

January 16,

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RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
January 16, 2024

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

ALSO PRESENT: Mr. Terry Campbell, Utilities Committee
Ms. Jessica Blank, Utilities Committee
Mr. Thomas Cowie, Imperial Communities
Atty. Leo Puhalla, Antonine Sisters
Mr. Mark McGrail

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 16th of January, 2024.

MR. PETERSON: I'd like to call this January 16, 2024 Board of Public Affairs meeting to order. Please stand for the Lord's Prayer and the Pledge of Allegiance.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

ROLL CALL:

MR. PETERSON: Welcome everybody. Roll call please.
MS. SLUSARCZYK: Chris Peterson.
MR. PETERSON: Here.
MS. SLUSARCZYK: Stanley Czeck.
MR. CZECK: Here.
MS. SLUSARCZYK: Darren Biggs.
MR. BIGGS: Here.
MS. SLUSARCZYK: Cinthia Slusarczyk, here. Chris Kogelnik.
(No response.)
MS. SLUSARCZYK: And Matt Ries.
ATTY. RIES: Present.
MR. PETERSON: Did you need a motion to excuse Chris?
MS. SLUSARCZYK: Chris?
MR. PETERSON: Kogelnik. I'll make a motion to excuse Chris Kogelnik. He's on vacation this week.
MR. CZECK: I'll second.
MR. PETERSON: All in favor?
(All respond aye.)
MR. PETERSON: Motion passed.

APPROVAL AND CORRECTION OF MINUTES:

December 19, 2023

MR. PETERSON: Approval and Correction of minutes, December 19. Did you get a chance to read them?

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MR. CZECK: Yeah. I didn't see anything --

MR. PETERSON: Okay. I'll make a motion we accept the minutes as written.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

CORRESPONDENCE:

MR. PETERSON: Correspondence. Cindy.

MS. SLUSARCZYK: No correspondence.

PUBLIC COMMENTS:

MR. PETERSON: Public Comments. If anybody wants to make a public comment just raise your hand.

ATTY. PUHALLA: For the record, Leo Puhalla; Antonine Sisters, Antonine Village and Antonine Adult Day Care. I think we have a resolution under consideration for the water line. Just wanted to thank the Board of Public Affairs for all its hard work, Attorney Ries, Cindy, everyone over the past roughly a year, 11 months, to hopefully get us to this point where the BPA and perhaps the Village Council this afternoon --

MR. PETERSON: Any other public comments?

NEW BUSINESS:

1. Election of Officers

MR. PETERSON: Seeing none, New Business. Item number 1, Election of Officers. Is that something we wait until the other Board seat is set or do we do that now?

ATTY. RIES: No, we should wait until the other Board seat is set. The vacancy has to be appointed by the Mayor subject to Council approval, so I would say we should wait.

MR. PETERSON: Wait, okay. We'll table that until the next meeting.

2. A Resolution of the Board of Public Affairs of the Village of Lordstown recommending that the Village of Lordstown accept a statement of final completion and owner acceptance of the work in connection with a Memorandum of Understanding entered into with the Board of Commissioners of Mahoning County; Antonine Maronite Sisters of Youngstown, Inc; Antonine Village and Antonine Sisters Adult Day Care, Inc. for the installation, operation, maintenance, repair, replacement and removal of a public water system waterline within Mahoning County and along the public road right of way of Lipkey Road.

MR. PETERSON: Item number 2, a Resolution of the Board of Public Affairs of the Village of Lordstown recommending that the Village of Lordstown accept a statement of final completion and owner acceptance of the work in connection with a Memorandum of Understanding entered into with the Board of Commissioners of Mahoning County; Antonine Maronite Sisters of Youngstown, Inc; Antonine Village and Antonine Sisters Adult Day Care, Inc. for the installation, operation,

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maintenance, repair, replacement and removal of a public water system waterline within Mahoning County and along the public road right of way of Lipkey Road. Do you want to give any explanation to it, Matt?

ATTY. RIES: Sure. First of all, I want to thank Attorney Puhalla, as well as the Antonine Sisters, for working with us on this. It's been about a year since we realized -- or since this problem was discovered, maybe a little longer. We signed a Memorandum of Understanding back in September prior to them breaking ground basically saying that if the water line was built to our requirements, that upon completion we would accept it under certain conditions. Since then they have completed construction. We've obtained general -- we've obtained lien waivers from the general contractor as well as the subs, which was the only thing recently holding us up. We've also obtained an assignment of a warranty for the pipeline for the water line in order to accept ownership. And if this is approved, Attorney Puhalla has the -- I'm sorry, the easements, the original easements which would then be recorded in favor of the Village. And the only other thing we were waiting on was the as-built so that they lined up with the easements, and those have since been submitted to us in an acceptable form. So I believe that this is ready for the BPA's consideration.

