it ended with a fire hydrant and one stick after. The lot that Mr. Ebling bought and across the street were additional lots -- a voided space between the PUD and Woodridge.

MR. KOGELNIK: Is there any way that -- okay. So where is his lot?

MS. BORDNER: This is Mr. Ebling.

MR. KOGELNIK: So, he's saying the sanitary extends a little bit further --

MS. BORDNER: Like right here.

MR. KOGELNIK: -- and stops. So if there were other people that wanted to build a house further to the south of Mr. Ebling, how would that be controlled? Let's say, for example, just for hypothetical situations that the Village would consider allowing him to connect.

MS. BORDNER: Well, that would have all been a part of Spring Creek Plat 1. So this was their preliminary that was approved through Planning Commission in May of 2007.

MR. KOGELNIK: Okay.

MS. BORDNER: Okay. So you have -- here's where you have these two here and then there's the preliminary. But like this is also a preliminary.

MR. KOGELNIK: Yeah.

MS. BORDNER: The roadway wasn't finished.

MR. KOGELNIK: Yeah.

MS. BORDNER: Never was finished. It's only a prelim. Just like this is a complete preliminary. The developer never finished and came back and said --

MS. SLUSARCZYK: I understood that the last two lots they wanted to do that, and then they got the idea of going before

Planning Commission and getting approval for the PUD. The PUD fell into place, and they intended to do a build-out once they got that approval. Things changed and then nothing proceeded, leaving those two lots incomplete.

MR. KOGELNIK: Okay.

MS. SLUSARCZYK: But again, the final plat approval was not there, but he literally sold a non, according to our records it not even a buildable lot.

MR. KOGELNIK: That's interesting.

MS. BORDNER: I mean, this would have -- you know, this would have had to have reached its final destination. It did not.

MR. KOGELNIK: But you would be potentially building your new house on what the Village determines today is as being a non-buildable lot?

MR. EBLING: No.

MS. SLUSARCZYK: He was given a permit. He was given a permit. There was issues. There was no road, the only thing I believe I understand was there's sanitary sewer. But there is no road, no curbing, no sidewalk and no water.

MR. KOGELNIK: Would you like my opinion on this or --

MS. BORDNER: Let me just -- before you offer that, let me just offer you this. I mean, every bit of information that I had available to me, I made available to Mayor Hill and Solicitor Dutton, and they both directed me -- and George can confirm that -- they directed me to issue the zoning permit and I did.

MR. KOGELNIK: So, the zoning permit grants what?

MS. BORDNER: Grants Mr. Ebling the right to be able to build a single-family dwelling on that particular parcel.

MR. KOGELNIK: With any conditions? Like for example, would he be obligated to extend the water line?

MS. BORDNER: Those would not be under my purview. I mean, it would -- my only conditions were that he has to be, you know, 10 feet off the side property lines.

MR. EBLING: Meet the zoning requirements. I needed to meet the zoning requirements, which was not a problem.

MS. BORDNER: Which you did.

MS. SLUSARCZYK: But in the zoning code is the sanitary water regulations that says that he has to take it across the parcel.

MS. BORDNER: Had all of that come back before Planning Commission. Do you understand?

MR. KOGELNIK: Yes.

MS. BORDNER: And that's what I was trying to let you guys know. I did not find any minutes whatsoever, not from the prelim, not from this Plat 2 that was filed on September 6 of 2007, nor at any point after that did I find any Planning Commission minutes that discussed any of this. Had that occurred, it would have been very similar to the discussion that occurred with the relocated Hallock Young roadway where all of the department heads signed off and said yes, you know, the water, sanitary sewer, those things have been met, our street commissioner said the street has been built to street design specifications, and they signed off on all that. And then I present it to Planning Commission and Planning Commission says okay, you know, we have approved the dedication and

acceptance of this road for public use and maintenance. It's all part of that. And in this case, that would have happened with the extension of the roadway, which it did not. And it would have also happened with the, you know, final plat showing that we've -- they kind of would work hand-in-hand. Asking Planning Commission to accept the roadway and also saying we'd like to finalize this plat now because we've done everything that we would have needed to do as part of that, it just didn't happen.

MR. SULLIVAN: Yeah.

MS. BORDNER: The developer didn't follow through. And after two years it's void.

MR. KOGELNIK: I understand a lot better now what the issues are. Based on what I hear though, so the property owner, Mr. Ebling, can connect to the existing sanitary, right?

MR. EBLING: It's connected.

MR. KOGELNIK: So, I would say this. It's probably a better project for the water line later on to be extended but he could connect to the existing water line now. Darren, your comments.

MR. BIGGS: I don't know how that makes any sense at all, Chris. I'm having trouble with that one.

MR. KOGELNIK: So, if he were to build on -- what lot was that, 17? So, if he were to build on Lot 17, the water line stops short on 16, right? So his --

MR. EBLING: No, it extends 22' onto --

MR. KOGELNIK: But that's the dead-end, right?

MR. BIGGS: It is the dead-end. And George, correct me if I'm wrong, we were looking at just short of 20 feet is what we found it blocked in. We don't know how far the line actually goes because we just found a blocking. Is the blocking this big or is it five foot, we're pretty -- it's almost positive it's on his property, the stick after the hydrant. The hydrant is right there in between 16 and 17.

MR. EBLING: The hydrant's right on the property line.

MR. KOGELNIK: My opinion is that it's -- it would probably be better construction to build that water line later on all at one time. But for right now to connect -- allowing Mr. Ebling to connect to the existing stub that's there --

MS. SLUSARCZYK: Chris, how would you ensure water quality.

MR. KOGELNIK: He would have to install a blow-off at the end.

MS. SLUSARCZYK: If he installs a blow off, all right.

MR. EBLING: I mean, I'm well aware of the stagnant water issue, you know. So yeah, I'm good, I'm good.

MR. KOGELNIK: Now that stub probably has a good amount of sediment in it right now.

MR. EBLING: I'm sure it probably does.

MR. KOGELNIK: Correct me if I'm wrong, there's no expulsion of water there at the end of that stub right now.

MR. BIGGS: No, just the hydrant.

MR. KOGELNIK: Because the hydrant is a stick up 20 feet from the end of that. So you're gonna have some rich water for a while. But if the Village has proceeded with a zoning permit and

he's able to connect to the sanitary there, it seems logical to temporarily grant him access to that stub. But the construction of the rest of the water line would be better off if it were not piecemealed, you know, is what I want to say.

MR. PETERSON: You're saying don't piecemeal it with 82 feet now and then if it ever gets extended, it gets extended again, it's all different ages?

MR. KOGELNIK: Yeah.

MR. PETERSON: I understand what you're saying.

MS. SLUSARCZYK: But how would it get paid for later?

MR. KOGELNIK: I don't know. That's --

MR. SULLIVAN: Whoever the developer is at that time.

MR. KOGELNIK: Yeah. Because clearly the lots beyond -- the lots south of number 17 are unbuildable lots right now. So if Mr. Ebling wanted to move to that vacant parcel that's south of 17 he could not. I don't see how the Village could give or --

MS. SLUSARCZYK: That's the scenario with the lots that he's on right now, it shouldn't have gotten to the point because it wasn't a buildable lot to begin with. So all I'm questioning is we don't want to repeat this again in two years if it becomes a buildable lot.

MR. KOGELNIK: Yeah. So is there some formal way -- this is a question for Kellie. You say that this is a temporary or a preliminary plat.

MS. BORDNER: I mean --

MS. SLUSARCZYK: It's too late.

MS. BORDNER: It's much too late.

MS. SLUSARCZYK: The Code says two years. Six or seven makes no difference, we're 11 or 12 years past that.

MR. SULLIVAN: So it would have to go through Planning?

MS. BORDNER: It would.

MS. SLUSARCZYK: It should have already. And it's no fault of his, but it's like things got out of order real fast and --

MR. PETERSON: So do the easements exist for the current water line?

MR. EBLING: Yes.

MR. PETERSON: Because there's no road right-of-way.

MR. EBLING: There is road right-of-way. It's a dedicated road right-of-way, Chris, and there's the additional ten foot -- is it ten foot, Darren, water easement --

MR. KOGELNIK: There's a little easement.

MR. EBLING: -- on my side of the street.

MR. SULLIVAN: And the "T" is past your lot.

MR. EBLING: At the end. At the very end, Mike, yes.

MS. SLUSARCZYK: Is the road -- okay. Wasn't the bonding for the road so many feet and the road didn't extend to that point.

MS. BORDNER: You're correct.

MS. SLUSARCZYK: So it's not a dedicated roadway?

MR. EBLING: It is. The right-of-way is dedicated there, yes.

MR. KOGELNIK: Well, there's the right-of-way and the road.

MR. EBLING: I mean, it's dedicated but it's not

accepted as a street.

MS. SLUSARCZYK: Well, isn't dedicating accepting it as a street?

MS. BORDNER: Dedication and acceptance are together, they come at the same time. You requested a road be dedicated and accepted for public use and maintenance. So you're dedicating it as, you know, whatever it's gonna be, an extension of Woodridge Way would be in this case. And in the case of the most recent dedication and acceptance, it was a dedication of the relocated Hallock Young roadway and acceptance for public use and maintenance. Its two parts of the same consideration.

MR. KOGELNIK: And the sewer and the water line would be the same?

MS. BORDNER: It would be a piece.

MS. SLUSARCZYK: It would have been a part of the --

MS. BORDNER: Yes, it would have been a part of all this. I mean, I don't know what else to say. Again, I presented all of this at the time that this was going on. I was directed to issue the zoning permit. George can confirm that.

MS. SLUSARCZYK: And then to be clear, it's in ordinance form. So ordinance is a law.

MR. PETERSON: So we need to recommend to Council, correct?

MS. SLUSARCZYK: Planning Commission. It's Planning Commission's -- the ordinance was submitted to Council by Planning Commission, but it's in your Code and it's an ordinance. So that's where I thought we were going, that when you talked to Paul that he would say if it could even be done.

MR. SULLIVAN: Well, what Paul said is work out something here.

MR. PETERSON: Yeah.

