

SPECIAL MEETING
LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
July 5, 2022
4:00 p.m. to 5:30 p.m.

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

SPEAKERS: Mr. Mark McGrail Ms. Karen Krisher
Mr. Tony Deley Mr. Shane MacMillan
Mr. Thomas Dietz Senator Mike Rulli
Mr. William Catlin Congressman Tim Ryan
Mr. Marty Lonay Ms. Theresa Biggs

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 5th of July, 2022.

MR. CAMPBELL: I'm gonna go ahead and call the meeting to order. Before we get into the meeting, I'm gonna ask that -- the acoustics in this room are very bad, so if anybody is talking it's very difficult to hear anybody else talk. Even if you're doing a little chitchat in the corner and think it's not disturbing, it does. If you have something to talk about with someone else, we'll ask you to step into the hall so everyone can hear what's going on, if someone is speaking we can hear that. Call the meeting to order. Thanks for your patience, we're getting started a little bit late. But start with the Lord's Prayer.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

MR. CAMPBELL: Cindy, roll call please.
MS. SLUSARCZYK: Kevin Campbell.
MR. CAMPBELL: Here.
MS. SLUSARCZYK: Michael Sullivan.
MR. SULLIVAN: Here.
MS. SLUSARCZYK: Christopher Peterson.
MR. PETERSON: Here.
MS. SLUSARCZYK: Darren Biggs.
MR. BIGGS: Here.
MS. SLUSARCZYK: Cinthia Slusarczyk, present. Chris Kogelnik.
MR. KOGELNIK: Present.
MS. SLUSARCZYK: Paul Dutton.
ATTY. DUTTON: Present.

CORRESPONDENCE:

MR. CAMPBELL: Any correspondence, Cindy?

MS. SLUSARCZYK: No. I just received at 3:30 the -- from Atty. Dooley, and Chris has those.

MR. CAMPBELL: We'll get to that one.

PUBLIC COMMENTS:

MR. CAMPBELL: We're down Public Comments. We have a mic here that works sort of. If you're not getting much connection maybe push in the bottom. Come up, state your name, address, you got five minutes. And again, when someone's speaking please be quiet so everyone can hear what they've got to say. Yeah, we do have a sign-in sheet, I think it's been floating around. It back there. All right. If you haven't signed in, please make sure you get that clipboard with the other sheet on it, sign in your name. Come on up.

COMMENTS BY MARK McGRAIL:

MR. McGRAIL: Mark McGrail. 3656 Goldner Lane, Lordstown, Ohio. Just briefly. It's hard to address this issue because it not as simple as so many people want to make it, especially if you look at the finances of the Water Department. Trying to explain why the contract for -- from the Warren City Water Department is bad, 100 percent bad, for the Village of Lordstown is very difficult. The -- I guess the simplest way to do it is this. Look, I guess the focus of a lot of people that I've spoken with in, you know, the Village officials is the amount of money that would be realized by, you know, the development of TEC project and, of course, the revenue that will flow to the Village, Water Department, schools and others. The point that everybody continues to miss, that plant will exist with MVSD water. The problem that we've run into is that the process is being slowed down, I believe intentionally, to make sure that water from Warren goes there and not water from Niles. That's our problem. So for instance, we continue to hear that July 31 is the drop-dead date for the developer to begin construction. So what. I don't really care. I care about what is best for Lordstown. All due respect to the trade unions and all you guys back there. Not anti-union. I'm not anti-plant either. The MVSD contract, which there is a proposal, is better for Lordstown than Warren. The Warren contract benefits the developer, the plant itself, and whoever ends up operating it, and the -- you know, the investors. The MVSD contract benefits the residents of Lordstown. There's no benefit to the residents of Lordstown from buying water from Warren other than the revenue that I spoke about. But that revenue is going to come anyways developed along with MVSD water. The downside is with the Warren water contract it appears there will be a significant increase in water rates for residents of Lordstown. Now that's not to say that there might not be some increase using MVSD water, there could be some. But the raise is not gonna be anywhere close to what will happen with Warren water. I spoke about this the other night at Council, the amount of misinformation that has been used to promote the Warren water contract. And you know, we were -- the Mayor introduced a document the other night at Council. Right at the top, essentially what this number one item states is Warren -- MVSD don't have the capacity to provide water for this plant. That's almost 100 percent entirely false. In the body of that text the

discussion is about how many gallons of water is in Mosquito versus how much is in Meander. That's not the issue. That's the shiny object to take yourself away from the real issue. It's the water plant at each facility and how -- its ability to provide water. At this point the better water plant is MVSD. Everyone acknowledges that the Warren water plant needs serious upgrades in order to meet the needs of the TEC plant. We don't need that now, we already have MVSD that can supply the water today. Engineering and development. The line from MVSD, the 24-inch line has been a part of the master water plan of the Village of Lordstown's Water Department for well -- what, I don't know, about two years, going on three. Not so with Warren water. In fact -- am I already out?

MR. CAMPBELL: You're out buddy, I'm sorry. All right. Who else has got some public comments for us. Please come up.

