

Village of Lordstown Board of Trustees of Public Affairs

June 21,

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RECORD OF PROCEEDINGS
LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
June 21, 2022
4:00 p.m. to 5:25 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

ALSO PRESENT: Mr. Don Reider, Utilities Committee

SPEAKERS: Mr. Tom Dietz
Mr. Mark McGrail
Mr. Jonathan Krisher
Mr. Richard Biggs
Mr. William Siderewicz, TEC
Ms. Karen Jones

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 21st of June, 2022.

MR. CAMPBELL: I want to thank everybody for coming out tonight. Obviously it's a hot topic tonight we're going to cover, and hopefully things work out well to the benefit of the Village. I want to thank everybody for taking the time out of their evening. Would you please stand with me for the Lord's Prayer and Pledge of Allegiance.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

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.

APPROVAL AND CORRECTION OF MINUTES:

MR. CAMPBELL: Very good. All right. We have Approval and Correction of Minutes. We had minutes from **May 17 of 2022.**

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

MR. SULLIVAN: Second.

MR. CAMPBELL: All in favor?

(All respond aye.)

MR. CAMPBELL: All opposed?

(No response.)

MR. CAMPBELL: Very good. Thank you for all the effort into our minutes.

CORRESPONDENCE:

MR. CAMPBELL: Cindy, any correspondence?

MS. SLUSARCZYK: No.

PUBLIC COMMENTS:

MR. CAMPBELL: Okay. Public Comments. At this point we have public comments that are available. If you would please stand up, you need to state your name, keep it to five minutes. And any questions to the Board we can take notes on, but we're not required to answer any questions. We can record those and get back to you. So at this point are there any public comments?

MR. DIETZ: I'll start it. Tom Dietz. 2821 Hallock Young Road. I was on the Board up until this year. And we asked for Mr. Siderewicz for at least five years to come to our meetings, and he said that he wouldn't meet with the Board. I don't know why we're elected officials. And I'll tell him a little story. Fifty years or so ago the B&O Railroad wanted to go across Salt Springs Road. The fire chief and the assistant chief told them they wanted -- the rail had a bump. Oh, we'll only block the crossing for three minutes at a time. Do you realize what can happen in three minutes? That's the type of crap you get from rich people and big business. They don't care about the local people. And that goes the same thing with this matter. If that man would have had any respect for the elected people on this Board he would have come and talked to them. Now we're at this type of underpass.

MR. CAMPBELL: Thank you.

MR. McGRAIL: Mark McGrail. 3656 Goldner Lane, Lordstown, Ohio. Just to start with, I oppose the water line coming from Warren. I believe that you, the Water Department, already have all the resources that you need to bring the 24-inch line, which I hear is Niles, to provide enough water for the TEC -- so-called TEC plant. And by the way -- a reasonable amount of time -- one of the problems I have with this is it's been moving very quickly. I mean, perhaps behind the scenes it hasn't, but publicly it has moved very quickly. I'm asking this Board and later I will ask Council to slow the process down so that all information and all misinformation can be dealt with. I think the issue has been gaslit. I don't know if most people know what that means. But it means basically telling a piece of misinformation long enough and loud enough until you get people to believe you. You have that here, the misinformation, the MVSD and the Lordstown water system do not have the capacity to provide water for this plant. Of course, right now that's probably true. But guess what, neither does the City of Warren because they don't have a line. They can't provide one drop of water to this plant. The time frame, the other piece of information, that oh we have to move this quick because of the time frame of the project and MVSD can't meet that. Everything that I've heard is absolutely to the opposite. As a matter

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of fact, the Warren line will take longer to put in than the MVSD line. The -- god, I can't remember what the other piece of misinformation was. Anyhow, you need to -- and there's a lot of -- there's -- I think there's some maybe not confusion but misunderstanding how this will affect the residents of the Village. It's my understanding that this project, if handled by the Lordstown Water Department, would prevent a possible rate increase to the Village residents. Just quickly, finally, I haven't heard one thing that how the Warren line benefits the Village of Lordstown and its residents. I can list you several things; first of all, the possible prevention of the rate increase. You folks have been working on for up to two years now I think a master water plan. Part of that is resiliency and redundancy. We don't get that with the water line from Niles -- I mean from Warren. We do get it from MVSD. Plus, what we get from MVSD is they will operate and maintain that line. They will also, from what I understand, maintain the current 24-inch line, and maintain and operate that which would provide, if I'm correct, several hundred thousand dollars in savings for you guys. Just one last point.

MR. CAMPBELL: Okay.

