

July 1

2025

RECORD OF PROCEEDINGS  
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS  
1455 Salt Springs Road, Lordstown, Ohio  
July 1, 2025  
4:00 p.m. to 5:40 p.m.

- IN ATTENDANCE:** Mr. Christopher Peterson, President  
 Mr. Michael Sullivan, Vice President  
 Mr. Stanley Czeck, Board Member  
 Mr. Darren Biggs, Supt. of Utilities  
 Ms. Cinthia Slusarczyk, Clerk  
 Mr. Christopher Kogelnik, Engineer  
 Atty. Matthew Ries, Solicitor
- ALSO PRESENT:** Mr. Ernie Bowen, Village Council  
 Mr. Jamie Moseley, Village Council  
 Ms. Jessica Blank, Village Council  
 Ms. Jackie Woodward, Mayor  
 Ms. Kellie Bordner, Planning & Zoning  
 Mr. Liam Mathews, Verdantas  
 Mr. Mike Fuchilla  
 Mr. Mark McGrail  
 Mr. Branden Mattern

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 1st of July, 2025.

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

**LORD'S PRAYER**  
**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL:**

- MR. PETERSON: Welcome everybody. Roll call please.  
 MS. SLUSARCZYK: Christopher Peterson.  
 MR. PETERSON: Present.  
 MS. SLUSARCZYK: Michael Sullivan.  
 MR. SULLIVAN: Here.  
 MS. SLUSARCZYK: Stanley Czeck.  
 MR. CZECK: Here.  
 MS. SLUSARCZYK: Darren Biggs.  
 MR. BIGGS: Here.  
 MS. SLUSARCZYK: Cinthia Slusarczyk, present. Chris Kogelnik.  
 MR. KOGELNIK: Present.  
 MS. SLUSARCZYK: Matt Ries.  
 MR. RIES: Present.

**APPROVAL AND CORRECTION OF MINUTES:**

**June 3, 2025**

- MR. PETERSON: Okay. Approval and Corrections of the minutes from June 3. Did everybody get a chance to take look at them?  
 MR. SULLIVAN: Yeah. I make a motion to approve.  
 MR. PETERSON: Motion by Sullivan.  
 MR. CZECK: Second.  
 MR. PETERSON: Second by Czeck. All in favor?  
 (All respond aye.)  
 MR. PETERSON: Opposed?  
 (No response.)  
 MR. PETERSON: Motion passed.

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CORRESPONDENCE:

MR. PETERSON: Correspondence.

MS. SLUSARCZYK: We do. We have one correspondence from Brandy Mattern, it's a three-page letter dated 6/28/2025. "Board Members: I am writing to ask to have a charge removed from my water bill. It was charged for a meter change this past winter. My hot water tank went out and I was changing it. While under my trailer I noticed my water meter was rusted and leaking. I called and someone came out and changed it. During that service call I explained that my hot water tank had stopped working and that's how I noticed the leak from the meter. Service personnel reported my pipes were frozen. My pipes were not frozen at any point. The meter was very old and rusted. I do not want to be charged for a meter when it wasn't my fault. It is difficult to understand why I should be charged for the meter that is owned by the Water Department. Also, how is it decided who pays in the Village and who doesn't? I spoke to multiple neighbors who had their meters changed free of charge. Some had frozen pipes, some just had an old meter that needed changed due to leaking like mine. Some were told the first time it's changed the Water Department pays for it. Please clarify the ways it is determined who pays. I believe I should not pay since my water meter was old and simply rusted. Why does one person have to pay, and another one doesn't? This should not be happening. Please consider removing the charge from my water bill. It is difficult to survive today, and this is putting extra stress on our finances. Thank you. Brandy and Brandon Mattern".

MR. PETERSON: Okay.

MS. SLUSARCZYK: I provided you with the documentation for the work order, the age of the meter, the amount of the charge that was done.

MR. PETERSON: Did you guys all see this?

MS. SLUSARCZYK: If you have any questions, I can answer them.

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

MR. BIGGS: I seen the work order too. That's that service there. It was obviously frozen. It broke, the register broke, the meter. That's what we would do, we charged for it. As far as not charging or making a decision, we charge for every frozen meter. So, I don't know where that's coming from anyway.

MR. PETERSON: Is there any time we don't charge for a frozen meter?

MR. BIGGS: Not a frozen meter, no. No. If it quits working on our end, then we replace it. Frozen, no.

MS. SLUSARCZYK: The meter was purchased on 5/29/2014, it was not an old meter. It's the newer style of meter. That's the first -- that's when we purchased it. You have the inventory data sheet. And as you can see on the inventory data sheet, it lists the numbers of all the other meters; and all meters in that same sequencing of meter numbers are still in service. It's that second sheet. Again, it's not old. The third thing is the service order, it's two-sided. One is the original, which if you note on the back where the employee who did the service call put on their call out from dispatch. It was an after-hour service call that was done. And there was no call out charge. The call out charge which would have been charged to other people would have been \$360. We only charged for the frozen meter at that time. And then other meters at the same time that froze and broke, there was one other meter in that same time period, and it was also charged, charged for the whole meter. It's on the work order to show that it is consistent. The meter's not old.

MR. SULLIVAN: So should we send a letter back explaining all this or --

MS. SLUSARCZYK: Whatever you prefer. I just gave you the facts, so you have them.

MR. SULLIVAN: Don't you think?

MR. PETERSON: Yeah. How much is the meter, Cindy?

MS. SLUSARCZYK: The meter charge was \$226. There's some -- if you read the -- I would recommend you read the note from the technician on

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the service order. The condition when he arrived at the home at the time of the service call. It's on the back. It would be on the back side, Chris.

MR. SULLIVAN: Keeps the heater under --

MR. PETERSON: Heat tape was working or had a heater blowing under trailer. Says he does that all winter to keep pipes from freezing.

MR. SULLIVAN: That wouldn't have anything to do if it freezes up the meter, would it?

MR. PETERSON: I mean, if it's warm under there the meter wouldn't freeze. But Darren tested it, and it froze. I mean -- I mean, it looks like they tried. I mean, I'm assuming this was the week it was really cold. Darren?

MR. BIGGS: Yeah, we had a bunch of them. That's correct.

MR. PETERSON: Like I said, I remember there being -- this is the week it was like -20 degrees in February sometime. Yeah, February 12.

MR. SULLIVAN: So, if we could get a letter back to him, kind of respond to all the issues that they brought up.

MS. SLUSARCZYK: How would you like me to --

MR. PETERSON: How would you like her to write this letter?

MR. SULLIVAN: Well, just write a letter back saying we got your information, here's the information on the meter.

MR. PETERSON: Have we ever given a credit on a meter that's frozen when the heat tape was working and everything historically?

MS. SLUSARCZYK: Not to my recollection, no. Even -- Darren -- I don't know if he would know of a credit. But no. I mean, if the meter freezes and breaks, it typically blows out the bottom plate and they have water running and then we're called for service, whether they call Imperial or us. Either way, again we billed for just the meter. We didn't bill for any time or service call, which is billable.

MR. PETERSON: Yeah, which is --

MS. SLUSARCZYK: The minimum call out is a three hour minimum at \$120 an hour. So that would have been a \$360 service call on top of it for our guys coming out.

MR. SULLIVAN: And that needs to be in the letter too.

MR. PETERSON: Yeah. I think we just need to explain that we didn't charge for -- you know what I mean, all the charges we could have charged because of the -- because the meter was broken, we -- you know what I mean -- we were sensitive to the financial need. Is that what you were kind of looking for?

MR. SULLIVAN: Yeah.

MR. CZECK: Yeah, it makes sense. We just bill them once for the repair.

MS. SLUSARCZYK: You only billed them for the broken meter, none of the service.

MR. SULLIVAN: None of the repairs.

MR. CZECK: I understand that. But instead of charging \$300, we change it to three \$100 payments. That way it's not all at once.

MR. PETERSON: Yeah, do they have an option? Do you have a payment option?

MR. SULLIVAN: The charge is \$226.

MR. CZECK: That's a lot of money for some people.

MS. SLUSARCZYK: For the meter or service call?

MR. PETERSON: For the meter.

MS. SLUSARCZYK: It is my understanding -- I'm going to start with this statement because I didn't speak with this resident, that -- the billing clerk did -- that she discussed it with them and then she put it on the bill. So, they had time to make -- this occurred in February, but it is now on the bill. And at the time of the bill, when it hits the bill, if it's not paid the bill would go for shut off at the end of the month that it's due. So, they were aware of it. You know, like I said, the notes are on there. I believe even her notes are on there. Yeah. On 2/24 she called the customer, letting Brandy know that they are responsible for the cost too

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replace the meter. She said that she will have to wait for our money, and there is a man in the background yelling that they aren't paying for it. I explained that it will be on the next bill.

MR. PETERSON: 2/24. I see it now. Are there payment arrangements they can make from this point? Do you guys offer that or no?

