

December 17

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RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
December 17, 2024
1:05 p.m. to **

IN ATTENDANCE: Mr. Christopher Peterson, President
Mr. Michael Sullivan, Vice-President
Mr. Stanley Czeck, Board Member
Mr. Darren Biggs, Supt. of Utilities
Ms. Cinthia Slusarczyk, Clerk
Atty. Matthew Ries, Solicitor

ALSO PRESENT: Ms. Jackie Woodward, Mayor
Mr. Terry Campbell, Utilities Committee
Mr. Robert Bond, Utilities Committee
Mr. Tom Cowie, Imperial Communities
Mr. Steve Remillard, Clean Energy Future
Mr. Aaron Bruggeman, Bricker Graydon
Ms. Nancy Goddard

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 17th of December, 2024.

MR. PETERSON: I'd like to call this regular Board meeting December 17 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: Christopher Peterson.
MR. PETERSON: Present.
MS. SLUSARCZYK: Michael Sullivan.
(No response.)
MS. SLUSARCZYK: Stanley Czeck.
MR. CZECK: Here.
MS. SLUSARCZYK: Darren Biggs.
(No response.)
MS. SLUSARCZYK: Cinthia Slusarczyk, present. Chris Kogelnik.
(No response.)
MS. SLUSARCZYK: And Matt Ries.
ATTY. RIES: Present.
MR. PETERSON: Darren will be down in a minute. I was just actually with him. **Do we want to make a motion to excuse Mike or --**
MR. CZECK: I'll make a motion, but --
MR. PETERSON: He's on his way.
MR. CZECK: He's in route.
MR. PETERSON: I'll second the motion. All in favor?
(All respond aye.)
MR. PETERSON: Opposed?
(No response.)
MR. PETERSON: And I'll make a motion we excuse Chris

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Kogelnik. He's feeling sick today.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Motion passed.

APPROVAL AND CORRECTION OF MINUTES:

October 28, 2024

November 19, 2024

MR. PETERSON: Approval and correction of the minutes for October 28 and November 19. You got a chance to review them.

MR. CZECK: Yeah.

MR. PETERSON: I make a motion we accept the minutes from October 28.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed. And I'll make a motion we accept the minutes from November 19.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

CORRESPONDENCE:

MR. PETERSON: Correspondence.

MS. SLUSARCZYK: No correspondence.

MR. PETERSON: No correspondence.

PUBLIC COMMENTS:

MR. PETERSON: Public Comments. Anybody wish to make a public comment? Okay. Seeing none --

NEW BUSINESS:

1. 2025 Yearly Meeting Dates

MR. PETERSON: New Business, the 2025 Yearly Meeting Dates.

MR. CZECK: Yeah. The first one in January I'd like to move up.

MR. PETERSON: Okay. Do you want to move it to the 7th, is that what you were thinking?

MR. CZECK: Yes. Because I think you're gone the next week.

MR. PETERSON: Yeah, I am gone the next week.

MR. CZECK: So I'd like to change the first meeting to January 7.

MR. PETERSON: Do we need a motion to do that?

MS. SLUSARCZYK: Yes. That's your rules of order.

MR. CZECK: All right. I'll make a motion to move the January meeting to the 7th.

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

(All respond aye.)

MR. PETERSON: Opposed?

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(No response.)

MR. PETERSON: Motion passed. And then accept the 2025 yearly meeting dates with that change?

MR. CZECK: February, that's questionable.

(Mike Sullivan enters the meeting at this time.)

MR. PETERSON: I make a motion we accept the 2025 yearly meeting dates.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

2. Rules and Regulations Governing Water Use and Service

MR. PETERSON: Item number 2, Rules and Regulations Governing Water Use and Service. I know we discussed this at our last meeting. Did you guys get a chance to take a look at them or --

MR. CZECK: I didn't see anything that outstanding.

MR. PETERSON: Yeah. I think the question was about how we -- Cindy, correct me if I'm wrong -- how we do late notices.

MS. SLUSARCZYK: I think there was a request to do another notice to the public. And I talked to each one of you and I said they get to bill, after the due date they get a reminder/shut-off notice; and before that date of shut-off, two days before the day of shut-off they get a door tag. So we have the bill, a reminder shut-off notice and a tag. We take three steps to get the bill paid.