MR. McGRAIL: And I'm not 100 percent sure about this. But if you folks take this on from Warren, you will also be responsible for any shortage of water going to that plant. And as you see now -- as you say now, we don't have the capacity. What if that Warren water line bursts, how are we going to provide the water for that plant? What's the -- essentially what's the liability for the Village and the BPA when that line goes in?

MR. CAMPBELL: All right. Appreciate your time. Thank you. Any other public comments?

MR. KRISHER: Jonathan Krisher, 4510 Highland Avenue. I guess I will bring up the elephant in the room since nobody else wants to right now. If you guys let this go through, what will stop a resident that's building a house or moving to a different house that wants to get their water from somewhere else besides Mahoning Valley, that they want to get water from Warren, Newton Falls or something like that, what are we gonna do? Because if you guys pass it, it will set precedent for other people that want to change water to different places. And I think that's my biggest issue with it is just you can't set precedents for something when there's already a line that can be ran. And then the next thing is I know Warren is a public utility, the water. We have not had three meetings or anything about that, about where the line is, how the line is gonna be run or anything else. And we're all in the dark about everything. And that is probably the worst part about this whole issue as a resident, we're in the dark. And that's all I wanted to say, and I will leave my piece at that.

MR. CAMPBELL: Thank you. Any other public comments? I think there was a hand up front.

AUDIENCE MEMBER: He hit it.

MR. CAMPBELL: If something has already been said, I appreciate is not being restated. Any other public comments? Going once --

MR. BIGGS: Yes, Kevin. Richard Biggs. 6270 Highland Avenue S.W. I think Mr. McGrail and Mr. Krisher did a good job on what they're saying. And I understand what they're saying. I agree with them. There's so much that the residents don't know whether it's true or false. I heard stories about how these contractors negotiated.

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Tonight I talked to the Solicitor, and he told me something entirely different. I don't blame all this misinformation on Council or anybody else. But when you go back to the beginning of all of this, the culprit here and the problem is letting somebody who does not live in the Village, who does not vote in the Village, who has no concern with the Village only his own business, comes in and negotiates with the City of Warren to buy water off of them without consulting our BPA, our Council. What brought that all about? How is that legal? How can somebody do that? It's like us saying we're going to go into Newton Falls and put a water line through their town. It's totally crazy, and there's just too much misinformation. There's absolutely no trust, the Village Council, the Mayor, and some people on the BPA. You can see by you haven't had a meeting like this for quite a while I don't think. I think the Council meeting is probably gonna have to be held upstairs. There's no trust anymore. Everything comes up, it depends on who it's going to serve, you get a different story. I really think we ought to forget about Warren, listen to MVSD, and we all know the statistics, how they'll maintain the line, the other lines. Mr. Krisher just hit on that. We've heard that for a couple months. And you know, Helen Keller can see there's a problem here and we need to be going to MVSD. I don't know what is going to happen tonight, I think I have a pretty good idea. But Council needs to really consider this and spend some more time on it and let the people know who did negotiate it, when it was negotiated, and what benefit we're gonna get. Because I understand the more water we buy, the cheaper it is. So let's sell TEC more water and get the residents' rates down. Let's have water lines that we can control in the Village, whether we want to extend them, replace them, whatever we want to do. We need to quit relying on Warren. That's why we incorporated, we didn't want a big brother. I think we really need to look at that, and I think the BPA would be wise tonight if they just table it. Council's got you over a barrel. They want you to approve this so they can say well, the BPA said go ahead and do it. I think you ought to reject it, table it, disconcert yourself with it entirely.

MR. CAMPBELL: Okay. Appreciate your comments. Any other public comments?

NEW BUSINESS:

1. 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: Okay. We'll move on to our agenda. New Business items, Resolution. First one is 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. I'd like to, I guess, first just take a moment to back up and thank everybody that's involved in putting this legislation together. Anyone who's been part of Council or local politics knows there's a lot of people have to review, look over stuff. We work hard to bring this thing to the table from our engineering, Solicitor, Clerk's office, Council members, Board members. There's a lot of people here that take a look at these things, and it's not a willy-nilly aspect. So I want to make sure that was clear, and I wanted to thank those people for their time. At this point I'd like to see if there's anything else the Board members wanted to add to this. I would like to bring this to

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a vote tonight. So are there any comments from my Board at this point?

MR. PETERSON: I'd like to make a motion to table this.

MR. SULLIVAN: I would like to amend that motion to table it for not more than two weeks where Council could go ahead and do whatever they want to do tonight. Chris would like to have an outside attorney look at this. So I think that we would -- you know, I don't want to hold it up forever, I know we gotta give them an answer yes or no at some point, and I think two weeks is reasonable.