MR. SULLIVAN: And I think working out is what Chris said.

MS. SLUSARCZYK: Again, that's totally fine. But if next year we're making an exception for 17, what if next year 18 --

MR. PETERSON: 18 wants to build.

MS. SLUSARCZYK: -- we're back to square one and we have no --

MR. PETERSON: There's no 20 foot on the lot.

MS. SLUSARCZYK: If you gave me a connection to water and you wanted 80 foot -- and that happened on Tod Avenue with sanitary sewer, Trumbull County said extend it, connect -- and the residents had to pay for that. So what happens next year, you know? We need to know what we're going to live with going forward. Yes, you can have a resolution for this situation, but it doesn't take care of the future problem.

MR. SULLIVAN: Well, but 18, I don't believe the road has been approved.

MS. SLUSARCZYK: The road wasn't approved for the lot that he's on.

MR. SULLIVAN: I don't know how it could not have been approved when Council and Planning said we're gonna put a "T" at the end of that road and it's gonna be Woodridge Way to the end of the "T".

MS. SLUSARCZYK: That's what they wanted. The developer never fulfilled that. That's what Kellie's trying to tell you. They submitted a preliminary plan for approval and you said okay, this is what we want, and then nothing happened further. There's no minutes, there's no nothing ever going back to Planning after that point in time.

MS. BORDNER: I don't have anything, I don't have -- let's be clear, I don't have any minutes about the prelim either. I have no minutes on that, period.

MS. SLUSARCZYK: And like I said, I can offer some stuff because it was February when I left there, and the intention was to extend Woodridge Way and develop Spring Creek. That takes time. The engineers had to go out, survey it, make these lots, submit the plans. So those two lots were the void between the two developments, and the intention was to build it all. But to complete Woodridge or to fill those two lots, it just never happened.

MS. BORDNER: Well, and let me -- here, I can try to clear up at least something about the other side lot, 18. So Sudzinas on that end, on that side, own that parcel. They purchased the parcel again from Mr. Apger based upon, you know, that preliminary lot structure. And they purchased it from Mr. Apger and they came back, and that I do have. They came back before Planning Commission or came to Planning Commission on September 11 of 2017 and they said hey, we purchased this extra parcel, this Lot 18, we'd like to consolidate it into our already existing Lot 8 from Woodridge Plat No. 1 and we would like to add onto our home. They wanted to create an additional garage, a pool house, a pool; and they would have been too close to their lot line to maintain the 10 foot setback requirement. So they then consolidated these two parcels together and came to Planning Commission and asked that they be combined. There is again no discussion in the record in 2017 about, you know, what happened down here. But there wouldn't have needed to be because as they consolidated it and replated it into one very large parcel now, their frontage still was 100 foot of frontage from their original Parcel 8 on Woodridge Way that had already been dedicated and accepted as a public roadway. So that's what happened to that other parcel on the other side. They, you know, used it by combining it into their already existing parcel which was in Woodridge Plat No. 1. And they were okay because they still had 100 foot of frontage on a public roadway. There was really no discussion about it, and they weren't trying to build a new single-family dwelling.

MR. PETERSON: What do you think?

MR. SULLIVAN: Well, I think that we should let the 20 feet go in, kick the can down the road.

MR. KOGELNIK: Well, I think you should document where you're at. I think you should document where you're at, especially any decision you make, so that the next development can understand where your thinking left off.

MR. PETERSON: Yeah.

MR. SULLIVAN: So when you're saying then if somebody come and developed the next lot, that developer would have to understand that he would run from the 20 on down?

MR. KOGELNIK: As per Cindy, you just need to protect yourself in the future and not let it get out of control.

MS. BORDNER: Because they'll say it wasn't their responsibility either.

MR. SULLIVAN: How do we do that?

MR. KOGELNIK: Well, I think that this warrants a discussion with Kellie a little bit further maybe after the meeting. Right?

MS. BORDNER: Me? Why me?

MR. KOGELNIK: Maybe give us some insight.

MS. BORDNER: I've tried to offer as much insight as we can. We can't hold George up.

MR. KOGELNIK: No, I'm not suggesting that. I think that he should be able to connect.

MS. BORDNER: But what I'm saying is I don't know -- all I can offer is that it should have come before Planning Commission, it didn't. I mean, George isn't arguing that. He's not -- George has no argument with me.

MR. EBLING: No, I don't.

MS. BORDNER: I mean --

MR. EBLING: I have an argument with the way things were done what, 20 years ago.

MS. BORDNER: And I didn't do that, nobody here did that. But the bottom line is I have no answer. It should have -- it should have come back before Planning Commission. I mean --

MS. SLUSARCZYK: And I can't give him a permit without legislation. You have ordinances, plural, that say he has to construct across the lot. And if not, if you're gonna go against that, I need legislation to do that.

MS. BORDNER: And if you want me to get back involved --

MR. PETERSON: With Council or Planning Commission.

MR. EBLING: Just the BPA, correct, Cindy? You need something?

MR. PETERSON: You need a resolution.

MS. SLUSARCZYK: Yes, because it's -- Council is the one who makes the ordinances, so the BPA has a resolution recommending to Council.

MR. PETERSON: To Council.

MS. SLUSARCZYK: But it has to be done. It can't be done by a motion when it's an ordinance that you're going against.

MR. PETERSON: Okay.

MS. SLUSARCZYK: And like I said, there's 30-99, 31-99, and even furthermore the ordinance accepting Woodridge Way plat with one, and the 470-some feet of roadway or lots or whatever was another ordinance in 2006. All those things need to be, I think, spelled out in that ordinance. Paul needs to step up and resolve this. I mean, it needed to be done before, they pushed it down, they pushed the cart down the road to us now, and it still has to be addressed.

MS. BORDNER: And well, if Planning Commission needs to take another look at this, you're talking a while. I mean and --

MS. SLUSARCZYK: I don't know if it comes from Planning Commission, but I think the Board can request the resolution be prepared.

MR. PETERSON: Request the resolution be prepared and suggest to Council.

MS. SLUSARCZYK: Right. I mean, I don't know.

MS. BORDNER: You don't have an argument with me from that because I don't have a solution either. My only solution at the time -- and George and I spoke about this when he first talked about the property -- was coming back before Planning Commission. But --

MS. SLUSARCZYK: That's what I said, that's how it got broke in the beginning. If it would have went and --

MR. KOGELNIK: So, but there's nothing formal that has been approved or recorded south of that preliminary plat, right?

MR. SULLIVAN: Right.

MS. BORDNER: No.

MS. SLUSARCZYK: Even those two haven't been approved.

MS. BORDNER: The only thing that's been -- wait, let me back up a minute though. South of that twice, two times, there's been a preliminary PUD submitted in 2007 and 2017.

MR. KOGELNIK: Okay.

MS. BORDNER: So those prelims were provided, but again the developer failed to follow through to the final.

MR. KOGELNIK: Okay. But could -- this is just a question for an option, and I don't even know if it will work. Could I require Mr. Krisher that when and if he develops that he has to carry through with installing the remainder of the water line and sanitary sewer?

MS. BORDNER: My question is what is to keep Mr. Krisher from saying why are you assigning that duty to me when this should have already been done before. Aren't we just -- you know, Paul likes to say chicken and the egg, which came first.

MR. KOGELNIK: My question is if he doesn't do anything with this, and somehow this was allowed to be constructed and people connected, right now as a means of public safety couldn't you take some of that land to create a cul-de-sac bulb and say that's it, we're calling it, that's the end of it right there; and until you come back with a legitimate subdivision and plat that demonstrates that you can extend the utilities to the Village's requirements, then we'll remove the cul-de-sac?

MS. BORDNER: Okay. So again, my question then is who creates the cul-de-sac and under whose expenses.

MS. SLUSARCZYK: Yeah. Who are you gonna mandate to create the --

MR. KOGELNIK: The worst case scenario, the Village. Under the worst case scenario.

MS. BORDNER: But I think that the point that Cindy has made, and frankly I agree with and I think you would too, is even though there's some individuals that seem to believe that the Village made some sort of mistake here I disagree with that. It is not the Village's job to banter with a developer and say hey, you filed a preliminary plat, you need to follow through and file a final plan plat. If you don't do that our code is clear. If you do not do that within two years, then it is void.

MS. SLUSARCZYK: And experience with Mr. Dutton is that even with water, many different issues with water, when they sold

him the property they told him it was a buildable lot. Well, that's the -- his problem arises between who sold him the property and them, not us. Don't put us in the middle of that. He always makes me take the stance that that's between buyer and the seller, don't drag us into that. Right now we're the nail in the center right here. And that's what I'm trying to say. We're gonna repeat this next year or the year after, you know, or whatever going forward because -- well, I can see Mr. Ebling said it will never be built, and the comment in the office was you can't say that because they're not gonna live forever. And that's --

MR. KOGELNIK: Well that's why I was trying to offer that as an option or a question, so that you can have a stop point or a demarcation point be that property line along 17 and 18. So I don't know how that could work. And that, you know, my response to your question well who would pay for the cul-de-sac, that was just an arbitrary statement. I mean, you could possibly go so far as requiring the property owner to do it. Whether or not he does it or not is a whole other matter. But if you're trying to protect the Village from the uncontrollable growth thereafter south of 17 and 18, how would you do that?

MS. SLUSARCZYK: Well, as the Water Department that's back to Planning Commission. That's Planning Commission's authority and responsibility, not the Water Department.

MS. BORDNER: Exactly.

MS. SLUSARCZYK: We just say hey, if you're going to do this it says water goes all the way across the parcel. And it says even outside of the development if anybody has a parcel of land and you want it, for example, on the outside, you know, Newton Township or whatever, it has -- they get charged frontage all the way across. We don't even have the ability to say okay, we'll put it in and we're gonna charge him frontage fee for the construction of that because it says all that's done first before somebody can or is in the situation.

