

RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
August 29, 2023

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

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 29th of August, 2023.

MR. PETERSON: I'd like to call this meeting to order. Please stand for the Lord's Prayer and Pledge of Allegiance.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

MR. PETERSON: Welcome everybody. Roll call please.
MS. SLUSARCZYK: Chris Peterson.
MR. PETERSON: Here.
MS. SLUSARCZYK: Kevin Campbell.
MR. CAMPBELL: Here.
MS. SLUSARCZYK: Michael Sullivan.
MR. SULLIVAN: Here.
MS. SLUSARCZYK: Darren Biggs.
MR. BIGGS: Here.
MS. SLUSARCZYK: Chris Kogelnik.
MR. KOGELNIK: Present.
MS. SLUSARCZYK: Cinthia Slusarczyk, present. Matt Ries.
MR. RIES: Here.

APPROVAL AND CORRECTION OF MINUTES:

MR. PETERSON: Approval of minutes from the June 28 meeting.

MR. SULLIVAN: So moved.

MR. CAMPBELL: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Motion passed.

CORRESPONDENCE:

MR. PETERSON: Correspondence.

MS. SLUSARCZYK: All correspondence are just the emails and contracts back and forth. No other direct correspondence.

PUBLIC COMMENTS:

MR. PETERSON: Okay. Public Comment?

NEW BUSINESS:

1. A Resolution recommending that the Council of the Village of Lordstown accept the proposal of CT Consultants, Inc. for GIS mapping services and share in the cost of such services

MR. PETERSON: Okay. New Business. Item number 1, Resolution recommending to the Council the Village of Lordstown accept

the proposal of CT Consultants Inc. and share the cost of such service. Did you guys all get a chance to look at this?

MR. CAMPBELL: Uh-huh.

MR. SULLIVAN: Yeah.

MR. PETERSON: I'll make the motion to approve unless you guys have any discussion.

MR. CAMPBELL: No discussion.

MR. PETERSON: Motion to approve.

MR. CAMPBELL: I'll second.

MR. PETERSON: Any discussion? Motion passed. Do you have the Resolution?

MS. SLUSARCZYK: Yes, I do. Council passed the GIS resolution at a previous meeting, so this will be the final step.

MR. CAMPBELL: Do you have a Resolution number?

MS. SLUSARCZYK: No.

2. Memorandum of Understanding between the Board of Mahoning County Commissioners and the Village of Lordstown for the installation, operation, maintenance, repair, replacement and removal of a public water system/waterline within Mahoning County and along the public road right of way of Lipkey Road

MR. PETERSON: Item number 2, the Memorandum of Understanding between the Board of Mahoning County Commissioners and Village of Lordstown.

ATTY. RIES: So where we're with that is Cindy -- I prepared with Chris and Cindy, we put all of our revisions in there. I've been going back and forth between Leo Puhalla, who represents the Antonine Sisters, as well as Mahoning County. The Antonine Sisters' attorney has been very responsive in getting back to us. We're waiting on Mahoning County to get back on additional changes. I think Thursday evening they put in some provisions about they would be able to remove the water line at our expense for no reason at all. It was very arbitrary so he would -- he took it out, said that can't be in there. And they put some verbiage in there for a water agreement, we took that out. I sent that back to them Friday morning, so we're still waiting to hear back from them. Tentatively we have a phone call to discuss, we were trying to get that done today. Mahoning County said we can't be available until Friday morning. So tentatively we have a 10:30 phone call with the attorneys, prosecutor's office, Atty. Puhalla, and myself to get that finalized. And then on the easement we've been going back and forth. That's gonna be an attachment incorporated into the MOU. We've requested some additional revisions to the easement as well. Mahoning County gave me some push-back on what we're taking out, so. I don't see how we could agree to the provisions though. I think they are arbitrary, and I don't think the Antonine Sisters would agree to it either. My understanding from talking to Leo is when he was speaking to one of the prosecutors their concern was if they got their own water system 100 years from now. That's not what it said in the agreement. We go day one after they accept the loan and they wake up and have a same-day instead of starting someone's water line out of the -- So maybe we can tweak the language to something that's acceptable that addresses their concerns as well as ours. But as of right now -- and I just learned this this afternoon, as of right now we've made some additional revisions, what we're not willing to accept and sit back and wait to hear from them.

MR. KOGELNIK: I have something to say about that that's probably gonna help that. The County decided that they probably wouldn't have any future growth heading south. Don't they state that?

MS. NEIDER: I don't recall.

MR. KOGELNIK: Not to you Annissa. I think it was -- did

we talk to --

MS. SLUSARCZYK: It was when we were at Mahoning County because we opened up the potential to run to Silica Road. They're talking running north to us, and they didn't think they would want us to go south to Silica. But for them to come, there was no talk about them coming north from Silica.

MR. KOGELNIK: But my point is there was a limit to which they felt that would be necessary for the Village to extend that water line. We recognize that limit. And furthermore, we established a new easement outside of the public road right-of-way so that there was some actions there on the joint part of both parties; and we feel that, you know, both of those actions suggest that we're gonna be out of the way and we're not trying to overstep or encroach further into the --

MR. SULLIVAN: So they want to stop --

MR. KOGELNIK: We don't want the County's provisional language included for those reasons. We're only serving what we need to serve, and that is the Antonine Sisters.

MR. PETERSON: Yeah. Technically we're only serving what we're existingly serving.

MR. KOGELNIK: I can understand that kind of language on a highway where, you know, that you've got expansion coming or planned out in the future, but that's not --

MR. PETERSON: That's not the case here.

MR. SULLIVAN: You want to go fishing?

MR. KOGELNIK: We just need to get this thing ironed out, put on paper and move forward.

MR. SULLIVAN: So if you are successful Friday, then we'll meet one day next week to put it to bed?

ATTY. RIES: And then since it's outside of Lordstown's jurisdiction it will have to obviously be passed by an ordinance through Council as well. But yeah, I mean, it's just a couple of changes; they've accepted all of our changes up to this point. It was kind of Mahoning County came in last minute, you know, on Thursday last week with some additional changes and we just didn't accept all of them. But the Village doesn't even take on any responsibility until the line's been built, you know, pursuant to our regulations and it's been approved by our Engineer and until we accept it. So up to this point the Antonine Sisters are paying for everything, you know; and we just accept it, and going forward we have the responsibility to repair and maintain it. But you know, so there's a threshold before that responsibility kicks in. And I just saw today here with the E.P.A. did issue a permit for the water line, so.

MR. CAMPBELL: Good.

MR. PETERSON: So I know Council meets in a regular meeting --

MS. SLUSARCZYK: Tuesday.

MR. PETERSON: -- Tuesday. But would that -- I mean Friday at 10:30, that wouldn't even be enough time to get that on their agenda.

MS. SLUSARCZYK: Bill will do their packets Friday morning.

ATTY. RIES: We've been trying to get them like any other day closer because it's only about 10 to 15 minutes of attention. And actually Leo's been texting me. I want to see what he said and the entire group right now.

MS. NEIDER: He's coming.

ATTY. RIES: He just sent me -- I'll look at it here. They just sent me an MOU revised and that they think may resolve the issue, so we don't have a vote call on Friday. I'll look at this tonight and forward that to you guys.

MR. PETERSON: So should we schedule a meeting for next

Tuesday before Council is --

MS. SLUSARCZYK: I won't be here Tuesday. You can --

MR. PETERSON: All we would be doing is addressing that --

MS. SLUSARCZYK: Would they be required -- if there's no further changes and it could go to Council, right, if they agree to Mahoning County's changes were stricken, then the Board's okay with the MOU the way it stands, right, not the way it stands?

ATTY. RIES: With the red line. I don't know what it looks like. I'll have to go to my e-mail and look at it. It suggests there's might be some modifications rather than changes.