MR. CAMPBELL: Well, I appreciate your comment. I don't agree with the comments from the aspect of certain aspects of the time lines that we've been put upon. We've been working to get this thing to at least a voting stage for a while. But if my Board doesn't support that and they want to table it, then I don't see any other option at this point but to sit and table it. Unless my Solicitor has some other details.

ATTY. DUTTON: I don't know why -- I mean, the purpose of tabling it, you don't have committees so you're not sending it back to the committee. So is the purpose just to wait and see what Council does tonight, or is it for some other reason within that two week period?

MR. SULLIVAN: Like I said, Chris wanted -- and the BPA -- to go to an outside attorney and have them take a look at it and see, get his blessing on it.

ATTY. DUTTON: You have a right for -- the Village has a right for a second opinion for legal purposes as well as for engineering purposes. But the question would be why. In other words, if you want someone to evaluate these agreements, compared to what? If you want them just to look at the agreements in the abstract, in other words are all the I's dotted and all the T's crossed, etc. But if you're looking is it a good deal, is it a bad deal, you have to compare it to something. And this is such a unique project -- to my knowledge there's only one comparison, and that would be the LEC project. And you have had a chance to read these agreements. Mike was part of the process for LEC I believe, I think you were on Council at the time. And the LEC project pales in comparison to this. To just point out one point, there is a pilot payment in lieu of taxes to the Village that we didn't get in the LEC project. The school district gets essentially the same amount of money from the LEC project. The Village gets 49 cents surcharge compared to 10 cents surcharge with the LEC agreement. So if you're comparing apples to apples, you know, are you just wasting your time having someone say the numbers are better here? There's another thing that's unique to this project and this deal. The Village has no financial cost, zero. We don't build the water line, we don't operate and maintain the water line, we don't guarantee the water, Warren guarantees the water, Warren guarantees the pressure, the volume, and the water. The Village has no financial risk. To be whimsical, we read a meter, we send out a bill, and we generate what, \$600,000 a year in revenue. It's like manna from heaven.

MR. SULLIVAN: Well, that was until somebody changed the -- it went from 4 million to 3 million.

ATTY. DUTTON: No, the 4 million to 3 million is at what point would we have a right to terminate the agreement. In other words, if for some reason TEC didn't use on average 3.5 million gallons a day -- that's what their average is -- we're supposed to provide them 5.2 million gallons per day. And the question is under the reasons to terminate an

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agreement. In the LEC agreement there is no de minimis requirement. In that agreement -- I don't know if it was you or Cindy or someone, Darren -- said what if they don't use all the water, and we put in an amount. Initially we put in 4 million. I think we picked that number out of the air. And then talking to Mr. Siderewicz, he said that there are a lot of regulatory things that could happen that could, through no fault of our own, suspend operations. The Power Siting Commission could issue an order, the people who purchase the electricity could. So he said can we have some relief. So I put in there -- rather than the 4 million we moved it down to 3 million, mindful of the fact that his daily average is supposed to be 3.5 million so that's pretty close. So he -- we didn't reduce the amount that we're selling. He is still supposed to use 3.5 million gallons of water per day. The only thing we're not getting out of this contract that we got out of the LEC contract is the ability to accept the sewage discharge. But right now LEC is trying to void that also. So I go back to the question, what is your question and is it a lawyer or is it an engineer, I mean, or both? Now if you do want a third party, that's fine with me. But you have to understand it's gonna take more than two weeks. We're a public agency. We have to send out requests for proposals to at least three respondents, and we have to put in that what we're asking them to do and what the time line is and what they would charge. And Village Council is the one who has to let that contract. Now they can work in tandem with you, but they would have to let that contract. Again you're gonna have to ask them what to do, how to respond. And I'm just assuming that it's gonna take more than two weeks, probably more than a month for someone to evaluate that. And again the only thing they can compare it to --

MR. SULLIVAN: How is it that we have to let that out and we didn't have to let it out for you to take over?

ATTY. DUTTON: Mike, I don't know if you were on Council or not, I was hired 24 years ago. And there was a publication, an advertisement, there was a request for proposals, they narrowed it to three, I interviewed along with two others, and we were given the task. We did the same thing with CT Consultants. We interviewed, we pushed, we interviewed, brought it down to three. We're a public agency. That's how we have to issue contracts, on competitive bidding. We even do it when we buy an automobile, you do it when you buy a truck, unless you go through the state purchasing program. But you're gonna have to request the Village Council cooperate in terms of doing that, and you have to be mindful of the timing involved. You know, it's not gonna -- it's gonna take more than two weeks, I guarantee that. By the time you get responses to the RFPs it will be at least two weeks.

MR. CAMPBELL: So how do you gentlemen feel about the decision, what we want to do?

MR. PETERSON: I still feel the same way. Mike?

