

December 19,

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RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
December 19, 2023
4:00 p.m. to 5:40 p.m.

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. Matthew Ries, Solicitor

ALSO PRESENT: Mr. Robert Bond, Utilities Committee
Mr. Ron Radtka, Village Council
Mr. Tom Cowie, Imperial Communities
Ms. Jackie Woodward, Mayor-Elect
Mr. Stanley Czeck
Mr. Mark McGrath
Ms. Roxanna Holton

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 19th of December, 2023.

MR. PETERSON: I'd like to welcome everybody to the Board of Public Affairs meeting. Please stand for the Lord's Prayer and Pledge of Allegiance.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

MR. PETERSON: Roll call please.
MS. SLUSARCZYK: Christopher 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: Cinthia Slusarczyk, present. Chris Kogelnik.
MR. KOGELNIK: Present.
MS. SLUSARCZYK: Matt Ries.
MR. RIES: Here.

APPROVAL AND CORRECTION OF MINUTES:

MR. PETERSON: Okay. Approval and Correction of the Minutes. Did everybody get a chance to review the Minutes for **November 21?**

MR. SULLIVAN: Yes. I'll make a motion to approve.

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

(All respond aye.)

MR. PETERSON: Motion passed.

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CORRESPONDENCE:

MR. PETERSON: Cindy, do we have any correspondence?

MS. SLUSARCZYK: No.

PUBLIC COMMENTS:

MR. PETERSON: Public Comments. If you wish to make a public comment, now would be the time.

MS. HOLTON: Roxanna Holton. Do you need residence address for the record?

MR. PETERSON: No.

MS. HOLTON: I'm here tonight in regards to two parcels of property that I have. I've talked to a couple of you, not in meeting. First one I'm gonna talk about is 5894 Tod Avenue. That's where Holton, Inc. resides. And there is a parcel of property, it has an address of 5940, it was also known as the old Canan property. It is now incorporated into one parcel now. There was a water tap there, and when the fiber optics came down through it was broken by them. And up until that point I was paying a \$9 fee every month for that tap. After it was broken I then began being charged \$30 a month. And for two years I've put in a request for that to be repaired and for two years I'm paying this fee, what am I paying a fee for. I was told it was a maintenance fee all this time, but what's being maintained? I don't really -- don't need water there at the moment. At the time I wanted it left because I didn't know if I was gonna build or do something else. I had Warren water there, that's a Lordstown tap. I don't know if I'm going to use it or not. The second parcel I'm gonna talk about is over here on Salt Springs Road. It is 0 Salt Springs. I purchased it not too long ago, and I also had it incorporated into the parcel that I own that has the restaurant and the home on. It is all now one parcel of land. I have been contacted by the Water Department and asked to open an account there. I asked why. I was told that it was so that the former owner who's deceased and their estate could close out their account and I had to open an account there, and I don't understand why. I don't want water there, I don't need water there. I'm not quite sure why I would want to open an account and pay \$30 a month for nothing.

MR. PETERSON: You're paying \$30 a month or \$30 every three months?

MS. HOLTON: I'm sorry, \$30 a cycle.

MR. PETERSON: A cycle. I just wanted to clarify that.

MS. HOLTON: Sorry, misspoke on that. I'm thinking other utilities also. Oh, I stand corrected.

MR. PETERSON: Okay.

MS. HOLTON: I talked to you once, and I did put out phone calls to you several times with no response back from anybody. So I'm here tonight to -- can't be on the agenda, but I'm here to bring this to light.

MR. PETERSON: Did she have an active request to repair the one on Tod Avenue?

MS. SLUSARCZYK: Active, no. There is a request. When the one fiber optics went through the tap -- and Darren can speak to this better than I -- the tap was damaged, and I think it leaked and he had to repair the leak. So he repaired the leak, you know, with the tap and said if they want to access water he would put in a new tap at the time -- a new tap at the time, but there's no sense making the improvement until they are ready for water because there's no service

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line, it's just a tap in the main.

MR. PETERSON: Okay.

MS. HOLTON: So what am I paying for then?

MS. SLUSARCZYK: The bylaws require anybody, when the water line is installed, if a tap is in place there's a tap fee. Not a maintenance fee, it's a tap fee. Any and all customers who have a tap in the line, regardless of service, whether there's a connection or not, pay a tap fee.

MR. PETERSON: Okay.

MS. HOLTON: So I do have a notation here that I put in a request for repair on December 11, 2020.

MS. SLUSARCZYK: Yes, and that is true. But the work order was closed because Darren said if she's ready for a tap -- Darren -- then he'll replace the tap assembly at that time, but his repair is satisfactory for what is there now. I don't know if -- I can't tell you if it's a tap or what, how he repaired it.

MS. HOLTON: And I have asked other entities, water departments, because I've dealt with many of them in our line of work, if they charged such a fee for a tap on a parcel that is vacant or no need for water. I don't understand why Lordstown's charging this fee. It doesn't have any rhyme or reason to me. It's your asset and we're not getting any service. So I don't know if there's an answer to that this evening, but I'd like to know why.

MR. PETERSON: Were you guys, when that was instituted --

MS. SLUSARCZYK: The tap fee was instituted when the Board of Public Affairs was created. It's always been a charge, and it's so they have access to the water. If she would like to sign a waiver of tap and abandon the tap there is a process, you sign a tap waiver fee, we'll abandon it. But if that person then desires to have water, they pay the current tap-in fee.

MR. PETERSON: They would pay the entire tap-in fee.

MS. SLUSARCZYK: And the parcel is sold without water utility. They can't advertise it as having water service. Many people think it's often cheaper to maintain the fee of \$3 a month than it is to pay the \$1,800. But it's a choice. If they want to abandon the tap, they can abandon the tap.

MR. PETERSON: I guess my next question is why is she paying ten then?

MS. SLUSARCZYK: Commercial. Residential is \$3 a month, residential is \$10.

MS. HOLTON: I was paying \$9 every three months until it was broke and brought to light, then I got charged \$30 a cycle. So --

MR. PETERSON: Go ahead.

MR. SULLIVAN: It should only be a dollar difference, right?

MS. SLUSARCZYK: It's \$3 a month if we're talking monthly. It's \$3 a month residential, \$10 a month for commercial, \$15 a month for industrial. So \$30 -- when she says \$30, that's per quarter.

MR. SULLIVAN: So it's \$10 a month?

MS. SLUSARCZYK: Uh-huh, for the 5940 Tod Avenue. She would not be paying \$30 for the 0 Salt Springs because I'm not sure without looking if that's residential or commercial. I think it's B-1 business.

MS. HOLTON: Cindy, I'm sorry to interrupt. It was \$9 for the three months at the time. Now we're going back. But then -- in 2020 then it was raised to \$30. It's \$3 a month, \$9 a cycle. Then it was raised to \$30 a cycle, \$10 a month.

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MR. PETERSON: What size tap is it?

MS. HOLTON: I'm not sure. It was for a residential home that was demolished more than 20 years ago.

MR. PETERSON: Darren, do you know --

MR. BIGGS: Not offhand. I believe she's right, it's a smaller one. But I'm not positive.

MS. HOLTON: I don't know what standard was back then.

MR. PETERSON: The fee is off how the property is zoned.

MS. SLUSARCZYK: The fee is based on residential, commercial, or industrial.

MR. SULLIVAN: It sounds like what happened before.

MS. SLUSARCZYK: There was a home --

MR. PETERSON: There was a home there before.

MR. SULLIVAN: So it was \$3.

MS. HOLTON: Like over 20 years ago -- 20, 25 years ago. That was demolished before we owned the property, and it was all one parcel since we've owned the property.

MR. PETERSON: So it's all one parcel, so you have your regular water tap for the building.

MS. HOLTON: Whatever tap is left there during the demolition at the time. We never requested a tap or anything. We have Warren water at our commercial building is what I'm saying. So --

MR. PETERSON: Correct. But this is a secondary tap on the same property because it's all been consolidated now.

MS. HOLTON: Yes, yes: So I am to sign this waiver is what you're saying, Cindy?

MS. SLUSARCZYK: Are you talking for 5940 Tod?

MS. HOLTON: Let's start with that one, yes.

MS. SLUSARCZYK: If you no longer want to pay that fee, yes. But then that would terminate the tap and the service, and then if you or the next person -- they would have to pay the new tap-in rate.

MR. PETERSON: Whatever the tap-in rate is at the time.