MS. SLUSARCZYK: I believe if she put the charges on the bill, the bill was due June 4. Now I don't know when she put it -- I take that back. The charges were added on 3/27 for the -- from the -- for the billing date the next time the meters were read. So, they paid everything but the meter charge. So, she must have held the shut-off for that reason.

MR. PETERSON: So, Stanley, what you were asking is if we can let them do like --

MR. CZECK: Yeah, if they could break it up.

MR. PETERSON: Make it up into \$100 payments.

MR. CZECK: I don't have any problem with that.

MR. PETERSON: \$75 payments.

MS. SLUSARCZYK: It shows this charge on 3/27, the new bill.

MR. PETERSON: That's the balance, correct?

MS. SLUSARCZYK: They are not paying for it.

MR. PETERSON: So it was paid on 3/27 is what you're saying?

MS. SLUSARCZYK: Uh-huh. She informed them in February on the work order and applied the charges to the account in time for the next billing.

MR. CZECK: Is anybody here from that -- would you be okay if we broke it up? We can't change policy --

MR. MATTERN: Our water never froze. I don't know where they're getting it froze. We lived there for over three years; our water never froze. If it would have frozen, we wouldn't have had water. We've never not had water there. That's why I don't get how they're saying it froze. And they're talking about a heater in there to keep it warm. The heater was in there because I had to replace the hot water tank because the hot water tank rusted out. And we have an awning garage on our house, and it was like 40 degrees out. But the heat tapes were on, they were unplugged when the hot water tank started leaking. And that was the day before we called them.

MS. SLUSARCZYK: The work order, the manual work order, said it was a call out from dispatch. So, they must have called for service because it didn't come through the offices, it had to be after hours for dispatch to get the call.

MR. SULLIVAN: But as she just said, we've never paid for a frozen meter.

MR. MATTERN: But it never froze, that's what I'm trying to get at.

MR. CZECK: We've had meters freeze in the past?

MR. BIGGS: Oh, absolutely.

MR. PETERSON: Absolutely.

MR. BIGGS: Many, many. The thing about it is too we wouldn't have just went out there and said it froze, we got called and said it froze. We didn't make that up, you know what I mean. And then when we replaced it and seen that it had blew apart, I mean --

MR. PETERSON: Mike, do you have --

MR. FUCHILLA: I'm the one that went out there. And he's correct, the heat was on, and all that stuff was on. But I can't say how long the heat was on or if it thawed out the meter or what. But from what I saw and testing it and everything else, the meter was frozen. So, I've seen a lot of people, they put heaters under there, they thaw them out, they don't think we're going to catch it. The way it splits it doesn't just rust the out that way. When it splits it breaks along --

MR. PETERSON: Is it a composite meter or an actual brass and --

MR. FUCHILLA: It was a freeze --

MR. PETERSON: With a freeze plate on the bottom.

MR. FUCHILLA: So, it fits along the plates. When it blows, it

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blows right there. And it actually blew the gasket inside and part of the inner diaphragm was broken. So, to me that tells me it was frozen. I'm not saying he's -- he was wrong or anything like that. I just don't know how long --

MR. PETERSON: Yeah, it sounds like he did everything in his power that he could.

MR. FUCHILLA: The heat tape was working. It -- he had unplugged it, and it was still a little warm because he had it unplugged. But I can't tell you when it happened or how it happened, but it was cracked. And then when I tested it out the radio was so far off, we can't even re-use the radio on it because it was damaged.

MR. BIGGS: You can't read it, they have it.

MR. PETERSON: Well --

MR. CZECK: Well I mean, I would let -- you know, if we can break the payment up for you, I mean that's -- I'm willing to do that, make that change for you. Because we haven't had -- never had done this before so --

MR. MATTERN: Whatever you mean, we're getting screwed either way.

MR. PETERSON: So what do you want to do?

MR. CZECK: I'd spread it out into four parts. That way it won't be that much.

MR. PETERSON: Four parts.

MS. SLUSARCZYK: Four monthly parts or --

MR. CZECK: Four equal parts for the meter replacement.

MR. PETERSON: Remember, they bill every three months.

MR. CZECK: That's fine. Then that way it won't have that much of an impact. I would be willing to do that.

MR. PETERSON: Okay. Does that need to be a motion?

ATTY. RIES: Yeah.

**MR. CZECK: I make a motion to break this meter billing up in four parts over the next four quarters?**

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

**(All respond aye.)**

**MR. PETERSON: Opposed.**

**(No response.)**

**MR. PETERSON: Motion passed.**

MS. SLUSARCZYK: Is there a time frame where he would have to make the first payment by.

MR. CZECK: I think -- next billing cycle I think would be fair because I don't want to charge him a penalty. So --

MS. SLUSARCZYK: Well, wait for the first payment. You said he can make four payments on it.

MR. CZECK: Whatever would fit the next billing cycle without having a penalty attached to it. So, if the billing cycle already went out --

MS. SLUSARCZYK: The billing cycle is done, and we're in a new reading period for this cycle. So, his next bill will be due September 4 provided it's a working day. So is that day his first payments due or all payments are due by --

MR. CZECK: The first payment, the first of four. We're going to break it up into four parts, four billing cycles beginning September, whatever the next one's due, the next cycle. Not the previous cycle. Following me?

MS. SLUSARCZYK: I understand what you're saying, but there's no way -- I would have to manually go in there and override the penalty every time to prorate your \$60 or \$70 payment for a year. You're allowing four payments on four billing cycles?

MR. CZECK: Yes. So, we'll have to override it, that's all.

MR. PETERSON: Okay. Are we good? All right. Any other correspondence?

MS. SLUSARCZYK: No, that's the only one.

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**PUBLIC COMMENTS:**

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

**NEW BUSINESS:**

**1. Clean Energy Future - Trumbull LLC - Sanitary Sewers in Lordstown and Ohio EPA PTI.**

MR. PETERSON: New Business. Clean Energy Future Trumbull, LLC - Sanitary Sewers in Lordstown and Ohio E.P.A. PTI. Who wants to start?

MR. KOGELNIK: Matt, would you like me to lead off?

ATTY. RIES: Sure if you want to.

MR. KOGELNIK: We've had several discussions by way of e-mail and phone conversation with Ohio E.P.A. and Village officials regarding this. As everybody knows, Trumbull Energy Center, as part of a plan review, was supposed to submit a complete PTI application to the Village for our review and understanding of how their facility was to be constructed, maintained, operated, controlled. We had conversations just as of yesterday with Ohio E.P.A., during which I asked them to provide a complete PTI application copy to us. Matt and I just received them by e-mail, and I've been -- it was just about what, an hour or so ago? So, I've been reviewing these plans. This is not a complete copy of the permit to install, these are only plans. And from what I can see in here there's an outlet control structure from the basin which would be discharge to Mud Creek, and there's the illustration of the sanitary sewer on page 30 and 31 of their admin buildings. The sanitary sewer connecting to Trumbull County's sanitary sewer. So, the Village would obviously object to that. Along with a PTI application there's typically forms that you must fill out that Ohio E.P.A. has for, you know, a system like this, and none of that was included here. Furthermore, their pond has intermixed with its storm water from the site, and that storm water needs to be evaluated and calculated and then the pond right-sized to that storm water for the prescribed Trumbull County events. None of that was included. And so, I have no idea how they're, you know, sizing their outlet control structure to control that before Mud Creek -- it goes into Mud Creek. So, this gives a picture of what they plan to do but it's -- it's not the complete, you know, review of their PTI application. Other information. So, we all know that they applied for their NPDES permit initially around 2017 and it expired. We had some conversations with Ohio E.P.A., what are you going to do now that it has expired, because typically an entity will renew their NPDES application maybe seven, eight months, well before the expiration date, and in this case, it was after the expiration date. And so, Ohio E.P.A. sounded like they were working on it with TEC. I don't know what that means because that's kind of a gray area where it should have been already renewed. So, the recent discussions with the Ohio E.P.A. were that the PTI, permit to install, was a condition that was written into the initial NPDES permit and they had to, you know, comply with the requirements in the NPDES permit. Just to give you an overview really quick, typically an entity applies for the NPDES permit. The NPDES permit then spells out what the receiving body of water can withstand in terms of a pollutant, okay. And it spells out the pollutants and it spells out the rate with which the water can be discharged to that body of water, okay. And so, like I said, the PTI was a condition of the permit. So that meant that, you know, it was an application forthcoming by TEC, it just -- it never -- it never transpired because the NPDES permit expired. And so somehow after the expiration date Ohio E.P.A. is still reviewing a permit to install on an old NPDES permit. So, this is all going on, and we're wondering how obviously because this is -- this is no-man's-land in terms of, you know, experience with the Ohio E.P.A. You don't usually do that. In the recent conversations with the Ohio E.P.A. we've described to them TEC was supposed to submit all this for -- to the Village for our review because we had some concerns about the discharge into Mud Creek for the blow-down and the storm water, and we also had some concerns that TEC wanted to connect to another public sanitary sewer other