MR. PETERSON: I'm just wanting to be able to keep this moving.

MR. CAMPBELL: Yeah, without having a whole other month.

MR. SULLIVAN: It's a possibility if we could meet like at 3:00 Tuesday.

MR. CAMPBELL: It's not so much us, Mike. It's Council that's gonna be what we're trying to time and hit.

MR. PETERSON: Council meets at 6:00, so if we meet before Council.

MR. CAMPBELL: We can adjust pretty quick.

MR. PETERSON: It would just be one item. I can take -- I mean --

MR. SULLIVAN: Could we do that and still be on the agenda, or would they have to --

MS. SLUSARCZYK: I hold the agenda sometimes to the very last minute. You're not asking me to hold the agenda, you're asking Bill Blank to hold the agenda, so I think you have your answer. But I think 10:30 alright, he is going to be late Friday morning so it's probably not --

ATTY. RIES: Well, what I'm saying we might have --

MR. PETERSON: You may have something sooner?

ATTY. RIES: I have a draft of the agreement I'll look at. It sounds like we may be okay with the agreement tonight or tomorrow morning when I circulate it.

MR. PETERSON: So I guess let us know and we can just schedule a meeting even if it's Thursday or Friday I mean.

ATTY. RIES: Yeah. I'm out-of-town Friday like around noon, I'm going out-of-state.

MS. SLUSARCZYK: Me too.

MR. PETERSON: Okay.

MS. SLUSARCZYK: I won't be back Tuesday. As soon as Bill comes in and when we're swapping --

MR. SULLIVAN: So either -- well, Thursday then it looks like.

MS. SLUSARCZYK: Everybody is available for Thursday?

MR. CAMPBELL: I can do Thursday.

MR. PETERSON: What time are we talking Thursday?

MS. SLUSARCZYK: 3:00.

MR. PETERSON: If we do 3:00 I can pull it off. If we do any later I couldn't because I'm working afternoons at work.

MS. NEIDER: The surveyor is fixing that -- those comments per your e-mail.

MR. KOGELNIK: Thank you, Annissa.

ATTY. RIES: I can do Thursday at 3:00. We can -- we have to make sure the easements are finalized too because those are gonna be attached.

MR. PETERSON: Is 48 hours enough time, I guess?

MS. SLUSARCZYK: We'll know Wednesday. Tomorrow is Wednesday, and that's only giving me until 2:59 tomorrow to have the agenda posted with everything appropriate. I don't think that's likely

to happen. If it is, I will phone call each Board member and we'll go from there.

MR. CAMPBELL: Okay.

MR. PETERSON: Are you guys okay with that?

MR. SULLIVAN: I'll keep my phone on.

3. Lipkey Road Waterline Extension Easement

MR. PETERSON: All right. Item number 3, Lipkey Road water line extension. Does anybody else have anything else on that?

MR. KOGELNIK: We probably do.

MR. PETERSON: I figured.

MR. KOGELNIK: I will go quickly. We reviewed the easements and we commented on that, and Annissa and her team are already addressing the easements with which Matt already talked about. We've reviewed a small shift in the water line that was necessary to create that ten-foot separation from the sanitary force main, so they've done that. We've provided some -- well, I think what we need to do is talk about some milestones, about what needs to happen, because it's gonna happen, just -- it's gonna get done. We just need to -- I think there needs to be order with this. And one thing that is already being talked about, which is a good thing, is the construction of the water line. So is it possible -- do you want to ask your question, Annissa? Please do.

MS. NEIDER: And I apologize for all the e-mail headaches today. Annissa Neider. Once we got the E.P.A. approval that kind of finalized all of our permits. So we have Mahoning County, we have the E.P.A., and Lordstown has approved the technical aspect of the water line. The legal portion is pending. So I had asked can we start digging now while we finalize the legal aspects of these things to kind of give us more time because we have three weeks of construction. We're taking all the risk obviously by starting this construction. But I called Chris, I called Darren, and I talked to Leo today also and I talked to Mahoning County. But I don't know if that's reasonable, I just asked the question. Again, it was you don't know if you don't ask kind of thing.

MR. PETERSON: Do you want to take this one?

ATTY. RIES: I mean, it's certainly not, you know, strictly given like the pure legal advice would be, it's not prudent to do that. But you guys are digging over -- you guys are gonna be in Mahoning County. So I mean, I don't know if that -- we really have any interest. If Mahoning County says yeah go ahead, I would just make sure you get something in writing from them. It would be unofficial, but I mean you're not connecting to our water line or anything, we're not supplying water. I mean, you're not doing anything to any of our assets or property, so I don't know that.

MR. KOGELNIK: Yeah. That's the way Darren and that's the way I am looking at it. But from -- this is a unique circumstance with your easements. The worst thing that can happen is, for example, they build the water line in a spot where it's not in the easement and then they ask to approve the easement. So we'd have to make the grand assumption that the water line would be staked appropriately. That was the purpose of my question about the stakeout.

MS. NEIDER: Right.

MR. KOGELNIK: Whether or not the stakeout would, you know, put the line where it's supposed to be and that sort of thing, if you're gonna accept it. If the Antonine Sisters are gonna accept all the responsibility in the event that that stakeout has a problem with it, we shift the water line over and we -- you guys redo the easement to create that shift, then I don't have a problem with this concept moving forward with construction first. I did tell the Village my

direction for order about that a couple months ago which was easement first, you know, agreement next, that sort of thing.

MS. NEIDER: Yeah.

MR. KOGELNIK: So this is a question that I'm not -- I'm gonna stay out of.

MS. NEIDER: Yeah, I get it. And I'm an architect, I don't design water lines and I'm not ever gonna pretend like I do, and I'm probably not ever gonna do another one.

MR. SULLIVAN: Chris, is CT doing the stakeout?

MR. KOGELNIK: We're not even hired on this project.

MR. SULLIVAN: I don't know. I thought originally --

MR. KOGELNIK: No. So Annissa's contractor -- am I saying that correctly?

MS. NEIDER: B&B.

MR. KOGELNIK: B&B would complete the stakeout.

MS. NEIDER: Yes.

MR. KOGELNIK: So there's nothing that CT is doing on this project. We've given you our advice and that sort of thing. Annissa's team is chomping at the bit here to get this water line built, so are we. And we just want to know if that concept to start the water line construction now is sound.

MS. NEIDER: And precisely what Cindy's suggesting with holiday Monday and trying to rush everybody to approve documents, you know, overnight, we understand that that's difficult to get all parties to agree and, you know, going back and forth when, technically speaking, the water line is approved. It's really just the legal aspect. And again, I'm not trying to get myself sued or anybody else sued or, you know, in a legal bundle, just trying to save a week or two maybe. That's just -- again, it was an ask.

ATTY. RIES: I even mean from the Village's standpoint we don't have any liability or obligations until we approve and accept the line anyway once it's built. It's not taking place in our jurisdiction. So I don't know that this impacts us one way or the other. As long as the Antonine Sisters are proceeding at their own risk and they understand that. I would be more concerned about Mahoning County.

MS. NEIDER: I wouldn't proceed without their blessing too. I had a call in with Pat Ginnetti. They are good with the proceed without the agreement in place.

MR. KOGELNIK: The only thing I recall the Village has their signature on is the title sheet of the plans; is that correct?

MS. NEIDER: Well, it would also be the agreement between Mahoning County --

MR. KOGELNIK: But that's not executed yet.

ATTY. RIES: Yeah, that hasn't been executed. And again, it's only an agreement. Even if it was executed we're only --

MS. SLUSARCZYK: Don't they have to get a permit to work in the road right-of-way?

MR. KOGELNIK: I think she said that they got it.

(Atty. Leo Puhalla enters the meeting at this time.)

MR. KOGELNIK: Cindy asked if the County has granted the right-of-way permit.