MS. BORDNER: Let me just share this planning with you just so that you have it. 1103.10, which addresses that preliminary development plan and all of that. Under (K) it talks about preliminary plan expiration and it says, "The approval of a preliminary plan shall be valid for a period not to exceed two years to allow for the preparation and recording of the required subdivision plat and the development of the project. The preliminary plan will expire and approval shall become void after two years unless an extension of time is granted in writing by the Planning Commission". The point is that this preliminary plan is your blueprint. Just like I said last time, it's your blueprint. It tells you here's what we're gonna do. That project has to be developed, finished, and you come for the final plan. If you don't do that it expires. I mean, the fact that it still exists in the record in Trumbull County records is because the preliminary plat was filed. It was filed with the County. It's not their job to say hey, this no longer exists because it expired.

MR. KOGELNIK: That's a Village Code?

MS. BORDNER: Right. Just because it shows there doesn't mean it's valid.

MS. SLUSARCZYK: Right. And that's what I'm saying.

MS. BORDNER: But now we've sold off property, which the Village allowed property to be sold off to Mr. Sudzina and Mr. Sudzina consolidated into his parcel and do something with it; and that's where we're at again.

MR. KOGELNIK: Well, the most alarming thing for development to be connected is the acceptance of the below-ground infrastructure, the water and sanitary sewer. That's usually the first thing that gets evaluated for acceptance. The roadway typically isn't complete, you know, at the beginning of a development. It's usually they put the first layer of asphalt down, the base course, and then after a certain period they are made to come back in and put the wearing course on. So that's --

MR. SULLIVAN: Well, you know, Chris talked to Dutton; and Dutton and Mayor Hill are the ones who said go ahead and build.

MR. PETERSON: It's a buildable lot.

MR. SULLIVAN: It's a buildable lot. So when Paul says really you told us we should do it, that we should work out something.

MR. PETERSON: He says you guys can work out whatever you want is what he said. But I mean, if Cindy feels that we need a resolution then we need to contact Paul and tell him we need a resolution to that fact. Do you feel we need a resolution, correct?

MS. SLUSARCZYK: You have ordinances on the books that says he has to put a line across there. I can't give him a permit.

MR. PETERSON: We need a resolution.

MS. SLUSARCZYK: I need something overriding something that's already on the books.

MS. BORDNER: You have to have some type of exception.

MS. SLUSARCZYK: It's also for water --

MR. SULLIVAN: If these lots developed, that person's responsible for running the line to his lot.

MS. BORDNER: Again, I will give you a copy of the zoning permit.

MS. SLUSARCZYK: They have it.

MS. BORDNER: He can confirm that. I clearly put underneath there, me signing, it was by the direction of Mayor Hill and Solicitor Dutton.

MR. EBLING: That's correct.

MS. BORDNER: And George understood exactly why I was doing that at that time, and I have never lied to him.

MR. SULLIVAN: I understand.

MS. SLUSARCZYK: That's why I reached out and said hey, what's the status, because it's 30 days again before next meeting. Yeah, well because they don't want to address the issue. They wrecked the train and don't want to put it back on the tracks here so --

MR. PETERSON: So I guess --

MR. SULLIVAN: I think that that's where I would like to go.

MR. PETERSON: I'll contact Paul and tell him that's what we need.

MR. SULLIVAN: But I think now we should make the recommendation that he can hook into the 20 feet that he's got. If future development goes beyond that, they would be responsible to

hook in and however that --

MS. SLUSARCZYK: Who's they, George or the future --

MR. SULLIVAN: The future.

MR. PETERSON: Whomever the developer may be is what you're saying?

MR. SULLIVAN: Yeah. I mean, I don't see where it would be right to be charging George when he said okay, you're good to go.

MR. BIGGS: Well Mike, what you just said was charge another developer to run through his property. Why would you be charging him? It's the same situation.

MS. SLUSARCZYK: Yeah.

MS. BORDNER: I mean, the original -- Apger was one of the original developers.

MR. EBLING: Yes.

MS. BORDNER: And George agrees.

MS. SLUSARCZYK: Truthfully I think that's where the responsibility lies.

MR. PETERSON: I don't disagree with you on that.

MS. SLUSARCZYK: He said this is a parcel of land you can build whatever. Just like a realtor. They tell you that's a duplex there and you have two homes on it and comes back and there's not two homes on it, you notify --

MR. SULLIVAN: Yeah. And I don't know how we could possibly go back.

MR. PETERSON: How we could enforce that.

MR. SULLIVAN: How we could go back to Apger. He was three owners ago.

MS. SLUSARCZYK: No, no. He bought it from Apger. Am I wrong, Mr. Ebling?

MR. EBLING: I bought the lot from Apger. He had that one and the one across the street.

MR. SULLIVAN: I didn't know that.

MS. BORDNER: Yes, sir.

MS. SLUSARCZYK: The developer sold him a lot that didn't have water service.

MR. PETERSON: And I assume they sold that to you under the impression that was a buildable lot.

MR. SULLIVAN: Well furthermore of that the Village said yeah, it is, go ahead and build.

MR. PETERSON: Well, yeah. I mean, the permits were issued. And I understand --

MR. EBLING: Can I interject something or ask a question?

MR. PETERSON: You sure can. Yep.

MR. EBLING: We're talking about like having -- getting a motion from Dutton and having another meeting and --

MR. PETERSON: Yes.

MR. EBLING: How long?

MR. PETERSON: I knew you were gonna ask that question.

MR. SULLIVAN: If we could get that done, we wouldn't have a problem having a special meeting.

MR. PETERSON: I would have no problem with having a special meeting.

MR. EBLING: Because aside from --

MR. SULLIVAN: But the special meeting with us probably wouldn't do your answer because --

MS. BORDNER: It has to go through Council then.

MR. SULLIVAN: It's a resolution that would have to go to Council.

MS. SLUSARCZYK: They would recommend to Council because it's Council's ordinance, not ours.

MR. PETERSON: Is Council having a meeting next week?

MS. SLUSARCZYK: No. Well --

MS. BORDNER: They're having a special meeting on Monday.

MR. SULLIVAN: When?

MS. BORDNER: Monday.

MS. SLUSARCZYK: And I'm not sure, but I believe that agenda's already set.

MS. BORDNER: Correct.

MR. SULLIVAN: Well, we can add to that agenda.

MS. SLUSARCZYK: Not a special meeting.

MR. PETERSON: They already set it.

MS. SLUSARCZYK: But we still have to -- we can -- if it gets prepared from Dutton's office, I'll talk to Bill and see what can happen when it arrives, if it arrives.

MR. PETERSON: If it's doable and we can have a meeting.

MS. SLUSARCZYK: I'll take it separate to Bill. It's beyond my control after that. But I'm right there with him, so if we get it that's where it will go.

MR. PETERSON: Worst case scenario, Council's next meeting is the --

MS. SLUSARCZYK: September 6.

MR. PETERSON: So I mean, I guess that would be worst case scenario as long as Council's okay with it. I haven't spoken to any of them but -- okay. Are you good?

MR. SULLIVAN: (Nodding head.)

MR. PETERSON: Okay. Any more public comments?

MR. EBLING: Sorry to take up your --

MR. PETERSON: You're fine.

NEW BUSINESS:

1. Ultium Cells - Turn Lane Improvements

MR. PETERSON: New Business, Ultium Cells Turn Lane Improvements.

MS. SLUSARCZYK: Yeah, that -- Darren do you want to or Chris --

MR. KOGELNIK: I think you guys should go first.

MS. SLUSARCZYK: The reason I put that on the agenda is we were submitted a plan that recommends the proposed change of the 12-inch water line by moving it. And it's like none of that has come before the Board of Public Affairs, and you have to hear it or be on board with that from the beginning before this gets taken any further. I don't know what anybody else thinks about it, but when they want to move a water line --

MR. BIGGS: I haven't reviewed that. I'd have to get that and actually review it anyhow. But right from the beginning when Ultium said hey, I want to do this and that, I said absolutely

not, you're not moving the line. I was quite clear with CT at the time. That was my opinion then, but I don't know what is going on.

MS. SLUSARCZYK: But that was prior to them submitting to move the water line. Darren said no, and then this came through; am I correct?

MR. BIGGS: (Nodding head.)

MS. SLUSARCZYK: So I guess they're still, in essence, pushing the move to move the water line.

MS. BORDNER: They sought to move the water line when they were trying to put up their signs, and we spoke to them about that.

MR. BIGGS: We said they could adjust the signs, whatever they wanted. Hey, I want this here, so let's rearrange everything in the right-of-way and all that being new and fresh over there. I'm not a fan.

MR. KOGELNIK: We did tell Ultium a couple times, and their consultant, the water line should not be moved. If they have to relocate anything, try and make it the sanitary force main.

MS. SLUSARCZYK: And that's what I recall.

MR. KOGELNIK: Because it's not -- that sanitary force main doesn't have a whole lot of use going through it and it's half the diameter of the water line. So, you know, we said that -- what was that, probably about a year ago?

MR. BIGGS: Uh-huh, yeah.

MS. SLUSARCZYK: The date of this submission -- I think I forwarded it to the Board at the time -- was August 10, last week.

MR. KOGELNIK: So we're talking about turn lane improvements but not the signal, or are they one in the same?

MS. SLUSARCZYK: The -- no, I don't think -- oh wait, here it is. On August 9 Greg Spiess from Wade Trim Engineering sent an e-mail which I was included on. And it says Wade Trim is working on plans for a right turn lane on the Ultium Cells site, State Route 45, see attached concept plan. The work will include a culvert replacement, proposed guardrails, water line improvement, and associated equipment and any roadway work. I believe all proposed work planned is in the ODOT right-of-way, and we'll need to submit anything or obtain any permits through the Village of Lordstown. And he wants to know -- so the water line improvement, it's not sanitary sewer.

MR. KOGELNIK: So a couple clarifications. The right -- the turn lane improvements they are talking about are basically from the end of the south end of the bridge and making a right-hand turn going into the Ultium driveway. The signal improvements are what would require the water line, in their opinion, to be relocated. I did see your e-mail.

MS. SLUSARCZYK: Yeah, you commented on it.