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than the Village of Lordstown's. We stated that the Village insists that TEC connect their admin building sanitary sewer effluent to the Village's east side system. On page 14 of this 31-page document here they illustrate their pumping system, and then they also illustrate on page 30 and 31 the plans and profiles for that sanitary sewer connection to Trumbull -- or I'm sorry, Trumbull County sanitary sewers. So, one thing that the Ohio E.P.A. suggested to us is that we need to have a meeting and conversation with Trumbull County to, you know, confirm who's to be the connected entity for the sanitary sewer. That's the Village's prerogative, I believe, that they want to do that. So that meeting needs to occur soon before this PTI gets approved. It's my understanding that Ohio E.P.A. understands that there's some very strange nuances here that weren't really communicated well, meaning that Trumbull Energy Center didn't even have the courtesy to call the Village to say hey, do you have a sanitary sewer we can connect to, they just automatically started working with Trumbull County. That was pretty evident. The other thing is that it's very similar in their approach to the water. They coordinated directly with the City of Warren without reaching out to the Village of Lordstown and basically struck deals. So, in this particular case we're trying to catch it at the 11th hour and get Ohio E.P.A. to revise the PTI to make the sanitary sewer connection to the Village of Lordstown's Hallock Young sanitary sewer. That's the best we can do. In regard to the NPDES permit and the PTI for the blow-down, it sounds like the PTI is still being reviewed and it's not final and the new renewal NPDES permit is still in draft form. And so therefore, the public comment period is not going to occur for some time. And it's my understanding that the Village wants our firm to help in stating what the Village's public comments are about both the discharge to Mud Creek and the sanitary sewer connection. Currently though, it -- we're probably at a minimum of three weeks out, I guess. They wouldn't say how long but based on where they're at right now I'd guess around three weeks. So, I was supposed to show up today with a work authorization for that. I have reviewed that with my internal people, and we do -- we definitely have some questions about that before we'll ask for a work authorization on it, primarily because we don't want to waste your money. We don't want to burn money. We want to put our effort where it's best. And I listed out a scope of what that might look like for our work authorization and shared that with Kellie and a couple other people that are in the room here, and it sounded like that's generally the type of work that they were looking for. But we have some time to pick that apart. I just don't want to spend any more time than I need. Right now, I've got I think listed around 50 hours for all of that. That's listed in the e-mail there. So, the other thing that you need to be aware of is part of this process is -- review by us -- was to review the PTI application. And so, I think it's kind of silly for me to include it in the work authorization site plan review, to review the PTI, when TEC should have paid for that beginning of the project. So, I think they need to pay for that, not the Village. So that's where -- there is a lot of conversation and e-mails. Normally we have documented a lot of this by way of e-mail and that's all good. But it's been a significant back and forth discussion. Does anybody have any questions for me?

MR. SULLIVAN: Back in '17 when they had the comment portion, the residents were all notified, I think we had it at the school I believe; and there were a lot of residents that showed up. I'm just wondering if that's going to be another comment period if somehow, we shouldn't notify the residents.

MR. KOGELNIK: There will be another public comment period because it's a renewal of the NPDES. Kellie knows that. I think everybody knows that. Initially when I called Ohio E.P.A. about a month ago the reviewer stated that the applicant, TEC, had a higher flow rate included in their PTI application than the NPDES. And that's a huge red flag. And so, one of the PTI review comments, it's my understanding that TEC revised that to be within the flow rate that was in the original NPDES. So, they've

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supposedly addressed that. The NPDES permit had a flow rate of 0.62 MGD, 620,000 gallons per day. So, are there any other comments about that? Mike, you would get to see that public comment period because it's an advertised -- it's typically an advertised meeting. They must publicly advertise.

MR. SULLIVAN: Well, I think if it happens the Village should make sure that at least we notify Brook Hollow. I mean, that's where the huge problem was.

MR. KOGELNIK: There were probably many people that would want to speak on that publicly. I know a couple of people here that live very close to the proximity of that. So -- but this document that I have here is a set of plans that does not describe how it's going to be controlled, it doesn't describe how it was designed in accordance with Trumbull County storm water manual. And so pretty picture, but I really can't -- I can't make head or tails out of it without that information. So, one thing that we're going to -- we should, Matt, reply back is this the only set of plans, there are no reports or design calculations, nor the Ohio E.P.A. forms that accompany it. It's an incomplete PTI application.

MR. SULLIVAN: Do we need to try to get a meeting with Trumbull County?

MR. KOGELNIK: Yes.

ATTY. RIES: Just picking up on that, I've sent their attorney several letters. One thing we must be cognizant of the Ohio Power Sighting Board. And I know I've said this before, but the way the law is written specifically for these types of facilities is that once they get their certificate, they don't have to listen to us or comply with our local ordinances. And that's why they've just been kind of moving forward in a non-orthodox manner and giving us very little transparency. The -- I've reached out to the County, the E.P.A. has representatives who sit on the Ohio Power Sighting Board so there is some overlap there as well. And it seems to me that what is being approved at this point there's some -- maybe just some rubber stamping going forward as long as they're in compliance with the certificate. The certificate that was issued from the Ohio Power Sighting Board in terms of where this blow-down is going to go, you know, it goes either through our system to the City of Warren or into Mud Creek; and the certificate was granted, it was based ongoing into Mud Creek. In fact, they already said the City of Warren doesn't want it because it would require major infrastructure upgrade. So, it was already basically approved to go into Mud Creek pursuant to E.P.A. permitting in that certificate. In terms of what they can do, it's in the certificate already. So, I mean we object, and we should let our voices be known, but the -- we have -- we haven't seen a lot -- whether it's from the E.P.A. or the Power Sighting Board there's not been a lot of concern about local input from the Village in terms of how this project is going. But we should let our opinions be known. In terms of the sanitary sewer hookup, I've sent a letter several times to their attorney for Trumbull County letting them know our position and it's to go through our system, not the County's. Last week I sent a letter to the E.P.A. setting forth the legal position of why they should be required to hook -- TEC should be required to hook up to our system, not the County. Because the way the law works basically is if you have metropolitan, you know, like Trumbull County, they can come in and once they are within a Village that's incorporated, they're allowed to complete whatever their initial plans were, they don't lose their investment basically. But going forward, any additional extensions or anything like that would have to be approved by us by ordinance, which was never approved. So, they're allowed to keep their customers, they're allowed to continue to maintain their lines that were initially existing or were part of their plan prior to the Village incorporating it, before it was a township and incorporated into a Village. They're allowed to keep and maintain those lines. But new plans or hookups would have to be approved by us under our ordinance and under state law.

MR. SULLIVAN: I would think the east side would be considered now.

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ATTY. RIES: That's our position. That's what I went to Ohio E.P.A. In the Ohio Power Sighting Board certificate where it talks about where they will hook up, it contemplates an on-site septic system and going to our sewers and going to Warren. It doesn't mention anything about Trumbull County. It's kind of sauce for the goose if we're looking at Mud Creek because it's in the certificate, the sanitary sewer hookup needs to apply for us because that's what is in the certificate. And I also point out to the E.P.A. that Lordstown Energy Center was also required to hook up to our system. So, we -- I just sent that last week to the E.P.A. setting forth our legal position. I think he's waiting to hear back about what Trumbull County's position is. But I do agree it would make sense to have a meeting with Trumbull County. But you know, one of my consistent themes is when I reach out directly to the attorneys, I don't always get a response from the attorneys. And that's not uncommon when you're dealing with government attorneys unfortunately, so -- but I think a meeting would be good because it would come to a head and we've set forth our legal position. And if things get bad and Trumbull's not communicating with us, we may want to consider filing an injunctive action against them in court saying you don't have a right under the Ohio Revised Code to let this company hook up to your system. I would not want to go through the Ohio Power Sighting Board just based on past experience and because we won't be bringing TEC into that, we would be suing them under a separate set of laws saying they are basically coming in to hook up customers that we didn't approve by ordinance. That's a push-comes-to-shove type of measure.

MR. SULLIVAN: But the other portion where they are dumping their water to -- how many gallons did you say?

MR. KOGELNIK: 620,000 gallons per day would be the permitted rate.

ATTY. RIES: The blow-down, yeah.

MR. SULLIVAN: As far as the comments that -- is that worthless?

ATTY. RIES: I think that we need to let our position be known. I think it's important, especially for future projects, that the Village lets its position be known about how it feels about these projects because sitting by in silence just paves the way for a third company to come through.

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

ATTY. RIES: When Trumbull Energy came through initially some of the Village officials supported it before the certificate was granted. I'm sure the Power Sighting Board also looks at that. I think we should let our opinions be known, but I don't know what the alternative should be. Even in the city it says the City of Warren's not going to take all this blow-down to its system.

MR. KOGELNIK: And we did receive e-mails from Mr. Ed Haller, the former water pollution control facility representative, describing why and also describing to TEC's then-representative that if they do want to convey that to Warren's treatment plant that they would have to pay for some significant infrastructure improvement for that. I just wanted to add that.