MS. NEIDER: Yeah. And that was not -- in fact, Jeff just sent it to you so you wouldn't have seen it. He just sent an e-mail saying some language -- well, you'll see it -- that he wanted to add to something.

ATTY. RIES: What I'll say under our MOU, even though it's not signed, but even after it's signed it says "Upon the successful

installation and passing tests of the N. Lipkey Road Water Line Extension and service lines, built and constructed in compliance" with "the Village of Lordstown Water Departments' Rules and Regulations Governing Water Use and Service, Lordstown agrees to accept the N. Lipkey Road Water Line Extension into the public water system operated by Lordstown and to sell and supply water via the N. Lipkey Road water line so that the subject property has water service". It's not until then that even our obligations or liability kick in. If something is done and it's not in the easement and doesn't have to be fixed, we don't have any obligations to fix it. Everything is contingent on our final approval before we take on any responsibility. So I would say it's a little bit risky. But if Mahoning County gave you the blessing and if the Antonine Sisters understand if it's not dug in the right place it has to be done on their dime, we don't really have a dog in the fight at this juncture. Does that sound right to you, Leo?

ATTY. PUHALLA: I think that's consistent.

MR. KOGELNIK: We can't say that, we can't authorize that.

MR. PETERSON: Right, we have no authority.

MR. KOGELNIK: That was a figure of speech.

MR. BIGGS: The only thing we didn't know is when, because it needs to be inspected at that time.

MS. NEIDER: Sure.

MR. BIGGS: That we'll need to do.

MR. KOGELNIK: Okay. So to that point I've asked Annissa to provide a construction schedule so you can understand those milestones.

MS. NEIDER: Yep.

MR. KOGELNIK: Relative -- should I go on about the Lipkey Road water line? We talked about some pragmatic things like shop drawings. We'd like to see some cuts. I understand there's pipe already stockpiled on the site.

MS. NEIDER: Yes.

MR. KOGELNIK: So if the contractor can supply us with a typical cut sheet of the main -- we don't have to have all the pieces and parts but the main ingredient, the pipe, the polyethylene wrap -- let me underline the polyethylene wrap, the hydrant valves, those sorts of things. And if the contractor can provide at the end of the project his red-lined as-builts so that the Village can understand what changes may have been made on the project.

MS. NEIDER: Sure.

MR. KOGELNIK: They can have a document that traces that. So I put all of that into an email there and talked with you about that. That's what I can tell you about the project. I don't have anything more on it.

MR. PETERSON: Anything to add, Darren?

MR. BIGGS: Yeah, I do. We had talked about two taps going on that line. We talked about who was gonna pay for it, when it was gonna get done, it made sense why it was being put in to have done. They might need to know if that was required there or if it needs to be dug up and if it's gonna happen now because we haven't made it that far to decide how that's gonna play out.

MR. CAMPBELL: Good question.

MS. SLUSARCZYK: I believe it's built into the Memorandum of Understanding.

MS. NEIDER: On the drawings.

MR. CAMPBELL: I think more to your point is the time of --

MR. BIGGS: But if nothing is agreed to with that and they start it, I just want to make sure we are on the same page, are they gonna put it in or -- you know what I mean.

MR. CAMPBELL: Or is it up to us to go back out and dig it

up and put it in.

MR. KOGELNIK: It normally is a situation where you build a new water line, you don't make the service connections until last.

MS. NEIDER: Right.

MR. KOGELNIK: Yeah, please get that schedule so that we can understand the duration of your main line construction and then when, you know, the lateral services might be built or connected so Darren can inspect.

MR. BIGGS: Chris, we're on the same page. What I was at least thinking is the tap. It's easier to do the tap when you first put that in there. Obviously, we can't tie them in because they won't get water. But if the tap's already there maybe even more the other side. That's up to them or that's what I want to throw out there.

MR. KOGELNIK: Again, all I'll say is that same caveat. It would be, in my opinion, up to the contractor to do that at their own risk. If something needed to change, it would be on the Antonine Sisters.

ATTY. RIES: Yeah. Because the water extension to the main and the service lines have to be built, constructed and approved by us before our obligations kick in. And the agreement also says the water line extension and any connecting service lines are to be installed by a private contractor hired and paid for by the Antonine's.

MS. NEIDER: But not the extensions to the houses, only the extension to Antonine.

MR. KOGELNIK: I don't believe that's what he said.

MS. SLUSARCZYK: That's not what is written.

MR. KOGELNIK: He said services also, I think.

ATTY. RIES: Yeah, connecting service lines.

MS. NEIDER: So the Antonine Sisters have to pay for the houses on the service line.

ATTY. PUHALLA: I think we had something in the prior minutes of the prior meetings, but I don't recall exactly what they said. I would to have pull those minutes up. You're talking about the white house across the street, because that's the only other one tying in?

ATTY. RIES: Was that your understanding of it too?

ATTY. PUHALLA: My understanding was the Sisters pay for what the Sisters are tying into. I candidly did not contemplate the white house across the street.

MR. KOGELNIK: I think that that might be in the minutes from a prior meeting.

MR. CAMPBELL: We did as a Board say we would cover that. I just don't think it's in the agreement.

MR. PETERSON: I don't think it's in the agreement.

MS. SLUSARCZYK: I think the tap was supposed to be installed on the main and we would run the service line.

MR. KOGELNIK: Yes.

MR. PETERSON: Correct.

MS. SLUSARCZYK: That's my recollection.

MR. KOGELNIK: If that was the nature of your question.

MS. NEIDER: So we're to pay for the tap, and if the line gets extended later then Lordstown would pay?

MR. KOGELNIK: No, that's not what we're talking about.

MS. NEIDER: I'm not following.

MR. KOGELNIK: The main line is obviously being borne and paid for by the Antonine Sisters, and so is their connection.

MS. NEIDER: Right.

MR. KOGELNIK: But on the west side of the road there's a couple homes that you've seen the service --

MS. NEIDER: That I -- yeah.

MR. KOGELNIK: What they're talking about is the accuracy in the agreement as to whether or not those services should be paid for by the Antonine Sisters.

MS. NEIDER: Correct.

MR. KOGELNIK: And I don't know if that's accurate.

ATTY. PUHALLA: It probably needs to be addressed, because candidly in drafting it I don't think Darren's point is well-taken. I don't think it was contemplated between myself, Matt and, you know, the County. I think we did discuss it in a prior meeting a few minutes ago -- a few meetings ago I should say.

ATTY. RIES: Paragraph 6 says "For purposes of clarity, Lordstown's responsibility for future repairs and maintenance pertains only to the N. Lipkey Road Water Line Extension" in brackets "(water main extension) and not to any service lines connected thereto, which are the responsibility of the property owner(s)". Does that address --

ATTY. PUHALLA: Well, the property owners -- we don't own the white house across the street.

MS. SLUSARCZYK: Right. But it would be their responsibility, that home's responsibility.

ATTY. PUHALLA: Their being the white house.

MS. SLUSARCZYK: The service line is always the customer's.

MR. BIGGS: That's after it's in though. We had discussed -- Chris, what we had discussed was it's not that white home that we're talking about responsibility because we're moving the line. How are we gonna ask them to put a new one across thereto. So if we can get it done while it's there, I didn't know who was going to be paying for it. And I believe the Board thought it makes sense that we could actually, once it's there, pay for that service line. I actually went to B&B and asked them you're here, the equipment is here, would you be willing to do the work. They wasn't real sure about it, but I think -- essentially we didn't get anything in writing but they agreed to actually do that work. And I says that would not be on them from what I understood from talking with you.

MR. KOGELNIK: I think you'll find that in the minutes before.

ATTY. RIES: Okay.

MR. BIGGS: It just didn't seem right putting it on this homeowner. What you read, Matt, after it -- after the curb box, that's under our rules anyhow.