MR. KOGELNIK: Yeah. So this is approximately the end of the bridge up here, and so they're gonna make this, they call it a decel lane, on the right-hand side coming into the driveway. And this is the pole for their new or proposed signal. And you can see their relocation of the water line, which we don't agree with. Now behind there you see "FM", that's the sanitary force main by the County. They can more easily relocate the sanitary force main than that 12-inch water line is what our -- my point would be.

MR. PETERSON: Darren, are you in agreement?

MR. BIGGS: Chris, to give you an honest answer I gotta see that. No, not right now, I can't give you an answer 30 seconds after looking at it originally.

MS. SLUSARCZYK: I sent it to him.

MR. BIGGS: Exactly what Chris was saying, but that was with the saying unless and it was clear then, trying to figure it out where you're not moving water lines to put up a traffic light. That's where we're at. All this --

MS. SLUSARCZYK: Didn't the engineering firm change --

MR. KOGELNIK: It did, like three times.

MS. SLUSARCZYK: So I'm thinking that perhaps this engineering firm is unaware of that request. But the request is there and once - now they want to know if they need a permit from me for anything.

MR. KOGELNIK: But the frustrating thing for that is that Ultium all along was, and Barton Malow was, included in all of that communication. It's just hard to restate and restate these things. But I absolutely don't agree with relocating a water line in this particular case. I think it's a lot easier and more practical to relocate that sanitary force main.

MR. PETERSON: Don't know. I mean --

MR. SULLIVAN: Well, I think we should tell them no with the --

MR. PETERSON: Yeah, with the understanding that what you guys have been conveying to them the whole time. Do you need a motion to that effect, Cindy?

MR. SULLIVAN: Well, wait until we see what Darren says.

MR. BIGGS: I don't think Darren's gonna give you an answer from looking at that today.

MR. KOGELNIK: Yeah, you might need to visit the field.

MR. BIGGS: I can't give a honest answer from looking at this. If we can figure out a way without moving any water lines, that's ideal. All this stuff's fresh over there. And you know, it's like Chris said, even with the turning signal we got lines on both side of it, it's all now the blow-offs, there's a whole lot there, Warren's line's there. There's a little more to this.

MR. SULLIVAN: Could you -- could we just hand it off to you and you figure out what they ought to do and then we'll --

MR. BIGGS: You can hand it off to me, and I can definitely get you an opinion as soon as possible and get you some suggestions. I can talk to Chris with that. You gotta review this, so I might as well --

MR. KOGELNIK: Yeah, we've already done that though. We've already told Barton Malow --

MR. BIGGS: At the time was this part of it? I know we were quite clear and I know we were on that side.

MR. KOGELNIK: Conceptually the decel lane was part of it. You're right, we did know more about the signal than the decel lane.

MR. BIGGS: Bottom line yes, I'll come up with some suggestions and talk to Chris about it.

MR. SULLIVAN: And give Cindy a letter.

MS. SLUSARCZYK: There's an e-mail chain that's also

inside of there where I think it's Jim Kinnick replied back he wanted to meet with the Mayor on this because he can't believe it's not already done. So this is one of those things where I sent that e-mail to the Board last week but I didn't get any reply or any response. I'm just saying we got outside people involved again, so I think this needs to be addressed and answered this week.

MR. PETERSON: Yeah.

MR. BIGGS: Are you talking about that Mr. Kinnick --

MS. SLUSARCZYK: Yes.

MR. BIGGS: -- meet in your office tomorrow? I wasn't involved in that. This is CT and the roads. Yeah, see, I didn't know.

MS. SLUSARCZYK: Because they are only considering the turn lane. That's why I put on the agenda, the turn lane. But in their request for that turn lane, installing the signal project, they want to move the water line.

MR. PETERSON: Move the water line?

MS. SLUSARCZYK: Did you say Warren or water?

MR. PETERSON: Water.

MS. SLUSARCZYK: I was gonna say no, it's ours.

MR. PETERSON: Yeah, water. Okay. I'm fine with that if you're fine with that.

MR. SULLIVAN: If you're good with that, Darren.

MR. BIGGS: I'm good with it.

2. Salt Springs Road Booster Station Relocation

MR. PETERSON: Number 2, Salt Springs Road Booster Station Relocation. Darren, is that you?

MR. BIGGS: That is actually CT, and I don't know of anything really going on with that.

MR. KOGELNIK: We just submitted the proposals.

MS. SLUSARCZYK: Yeah, number 8 below. This was on the agenda last month. Kevin asked for a work authorization, which Chris said I think he sent it. So I put the work authorization as number 8. I think that's -- he just needs the approval with the work authorization. It attached also, I believe, to your agenda.

MR. PETERSON: Yep, I see it. Okay.

3. CEF-L Valve Replacement Along 24" Water Transmission Line

MR. PETERSON: Valve Replacement Along 24-inch Water Transmission Line. Anything new on that?

MS. SLUSARCZYK: I did ask Mr. Campbell for an update when he said he was not able to attend the meeting this evening. And he said "We have not yet scheduled with LEC. We need to prepare some items beforehand with the MVSD option. We want to present the big picture and how it benefits them." So there's been no meeting scheduled yet but --

MR. SULLIVAN: So we gotta wait on Kevin for that?

MS. SLUSARCZYK: Yes.

4. City of Niles/Mahoning Valley Sanitary District Water

MR. PETERSON: Okay. City of Niles/Mahoning Valley Sanitary District Water.

MS. SLUSARCZYK: That is where Kevin made a motion at

last month's meeting to meet with MVSD. He got permission from Council. But I think what he said there is "Just before I left on vacation there was a kick-off meeting with MVSD. MVSD, Mayor, Radtka, Chris K and myself met to get the ball rolling. Chris K can give an update if anything has gone on while I was gone".

MR. KOGELNIK: We met and we just talked about the possible scope of work for the new 24-inch water line that MVSD wants to extend to the Village. And there weren't really any details that were talked about other than the general scope of work, extending the 24-inch water line, and also what else might be attached to that project, and so we talked about that. And one of the things is the four million gallon water storage tank and also improvements to the booster station in order to bring the additional water through the new 24-inch water line and into the new four million gallon tank. We also talked about the timing of all of that. And so I offered to MVSD -- since MVSD nor Kevin nor the Mayor had any knowledge about the timing of the other improvements such as the Hallock Young water line, such as the water booster station relocation that we're talking about, I offered to put that down on paper just as a name of the project and when approximately it might be implemented so that MVSD can know when they might be able to further distribute the water that they bring in. Because as you probably can be aware, their District or their Board needs to understand okay, you're gonna possibly bring water to this point where the water storage tank is at, but what about after that; how much, how do you -- how can you distribute that water and sell it. So that schedule that I'm going to draft up for them is gonna be helpful for them to present to their Board to say okay, this is what Lordstown's plan is. And I'm not telling them anything more than what your Master Water Plan already has.

MS. SLUSARCZYK: Okay.

MR. SULLIVAN: Was there any discussion at that meeting of, you know, all the politicians were saying yeah, we're gonna get funding for that 24-inch line?

MR. KOGELNIK: There was nothing definitive other than, you know, trying to line up these projects so that you could possibly get in front of those kinds of funding applications.

MR. SULLIVAN: So they're nowhere near being able to even make a proposal for a grant?

MR. KOGELNIK: No, you're not. The closest that you are with that, Mike, is right now the Village has a nomination through WRSLA for the 24-inch water line, okay. That is transferable to the district if the Village gets that far in their coordination with the District. And I hope that happens.

MR. SULLIVAN: Yeah.

MR. KOGELNIK: But there's really nothing else aside from that. So somebody needs to get this thing -- this project going, and that's most likely gonna be the District. The scope of work was generalized at that meeting, and so MVSD has got a big decision to make about, you know, going to their Board and saying hey look, we want to begin this project. The first part of this, in making this shovel-ready, is to have the design done, okay. And so that's what they need to do.

MR. PETERSON: Any more questions? Okay. Just keep us

updated.

MR. KOGELNIK: We will.

5. CT Work Authorization - Project Title: TEC Facility. This work authorization is to account for due diligence services already rendered by Chris Kogelnik, PE, of CT Consultants at the request of the Village during the time span of November 30, 2021 (date of last invoice from CT) up to present day May 31, 2022

MR. PETERSON: Okay. Item 5, CT work authorization.

MS. SLUSARCZYK: I just checked with Chris. There was two invoices that were submitted to TEC. Correct me if I'm wrong, one was for \$9,000 which the developer did pay. And I'm not sure where the fault begins because Bill said that he advised CT to bill the developer to pay the bill. I believe that was true with the \$9,000 invoice. But this invoice here is for \$5,300 I think. And I don't know, did CT send that invoice to TEC?

MR. KOGELNIK: The \$5,300, what's the date on that one?

MS. SLUSARCZYK: May 13.

MR. KOGELNIK: No, that one was only sent to the Village.

MS. SLUSARCZYK: And I think the -- prior to that or when -- the \$9,000 one I believe is the one that you were directed to send to the developer

MR. KOGELNIK: Yeah. And he paid for it.

MS. SLUSARCZYK: I don't believe -- I'm not even sure if -- I don't want to speak for Council, but I think they think the issue was resolved with that payment for the \$9,000 work authorization. I would like for everyone to be clear that this is another work authorization from CT that was billed to the Village and has not been paid.

MR. KOGELNIK: Correct. And let me just mention what that's for.

MS. SLUSARCZYK: Sure.

MR. KOGELNIK: Everybody understands all the meetings that I was at and all the things that we had to write and whatnot and prepare for. That's what that's for.

MR. PETERSON: That's what that's for.

MS. SLUSARCZYK: Right. And he was to --

MR. SULLIVAN: So that should be on us?

MR. KOGELNIK: I'm not saying that. That is not my call, Mike. I submitted my invoice. I don't work for a developer, so I submitted that to the Village. If the Village wants me to send that invoice to the developer, I'll be happy to do that. It's not my place to direct that.

MR. SULLIVAN: Why don't we do that?

MS. SLUSARCZYK: That's what I was bringing up. I want to make sure that everyone is on the same page, that there are two similar work authorizations for the related --

MR. PETERSON: I remember the \$9,000 one you said was paid.