ATTY. RIES: Yeah, I think the Village needs to let its position be known. You know, we took a position that we don't want them discharging into Mud Creek via ordinance, via resolution a couple months ago, so I think it is important to be at these hearings to let our opinion be known. And there were during the initial -- before this was certified by the Ohio Power Sighting Board those concerns were raised in a public hearing by various residents in the Village about not only, you know, what the quality -- what is going to be discharged into Mud Creek but also the increase in volume. Those concerns were raised.

MR. SULLIVAN: That was in '17 that was a huge concern. I think even by Cindy they were getting overflow.

MR. KOGELNIK: I want to add too that when -- at this talk with the Ohio E.P.A. reviewer it definitely sounded like he was only reviewing the NPDES permit and the PTI. But I also informed him one thing that the Village

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is responsibly looking at is the fact that this facility doesn't have its waste water permitting done yet, a major transmission water line from an outside entity is 40 percent complete with constructing a new water line through the Village to that facility, and they didn't know anything about that.

MR. SULLIVAN: Oh, geez.

MR. PETERSON: Really?

MR. KOGELNIK: So, this is the kind of importance that Matt is underlying of why you need to remind them what your concerns are.

MR. PETERSON: Are there any Council members -- I mean, you guys are in this too.

MR. MOSELEY: So the E.P.A. didn't even know that they were running the seven-mile water line?

MR. KOGELNIK: No.

MR. MOSELEY: What did they say about that?

MR. KOGELNIK: Again, I was speaking to the reviewer of the waste water NPDES and PTI, I wasn't speaking with a -- with the Ohio E.P.A. permit chief that would issue a permit for a water line.

MR. PETERSON: Yeah, they may have a permit. I'm sure they have a permit.

MR. KOGELNIK: But the point is --

MR. PETERSON: Yeah.

MR. KOGELNIK: -- this facility's going to use a lot of water. They didn't know about it. And if we didn't remind them of that, you know, the light bulb wouldn't have even went off in their head and that's concerning. So, I think we -- you know, we need to do what Matt is saying here and state the concerns that the Village has.

MR. MOSELEY: Because you know what's going to happen, LEC is going to want to dump into it next so they can save money.

MR. PETERSON: They already tried.

MR. KOGELNIK: Yeah, there's a couple Council people here that are after some of the issues that TEC and LEC -- and I mean, it's a saga, believe me. There's a few of us here that have lived through all of this. But LEC is not going to do that, they've already been down that road.

MS. BORDNER: But I want to be clear that this isn't the first time we've made an attempt to object or express our opposition. Back in August of 2017 before the original NPDES permit was issued, Mr. Sullivan led that charge and very well. And in his letter, which I have a copy of and everyone should have received -- I mean, I put it in my e-mail -- he stated that we didn't have enough information about how this discharge was going to take place, similar to what you were explaining earlier. What are the parameters, how are you going to, you know, keep it from making a rush of, you know, water going down Mud Creek, how is this all going to work, you know, logistically. And Mr. Sullivan very respectfully said that we have a site plan review process in this Village, and if they were to follow that site plan review process, we would be able to get that information like we did through the LEC site plan review process. Obviously even at that time we weren't being made privy to a lot of their plans or a lot of their information. Mr. Sullivan could see that writing on the wall, and he simply asked them to please comply with us because then we can all work together on the project. That letter was sent to the E.P.A. That was followed in November of 2017, I'm sure reluctantly, by a letter from the Mayor I believe. And then Mr. Sullivan, who was not going to be trifled with, sent another letter to them saying hey, I sent you a letter in August, you didn't respond to me, I'd like to hear something; and he went through that again and explained why the Village was objecting and how important it was to understanding the dynamics of what they were going to do. I -- obviously they, you know, issued the NPDES permit anyway. But this is all I'm offering that for is to say that this is not the first time that the Village has, you know, at the 9th hour or 11th hour made some attempt to object. We've done that. I have that.

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MR. SULLIVAN: I even tried to get the E.P.A. to come to a meeting and they said no, we looked at it and it's only two-and-a-half inches more of flow. And I told them I said well, two-and-a-half inches, we all got problems without the two-and-a-half. He says no, we made our mind up and wouldn't even come to the meeting.

MR. MOSELEY: Well then, it's full of chemicals too. You know whose property is the first one it hits? Mine. And if my dogs get sick, I'm going to tell you there's going to be a problem. And I'm not even joking, so -- they need to look at that. They can build their own water treatment plant.

MS. SLUSARCZYK: These requests for them to comply with the zoning and supplying the permit to the zoning were built into the water agreement that says you'll comply with the site plan review process, which is part of the submission. If they didn't submit and they didn't comply then they're in breach of our water agreement, right?

ATTY. RIES: Yeah. But we've challenged their compliance with our local site plan review and, you know, we don't get anywhere with the Ohio Power Sighting Board.

MS. SLUSARCZYK: I understand that. But that's the agreement between us and them says hey, you reached this agreement, no water from the City of Warren. I mean, there must be some way we can force them to comply with something they would comply with.

MS. BORDNER: We didn't challenge it on those grounds. We tried to challenge it through, you know, the Planning and Zoning office and then not coming for site plan. I've given that up a long time ago. They're not coming to the site plan review. All I've asked at this point is please get your zoning permits. And as I've stated, in part that's for their own benefit because I don't understand how the County calculated their abatement without understanding what structures that they have there and what value that creates onto the real property. Any other time that's how you calculate an abatement and what they're getting. So, I'm at a loss. But you know, they keep promising yes, we're going to get a zoning permit, but they have not. They're not coming for site plan review, that's not happening. So, we need to stop beating that dead donkey. But maybe, as you said, we didn't attempt to take the approach that, you know, they've breached the agreement in a different way, the water agreement.

MR. PETERSON: Can you look into that, and see? I mean, that's financially going to maybe get them to the table at least.

ATTY. RIES: Yeah.

MR. PETERSON: And get them to start complying with what they need to comply with.

MR. SULLIVAN: At what point, Matt, would we take a look at filing a suit or whatever?

ATTY. RIES: Against TEC? I mean, it's all subject to the Ohio Power Sighting Board still. We still would have to go in front of them. And we did that once; we can do that again.

MR. SULLIVAN: No, I'm not talking about that. I'm talking about the second option that you were talking about.

ATTY. RIES: Oh, if -- just with Trumbull County?

MR. SULLIVAN: Right.

ATTY. RIES: If Trumbull County ignores our requests to have a meeting because I've set forth our legal position to the E.P.A. on why they have to go through our sanitary sewer, not Trumbull County's, and if we reach out and Trumbull County is going to refuse a meeting, then at that point --

MR. PETERSON: Give them the option first. So, we just need to reach out to Trumbull County and try to get a meeting set up.

MR. SULLIVAN: He's done that three or four times already.

MR. PETERSON: You tried to do that through the attorneys?

MS. SLUSARCZYK: Well, he just showed up at our office. Maybe --

ATTY. RIES: Yeah, Attorney Blair.

MS. BORDNER: And I guess I have a question. I understand that,

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you know, the O.P.S.P. certification identifies or discusses that NPDES permit and discharge into Mud Creek and that was the plan. But that must be approved through the Ohio E.P.A. And you said it says that in there. If we can somehow reason with the Ohio E.P.A. as to the damage that this is going to do, our continued opposition, how do -- how does another agency like that, you know, turn its back against the Village.

MS. SLUSARCZYK: And its residents.

MS. BORDNER: And what safeguards do we have in that if they do again. I mean, this is -- this is not essentially a second bite at the apple, this is a continuation of our opposition to begin with that Mr. Sullivan so wonderfully did at the beginning. But I don't understand why if we -- you know, if we can get the E.P.A. on our side or they can understand where we're coming from and they say no, you can't discharge into Mud Creek, then to me that's a breaking point. I mean, that's -- the O.P.S.P. certification seems to allude to that and that approval from them is required, no?

ATTY. RIES: Yeah, and in fact it contemplates -- the Power Sighting Board contemplates they're going to discharge into Mud Creek, and then it kind of punts on the issue and says they'll comply with all E.P.A. permitting and that's kind of the safeguard. So yes, the E.P.A. would be the people with -- we would want to be on our side with this.

MR. KOGELNIK: The public comment is going to be important. I think what Kellie is saying is important, especially with regard to what we're seeing right now in this e-mail reply back from Ohio E.P.A. It's not complete. There's no way anybody can make heads or tails out of what they're going to discharge, how they're going to discharge it, and that sort of thing. So, we have a reason to write back and say no, there's -- you're missing this, you're missing that, and if we don't do that your ship has sailed.

MS. BORDNER: And I think Mr. Sullivan, in his wisdom, was seeking that from the beginning.

MR. KOGELNIK: Well, it needs to continue.

MR. PETERSON: One thing I will say is you go put pressure on the E.P.A., they -- you get them on your side. They're going to say what's the alternative. So, we need to be ready for that question.