ATTY. RIES: So under Paragraph 1 when we talk about the connecting service lines, they are to be installed by a private contractor hired and paid for by the Antonines. Are you saying we want to include language except that the Village will pay for the service line to and identify the address? Is that what we're saying?

MR. PETERSON: Yeah.

MR. SULLIVAN: Yeah.

ATTY. RIES: Okay.

MS. SLUSARCZYK: Or that the Antonine Sisters will pay for the service line to their structure, to their building, and then it doesn't imply any further service lines at their cost.

MR. KOGELNIK: I don't know if that's needed.

MR. SULLIVAN: It's already in there I think.

MR. KOGELNIK: I think the added words that Matt just put in were enough. Can you read it with your works there?

ATTY. RIES: Yeah. So it would say that the N. Lipkey Road Water Line Extension and any connecting service lines are to be installed by a private contractor hired and paid for by the Antonines, except that the Village of Lordstown shall pay for the connecting service line to -- and then we'll put in the address. Is that what you guys are saying?

MR. KOGELNIK: Yeah.

MR. PETERSON: Correct.

MS. NEIDER: Yeah, that's how I understood it.

ATTY. RIES: Okay.

MR. PETERSON: What about the house further down, Darren?
Didn't you say something --

MR. BIGGS: We mentioned throwing a tap in there. I don't know if they want service or not.

MS. SLUSARCZYK: Our rules say that when a new line is installed, a tap -- if there's a home existing a tap has to be put in. So that's why I said --

MR. BIGGS: Definitely put a tap there.

MS. SLUSARCZYK: The taps are gonna be there, but the service lines are our responsibility. That's consistent with our rules.

MR. BIGGS: If they decided to tie in, obviously that's a good time; and it would be up to you guys whether that's the homeowner's or whether you are willing to take care of it.

MR. PETERSON: They are an existing customer. I would.

MR. BIGGS: It's not their fault we're moving.

MR. PETERSON: That would be on them.

MR. BIGGS: That's what I'm getting at. So the tap should be there, and then if they decide to tie in business as usual.

MR. SULLIVAN: I think it's a law they have to tie in if they are within so many feet.

MR. BIGGS: No. You don't have to tie in to water.

MR. CAMPBELL: That's sewer. What about the taps, the cost of the taps?

MR. BIGGS: Who's gonna cover that?

MR. CAMPBELL: Yeah.

ATTY. RIES: Do we want to add -- propose that additional language in there, or do we just want to clarify that -- I guess there's two approaches -- that the Antonines are only paying for their service lines. I don't know that we need to make it a contractual obligation that we're going to pay for the service line to the white house.

MR. PETERSON: I see what you're saying. Just say that the Antonine Sisters will pay for their service line, period. That way any additional cost would come back to us, correct?

ATTY. RIES: Yeah.

MR. PETERSON: Or how far -- you know what I mean -- if the new house would want to tap, you know, pay a tap-in fee and you run a line.

MR. CAMPBELL: It's a cleaner way. And if it goes back to Mahoning County, they're real confused with --

ATTY. RIES: What we'll do is say subject property is a properly defined term under this agreement to include both of the Antonine collectively -- there's two different entities -- but collectively their property. And they just have the one address for both properties.

ATTY. PUHALLA: Yeah. So you're saying the defined term subject property would be the Sisters plus the white house across the street?

ATTY. RIES: No, no. I'm saying the subject property is just the two Antonine properties, the Antonine Maronite Sisters, Inc. and the Antonine Sisters Adult Day Care. At that very first "whereas" we identify the subject property.

ATTY. PUHALLA: 2619 N. Lipkey. They only have the one service line as I understand it.

ATTY. RIES: So what if we revise this so we're not biting

off anything else for other property lines. The N. Lipkey Road water extension and any connecting service lines to the subject property are to be installed by a private contractor hired and pay for by the Antonines because that's limiting it to their property. Does that make sense?

ATTY. PUHALLA: Yes. Because in the end it should be a replacement what, of the existing line they have now plus one further down the street to the south, right, just --

MS. SLUSARCZYK: They'll have two service lines.

ATTY. PUHALLA: There will be two service lines in the end. So the nuns, the Sisters have to pay for those two.

MS. NEIDER: Correct.

ATTY. RIES: And that's both on the subject property as it's defined under our MOU.

ATTY. PUHALLA: I don't know if a street mailing address has been identified for the piece of the property that's under, correct, so I just used what was available.

ATTY. RIES: Okay.

MS. NEIDER: It's all the same parcel and all the same address.

ATTY. RIES: And is it the same parcel?

ATTY. PUHALLA: I believe it's all on the same parcel.

ATTY. RIES: Let's do this, and we're not obligating ourselves to something extra; and at the same time we're limiting it to the service lines for the Antonine property. Does that sound good?

ATTY. PUHALLA: And I'll look to see what the current structure that they are building I can say is the number known as permanent -- Mahoning County Permanent Parcel number and just blank, and that's clear then.

ATTY. RIES: It never HURTS to add a *PPN in there. We can do that.

ATTY. PUHALLA: We can do that.

ATTY. RIES: Okay.

MR. PETERSON: Good. Darren, are we good?

MR. BIGGS: Uh-huh.

MR. PETERSON: Okay. Any other discussion on Lipkey Road Water Line Extension? Seeing none --

OLD BUSINESS:

1. Antonine Village Phase 2 Expansion Water Line

MR. PETERSON: Old Business. Antonine Village Phase 2 Expansion Water Line. Anything else?

MS. SLUSARCZYK: Already addressed.

2. GIS Proposal

MR. PETERSON: Okay. GIS proposal.

MS. SLUSARCZYK: That's also complete. Would you like that removed from the Old Business?

MR. PETERSON: Yes, please.

3. Trumbull Energy Center - Sanitary Sewer

MR. PETERSON: Trumbull Energy Center Sanitary Sewer.

MR. KOGELNIK: No update. No feedback from TEC staff on that. In fact, we've got a water line that shows something different, a water line drawing from TEC from State Route 45's connection it shows something different. So when the time comes, we have something to disagree with of their sanitary sewer connection. We've already told Trumbull Energy Center where the Village prefers that their admin building connect onto your sanitary sewer.

MR. PETERSON: Okay.

MR. BIGGS: Have they seen that? Do they know what we --

MR. KOGELNIK: I think we drew a map and a line showing how to get there.

MR. BIGGS: No. Do they know what we had seen though, what their violations are?

MR. KOGELNIK: The Board members?

MR. BIGGS: Yeah.

MR. KOGELNIK: I don't know if the Board members have seen it.

MR. BIGGS: In the drawings for coming across 45, their connection there, in the drawings they're showing a 3-inch sanitary going to Tod Avenue. That's what's in there. Now this is water drawings, but they already have that in there saying they are going to connect to Trumbull County is the way I take that, so.

MR. PETERSON: But you've already told them that this is where they will go into ours?

MR. KOGELNIK: So anything different than that we'll just say it doesn't comply with the Village's directions to you, don't do it.

4. Project Funding

MR. PETERSON: Okay. All right. Item 4, Project Funding.