MS. SLUSARCZYK: That's the option to eliminate that fee in the account.

MS. HOLTON: Okay.

MR. PETERSON: I guess my next question is do you want to continue to have the tap there?

MS. HOLTON: No. So I'll have to see Cindy to -- and I'm assuming that the other one on Salt Springs Road -- I mean, I don't wish to have it so I've never come in. And I don't understand what I have to do with the former owner getting their money back.

MS. SLUSARCZYK: All I have for that is Becky does have notes where she spoke to Roxanna. The former account holder is deceased, and they closed out the account. The new owner, Roxanna, did not establish new service, so she had to contact her to complete the task for the parcel. She needs to establish an account which would go back to the day that the account was finalized and she took ownership. So that's what needs to be done. She would be responsible from the date that she took ownership of that parcel of this account.

MR. PETERSON: How long ago was that?

MS. SLUSARCZYK: Last year.

MS. HOLTON: It probably hasn't even been a year.

MS. SLUSARCZYK: But that parcel -- she consolidated it where it comes out on 45. Is there a tap on 45 for that parcel? If there is, it would be off the Warren water line. So if she initiates a tap, you would have to then -- if she terminated the Salt Springs Road

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tap, then that would only leave her with Warren water, which you said your future water customers are on Salt Springs Road. So you would have to consider that. The 0 Salt Springs Road would have to be the tap she would keep and abandon the Tod Avenue.

MS. HOLTON: There is not one on Tod Avenue that is not in use. That's the diner and the home that is rented, those are Lordstown waters.

MR. PETERSON: Those are off the Lordstown line?

MS. HOLTON: Yes, yes.

MS. SLUSARCZYK: So the Salt Springs Road, if she doesn't want one where it comes out there too, she would have to abandon the tap. But the tap account would need to be cleared from the time she took ownership to the time that she abandons the tap.

MS. HOLTON: So you're saying I'm gonna owe a year's worth of water service or tap fees?

MS. SLUSARCZYK: According to the rules, yes. I'm just -- that's their call and that's between them. But that's what the rule says, that when you take ownership there's a fee. There's a water service account there, you took ownership, it should have transferred with the property and it did not. So, Becky has an account that's not being billed.

MR. PETERSON: In limbo.

MS. SLUSARCZYK: And it's a tap that we report to the Ohio E.P.A. There's things we have to do as well with that tap.

MR. PETERSON: Do you guys have any comments?

MR. CAMPBELL: I don't.

MR. PETERSON: Mike?

MS. SLUSARCZYK: Do you want to abandon the tap at 0 Salt Springs Road or do you want to keep the tap?

MS. HOLTON: No, I don't want the tap. I never wanted the tap, I never went -- well first of all, I didn't even know there was one there when I first bought it because there's a well sitting there and a building with no facilities, it's just a storage building. And it was brought to my attention the first phone call I got, and I'm like I don't know what you're talking about. So no, I'm not coming down and opening an account.

MR. PETERSON: Okay. Anything else? Do you guys have anything?

MR. CAMPBELL: No.

MR. PETERSON: So I guess put the request in to abandon both them taps, correct? That would be her next process if that's what she wants.

MS. SLUSARCZYK: Yes, yes.

MR. PETERSON: And then --

MS. HOLTON: Can I ask you one more thing? If we abandon these taps what do you do with them? Do you dig them up and sever the whole thing?

MR. BIGGS: Correct.

MS. HOLTON: Why would you waste your asset like that? Why can't you just shut it off and not have an account?

MR. BIGGS: Because if someone would build on there or dig anything, we fear that it could be grabbed and pulled out of the main and we have bigger problems.

MS. HOLTON: There's no line hooked to it.

MR. BIGGS: There's no what?

MS. HOLTON: There's no line.

MR. BIGGS: That's just what we do. If we know there won't

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be -- won't be service, there's no excavation, we just get the whole section out and we don't have to worry about it. It's not really like we're hurting ourselves.

MR. PETERSON: Do you just take the tap out of the main and abandon it I assume?

MR. BIGGS: All we do.

MR. PETERSON: You actually cut that section out?

MR. BIGGS: We'll cut a piece out of there. It will be turned off and cut a piece out and we won't have to worry about any line that would be there, however long it is, it won't get pulled out or anything.

MR. PETERSON: Cause issues 20 years from now when you didn't know there was a tap there.

MS. HOLTON: You won't have to do that on 45 because there's no line connected to it since the break. So there's nothing you'll have to do there.

MR. PETERSON: Okay. Any other public comments?

NEW BUSINESS:

1. 2024 Meeting Dates

MR. PETERSON: Okay. Seeing none, we'll move on to New Business. First item is 2024 meeting dates. I know Cindy distributed them. Is everybody okay with them?

MR. SULLIVAN: Do we need a motion to approve those?

MS. SLUSARCZYK: Yes.

MR. SULLIVAN: I'll make a motion to approve.

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

(All respond aye.)

MR. PETERSON: Motion passed.

2. Promotion of Scott Kovacic to Utility Foreman Effective January 1, 2024

MR. PETERSON: Item 2, promotion of Scott --

MS. SLUSARCZYK: Kovacic.

MR. PETERSON: I didn't want to butcher it -- to the Utility Foreman effective January 1, 2024. Darren, do you have anything to add to that or --

MR. BIGGS: No.

MR. PETERSON: Okay. I will make a motion we promote him to the foreman's position.

MR. CAMPBELL: I'll second that.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Motion passed.

3. A Resolution adopting revised rules and regulations governing water use and service for the Village of Lordstown

MR. PETERSON: Resolution adopting revised Rules and Regulations governing water use and service for the Village of Lordstown. This item is just adjusting our rules and regs for the current rate structure that CT recommended. Do you guys have any other comments or --

MR. CAMPBELL: No.

MR. PETERSON: Okay. I'll make a motion to approve.

MR. SULLIVAN: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

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MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

4. A Resolution increasing rates and charges for consumers of the water utility service within and outside the Village of Lordstown and declaring an emergency

MR. PETERSON: Item number 4, a Resolution increasing rates and charges for the consumer of water utility service within and outside the Village of Lordstown and declaring an emergency. Any comments on that? Seeing none, I'll make a motion we approve.

MR. CAMPBELL: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed. Any other new business?

OLD BUSINESS:

1. Antonine Village Phase 2 Expansion Water Line

MR. PETERSON: Seeing none, Old Business. Antonine Village Phase 2 Expansion Water Line. I don't know, Matt, if you want to take this or -- I know you've been emailing.

ATTY. RIES: So where we are right now with -- we're not ready to accept the line yet. There's been an issue with the contractor -- I guess two issues. I think if you guys recall from the last meeting they didn't send us any of the lien waivers from the contractor or subcontractor which are important to making sure everybody was paid if we're going to accept ownership of the line. We don't want somebody saying we didn't get paid and putting a lien. We didn't have that. So the architect sent it to me two weeks ago, and when I opened it up there were three lien waivers; two of them were partial and there was still about \$60,000 to \$80,000 outstanding on the job. I said we need full line waivers. As of right now they are working on those. The other issue was we got as-builts back that shows that the line was not built within the easements. The architect is insisting that they were, and Chris may be able to speak to that a little bit too. Chris has requested accurate as-built drawings that show that the line is in the easements that are being given to -- it will be recorded in the Village's name upon our acceptance. So those are the two hold-ups right now. Once we get that we can present that for resolution and consideration and acceptance by the BPA.

MR. PETERSON: Okay. Chris.

MR. KOGELNIK: Yeah. Annissa, the architect, she provided as-built drawings from the contractor which merely are what we call red line sketches of what changes they made. And the one change definitely caught my eye, that the water line is beyond the easement that was drawn on the design plans. And so I asked and she replied back, I think, that the water line was constructed inside the easements. Okay, show me on a record drawing. A record drawing is taking the contractor's detailed as-builts and putting it on an auto-cad drawing, putting it on mylar and giving that to the Village. So I need to see that for a fact that it was indeed built inside the easement. If it wasn't, they need to rectify that by getting more easements because we can't accept a water line that was built on private property. We can't do anything with that as a matter of fact. So again, I've been doing this kind of just as the emails roll in. I don't have authorization,

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but that's my response to that.

MR. PETERSON: Okay. Anything else on that item? Darren, have you got anything to add or --

MR. BIGGS: No, that was it.