MS. SLUSARCZYK: There was time periods. And Bill said, you know, he told him to bill. And I know that Chris said he got the check and received that. But this is the same time almost this was prepared, and I'm pretty sure you made it clear that you will

and you're gonna invoice for the work. This is not directly to the BPA. It says the schedules are agreed amongst the Village BPA and Village Council and CT. So this work was all understood by all parties. So if do you want, I don't know where to push this along because it just falls upstairs and I think it's the confusion.

MR. KOGELNIK: All along the -- charging the time for that \$5,300, I kept the Mayor and Ron Radtka and Kevin Campbell informed that hey, I'm racking up time, I'm gonna have to eventually invoice for that.

MR. SULLIVAN: Well, I don't think we have a problem with paying it. But --

MR. PETERSON: Yeah, I don't.

MR. SULLIVAN: But if we can get the developer to pay it --

MR. KOGELNIK: I think you should because this was an unusual case in which this was only charged because of his project. So this is just -- this is part and parcel with the agreement that we had to negotiate for his development. So I don't have a problem with sending the developer my invoice. If that's what the Village and, you know, Bill Blank wants me to do, Clerk Blank, I'll be happy to do that. I don't know what the success of me getting paid is though.

MS. SLUSARCZYK: Well, and that's what I said.

MR. SULLIVAN: We're not gonna stick you.

MS. SLUSARCZYK: Well, this is a May work authorization and this is August, and that's what I'm trying to do is whatever has to happen next, if you want me to forward it to the developer, if you want to say -- if you want Chris to do it --

MR. KOGELNIK: Allow me to because that's consistent then with what I was doing.

MR. PETERSON: Did in the past.

MR. KOGELNIK: Allow me to send the invoice and I'll "cc" you and Bill obviously and, you know, I'll explain what the charges were for.

MS. SLUSARCZYK: Well, you're thorough with what you have there. Do it however you would like. I just want to make sure that this gets processed and not hung open.

MR. PETERSON: Yes, please let us know at the next meeting if it hasn't been processed.

MR. KOGELNIK: Okay. I can do that, Cindy.

6. A Resolution supplementing Resolution No. 2020-16 recommending that the Village of Lordstown enter into a First Addendum to Agreement with the Board of Commissioners of Trumbull County, Ohio for sewer services for the Ultium Cells, LLC battery production plant

MR. PETERSON: Okay. Item 6, Resolution supplementing the Resolution 2020-16. This is for the Ultium sewer, correct?

MS. SLUSARCZYK: Yeah, this is that addendum we had at last month's meeting.

MR. PETERSON: Did Paul send you anything?

MS. SLUSARCZYK: No.

MR. PETERSON: Of course not.

MS. SLUSARCZYK: I mean, again we can kick it down the

road, but I need answers to this to close out that sewer billing.

MR. PETERSON: Yeah, I know.

MS. SLUSARCZYK: But it's fine. If I'm to get something from Paul we can wait, and if we have a special meeting perhaps we'll discuss it then.

MR. PETERSON: Yeah, let's do that.

7. Proposed Hallock Young Road Water Line Improvements

MR. PETERSON: Okay. Item 7, proposed Hallock Young Road Water Line Improvements.

MS. SLUSARCZYK: This is the water line extension, and we had it on the agenda also last month.

MR. PETERSON: Last month, okay.

MS. SLUSARCZYK: Chris was saying there's some funding we can apply for August 31 and to get some support letters from our customers. That's in the works. Foxconn seems to be willing to support that project. But if we're making application for something for August 31, what needs --

MR. KOGELNIK: 29th, That is the OPWC application. Your biggest funding opportunity for Hallock Young Road is gonna be ARC, Appalachian Regional Commission, next year in May. So if you wanted me to -- this one would be difficult for OPWC on August 29. I don't even think that Council has -- I think the Village BPA, correct me if I'm wrong, you guys already approved that work authorization for Hallock Young Road water line, but it hasn't been by Council yet.

MS. SLUSARCZYK: I don't think Council would have approved anything for the Hallock Young water line.

MR. KOGELNIK: Okay. Okay.

MR. PETERSON: Unless we're financing.

MS. SLUSARCZYK: It's in the Village.

MR. KOGELNIK: I don't recall, Cindy, has the Village approved or authorized our services on the water line relocation yet?

MS. SLUSARCZYK: I believe. We did -- I'm just looking for last month's minutes.

MR. KOGELNIK: I can check real quick on my laptop.

MS. SLUSARCZYK: Chris, I think that might be what I asked, remember in our e-mails last week. We got the Salt Springs Road water booster station upgrade on here, but I think that's what we needed was that work authorization for the Hallock Young Road.

MR. KOGELNIK: Okay. I know that we sent it to you. I have that here.

MS. SLUSARCZYK: Right. Even before last month's meeting.

MR. KOGELNIK: Yeah. But I don't think that I have -- or you have approved --

MS. SLUSARCZYK: Right.

MR. KOGELNIK: -- number 7. So BPA still needs to authorize that one. And if we were ready, then we might be able to seek some OPWC funding on August 29, but it would be -- that would be a tight window to do that, and I'm not so sure you guys are ready for that one. The ARC one next year you should be ready.

MS. SLUSARCZYK: Chris, was I -- at last month's meeting was it a different project that you wanted to get in on August 31?

Would it have been the water booster station?

MR. SULLIVAN: No, it was Hallock Young.

MR. PETERSON: It was Hallock Young. I remember you saying that.

MS. SLUSARCZYK: On my notes I had it.

MR. KOGELNIK: Let me give you the definitions of what OPWC will pay for: Refurbishment or replacement of existing infrastructure. So the Hallock Young water line is not an existing piece of infrastructure, you would be connecting two terminal points. But what I stated was our OPWC allows I think it's 20 percent of their funding to go towards new infrastructure supporting economic development and that sort of thing. ARC is all about retaining jobs and bringing new jobs in, and so that's why you would want to make an application to ARC more so than OPWC. So with OPWC, if we were ready to make an application it would be for a small amount of funding.

MS. SLUSARCZYK: Yeah. My notes here was OPWC for the end of August for Salt Springs booster station and Hallock Young, Ellsworth-Bailey water line projects.

MR. KOGELNIK: Yeah, I remember saying that. Both of them. Definitely for the booster station itself.

MR. PETERSON: So you want to hold off on the Hallock Young?

MR. KOGELNIK: For OPWC I would have, but I don't even think we're ready yet for the water booster station in terms of OPWC because of the fact that we're just not authorized yet. We might be tonight, that's number 8. So you might be able to do that next year. You might be able to make application to ARC for your water line on Hallock Young, and you might even be able to put in an application or combine them with the booster station and also in 2023 make an application to OPWC because the two pots of money will arrive in 2024.

MR. PETERSON: Okay.

MR. KOGELNIK: Which is good. Because you can schedule the funding to align with your project needs. So -- but the water line project definitely has to be authored as soon as possible in order for us to have the plans ready because ARC, unlike OPWC, requires you to have your plans in place.

MS. SLUSARCZYK: I want to make sure if we had that special meeting that that's on the agenda.

MR. PETERSON: I don't mean to keep kicking it but --

MS. SLUSARCZYK: In all honesty, that's my error. I knew I was missing something, and I was not able to go back and sit and read the minutes to review that. But I will put it on the next one as well.

8. CT Work Authorization - Project Title: Salt Springs Water Booster Station Upgrade and Relocation to State Route 45

MR. SULLIVAN: So we should do a motion on number 8 for the booster station?

MR. KOGELNIK: Yeah, I do recommend the Board do that. And now remember, I was offering to MVSD to write down the list of projects that the Village is gonna do and the approximate implementation schedule. I should do the same for these two

projects. They'll be in that list, and so you'll see when these things are gonna be programmed for implementation.

MR. PETERSON: Okay.

MR. SULLIVAN: And when that program for --

MR. KOGELNIK: So the Salt Springs Road booster station, if it were approved now, you could be ready for construction next year. Now again, like I was telling Chris and you, is that we would probably want to make applications for funding next year through ARC.

MR. PETERSON: Okay. But you still need a motion to authorize the work.

MR. SULLIVAN: I'll make the motion.

MR. PETERSON: I'll second that. Any more discussion?

All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

MS. SLUSARCZYK: Now for clarification, were you on number 7 or number 8?

MR. PETERSON: Number 8.

MS. SLUSARCZYK: I have the work authorization. So if you're approving the work authorization, I would need signatures on that.

MR. PETERSON: Yes. Okay. Any other New Business?

MR. KOGELNIK: Cindy, if number 8 -- is number 8 similar to number 2?

MS. SLUSARCZYK: It is. We just received a work authorization for that, so I put it on as a separate thing. We'll keep the topic up there going, but that's to get you started on it I guess.

MR. KOGELNIK: Okay.

MS. SLUSARCZYK: Yes.

OLD BUSINESS:

1. Ultium Sewer Connection

MR. PETERSON: Okay. Seeing no other new business, Old Business, Ultium Sewer Connection.

MR. KOGELNIK: Don't have any other new news on that one.

MR. PETERSON: Darren, you got anything?

MR. BIGGS: Nothing new.

2. Imperial Sewer Agreement

MR. PETERSON: Okay. Imperial Sewer Agreement. I know I spoke with Kevin. I said hey, we need to get moving on this and he is, I believe, scheduling a time with them. I will try to put him on my call sheet as a reminder.

MR. SULLIVAN: I think that has been on since 07.

MR. PETERSON: I will stay on it.

3. Rate Study - Water

MR. PETERSON: Rate Study - Water.

MR. KOGELNIK: The only thing we had with that was we do

have a small work authorization, I think it was \$1,300 or something like that, Cindy, and it was for the impacts for TEC.

MS. SLUSARCZYK: Yes. And that was actually passed last month, Chris. It said if it's not paid by the TEC project, and that was one of those things where #2 is submitting it to TEC.

MR. KOGELNIK: Do you want me to submit that one and the other one to Mr. Siderewicz?

MS. SLUSARCZYK: Yeah. And if you copy me on it, we can both follow-up and make sure and get those off of our list.