MR. KOGELNIK: Thursday the 31st we'll be submitting your two OPWC funding applications. It's my understanding that Warren Township has bowed out or they're gonna do their own roadway application for Hewitt-Gifford Road, so that frees the Village up to pursue as number one your Hallock Young water line connector. So on that one we're gonna ask for a \$75,000 grant for that one. On the Hallock Young water line connector, just recently we were told that the ARC funding application, the pre-app, scored I think number nine; and there was evidently an aggressive year for all those applications for infrastructure for ARC. The Village had the highest request, \$500,000, and you were allowed to make that request. It's just a -- it was more of a competitive program than was forecasted. So there were projects above you from 1 to 8 that were \$100,000, \$70,000--some I think one was. So we need to wait for somebody to change their position and then maybe you can be able to secure the 500,000 amount. But we won't know that until the final apps are done. So in the meantime we're making an application for OPWC to bolster that \$75,000 on the Hallock Young connector water line. And then on the water booster station, this is gonna be called the Old Pritchard Water Booster Station; for the funding application it's gonna go as it's named now, the Salt Springs Road Relocated Booster Station. But once construction comes up we're gonna name the plans and the project manual as the Old Pritchard Water Booster Station Improvements. So on that project for OPWC we had to first check, okay, well what did we ask for from Congressman Joyce's and the earmarked funding, that's true CPF. And that's probably going -- once this goes through it's billed through the state, it's probably gonna be allocated to an Ohio E.P.A. fund such as WSRLA. And then we'll be able to make a final application for that. Based on the amount of funding that Congressman Joyce's told us we might get in the valuation, I've calculated that we probably can request from OPWC a grant of \$177,000. So anything remaining after that would be on the Village's nickel. So the estimate for construction for the water booster station is \$424,000. My -- what I've calculated is \$177,000 from OPWC and I think it was something like \$247,000 or something like that from the earmark allocation. In the perfect scheme of things that would result in zero dollars for construction from the Village. Hopefully that happens, but I can't guarantee that. We'll do what we can. So those are the two funding applications we've been working on.

If -- do you have any questions.

MR. SULLIVAN: Yeah. What happened to the request that you were doing for the -- from Joyce's office, the \$4 million or \$15 million or whatever the number was.

MR. KOGELNIK: It started off at 15 and came become and said would you accept 4. We said the Village is interested in that. And so you need to stay in touch, that's for the Mike, the Bob Bonds and mayors of the world to talk with Congressman Joyce's office. So we haven't turned it down, Mike, we've only indicated that the Village is interested in receiving it. I've earmarked that in this project for the booster station. So you have potential that, I mean, from Congressman Joyce earmarked plus OPWC coming together to pay for the total of the construction. Did that answer your question? In terms of Congressman Joyce's office for the future 24-inch water line, the remainder would be allocated to that. Now --

MR. SULLIVAN: So we could take part of that \$4 million and use it for the Salt Springs project?

MR. KOGELNIK: Yes. So there was two projects in that allocation request to Congressman Joyce's, the booster station and the 24-inch water line.

MS. SLUSARCZYK: So we could pretty much get the booster station paid for 100 percent.

MR. KOGELNIK: Yes.

MR. SULLIVAN: And then we would have \$24 million --

MR. KOGELNIK: Toward the 24-inch water line.

MR. SULLIVAN: How long would we be able to hold on to that?

MR. KOGELNIK: I would have to find out. I don't write earmarks. To be honest with you, this is the first time I've ever worked with Congressman Joyce's office as well, but we've gotten several other marks this year from his office from other communities. So all I can do is ask for you. Now another thing that CT has done is prepared nominations for Ohio E.P.A. WSRLA on both projects, the 24-inch water line and Hallock Young Road water connector. So no matter what, you have that to rely on if you needed it. But it's a loan.

MR. PETERSON: It's a loan, yeah.

MR. KOGELNIK: So one way, shape or form we've got all those projects covered. What we're trying to do as time goes by if we've got time is to take advantage of some other funding agencies that are popping up and request more dollars and accept from them.

MR. SULLIVAN: Are any of those buildings for the Water Department?

MR. KOGELNIK: No, no. That's a tough request. There's not gonna be many funding agencies that would fund a building. So we just need to look at what your water revenues are going to do, your sewer revenues, because it is a sewer and water bill, then see where that takes you over time. Does the Board have any other questions for me?

MR. PETERSON: Thanks for your hard work.

5. Proposed Hallock Young Road Water Line Improvements

MR. PETERSON: Item number 5, Proposed Hallock Young Road Water Line Improvement. Have you got anything else on that?

MR. KOGELNIK: There's nothing on that.

6. Salt Springs Road Booster Station Relocation

MR. PETERSON: Salt Springs Road Booster Station Relocation.

MR. KOGELNIK: The design is going into final design right now. And I presume it's not gonna be long before somebody from the

Village is gonna have to reach out to the property owner and start saying hey, we've got a drafted easement sketch here, can you read this and determine if it's suitable so the Village can determine if they can get an easement from that property. I am told based on my conversations with that property owner -- I told them the size of the easement and what it's -- you know, what the intent of the project was, and he was all for it. But I don't think that there's any real issues. Like I said, the construction is estimated to cost around \$424,000. We're literally picking up the booster station building on Salt Springs Road, taking it over to, you know, his part of State Route 45, set it on a proposed site in that easement area, connecting it up to the water loop and powering it up to the new three-phase service from Ohio Edison and it's gonna have a propane back-up power generator, right? The LP?

MR. BIGGS: Yes, correct. Yeah.

MR. PETERSON: Okay.

MR. SULLIVAN: A question. When we pick that up and move it, what picks up the area that we're leaving?

MR. KOGELNIK: At least a good question, what happens to the site that we built back in 2016 and 2017. Darren, do you want to comment on -- okay. We don't want to go there right now, Mike. You're gonna have a fenced-in area where there's not gonna be a skid and a building, I can guarantee you that.

MR. PETERSON: Will you still have a pit there or --

MR. SULLIVAN: I'm just thinking about the amount of water, would that change?

MR. KOGELNIK: All right. So your delivery of water coming in from Niles, instead of the booster station on Salt Springs Road hauling water in and pumping it to State Route 45 where the power is at, your new booster station that's in that supports where the tank is at is pulling in. So that booster station on Salt Springs Road is not gonna be needed at all.

MR. PETERSON: Any other questions for Chris? Seeing none

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7. City of Niles/Mahoning Valley Sanitary District Water

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

ATTY. RIES: So we met with Niles a while ago now in June. Basically the issue is they are supposed to be charging us a fixed rate at \$2.53 per 1,000 gallons. And they started -- there's a provision in there that if Meander changes the rate they charge Niles, they can offset that difference so they are keeping their profit margin. The problem is the Meander rate is -- the rate they are charging Niles, it has to be changed by a court order; Mahoning County, Trumbull County judges have to approve it. They are interpreting however much they get charged by Meander they are charging us on a monthly basis. And the Mayor of Niles actually at one point sent the letter with a 90-day notice. That's the other thing, it requires a 90-day notice to change the rate. So it doesn't make sense that they can change it monthly because, you know. But at one point the Mayor did say send us a letter under that provision of the agreement because they thought they were gonna get the rate change when they petitioned the court, this is your notice that we're gonna change the rate so your rate will increase by this much. And that doesn't happen, the judges didn't approve it. So even the Mayor has acted in compliance with our interpretation of the agreement. Phil was supposed to reach out to me; he called me, I called him back. The ball is in his court. By Phil I mean Phil Zuzolo, the law director. I have not heard back from him. I left the voicemail. Are they charging \$2.43?

MS. SLUSARCZYK: \$2.53.

ATTY. RIES: Okay. So they're still charging the rate under our interpretation, okay.

MS. SLUSARCZYK: There was a period earlier in the year where they increased it, and we paid until it could be resolved. But then we have not since then. I actually think I told Becky to reconcile the differences and submit that to Niles. I'll check on that tomorrow morning and see if anything was said with those correspondences.

ATTY. RIES: So as of right now I'm waiting to hear back from the law director and they are charging us at the \$2.53 rate we agreed to.

MR. SULLIVAN: That's what you're talking about, the money where they fluctuated up they would show us some kind of --

MS. SLUSARCZYK: That's what I told her to do is calculate it out. And she was -- I told her to prepare it, and it was right before I left on vacation so I don't know where that was left. I will check on that, follow-up on that tomorrow too to be sure. But the bills come out at the beginning of the month and then I left, so now the new bills will be coming again.

MR. PETERSON: Any other questions?

8. Imperial Sewer Agreement

MR. PETERSON: Imperial Sewer Agreement.