MR. PETERSON: Just to clarify, they're online and receiving water and this is just a paperwork --

MR. BIGGS: Correct. All I have to have is the as-built. Nothing to hold anything else up, correct.

2. Trumbull Energy Center Sanitary Sewer

MR. PETERSON: Okay. Item number 2, Trumbull Energy Center Sanitary Sewer. Chris.

MR. KOGELNIK: Okay. This is part of the other discussions regarding Trumbull Energy Center. If there's no other better time to discuss that I guess I can talk about it now if you want.

MR. PETERSON: Yeah.

MR. KOGELNIK: All right. So we've been telling the developer he needs to connect his admin building sanitary sewer to the Village's east side sanitary sewer line Hallock Young Road. And the reason is we've -- we want to, number one, have them as a sewer customer because it's important to have that property at least be a sewer customer to the Village. And number two, we wanted some flushing activity going through that existing sanitary sewer on Hallock Young Road. The developer talked to Kellie Bordner and I and stated, you know, his difficulties in bringing the sanitary lateral all the way out there. And it's a point worth noting. He's got to go probably 1,500 or so feet across wetlands underneath Mud Creek through a bunch of his electrical interconnectors and then come across the road and into the Village's sanitary sewer. And so he asked during our phone call is there any financial opportunity that the Village could see in making a financial betterment to their Lift Station No. 4 or their existing Hallock Young force main so that he wouldn't have to connect there. That's not for me to decide, that's something that the Village has to decide on. So that is only merely a question from the developer back to you. You need to think about that and respond to it. There's things I can think of in my mind that would help the Village with their Lift Station No. 4 and that particular issue at the end of that force main. However, not having that property be a sewer customer is kind of a looming dangerous thing. And so I'm not so sure I just automatically say okay, we'll take the cash. Keep in mind that, you know, LEC is a connected sewer customer. But TEC has the arrangement by way of Ohio E.P.A. to direct discharge their blow-down wastewater -- not their domestic, their blow-down wastewater into the stream. We have yet to see that permit, but we're waiting on it. It's my opinion though that, you know, nothing lasts forever and you want to have some sort of say in that property being a sewer customer of the Village of Lordstown. So you've got that to think about. I'm not gonna tell you how to think. You can ask me what other options there might be, we can talk about those. But that's the end of Old Business number 2 for my opinion.

MR. PETERSON: Okay.

MR. SULLIVAN: Well, I think it been the opinion of the Board that if they can't go there that they do whatever they have to do to hook into Lordstown sewer.

MR. KOGELNIK: Well, that would be a requirement that we've been telling them, to go the long distance no matter how long it is and connect on. Can they do it; yeah, they can. But it's just gonna be

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difficult for them, but it's doable.

MR. PETERSON: I will agree with Mike, I believe that property needs to be a Lordstown sewer customer.

MR. KOGELNIK: So if that's the answer from the Board, then that's a simple reply back to the developer, that's what he's got to do for site plan review.

3. Project Funding

MR. PETERSON: Okay. Item number 3, project funding.

MR. KOGELNIK: I submitted that capital budget request on behalf of the Village for the 24-inch water line to State Representative Loychik. That was over the weekend. In the capital budget request I asked for \$6 million, so that leaves the delta or the needed funding gap around \$3.1 or \$3.2 million, I can't remember. So if that is a successful funding plan --

MR. SULLIVAN: So that would be four from the congressman and six from the State?

MR. KOGELNIK: Yes. That's one idea there. And then the gap of \$3.1 million or \$3.2 million, we could make that request through O.D.O.D. in January. So at least we've got a plan to go through that. Or worst case scenario, the Village uses WRSLA loan money for that \$3.2 million. But there's mechanisms in place that we can at least make these requests to try and get all grant, and that's what I'd recommend the Board to do.

MR. PETERSON: Is there anything in the capital budget or from Joyce's office that requires a local -- a certain amount local funds.

MR. KOGELNIK: I can't -- not --

MR. PETERSON: I didn't know if there was enough out there yet to see.

MR. KOGELNIK: I cannot say that for sure. All I've been hearing is that they want to see the municipalities have some skin in the game. So but again, you know, what we're talking about should already have been talked about between the Mayor and some of these state reps saying hey, we got this really important project, can you really help fund it and what are the nuances of that funding. But we're sitting at this table speculating now. So we did the best we could, it's out there, and we're gonna keep on making application after application. That's the best we can do.

MR. PETERSON: Did they give you any idea of when the capital budget would be released, what they're gonna fund or not?

MR. KOGELNIK: I think it's gonna be quick because of the timeline for them to spend down that money. So --

MR. PETERSON: That's what I heard too, but I wasn't sure if that was --

MR. KOGELNIK: So I get the impression that there's a significant rush to get projects constructed by the end of '26.

MR. SULLIVAN: I had talked to Cantalamessa a couple times, and he's you have the -- you submitted the paperwork through the clerk and the clerks approved that, so now it comes out and they got 40 requests for the money. We first talked about the Hallock Young water line, and he said he didn't think that we could get the 1.4 but he thought that we could get the substation money.

MR. KOGELNIK: Okay. What Mike is talking about is the ARPA fund through the County Commissioners. We, the Village, put two applications in, one for Hallock Young Road connector; and the other one was for the new booster station, and that would be a big help

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actually. So I think that was a real good phone call you made.

MR. SULLIVAN: And what he said is it's coming tomorrow to the meeting, the 10:30 meeting tomorrow, and he felt that they would be able to get it through. I guess it goes from there to the legal department. But he said it would still -- even once it got to the legal department, before we got full clarification it would probably be six months.

MR. KOGELNIK: Okay. Aside from that we need to stay in touch with Joyce's office for the \$4.2 million that was allocated to the 24-inch water line. That's important. And we need to just keep on submitting applications. It's not easy, but I can tell you this. When you have all the facts and figures at your fingertips it sure makes my life easy when you -- you know, when a new funding opportunity comes up on the horizon, rather than having to do all of this from new.

MR. SULLIVAN: You said you talked to the state reps. Should O'Brien be in on this too?

MR. KOGELNIK: I don't know. I'm not that politically savvy. All I know is who to ask for, when to ask for it. I don't have anything else for number 3.

MR. PETERSON: Okay. Would a letter of support from O'Brien's office help?

MR. KOGELNIK: A letter of support from anybody walking down your sidewalks would help. No -- you know, MVSD, your big water customers, your residents that are experiencing issues with water service, all are, you know, important to get letters of support from.

MR. PETERSON: Do you want to contact O'Brien's office to see if you can get a letter of support.

MS. SLUSARCZYK: I have the list of letters that Chris suggested I can share with you, Mike, if -- you know, or all of you, anyone who wants to reach out and help get letters of support. I have -- even from the Board of Public Affairs he has on here, you know, Council, Utility Committee, getting those letters.

MR. KOGELNIK: As 2024 rolls around I would like to, you know, meet with Bob -- if, Bob, you're still gonna be on the Utilities Committee.

MR. BOND: I have no idea at this point.

MR. KOGELNIK: Let's assume you will be, just assume. And new Mayor, because we put together a one-page capital improvement plan which, you know, identifies the basics. And you know, as time goes by priorities shift and so it's important for the Village to understand, okay, what's our top priority and then, you know, therefore down the line. Because when, you know, push comes to shove and a funding opportunity arises I need to know what the top priority is so I can align my thoughts. Sometimes I don't have the luxury of time, okay.

MR. BOND: Absolutely.

MR. KOGELNIK: Okay.

4. Proposed Hallock Young Road Water Line Improvements

MR. PETERSON: Item number 4, proposed Hallock Young Road water line improvement.

MR. KOGELNIK: We're basically done with that project. We handed -- Darren, did you get the full-size set or did he take it back?

MR. BIGGS: I handed it back. It wasn't complete enough, they are gonna work on it.

MR. KOGELNIK: We have a few small things to address, and we made like a date of March 1 to have everything he had for this. We're not in a hurry to get that one built, but that project is shovel-

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ready, it's got everything done. It's inside of a public road right-of-way, it's -- all the technical aspects are done and you have a permit for the project. So that one in some way, shape, or form it's actually your number one project because you need to get Foxconn as a water customer. Let me repeat that, you need to get Foxconn as a water customer.

MR. PETERSON: That's been nominated for the WSRLA, correct?

MR. KOGELNIK: Yes.

MR. PETERSON: Any chance of getting any principal forgiveness since it's shovel-ready.