MR. CZECK: Yeah. But I was thinking maybe we should have an additional step, like one forgiveness over a time, you know, two, three years. That way it's not a recurring event.

MR. SULLIVAN: You're saying if it is a recurring event --

MR. CZECK: But you would have a one-time -- we could set it for whatever, on a year, two-year span. And if you don't have any problems, this will continue to move on. But if you're a problem and this occurs all the time, well then you're going to have to pay a penalty.

MR. PETERSON: Like a one-time forgiveness every three years?

MR. CZECK: Something like that. Because I know it happens. It doesn't happen a lot, but it will happen because there's been times myself where I didn't get anything in the mail and no bill, and you don't think about my water bill's due.

MR. SULLIVAN: Last one I never got a bill.

MR. CZECK: Like Mike had the same thing happen to him. So I wouldn't mind changing that to a one-time forgiveness of the penalty.

MR. PETERSON: Okay. Can we do that by motion, or does that need to be written up and approved.

ATTY. RIES: I'll need to write it up formally and amend the rules. You can do a motion to have me go ahead and make that change.

MR. PETERSON: Okay. I'll make a motion Matt works on making that change, three-year time period for one-time forgiveness.

MR. CZECK: I'll second that.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

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(No response.)

MR. PETERSON: Motion passed. Okay.

MS. SLUSARCZYK: Can I elaborate? Is that something that I still need to bring before the Board, or is that something I can automatically do upon the request of the customer as long as it's one time?

MR. PETERSON: I would say you can automatically do it.

MR. CZECK: You should be able to take care of that.

MS. SLUSARCZYK: Okay. Thank you.

OLD BUSINESS:

1. Construction Water Request for TEC Site from State Route 45 (Tod Ave.)

MR. PETERSON: Okay. No other New Business, Old Business. Construction Water Request for TEC Site from State Route 45 (Tod Ave.). Do you want this one or --

ATTY. RIES: We had a conference call about a week ago with the gentlemen here, and it was decided that it might be a good idea for them to attend the next BPA meeting. Just kind of big picture of the issue is right now we have a water supply agreement with them for -- and with the City of Warren for the TEC project. They've made a request to connect to the 16-inch line for purposes of construction water. Our agreement addresses that line as being used for redundancy, it contemplates production water in a closed valve system. So their request is can they access it now for the construction water while the 24-inch line is being built; and if so, who's going to be the appropriate person, is it going to be Gemma or Clean Energy Future on the agreement and that my require an addendum. And the other issue is if we do allow them to access that line, what's the rate going to be. So they wanted to be here, we wanted this to be a bigger discussion to have all Board members, all the trustees involved. So that's the issue. Chris, I don't know if you want to take it from there.

MR. REMILLARD: Steve Remillard from Clean Energy Future Trumbull. Thank you for the time on the call. And during our conversation it really became apparent in terms of the volumes and expectations as we do what's called commissioning at the end of construction before we can go operational is those activities require some volumes of water and slightly more it would be better for us if we could take that off of the 16-inch versus the small connection we have in Henn Parkway. I think there was concern about this being used for production water and electricity, and that's not the case. We can't run the plant with that, the water that's available in Tod Avenue, that's just not enough. This is just to help facilitate the finishing of construction while the main supply line from Warren is being constructed. And that should be -- we expect operational in July. We're hoping it could be early June, but to hit the target dates for some of the big uses during commissioning over the summer that was the intent. Some of the volumes, it's roughly 1.1 million gallon a day connection, that's not the flows that we would be using. We'll be starting out something much smaller than that at the beginning of, you know, commissioning. We were looking somewhere, you know, about 75,000 gallons per day for the first couple of months, and then it might go to like 100,000 gallons a day and then ultimately, I think, you know, probably 250. But we didn't see it going to take 1.1 continuously. Another item that we did talk about was that we have what they call a lake tank, which the construction company will store water there and

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they'll reuse water to preserve again for water conservation. So that's not to put any strain on the system. So we would like to ask the Board to consider, you know, allowing us to take that water. I think the -- when we were talking about the deposit for it, you know, we were looking at some of the numbers. You know, the estimated total per month, you know, is going to be like 17,000 for the first couple of months, then it would step up to about \$36,000 for the next two months and then, you know, May-June-July about 60,000 a month. So just to give you a rough estimate in terms of volumes and what we were thinking about in terms of the rate that you had posted in the addendum --

MS. SLUSARCZYK: Your totals are 17, 36 and 60 thousand gallons a month?