COMMENTS BY TONY DELEY:

MR. DELEY: Good evening everyone. Tony Deley. 5301 Argonne Drive, Austintown, Ohio. As you know, I'm not talking up here as a resident. We were involved -- I represent the Iron Workers Local 207. We were involved in the construction of the first plant. Everybody is saying that this is a bad deal. You know, Lordstown Energy wasn't a great deal for us either. We learned from our mistakes. This would be our fourth powerhouse, and I'm looking forward to working with Bill, with the trades, on good paying union jobs out there. But anyway, even you got TJX came in the area, average pay \$15 an hour. You have Ultium Cells going into production, average wage \$17 an hour. Even with those two facilities in the Lordstown area there is -- they're still not matching G.M. Lordstown. And Foxconn, if you read what Foxconn done in Wisconsin who knows what's gonna happen with this plant here in Lordstown. So with Trumbull Energy bringing the Village \$600,000 a year guaranteed for 20 years. Warren water, Lordstown has nothing to do with the maintenance, with the bringing in, with the paying, with anything to do with the water. I mean, it's -- to me it's a no-brainer for the Village to get back to the income and the revenue that you were created years ago. So thank you.

MR. CAMPBELL: Thank you. Tom, public comment.

COMMENTS BY THOMAS DIETZ:

MR. DIETZ: Yeah. Tom Dietz. 2821 Hallock Young. All right. Number one, I am a union man, I retired from General Motors. But union or not, we're trying to protect our community. Years ago Warren tried to take over Lordstown just for G.M. plant for the taxation of people. And I'll go all the way back to that first water contract. The Mayor and Johnny Mansell walked into one of our meetings one night, threw the contract down on the table and said sign it. That was my first year of elected office. I didn't know that I could not sign it, so I signed it. But I also made the statement that I'll sign it just to keep it going on, the project going on. We get 10 cents a thousand gallons for the water. Thank you the money guy. Money seems to talk, and the people that we elect are not representing the rest of the people out here. And I see a congressman running for Congress sitting back there. I thought you were elected to protect the local people too. I'll give the

rest of my time to somebody else.

MR. CAMPBELL: Thank you. Appreciate your comment.

COMMENTS BY WILLIAM CATLIN:

MR. CATLIN: William Catlin. 6203 Tod Avenue S.W. I think one of the things that as a community that we're missing is what Mr. Siderewicz has done with the schools. If we all go back and look, we have not had to put on additional school levies in many years simply because of the first energy plant. We've been able to build a track, we've been able to update our schools. Right now we have one of the finest looking schools in the area. And I agree, I think in the future if it's a worthwhile contract it will fuel our school and we won't have to worry about putting on additional school levies. Thank you.

MR. CAMPBELL: Thank you.

COMMENTS BY MARTY LONAY:

MR. LONAY: Good afternoon. Marty Lonay. 493 Bev Road, Boardman, Ohio. President of Western Reserve Building Trade, business manager Local 396 Pipe Fitters, Chairman Western Reserve Port Authority. As you hear, I can wear many hats, okay. Nothing before have you seen something like this come before, business and labor coming together to bring a project to fruition, okay. We have a choice here today. We have a choice to make that we can put 1,200 folks to work, we can bring \$85 million to the Village of Lordstown, we can bring an additional \$600,000 to the Board of Public Affairs. We have that choice before us here today. These benefits go far beyond Lordstown for the Trumbull Energy Center, it goes for the whole Valley. These folks that we represent from the Western Reserve Building Trades, 9,000 members strong, want to build these plants. I can sympathize with the folks that live here in the Village, and I can understand what your concerns are. But my understanding is that MVSD does not have a proposal on the table at this point. So what we're asking with the choices before us here today is to make the choice that we can put 1,200 to 1,500 folks to work today and bring some money back to this community. I want to thank you for your time.

MR. CAMPBELL: Thank you.

COMMENTS BY KAREN KRISHER:

MS. KRISHER: Karen Krisher. 4510 Highland Avenue S.W. Talk people with the trades and jobs. You'd have jobs either way. It doesn't matter, it doesn't have to be Warren, it could still be built with MVSD. So that jobs shouldn't be an issue. And I am a resident. Most of the residents simply don't understand. If MVSD water was good enough for the first project, why isn't it good enough this time. The developer has explained or tried to explain why it's not an option. The one and only reason that that may be true is because he has decided that it's not an option, not the BPA nor Council. He said that the analysis takes two-and-a-half to three months to complete. So just how long have we been working on the Warren water contract? Now it's investors are going to leave if the contract isn't done. Strange. Other businesses came into the area and built during Covid. They were able to negotiate the contracts and get their facilities up and running. The other issue I'd