MR. KOGELNIK: I'll make a note right now.

MS. SLUSARCZYK: Kevin stopped in and signed it after the meeting last month.

MR. KOGELNIK: Okay.

MR. PETERSON: Okay. Anything else on that?

MR. KOGELNIK: No.

4. Ultium

MR. PETERSON: Okay. Ultium.

MR. KOGELNIK: The water tank project continues on. And as far as I know, there is no other further issues with the new water booster station. Darren, do you have any other concerns or comments?

MR. BIGGS: No. The booster station has been running fine. We're still trying to figure out the SCADA for Ultium's meters. I haven't heard any issues with the tank. Restoration I thought was gonna be starting new, so I think they should be staging for that up there. I know that's part of the master water plan and Ultium. I don't know how they mix together, but it's a little of everything I guess with that. But everything seems to be going smooth. Booster station isn't a problem now so far.

MR. SULLIVAN: Are they using much water?

MR. BIGGS: Who's that?

MR. SULLIVAN: Ultium.

MR. BIGGS: They stepped it up. They are using quite a bit compared to LEC, no. Me and you, absolutely. They're gradually getting bigger and bigger.

MR. SULLIVAN: I know they've been going over at the union hall, they've been having employees to get the union going. And they said they got 750 employees in there now, hourly employees.

MS. SLUSARCZYK: They're still hiring. The new hire group has like 70 more employees that started this week. I think there was a group two weeks ago as well, so --

MR. PETERSON: I seen something on the news that they were trying to recruit people.

MS. SLUSARCZYK: To my understanding, they want to be at 1,100 at the end of the year.

MR. SULLIVAN: And go into production, full production, like February.

MS. SLUSARCZYK: I don't have a full production date. I just know that they said production would begin this month.

5. Utility Department Building

MR. PETERSON: Okay. Utility Department Building,

anything new on that? No?

MS. SLUSARCZYK: It's missing some new staff members.

MR. BIGGS: We bring that up every time. Nobody has taken any direction on that. We either need to take direction or just move on. Nobody -- we read it and that's all we do.

MR. PETERSON: What --

MR. BIGGS: Get me a building, Chris. Bottom line.

MR. PETERSON: I know you need a bidding.

MR. BIGGS: That's what it is, but we're not doing anything.

MR. PETERSON: Catch me up. What have you guys discussed or looked at?

MR. SULLIVAN: Everything.

MR. BIGGS: I don't know really what's -- just -- I don't know what's been shot down what have we tried doing, you know.

MR. PETERSON: What was the original intention?

MR. BIGGS: Well CT did a whole big design. We had it all planned out and we were going to put in with everything that was going on and get it all done at once and it was gonna go in up there on the hill where the tanks are. They had everything there. They had the base, offices, everything that we would need, even made a list of equipment we may need, employees we may need; and we just haven't done anything on any part of that. I mean, that was shot down.

MR. PETERSON: Shot down by the Board?

MR. BIGGS: The Mayor was quite clear saying you're not getting a building.

MR. KOGELNIK: Council was emphatic, if I recall correctly, that they didn't want to be party.

MR. SULLIVAN: At one point when we were still talking about down here the Mayor had come to a meeting and said that they would come up with \$100,000 when we were talking about the one over in the park, that building.

MS. SLUSARCZYK: Kunkel.

MR. BIGGS: Over at Kunkel.

MR. SULLIVAN: But -- and I think the estimate on that was what, \$300,000?

MS. SLUSARCZYK: It was more than that, it was like --

MR. KOGELNIK: It was a lot more than that in --

MS. SLUSARCZYK: Yeah, it was like a million dollars.

MR. KOGELNIK: That's why the question became is it more cost effective to build a new building rather than --

MS. SLUSARCZYK: And then we came across Ultium and the water tower and it was well, we already have the structure, put them in there. But that was stripped out of there. Can we go off record?

MR. PETERSON: I don't care.

(A discussion is had off the record.)

MR. PETERSON: We'll keep working on that.

6. I&I

MR. PETERSON: I&I.

MR. KOGELNIK: Okay. So we told you guys that we were going to come back with some quotes for meter rentals, and just recently I got a quote of around \$1,500 per meter per month. So we would need two meters at a minimum if your existing meter was running. And I think at the last meeting Darren --

MR. SULLIVAN: We have one, don't we?

MR. KOGELNIK: I think at the last meeting, Darren, you stated you don't know if the existing meter was operable.

MR. BIGGS: It hasn't been used in quite a while. I don't know if it needs calibrated, if the new software needs to be set up. Plus inches, like a band, I don't even remember what sizes it would fit. It would need some work, that's for sure. I don't know if you could -- I wouldn't trust it now without it being calibrated and checked out.

MR. KOGELNIK: We would need to look at it, maybe even get the manufacturer's rep over to take a peek at it. But I think you to have bands for 8 and up to 12 I think if memory serves me correctly. So if we could use your meters down at Brook Hollow and Hood Drive; then at the intersection of Highland and Salt Springs where the two lines come together, one from Salt Springs and one from Highland south, then we would only need two more meters. So two meters times two, most you're looking probably about \$4,000 --

MR. PETERSON: \$6,000.

MR. KOGELNIK: \$6,000.

MR. SULLIVAN: You said \$1,500.

MR. KOGELNIK: You need two meters. That's what we'll probably be submitting a work authorization request to you for, for two months.

MR. SULLIVAN: Well then, we should make a motion now to approve that.

MR. KOGELNIK: You can do that with the understanding that that's the most you're gonna spend.

MR. BIGGS: And that's if ours are still operable.

MR. KOGELNIK: How many do you have, one?

MR. BIGGS: Yeah, I believe so.

MR. KOGELNIK: If Darren's one meter is not operable, then we have to get another one for there so that would be another \$3,000.

MR. SULLIVAN: That would be another \$1,500.

MR. BIGGS: He's talking for two months, Mike.

MR. PETERSON: You need two months.

MR. BIGGS: He was mentioning two months it will probably take to --

MR. KOGELNIK: So if you want to --

MR. PETERSON: You want a motion?

MR. KOGELNIK: If you want to make a motion that you're gonna allocate --

MR. PETERSON: Authorize you guys up to \$9,000 for flow monitoring. If it's cheaper, that's fine. I'll make that motion.

MR. SULLIVAN: Okay. Second.

MR. PETERSON: Any more discussion? All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

7. Sanitary Sewer Rate Review

MR. PETERSON: Sanitary Sewer Rate Review.

MR. KOGELNIK: We had a good meeting yesterday with Cindy and Darren virtually, and that was with my associate. I think Kevin was even on there, right?

MS. SLUSARCZYK: Yes.

MR. KOGELNIK: And my associate, Jay Shutt, is gonna be leading that project. And he had some good questions, which Cindy has provided a lot of information to Jay already. And he said thank you, by the way. So the kick-off meeting was very productive. Now in terms of that impact fee, we still don't know how we're gonna work that into the project just yet; and so we're still thinking about that. I think Jay needs to spend some more time on that and get back to you, Cindy.

MS. SLUSARCZYK: Okay.

MR. KOGELNIK: So we're setting up the project even though only the BPA has approved that project to proceed thus far. You might remember that Council needs to pay for 50 percent of that project, and so they have to vote on it. We were hoping that they would vote on it this past Monday but they didn't meet.

MR. PETERSON: It's still on their agenda.

MS. SLUSARCZYK: I'm making a note to check to make sure because Bill was in and out as I was -- I was out Thursday, Friday and Monday and Tuesday of last week and the week before -- so I usually confirm, make sure that our stuff is there; and I didn't because those were the days that he would have been preparing that stuff. And finance was canceled as well.

MR. PETERSON: Okay. Thank you very much. Any other old business?

PUBLIC COMMENTS:

MR. PETERSON: Seeing none, Public Comments? Nobody is here.

MR. SULLIVAN: No public here.

REPORTS:

1. Solicitor's Report

MR. PETERSON: Reports. Solicitor's Report. I don't have anything that I received from him. Have you, Cindy?

MS. SLUSARCZYK: No. Did he tell you that he would be sending me something in regards to --

MR. PETERSON: That's what I understood, yeah. But maybe I misunderstood. I'll call him again tomorrow.

MS. SLUSARCZYK: If you send an e-mail and copy my on it --

MR. PETERSON: I'll just copy with you on it.

MS. SLUSARCZYK: That might be best. But I have not heard anything either from the Solicitor.

2. Engineer's Report

MR. PETERSON: Engineer's Report, Chris.

MR. KOGELNIK: I really don't have much of anything. I

just want to go back inform item number 7 on the front of the sheet. Is that -- can I move forward on that? I know I got approval on 8. But 7, should I wait?

MS. SLUSARCZYK: I would have forwarded you the e-mail with his work authorization in it. However, I did not put it on the agenda. You could still approve that, just -- I mean, you'd have to -- I don't have the details for you and I don't have it for you to sign. You still can approve that. And I think it's a matter --

MR. PETERSON: Do you know the amount?

MS. SLUSARCZYK: Chris, do you know the amount?

MR. KOGELNIK: I think that one was the bigger cost, it was around like \$99,000 or something like that.

MS. SLUSARCZYK: But that wouldn't all be this year either.

MR. KOGELNIK: If you're more comfortable to wait, I understand. I just didn't know where we left it.

MR. PETERSON: Do you need the authorization now? Mike, are you okay with it? I'm okay with it. We know we need to move forward with it.

MR. SULLIVAN: Why did I mark Paul on that?

MR. PETERSON: I don't know.

MR. SULLIVAN: That one's on 6. I'm sorry.

MS. SLUSARCZYK: That's why I asked what one you were on because I wanted to be clear.

MR. PETERSON: Yeah. The only reason I just did 8 because we had it in front of us. But --

MR. SULLIVAN: I had next year on that.

MR. KOGELNIK: Okay. So I'll be honest with you, more than the booster station we need to move quicker on the water line. So number 7 really is the one that needs to be approved as soon as possible.

MR. PETERSON: I'm fine with that.