MR. REMILLARD: Yeah, for the first -- January- February about 17,000, and then the next couple of months it steps up to basically doubling that.

MR. PETERSON: Is that per month or per day?

MR. REMILLARD: Per month. That's the -- those -- again we were talking with the numbers that were in the addendum, just to give you an overview of what the revenue or the -- you know, the cost would be. So we were using that 12 dollars and 30-some odd cents --

MR. PETERSON: I think we were under the impression it was a lot more water.

MS. SLUSARCZYK: They have a 4-inch tap on Henn Parkway right now which, correct me if I'm wrong, they could get that kind of water off of the 4-inch tap.

MR. REMILLARD: The challenge is when you're trying to get it down to the locations where we're trying to commission, that's north and it's a small line -- small diameter and taking those volumes off and using hoses and things to get it down, that would be -- you know, it's a larger diameter pipe and, therefore, it would, you know, facilitate the filling and the other uses on the site.

MR. CZECK: So the issue with you, with Gemma is not the cost of the water but the deposit? Is that what the problem is? Since you're not really going to be using that much water.

MR. REMILLARD: We're not going to be using that much water, that's right. So we just wanted to put some perspective on it. When we had the phone call it was clear that maybe folks weren't understanding the use, folks were concerned about it being used for production water, which that's not --

MR. CZECK: Plus it sounded like a million gallons a day at some point, so that's why we have such a large deposit. Okay, not --

MR. REMILLARD: But a million gallons a day the flow could be, you know, for, you know, 12 hours could be a high flow; and then it drops down because they filled that piece of equipment or they've done that test. And so I don't want folks to think it's 1.1 million gallons a day 30 days a month every day and 24 hours a day. That's not how it works. So we wanted to at least give you a better picture of how the water gets used.

MR. CZECK: Well, that's a whole different picture now.

MR. SULLIVAN: What do you think, Darren?

MR. BIGGS: Overall, Mike, or the deposit or --

MR. SULLIVAN: No, overall. Them tapping in there to the
16.

MR. BIGGS: I don't see any issue with that, Mike. They need the flow, it don't come off of our system, and we would still be charging -- they're still our customer. On my end it seems perfectly

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legit. They need it, we're selling it, and, you know, Warren is still going to supply it but they are ultimately our customer. So I think it's a perfect situation for us.

MR. SULLIVAN: And it would be able to be metered on that 16?

MR. REMILLARD: Meters are installed, yep, that's right.

MR. CZECK: So are you okay with the rate which -- what is our rate?

ATTY. RIES: \$12.38 is the outside user rate.

MR. CZECK: Okay. So is the rate in question too or more the deposit?

MR. REMILLARD: Well, if you want to give us a discount on the rate we won't say no. But no, we just -- we'll work with you. Just the deposit we thought was a little steep but --

MR. CZECK: Well, we were anticipating large --

MR. PETERSON: Large use, yeah.

MR. CZECK: Well, we can --

MR. SULLIVAN: -- take a look at that.

MR. CZECK: Yeah.

MR. PETERSON: What's the typical deposit, Cindy, for construction water use?

MS. SLUSARCZYK: Transient user deposits are \$500 to \$1,000, and that is -- that was created when we were selling bulk water for pool haulers. They would come in and buy 20,000 gallons maybe, you know, 10, 20 thousand gallons two or three times a month and, you know, running tabs until the end of the month. And that's when that was put into place with that figure. With 60,000 gallons a month --

MR. REMILLARD: So maybe what I could suggest is maybe since the flow is going to be lower the first couple of months maybe we could do something if we put in like \$30,000 as a deposit. And if you see the first bill -- and we expect that's going to be in the 15 to 17 thousand dollars -- if we start to see it go up, then we step up the deposit, you know. We could do that or --

MS. SLUSARCZYK: You said 60,000 gallons a month in three months out?

MR. REMILLARD: No. 60,000 based on the \$12 per thousand gallons based on our volume. It's not --

MR. PETERSON: You're on revenue, not on gallons?

MR. REMILLARD: 75,000 the first couple of months, then it goes to 150, and then it's about 250 gallons per day. But again, looking at it --

MR. PETERSON: That will make a little bit more sense.