MR. PETERSON: Okay. Stan, did you have any questions or.

MR. CZECK: No. It sounds like they did everything they had to.

MR. PETERSON: Okay. Darren, you're good?

MR. BIGGS: I'm good, correct.

MR. PETERSON: Cindy? Okay. I'll make a motion we accept the Resolution.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed.

(No response.)

MR. PETERSON: Motion passed.

3. A Resolution terminating the Master Services Agreement with Utility Service Co., Inc. in connection with the State Route 45 Water Tower

MR. PETERSON: Item number 3, a Resolution terminating the Master Services Agreement with Utility Service Co., Inc. in connection with the State Route 45 tower. Darren, do you want to explain?

MR. BIGGS: Yeah. We're not using the 45 tower, the 500,000 gallon one now that the 3 million came online. I don't see any need to have a service agreement on a tank that we're not gonna use. If in the future we figure out a way maybe we can pick that back up. But we have to have a letter to them saying that we don't want that by the 18th of this month or we'll go on another yearly maintenance agreement with them. I talked with CT, and myself and CT are both satisfied that we do not need this agreement and we'll not need that tank this year.

MR. PETERSON: Okay.

MR. CZECK: Is everything prepared to go into idle status then as far as the tank's concerned?

MR. BIGGS: It's already done, correct. We had to do that before when we were switching over. This water, it had been in there for a couple months so I had to get rid of what was left in there. I wouldn't want it in our system anyhow. It's ready to go back online at any time, but it is not being used right now.

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MR. PETERSON: Is it projected to ever go back online for any reason?

MR. BIGGS: Maybe to help out our booster station with the suction pressure on it and --

MR. PETERSON: So it still may be needed in the future.

MR. BIGGS: Could be some other things connecting around. But nothing -- not as a need right now for it.

MR. PETERSON: In the immediate future. Okay. Any other questions on the Resolution? Seeing none, do you want to make a motion.

MR. CZECK: I'll make the motion.

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

(All respond aye.)

MS. SLUSARCZYK: This becomes Resolution 2024-2.

MR. PETERSON: Item number 4, CT Work Authorization --

MR. BIGGS: Chris, before you continue is that something Matt's gonna have to write a letter for or prepared?

ATTY. RIES: I drafted the letter. It should be attached to the Resolution. I'll send it out tomorrow morning. I dated it for tomorrow, so I'll send it out for tomorrow.

MR. BIGGS: We're two days away.

MR. PETERSON: Do they have to have it by then or as long as it's post-marked?

ATTY. RIES: Once it's in the mail it's considered served.

MR. BIGGS: Okay.

MR. PETERSON: Okay. Is that it, Darren?

MR. BIGGS: Yeah, that's it. I didn't know if I should drop something off or that's all. I didn't know how that was gonna work after this.

ATTY. RIES: I'll just send the letter out in the morning.

4. CT Work Authorization for Lipkey Road Waterline Extension

MR. PETERSON: Item number 4, CT Work Authorization for Lipkey Road Waterline Extension. This is the work authorization for all the work they did on Lipkey Road, correct?

MR. BIGGS: I would imagine.

MS. SLUSARCZYK: Yeah.

ATTY. RIES: CT Consultants.

MS. SLUSARCZYK: It's for review and coordination for the Lipkey Road coordination with Mahoning County and Antonine Sisters. He said they had about 110 hours into this project, and the work authorization he's asking for is \$4,342.67.

MR. PETERSON: I'm okay with it because I know he did a lot more work than just that. Do you have any questions at all on it?

MR. CZECK: No, I think that would be okay.

MR. PETERSON: I make a motion we accept the work authorization.

MR. CZECK: I'll second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed.

(No response.)

MR. PETERSON: Motion passed.

OLD BUSINESS:

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1. Antonine Village Phase 2 Expansion Water Line

MR. PETERSON: Okay. Seeing no other New Business, -- Old Business, Antonine Village Phase 2 Expansion Water Line. We can take that off the agenda now, right?

ATTY. RIES: Yes.

2. Trumbull Energy Center - Sanitary Sewer

MR. PETERSON: Okay. Item number 2, Trumbull Energy Center Sanitary Sewer. Darren, do you have any updates?