MR. KOGELNIK: Not that we can see for the Village, no.

MR. PETERSON: I knew they liked shovel-ready projects.

MR. KOGELNIK: I don't think you have those characteristics just yet.

5. Salt Springs Road Booster Station Relocation

MR. PETERSON: Okay. Item number 5, Salt Springs Road Booster Station Relocation.

MR. KOGELNIK: The design for this project continues on. We did get some information from our title search for that right-of-way, but I can't tell you exactly what's in that title search because I haven't taken the time to go through it all. Our survey team is actually doing that, I won't do that.

MR. PETERSON: Okay.

MR. KOGELNIK: But I don't -- I mean, everybody was probably here at the Council meeting last night and heard the issue with trucking in general. I don't know where that's gonna put us --

MR. PETERSON: Yeah.

MR. KOGELNIK: -- with regard to that, and I'm kind of concerned about us establishing a new easement for the booster station. Furthermore, I'm concerned about the existing right-of-way around the existing water line.

MR. PETERSON: Yeah. We're not 100 percent sure there is an existing --

MR. KOGELNIK: So I mean, there's a lot that has to come from our survey team -- I'm not a surveyor -- so that they can tell us what they found. But there's no issue with the design getting done. The plan is get the right-of-way and easement issues resolved, get the preliminary design done, and then move on with wetlands and that sort of thing, get the site permitting done. So that's the process we want to go through. But right now I believe we're getting hindered by this issue with the easement and the right-of-way.

MR. PETERSON: Have you -- has anybody from the Village spoken with the property owner? I know you said you had.

MR. KOGELNIK: I was, but I haven't lately, you know. Past

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probably couple weeks I haven't. I don't have anything else for number 5.

6. City of Niles/Mahoning Valley Sanitary District Water

MR. PETERSON: Okay. Item 6, City of Niles/ Mahoning Valley Sanitary District Water.

ATTY. RIES: I've never heard from Zuzolo. I called him in August and he never called back, so I don't -- they don't seem to be making an issue of it, right?

MS. SLUSARCZYK: No.

MR. PETERSON: So I'd say the ball's in their court and we just wait to --

ATTY. RIES: Well, and the longer they keep abiding by it, legally it solidifies our interpretation of the agreement. I mean, we were already in a strong position before that meeting, and now it's they're just continuing to abide by it. So I would be shocked if I get a call from him at this point.

MR. PETERSON: Okay. Is it an item we should keep on our agenda, or should we take it off the agenda until later?

ATTY. RIES: I would say take it off because there's nothing for us to do at this point until they try to raise an issue about it.

7. Imperial Sewer Agreement

MR. PETERSON: Okay. Item number 7, Imperial Sewer Agreement.

MR. KOGELNIK: The head scratcher. I've put a lot of thought into this and actually had a meeting with Tom Cowie. Where are you at? And we were able to discuss some of the water bills that he's received. There's a lot of variables involved with this analysis; and if you're not willing to accept those variables, you're not willing to go through with understanding what I'm about to say. So you have to understand some assumptions. Number one, there is three billing periods over the past nine years, right, July '14 to present day, December 2023. Roughly. And over those three periods there have been three methods for calculating the amount of potential I&I in the system, Imperial's system. There is 287 total buildings there now, and there's less buildings now than before according to Tom. According to Tom, the Imperial did do a lot of -- well, I'm not gonna use the word a lot. I don't know how much infiltration and inflow reduction that Imperial did, but Tom had stated that most all of that was done before the treatment plant was disconnected. Correct, Tom?

MR. COWIE: Correct.

MR. KOGELNIK: Okay. I was -- I had thought that Imperial was doing more of that I&I removal lately, but that hasn't been the case.

MR. COWIE: No, that is not the case.

MR. KOGELNIK: Okay. And it's also clear that the water consumption as measured by the three water master meters coming into Imperial have stayed relatively the same in terms of their total volume going to the trailer park over the past nine years, right around 24 to 25 thousand gallons per day of water delivered to Imperial. As of late the meter manhole -- this is the master meter that reads all the waste water coming into Lift Station No. 4, has been reading slightly lower at one point in time than the water consumption. That would indicate that the sewer flow is less than water consumption and, therefore, there's really not an I&I problem. Then there was one month that the

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master meter did exceed the water consumption, but it was only like by a couple thousand gallons per day. So it was close. I picked four points in time on all of the data that Darren had provided me. Darren provided me a bunch of run time data from right around 2017 until today. And some of it was usable, some of it was not. So I picked various points in time when the average run time on pump number one and pump number two inside the pump station were identical, and 1.4 hours per day. And it just happened to work out that way. So during that analysis it looked like from my perspective that the master meter manhole -- I don't believe you can carry the average daily flow rate as measured by the master meter manhole backward in time. I don't think you can do that. Tom and I discussed that concept, but I don't think you can do that accurately because there's a lot of other variables that we would be ignoring if we did that. We've never used run time -- that's the pump run time, multiplied by the pump rate which would give you a daily flow -- we never used run time as a means to calculate an I&I bill. We only used like the mag meter or the master meter manhole. But interestingly, when you compare in 2017 and 2019 the run time against the old mag meter that was in the pump station, the average daily flow rates were within only a couple hundred gallons per day which was kind of unusual. And it's my opinion that you only use the best available metering technology at the time to analyze what happened during that time. I think it's -- it would be an error if we were to create a concept analyzing today's lower master meter manhole flow and working it backward in time to 2017 and 2014. So -- and you know, Darren had stated to me well, we never used run time as a basis for calculating a bill. I say yep, you are right. I just wanted to check the mag meter against run time, and it was very close. So, for those couple points in time, I draw the conclusion that the best available technology was the mag meter at that time, and it looked like it was doing fine. Now how does that mag meter compare to the consumption rate? Well, the mag meter at one point in time over one billing period was around 1,100, 1,200 gallons per day more than the water consumption. That would indicate that there was, you know, some form of I&I happening at that time. And then, you know, at another point in time same analysis, 1.4, you know, hours of run time, the mag meter was significantly over -- was about 5,000 gallons per day over the water consumption. So that was a time during 2017. So there evidently was some infiltration in the system that was measured during that time frame. But it's clear now, for whatever it's worth, since the master meter manhole has been installed that it's been reading closer to what the water consumption coming into the Imperial Park is. And whether that's the result of infiltration and inflow I don't know, that has been removed. I can only imagine that that is, but here's my concern with that statement. Tom stated that all of the effort to remove infiltration and inflow occurred before the time when the treatment plant was disconnected -- or was connected. So, if there hasn't been anything done since that time, I can't say for sure that the meter manhole today is reading closely to consumption as a coincidence. Do you understand what I just said?

MR. PETERSON: Uh-huh.

MR. KOGELNIK: So at this point in time, based on that analysis -- and there's a lot that can be inferred from that -- I'm not so sure you can do what is on your sheet here, Tom, and back-calculate and come up with this amount that's on here for over-billing. In fact, I think that in some cases the data back in 2017 and 2019 that I selected based on the run times being identical indicated that there

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was a little bit of infiltration in the system at that time. So nobody has told me how they want this to come out.

MR. COWIE: Well Chris, we did discuss that there was possibly infiltration on your end from the meter manhole to the pump station. We had discussed what had happened in that time period there. So what you're saying -- I mean, that would show that the meter manhole is metering correctly and the I&I could have been from that point forward up to the pump station.

MR. KOGELNIK: That is actually correct. That is a possibility. And I can't sit here and tell you --

MR. COWIE: And then there's also the fact that they tied on those homes upstream when TJX came in there and that started to add more -- more wastewater to that pump station. That's -- I don't know how many homes are up there; 20, 18, something like that. So that's changed that factor to come down through there.

MR. KOGELNIK: Yep.

MR. COWIE: And probably the most important fact is that with that contract that master meter was supposed to be there from the very beginning, within one year, and it was not put in there. And that's -- it said where it was supposed to be, how it was supposed to be built, and when it was supposed to be there. And none of those things were achieved, and you guys took a different route for six years until it was put in. So chew on those facts too.

MR. KOGELNIK: Yep. Yeah, there are a lot of variables.

MR. COWIE: I agree there are a lot of variables. But there was a lot that just wasn't said that I just said.

MR. KOGELNIK: Okay, noted. Does anybody have any questions for me? I mean, I wanted to go over that in a verbal manner there so that that actually would elicit some questions.