MR. REMILLARD: It's not every day, so that's why we did -- okay it's five, five days a week. So okay, put that at five days a week conservatively, and then using your \$12 rate that's what we were coming up with that about \$17,000 for the first couple of months at the low. Then when we step up it goes to 37, and then the last two months we might hit a little over 60. So -- but like I say, I think everyone on the call was thinking you're going to be taking 1.1 million gallons a day right around the clock.

MR. PETERSON: That was our understanding.

MR. REMILLARD: It's going to ramp up, and hopefully before we would get to 1.1 the new line would be in service so --

MR. PETERSON: What's your guys' pleasures?

MR. CZECK: Is their billing monthly or quarterly?

MS. SLUSARCZYK: Monthly.

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MR. CZECK: Okay. Yeah, I think we can lower that, definitely lower. And you thought \$30,000 would be fair for you guys, I mean --

MR. REMILLARD: We could start with 30, and we say if you see it --

MR. CZECK: Because it was 80-something.

MR. REMILLARD: It was 85, or 30 is in half.

MR. SULLIVAN: What do you think, Cindy?

MS. SLUSARCZYK: Based on those volumes, Mike, I think it will suffice. Like he said, if they do happen to pull more water, then we come back to the Board. And maybe the agreement is kind of open-ended, maybe you put the time frame on the agreement. And that way if you say now until June 1 or June 30, then they have to come in and just fill out a new agreement and we can evaluate it at that time if you wanted to do that. But I don't know that that would be necessary.

MR. PETERSON: I'm fine with that.

MR. SULLIVAN: Yeah.

MR. CZECK: Okay. Now that we understand this a little better, I think we have a much better picture of what is going to happen.

ATTY. RIES: Well, my understanding is these agreements for bulk water have always been approved without a motion. They just -- Cindy has them. I've already prepared it. But we should do a motion on the deposit and to -- I mean, the outside user rate is what it is. The other issue that came up was who's going to be purchasing the water; is it going to be Gemma or Trumbull Energy -- or Clean Energy Future Trumbull. That became -- we need to figure that out because that became a point of disagreement to some extent on the phone call.

MR. REMILLARD: And we're prepared to have Gemma come down, and we'll work out the arrangements to have it set up so we can at least get the water flowing and then work out that, you know, over the next couple of months. And ideally it would be when we get the main line connected, it's going to run through those same meters; so I guess that account is going to have to transfer to us at some point. But I think that could work out in the near term.

ATTY. RIES: Okay. And the City of Warren's already approved this set-up, so -- last week they approved it. So yeah, I guess just the motion on the deposit would be the only thing since that's out of the ordinary for what we're doing here.

MR. PETERSON: I'll make a motion we require a \$30,000 deposit for the 16-inch.

MR. SULLIVAN: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MS. SLUSARCZYK: Chris, for clarification it's the 16-inch water main you're talking, \$30,000 for the bulk water agreement.

MR. PETERSON: Correct.

MR. REMILLARD: Thank you.

MR. CZECK: All right, thank you.

MR. PETERSON: Thank you.

2. Niles Bulk Water Agreement

MR. PETERSON: Okay. Next item, Niles Bulk Water Agreement.

ATTY. RIES: I reached out to their law director again. I'm waiting to hear back. They at this point are -- I mean --

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MR. PETERSON: Not talking to you.

ATTY. RIES: Well, and they are kind of cutting their own throats. I mean, they are losing money on their interpretation of the agreement. So we've been following the Meander \$2.53 rate and they just -- I've reached out to the law director and waiting to hear back. I know Cindy's had some communications with them too. But this interpretation of the agreement is they are working against themselves. It doesn't make sense. We're trying to follow what is pretty plain in terms of the account. Times it benefits us, sometimes it benefits them. They keep wanting to use these variable numbers even when it -- so I'm waiting to hear back from them. Once I hear back from them we'll get something set up.

MS. SLUSARCZYK: I did send an e-mail to Niles on December 12, and I told Matt that he might be -- to anticipate a phone call perhaps because in hopes to clearing this up or get something solid by the end of the year because it varies sometimes, what they're doing. So one month we're getting a rate, one month we're not getting a rate. So we're still paying as our interpretation of the contract. But it's definitely -- for three months it's \$52,000 loss to them.