like to point out is that Lordstown's in the business of selling water. At the last -- or not the last, the first Council meeting Atty. Dutton mentioned competitive bidding. Well, why in the contract of this value and this size would you not do competitive bidding. We -- if -- I may be wrong on this, but I do believe we did an electric aggregate out here. That means we go out and shop for the best rate for the electricity. Why do we not do the same for the water for the residents. The reason that MVSD doesn't have a proposal is because on May 23 they were sent a letter. The letter stated that they did not have Village Council's approval to submit a proposal. Well, I looked through all the minutes of Village Council. I couldn't find where Village Council ever approved that letter being sent. It states in the letter that Village Council has the sole and exclusive authority to negotiate terms and conditions. Well back to the beginning, why was the developer negotiating his own contract when the Village and Village Council has the sole and exclusive authority? Good question, huh. The residents of the Village deserve better than this. The contract with Warren does not benefit the residents. It said there's no reason to start over with MVSD. He's right, I agree with them. They should have been included from the beginning, they should have been able to present the proposal and let the decision be made what was best. We get all of our information second-hand. Facebook comes into it again, the dreaded Facebook. But a lot of you wouldn't know anything about this if you didn't read the Tribune or look at Facebook. Now this is an emergency because they're ready to close the financing July 31. I guess I don't understand why all of a sudden we have to do this as an emergency. It's been going on for months now. It could have went on during Covid, negotiations could have been done. If for some reason you decide to agree with this, I ask you to please consider passing this as not an emergency so that the residents of the Village have a chance to have their say. Thank you.

MR. CAMPBELL: Thank you.

COMMENTS BY SHANE MacMILLAN:

MR. MacMILLAN: Shane MacMillan. 1445 Hillcrest Avenue, Niles, Ohio. I'm the Vice-President of Economic Development at the Youngstown Warren Regional Chamber. To give you some background, my role at the Chamber for the last five years is to respond to leads and inquiries, work with companies that are expanding that are currently in our market or those that we're working to help attract. I've had the opportunity to work on site selection projects like Ultium and TJX. The point I'd like to emphasize is we're not just working for the project here today, the million-dollar energy center. We're working on the next five projects that site selectors are currently watching and vetting our community as possible business friendly atmosphere. So I would emphasize that there are not a lot of million dollar projects occurring in the State of Ohio, and the imminence of securing a build in a time where interest rates are fluctuating heavily and we're seeing a lot of global activity that can hinder a project, I'd just point out that I think we're in a really positive place to win a project that can offer some recession-proofing, and I think that's something that needs to very much be considered for the local businesses in our market.

Not a lot of communities are in that position. Thank you.

MR. CAMPBELL: Thank you.

COMMENTS BY SENATOR MIKE RULLI:

MR. RULLI: I'm Mike Rulli. I'm at 402 Lisbon Road, Salem, Ohio. I'm a state senator. I've worked with Bill before in the past. And I think that the public needs to understand that this is much larger than all of us. When you talk about Voltage Valley, you talk about a renaissance movement of the focus of the country coming to Lordstown to look for the future for EV. I have the largest bill east of the Mississippi for EV technology in the statehouse right now, and I'm selling it on the cornerstone that Lordstown is the epicenter of that revolution. So if we can't get this project done, what are we saying to the rest of the world. I have had three meetings with the Taiwanese, huge delegations, the ambassador's been here; and they have dozens of business that are interested in the Voltage Valley. They have to divest from where they are now, which is in China, and they want to bring those resources to America. Well, they're not just looking at Ohio; they're looking at Tennessee, they're looking at North Carolina, they're looking at Michigan. We need to make us different than the rest of the country. Ohio right now is about to close two coal plants and our grid is gonna be destroyed. We need to build not one or two of these power plants, we need to build ten or twelve of these power plants. Now if Mr. Siderewicz doesn't get the support of the Lordstown people, he's gonna look elsewhere for that \$2 billion project. I love my trades, and the people of Lordstown have been beyond kind for me and I would do anything for them. But if we lose the project, it's gonna be much larger than just waiting time after July 31 and see if all the pieces fall into place, it's gonna be an open message to the rest of the world we're not open for business in the Voltage Valley. I strongly urge your support for this project. Thank you so much.

MR. CAMPBELL: Thank you.

COMMENTS BY CONGRESSMAN TIM RYAN:

MR. RYAN: Tim Ryan. 1504 -- or I'm sorry, that's my old -- 560 Amber Drive, Howland, Ohio. Grew up in Niles. Just, you know, want to kind of build on what Senator Rulli has said. You know, we all live in the United States today and we see how polarized the country is. There are very few issues, very few projects, that have both Democrat and Republican support, that have business support and labor support. Natural gas is the issue in this country. For energy independence, for us to figure out -- I work closely with Bill Johnson down in the district south of us on how we can liquefy natural gas, how we can increase it here in the United States, liquefy it, send it to Europe, send it to China, displace coal being produced there, address the issue of climate, knock Putin's knees out from under him. This is an American issue. And for our community in the Mahoning Valley to be leaders in the defining issue of our time -- and we see what's happening in Lordstown. There's not a place I can travel, not just in Ohio but around the country, where people don't know about Lordstown, Ohio. And now we have an electric truck company, an electric car company, a cutting-edge battery facility, and now the opportunity to have a second