MR. MOSELEY: They can build a water treatment plant.

MR. PETERSON: I'm just saying we need to be ready for that question, whatever that question may be.

MR. KOGELNIK: Yes, that's true. But what if within that permit to install they can demonstrate that the discharge into Mud Creek is not harmful.

MR. MOSELEY: I'll bring them a gallon of it, and they can drink it.

MR. KOGELNIK: Bring it. What Chris is saying is they're going to most likely contend alternatives, and that is still an alternative. But this document that I received does not explain how.

MS. BORDNER: I mean, I think that we must stand united. I mean, isn't there strength in numbers?

MR. PETERSON: Absolutely.

MS. SLUSARCZYK: Uh-huh.

MR. SULLIVAN: I just don't know how you get the E.P.A. on our side.

MR. KOGELNIK: Well, you must go through that process. It's their process, and so part of that process is reviewing the PTI, commenting on that, going through the comment period for the renewal.

MR. PETERSON: Yeah, we need to be ready on our end to -- if we're opposed to it, which it sounds like we are, be ready for that letter so when they open that comment period up, we get in there. And then when they have a meeting, we need to go speak at the meeting.

MR. KOGELNIK: But I think for right now this is the most important thing too.

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MR. PETERSON: It's not complete.

MR. KOGELNIK: Get that addressed before the public comment period. Because the public comment period is for the renewal of the next five-year NPDES permit. They're five years long. And this PTI that I'm looking at, this drawing, is for the old permit because there was a condition supposedly in the old permit for that.

MR. PETERSON: My guess is the reason it wasn't renewed on time is because they knew the plant wasn't going to be up and running by then. They only want to go through this once. Because once they start discharging and they have issues, they wanted that five-year period to be as long as possible.

MR. KOGELNIK: That's a heck of a gamble.

MR. PETERSON: That would be my guess.

MS. SLUSARCZYK: Isn't there a moratorium issued being able to discharge into creeks too for the federal government.

MR. PETERSON: I know the E.P.A. director at one time wasn't for issuing new ones. But the renewals have all gone through as far as I know.

MR. KOGELNIK: I can't answer that.

MR. PETERSON: Yeah. I'd to have looked into it a little bit more. I knew at one time the E.P.A. director wasn't for new ones, but this is already an existing one -- it's an existing one that never happened that's -- so that's why this is considered a renewal.

MR. KOGELNIK: So I know that we need to respond to this. I need to work with Matt and/or whomever to put a response to this.

ATTY. RIES: I -- yeah. I mean, they need to know we're paying attention and our voices be known. If we don't say anything they'll go with the path of least resistance.

MR. KOGELNIK: I don't have anything else on that one. But on the agenda item number 4 I have something relevant.

MR. PETERSON: Okay. Okay. So, you're going to work with Chris on that?

ATTY. RIES: Yep, putting together a response. I can continue to reach out to Trumbull County or if somebody else wants to -- I can only go through their attorney. If someone else wants to reach out to Trumbull County and get something set up --

MR. KOGELNIK: I'm going to stay out of that.

MR. PETERSON: I just need to know who to call. I'll call whoever I need to call. Just send me a phone number and I'll call them, to see if I can get it set up.

MR. KOGELNIK: Wasn't there a person attached to our e-mail, Matt, from Trumbull County with a -- is there a Charles Miller?

ATTY. RIES: Not to ours, not to what we sent to the E.P.A. But to E.P.A.'s initial response to us there were two of Trumbull County's people on there who they have been communicating with. But I didn't include them in my e-mail back because I just wanted the E.P.A. to have this.

MR. PETERSON: Okay. Any other questions about that? Seeing none --

**OLD BUSINESS:**

**1. A Resolution recommending that Village Council authorize the Village of Lordstown to enter into a first addendum to the water supply agreement with the City of Warren for the Trumbull Energy Center Project**

MR. PETERSON: Old Business. Item number 1, I assume that's still on hold, correct, the resolution recommending --

ATTY. RIES: Yeah.

MR. PETERSON: Okay. Any questions for Matt?

**2. Rules and Regulations Governing Water Use and Service**

MR. PETERSON: Item number 2, Rules and Regulations Governing Water Use and Service. Any updates on that? Okay.

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**3. Niles Bulk Water Agreement**

MR. PETERSON: Item number 3, Niles Bulk Water Agreement.

ATTY. RIES: No updates since I've spoken to the law director a couple of weeks ago.

**4. Trumbull Energy Center - Warren Waterline**

MR. PETERSON: Chris, we got to your number 4, Trumbull Energy Center Warren Water.

MR. KOGELNIK: I've discussed this -- is Lamar here?

MS. BORDNER: We have a meeting at 5:00.

MR. KOGELNIK: I want to discuss this with him at 5:00. Okay. But I want to mention the Warren water line, the project, the representatives from it e-mailed to Darren and Martin and I on Friday the requested revisions, to go back to open cutting Salt Springs Road. Like I said, you can't make this up. And so, I've already discussed that very briefly with Lamar on the phone today. I'm not going -- we're not going to respond until we talk internally and discuss what you want to do with that. But I don't know how that plays into the reimbursement for the air release valve project, but we're done with that. Final invoicing is being sent to Clerk Bill Blank for that, so you guys know what the expenditures will be on it. My opinion is that the horizontal directional drilling would definitely be less invasive to Salt Springs Road. And if they do open cut and if they lose control of that road there's going to be a lot of utilities, a lot of roadway that they could be made to restore. And as I told Lamar, I'm not looking at a little patch job. This is 100 foot easily one way and 100 foot the other way with a warranty on it.

MR. MOSELEY: Well Chris, I spoke to the guy that's drilling; and he said he's only doing that on Highland Avenue because -- they had their equipment stored in my yard. And he said they're only boring Highland Avenue. He said they're open cutting the other ones. That's the contractor that's doing it so --

MR. KOGELNIK: Yeah. So, there's a contractor that's doing Highland by way of bore and jack. And the other contractor that they had was going to do horizontal directional drill, which is basically bore and jack without a casing.

MR. MOSELEY: And they're going to drill it and pull it back I guess.

MR. KOGELNIK: So, they've been having a difficult time getting information, but that's not the Village's fault. And I'm just telling you right now that I'm not going to review this, I'm not going to put another hour to it until we come away agreeing that we will allow an open cut or we're going to be insistent on making them horizontal directional drill. I believe the original agreement stated open cut.

MR. SULLIVAN: It did.

MR. PETERSON: Okay. Any questions about that?

**5. Trumbull Energy Center - Sanitary Sewer**

MR. PETERSON: Trumbull Energy Center Sanitary Sewer.

MR. KOGELNIK: I don't think I have anything new there.

**6. Project Funding - Eastgate FY2026 ARC Pre-Applications**

MR. PETERSON: Okay. Project Funding. Any updates on that?

MR. KOGELNIK: No. But the ARC application was to be for the Hallock Young connector road, and we're discussing that, another alternative to that. I'm not going to go into detail about that.

MR. PETERSON: Any questions for Chris?

**7. Proposed Hallock Young Road Water Line Improvements**

MR. PETERSON: Proposed Hallock Young Road Water Line Improvement.

MR. KOGELNIK: That's the same project.

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**8. Salt Springs Road Booster Station Relocation**

MR. PETERSON: Salt Springs Road Booster Station Relocation.

MR. KOGELNIK: We need Matt to put an e-mail together to us stating that the property is accessible to do due diligence work on it. And so, we need to submit to the Village a revised fee for that additional geotechnical environmental survey work.

MR. PETERSON: Okay.

MR. SULLIVAN: Sooner than not.

MR. PETERSON: The sooner the better.

MR. KOGELNIK: Yeah, we understand that.

ATTY. RIES: In terms of the eminent domain aspect of this, our appraiser went out there June 13. He submitted an appraisal to me last night, and I forwarded it on to some of you guys. So, it's a matter of taking into account what that appraisal is against what the clean-up costs are going to be due to all the debris and remediation that would be required. But our next step is to make a good faith offer to them, wait the 30 days. If we can't purchase the property based on the appraisal and the good faith offer, we can move forward with eminent domain at that point.

MR. PETERSON: Do you need authorization to do the good faith offer?

ATTY. RIES: But we need to first of all figure out what price we're going to offer, and then Council is going to have to approve -- yeah, Council would have to approve actually making that offer because -- and that's basically going to be if they accept it that's going to be a binding agreement.

MR. PETERSON: Is that something that needs to go through the Utility Committee? So, you're working on it, scheduling a meeting.

MR. BOWEN: Yes.

ATTY. RIES: And this all just happened. Like I just sent everything to you guys today. I just got it last night so --

MR. PETERSON: Okay. I just -- that December 31 at a time is creeping up on us.

ATTY. RIES: Yeah.