MR. CAMPBELL: I don't think we ever scheduled that, did we?

MR. PETERSON: We kept moving meetings.

MR. CAMPBELL: And never got lined up again.

MR. PETERSON: Is that one I need to schedule to go to see when he's available. We'll put it on the agenda.

9. Rate Study - Water

MR. PETERSON: Rate Study - Water.

MR. KOGELNIK: Cindy, was there any update on the rate study, any last items that you were coordinating with Bob?

MS. SLUSARCZYK: I haven't spoke to Bob about the rate study for water in a long period of time. I did just talk to Jay in regards to the sanitary sewer rate study. He had reached out to me last week, and I told him that we met with the Utility Committee already and gave them a range to focus on but that's it. With Jay's -- with the sanitary sewer rates I'm pretty solid with. With the water rate study it's complicated, very complicated, so.

MR. KOGELNIK: Well if there's anything to uncomplicate the rate study or to make it just plain and any easier, can you please let Bob and I know. We'll make -- we'll try and move time around to make it work.

MS. SLUSARCZYK: Chris, until I have more direction on what we need to fund and how much I need to fund we're still gonna be kind of poking in the dark there. The Board -- even like with the sanitary sewer rate study, it talks about employees; and if I don't know if it's one or none or two, a huge difference. Then these projects. We have multiple projects, the Salt Springs -- you know, the booster pump station, Hallock Young water line extension, the new 24-inch water line.

MR. KOGELNIK: All right. So having said that, if you want me to line up, you know, what those estimated costs are because we have all of that.

MS. SLUSARCZYK: I think they're in there.

MR. KOGELNIK: It's just a matter of putting it on a piece of paper so that you can easily see it in front of you. If that's what it takes, Cindy, for us to help you to do that, we'll do it.

MS. SLUSARCZYK: I think I have that information within the rate study. But again, if it's a \$14 million project and I have to put \$14 million into the thing to see what our rates will be, you'll have no water customers in Lordstown because they will have all moved. So that's --

MR. PETERSON: We need to line up funding and know where we're at.

MS. SLUSARCZYK: I need to look into at least for the next year. Again, if we only work on it for one year rate adjustment, that needs to be addressed and done.

MR. KOGELNIK: Okay. So there needs to be some prioritization to that list.

MR. PETERSON: Yeah. Okay. Anything else on that?

10. Ultium

MR. PETERSON: Ultium. Any new updates?

(No response.)

11. Utility Department Building

MR. PETERSON: Utility Department Building. Any new updates?

MR. KOGELNIK: No.

MR. BIGGS: Not until we get the water study, water funding done. Like Cindy said, nothing is moving with that. We can't afford to do that. We can't rely on grants for anything. We gotta get that started. One year, two-year, five year --

MR. PETERSON: Even if we have to circle back a year.

MR. BIGGS: Gotta do something. Even with a building there's other things that we're gonna need to keep things going. The only thing we do right now is maintain. We don't do nothing to improve ourselves right now. We can't do that right now with the rates the way it is. And we can't rely on grants for everything. I don't know what it takes, but we gotta move forward with that study. I mean it's been what, two years now since we started that.

MR. PETERSON: Yeah.

MS. SLUSARCZYK: Last September is when I asked.

MR. BIGGS: And it was spelled out what projects and how long and it breaks it right down for you. CT did all the work. We need to plug it in and see where we need to be. That's the way I see it. But our utility building will be on there all the time and do we ever have -- it will all be on there. It will never go away because we're not doing anything about it. He told us every time we can't get a grant for it.

MR. PETERSON: You're not gonna get a grant for a building that I've ever seen.

MR. KOGELNIK: Yeah. In my experience I've never seen this done. That doesn't mean it can't be, I just --

MR. PETERSON: If you lop it in with some kind of project or something and expand it probably could, but --

MR. SULLIVAN: When they started talking about that when O'Brien said that he could get like two years attached to the budget --

MR. PETERSON: The capital budget funding.

MR. KOGELNIK: The capital budget funding is even very leery about buildings. What I think the Village should do it inevitable, you're gonna need a new roof probably before too long. You got a 412 pitch on that roof probably and those things just -- they're not good with rain, snow and having like that. You're gonna have to --

MR. SULLIVAN: Are you talking about his building or the maintenance?

MR. KOGELNIK: His current maintenance building. Let alone

whatever else, drains, electrical that is in the building. You gotta have some sacrificial costs until you build a new building. You probably should invite U.S.D.A. to the Village to talk with them about some grant/ loan programs for buildings. They do have a facilities program. U.S.D.A. though is an arduous process for funding.

MR. PETERSON: Yeah, I know. And the interest rate's usually --

MS. SLUSARCZYK: And we're gonna start with the water rates with the U.S.D.A.

MR. KOGELNIK: I'm just telling you that there's limited sources here. But if you really wanted to move that needle there's the existing building you gotta keep going, and there's a plan that you need to keep moving for funding on the future one. And that potentially put, you know, a new building back here where this parking area is. I can't say that that's a bad idea right now either. So you really need to do more homework unfortunately on this.

MS. SLUSARCZYK: I will put a noose around my neck in saying that I reached out to Councilman Moseley and told him he's in charge of building and grounds. The Police Department is having major issues. The Fire Department is too small, and the roofs on all the buildings are a problem. So I think the Village needs to take the time to comprehensively look at all their structures and see what's the best result for all the departments because it's gonna be significantly cheaper than trying to build one here, fix this one here, fix that one. And it's an issue throughout all the Village's buildings. So they need to sit down and talk about it and see what their options are.

MR. PETERSON: Have an entire plan for the whole Village together.

MS. SLUSARCZYK: The fire chief said they're jammed in there, you know.

MR. PETERSON: They are.

MS. SLUSARCZYK: He has no place for the new ambulance, so -- and the Police Department I guess is falling apart, so.

MR. KOGELNIK: And here we go, we're putting a roof on the admin building, we're putting a roof on the police building.

MS. SLUSARCZYK: Because there's no -- again, we need to sit down and sit at the table and go there are all the problems.

MR. SULLIVAN: Won't there be funding available for some of those? I know when we did this and did the maintenance building -- or no, that and the Police Department the last time we did it --

MR. KOGELNIK: Well, let's be accurate. Are you asking about grants or loans?

MR. SULLIVAN: Grants.

MR. KOGELNIK: No.

MR. SULLIVAN: We're looking at --

MR. KOGELNIK: You're not gonna be able to get a grant on a building.

MR. SULLIVAN: We got a \$25,000 grant to do a roof here and we got a grant to do one, I believe it was on the maintenance building. I don't know whether it was this one or the one in the park.

MR. KOGELNIK: Do you remember who that was from?

MR. SULLIVAN: No, I don't.

MR. KOGELNIK: Annissa, architect.

MS. NEIDER: You're right, there are no grants. U.S.D.A. is your best -- I can tell you right now Trumbull County is looking at that right now, U.S.D.A., to build a new maintenance building.

MR. KOGELNIK: Correct me if I'm wrong, City of Youngstown made a request to OPWC for part of a building a couple years ago, it was like a maintenance facility or something to store pipe. Do you remember that?

MS. NEIDER: I don't remember that.

MR. KOGELNIK: I don't think it was successful with OPWC. So I mean, it's very limited. Literally I really want this the Village to get that building, but.

MR. PETERSON: It's just the way they look at it. You build a building based on revenue.

MR. KOGELNIK: Furthermore -- yeah.

MR. PETERSON: Yeah, I mean --

MR. KOGELNIK: It's not a piece of infrastructure that is in --

MR. SULLIVAN: But I wasn't only talking about the building. They said all these things need to happen.

MR. KOGELNIK: What do you mean?

MR. SULLIVAN: Here the Fire Department, all those, if we put them in one basket then could we get some grants?