natural gas power plant. We're becoming -- after we've all grown up here for 40 years, we've been like when's the next thing, when's the next thing, when can we build the infrastructure out to where we can dominate the industries of the future. And that is coming to a head right here in Lordstown, Ohio tonight right now. And so our -- I think our obligation is to answer the call, to be able -- as Senator Rulli said to be able to power this community. We've got water in this part of the country, we've got natural gas in this part of the country. We're primed for the first time -- I'll be 49 years old in a couple weeks -- in my lifetime that we've actually been positioned as a community to dominate the industries of the future. And guess what, you can't do that without power. Strong, reliable baseload power from a clean source of energy. This is a great opportunity for us. And when you see us coming together in a bi-partisan way and business and labor, you know it may scare some people because it doesn't happen very often. But I think it's an opportunity for us to build. I would encourage support for this community. And as we look to say -- lastly, as we look at what the next version is, as we look we need more water and all of that, we are all pledging as Democrats and Republicans here to support those initiatives to continue to build out the infrastructure because I hope we keep having these conversations about what's next, what are we gonna build next, what's the industry of the future that's coming to the Mahoning Valley, and how can we do our side from the public to make sure that we communicate to business people in Ohio, the United States and around the world that their investments are welcome here in the Mahoning Valley. And that's the choice tonight. Thank you so much.

MR. CAMPBELL: Thank you. Any other public comments?

COMMENTS BY THERESA BIGGS:

MS. BIGGS: I'll be honest, I'm not used to speaking in front of people. I'm not used to speaking in front of you senators and congressmen and all you legal people.

MR. CAMPBELL: Could you state your name and address please.

MS. BIGGS: Theresa Biggs, 6270 Highland Avenue. I'm gonna bring it back to Lordstown. I realize that you're global, and I understand that. That's a whole different ball game. But where we're standing is the Village of Lordstown. We're seeing some problems that are going to directly negatively hit Lordstown. It may make all the difference in the world to everywhere else in the world or all of the United States, but here in Lordstown who's gonna help us. There are some things that Bill did behind our backs, at least we feel that way because we didn't know anything about it. They went to Warren to get their water and made a deal with them -- and call me on it if I'm wrong, made a deal with them before they came to us to say what would you like, what would you prefer. They went to the EPA, can we dump our water into Mud Creek, before they came to us to say what is this gonna do to Mud Creek, how do you guys feel about that. They don't know how hard Lordstown has fought to keep Warren out of Lordstown. And we're -- he just opened the door for them to walk in. We had a very, very, very good deal with Niles. It was written, it was a contract, and it was good and we worked on

it. The water company and all the people that work around that worked on that hard and the contract was good, and it was less money for this new power plant to pay per gallon than what they're paying from Warren. So I don't understand why they would choose Warren over Niles. Real questions that make me suspicious. I don't know what -- I guess I'm gonna finish it with when a project comes into a village, a small village like us, we have to stop and think of the big picture too. But what can the project do for the Village. What can the project -- I mean we get revenue, we get all that. What really is this project gonna do for the Village. Or what is the Village gonna do for that project. There's your two things, little village, big world. I really don't want to see our Village go down, I don't want to see our rates go up because we're helping a company that's got all kinds of money, and why can't they just use Niles water and come to terms with what we need instead of stepping in with their iron fist and telling us that we're gonna do this and we're gonna do that and Council and the Mayor saying yes, sir. And that's the way I see it.

MR. CAMPBELL: Thank you. Any other public comments? Last call. All right, very good. Thank you for those.

NEW BUSINESS:

Review of Legal Response Regarding Clean Energy Future - Trumbull

MR. CAMPBELL: We're gonna move on to our business items. New Business we have our first item, Review of Legal Response Regarding Clean Energy Future of Trumbull. Chris Peterson, you have that response?

MR. PETERSON: I do.

MR. CAMPBELL: The floor is yours, sir.

MR. PETERSON: I don't think there's a reason to read this verbatim, but there were a couple changes they recommended maybe that Paul can look over and see what he thinks. But obviously the question that -- he didn't have anything from the Mahoning Valley Sanitary District side to really look at because there is none. But the contract review, there were a couple indemnities, Paul, that he wanted kind of looked at. But other than that everything else looked good. So I don't know what --

MR. CAMPBELL: Well, I think part of the issue is that this is the first, I think -- nobody has seen it but you.

MR. PETERSON: I tried to send an e-mail out on Sunday and I didn't realize it didn't send out, I apologize.

MR. CAMPBELL: It's hard to make any decisions upon that. We asked that these changes -- if there's anything that could be brought up would be brought up the 30th so there's time to work them in. This just isn't adding to this and saying it's okay with everybody, it has to be brought around the table.

MR. PETERSON: It has to go through a process. And as Paul said, it was kind of impossible to get this in two weeks, but he made the two-week deadline and that's -- he got it done.

MR. CAMPBELL: Unfortunately it's past when -- I mean, if it's just minor things at this point I don't foresee --

MR. PETERSON: I don't believe they're minor. A word in a contract is not minor.

MR. CAMPBELL: That's how I understood when you were --

MR. PETERSON: There's a couple indemnities, like I said that are in here that he would recommend that could mean the

difference of a lot of money, you know what I mean, in the future. So I mean -- again, I'm okay with passing it tonight with the recommendation that, you know, Paul look over this and make any changes necessary.

MR. SULLIVAN: Can you do that, Paul?

ATTY. DUTTON: If you are asking for a response -- number one, this is the first time I saw it. I have had no communication with anyone as to who you identified and what the timing would be, so -- and number two, the letter says "Draft". So I don't know if this --

MR. PETERSON: I'm not sure why that says draft. That's the only thing I'm not sure of.