MR. SULLIVAN: I make a motion to approve proposed Hallock Young water line.

MR. PETERSON: I'll second that. Any more discussion? All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed. Just let me know when you have it and I will sign it.

MS. SLUSARCZYK: Tomorrow, if you can stop up tomorrow.

MR. PETERSON: It won't be tomorrow. It will be Friday.

MS. SLUSARCZYK: He knows you got the approval. When you sign it I'll get it to him immediately. Are you comfortable with that?

MR. KOGELNIK: I'm fine. The only thing I have for the Engineer's Report, LEC is still being considered by the Ohio E.P.A. for that discharge. I did get a call from Ohio E.P.A. recently, but it was in regards to TEC. They were asking about storm water from TEC. I says it's too early, we don't even have a site plan committed yet, we don't even know -- but I do know boy way of their NPDES permit they are planning to co-mingle the storm water and their industrial waste into that. But LEC is still being considered

by Ohio E.P.A. for their NPDES permit. And so there's no decision made. This is gonna be the biggest variable in the sewer rate study that we have to tackle because of just what could happen in the event that LEC pulls out. So I would encourage you to just consider what capacities, you know, that LEC demands now and what you might realize if they pull out and how you're gonna use that. Okay. Now remember, they have an agreement with the Village of up to 1.3 million gallons per day that goes from LEC into your east side sanitary sewer. And I think they, on an average, Darren, they are around 400,000 or 500,000 gallons per day?

MR. BIGGS: I think that's what we came up with.

MR. KOGELNIK: Yeah, so -- and if we -- if they pull out of the east side sanitary sewer system, we were gonna require them to have to continue to discharge no less than 150,000 gallons per day so that we can keep some flow moving through there. So we're gonna have to keep on this because there's a lot of details in that. And Cindy and I worked on a memo that we had to give to Paul Dutton to substantiate why we were aiming at 150,000 gallons per day. Cindy had a whole spreadsheet on costs that would be impacted if they pull out. Just keep these things in mind because you're gonna have to make a decision when Ohio E.P.A. makes their decision.

MR. PETERSON: Just in case they make that decision, I'm sure it's gonna take time. Do we have any contingencies in place to make sure we have enough flow in the sewer, or do we need to change anything?

MR. KOGELNIK: So one of the things that we thought about, Chris, in determining the impact costs if they do this is maybe installing a jockey pump, a small -- that's a smaller pump that doesn't start and stop real quick like a bigger pump would have to, and also a drip feed system that the Village had in place before LEC came to be. And the drip feed provided a chemical that was added to the flow to knock down the hydrogen sulfide that builds up. That's one of the biggest problems with the system. So all of this is documented, I'm glad we did that. All I'm saying is just get ready to make a decision. That's all I have.

MR. PETERSON: Do you have any questions for Chris?

MR. SULLIVAN: Nope.

3. Utility Committee Report

MR. PETERSON: Okay. Utility Committee Report. Cindy, do you have anything from them?

MS. SLUSARCZYK: No. All I can say is that Mr. Reider is ill and he did not call, but I'm sure it's because he's ill that he's not here.

4. Clerk's Report

MR. PETERSON: Clerk's Report.

MS. SLUSARCZYK: I want to report to the Board that I had a meeting last week with Foxconn. The new employees there had a lot to understand in the different ways that their water and sewer was billed and the providers. So first I want to say that we started off with because their water utility bills are delinquent. They issued payment, but it didn't include the late fee and their bills are growing each month. And they asked give them time, you

know, it's a lot to transfer. So the bill itself was on -- they have nine accounts, okay. So the bill -- today we received a payment for the billed amount but not the penalty. Our policy is \$36 for shut-off. Of course, I don't want to shut off the facility and the bill itself, so right now it's just a penalty and then the current bill that's due on the account. I would like the Board's approval to just hold off on that. They were forthright, they came to me last week and said hey, what can we do. They had processed the payment but it still takes time to send it off, get the approval, and get the checks and get it mailed out. It's like third-party right now.

MR. PETERSON: Yeah.

MR. SULLIVAN: You got our approval.

MS. SLUSARCZYK: Okay, so that's --

MR. PETERSON: That's fine.

MS. SLUSARCZYK: No problem about it there. They needed to understand the water suppliers, which I explained they have two sources, Warren and Niles, to them, and what accounts were associated to each water source. The same question about the sanitary sewer and their connections. Now that's where I told them I really couldn't guarantee anything, but I explained my understanding of their connections. They acquired the PPG facility, and they asked if the sanitary sewer connected to the main interceptor or it came out -- those are questions I really couldn't answer. I assume they went out to the Ellsworth-Bailey Road because the PPG facility was not part of General Motors, they were independent. So I asked them to contact the County, maybe somebody could get out there and show them, you know, where their lines are or whatever.

MR. SULLIVAN: Why six accounts?

MS. SLUSARCZYK: They have nine accounts.

MR. SULLIVAN: Is that nine different companies?

MS. SLUSARCZYK: No. They have nine different metering points or meters we'll say. And some of them were from Warren; and then the one, the 24-inch, came into town, the Village put Niles water on Ellsworth-Bailey Road. And then through the Lordstown Motors transition -- G.M./ Lordstown Motors transition, PPG left and Lordstown Motors acquired the PPG facility, which there was four accounts there for. Some of them had sewer charges, some of them don't have sewer charges, one was just a tap. They have a lot to learn on just the water and sewer utilities alone. And I was just kind of helping them understand what to expect and what to look for because they are getting a bill from Trumbull County and they didn't understand. I said you have to provide it to me because without any information I have no clue what they are talking about. So like I said, I did work with them for over an hour last week. They have that 4-inch service line that feeds Trailer City, and I told them if that was going to terminate to let me know because, you know, where the water went, we assumed at some point that some of that water was getting into the Ultium for some work based on our sanitary sewer meter. But we gotta remember now that General Motors is not a partner with Foxconn. So that 4-inch line, you know, was okay because it was the same customer before.

MR. PETERSON: It was the same company. It's not now?

MS. SLUSARCZYK: It's no longer. I said when that connection there or when Trailer City leaves or terminates or however you want to put it, I said we're not gonna continue to provide water without going back to the Board or the Superintendent and understanding what it's used for. It has to be Foxconn, you know. So they weren't -- one of them understood it a little bit, the other two did not. So I made that clear, that just to anticipate any future use or new customer or use of that 4-inch would have to be brought before the Board. And that 4-inch line, that is what creates the sanitary sewer billing issue which we're working on there, kind of need clarification on that Ultium addendum to the meter. So those are kind of connected. That's why I wanted them to let me know because I do know Barton Malow is starting to wrap some things up over there and that's what they want me to bill. But they are my customer, and it's a confusing mess.

MR. PETERSON: Yeah.

MS. SLUSARCZYK: In addition, we discovered at 2029 Ellsworth-Bailey Road we had an electric utility bill there for what was a hot box. And when I met with them I told them that's your responsibility, and we transferred that account over to them on Monday. So that will be one bill that ended in the Village's responsibility and has now transferred over to Foxconn. And we did speak briefly about the letter of support for the Hallock Young water line improvement. And now these are not executive, they were employees; but they said they would push that through the proper channel to get us that letter. And I did direct them August 31 because that was my understanding so -- but they -- they're going to try to get us that letter. That was just an update for the Foxconn. Next I want to bring up, we have what we call a bulk water agreement. And right now Darren's not selling bulk water or by a special agreement, but that agreement has a purchase price or if he was to sell from a fire hydrant, if somebody needed water, and that rate was the outside user rate which was \$8.62. And with that scenario over there with that 4-inch water line, I could have resolved all these problems and issues and nightmares I'm having with billing the sanitary sewer had we put the charges into that bulk water rate and forget the outside user charge, but just capture our water rate and sewer rate and make that the bulk water price for selling water. And I know no matter what happens to that water, if it hits a ditch or whatever their purpose is I've covered -- or I've acquired the money to cover sanitary sewer charges if it hits our sewer system. So I would like to change that rate in that bulk water agreement. Like I said, Darren's not using it right now; but if that happens that he does permit somebody, I would like to see that based on the water and sewer rate combined. I don't -- again, we don't need to realize the markup from \$5.75 to \$8.62 as much as we need to realize the sewer charge if, in fact, it hits our sewer system. So I think in comparison I seen some outside or bulk water prices, and some of them are as high at \$17 a thousand gallons. So we're still not out of line. That price combined would be \$12.41. So I'm not asking you to decide that today. I don't think it's a big ask. We don't sell a lot of it. But when we do, it's still a fair price.

MR. SULLIVAN: So if we would do a JEDD, that would be

the price?

MS. SLUSARCZYK: No. This is just for somebody who's not our customer. For example, a pool hauler, if Darren was filling a water for a water hauler, that would be the price that we would sell the water to them for.

MR. PETERSON: We're currently at what, \$8.32?

MS. SLUSARCZYK: We're at \$8.62. And I would -- I'm recommending that you do the water and sewer rate to instead of outside user water rate together to the base water right of \$5.75 plus the \$6.66 for a total of \$12.41. And again, if you want to look it over and think about it, totally fine.

MR. PETERSON: Will you put that on the next agenda.

MS. SLUSARCZYK: I can tell you that going forward we have new projects; and when these new projects start building, they're gonna want a bulk water agreement and I don't want to be reactive. Again, I'm trying to get it to you so you have time to plan or prepare for this properly. Other than that, the only thing else I can say is I won't be here next Friday. And that's it, that's my report. Do you have any questions for me?

MR. PETERSON: I don't have. Do you, Mike? No? Okay.

5. Superintendent's Report

MR. PETERSON: Superintendent's Report. Darren, what have you got?

MR. BIGGS: Just a couple things. The disinfection by-products, we passed that. We just had that not too long ago. It's what we do every four months. The -- I had to test for asbestos also, it passed, we're good there. I did want to ask you, have we heard anything more about maybe getting more employees?

MR. PETERSON: I have not heard anything yet. I believe Ron will be back next week.

MR. BIGGS: Okay.

MR. SULLIVAN: I think we should make a motion for whatever we want.