MR. PETERSON: Okay. Any questions? Seeing none --

**9. Imperial Sewer Agreement**

MR. PETERSON: Imperial Sewer Agreement. I'm assuming --

ATTY. RIES: No updates. I mean, we could take -- I don't know, you guys might want to consider taking it off the agenda. I've communicated with that attorney several times. I haven't heard back from them since January. It doesn't benefit us to keep --

MR. CZECK: Well, when they hit that timeline we'll take action on it.

ATTY. RIES: Yeah, okay.

**10. Utility Department Building**

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

MR. BIGGS: Same as before, Chris.

MR. SULLIVAN: Anything with the library?

MR. BIGGS: I haven't heard anything. There's rumors and I don't know what is going on.

MR. CZECK: They're done, right?

MS. SLUSARCZYK: They're not out yet.

MR. BIGGS: Friday I believe we were done.

MR. PETERSON: They're not out yet.

MS. SLUSARCZYK: They are closed but they're not out.

MR. BIGGS: That's right, they're closed now.

MS. SLUSARCZYK: Are we -- for clarification, are you taking Imperial Sewer Agreement off the agenda?

MR. PETERSON: No, not yet. Okay.

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**11. I&I**

MR. PETERSON: And I&I.

MR. SULLIVAN: Cindy, was your office able to come up with --

MS. SLUSARCZYK: Not yet, Mike. I've been busy the last couple weeks. Darren -- we had to work with the metrics for them and the CCR report and other things. I want to get through -- I did --

MR. SULLIVAN: It's still on the agenda.

MS. SLUSARCZYK: I did layout a sheet for the billing clerk to start working on. I don't know where she's at. I basically showed her the comparisons that I needed and where to get the information. I just don't -- she hasn't given me anything on it yet. And then I would have to check it.

MR. SULLIVAN: Okay.

**PUBLIC COMMENTS:**

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

**REPORTS:**

**1. Solicitor's Report**

MR. PETERSON: Solicitor's Report.

ATTY. RIES: No report other than the one I've already stated about that the E.P.A. letter was sent out last week. And then I sent -- I circulated two legal opinions this afternoon based on our discussions, any questions you guys had so --

**2. Engineer's Report**

MR. PETERSON: Okay. Engineer's Report.

MR. KOGELNIK: I don't have anything new.

MR. PETERSON: Okay.

MR. SULLIVAN: The last meeting or two meetings ago we talked about using the 4.5 to run from here to the substation, and then the last meeting when you weren't here, they said that they had a better idea or something so --

MR. PETERSON: Darren said that he wanted to do some more testing, correct?

MR. BIGGS: Well, that's -- I was going to bring it up in my comments because I was going to ask Chris where we're at with that. I don't know where we're at. I had a plan just to make sure that our numbers were correct and got a hold of the engineers, Niles, and MVSD to coordinate it. MVSD wanted a Zoom meeting to make sure everybody was on the same page. I haven't seen anything. I called the engineers and said make this happen for us so we can move forward. I haven't heard anything. I think there was a couple e-mails, and then finally I got -- someone sent me one apparently, our engineers and MVSD was talking, and I've heard nothing. I don't know what is going on.

MR. KOGELNIK: There's a memo attached to your report -- I think I put it on your seat -- and what we're intending to do with the existing 24-inch water line. We need to do more testing is correct. My last conversation with our team internally -- yes, that's the one. Do you have a copy of that, Mike?

MR. SULLIVAN: I probably do.

MR. KOGELNIK: Yeah. I'm sure that I -- we didn't get it to you before the meeting. Let me give you another copy just so you have it. And at the prior meeting I had stated that our team had determined that the problem was between ARV 1 and the high point, which is the booster station. Apparently, they went back and did even more analysis and they concluded that that might not be the location.

MR. SULLIVAN: Your team?

MR. KOGELNIK: Yes. So, we're back to square one, but we have listed some things on the back side on the very bottom of that memo -- next page, Mike -- that are tasks that we would consider doing. Further testing.

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MR. PETERSON: Okay. Do you need authorization to move forward with that?

MR. KOGELNIK: No, because I don't have a -- I don't have a time frame, and I don't have a fee from my team. I need to get that.

MR. PETERSON: Can you provide that?

MR. SULLIVAN: Aren't we against the clock on the 4.5?

MR. KOGELNIK: The \$4.2 million, yes, we are.

MR. SULLIVAN: So we need to --

MR. KOGELNIK: Yeah. We need to get going.

MR. SULLIVAN: So how do we do that?

MR. PETERSON: He's going to have --

MR. KOGELNIK: I'm going to be lighting fires.

MR. SULLIVAN: Okay.

MR. PETERSON: Cool. Anything else?

MR. KOGELNIK: No.

**3. Utility Committee Report**

MR. PETERSON: Okay. Utility Committee Report.

MR. BOWEN: No. I was waiting to see what Chris and Darren had to say about that 24-inch out here because, you know, I want to bring that in front of the committee so we can move forward on it and get it up on there to the Council so we can do what we got to do. So, I guess, as Chris said, we're back to square one so --

MR. SULLIVAN: We need to not hold off.

MR. PETERSON: If you have that work authorization --

MR. BOWEN: I'm ready to burn it down my road as soon as I get --

MR. KOGELNIK: Here's what you'll say just in general. We do want to try to -- if all we have is \$4.2 million, we want to prescribe where to put the parallel line so that we can get you the instantaneous 8.2 MGD that you should be getting out of the existing water line. But if the Village can use that 4.2 in conjunction with loan money, then let's just start the project of replacing the whole thing. That's easier said than done. It's a lot of money, right?

MR. PETERSON: It's a lot of money.

MR. KOGELNIK: Now we have a new chief engineer at the plant, Scott Verner. I told Scott at MVSD he should come to a workshop with the Village to at least introduce himself. But I was informing Scott of where Tom Holloway, who's retired, where at the plant the Village can connect the future water line up to, so he's aware of that. He's been asking a few questions here and there. But you should invite him to a meeting to go over this with him because eventually that might be the option where you connect right there. And it sounds like from discussing this with Tom here's a couple of really interesting pieces of information I didn't know. Going up through Niles there's three force mains from MVSD supply water to anything.

(A discussion is had off the record.)

MR KOGELNIK: One is a center 24-inch water line. That's the water line that the Village's 24-inch is connected to. The other two branches are 20 inch called the 20 inch westerly and the 20 inch easterly. Interestingly, there are times when zero flow is going through the easterly and the westerly and 9.2 MGD could go through the center. I didn't know that. And see, if we were to connect to the easterly and westerly like we were thinking of it would be a mistake.

MR. PETERSON: Yeah.

MR. KOGELNIK: We wouldn't get anything.

MR. PETERSON: That wouldn't work.

MR. KOGELNIK: So, we need to really understand this entire system a lot better than we have been. And so, get Scott to a meeting, let's discuss this. But it sounds like we can get better pressure and flow from directly at the plant, and we need to be able to model that. So that's all I have got to say about that.

MR. CZECK: We know the right-of-way would be easier to come from

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the --

MR. PETERSON: Yeah.

MR. SULLIVAN: Well, but we -- like you said, we don't know if our first option should be going from here.

MR. CZECK: Gentleman, spend the money but we'd know --

MR. KOGELNIK: One thing I can say, at the last BPA meeting I think it was you guys that should request qualifications like you did for the construction of the booster station. You must go through that process anyway.

MR. PETERSON: Is there a time limit on that process?

MR. KOGELNIK: It's about 30 days.

MR. PETERSON: I mean, if we don't start the project for two years -- let's say for some reason --

MR. SULLIVAN: If we don't we lose the 4.3.

MR. KOGELNIK: That's what I'm thinking.

MR. PETERSON: So there's no issue with just sending out the qualifications?

ATTY. RIES: You're information gathering at this point. You've put in --

MR. PETERSON: But the problem is I don't even know if it would be the entire project though, correct?

ATTY. RIES: Yeah, it would be for the entire project. You put in like start dates, substantial completion date.

MR. KOGELNIK: Yeah. I can provide you with what I know of the project --

MR. PETERSON: If you could, yeah.

MR. KOGELNIK: -- as an outline. But you guys need to get the process going because that takes time. And by the time we figure this out modeling-wise, then maybe you can be in a position to go.

MR. PETERSON: Would you be able to send me that information and I'll get it to --

MR. KOGELNIK: Yeah.

MR. PETERSON: -- the right people. Okay. Anything else?

MR. BOWEN: No.

#### 4. Clerk's Report

MR. PETERSON: Okay. Clerk's Report.

MS. SLUSARCZYK: We had previously -- at our June 17 meeting we had talked about tenants in Imperial where they rent the trailers from Imperial. And Becky said she was formatting the minutes, she said there's no motion to do it. And I don't know if you want us to start that now or if we're going to wait until -- for the contract to run out. But I had the impression in my head that we were to start not accepting new applications for the homes that they rent in Imperial, not for the land that they rent but for the homes.

MR. PETERSON: That's what we had discussed. Do we want to enact that now, and is there anything in the Imperial agreement that says we can't?

MR. SULLIVAN: I would think that we would want to enact it now.