MR. PETERSON: Yeah.

MS. SLUSARCZYK: So we did reach out again, and that's what I said I shared with Matt. But I wanted the Board to know I reached out to Niles again in regards to that. I just --

MR. PETERSON: Yeah.

ATTY. RIES: And the second issue that we need to cover with that under that agreement when I do get in contact with the law director, I want to have a meeting to discuss some of the exclusive -- the provisions and potentially getting a second line to directly to Meander and how that would work under our current contract. So it's sort of two things we need to cover under our agreement with the City of Niles once they get back to us.

MR. PETERSON: Anybody have any questions?

MR. CZECK: None.

MR. PETERSON: Seeing none --

3. Trumbull Energy Center - Warren Waterline

MR. PETERSON: Item number 3, Trumbull Energy Center Warren Water Line. I know Chris isn't here, but I don't know -- yeah, if you have an update.

MR. REMILLARD: Yeah, we're happy to. So the water supply line has three components to it. There's an upgrade of the Warren filtration plant and then the pump station that we're funding and the water line that will be coming from Warren down into the project. So the first two components were put out to bid so that the construction is started, equipment is being procured for the pump station. It's up by the old BDM Steel property north up there. That's moving along right now. We also just had the bids come in for the six mile lateral coming from Warren down to the project site. So they've selected Ruhlin as the contractor for the pipeline. At 2:00 today is the kick-off meeting for that construction, so that will be going forward very shortly here. And so all the pieces are in motion to, you know, have everything arrive and have the water be -- we're trying to get it in for June because the contractor Gemma needs it in July, and we're trying to get it here done sooner so that there's no -- you know, we don't have any hiccups with the start-up of the plant. But I would be happy to, you know, update the Board regularly on the status of that.

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MR. CZECK: Did Chris sign off on the -- because there was some question.

MR. PETERSON: Yeah, there was some questions he had on some plans and comments.

MR. CZECK: We were wondering if he --

MR. REMILLARD: He submitted his comments and then provided a statement. Again, it's going to be ongoing. He'll be also part of the review in terms of going in when we're doing the cross -- the open cuts and things like that. But he did review everything and give us the sign off and gave us the memo that, you know, we could proceed with that.

MR. PETERSON: Okay.

MR. SULLIVAN: What's your start-up date?

MR. REMILLARD: The start-up of the plant to go actually commercial where we're generating electricity and selling it to the grid is January -- late January 2026. And so this water coming in is what we have a cold commissioning where we're doing a lot of flushing the pipes and cleaning of systems. That's what the water is used for. And then the large volume, we usually test the equipment to basically put it up to speed and that. So that will really go from July right up until the end of December or January where they'll go through and do that, and at that point we can put power to the grid. And in terms of the power plant, First Energy just completed the interconnection off of Hallock Young Road and now they've completed the tie-in with the system, the schematic; and we have to wait for outages in order to connect the wires because that's serving load. So they completed that, and last week we were able to back-feed into the switch yard and the transformers on site. So it was a major milestone.

MR. SULLIVAN: Thank you.

MR. PETERSON: Darren, do you have any more comments?

MR. BIGGS: No.

4. Trumbull Energy Center - Sanitary Sewer

MR. PETERSON: Okay. Trumbull Energy Center Sanitary Sewer. You might as well stand up.

MR. REMILLARD: Good agenda. Well the -- we'd like to ask if there might be some -- as you go out to the site and you look at the route for us to get down to the district system, we have a very low flow from the administration building. And putting it -- trying to run down and get through Mud Creek and the wetlands, you know, there's a lot of environmental impacts. And we just wanted to maybe ask the Board again if you might reconsider. I know you want us to connect to the -- be a district user, but is there any way that we -- could you have it where yes, we're paying you as a customer, you know, it's going back to the City of Warren eventually -- but if we, you know, were a customer of both the County and the Village system, allow us just to connect right at the shoulder of 45 at the entrance -- again, we're just trying to figure out something that one makes -- that doesn't impact the district, makes you whole, but also minimizes all the environmental work and impacts of, you know, going down all the way through Mud Creek to get to Hallock Young Road. Just a thought.

MR. PETERSON: Any comments from the Board?

MR. SULLIVAN: I want them to tie in our system.

MR. PETERSON: I feel the same way. Do you guys want to take -- are you up against the gun on it?