MR. KOGELNIK: I -- again, why don't you do that. I'm not the seasoned person at building facility funding. Invite the U.S.D.A. to a conversation. The gentleman -- John Miller is who you should talk to and Mike Antoneal. They have an office right in Massillon. And if you can't -- if they can't come here -- I've been told that they can travel to come visit, but if they can't it's only about 40 or so minutes down the road. It would be worthwhile.

MR. PETERSON: It would be worthwhile to see what they say and what's available.

MR. KOGELNIK: I visited these guys and thinking they were the only source, and actually they've put me onto other sources. So you should talk to them. I'm not gonna pretend to be the expert on that.

12. I&I

MR. PETERSON: Okay. I&I.

MR. KOGELNIK: This is something I need to work on, but I have been just inundated with other stuff. So I will get to it. .

MR. PETERSON: Okay.

13. Sanitary Sewer Rate Review

MR. PETERSON: Sanitary Sewer Rate Review.

MS. SLUSARCZYK: That was forwarded on to the Utility Committee and it's before Council. Went first reading last night. They have not set the rate, but you did give them some parameters to work within.

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

MR. PETERSON: Okay. Valve replacement along 24-inch water transmission line.

MR. CAMPBELL: We keep that on there to see if we have an opening to spring it and see if it works for us.

PUBLIC COMMENTS:

MR. PETERSON: Okay. Any additional Public Comments?
Seeing none --

REPORTS:

1. Solicitor's Report

MR. PETERSON: Solicitor's Report.

ATTY. RIES: No. I said everything.

2. Engineer's Report

MR. PETERSON: Engineer's report.

MR. KOGELNIK: Ditto.

3. Utility Committee Report

MR. PETERSON: Utility Committee report. I didn't hear anything else from Bob except for I knew they were meeting last night.

4. Clerk's Report

MR. PETERSON: Clerk's report.

MS. SLUSARCZYK: Nada.

5. Superintendent's Report

MR. PETERSON: Superintendent's report.

MR. BIGGS: Yep. For TEC we purchased a meter for temporary construction, you know, water for them. They have yet to come in and sign up for it or anything. So I wrote an e-mail to Steve Remillard asking basically what -- because they drilled a well on the floor there, what's the well for, how long is it gonna be there, what's it going to supply, do I need to send this meter back or are we just holding on to it. HE won't answer me. So this has been quite a while ago. So I don't know what we should do with this meter that's been sitting upstairs because they are finding ways around to get water. I mean, they are getting water from Jackson and they got a well there now, so. I was just wondering what you guys were thinking about. I did call and they said yeah, they won't give us a re-stocking fee, I told them the story. I don't know how long I can hold this meter before we end up paying more for it or we have to keep it.

MR. PETERSON: Is it something you can absorb into the system?

MR. BIGGS: It's a four-inch. It would be hard to fit. I'm not saying it's not possible, but it's --

MR. PETERSON: Can we send it back and bill TEC for the re-stocking fee.

MR. BIGGS: They are not going to charge us a re-stocking fee, they agreed not to. They would charge us the shipping and he would give us a credit because he understood the situation.

ATTY. RIES: We're kind of at a catch-22 with them. I just met with Steve Remillard yesterday in Columbus. We're trying to work cooperatively with them. The reason that we didn't allow them access to water is because they don't have the zoning permit, they haven't undergone site plan review. In talking to Steve yesterday, they're gonna be more cooperative with site plan review, get a zoning permit. They are using that well for construction water only. I can follow-up with him on -- how much is that, how much is the cost.

MR. BIGGS: Cindy, do you remember? I don't either.

MS. SLUSARCZYK: No. Maybe two-. Matt, they're gonna say we're not reimbursing you, they are gonna blame us because we asked for access and you guys didn't give it to us.

MR. BIGGS: The only reimbursement we would ask for anyways was shipping. We'll get credit with this company we use all the time anyway.

MS. SLUSARCZYK: We want reimbursed for the cost of the meter.

MR. BIGGS: They will give us a credit. They will take the meter back.

MS. SLUSARCZYK: Right.

MR. BIGGS: So there won't be a cost to us.

ATTY. RIES: So just shipping is our only out of pocket.

MR. BIGGS: Shipping here and shipping back, yeah, correct, because he's gonna give the re-stocking and he understood the situation and give us a credit. This is a company we use all the time so we'll end up spending the money. I don't want to send it back and TEC says

hey we need construction water and that one moved on, and now with the way things are it could be a month-and-a-half before I get another meter in here. So I was just wondering how long do I wait on it. If Steve would have answered me, you know what I mean. They say they are going to communicate better, I would have known. But I can't sit on a meter for somebody that they won't even respond and with anything. You know, they're getting Jackson water and they drilled a well.

ATTY. RIES: I mean, you guys won't give them access without a zoning permit, right? They've agreed to get a zoning permit, but that's not gonna be any time soon. That's all I can say. I mean, it's not gonna be -- it's not gonna be any time soon. Maybe a couple of months on the short end because they have to go through site plan review, we have to deal with the zone change issue again, and we're at very preliminary stages of site plan review. So even if they did eventually get the zoning permit, get the address and request to hook up the water --

MR. PETERSON: They got a well over there. I don't know that we want to give them water. How do we no cross-combinations --

MS. SLUSARCZYK: Doesn't that change the game?

MR. PETERSON: That changes the game plan. To me it does.

MR. CAMPBELL: It sounds like they don't need it. I'm saying send it back.

MR. KOGELNIK: Yeah.

MR. CAMPBELL: Send it back, get what we can out of it. Send them a bill. If they pay it, okay. If they don't --

MR. KOGELNIK: Darren is saying if they won't communicate how could you reliably protect --

MR. PETERSON: That's kind of what I'm thinking.

MR. BIGGS: As long as I know what they're doing with it, is it a concern or not. I don't know because he won't even answer me.

MR. PETERSON: Yeah. That would be my opinion, send it back. Everybody agreed.

MR. CAMPBELL: Agree.

MR. BIGGS: Okay.

MR. PETERSON: Send it back.

MR. BIGGS: The other thing, we got an opening. I was gonna ask permission to advertise for employment.

MR. PETERSON: Oh, okay.

MR. BIGGS: So I need permission, probably both -- we'll need both a foreman and a --

MR. PETERSON: So you want to advertise for two positions?

MR. BIGGS: We'll have to advertise for both, right? That's okay? All right.

MR. PETERSON: Yeah. Are you guys okay with it?

MR. CAMPBELL: Yeah.

MR. BIGGS: Just need an official, okay. I ordered some meters and antennas for residential business as usual, came to \$7,038.27. I just need approval for that.

MR. SULLIVAN: I make a motion to approve.

MR. CAMPBELL: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Motion passed.

MR. BIGGS: They're bringing in some topsoil right now to finish off the surrounding area, and possibly on the 11th we may start filling. That's where we're at with the new tank.

MR. SULLIVAN: For what's that?

MR. BIGGS: What's that?

MR. PETERSON: The new tank.

MR. BIGGS: Our new tank. We may start filling it on the

11th. That's what we're looking at right now. And then we can go from there. One of the things I wanted to bring up in case we might want to put into our contract is travel, paying the guys for travel. If they go to a school that's, however, far away, half an hour, you know, two hours, three hours, they don't get paid. I had the guys for a free class, a very good one too. And I don't remember if it was an hour away, hour-and-a-half or whatever else, but they won't go because they're not getting paid for two, three hours of drive time. And I believe that they should, but that's up to you guys. So I mean, might be something to think about to put in our contract if it's the end of the year if it's gonna be opened or whatever. But I mean, these are free classes, and I can't even get the guys to go.

MR. PETERSON: I don't think contracts are up until the end of next year, correct?

MR. CAMPBELL: I don't remember at this point. I think you're right.