MS. SLUSARCZYK: Uh-huh. I'd like to just attest, there was a situation last week where our Superintendent was in training and we had a water line -- an emergency water line break that had to be repaired. It left three employees, am I correct? We had three employees. And the next day he was -- he had to be pulled out of his class because you have to supply water, all the coordination work and effort and the parts and that dealing with that water line. We have three other -- am I correct, three other water line breaks right now? I'm getting calls every week; do you know there's water running across Hallock Young Road. Yes, I've known for three weeks. They have not had an opportunity to fix a water line break. So we're paying for that water that's running across those roads. So whether we pay for it in running water or an employee, I mean it's how you choose to spend your money. But the request is not -- it needs to be addressed because your public is coming in and telling you that's still running across the road, that's still running across the road, that's still running across the road, did you forget. And these are the calls I've received. So it's not gonna be a good warm cozy feeling when you go to the residents and said well, we need to raise your water rates with water running across

the road for a month.

MR. PETERSON: Yeah.

MR. SULLIVAN: So we don't have the ability to hire and fire ourselves?

MR. BIGGS: You do have, but you need to have the position. You have to have the language saying you're allowed this many employees. And that's what Council grants you, then you can hire and fire.

MR. PETERSON: We don't have the ability to create positions?

MR. BIGGS: I don't write the rules, Mike.

MR. PETERSON: I know, trust me.

MR. BIGGS: That's the way that works.

MR. SULLIVAN: Well, I still think that we need either a resolution or a motion to go to Council to say what we need.

MS. SLUSARCZYK: I would do at least a motion. I don't think you need a resolution. The resolutions are definitely required when you're spending money. But the difference here, you're just asking for action.

MR. SULLIVAN: So what do we want, a motion for two and one, two full-time and a part-time, full-time, whatever?

MR. PETERSON: What current positions do you have open, if any?

MR. BIGGS: Permanent part-time.

MR. PETERSON: You have a permanent part-time position open?

MR. BIGGS: Correct.

MS. SLUSARCZYK: I believe last month you requested three full-time employees.

MR. BIGGS: That's correct.

MR. PETERSON: That's what I have.

MR. SULLIVAN: With the three he was doing away with the part-time, full-time, correct?

MR. PETERSON: No.

MR. SULLIVAN: So oh, he wanted -- so you wanted four?

MR. PETERSON: That information isn't filled and doesn't have to be filled, it's there.

MS. SLUSARCZYK: You have the right to decline or stop.

MR. BIGGS: My point was, Mike, eventually three's what I'm looking at right now anyhow. I really don't want to get rid of anything we don't have to. If they granted the BPA three more full-time employees, then you don't have to hire three more as you see fit. Hey, let's -- you won't have to go to Council every single time, you guys still make that choice on who gets hired.

MR. PETERSON: All we're asking is Council authorize to create three additional positions and we fill them as we see fit.

MR. SULLIVAN: I'll make a motion that we have three new full-time positions.

MR. PETERSON: I'll second that motion. Any more discussion? All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

MR. SULLIVAN: And I don't know, you or me or Campbell somebody should get with Radtka before Council and --

MS. SLUSARCZYK: I did follow-up with Kevin on the topic, and his reply to me today was "I talked with Chris Peterson about staffing, and he was going to talk with Council and finance. I'm not sure if he made any connections yet, but he can report." So Kevin is under the understanding that Chris is handling that.

MR. PETERSON: Yes, yes. And I did say something to Ron, and Ron was leaving. I think Ron gets back next week, okay.

MS. SLUSARCZYK: I have no idea.

MR. PETERSON: Yeah, I believe it's next week.

MR. SULLIVAN: I mean, it may be a good idea like if you and Ron and Darren could sit down.

MR. PETERSON: That's what I was gonna try and do, schedule a meeting for us to sit down. That way you can voice your concerns, explain it, and he can voice it to Council. Or do they have a personnel committee in Council?

MR. SULLIVAN: No.

MR. PETERSON: It's finance, is that where it starts?

MR. BIGGS: Is that finance or would it be utility?

MS. SLUSARCZYK: I don't think it would be finance because the BPA pays their own wages. So if anything --

MR. PETERSON: Utility.

MR. BIGGS: Just if utility brought it to -- would be able to bring it to Council. I don't know if that's the step or not.

MR. PETERSON: Maybe that's the step.

MS. SLUSARCZYK: Or get them both.

MR. SULLIVAN: You got the three people on utilities; the thing will pass.

MR. PETERSON: Yeah, okay.

MS. SLUSARCZYK: But that would be a good thing to tell them, Chris, to remind them that the wages are paid from our monies.

MR. PETERSON: Yeah, BPA funds. Okay. I will keep working on it. And Darren, I'll get with you as soon as I get with him to schedule a time to sit down.

MR. BIGGS: Perfect.

MR. PETERSON: If you could prepare some time where you've been -- you know, I mean put a list together. Shouldn't be hard.

MR. BIGGS: Stop in any time during the week, there will be no problem putting a list --

MR. SULLIVAN: Where are we on vehicles?

MR. BIGGS: We have four vehicles right now, all in good shape. Yeah. We replace them kind of quick because we weren't spacing them out. We're still doing really well now.

MR. SULLIVAN: So we can go at least another year?

MR. BIGGS: Absolutely.

MR. PETERSON: Here's the question. Do we have enough vehicles if we add positions?

MR. BIGGS: Yeah.

MR. PETERSON: We're still good? That will be brought up, just in case I get asked that question.

MR. BIGGS: Yeah. Well if not, Chris, we'd need the

employees anyway, we get them another vehicle.

MR. PETERSON: I know that.

MR. BIGGS: I don't know what to tell you. They can walk if you want them to, but I doubt they will do it.

MS. SLUSARCZYK: Little more productive with wheels.

MR. BIGGS: Get there quicker. The only language thing I had was, Mike, I just want to apologize because I kept missing you going over to Foxconn. I did get a hold of them, and they don't know how they all fit together, so they were saying let me find out who to talk to and they finally got back to me. I explained what was needed, I was gonna send an e-mail. Thus the same time they talked to Cindy, they explained everything. So I never actually went over there, it just kind of all happened, and I forgot to tell you it happened with just everything, you know. So anyway, I apologize for not letting you know that that was taken care of because they came here and I talked to them on the phone.

MR. SULLIVAN: Okay.

MR. BIGGS: We're good to go with that. That's all I have.

MS. SLUSARCZYK: However, we would like you to still ask Ultium for that letter. I think that's --

MR. PETERSON: Yeah, absolutely.

MR. SULLIVAN: Want to do that?

MR. BIGGS: Yeah, that's fine. Sure.

MR. SULLIVAN: See if you can -- you'd like to get in there to see the place.

MR. BIGGS: Well, I can try. But last time I had to talk to somebody out there about an issue, they met me outside the turnstiles in the parking lot.

MR. SULLIVAN: No.

MR. BIGGS: Yeah. They don't want anybody in there.

MR. SULLIVAN: Really? Huh.

MR. BIGGS: I asked the fire chief. I hated to bring that up. Have you guys got anything more of me?

MR. SULLIVAN: No.

MEMBER COMMENTS:

MR. PETERSON: Member Comments. Go ahead.

MR. SULLIVAN: I just have a question. You know I saw that front page article with the Mayor about he and Kellie were talking about a year extension for TEC.

MS. SLUSARCZYK: Oh, I thought they were breaking ground at the beginning of August.

MR. KOGELNIK: Me too.

MS. SLUSARCZYK: Yeah, August 10 was the latest.

MR. SULLIVAN: Did you see that in the front page?

MR. BIGGS: Was that the Ohio Siting Board or whatever? So what they did was they wrote a letter saying no cancelling and then overturned it and wrote a letter back.

MR. SULLIVAN: And then wrote a letter and said okay, go ahead.

MR. BIGGS: I believe that's what it was, Mike, to the Ohio --

MR. KOGELNIK: Power Siting --

MR. BIGGS: That's the way I understood the story.

MR. SULLIVAN: Oh. Are they gonna break ground or --

MR. KOGELNIK: I don't think the two are related, and I think you need to get that from Kellie. But I thought the one-year extension was for their environmental covenant or something like that. Yeah. So I'd encourage you to talk with Kellie.

MR. SULLIVAN: The way that read in the newspaper is that -- or the way I took it anyway, I might have been wrong -- is they were extending the project, they weren't gonna start for another year.

MR. KOGELNIK: That's news to me.

MR. SULLIVAN: Well, I'm probably wrong. That's why I asked the question.

MR. PETERSON: Yeah. I think the Power Siting Board asks for -- asked for an extension, for a one-year extension, correct?

MR. KOGELNIK: There was a letter --

MR. SULLIVAN: And Kellie and the Mayor sent a letter saying no, and then they sent --

MR. PETERSON: They sent a letter reversing that position. After everything was passed, they sent a letter reversing that position.

MR. KOGELNIK: I'm fairly certain what I said is accurate.

MR. PETERSON: Yeah. I don't have any comments.

QUARTERLY APPROVAL OF BILLING ADJUSTMENTS:

MR. PETERSON: Quarterly Approval of Billing Adjustments.

MS. SLUSARCZYK: That is not this month, you did it last --

ADJOURNMENT:

MR. PETERSON: Motion to adjourn.

MR. SULLIVAN: So moved.

MR. PETERSON: Second. All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

(Meeting adjourns at 6:20 p.m.)

C E R T I F I C A T E

STATE OF OHIO)
TRUMBULL COUNTY) SS.

I, Deborah I. Lavelle, a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the foregoing meeting before the Board of Public Affairs was written by me in the presence of the Members and transcribed by me using computer-aided transcription according to the stenotype notes taken at the time the said meeting took place.

I do further certify that I am not a relative, counsel or attorney of any Member, or otherwise interested in the event of this

action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Niles, Ohio on this 5th day of September, 2022.

DEBORAH I. LAVELLE, Notary Public
My Commission expires 4/15/2027

Submitted:

Approved by:

Cinthia Slusarczyk, Clerk

Kevin Campbell, President