MR. SULLIVAN: I don't know that we should move the two weeks to a month according to what Dutton said. I thought that the BPA had the ability to have a second party just look over the contract. And you know where a lot of the problems came in. Eight weeks ago Mahoning Valley invited the Mayor, myself, several people, Chris from CT, over to Niles and they -- or over to the Board over there and laid out a proposal of running a 24-inch line, and it was -- the price was 17 cents cheaper per thousand. And they said if we met a threshold of 5 million there would be a rebate of 93 cents per thousand gallons. So that's when all the

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controversy kind of started. And then on -- well yeah. On May 23 the Mayor and the President of Council sent out a letter to MVSD asking them to withdraw their proposal. And it was kind of baffling to most of the people that looked at it when you looked at one and looked at the other. If you put all the good things here and all the negative over here, on the Niles there was no negative and on the Warren there was several. Then we got a response from MVSD saying that they didn't want to hamper the project and they would back away.

MR. CAMPBELL: Yeah, if you don't mind me interjecting there, Mike. I think one of the things that we're alluding and not facing is this project only has a lifespan for so long to come together and work. There's a lot of criteria that has to fall into place, and there's time lines on the things they have established and are working forward with. And the delays that we've been going through already to get it to legislation and get it to a vote has been substantial. And if we start taking delays and aspects of trying to get it to a review from another attorney, just fearful that the whole project goes away. Then these benefits that were listed for the Village, it's no longer something to consider to trying to get them to connect to MVSD or Warren, it's not an option, we've lost all that opportunity. So -- all right. I was trying to reluctantly, but Bill Siderewicz -- public comments is audience. But I can ask somebody here, is that permitted --

ATTY. DUTTON: You are at the point now of member comments and legal advice. And you have a right to ask anyone in the audience a question to resolve an issue that you have, you and your colleagues.

MR. CAMPBELL: So my question to Bill Siderewicz is, can your project sustain a month delay?

MR. SIDEREWICZ: No, we couldn't. I wanted to share with the BPA, I was on a call last night between 8:00 p.m. and 10:00 p.m. with about 20 people in both South Korea as well as in New York as well as in here discussing what needs to be done to conclude the financing and start construction at the end of July, which is six weeks from now. And so as was just pointed out, if there's no decision on this water contract there is no Trumbull project, the \$85 million that comes to the Village will disappear, and the \$600,000 a year that comes to the BPA will disappear. MVSD will not build a pipeline to serve no one, they're looking to serve Trumbull. So I just wanted to share with you when we met with the negotiating team for the Village, which included Mr. Campbell as well as Mr. Radtka, I mentioned back in -- I guess that was in March that we were concluding the financing. And unless we come to an agreement, which is the last an agreement amongst over 3,500 pages of agreements and documents that make Trumbull, there is no project. It seems very ironic that the host community is the last piece to the puzzle, and it could be the piece that basically gets thrown to the wind. So I just wanted to remind the BPA that this is not me talking simply about what could happen might happen. As we're sitting here now, term sheets are being negotiated with the lead banks to conclude the financing and have heavy equipment on that site at the end of July. So there's no time for putting out a, god forbid, an RFP for a consulting firm or law firm to review this. It would never happen quite honestly. So we're at that point where we've been saying this for a couple months. And just for the record, the discussion between myself, the Village, and Warren about water began in July, mid-July of 2021. So we're now 11 months into our process where we shared information with each other and came to a

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conclusion as has been mentioned that provides the BPA with about \$600,000 a year, which is four times more at least than what they receive from the Lordstown project. So that can't be called anything but a windfall for the residents of Lordstown and for the BPA's work in getting us there. So it's been a long windy road. This is not something that happened in some back room over three weeks. Again, this started at the afternoon in a meeting between the Village, the city of Warren and myself, and it has progressed slowly to get the best arrangement for the --

MR. SULLIVAN: Isn't it correct though that you went to Warren and negotiated before you invited the Village to that meeting?

MR. SIDEREWICZ: I WENT to speak with them about availability of water. But the price for that water was decided by your negotiating team for the Village.