MR. PETERSON: I think there's still another year-and-a-half left.

MS. SLUSARCZYK: I think there's a special ordinance for employee reimbursement. You might want to review it.

MR. CAMPBELL: Maybe we can sneak it in with that. Are you talking about reimbursement for gas or mileage or being compensated for the hours?

MR. BIGGS: Not a reimbursement at all. Say they had to be in --

MS. SLUSARCZYK: Columbus.

MR. BIGGS: Normally they're not that far. A class started at 8:00, so they'll come here and clock in, they can go down there for a class, when they come back clock out. That travel time won't be paid though.

MR. SULLIVAN: Could they take a company vehicle to be down and back?

MR. BIGGS: Most of the time, yes. That's correct.

MR. SULLIVAN: You're talking about reimbursing them for the hours?

MR. BIGGS: Just paying them. Once they clock in business as usual, instead of deducting that time.

MR. PETERSON: Does it specifically say in the contract they will not be paid?

MR. BIGGS: No, I don't think I seen anything on there. I did ask about that, Chris. Remember, I talked about that. And the only thing I got was let's ask the Police Department what they do. That was the answer I got. And they said they don't do that. But that has nothing to do about what we do, you know what I mean. It just makes sense.

ATTY. RIES: These are hourly -- if these are hourly workers and they are going down there at our direction, they need to be compensated under wage and hourly.

MR. BIGGS: I absolutely agree. But I was told no. I even thought you don't pay them coming from their home, but after that --

MR. SULLIVAN: From here.

MR. PETERSON: When they clock in, they come back, they clock out.

MR. BIGGS: I agree. But it was not in there, and I was told we could not do that. The guys said we're not gonna waste three hours out of our day we're doing this for. This was a free class that they were going to also.

ATTY. RIES: By law, if they are hourly workers and they are acting at our direction they have to be paid.

MR. BIGGS: I agree. The thing of it is, Matt, I don't

know if it makes a difference, it's not a mandatory class. I find a class that's free, guys are you willing, hey we can open this up, this is a good class for you to learn. I got a lot of newer guys, you know what I mean, and it helps out the Village and it helps them out. And it's not mandatory though.

MR. PETERSON: If they're going to class at the Board's direction --

MS. SLUSARCZYK: I was gonna say the Superintendent or the President of the Board tells them the schooling is approved, it doesn't matter if it's required, voluntary/involuntary, it's approved.

ATTY. RIES: Yeah, it's for the benefit of the Village. Any time somebody clocks in they have to be paid until they clock out. You can't have people clock in and out and they --

MR. BIGGS: I agree. That wasn't the consensus I got. You don't have to change my mind.

MS. SLUSARCZYK: My question after this, say it is now an 11-hour day, after 8 hours they would be paid overtime, correct?

ATTY. RIES: Well, you'd have to take it over a 40-hour work week. It doesn't matter if they work more than 8 hours in a day. However, the work week is defined, it's 40 hours within that work week for overtime purposes. You can work 12 hours a day, but if you're not hitting 40 at the end of the work week you're still not entitled to overtime. If you're not tracking it and those are non-exempt employees they should technically be paid overtime if it bumps them into more than 40 hours. That's where a lot of people get into trouble. I would pay them and keep track of it.

MR. BIGGS: I don't know if we need a special thing or not, but Bill said no and so did Brent. I'm not real sure why we asked him, but that's what happened. So if I can, I mean, I gotta go through payroll up there if they say they ain't paying them for it.

MS. SLUSARCZYK: They would have to get an opinion from Matt to not pay them also.

ATTY. RIES: I'll draft an opinion letter. And just so I'm clear, they're on the clock but they are being asked to go to do this additional training. Do they have to maintain that training as a requirement of their job?

MR. BIGGS: Yes and no.

MR. PETERSON: Some of them. CE.

MR. BIGGS: We do have continuing education that we have to have. They're so new, Matt, right now that they're not required to have that yet, okay. So right now, no. Eventually yes. And we do pay for continuing education hours but normally we don't travel, we do it online or whatnot. This just happened, this was a different one, it was a field day. Chris, you're familiar with that, right? A lot of times you're just sitting there online. This is actually hands-on and very good for the newer guys, that's why I wanted to send them. RCAP put it on and it's free. I asked them, they was all for it. I told them you can't get paid for travel, and they are like no thank you then.

ATTY. RIES: The only reason they are going is you as their boss is asking them to go to better their jobs?

MR. BIGGS: It wasn't they were against the school. They couldn't agree to three hours out of their day when they are doing something for the Village.

MS. SLUSARCZYK: That you requested.

ATTY. RIES: Yeah, I'll put together a letter.

MR. PETERSON: Thank you.

ATTY. RIES: Legal opinion. Who do you want me to address that to?

MR. BIGGS: Bill Blank.

ATTY. RIES: I'll put together an opinion letter.

MR. PETERSON: What else you got, Darren?

MR. BIGGS: One last thing. The Austintown-Warren work that we had, I e-mailed you gentleman with the quotes for it. We just need --

MR. PETERSON: Just need to make it official.

MR. BIGGS: Yeah.

MR. PETERSON: What was the cost?

MR. BIGGS: Well Lee's was the lowest at \$7,000. Do you need the rest of them or --

MR. PETERSON: No. I make a motion for Lee's Excavating to do the work on Austintown-Warren for your -- it's a hydrant repair, correct?

MR. BIGGS: It -- actually it's a line repair is what it is. But it happens to be right on the T4 hydrant, so that T will need to be replaced. That hydrant's about 50 years old, we're gonna give them one of ours. I have three of them back there I think are from 2021. I'd rather that won't be in the cost, I'll just donate; and if I need one we'll get a newer one so it isn't sitting around. So it will be the T and the line. The hydrant will get replaced though just because it -- you gotta pull it anyways.

MR. PETERSON: You might as well replace it. Is there a second?

MR. CAMPBELL: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passes.

MR. BIGGS: That's all I got.

MEMBER COMMENTS:

MR. PETERSON: Member Comments.

(No response.)

Quarterly Approval of Billing Adjustments:

MR. PETERSON: Any billing adjustments for July?

MR. SULLIVAN: I'll be on vacation from the 13th of October until the 29th. I think our next meeting is what, the 21st?

MR. PETERSON: 13th to 29th you said?

MR. SULLIVAN: Yeah.

MR. PETERSON: There's a meeting in there somewhere.

MS. SLUSARCZYK: September 19 is the next scheduled BPA meeting.

MR. SULLIVAN: Well, I'm talking October.

MR. PETERSON: Oh, the 17th would be our --

MR. CAMPBELL: 17th is the regular meeting.

MR. PETERSON: So you just won't be here for the next regular meeting. That's fine. Kevin, are you available?

MR. CAMPBELL: Yeah.

MR. PETERSON: Quarterly approval of billing adjustment.

MS. SLUSARCZYK: You didn't do that in July. It needs to be done.

MR. CAMPBELL: I looked at them, but I was the only within up there so.

MR. SULLIVAN: They're good?

MR. CAMPBELL: Yes. By my eye. But I'm only one vote so.

MR. PETERSON: Are you good? Are you making a motion, Kevin?

MR. CAMPBELL: All right. I'll make a motion to approve

the quarterly billing adjustments.

MR. SULLIVAN: Second.
MR. PETERSON: All in favor?
(All respond aye.)
MR. PETERSON: All opposed?
(No response.)
MR. PETERSON: Motion passed.

ADJOURNMENT:

MR. PETERSON: Motion to adjourn.
MR. SULLIVAN: So moved.
MR. PETERSON: I'll second. All in favor?
(All respond aye.)
MR. PETERSON: All opposed?
(No response.)
MR. PETERSON: Thank you.

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 3rd day of October, 2023.

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

Submitted by:

Approved By:

Cinthia Slusarczyk, Clerk

Christopher Peterson, President