ATTY. DUTTON: Normally when it's a draft, the author reserves the right to make final changes. So I don't know if this is his final work product or not.

MR. PETERSON: That I can't --

ATTY. DUTTON: Number three. The BPA is the real audience for this because you're the ones who asked for it and you asked for authority. But I will look at it.

MR. PETERSON: Okay.

ATTY. DUTTON: And I urge you to vote on this tonight. How you vote is your decision, but it's gone on long enough. I think you have a duty to vote tonight one way or another. And if there are significant issues that he brings to our attention that warrant amending the agreement, we can always come back and amend the agreement. Obviously TEC would have to go along with changes to the water service agreement and Warren would have to agree to changes in the water supply agreement. But I will look at it and I'll get back to you, but I urge you to vote one way or the other tonight.

MR. CAMPBELL: Okay. Appreciate that. And I did want to say thank you for that, Chris. At this point that's where we're gonna stand with number 1, it's gonna be reviewed; and if there's something more into it that needs addressed, that would be addressed after the fact.

2. A Resolution recommending that Village Council authorize the Village of Lordstown to enter into a Water Service Agreement with Clean Energy Future - Trumbull, LLC for the Trumbull Energy Center Project

MR. CAMPBELL: All right. Number 2, a Resolution recommending that Village Council authorize the Village of Lordstown to enter into a Water Service Agreement with Clean Energy Future - Trumbull, LLC for the Trumbull Energy Center Project. Now before we move into that, is there any further discussion? I did want to take a minute and thank -- since our last meeting, our engineer and CT Consultants have worked to develop the interconnect between the new 24-inch water line and the old existing 16-inch water line out of Warren. So that redundancy that we had some concerns about, they worked to resolve that. So I want to thank our engineering firm and Warren to come to the table because Warren's gonna pick up the costs with connecting that interconnect. And Chris has prepared a statement with some facts and figures that I'd like to have him read into the minutes. I believe it will answer a lot of questions that have been out there and brought up tonight. Thank you, Chris.

MR. KOGELNIK: Chris Kogelnik, CT consultant, Village Engineer. I'd like to offer -- and this written opinion went to the BPA, and I understand all the BPA, Council and members received it. "I would

like to offer our opinions and recommendations on the subject to the BPA and Village Council Solicitor and other Village staff. After reviewing this subject with Council President Ron Radtka and BPA President Kevin Campbell I spent a significant amount of time further studying and reflecting on this subject matter and organizing the facts. Note that these opinions and recommendations do not formulate or are part of any official Village site plan review. That review would come later if the developer would submit his needed documents to the Village Planning and Zoning Department. And this is not an opinion of the TEC project itself. Although, I have mentioned a few times in the past: 1) such proposed energy facilities are intended to replace less-efficient and older fossil-fuel powered electric plant across the country which instead utilize our country's abundant supply of natural gas, and 2) this project does impact the Village directly and indirectly for its water and waste water systems negatively and in some ways positively. This project has forced us all to think and react fast without the ability to comprehensively conduct planning for both water systems in a time frame suitable to the Village and the developer. And this prospective project's demands have been very difficult to absorb and react to while the Village's Master Water Plan and the Water Rate Study were concluding for the Village's water system. During which time some facts have been misconstrued amongst the Village staff and the general public which evidently has not helped anything but division. So it seems necessary to point out the facts in an organized document to help formulate future decisions. As you all know, CT was hired by the BPA and Council to produce for them a Master Water Plan and Water Rate Study for their public water system, not for Warren's public water system. The plan identifies what the Village has in terms of water infrastructure, what possible development potential and demand exists in the Village, and the probable costs to implement the required improvements to reach tomorrow, and what service rates are needed to pay for and sustain those improvements in the Village's water distribution system. That plan and study are completed, and we stand by our recommendations for the second 24-inch water line from Niles (which is called Phase 2 in the plan). But as I reflect on the past half a year of back and forth challenging discussions about Warren water providing service to TEC, I understand that the Village has for many years had two water distribution systems serving it both from Warren and from Meander, mostly due to the initial development of the G.M. facility back in the sixties, and the fact that the Village did not immediately have its own water distribution system to support then G.M. Since the G.M. facility's birth these two systems have been somewhat static, but understood mostly because not much has changed in the Village in terms of demand until the past 10 years. This proposed TEC project concept necessitates a quick and dramatic change for which there hasn't been a formal plan developed for water or sanitary sewer Village wide. I quickly recognized this last fall during a meeting between Warren and the Village that such a water line from Warren was conceptually feasible as much as a 24-inch water line from Niles. "And so I recommended to the attendees of that meeting that if the Village was going to permit such a water line extension, then at least they should require that Warren connect the end of their proposed 24-inch water line to the end of their existing 16-inch water line on State Route 45 for two primary purposes, but the future 24-inch Meander water line would still be