ATTY. DUTTON: Let me put this into context because there's a misstatement twice out here. Three years ago Warren and Mr. Siderewicz met. I don't know what they met to talk about, but the result was a proposal from Franco Lucarelli. And that proposal came in without any -- three years ago -- Village participation. I was asked to send a letter, which I did, to Warren and said cease and desist. My favorite words, cease and desist, and do not engage in any discussions with anyone about any infrastructure, any activity, contracts, with the Village of Lordstown without the Village participating. And if it involves utilities, the BPA has to be part of that participation along with Council. We heard nothing. The pandemic hit, everything was quiet. July of last year these discussions resurrected. I wasn't part of them, I wasn't necessary. They resurrected the discussions. And from that point until now the Village Council nominated Ron Radtka, its President of Council, and the BPA had it's chairperson, Kevin Campbell. Those two negotiated that deal. I didn't negotiate it, the Mayor didn't negotiate it, no one else negotiated it. And it was a long process. And other members of Council, other members of the BPA, made contributions. In fact, increasing that additer, that surcharge, from 37 cents to 49 cents was Mr. Sullivan's idea and he should be given credit for it. But that was a process. I was simply asked to put the deal together or -- or not the deal, but put it into words. So I prepared three agreements: One that required the developer to reimburse the Village for any professional costs so that there's no out-of-pocket expenses for the Village, engineering, legal, otherwise; number two, that the Warren agreement is to supply water, supply water, and that number came down from \$2.71 to \$2.67 as a result of Mr. Campbell's negotiations at the end.

MR. CAMPBELL: Mr. Radtka helped because that's --

ATTY. DUTTON: He helped a little, right. And then we put together a service agreement, which is the one that the BPA has involvement with. And that agreement was put together. And Friday -- Friday -- we gave copies of the final agreements to all of Council, all of the BPA, Cindy, Bill Blank, the Mayor, and asked -- and Warren and Mr. Siderewicz and asked them to review it over the weekend -- over the weekend. And the only comments I received were some editorial comments, word usage, from Mr. Siderewicz. I think he had eight comments. And we made one change in the Warren agreement; we put in there that Warren will design, develop, and own the water line. That was the only change. And we -- and the only substantive change was reducing the de minimis requirement in order to terminate the agreement from 4 million gallons to 3 million gallons. I might also say that what, four weeks ago, three

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weeks ago, there was a work session, both Council and the BPA, and engineers, legal counsel, members of the community, BPA staff, it was open to the public. And that entire contract as it then stood was discussed, discussed openly, anyone could make a contribution. So this product here is the result of a lot of input from a lot of people. It's not the result of just one person dictating or Warren dictating. Basically this agreement was created -- these agreements -- by the Village and handed to the developer last Friday, and we're here today on Tuesday. So that's the genesis of what you have before you.

MR. CAMPBELL: Okay. Thank you, Paul. All right gentlemen, do you still stand where you're at?

MR. PETERSON: Yes.

MR. CAMPBELL: Do you still --

MR. SULLIVAN: (Nodding head.)

MR. CAMPBELL: If you guys entertain -- put to a vote yes or no because if we're delaying it, in my mind it's as good as dead. So that's where I stand. If you still stand on it, I guess we delay and pray that it comes together.

MR. SULLIVAN: We got a motion on the floor, we should vote on it.

MR. CAMPBELL: Are we asking to vote again?

MR. PETERSON: Motion on tabling.

MS. SLUSARCZYK: Let's be clear on the motion.

MR. CAMPBELL: Chris made a motion to table.

MR. SULLIVAN: And I made an amendment to the motion.

MR. CAMPBELL: To try to do it to in a two-week span. That's a delay. Are you asking to vote tonight or do you want the delay?

MR. SULLIVAN: I want the two-week delay.

ATTY. DUTTON: The discussion would be among those voting.

MR. CAMPBELL: Is there anything else you want to discuss, have you got questions at this point? I guess that's where we're at, we're gonna delay, not be able to vote.

ATTY. DUTTON: Well there's a motion, there's a second, there's a motion to amend the motion procedurally. So you have to vote on, first of all, on the amendment. And then if the amendment passes, then what you're voting on is tabling it for two weeks as opposed to tabling it indefinitely.

MR. CAMPBELL: Okay. So you made the motion to table it. You second the motion to table it?

MR. SULLIVAN: No, I made.

MR. CAMPBELL: I know, but we have to address the motion. So all in favor of tabling this issue, this resolution --

ATTY. DUTTON: Indefinitely.

MR. CAMPBELL: -- indefinitely.

MR. SULLIVAN: No I don't. I'm not for indefinitely.

MR. CAMPBELL: All right. Do you guys want one week, two weeks?

MR. SULLIVAN: Two weeks.

MR. CAMPBELL: Two weeks. So in two weeks week vote?

MR. PETERSON: Correct.

MR. SULLIVAN: Correct.

MR. CAMPBELL: And you will vote?

MR. PETERSON: Yes.

MR. SULLIVAN: Yes.

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MR. CAMPBELL: So that's the motion. We're going to table this. In two weeks we'll bring it to a vote. All in favor?

(Mr. Sullivan and Mr. Peterson respond aye.)

MR. CAMPBELL: All opposed? Me.