MR. SULLIVAN: So do you -- you said that the total that he felt that they were over-billed was incorrect. Do we have a number that we think?

MR. KOGELNIK: No. I didn't -- two things, Mike. I didn't say his number was incorrect. I just can't see how carrying that idea for the flow that's being measured now backwards and calculating an over-bill of, you know, that amount based on that analysis is accurate. Because I think that back in 2017 and 2019 the mag meter, according to the comparison with the run times, was close. And it was within, you know, the water consumption as well. So I think that there was -- you know, the mag meter at that time was operating okay and I just can't see -- can't see that analysis that was provided on this sheet can be used. I don't -- I just don't see that. Now as far as a number, no I can't -- I can't quantify that other than --

MR. SULLIVAN: But that's where we got to get to.

MR. KOGELNIK: I think it would be more accurate to say at this time this would be zero. I hate to say it, but that's for Imperial's standpoint. I just don't see that there is an overpayment. I could be wrong, I certainly can be. But you've asked me to do an analysis on some pretty vague data. And there's data in here that -- like the run times, there's certain spots where there were holes in the data. So I didn't use those pieces of data. I only used pieces of data that was solid, meaning that it had run times all the way through the entire billing period and I could use that. So I honestly -- I don't know if I can do anything with that at this time.

MR. CAMPBELL: So I lived through this whole experience, good, bad, or indifferent. But I do remember some of the stuff that Tom had brought up; and yes, we made some decisions and just tried to

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work through the situation that was before us on the connection. Not having the meter in place because of external conditions with Trumbull County and everything else that we were trying to go through as a Village, we were trying to work through a bunch of things that we're not going to get down into at this point. I understand from Imperial's side, the only thing they have are their bills. They have figures what they've been billed for over the years. They're trying to work from that their side of here's what we paid, here's now what we're paying, and I don't see why there's that much difference. I understand they are working with what they gotta work with. And I understand that Chris took his time numerous times, looked at the engineering side of it, tried to correlate currently what we have as a system and tried to correlate it back. And he's saying he can't do that, which I can respect and understand. So that leaves us with, you know, the two sides of the two avenues of it. I guess the only thing I can think of at this time to try to resolve this would be -- I know Cindy's, you know, gotta clean up at the end of the year. But if she could validate some of the money side of it, then as a Board we can consider just splitting the difference and being done with it. I don't know what else to do with it.

MR. PETERSON: I think we're just pounding our heads against the wall here because we've had this since I've been here at least and we keep going back and forth. I don't know if there's gonna be a good answer that we're gonna like and Imperial's gonna like.

MR. KOGELNIK: In your concept, Kevin, with splitting difference, you mean like a \$24,000 overpayment?

MR. CAMPBELL: Yeah, yeah. If those numbers validate from what Cindy looks at. Those are from Imperial's side, and as a Board they need validated. From our side we need to look at the figures.

MS. SLUSARCZYK: Kevin, I said before the report, that last segment in time, the flow meter from 2020 to 2023, he's using bill amount, not consumptions. There's no consumption, it's only if the consumption exceeded was there a bill. That's a minimum bill rate. It is not based on flow. I mean, it's a calculation.

MR. CAMPBELL: That's what I meant their figures need to be. We can't just take the figures, we have to look at it and say here's really what that cost.

MR. PETERSON: It all comes down to dollars and cents.

MR. CAMPBELL: That's what we're arguing over. That's my suggestion.

MS. SLUSARCZYK: At one point in time I showed you where the flows at the sanitary sewer, the new meter -- sewer meter -- exceed the flow that goes into the homes, okay. I said it's greater than that. I gave you all a worksheet and just showed you a sample in time. It does not exceed the flow of the flow master meters that enter the park, so -- and that's why I said when we were talking about clarifying the contract, it says bulk meter, is that three bulk meters or is that 287 residential bulk meters? What is the clarification? And earlier this year nobody changed the contract. So the interpretation is the three bulk meters we're not exceeding them so they're getting a minimum bill. What is the sewer flow meter, I have not been tracking it for the last couple months because you have a new billing clerk that's doing that work. I would have to go back and see where those flows -- but it doesn't matter if the contract says, you know, its interpretation of the language as to how we bill.

MR. CAMPBELL: So again, like I said before, I don't think we should adjust any of the billing aspect until we clean this up

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because that just muddies up something that we're changing.

MS. SLUSARCZYK: Yeah, yeah.

MR. CAMPBELL: So --

MR. PETERSON: I guess the other side is we agreed to put in a meter and I know there were circumstances --

MR. CAMPBELL: There were circumstances around that.

MR. KOGELNIK: You know, if I could -- there's -- in the spirit of negotiating and that, here's what I would tell you. You heard my side, zero, you know. And I hear -- I heard what your side is, is that you're willing to split the difference or whatnot.

MR. CAMPBELL: Once we validated.

MR. KOGELNIK: There is validity in what Tom was saying, and there's also some validity in something that you and I both didn't say today. There is an acceptable amount of infiltration that every sewer system has. And Tom is correct, a portion of the existing sanitary sewer from Trumbull County now flows into that system, okay. We don't know --

MS. SLUSARCZYK: Does it? Does it flow into the new meter? No.

MR. KOGELNIK: No, it doesn't. Let me finish.

MS. SLUSARCZYK: Okay.

MR. COWIE: To the pump station.

MR. KOGELNIK: It goes into the pump station. And so that's unmeasurable. So I think that what you're trying to do here with negotiating with Imperial in other words is fair is what I'm trying to say. I don't have the -- I can't say, you know, quantitatively how fair it needs to be, that is not my job. But I will tell you that there are imperfections in this analysis, in the system, in the infrastructure, to come up with an answer that is gonna be, you know, spot-on dollars and cents.

MR. CAMPBELL: That's what I said. I realized that from numerous conversations around this and yeah, we're not gonna get to it. It has to be decided and move on.

MR. SULLIVAN: But if Cindy goes back and comes up with a number of 12 rather than 23, we're at the same place. I mean, we could split the 12 then or whatever, but they're gonna be arguing about no that's not a good number or --

MR. CAMPBELL: I don't know what else to say, Mike.

MR. KOGELNIK: Well, that's down the road. You know I provided you my analysis. I cannot give you a dollar amount because there's too many variables that are impeding that. So I think the best thing is what Kevin had stated, but that's not for me to decide on.

MR. SULLIVAN: Well, I agree with that, as long as Cindy comes up with what she believes the number is.

MR. KOGELNIK: Well that's, I think, what Kevin stated.

MR. PETERSON: Yeah, that's what Kevin stated.

MR. SULLIVAN: Okay.

MR. PETERSON: So do you know when you would be able to have that number available?

MS. SLUSARCZYK: Yeah, after January 3. We've got to close the year and, as you know --

MR. CAMPBELL: It won't be this year.

MS. SLUSARCZYK: It won't be prior to the end of this year.

MR. PETERSON: Okay. Can we have it by the next meeting?

MS. SLUSARCZYK: Chris, that's a lot of work. I have to go back in every bill, and it's not like it's my only job up there.

MR. PETERSON: Yeah, I appreciate that.

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MR. KOGELNIK: Sorry I couldn't come up with a more definitive --

MR. CAMPBELL: You can only do what you can do with what you've got.

MR. SULLIVAN: When are you shut down, from Christmas Eve to --

MS. SLUSARCZYK: We're off December 25 and 26 and then January 1 and 2. So we'll work Wednesday, Thursday, and Friday; and then Bill scheduled us Saturday as well that week because we have to close the books once the banks close on Friday we can assume that there will be no additional changes in the banking and we can start working on closing the year. We're trying to have those figures for the January 3 Council meeting for him to have.

MR. SULLIVAN: Don't you have to have one like on the 28th or 29th too?

MS. SLUSARCZYK: In all honesty do we have to, yes.

MR. SULLIVAN: A Council meeting.

MS. SLUSARCZYK: We can't do anything until the bank closes on the 29th, and the way the calendar falls --

MR. RADTKA: Cindy, if I could add to that. Last night at Council I made a motion for Bill to have authorization from Council to do all the necessary appropriations and closing out the books before the 31st, knowing that they're hoping to have that done by 4:00 on the 30th. If he has it done by 4:00 on the 30th, we're going to try to have a scheduled meeting the 31st at 6:00. If he can't get it done by the 30th around the 4:00, 5:00 time frame we gave him authorization to do it on his own, and he's already talked to the State Auditor about that. So we're kind of up in the air if we're gonna have a meeting or not, we don't know yet.