MR. BIGGS: I don't. I don't know if you had talked with CT about it anymore. I didn't hear anything.

MR. PETERSON: Chris didn't say anything to me.

MS. SLUSARCZYK: In his Engineer's Report -- one second -- he said that he reached out to the developer and he hasn't had a phone call back, but it is covered in his written Engineer's Report.

MR. PETERSON: Engineer's Report, okay.

MS. SLUSARCZYK: There has basically been no action.

MR. PETERSON: No action. Okay. We'll keep working on it.

3. Project Funding

MR. PETERSON: Item number 3, Project Funding. I know at the Council meeting a couple weeks ago Chris Kogelnik had mentioned it might be a good idea, Terry, for the Utility Committee and us to get together to see what our priorities are for funding-wise so he knows what he's looking for. I don't know if you want to get together with us and see when a good time's for you guys to meet, maybe have a joint meeting would be --

MR. CAMPBELL: Let me know, I'll check my schedule. Let me know when you want to do it.

MS. BLANK: Can it just be at 4:00 or after so I can come?

MR. PETERSON: Well, it works for me too.

MS. BLANK: Thank you.

MS. SLUSARCZYK: Will you want that a formal meeting or a work session? Do you want -- so I know how to coordinate it.

MR. PETERSON: I don't think we need a transcription of it. I mean, that's up to you because I know you still have to present minutes.

MS. SLUSARCZYK: We can do a summary because all it is to bring them up to speed.

MR. PETERSON: We're not taking any action or anything. Whatever we come up with, we'll go through a meeting to kind of set it in stone so --

MR. CZECK: Yeah, I don't think we need it. There will be nothing decided anyhow.

MR. PETERSON: Yeah. So -- yep. All right.

4. Proposed Hallock Young Road Water Line Improvements

MR. PETERSON: Item number 4, Proposed Hallock Young Water Line Improvements. Darren, do you have any updates? I know Chris put it in his report.

MR. BIGGS: No, I don't have any new updates on that.

MR. PETERSON: Any other update other than what Chris put in here? Stan, did you have any questions on it or anything like that?

MR. CAMPBELL: Do you have the updating he said on the thirteen?

MR. PETERSON: Yeah.

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MR. CAMPBELL: Okay.

MR. CZECK: No, I don't have anything.

MR. PETERSON: Okay.

5. Salt Springs Road Booster Station Relocation

MR. PETERSON: All right. Item number 5, Salt Springs Road Booster Station Relocation. Again, that's -- we'll reference Chris' report.

MR. BIGGS: I do have something on that though. His survey team was checking into easements over there for the existing water line. I believe they're coming up empty with easements or ownership or whatever else. And from talking with him it almost sounded like he needed the BPA to go to the next step to find out any records or do we have an easement over there, do we need to get an easement over there before, other problems might arise where it's gonna be harder to do. So I know he was gonna come to you guys, I believe, and then possibly Matt to further look into that so we just don't sit on it.

MR. PETERSON: You know how we do it. Title search, I'm assuming, on the property to find out if there's any easements attached.

ATTY. RIES: But if that's what Chris' team is doing already --

MR. BIGGS: So obviously you didn't talk to Chris yet about it.

ATTY. RIES: No. But I know initially I believe they were having trouble finding any recorded easement. So yeah, it would be a title search with the Recorder's office. If it's not there, it's not there.

MR. PETERSON: Even if we had something, if it never got recorded it's not a legit easement.

ATTY. RIES: So what did Chris want? He wanted --

MR. BIGGS: Well, I just wanted to update you, I don't want to talk for Chris either. But he was thinking when I talked to him our agreement, our thought, was the BPA needs to look into it further or somebody above them. And if that means, you know, possibly you, Matt, can check into what we can find, what we have, what we don't, if there is nothing, and then find out what we need to do to get an easement over there so that we can move this booster when we're ready down to that area.

ATTY. RIES: Okay.

MR. PETERSON: I guess we need to keep it moving as much as we can because he has right in his report it may affect funding if we don't have everything lined up. So I don't want to miss out on funding.

MR. BIGGS: Correct. Plus the area that we're talking about over there, who knows where it's gonna end up.

MR. PETERSON: Correct, yes.

ATTY. RIES: There was a couple moving pieces to that.

MR. BIGGS: Exactly. That's why I wanted to just -- and I can't answer everything for Chris, but I believe that that's where we're at so that we don't get stopped on this.

MR. PETERSON: Are you okay with having Matt go forward.