ATTY. DUTTON: You know you're not going to be able to get the consultant engaged and to do whatever job you want within that two-week period. I mean, there has to be a purpose to this.

MR. SULLIVAN: We believe that we could get a consultant within that two-week period.

MR. CAMPBELL: All right. I guess that's where we're at with it. And it's -- while we're here and we have the people, you gentlemen might want to ask questions since there's some further -- we've got people that have participated in this agreement; if you want to ask questions, this is prime time.

MR. PETERSON: I don't. If -- do you have any questions.

MR. SULLIVAN: I mean, I've questioned Chris and he's been very clear on his opinion. We've talked to the fire chief.

MR. CAMPBELL: Okay. All right. I just want to make sure.

MR. PETERSON: I have questions, I'm sorry. I can ask him directly, right?

ATTY. DUTTON: Anyone in the audience.

MR. PETERSON: I just wanted to make sure. Can you explain why MVSD would not work for your project? I think -- do you know what I mean?

MR. SIDEREWICZ: Yep. When we met I think it was in mid-May, we had a presentation.

MR. CAMPBELL: Bill, I'll ask you stand up.

MR. SIDEREWICZ: I'm sorry. We were here in mid-May, and I think it was an executive session of the Council. And the BPA was sitting over here and we had a presentation. Page five of that presentation, as I recollect, said the reason MVSD is a non-starter so we listed five different issues. But the most important one is the one I just mentioned a little bit ago. The financing for this project, which will be a \$1.1 billion project, is in its final stages. All the banks and all the investors have done their due diligence based on the Warren arrangements and draft contracts. If we were to stop that process right now and say we're gonna create a new economic scenario with MVSD we would derail the project immediately. So there's a timing issue. Someone has spent millions doing due diligence on all the permits, licenses. And contracts for TEC including the Warren arrangements. So -- and again, I met with MVSD, oh god, it has to be at least two or three times over the course of the last year when Jim Jones was running it -- who's no longer there, he works for Michael Baker, he left the MVSD -- and he proposed a scenario for MVSD, but he said it has other administrative aspects to it that couldn't be put in place in time to serve TEC. So we never really followed up. And so that's the first issue. The second issue is that we have a permit to discharge into Mud Creek which is based on the chemical characteristics of Warren's water, which is how we started our permit. And for us to go back and change it at this hour it would take a couple months to do that. Again, we're looking to break ground and finance at the end of July. We all look at our watches, that's six weeks from now. So what's that risk for the Village? \$85 million in taxes and fees that come to the Village under contracts just in the first 20 years of this contract and \$11 million to the BPA. So if we wait --

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MR. CAMPBELL: I just ask that any chatter there -- because it is hard to hear, so just please keep the chatter down. Thank you.

MR. SIDEREWICZ: So to the extent we wait another two weeks, I can tell you I have no guarantee we'll have a project for you to vote on. We've been working on this collectively with input from Chris Kogelnik, from Mr. Dutton formalizing the agreement, comparing it to other agreements you have, Cindy's involvement, obviously your negotiating team's involvement for months. We've gone back and forth, back and forth, back and forth. And it's already been mentioned the amount of money coming from Trumbull to BPA is four to five times what they receive from LEC. So I just want to say that there is no MVSD solution for Trumbull. If this isn't decided tonight, I have no guarantee that you'll have anything to decide in two weeks because that scenario will have evaporated. So I would recommend that the BPA reconsider the two week delay and have a vote. We're talking about big money to the Village; \$85 million over the life of the project to the school, to the Village itself, and obviously \$11 million to the BPA over the first 20 years, let alone 40 or 50 years. So this is all money that comes without the Village investing one penny. And as was mentioned previously about a pipeline, maintenance of the pipeline from Warren is the responsibility of Warren. The Village does not take on any additional O&M responsibility. If there are repairs and maintenance required, Warren takes care of that, not the Village. If the water is not delivered to Trumbull, Paul has modified the contracts, there is no liability to the Village. So in essence, it's a risk-free scenario to the Village for the BPA to collect \$600,000 a year and for the Village to receive \$85 million over the life of the project. That's what's at stake and would go away. So my recommendation is that maybe you chat amongst each other for a bit and reconsider delay because delay means, unfortunately, the end.

MR. SULLIVAN: Before you sit down, another thing we've been kind of concerned with is, like you said, the discussion's been going on for three years. We still don't know like a schematic where the line's running; is it going down Salt Springs, is it going through people's property.

MR. SIDEREWICZ: Sure. The way we set that up in the contract that Mr. Dutton drafted for everyone to review is that there will be a crossing of Salt Springs Road which can't happen until the Village gives it a stamp of approval.