MS. SLUSARCZYK: The 1st or 2nd no one is working. I mean, things can happen though I mean with roads and crews and staff call-outs. But that's the best we can do.

MR. PETERSON: Okay. Tom, do you have anything to add?

MR. COWIE: Just if we could clarify then, we're gonna try to come up with a number from your side.

MR. PETERSON: Correct.

MR. COWIE: And then go from there.

MR. PETERSON: Yes.

MR. COWIE: Okay.

ATTY. RIES: Once that number is agreed upon, I will assume we want a formal settlement agreement where we're releasing all claims between each other for over a different amount of money up to a certain period of time.

MR. PETERSON: You were next on my list.

MR. CAMPBELL: The line in the sand.

MR. SULLIVAN: It's over.

8. Rate Study - Water

MR. PETERSON: Okay. Item number 8, Rate Study - Water.

MS. SLUSARCZYK: I think since you've passed the rate, we can take that off our agenda for 2024.

MR. PETERSON: Yes. I would say yeah. I would say it probably needs to be revisited maybe October next year.

MS. SLUSARCZYK: That's gonna be a live document that we'll continue to use but for it to be presented to the Board. I mean, in March you're to review your rates, so --

MR. PETERSON: So we'll leave it off until March. Two

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months.

MR. CAMPBELL: Take it.

9. Utility Department Building

MR. PETERSON: Number 9, Utility Department Building.

MR. KOGELNIK: If I may, I mean if there's -- I would reserve that number 9 for Utility Department building issues because we know it's a priority, and there's other priorities that we've listed out that we don't put on this agenda. Take it off. But if there's issues with the existing utility building those -- that's what the priorities need to be. So we just -- so that everybody is aware, the Utility Department building is something that we all know is needed, but it's hard to get funding for a building. It's not a piece of infrastructure that connects water service or sewer service up to a customer. So we'll continue looking for funding on it, and that's all I can say for that.

MR. PETERSON: Darren, is there any repairs to your building currently that you have or need or -- besides a bigger building?

MR. BIGGS: Well, I hate to throw too much money into a building that isn't ours and a pole barn that isn't ours, so I keep holding off. But I mean, if we're not gonna move forward with this and it's gonna be our responsibility to maintain, then I'm gonna have to do some capital improvements on it and I'm trying to figure out something. But offhand no, I don't have anything, Chris. If that's where we're gonna be, I mean, I don't even know how far we can go. We're in charge of the maintenance, but yet it's not our building. So I don't know where I begin and end with that building anyway.

MR. KOGELNIK: It is a good question.

MR. PETERSON: Can any of you folks answer that?

MR. BIGGS: Is that -- nobody knows. I'm not gonna --

MR. PETERSON: Somebody.

MR. RADTKA: That arrangement was ever since I've been over here for 12 years, that's been the arrangement. I don't know how that ever came about. I know it was -- from what I heard in the past that there was just a shared, you know, mutual agreement between, you know, the Council side and the BPA side of it. It was our building, you know, it was turned over to the BPA to use, Water Department to use. And you know, in turn for that, you know, water was supplied to the administration building and such. So it was just a working agreement. And then there for a while, you know, Council did the maintenance; and then it was turned over to the BPA to maintain. So when all that took place and got together was probably back in the day when Lee Davis and Mike were here when they originated the Water Department.

MR. SULLIVAN: There was a point in time when Arno had come to a meeting and said that the Village would put in \$100,000 towards a new building. And that's the thing that I -- you know, we've been talking about this for seven, eight years I guess. You know, if we'd been putting \$25,000 away each year we keep talking about it, but we don't put anything away to where we can look towards the future to have a decent building.

MR. KOGELNIK: Is there a buildings and grounds fund.

MS. SLUSARCZYK: Uh-huh.

MR. KOGELNIK: What's it fund?

MS. SLUSARCZYK: Everything but Water.

MR. BIGGS: Everything but us. Every other building except this one.

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MR. KOGELNIK: Well, is there a building fund built into the water and sewer rates?

MS. SLUSARCZYK: No.

MR. KOGELNIK: No? It's -- so this is not built correctly with how it should be paid for and according to your question, Mike. So you know, when you're sitting back here thinking about your water rate being high, no it's not. You're catching up.

MR. PETERSON: Yeah.

MR. RADTKA: But even on the Village's side, Chris, there's never been a line item in the budget even on buildings and grounds for repair and replacement. It's just been in the -- you know, the general buildings and grounds fund.

MR. SULLIVAN: When that \$100,000 was talked about is when we were talking about remodeling that.

MS. SLUSARCZYK: Kunkel.

MR. SULLIVAN: Kunkel building.

MR. KOGELNIK: So what you can't go out and get external funding for you got to try and make up for in your rates.

MR. PETERSON: We have no choice.

MR. KOGELNIK: We have to.

MR. PETERSON: Twenty years from now the Board will be talking about the same thing with the building falling down on them. We have to have a capital improvement plan.

MR. KOGELNIK: Maybe you want to revisit that agreement between Council and BPA about this particular building. It's just not -- it's not fair. And if -- you know, if Council cares about the water rates, you know, keeping them low, there's got to be some sharing there of, you know, how they are funding. Otherwise you're asking for a miracle.

ATTY. RIES: So the Village owns the building, the Water Department uses it and maintains it, and none of that's in writing or anything?

MR. BIGGS: It was in the minutes.

MR. CAMPBELL: That's about all the writing it was.

MR. BIGGS: Yeah. But other than that, I don't know of anything.

MR. CAMPBELL: There's no formal agreement.

MS. SLUSARCZYK: In 2005 is when the Water Department became, quote, self-sufficient; and we just carried over our budget, that year we started from scratch. I think it was about 2008. It wasn't with Lee Davis, it was -- Darren's dad was on the Utility Committee at the time and worked with us, and they talked about charging us rent for the buildings. So the barter was we're charging them for water and it's an exchange for funds. It just worked for the Clerk's office not to move money back and forth every month. So the understanding going forward was we don't charge them for water and they didn't charge us for using their buildings. Then it became our building, our responsibility. But again, the water utility in most areas -- now I know there's cities, villages, but it's part of the Village. And in my eyes the Board of Public Affairs is a different governing body, but the assets of the Village are the Village's assets and we're a department within the Village. So, when it comes to administering with the residents and the rules and regulations, that's where the Board becomes a player in the situation. I think it -- there needs to be clarification so there is no argument. But it's not to ask for this utility building is like it's a garage. It was never a building meant to house SCADA and computers and employees and lunchroom

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tables. It was a two-man department back then. And even size, I mean, we've out grown it. So there's issues that just need to be addressed and move forward and a solution worked on and found.

MR. PETERSON: I mean unless anybody on Council feels differently I think there should be a line item in the budget for and it would go into the water rates to maintain the building. I mean I know where I work I make my own payment on my building but it's a water plant so I got a WRSIA loan, I mean, it's a little different story but I maintain my own building. So I mean Bob and Ron I mean..

MR. RADTKA: Well, let me ask you something. Is there really ownership or is it just the Village as a whole owns it?

MR. PETERSON: The Village is the Village.

ATTY. RIES: The Village owns everything. Who's responsible for that, that normally comes down to a matter of contract, what's in the lease. Normally things that are major infrastructure, roofs, that type of thing, are the landlord/owner responsibility, fixtures, that type of thing. But it's all -- in any type of leasing situation it's all written out who's responsible for that. Sounds like we have an informal verbal lease where the water is being exchanged for use of the building and that's just how everything has kind of been, on an informal basis.

MR. SULLIVAN: But if I'm not mistaken, the Village did take care of any of the repairs up to what, a year ago.

MS. SLUSARCZYK: No, it was about when Kunkel -- I think when they bought Kunkel's.

MR. SULLIVAN: I'm talking about the repairs on the quonset hut.

MS. SLUSARCZYK: Correct. Also the Water Department became self-sufficient, we became more financially responsible for the repairs. I think a man door had to be replaced and stuff like that, and we had to pay for it and it just became more--

MR. BIGGS: There was a bunch of small things, put in an office. We would just take care of it. If a roof needed done or something bigger, it was council's building. As I've heard, Council owns all assets. So as far as shared with the Village I don't know how that is, you know. We've got a water line that needs to be replaced, that is an asset. Is that Council or ours? Where is this line being drawn? I'm confused.