MR. CZECK: When the station was put in, the easements, nobody has no record of --

MR. BIGGS: There's no station there, Stanley. We're moving one to another spot.

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MR. CZECK: Okay.

MR. BIGGS: And that's the one that we need the easements on.

MR. CZECK: Okay.

MR. BIGGS: It the old Pritchard and Tod, that's where we would like to put our existing one, move that one over to that area. The one we have down here on Salt Springs we're not using right now because the new one, it would better serve us down there in that area.

MR. CZECK: Okay. So we need to establish something.

MR. PETERSON: We need to establish something, and you need to get an easement on the existing water line that is there currently because right now you don't have any authorization to do any work on it.

MR. BIGGS: Well --

MR. PETERSON: I mean, it's there, you gotta do what you gotta do.

MR. BIGGS: Nobody has found anything yet saying that that's -- there's an easement there or whatever else. We could run into problems.

MS. SLUSARCZYK: I think there's an e-mail from Chris Kogelnik saying for the Village to go forward with obtaining an easement. I think it came in this afternoon. I tried to look on my phone, but it doesn't present the chain so I can't pull it up right now.

MR. PETERSON: So I guess who from the Village does the easements for you guys here? Is that Darren, is that Chris, is that you Matt?

ATTY. RIES: Typically CT Consultants will do it. If there's no easement, the only two options are voluntarily get one from the land owner, or if they are not gonna cooperate by eminent domain. And that's the property that's maybe getting purchased by a trucking terminal.

MR. PETERSON: Correct.

ATTY. RIES: So I'll reach out to Chris because I'm just learning about this, so let me reach out to Chris and we'll talk about next steps. And hopefully we're just doing a voluntary basis. But CT Consultants should be able to do the easement. They have --

MR. PETERSON: I didn't know who approached the property owner and did all that here.

MS. SLUSARCZYK: Chris has approached him or a representative of the property owner.

MR. CZECK: Is that lines that were put in during the water -- the birth of the Village -- the water line the phases, was that then one of the phases that --

MS. SLUSARCZYK: We're assuming we --

MR. BIGGS: It's definitely one of the phases. It's been there quite a while.

MR. CZECK: Well, that should have been nailed down at that time.

MR. PETERSON: Yeah.

MR. BIGGS: You're correct with that. But the homes that were there, I don't even know if they were homes or greenhouses or it's just a gas well road. So I don't know if it was just ran the county line or there was an easement from the property owner or it was just kind of --

MR. CZECK: Yeah, who knows what happened back then.

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MR. BIGGS: I looked a little bit. I couldn't even find anything.

MR. PETERSON: When I talked to Kelly about it, she had mentioned that she believed at one time there was a road, old Pritchard used to go down there. So maybe they assume that right-of-way still existed and they put the water line in that right-of-way, and maybe they vacated that right-of-way when the turnpike was put in. I don't know. That's what she had mentioned to me.

MR. BIGGS: It's been so long ago I believe it's actually Pritchard. We just call it old Pritchard right now. It went right through and over to Pritchard. When the turnpike came in it got turned and you had that other road before it goes back to Pritchard. That's where the water line continues from there.

MR. PETERSON: There used to be a roadway that went through that and I believe the turnpike was put in. I believe that's when it would have been moved.

MR. BIGGS: The water line didn't get moved, the road got moved.

MR. PETERSON: Correct.

ATTY. RIES: Okay.

6. Imperial Sewer Agreement

MR. PETERSON: All right. Next item is Imperial Sewer Agreement. I know we've been working on this. Stanley, I don't know if you've been able to catch up.

MR. CZECK: I heard some of the stuff going on.

MR. PETERSON: So I think the best thing for us to do going forward would be to schedule a sit down with you guys and --

MR. COWIE: You don't have anything from your end yet? I know the holidays and everything.

MR. PETERSON: Chris didn't give me anything yet.

MR. COWIE: What I'm gonna do, Chris, is give you everything that we based our analysis on for that. I have a folder for you. It shows you our bills, this is everything that we -- with that graph, that we gave you for -- or that chart that we gave you, it's all in there so you can at least have an idea of what we based our information on. And then we would like to get this wrapped up. I mean, it been years.

MR. PETERSON: I know it's been on the agenda since I've been here.

MR. COWIE: We're pretty flexible time-wise to sit down and look at this with you.

MR. PETERSON: Stanley, do you have a --

MR. CZECK: Yeah, I remember some of the meetings.

MR. PETERSON: I guess we'll wait until Kogelnik comes back and schedule a work session if you're okay with that.