MR. SULLIVAN: But where is it coming from when it leaves the plant, where does it go?

MR. SIDEREWICZ: We've hired a real estate firm, a legal firm, to help us get easements along the way so we have 99 percent of the easements done. The real issue is how do we cross Salt Springs Road because we don't want to go parallel to the road because we could interrupt what the Village might want to do in the future. So we would have to go perpendicular and underneath.

ATTY. DUTTON: And the agreement prohibits Warren from running it in the right-of-way on- along Salt Springs Road.

MR. SIDEREWICZ: So the contract that's existing and in place right now gives all these protections to the Village; financial protection, liability protection, protection against infrastructure interference. I don't know what else could be offered. \$600,000 a year to the BPA is a fair amount of money. It probably exceeds the entire

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budget of the BPA. So that's what's at risk. As I mentioned, I was on the phone last night for two hours from 8:00 p.m. to 10:00 p.m. with investors, legal counsel, and lenders. And to the extent this is delayed, there may be nothing for anyone to vet on in two weeks. That's what is at risk. \$85 million out the window and \$600,000 a year out the window to the BPA. So thank god you have legal counsel who looks after the legal interests of the Village because that's what is in that contract. And you folks, as part of the BPA, have negotiated a very favorable arrangement for yourself financially. So legally, protection; financially, very beneficial. So that's really what's on the table.

MR. PETERSON: The I'm sorry the M P D S permit. I didn't get a chance to read the whole permit. I don't see the source water, it's a discharge permit. You're saying you can't meet the permit with MVSD water, correct?

MR. SIDEREWICZ: That would be the second point. The first point is that we couldn't possibly change the contracts at this stage in the entirety of the whole contracting process.

MR. PETERSON: Okay.

MR. SIDEREWICZ: It's six weeks.

MR. PETERSON: Yeah. Because I spoke with the E.P.A.; and they said that shouldn't be an issue but, of course, no guarantees of course.

MR. SIDEREWICZ: Sure, of course. We have spoken with our initial engineer, CDM Smith -- and you probably know that firm, they are quite reputable, international environmental firm. And they said Bill, you would have to go back to square one. So even if we could get the permit squared away, you can't change the contracting process that has already been in place and is the basis of the financing that's due to close at the end of July. It's as simple as that. The BPA would, in essence, blow up the Trumbull project.

MR. PETERSON: Do you have any more questions? It's your meeting.

MR. CAMPBELL: Do you guys have any more questions for not just Bill or for anybody else? Changed your mind or still where you stand?

MR. PETERSON: I'm still where I stand.

MR. SULLIVAN: Yes.

2. 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. We'll move on to number 2, which would be the same result, 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.

ATTY. DUTTON: All right. That resolution is a courtesy resolution. The BPA has no contracting authority outside the Village, whether it be MVSD or the City of Warren. But historically we have always extended the BPA the courtesy of recommending to Village Council that Council enter into agreements with either a water supplier or other commodity provider, and so we've included it in this iteration. But if you choose not to vote on that or if you choose to vote no or you wish to choose yes, it has no enforceable legal purpose. And Council has a

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right at its meeting to adopt that by ordinance with or without your consent.

MR. CAMPBELL: So what do you want to do with it, gentleman? Table it with the other one?

MR. PETERSON: I believe we should table it.

MR. CAMPBELL: Make your motion.

MR. PETERSON: I make a motion to table it for two weeks.

MR. SULLIVAN: I second.

MR. CAMPBELL: All in favor?

(Mr. Sullivan and Mr. Peterson respond aye.)

MR. CAMPBELL: All opposed?

(Mr. Campbell indicates he is opposed.)

MR. CAMPBELL: I guess we'll get into the boring stuff of our meeting. But if you want to --

ATTY. DUTTON: You better set a meeting date in two weeks.

MR. CAMPBELL: That's a good point. Two weeks from today.

MR. PETERSON: I believe it's July 5. And I am okay with 4:00 p.m. if you are. That should be before the next Council meeting, I believe.

MR. CAMPBELL: Well, I will make it happen. Are we good?

MR. SULLIVAN: (Nodding head.)

MR. CAMPBELL: Okay, we have it set. Back to where I was at, if you want to stay for the rest of our agenda. If you would like to leave, I guess now is your chance.

3. Salt Springs Road Booster Station Relocation

MR. CAMPBELL: All right. Salt Springs Road Booster Station Relocation. I don't know where anybody is at. Chris?

MR. KOGELNIK: What would you like to know?

MR. CAMPBELL: Just where are we at with this. Give us an update.