MS. SLUSARCZYK: I think the bottom line is when the Village of Lordstown has to pay for this, does it come out of water renta or does it come out of tax?

MR. KOGELNIK: Yeah. And that's where Chris is saying, you know, for his building he has to --

MR. PETERSON: It's built in my budget. It's on the water rates. That's where mine comes from.

MR. CAMPBELL: It's a treatment plant.

MR. PETERSON: It is a treatment plant, so it's a little different animal. I think once the committees are set next year we need to sit down with the building and grounds committee.

MS. SLUSARCZYK: So in your municipality, your water residents completely fund your water department?

MR. PETERSON: Yeah. The Village does not give us anything.

MR. RADTKA: How does that work, Chris, with you like water line extension repairs, replacement?

MR. PETERSON: Me?

MR. RADTKA: Is that through your --

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MR. PETERSON: The Village has to sign the paperwork because the mayor is the ultimate authority, but yes.

MR. RADTKA: It's through your water rates?

MR. PETERSON: It's through our water rate. So if we get a loan for a current project we're working on, that's built into our water rate.

MR. SULLIVAN: But it really is a different animal.

MR. PETERSON: Yes, it is a different animal and it's -- there the BPA handles everything. That's just how they do it there.

MR. SULLIVAN: But I think you're right, we had to sit down --

MR. PETERSON: We need to sit down with building and grounds. It's not an argument. We need to work it out. Matt, if I'm understanding you correctly, have something in writing stating this is how we're going to do it moving forward.

ATTY. RIES: You guys have basically been working through a verbal lease that's very -- where the elementary terms are agreed upon. But when you get down to who's paying for what that's spelled out in the lease, that hasn't been doing, so everything has been kind of done on a handshake. We need to have something in writing going forward so we at least know who's to be responsible for that.

10. I&I

MR. PETERSON: Number 10, I&I.

MR. KOGELNIK: I have nothing on that one. I'll get something in 2024.

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

MR. PETERSON: Number 11, CEF-L replacement along 24-inch water line. I think we're keeping it on the agenda.

MR. CAMPBELL: It was just an item that we missed and we're hoping to capitalize on if the opportunity arose with kind of using it as a little bit of leverage. I'm not sure it's even possible. As time goes on it gets less and less.

MR. KOGELNIK: As per Darren's point, when we're writing these applications to try and include them as just a best attempt to try and encapsulate the funding for those valves. Because in the end if we do build that 24-inch water line in the future, we're gonna have valve interconnects along the way to provide some flexibility. And so we need to build numb 11 into the future funding app.

MR. PETERSON: I'm assuming that's not in there currently.

MR. KOGELNIK: Correct, it's not in there right now.

MR. PETERSON: Do we have a price estimate at one time?

MR. KOGELNIK: Actually I may be wrong on that. One second.

MS. SLUSARCZYK: I think it is built into the redundant 24.

MR. KOGELNIK: Is it?

MS. SLUSARCZYK: You look at it a lot closer than I do, but I thought this was a discussion we had with Bob in the very beginning.

MR. KOGELNIK: I got a healthy number in there for that. I have a significant number for cost for those valves in there. Is that gonna cover it? I'll take another look at it. Right, all right.

MR. PETERSON: We'll leave this on for next month then. I was trying. But after next month if we're sure that's built-in we can take it off, we'll be addressing it. Okay. Any other Old Business?

PUBLIC COMMENTS:

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MR. PETERSON: Seeing none, Member -- Public Comments.

MR. McGRATH: Can I ask a question?

MR. PETERSON: Yeah.

MR. McGRATH: Going back to number 4 on New Business, are there figures that go along with those increases and all that?

MR. PETERSON: Under New Business?

MR. McGRATH: Yes.

MR. PETERSON: Yes. Cindy do you want to -- you can probably find it faster than I can. I know the rate but --

MS. SLUSARCZYK: The rate is inside the Village rate for water is \$8.25 per thousand. Outside rate will be \$12.38 a thousand. The minimum monthly residential bill will be \$3.90 a month inside the Village and \$5.85 outside based on meter size it increases throughout. So, it was the rate from the last meeting that was held.

MR. PETERSON: Yeah.

MR. McGRATH: All right.

ATTY. RIES: The rates should be attached as Exhibit A to that number 4 Resolution. And those are the same rates, those two pages, as the Appendix A to the Resolution under number 3. Those were incorporated into the rules and regulations. The appendix at the end of the rules and regulations also has those two pages.

MR. PETERSON: Yeah, I'm with you now.

ATTY. RIES: And the water rates.

MR. PETERSON: Yep. I gotcha. Is that all you had, Mark?

MR. McGRATH: Yeah, that's all.

MR. PETERSON: Any other additional public comments?

REPORTS:

1. Solicitor's Report

MR. PETERSON: Seeing none, Solicitor's Report.

ATTY. RIES: No report.

2. Engineer's Report

MR. PETERSON: Engineer's Report.

MR. SULLIVAN: You kind of gave it.

MR. KOGELNIK: No. No report.

3. Utility Committee Report

MR. PETERSON: Okay. Utility Committee Report.

MR. BOND: I have no report this evening.

4. Clerk's Report

MR. PETERSON: Okay. Clerk's Report.

MS. SLUSARCZYK: I have one issue. We have a customer at the Ohio Commerce Center. She has paid her last bill late and received a penalty charge which she's asking for a waiver. I'm gonna just share this with you since we can't put it on record. She's asking for a waiver of the late penalties that were charged. The bill is behind there, you can see the penalty amount on the two accounts. There is two accounts there.

(Discussion amongst the Board off the record while looking at the paperwork.)

MR. SULLIVAN: Why does she want the --

MS. SLUSARCZYK: She just made it late. She said she's showing the past due. They were sent out on time, but with the Thanksgiving holiday they didn't receive them and process them on time. They never made a late payment before and are requesting the charges

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are taken off.

MR. PETERSON: Is that correct, they haven't been late before?

MS. SLUSARCZYK: I can't say never, but not their practice -- not common practice.

MR. PETERSON: Not common practice.

MR. SULLIVAN: Why is there two different ones?

MS. SLUSARCZYK: They have two accounts.

MR. PETERSON: Two accounts, same customer.

MS. SLUSARCZYK: One customer.

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

MR. SULLIVAN: Maybe that one off. I mean, in the past if somebody has been not a problem and paying every month and fell into a circumstances we did something for them.

MR. PETERSON: I mean, I would say take them both off and as long as it's not -- yeah, as long as it's not --

MS. SLUSARCZYK: One time forgiveness.

MR. PETERSON: One time forgiveness, yeah. So I guess I'll make a motion we --

MR. SULLIVAN: I'll second it.

MR. PETERSON: Take the late fees off this account for one time. Second?

MR. SULLIVAN: I second.

MR. PETERSON: That is -- all in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed. Is that all you had, Cindy.

MS. SLUSARCZYK: Other than the fact I'm gonna reiterate with Chris Kogelnik ask who he had for relating to the letters of support for the projects. If you can put something together or --

MR. PETERSON: Bob, I'll get with you. You can give take that to me after the meeting.

MS. SLUSARCZYK: Is anyone gonna spearhead reaching out to Foxconn, MVSD, Ultium or -- who are you going to assign to try to get some of these letters?

MR. PETERSON: I know you have contact at Foxconn and Ultium, correct? Do you want to handle Foxconn and Ultium? I'll call MVSD, I have no problem with that. And then I'll ask Bob -- I'll get with you and if you're okay with that --

MR. SULLIVAN: So we want another letter of support from --

MR. PETERSON: Yeah. Do you have a sample letter Chris or -- could you send that to Cindy and she can distribute it?

MR. KOGELNIK: Yep.

MR. PETERSON: Thank you. Okay. Anything else?

MS. SLUSARCZYK: No. That completes my report unless you have anything for me.

5. Superintendent's Report

MR. PETERSON: Superintendent's Report.

MR. BIGGS: One last thing as far as advertising. I would like to re-advertise again for the job position. We got a total of three applicants, one of them which was Scott which -- two others were not qualified. We tried to advertise in other places and it did not work out, so I would like to do it again so we can try to reach out and get as many applicants as we can.

MR. PETERSON: Okay. Do you guys have an issue with that?

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MR. CAMPBELL: No, not at all.