needed to back up the existing Lordstown 24-inch line: 1) provide some redundancy and reliance into the Warren water system to serve as contingency to the connected Warren water customers in this part of State Route 45 corridor within the Village of Lordstown (especially since the existing 16-inch water line is at its useful life now), and 2) for the purpose that the new 24-inch Warren water line were to be out of service, then a contingency water supply could be introduced from the existing 16" inch water line "to provide water to TEC so that the Village's adder fee from the proposed agreement" that we're talking about tonight "would not be an appreciably interrupted. It would be negligent not to factor in the precedence's that were set into motion for this effort of Warren water and for TEC investment which have culminated to this point. From several perspectives, the Village has reached a point of no return to those paying attention to the legal concerns while reading the agreements that already have been shared with the developer. Nearly all parties in the Village BPA and the Village Council had some say or review or opinion that was contributed to the development of these agreements - including myself. It is my understanding that these agreements required some strong opinions and iterative edit but there have been no strong or clear objections to the agreements after working on them for so long and communicating with each other about them and then the Solicitor handing them to the developer seemed to set a precedence for eventually coming to an agreement with the developer to which the developer now is telling the Village he needs this agreement executed so his financiers (made of five lending institutions) can move forward with the overall project. Another precedence that has occurred without the Village's input was that the Ohio EPA granted an NPDES discharge permit to the developer without the Village being able to offer a timely opinion or objections. Both the BPA and Village Council expressed disappointment to the OEPA of not being able to offer an opinion on this discharge. This cannot be changed now, and the developer has a permit to discharge. In fact, as Village Engineer I have only just recently been provided with the NPDES permit application to review. And lastly, the developer has purchased nearly all of the industrial-zoned land in the Henn Parkway subdivision and therefore has control over that land until he sells it. So the Village will not be able to realize traditional water and sewer revenue from those parcels because of the precedence's set forth by LEC and now for TEC unless they can come to a customized agreement or somehow force the developer to connect to their distribution system. The Village is now faced with the understanding that on one hand they could make some water revenue from that industrial property such as through the proposed water adder, and someday Meander water may consider onward with their future 24-inch water line project into the Village to access future water customers, or there is the possibility that the Village could lose out on both opportunities. I have taken the following relevant items into consideration to develop this opinion:

1. As I have previously mentioned, the approval by the Ohio EPA for wastewater for such a facility is a two-step process. If you factor in water, then it's a three-step process. First the NPDES permit application needed to be reviewed and reviewed by the Ohio EPA That has been done and a permit now exists, and its number is 3IN00398. The permit is accessible to the public. NPDES permits have a five-year

renewal cycle, and this permit I am told is in the process of being renewed by the developer. Over time, such permits are re-reviewed and considered by the OEPA conditionally. The next step for this developer is to prepare a permit-to-install, otherwise known as a PTI, and submit it to Ohio EPA for review and approval. During the PTI application, a developer must illustrate to the Ohio EPA his design of the discharge system to Mud Creek and describe how he intends to operate and maintain this system over its intended life and within the confines of the NPDES permit" (and/or the conditions that are attached to it). "During the Village's site plan review process we, the Engineer and the Planning and Zoning office, would review the PTI application and be able to comment on it. This is part of the Village's codified ordinance for plan review. The next and final part is the submission of the water permit to the Ohio EPA. During this permit application the developer must design and illustrate his proposed water line coming in from the "City of Warren" and passing through the Village to the TEC facility. The Village would also review this permit application during site plan review process and be able to comment on it. It is important to understand that at this point the developer has not begun the full design of his wastewater discharge system nor his potable water line. Although the developer has shared with me a concept plan view of his water line, and I now see in reading the NPDES permit application that there are concept plan views of the discharge system from TEC to Mud Creek. So it's important for the Village and the public to understand that the design of these two debated infrastructure elements come later. It is also important to point out to the Village and to the developer that the developer must arrange for his domestic sanitary discharge to connect to the available public sanitary sewers. And in the documentation I have reviewed, the available public sewer was named to be the Village's public sewer and not the County's public sewer. This proposed connection would also be reviewed by the Village during the PTI application process.

2. The developer identifies to the OEPA in his NPDES permit application how the proposed facility would handle the ammonia constituent of Warren water. This constituent would be handled by managing the cycling of their blow-down processes and/or other technologies such as implementing break point chlorination. More recycling of blow-down processes decreases the amount of water consumed by the facility, more recycling of blow-down further removes ammonia, and more recycling has a tendency to also increase TDS", that's total dissolved solids, "in the wastewater sent to the pond. So this gets down to their future design and proposed management of the process and the discharge which, of course, is evaluated in the PTI application. The NPDES application identifies that there would be management of the proposed holding pond and the pond will also include an aeration system to help remove more ammonia.

3. I have learned from speaking to Ohio EPA, Mr. Erm Gomes, that the Ohio EPA will not require additional time to re-review the NPDES permit if the developer would be required to somehow use Meander water." I believe that was your point. "Mr. Gomes stated that no re-permitting would be required of the Ohio EPA. It is important to know though that the NPDES permit application indicates that the developer's concept is based on

the use and processing of Warren water and not Meander water. The processes contained in an industrial building are not controlled or designed by the public, nor I as Village Engineer, but instead only by the developer's team and possibly his procurement contractor. And we cannot dictate what and how he uses the water for in that building, but it is evident that a municipality can dictate what water is made available to its residents and industries. The developer will incur additional time and costs thus impacting his financiers' decisions to proceed with their project if they were required to change water supply sources within their future building.