MR. REMILLARD: We can take a little bit of time, but --

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MR. PETERSON: Our next meeting is January 7. If we can give you an answer at that time would that be fine?

MR. REMILLARD: Yeah, that would be fine. Then if there are other questions or other concerns, please let me know. And I know you'd like us to be a customer of the district and, you know, certainly our flow is so small it doesn't do much. But if we put a meter on our site to basically say we'll be a customer of the district and pay you directly, you know, as a customer and --

MR. SULLIVAN: This is just for the toilets and the washing hands?

MR. REMILLARD: Yes, that's right. We've got a couple of, you know, bathrooms on site, but we only have about -- well, the staff will only be about 22 people, but they are not all there at once. So we've got a men's room, women's room, there's a break room which has a dishwasher, sink that -- and then there's a sink in the shop. But very low, low volumes so --

MR. PETERSON: Okay. Does that work for you guys?

MR. CZECK: Yeah.

MR. REMILLARD: Thank you. Appreciate that.

5. Project Funding

MR. PETERSON: Okay. Item number 5, Project Funding. I know Chris usually covers that. I do know there has been conversations between the County and Chris of questions they had for the ARPA funding and everything like that, so I know that's moving forward. Cindy, do you have any updates on anything I don't know about?

MS. SLUSARCZYK: No. I tried to get an answer from the Auditor as well to see if we would be receiving those funds in 2024 or not. We need to know that to close out the financial year. And she said -- her response was there's meetings, these are the dates of the meetings, but the paperwork's not there yet. And that was about three weeks ago. So I haven't seen the deposit into our account.

MR. PETERSON: Okay. Darren, do you have anything to add, any conversations you have had with Chris or --

MR. BIGGS: No, I have nothing to add, Chris.

6. Proposed Hallock Young Road Water Line Improvements

MR. PETERSON: Okay. Item number 6, Proposed Hallock Young Road Water Line Improvement. I would say that's still pretty much on hold for funding.

7. Salt Springs Road Booster Station Relocation

MR. PETERSON: Item number 7, Salt Springs Road Booster Station Relocation. Darren, do you have any updates on that?

MR. BIGGS: The what? The booster?

MR. PETERSON: Yes.

MR. BIGGS: No. Mayor, is that hole down on Tod --

MAYOR WOODWARD: So I think it's 8933 Tod Avenue. It has been demolished by the owner, but that's the only information I have is that it was taken down. I think the hole is still open or going to be filled, the basement hole will be filled. But that's the only update I have on that.

MR. PETERSON: Okay. Any contacts that you have had?

ATTY. RIES: We reached out, we made an offer to purchase the property. Asked for 30 days. That was about six weeks ago. I have had some follow-up calls and left voicemails. But that's -

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that's about it. So --

MR. SULLIVAN: That's for the pizza parlor?

MR. PETERSON: No, that's for the booster station, where they want to put the booster station. So what would be our next steps?

ATTY RIES: Next step would be possibly looking at eminent domain. I've already reached out to somebody that can give us an appraisal of the property, which is the first step if we want to go that route. But anything else we should probably cover in executive session under imminent court action if you guys want to discuss that further.

MR. PETERSON: Okay. No problem.

8. Imperial Sewer Agreement

MR. PETERSON: Item number 8, Imperial Sewer Agreement.

MS. SLUSARCZYK: I'd like to state that the legislation that you passed, the last resolution that you passed for the settlement offer, I didn't get a signed agreement back and there was no check distributed either based on that. So just so the Board is aware that I've done nothing.

ATTY. RIES: Yeah, we don't have a signed agreement. I've been working with Imperial's attorney. They are not in agreement with terminating the water or the sewer contracts, that's the sticking point. So I mean, we don't have an agreement right now.

MR. PETERSON: Any more comments or --

MR. CZECK: No, not at this time.

MR. PETERSON: Okay.

MR. COWIE: Chris, can I speak to that?

ATTY. RIES: Sure.

MR. PETERSON: Sure.

MR. COWIE: Just that we -- when this thing initially started way back in -- I think it was in April or May, the initial agreement was just to do the settlement; and then later down the road the BPA added that they wanted to tie these water/sewer contracts to this settlement.

MR. SULLIVAN: We did that from the first meeting.