MR. COWIE: This is what we passed out at a meeting before so it gives us an idea.

MR. CZECK: We have three meters on there now, don't we?

MR. PETERSON: Yeah.

7. Utility Department Building

MR. PETERSON: Item number 7, Utility Department Building. Darren, do you have any updates?

MR. BIGGS: No updates.

MR. PETERSON: Okay. Any questions, Stanley?

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MR. CZECK: No.

8. I&I

MR. PETERSON: Item number 8, I&I.

MS. SLUSARCZYK: That project is being handled by CT Consultants.

MR. PETERSON: Yeah. I'm looking, I don't see anything in his report reflecting it. Are you okay with that?

MR. CZECK: Yes.

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

MR. PETERSON: Item number 9, the valve replacement along the 24" water transmission line. This is -- I believe in the LEC agreement they agreed to so many years -- I think it was five, Darren; am I correct -- that they would replace the valves on that line?

MR. BIGGS: Right.

MR. PETERSON: And we missed the deadline due to Covid. And then Matt, I don't know if you were in the loop on that either or not.

ATTY. RIES: No, I wasn't.

MR. PETERSON: But when we caught it after Covid we approached them and they said no, you missed the deadline. I don't know, can we do anything with that?

ATTY. RIES: I'll look at the agreement. The issue is it went outside of the five years?

MR. PETERSON: Correct, Darren?

MR. BIGGS: Correct.

MR. PETERSON: It was before even me.

ATTY. RIES: Was Paul involved in that.

MR. BIGGS: He was.

ATTY. RIES: I'll look into it and let you guys know.

MR. PETERSON: Stanley, you got any questions on that?

MR. CZECK: No.

PUBLIC COMMENTS:

MR. PETERSON: Any additional 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: Engineer's Report is attached. Any questions on the Engineer's Report?

MR. CZECK: No.

3. Utility Committee Report

MR. PETERSON: Seeing none, Utility Committee Report.

MR. CAMPBELL: Nothing.

MR. PETERSON: Nothing.

4. Clerk's Report

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MR. PETERSON: Clerk's Report.

MS. SLUSARCZYK: No report.

5. Superintendent's Report

MR. PETERSON: Okay. Superintendent's Report.

MR. BIGGS: Just a couple things to add. The GIS mapping that CT was working on, we're changing from one GIS to another. Our annual subscription is gonna be coming up. I inquired about it to see where we're at on CT's end and I'm waiting on them, trying to see if they are going to flow together or we're gonna end up paying two for a while, I don't know. So hopefully we can get a report on that soon. Doing what I can to hurry that up so we're not paying for two of them. The other thing, the -- that insertion valve that -- the 12-inch up at the tank we were talking about, it did get put in so we're done with that. So if we did need the 500,000 gallon that's how we would -- we needed that valve put in there, it did get done.

MR. PETERSON: Okay.

MR. BIGGS: Along with the 500,000 gallon tank up there on 45, with the letter needing to be in by the 18th, I'm gonna need to meet with the gentleman from this on the 22nd to discuss when they're gonna pick up the maintenance on the new one and what they can cover for now since it is still under warranty, most of it is. So I'll be reporting to you guys on that to see if you want to go ahead and whether they can fill any gaps and maintain the new tank, the 3 million. I asked them to put something together, some kind of proposal. I showed him basically everything structured is covered now, but all the little stuff they can handle for us will not be. So I asked them to throw something together, and I'm gonna meet with him amongst other things on the 22nd and hopefully have a report for you guys and you can decide on what we want to pick up from them. That's it.

MR. PETERSON: That's it. Stanley, have you got any questions?

MR. CZECK: No.

MEMBER COMMENTS:

MR. PETERSON: Member Comments.

MR. CZECK: No, I don't have anything.

MR. PETERSON: Nothing, okay.

QUARTERLY APPROVAL OF BILLING ADJUSTMENTS:

MR. PETERSON: Quarterly Approval of Billing Adjustments. You know what, I forgot to look at them, I'm sorry. And I probably didn't --

MS. SLUSARCZYK: Becky probably can't even pull them back out now with the cabinets moved for the flooring. You can do that next month.

MR. PETERSON: We'll just do that next month. Okay.

ADJOURNMENT:

MR. PETERSON: And motion to adjourn?

MR. CZECK: So moved.

MR. PETERSON: Second. All in favor?

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(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

(Meeting adjourns at 4:25 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 30th day of January, 2024.

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

Submitted:

Approved By:

Cynthia Slusarczyk, Clerk

Chris Peterson, President

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