4. After the last two weeks of coordination between Lordstown Council, Kevin Campbell of the BPA, the City of Warren, and myself, the agreements for Warren water now contain the concept connector line between the proposed 24-inch Warren water line" and "the existing 16-inch Warren water line. This connector water line will contain a normally closed valve which would be operated for contingency purposes. The modeling, design, construction, and expense of the new connector line will not be paid by the Village of Lordstown and would be completed along with the water line to the TEC project. Those who know or have heard my prior suggestions regarding that concept connector line know that I feel this connector is extremely important for our contingency purposes. Therefore this is a very significant and positive aspect in my overall analysis of these agreements.

5. The agreements include a much larger adder fee for the Village than was executed with LEC and now includes a de minimus limit and charge. These improvements represent substantially more revenue and more assurances to the Village as compared to the agreement with LEC.

6. I am aware that the developer and Warren have both offered more water capacity and the ability for the Village to connect to the proposed Warren water line in the future. However, even though that offer is written into the present agreements does not mean it is a wise" offer. "The facts presented and voiced thus far by myself and the Village's water superintendent on this topic are accurate. The Village already has an established water distribution system surrounding the proposed general patch of the Warren water line and because the two water sources should not be mixed.

7. It is very evident after reading the NPDES permit application that there was a heavy emphasis on the economic impact for the TEC project onto the Village and onto the region. The NPDES permit application contained repeating paragraphs on these economic impacts which Ohio EPA evidently reviewed and considered when issuing this permit. Our region continues to want to bring in more employment, and Lordstown is leading the way.

8. Finally, the fact that Warren will bear all operation, maintenance, and replacement costs for their new 24-inch water line and connector is very significantly beneficial to Lordstown."

In concluding, "for the aforementioned reasons and facts I, as your Village Engineer, recommend proceeding with approving the presently proposed Warren water agreements. Meanwhile, I recommend the Village more usefully utilize their time, effort and money in comprehensively planning out their water and

wastewater capacities for their present and future needs. And as I have mentioned almost every year since I have been" Village Engineer here, "I do recommend that the Village spend some time and money to complete and adopt a comprehensive plan for the entire Village because it is evident some of your residents are wanting to know the vision of the Village, and so is the rest of the region." Thank you.

MR. CAMPBELL: Very good. Thank you, Chris. All right. So we're on number two, that resolution. I think Board members have a comment. I know Mike does.

MR. SULLIVAN: Yeah. I'd like to straighten out some of the non-facts that are going around. We were called to MVSD I guess three months ago, and they said that they would like to run a second 24-inch water line into Lordstown. And it wasn't particularly tied to the TEC project. So as many of you heard, then there was discussion back and forth between -- let me read that to you. "Thank you for your letter of May 23, 2022, regarding the above. MVSD recognizes at this time the Village of Lordstown does not need a redundant water supply source for TEC. We wish the Village of Lordstown and TEC great success in the future with this project." So I wasn't sure if that was them saying that they didn't have a proposal or whatever. So I called the Director, and the Director basically told me the same thing that this letter says is he felt that it was best that they step back so the project could go forward. So at that time the Board kind of went into action and Chris contacted Warren and talked about the connector, I contacted Congressman Ryan to be a mediator between us and Mr. Siderewicz. And I was asked what we need. And I told him we wanted to go from 37 cents adder to 49 cents. Come back and he agreed with that and he agreed with Chris' proposal. So it would be pretty unethical at this point when they agreed to everything that you asked for to say no. I mean, that's kind of ridiculous. And I'd just like to address some of the other concerns. Several people, residents, and calls that I got were concerned that they were gonna end up with Warren water. It's not gonna happen. We got a tower, we got the 24-inch line, all the residents have Niles water and will continue to; and there's nothing in the future that would suggest that anything but Niles water will go for the residents. And then I again talked to the Congressman, and he said that he was gonna work with Niles to get the twenty -- funding for the second 24-inch line. And you know, a lot of people have been beaten up in this thing, and I'd like to thank Darren and Cindy and the Board for all their efforts in working through this thing. And for those reasons I'm gonna vote in support of the project.

MR. CAMPBELL: Okay. Chris, do you have any comments at this point?

MR. PETERSON: No, not really. I had -- I love to see a full room. I mean, our Board meetings are the third Tuesday of every month, and please come and learn what's going on. I know that there seem to be some comments floating around and people didn't understand exactly what was going on. And I will back up Mike's statement, the residents will not have Warren water, they will continue to have water they have had in the past. But thank you for coming and thank you for everybody that spoke, I appreciate it.

MR. CAMPBELL: All right. Again, I want to echo a lot of that. There has been a lot of work on this, and the people that weren't in favor of the idea have still brought things to the table that

made the agreements better.

MR. SULLIVAN: Exactly.

MR. CAMPBELL: So we do all appreciate it. So at this point I'm ready vote if you gentlemen are. I'll make -- do I need to make a motion first? I make a motion first to accept this Resolution.

MR. SULLIVAN: I second.

MR. CAMPBELL: All in favor?