MR. COWIE: That's not the way it was stated in the minutes in the beginning back in April and May. So I mean, there is -- there's that. We feel that the two weren't tied together. Now we have agreed further down in the minutes that we would take a look at the agreements after the settlement. But those two were never tied together at the beginning, and this came later in this year that they when the agreement was actually drawn up that they were added to that.

MR. PETERSON: Okay. Anything to add?

MR. SULLIVAN: Well, I remember when we first talked about slicing the pie in half at that meeting we said we would be willing to do that, but we would want to go forward with -- in fact, we backed off at that point. We said we wanted a new agreement at that time, and then we backed off to we would be willing to do it as long as they agreed to some date.

MR. PETERSON: Yeah.

MR. CZECK: I think we put -- originally I wanted to settle it and be done with that part of it. Then I'm not sure what transpired, but then we come up with we'd like to have a new agreement. That's why we added that two year -- within two years let's come out with some kind of new agreement for your water and sewer.

MR. COWIE: And we have agreed to take a look at the

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contracts. But those weren't tied to the settlement at the beginning. They were never tied to that.

MR. SULLIVAN: That means nothing.

MR. COWIE: And later this year they became part of the settlement. We never agreed to that. That's our sticking point. This has been going on for 10 years. We provided information that we felt that we were over-billed and you agreed to that, that we were. And now, you know, you had promised to pay by the end of the year with installments, but that hasn't even transpired because we can't come to an agreement on these contracts. We just don't understand how you can just terminate our contracts that we have had.

MR. SULLIVAN: Two years is not just terminating your contract.

MR. COWIE: Well, there's only certain termination language in there. I mean, that's all there is in those contracts.

MR. CZECK: Well, no contract runs forever. I don't care if it has what date on it or not.

MR. COWIE: Well then, I guess we'll have to see how --

MR. CZECK: Trying to avoid that route.

ATTY. RIES: There have been a lot of conversations about how to resolve this. There's been a lot of different options considered. It appears once we memorialized everything we discussed over the past six or eight months into a settlement agreement, there's not a meeting of the minds. There's a basic disagreement with how those terms should be reflected based on, you know, the cumulative options that have been discussed over the past six to eight months. Something we should talk about and something I can address with Imperial's attorney.

MR. PETERSON: Okay. Okay. Matt will keep working on that. Anything else to add?

MR. CZECK: No.

9. Utility Department Building

MR. PETERSON: Item number 9, Utility Department Building. Does anybody want to --

ATTY. RIES: Do you want me to go?

MR. PETERSON: Go for it.

ATTY. RIES: So we did an inspection last week. It was in a lot worse condition than anybody thought from the roof to the plumbing, the electrical box. They're thinking it's going to be, you know, in the very conservative end at least an additional \$30,000 to \$40,000 for repairs and improvements. Nowhere near what anyone had contemplated. It requires a lot of work. It appears the building has been neglected. Under our purchase agreement we have the right to back out at any time if we're not happy with the inspection, and so I did send their agent -- the owner's agent an e-mail today letting them know that Council did not vote last night to approve that purchase agreement to move forward based on the inspection from last week. So I'm waiting to hear back from them. But I let him know first thing this morning.

MR. SULLIVAN: With a price of what it would take to take care of the --

ATTY. RIES: Yeah, and that's -- yeah, I told him what our inspector said. Well yeah, we were thinking maybe it could even be as much as \$50,000. But the inspector gave us some ballpark numbers. I don't think anyone knows the exact amounts; it's all kind of ballpark numbers. I did let them know, you know, where we might be willing to

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go with it; but that's all up in the air right now.

MR. SULLIVAN: Okay.

MR. PETERSON: Thank you, Matt.

10. I&I

MR. PETERSON: Item number 10, I&I. Darren, do you have any updates on that?

MR. BIGGS: I do not have any updates.

PUBLIC COMMENTS:

MR. PETERSON: Okay. Additional public comments? Anybody else have any other public comments? Okay. Seeing none --

REPORTS:

1. Solicitor's Report

MR. PETERSON: Solicitor's Report.

ATTY. RIES: No report.

2. Engineer's Report

MR. PETERSON: Okay. Engineer's Report. I don't have a written report. I'm sure he's probably just not feeling good.

3. Utility Committee Report

MR. PETERSON: Utility Committee Report.