MR. PETERSON: I will say they -- as long as there's nothing in the Imperial agreement that stops us from doing that.

ATTY. RIES: Not accepting new --

MS. SLUSARCZYK: For the rental units.

MR. PETERSON: So, Imperial would be responsible for the bill?

MS. SLUSARCZYK: We would service it in Imperial's name, not the tenant's name.

ATTY. RIES: I'll check the agreement to see what it says on that.

MR. PETERSON: I don't remember what the agreement says, I would have to read it again. Okay.

MS. SLUSARCZYK: Darren, the hydrant that was accessed on Palmyra, are you going to discuss that or does that need to be before the

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Board or --

MR. BIGGS: Oh, did we get a report on that?

MS. SLUSARCZYK: No.

MR. BIGGS: We did not. They didn't give us one.

MS. SLUSARCZYK: Not yet.

MR. BIGGS: Yeah, I couldn't --

MR. PETERSON: We can make a motion to start doing that, contingent on Matt saying there's nothing in the Imperial agreement that says we can't. Are you all okay with that? **I'll make that motion.**

MR. CZECK: **Second.**

MR. PETERSON: So going forward -- Cindy, correct my wording if I'm wrong -- we -- it doesn't go in the renter's name, it goes in Imperial's name. Is that what you're looking for?

MS. SLUSARCZYK: Yeah. No tenants, just in the owner's name for the rentals.

MR. PETERSON: For the rentals. Is that it?

MR. CZECK: **Second.**

MR. PETERSON: **All in favor?**

**(All respond aye.)**

MR. PETERSON: **All opposed?**

**(No response.)**

MR. PETERSON: **Motion passed.** Does that work?

ATTY. RIES: Yep.

MR. PETERSON: Sorry, Cindy. Go ahead. I didn't mean to interrupt you.

MS. SLUSARCZYK: You're good. The only other thing I had was Darren's going to discuss -- I would say that when we had the three employees resign, all their -- the keys and stuff that were to be turned in were turned in, and both employees refused to sign the reimbursement for the expenses for their courses. So --

MR. SULLIVAN: So, they didn't want the reimbursement?

MS. SLUSARCZYK: They don't want to pay via payroll deduction anyhow if you're -- I don't know what -- how you want to proceed, if you want to proceed with that or not. I think Matt sent an e-mail saying, but all I can say is they did not agree to withhold it from their paychecks.

MR. SULLIVAN: Well, there was just one that --

MS. SLUSARCZYK: There were two. The one had a waste water license course and the other one had a water license course that --

MR. SULLIVAN: That they took and didn't pass or --

MR. CZECK: No, they left before they --

MS. SLUSARCZYK: It was incomplete. I don't know, I don't know their status. They did turn in the course material books.

MR. SULLIVAN: But we don't know if they ever took the test?

MS. SLUSARCZYK: Correct.

MR. CZECK: Didn't they sign that they would agree to reimburse the Village if they did not finish?

MR. PETERSON: No. The way it's worded -- Matt, correct me if I'm wrong -- is we reimburse them. So, going forward they need to pay for the class, and then if they -- contingent on them passing then we reimburse them back; is that correct?

ATTY. RIES: Yes. The way it's set up, the risk is basically on the employee to complete the class and at that point the Village will reimburse them. In these two situations the Village went ahead and advanced and paid for the classes. Now you can't just deduct from somebody's payroll unless you've got a signed authorization from them that they'll do that. So, since we paid for it, we asked them to sign the authorization; but they refused to do that. So, they are not going to pay the Village back since we don't have their written authorization to do so because the Village went ahead and advanced that money even though they didn't complete the classes. So, I would say going forward the right way to do it would be just to let the employee go out-of-pocket and reimburse them after they complete it. But if

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for some reason this happens again where the Village is advancing the cost, make sure we get, you know, a payroll deduction authorization signed by them if they don't complete the class, it can come out of the payroll. But I think just keep the risk with the employee until they finish the class. That gives them the incentive.

MR. SULLIVAN: So, we should just eat it?

ATTY. RIES: There's nothing we can do legally. Without a signed authorization -- we don't want to violate any laws.

MR. CZECK: All right.

MR. PETERSON: Okay.

MS. SLUSARCZYK: That's all I have. Do you have any questions for me?

MR. PETERSON: Any questions for Cindy?

MR. CZECK: No.

MR. PETERSON: Seeing none --

#### 5. Superintendent's Report

MR. PETERSON: Superintendent's Report.

MR. BIGGS: Just something more on that I&I. I'm still waiting for that riser. Hopefully, by our next meeting I can have it installed and I can report on how it's working and I can -- we can move forward with that. I have nothing further on that one. Cindy brought up there was a hydrant on Palmyra that was being used to fill a pool. So, I went over there, nobody answered the door. The cap was still off the hydrant, fire hose laying in the yard, hydrant wrench laying in the yard, and obviously the pool was full. I called the police, and had them make a report, but I haven't seen it yet. Probably making you aware -- I don't know how you want to handle it. They were stealing water over there. They still have the wrench, they still have the hoses, you know, the police didn't take any of that, hydrant wrench.

MR. SULLIVAN: Were they their fire hoses or ours.

MR. BIGGS: They're fire hoses. That's the only thing that fits the hydrant. They were theirs. So normally in the past if a contractor would get into a hydrant, I would tell them they need to stop and come up here to sign up for bulk water, minimum is 5,000 gallons. Fair enough. If their pool is 20 by 4 you're roughly 9,400 gallons. If I remember right. So, I mean, I didn't measure the pool, I can't tell you how much they took. You know, I don't know.

MR. SULLIVAN: I think we should charge them for the water.

MR. BIGGS: Well, how much water? That's what I'm saying, and what kind of -- and if you just charge them for the water, I mean, that's what they would do with the hose anyway. Now they're taking a chance. I mean, this is -- keep in mind this is theft.

MR. PETERSON: Yeah, this is criminal charges I would think.

MR. BIGGS: To charge for water they will get charged for water if they use a regular garden hose. Now they are gambling, getting a -- charge a little bit more.

MR. KOGELNIK: Don't we have enforcement in the Rules and Regs.

ATTY. RIES: I mean, yeah, that would be something -- our prosecuting authority is Joe Fritz. I would think the police would submit this to him and he would consider pressing charges against them, and normally the judge would make them pay restitution as part of any -- and they may get hit with something, penalty and court fees as well.

MR. BIGGS: We've never -- in my case, we've never had that problem in the past where if I caught somebody, I sent them up, they pay. And normally it wasn't -- they would take less than 5,000 gallons so they paid the minimum, they paid the meter charge, don't do it again, this is how it was. I don't know how this one's going to play out, and it was probably more than the 5,000 minimum that we would charge.

MS. SLUSARCZYK: Historically we pulled the report on it if they have the same pool year after year. Their consumptions would go from 19/20 to 53, 56. I mean, there's 20-, 30,000 gallons which is -- when you times

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that by 12.38 it makes a difference if it does go before the judge. 9,000 gallons of, like Darren said, for 20 foot by 4 foot pool, you know, small bill, less than 100 bucks. But if you're talking about 30-some thousand gallons and that's -- their history shows us that, you know that their usage would increase that for the original -- we bill by three-month period. So, in that three-month period it could have been topping it off, filling it up. But I have seven years of history right here in front of me where you're more than welcome to look at it, but their bill more than doubled -- more than doubled -- during pool season.

MR. SULLIVAN: So, what do we do? Just turn that over to the police department?

MS. SLUSARCZYK: It is with the police department now. The detective called yesterday and got some figures from us, and the day it happened the officer that was there. They didn't confiscate the hose or the hydrant wrench, they left it there, but --

MR. PETERSON: I mean they could have bought that at an auction for all we know.

MR. BIGGS: Rumor has it he works for a fire department. Not ours.

MR. PETERSON: Oh, okay.

MR. BIGGS: Rumor has it.

MR. CZECK: Shall we send them a letter and --

MR. PETERSON: I would say --

MS. SLUSARCZYK: I think we're waiting on --

MR. PETERSON: I think I'd wait on the police.

ATTY. RIES: Yeah, the police will submit to Joe Fritz to determine if he wants to move forward with prosecuting it. If he does, the quickest way to get known in these situations is if the judge makes that a term of restitution, you know.

MR. BIGGS: Matt, do we have to tell them to do that, or do they do it automatically? They've never done that in the past.

ATTY. RIES: It's usually what a judge does.

MR. BIGGS: No, no. Our police department, sending it to the Prosecutor.

ATTY. RIES: Yeah, who's handling it from the police department? Just I would say -- just say is this going to be submitted.

MR. BIGGS: I don't remember. One of the newer officers --

ATTY. RIES: I would just say is this going to be submitted to Joe Fritz to consider prosecuting the charges, because it's never going to get into court unless the Prosecutor gets the case.

MR. BIGGS: Does the BPA need to tell them?

ATTY. RIES: I can just e-mail the chief and ask what is being done.