MS. SLUSARCZYK: In 2024?

MR. PETERSON: Yeah. I wouldn't do it until after January 1.

MR. BIGGS: Only other thing I got is the Warren water line crossing Salt Springs. There has been discussion on an open cut or a bore. We've been back and forth. Steve Remillard has talked to Chris about how to handle it or what can be done with that, and I'll let Chris handle it.

MR. KOGELNIK: So Steve Remillard, Kellie Bordner and I had a conversation about site plan review and this came up for the Warren water line at the Salt Springs Road crossing. And as you might know or be aware, we've been trying to tell Steve and his team that they need to bore and jack underneath that road and dip way down underneath all of the utilities there. It would be a feat to do that. And so he asked Kellie and I during the phone call, he said something to the effect that he heard, you know, through being at the meetings that the Village was having some issues with their air release valves on the existing 24-inch water line. And he said, you know, if you will allow us to open cut that crossing he'll pay for those. So he didn't know how much that cost and he wanted me to tell him exactly. And I says well hold on, that's sort of like what you just told us on the Hallock Young sewer connector; and so I need to get back to Ron and to Darren, they need to answer that because Ron had a good reason as to why he wanted it to be bored and jacked, I thought he did. So at this point in time I think what you need to do, Darren, correct me if I'm wrong, you need to authorize us to create an estimate for replacing those air release valves because then you can know how much exactly you need going into 2024 to replace those faulty air release valves. But I think it's more than that because I think you need to replace those vaults around them. So I need to build an estimate, we need to share that with your team here, collective team, even Ron Hickox, and you guys need to have a consensus because this is significant. And I think that that road can be open cut. But I wouldn't just cavalierly do that, I would make Steve Remillard give you a schedule that's no longer than a couple days to get across the road. Because it is a concern to keep that road open for, you know, an extended period of time. So I think you do need to give this some thought. But I do think that you should authorize us to complete a cross-estimate for replacing those valves. If you can do that tonight we'll go into 2024 and build that estimate and get it to you by the January meeting, turn it around as quick as that, or quicker.

MR. PETERSON: Well, I'm okay with that. Regardless, we need the cost estimate anyways, it's something that needs done. But I think the open cut or the bore should be a decision between Utility Committee and us because it's your guys' road.

MR. RADTKA: Can I ask one thing to that. I spoke with Mr. Hickox this morning and he brought that up to me, the open cut compared to the bore and jack. He thought you might want to consider, Chris and Darren, of another maybe option we could ask them is some help and relief on our Henn Parkway drainage issue.

MR. KOGELNIK: So that came up too.

MR. RADTKA: So you got a couple things you might want to juggle.

MS. SLUSARCZYK: I want to put in something and say I want to help on the Hallock Young water line extension.

MR. KOGELNIK: So that we're not --

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MR. RADTKA: -- competing against each other.

MR. KOGELNIK: And wasting our time here. This is number one. We need to get a cost estimate because that is real, we need to get that repaired. Secondly, you know, after you guys have met and discussed that we need to sit down with Steve and talk with him about these things. I mean as much as some of his offers, you know, can be brushed off easily, there's some things here that you should talk to him about. We did talk about the drainage issue, and I'll go as far as saying it's still a possibility that he could help with that. But we won't know until we sit down with him, so --

MR. PETERSON: So, I would say get the cost estimate together and with the Utility Committee or whatever committee Council decides together, we can sit down with them and see what we can do.

MS. SLUSARCZYK: Chris, do you know how much that will be?

MR. KOGELNIK: A couple thousand dollars tops, hourly.

MS. SLUSARCZYK: So, they can't put that in until January. So if you can have me a price, because we'll need to put it in one of the very first things.

MR. KOGELNIK: All right.

MR. PETERSON: Do you need a motion for an amount --

MS. SLUSARCZYK: That's why I asked him because --

MR. PETERSON: -- not to exceed?

MR. KOGELNIK: Not to exceed \$2,000.

MR. PETERSON: I'll make a motion not to exceed \$2,000 for the cost estimate for the air release valves.

MR. CAMPBELL: I'll second that.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MS. SLUSARCZYK: Chris, when you do that if you could just date it January 1, 2024.

MR. KOGELNIK: Okay.

MR. PETERSON: Okay. Darren, we're still on you.

MR. BIGGS: That's all I got. I'm just looking. I'm good.

MEMBER COMMENTS:

MR. PETERSON: Okay. Member Comments.

MR. SULLIVAN: I'd like to take a minute and thank Kevin for --

MR. CAMPBELL: Well, let me make my formal resignation first. So I guess at this point I'll make my formal resignation at the end of this month and resign from my position on the Board. It's been 14, 15 years I've been on the Board, and I've really enjoyed working with a lot of people that I came in contact with. I guess it developed my skill of working with the public. It's something that I didn't quite realize that I didn't have until you end up in some of the positions that you're in. But I definitely enjoyed it. It's just my point in life where I've got other commitments and other things I need to do. So I'm gonna step down.

MR. SULLIVAN: You've done a stellar job.

MR. CAMPBELL: I definitely gave it my best attempt.

MR. SULLIVAN: And we didn't have a cake, but I do have one of Cindy's homemade cookies for you.

MS. SLUSARCZYK: Right out of his pocket.

MR. CAMPBELL: I love you, Mike. Thank you, brother. So there you go. Thank you. Thank you very much.

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MR. PETERSON: Kevin, totally -- you taught me a lot in the last two years.

MR. CAMPBELL: I guess I took this position after Chet passed and I'm kind of leaving it to the next transition because I took it -- filling over after he passed. And then when it comes to the first election and I didn't make it and I got appointed in, so there was a while before I was even elected into this job. So I'm kind of living that trend to continue on with it. But it -- I was asked to kind of step in because they wanted someone that's gonna be with some longevity, and I see now why it takes somebody to kind of be involved for a spell. And to have somebody with a high turn-over really puts the stress on the people that are, you know, constantly working here and having it at least kind of an anchor or solid person to be around for quite a while. And I'm glad that you come around and you've done a fabulous job, and your -- having your experience from your work in Lisbon has been very valuable; and I'm just tickled, this last year you did just a great job. I commend you and give you the best of luck. If you have a question from something from the past just give me a call and go why did you do that. So --

MR. PETERSON: And Mike, you too. Thank you very much for everything you've done for us.

MR. SULLIVAN: It's been a good ride, I've enjoyed it.

MR. CAMPBELL: That's for sure.

MR. PETERSON: So, I guess reluctantly I'll make a motion we accept Kevin's resignation.

MR. SULLIVAN: Second.

MR. PETERSON: All in favor.

(All respond aye.)

MR. PETERSON: Any other member comments?

MR. CAMPBELL: No.

MR. PETERSON: The one thing I had, because sometimes I think weird, going back to rocks and -- since they're gonna remove the tap on Salt Springs -- and throw stuff at me if you want -- can we forgive the amount that we would charge her sense the account wasn't set up if she's gonna make an application to abandon it?

MR. CAMPBELL: That makes sense.

MR. SULLIVAN: I don't have it problem with it.

MR. CAMPBELL: Is that your motion?

MR. PETERSON: Yeah, I'll make a motion.

MR. SULLIVAN: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

MS. HOLTON: Thank you.

QUARTERLY APPROVAL OF BILLING ADJUSTMENTS:

January, April, July, and October

MR. PETERSON: No quarterly approval of billing adjustments.

MS. SLUSARCZYK: Can I ask a question? You made a motion to abandon the tap for Salt Springs with no fee. What is the opinion for the fees associated with the Tod Avenue? Do they stand until she terminates?

MR. CAMPBELL: Yeah, I would say. I thought your motion was on the --

MR. PETERSON: Because she wasn't aware of the tap and --

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yes. So --

MS. SLUSARCZYK: Okay. Just so we know how to process.

MR. PETERSON: Yes. Okay.

ADJOURNMENT:

MR. PETERSON: No quarterly approval of billing adjustments, so just motion to adjourn.

MR. CAMPBELL: I'll make a motion.

MR. PETERSON: Second. All in favor?

(All respond aye.)

(Meeting ends at 5:40 p.m.)

C E R T I F I C A T E

STATE OF OHIO)
TRUMBULL COUNTY) SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Niles, Ohio on this 9th day of January, 2024.

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

Submitted:

Approved By:

Cinthia Slusarczyk, Clerk

Chris Petterson, President