ATTY. DUTTON: You need a roll call.

MS. SLUSARCZYK: Kevin Campbell.

MR. CAMPBELL: Yes.

MS. SLUSARCZYK: Mike Sullivan.

MR. SULLIVAN: Yes.

MS. SLUSARCZYK: Chris Peterson.

MR. PETERSON: Yes.

MR. CAMPBELL: Okay. Motion carries. Can you give me a Resolution number?

MS. SLUSARCZYK: That will be Resolution 5-2022.

3. A Resolution recommending that Village Council authorize the Village of Lordstown to enter into a Water Supply Agreement with the City of Warren for the Trumbull Energy Center Project

MR. CAMPBELL: Okay. Number 3, a Resolution recommending that the Village Council authorizing the Village of Lordstown to enter into a Water Supply agreement with the City of Warren for the Trumbull Energy Center project. As Paul explained at our last meeting that this is -- how did you phrase it, an -- it's more of a recommendation from the Board, but it will not keep it from their -- ultimately being their decision.

ATTY. DUTTON: Yes, yes. The BPA doesn't have to pass this Resolution. Council has the exclusive authority to enter into an agreement with Warren to supply water. However, historically we have always as an accommodation included a Resolution to allow the BPA to speak its advice on these matters, and you have it before you.

MR. CAMPBELL: Okay. Appreciate that. Any comments on that Resolution, gentlemen, before we take it to vote?

MR. PETERSON: The only comment I have is I would have liked to have seen a competitive thing between Meander and Warren.

MR. CAMPBELL: Okay.

ATTY. DUTTON: I want to clear up something that is ambiguous about the testimony and your question. The State of Ohio requires competitive bidding of public agencies, okay. And in this case the competitive bidding is not for water used by the Village, we're a pass-through. So the real agreement is between the end user and Warren, but we have to enter into an agreement to purchase it. So competitive bidding is not required in this instance. If we were purchasing water for residents and we had two potential suppliers, we would have had to do competitive bidding. But in this case there's only one and there's only one to the satisfaction of the developer, and there's only one to connect to this facility for all the permits that have been issued.

MR. CAMPBELL: Okay.

MR. SULLIVAN: Yeah. I'd just like to say -- and we got the letter from Paul saying we didn't have the right to talk to

Warren or talk to anybody, and I find that pretty ridiculous. Council is gonna go negotiate whatever, a factory, whatever, and a water system coming to the border, and then it's gonna go nowhere if the BPA isn't in tune with it. So wouldn't it make a whole lot more sense as we work as a team rather than cease and desist, which I don't think Paul has the right to say. But my point is that I believe that the Utility Committee and Council and us should be like in these big projects one. That's it.

MR. CAMPBELL: Okay. Thank you. Anything else? Ready to vote?

MR. SULLIVAN: Yep.

MR. CAMPBELL: All right. I'll make a motion for that Resolution. Do I have a second?

MR. PETERSON: I'll second.

MR. CAMPBELL: All right. Cindy, roll call please.

MS. SLUSARCZYK: Kevin Campbell.

MR. CAMPBELL: Yes.

MS. SLUSARCZYK: Christopher Peterson.

MR. PETERSON: Yes.

MS. SLUSARCZYK: Michael Sullivan.

MR. SULLIVAN: Yes.

MR. CAMPBELL: All right. Motion carries. This will be what, 6 of 2022?

MS. SLUSARCZYK: Yes.

PUBLIC COMMENTS:

MR. CAMPBELL: Okay. Now we're down to our second set of Public Comments. Same as the first time. Any public comments at this point you have five minutes, please state your name and address.

COMMENTS BY MARK McGRAIL:

MR. McGRAIL: Mark McGrail. 3656 Goldner Lane, Lordstown. One of the problems that I have with -- I have had with this discussion, it's always been a binary choice, you know, Warren or MVSD. But there was a third option here, you know, pitting the Warren against the Village here. There was a third option where we could have come together. All due respect to the comments of Senator Rulli, Congressman Ryan, and the members of the trades we could have come with -- come to an agreement that would have benefited the Valley and the residents of Lordstown. Today the rights and benefits that should have accrued to the residents of Lordstown were swept under the table and we've been told you have to bite the bullet for the Valley, and that was wrong. That's it.

MR. CAMPBELL: Thank you.

MR. SULLIVAN: Can I reply to that? I'd like to reply to that. When we had LEC we got 10 cents a thousand. With the Board working with the Congressman we're now getting five times the amount. So to say that the Village isn't getting anything or they're getting a short sheet is not true.

MR. CAMPBELL: Any other public comments? All right. Well, we appreciate your time. Thanks for coming.

MEMBER COMMENTS:

MR. CAMPBELL: Any Member Comments at this point?

MR. SULLIVAN: No.

MR. PETERSON: No.

ADJOURNMENT:

MR. CAMPBELL: I'll take a motion for adjournment.

MR. SULLIVAN: Motion to adjourn.

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

(All respond aye.)

MR. CAMPBELL: All opposed?

(No response.)

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 21st day of July, 2022.

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

Submitted:

Approved By:

Cinthia Slusarczyk, Clerk

Kevin Campbell, President