MR. BIGGS: Is that what the BPA wants, just to go to --

MR. CZECK: It's plain theft really.

MR. SULLIVAN: Exactly.

MR. BIGGS: We've never really -- in my experience we've never really charged. We make sure we don't ever do it again, pay for the water you used.

MR. CZECK: You've got an opportunity --

MR. BIGGS: I mean, it's not -- we haven't had this come up too many times. I've caught others and --

MR. CZECK: They should have filled it at night and put the hoses away.

MR. BIGGS: At least put the hose away, don't leave it laying in your yard.

MR. SULLIVAN: I would think if he worked for another fire department he would want to clean this up as quickly as he could, wouldn't you think?

MR. BIGGS: That's why I thought it would be kind of nice. He would have to report to them why he didn't return the hoses or the wrench.

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But that wasn't my call.

MR. KOGELNIK: Too bad the name of the fire department wasn't on that hose.

MR. BIGGS: And we -- I wrote a report on it. There was one generated. I wrote everything down and I took pictures. So, we have all that, you know, plus the police report. I always call them to make -- to make sure that they have that on record.

ATTY. RIES: Well, Chris just pointed out here there's an enforcement mechanism under our rules where we can cite him with a fine, and you guys must determine the amount of the fine and give him the notice of violation in 30 days to resolve the violation. But it doesn't sound like -- do we have enough information to determine what that fine would be?

MR. SULLIVAN: I don't think we've ever done that.

MR. KOGELNIK: Well, fees and figures are not supposed to be in the Rules and Regulations. Is that a separate sheet that you guys have on your --

MS. SLUSARCZYK: There's no charges. We've never had theft nor known how to calculate water to bill against something like that.

MR. KOGELNIK: Maybe that's one of the updates we need to make.

MR. PETERSON: Yeah.

MS. SLUSARCZYK: I mean, at the very minimum I would assume that if they didn't take it through their home meter any access to water would be like we bill everybody else, which would be through the bulk contract rate which is one-and-a-half times the normal rate.

MR. PETERSON: Correct. Do you want us to wait on that to make sure we have the proper fees and everything before --

ATTY. RIES: Yeah. And then we'll issue the notice.

MR. PETERSON: Then we'll issue the -- Matt, are you okay with that?

ATTY. RIES: Do you want me to contact the Chief, or do we want to handle this just through the notice of violation?

MR. PETERSON: I would still reach out to the Chief and see what he's doing. What else do you have?

MR. BIGGS: I hope to have some applicants next meeting. Do you want that on the agenda? I hope to have somebody here for you guys to interview.

MR. SULLIVAN: Yeah. It should be on the agenda if we're going to interview.

MR. BIGGS: I'm hoping by the next one at least one.

MR. PETERSON: Just a reminder, I will not be at the next meeting.

MR. SULLIVAN: Yeah. Just make sure that --

MR. BIGGS: Well, the one next coming up or the one next after that. Whatever you guys decide. I don't know if you guys want it on the agenda.

MR. SULLIVAN: I would think the sooner the better.

MR. BIGGS: Absolutely.

MR. SULLIVAN: So, if you have something for the next meeting --

MR. BIGGS: So, we should put it on the agenda for next meeting, interviews, executive --

MR. SULLIVAN: The interviews we would do in the back room, correct?

MR. PETERSON: Yeah, yeah.

MR. BIGGS: Okay. Chris, those air release valves, am I going to hear from you tomorrow or what is the update? I didn't read that. How soon are we looking to do --

MR. KOGELNIK: Next steps.

MR. BIGGS: Next steps.

MR. KOGELNIK: I'll have to find that out from Bob and Alan. Liam, that is something that we're going to communicate with Bob and Alan

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tomorrow. I just sent him an e-mail. We got to move on both the booster station and this 24-inch water line. No ifs, ands, or buts.

MR. BIGGS: One of the things I believe you mentioned before is through Joyce's office we actually didn't get chosen for a grant; is that correct?

MR. KOGELNIK: Yeah. At the latest go-around we had made a request to Joyce's office, and we learned that our project wasn't selected. But I noticed -- not I noticed, our funding expert noticed that there were 11 projects listed, but they said that they were going to fund 14 projects or something.

MR. PETERSON: 14 or 15, yeah.

MR. BIGGS: I brought it up because in light of that wasn't there an announcement, maybe from Foxconn or whoever else that changes are going on here that maybe we should talk to Joyce again? Somebody should go see if we can get on that list, you know, big changes are coming.

MR. KOGELNIK: Yeah.

MR. PETERSON: Has that deadline passed or is it still --

MR. KOGELNIK: Well, I don't know because I don't know how that works. We need somebody that can stay in contact with Joyce's office and with Senator Moreno's office because we submitted both projects through both offices, and we got a response from Joyce, but we didn't get anything from Moreno. And you know, they're good projects, especially the Hallock Young connector water line because it's ready. But the priority of one project is the future 24-inch water line.

MR. PETERSON: I'll call both their offices and see if I can get somewhere. I mean, Joyce's office, I called them after they announced the stuff, and they didn't really give much feedback. And I'll see what I can do.

MR. SULLIVAN: Did you talk to him or just --

MR. PETERSON: No, just -- I'll see what I can do. What else do you have?

MR. BIGGS: Final thing is an update on the yards. I got in contact with them, they had equipment breakdowns or whatever, next week they're hoping. We haven't had any progress with that, so -- but I inquired about it to find out why and that's why.

MR. PETERSON: Okay.

MR. BIGGS: That's all I have.

MR. PETERSON: Any questions for Darren? Seeing none --

**MEMBER COMMENTS:**

MR. PETERSON: Member Comments.

MR. SULLIVAN: So as far as the 4.2, what is the deadline?  
January 1?

MR. KOGELNIK: Mike, we haven't been told any deadline. As I was explaining to Stanley, when I called the U.S. E.P.A. official who we coordinated with, she said there was no deadline. But in communicating with other communities about this type of grant there is a deadline. So, I'd rather move expeditiously.

MR. SULLIVAN: I was just wondering if there was a drop-dead date.

MR. KOGELNIK: I don't know.

MR. PETERSON: Okay. Any other Member Comments? Just a reminder next meeting I will not be there. Do you guys want to keep it the same --

MR. CZECK: Are you gone all week?

MR. PETERSON: No. I leave Monday night, and I'll be back Wednesday night.

MR. SULLIVAN: What do you want --

MR. PETERSON: I would like to be here for the interviews, but I don't want to mess anybody's schedules up. But -- I can do a Thursday, but that's if everybody else is available. I don't want to goof anybody else up.

MR. CZECK: So, you're good for Thursday the 17th?

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MR. PETERSON: Yeah.

MR. CZECK: I'm available. How about you?

MR. KOGELNIK: Yeah.

MR. SULLIVAN: Yeah, I'm good then.

MR. KOGELNIK: What time is it that -- 4:00? I just have to be out of here by 5:00.

MS. SLUSARCZYK: Do you want to move the meeting to 3:00?

MR. PETERSON: We can do it any time that day actually.

MS. SLUSARCZYK: Does that work for you, Matt?

MR. CZECK: So 3:00 p.m. on the 17th?

(A discussion is had off the record.)

MR. PETERSON: Contingent on Mike saying he's good.

MR. CZECK: 3:00 p.m., right, on the 17th?

MR. PETERSON: 3:00 p.m. on the 17th.

MR. KOGELNIK: Yes, I got it.

MR. PETERSON: Okay. Do we need to do that by motion or just announce it?

ATTY. RIES: No, do it by motion because we've -- we already have a set schedule.

MR. CZECK: I make a motion to move the meeting to the 17th at 3:00 p.m.

MR. PETERSON: I'll second.

MR. SULLIVAN: I'll second.

MR. PETERSON: Mike second. All in favor?

(All respond aye.)

MR. PETERSON: Motion passed. All right. Any additional Member Comments?

QUARTERLY APPROVAL OF BILLING ADJUSTMENTS:

**January, April, July, and October**

MR. PETERSON: Quarterly Billing Adjustment for July.

MS. SLUSARCZYK: They were upstairs on the table for you to review.

MR. PETERSON: I didn't get a chance to look at them, sorry. Did you guys get a chance to look at them?

MR. SULLIVAN: Yeah, they were fine.

MR. PETERSON: Do you want a motion to that?

MS. SLUSARCZYK: We have to have a motion.

MR. CZECK: I make a motion that the billing adjustments --

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

MR. PETERSON: He made the motion, you're seconding. All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

ADJOURNMENT:

MR. PETERSON: Motion to adjourn.

MR. SULLIVAN: So moved.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: All opposed?

(No response.)

MR. PETERSON: Motion passed.

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

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C E R T I F I C A T E

STATE OF OHIO )  
TRUMBULL COUNTY ) SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Niles, Ohio on this 5th day of July, 2025.

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

Submitted by:

Approved by:

Cinthia Slusarczyk, Clerk

Christopher Peterson, President