MR. CAMPBELL: No report.

4. Clerk's Report

MR. PETERSON: Clerk's Report.

MS. SLUSARCZYK: I'd like to remind the Board that December 1 was the second phase of Warren's water rate increase over the next five years. On their next bill in January that will have a represented increase of an additional 11.5 percent. So that went into effect December 1. Next, I have last Friday CT and I opened the bids for -

MR. BIGGS: Air release valves.

MS. SLUSARCZYK: I couldn't think of air release -- for the valves on the 24-inch main. We -- I believe there was six bidders or six people that took out bids, five that come back with bids. And believe it or not Kirila contracting was -- who installed the original 24-inch water line had the lowest bid. But that is subject to review, you know, by CT. CT has all the bid packets and is reviewing that now. I actually anticipated an update from Chris. But I did talk to him earlier today, and I didn't think to ask him about that either. But they really only had one day to review that because the bid opening was 2:00 on Friday. So a little premature. And last but not least is I see that the employee wage resolution hasn't come before the Board and hasn't come before the Village Council either, and December 31 that expires. So I don't know who's taking the lead on that, but I just want everybody to be aware that somebody needs to move that along.

MR. PETERSON: I spoke with the negotiating committee, and they are working on that.

MS. SLUSARCZYK: Perfect, good.

MR. SULLIVAN: Are we going to go into executive session again to --

MR. PETERSON: Yeah, I'm going to call --

MR. SULLIVAN: Find out where we're at.

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MS. SLUSARCZYK: That's all I have. If you have any questions for me --

MR. PETERSON: Do you have any questions?

5. Superintendent's Report

MR. PETERSON: Okay. Superintendent's Report.

MR. BIGGS: I need permission -- Protect, our SCADA guys, I had asked permission before to privatize our system and to change the 45 booster and Ultium from EFI, which was handling the SCADA before, over to them. I got permission for that and for the privatization. It's all included in the one package now. The cost was \$7,855 total for the whole job to be done. So since they got -- there was some changes in there I was asking for permission again for. I had prior permission, but things had changed on that. So if I can get permission for \$7,855 for protection, that's what I'm looking for.

MR. PETERSON: I'll make a motion that we approve \$7,855 to update the SCADA from Protect.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

MR. BIGGS: The other thing I have is a \$200 service plan from Verizon. We have some test meters out there that we can -- actually we can see online daily and we had been renewing those. It's \$200 for the whole year for 20 of them. So is that your will to do that again so we can still have that and still --

MR. PETERSON: I don't see a problem with that.

MR. BIGGS: I need permission.

MR. PETERSON: You need a motion for that?

MR. SULLIVAN: Make a motion.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed.

(No response.)

MR. PETERSON: Motion passed.

MR. BIGGS: Just because it was a service. It's not the money.

MR. PETERSON: Service fee.

MR. BIGGS: The Pritchard Ohltown pump station, the concrete's in, our new generator's setting there, it's secure. On the 27th the electrician will be out here to start wiring it. So that's where we're at with our new generator over on Pritchard. I think everything else was covered. That's all I had.

MR. PETERSON: Okay. Does anybody have any questions for Darren? Okay. Seeing none --

MEMBER COMMENTS:

MR. PETERSON: Member Comments. Do you guys have anything?

MR. CZECK: No.

MR. PETERSON: I'd like to call an executive session for imminent court action involving the Village.

MR. SULLIVAN: Second.

MR. PETERSON: All in favor?

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(All respond aye.)

MR. PETERSON: Oh, roll call. Roll call, sorry.

MS. SLUSARCZYK: Chris Peterson.

MR. PETERSON: Aye.

MS. SLUSARCZYK: Stanley Czeck.

MR. CZECK: Yes.

MS. SLUSARCZYK: Mike Sullivan.

MR. SULLIVAN: Yes.

MR. PETERSON: Okay.

MR. CZECK: Who do you want in there?

MR. BIGGS: Chris, who's invited to that?

MR. PETERSON: Just the Board and the Solicitor.

MR. BIGGS: Okay.

ATTY. RIES: And there will be no business after.

MR. PETERSON: No business after. So we'll stand adjourned after. Thank you everyone.

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 2nd day of January, 2025.

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

Submitted:

Approved by:

Cinthia Slusarczyk, Clerk

Christopher Peterson, President