MR. KOGELNIK: Well, this water booster station project is necessary so that we can obviously relocate it to the southern part of Lordstown and administer pressure there. We really can't do any of that exactly until the Ultium project is online, which we're in the midst of doing that. But this project also involves, you know, capital funds in order to move the facility from Salt Springs Road and down to the south end. So we would need to make application for funding on that project. That project really is as simple as we want to do this and it's feasible to do; it's just it has to take an order, it has to follow an order. Right now the biggest project that I want to talk to you about is the connector water line between Ellsworth Bailey and State Route 45. That's the more meaningful project. But the water booster station will be moved from Salt Springs Road and then down to the south property line basically of Lordstown and State Route 45, somewhere in that vicinity, and connect up to the Village's existing, I think it's a 16-inch asbestos line there.

MR. CAMPBELL: Okay. So with this project we have a little time from what you described to address it?

MR. KOGELNIK: Both of these projects, the booster station and the water line, should wait until next year because next year around May -- April or May -- what we should do is make application with Eastgate for our funding, specifically --

MR. CAMPBELL: ARC funding?

MR. KOGELNIK: ARC, ARC, Appalachian Regional Commission.

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And I want to talk to the Board about that. So is the water booster station question addressed, or can I answer anything more with it?

MR. CAMPBELL: Yeah. I'm -- you're fine with that. Did you want to save it for your report section or do you want to --

MR. KOGLNIK: Yeah, we can do that for the sake of time.

MR. CAMPBELL: All right. So we have number 4 -- do you have any questions, gentleman, on that?

MR. PETERSON: No, I don't.

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

MR. CAMPBELL: Number 4, CEF-L Valve Replacement Along 24" Water Transmission Line. Basically the LEC side in that. We missed on our agreement with LEC for that. I did talk to Paul, our Solicitor. He recommended that the Mayor and I go and visit LEC and see what can be worked out along those lines, maybe split of the cost or something to help out with the situation. But we -- at this point, that's the best recommendation we have for the position we're in with it. Any questions on that?

ATTY. DUTTON: To clarify that, we have a master reimbursement agreement with LEC, Lordstown Energy Center; and that was to reimburse the Village for all of the infrastructure costs including water lines, pump station, valves, et cetera. And I think that came out to \$8 million or \$9 million including everything. And there was a drop-dead date in there that all of these had to be done by a certain date. I think it was 2021 or -- September of 2021.

MR. CAMPBELL: Yeah, I believe it was.

ATTY. DUTTON: September 18, 2021. And we have obviously exceeded that date. And the argument that was -- that Kevin thought we might make is that because of the pandemic we were unable to address that. Well first of all, there is no -- the term here is force majeure, and it is what happens for circumstances beyond your control can you get relief. There is no force majeure, this is a reimbursement agreement, all right. This isn't a construction agreement, it's a reimbursement agreement. Number two, we didn't really start anything that was suspended because of the pandemic. So that's sort of a hollow argument. So we're not -- so you just crawl on your knees and beg for some --

MR. CAMPBELL: Do you have a point you want to add?

MR. KOGLNIK: Yeah. When you do go to meet with LEC, I don't know if the new staff at LEC are the same that we were working with.

MR. CAMPBELL: No.

MR. KOGLNIK: And so I would think it's important to remind these people that the reason why those valves were scheduled to be replaced in the first five year window -- because there's four 5-year chunks, aren't there, comprising the 20 year agreement. The reason why --

ATTY. DUTTON: Not the master reimbursement agreement.

MR. KOGLNIK: Correct. But the water service agreement with LEC.

ATTY. DUTTON: Yeah, yeah.

MR. KOGLNIK: The reason why that was done like that was so that we would recognize, okay, LEC is gonna be connected for another five years and another five years and so forth and so on. What we did when we did that so that we would understand that okay, in five years we'll add some more belts and suspenders to the, you know, unrestrained

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24-inch water line. So what we're trying to do is make their water service more reliable so that they can have another five years and another five.

MR. CAMPBELL: Yeah. That was our intent when we were gonna talk to them, but I appreciate your bringing that up. Very good. Anything else?

MR. KOGELNIK: No.

MR. CAMPBELL: Good idea. Questions on that?

MR. PETERSON: No.

5. Li-Cycle PPE

MR. CAMPBELL: Number 5, the Li-Cycle PPE. Was that submitted for --

MS. SLUSARCZYK: We anticipated it to be submitted at the last meeting. It did not come through. And since that point in time I was told that the Li-Cycle project has been bookmarked.

MR. CAMPBELL: Bookmarked as in --

MR. KOGELNIK: On hold.

MR. CAMPBELL: Okay. I appreciate that information.

ATTY. DUTTON: By who?

MR. KOGELNIK: The developer.

6. CT Work Authorization - Project Title: Village of Lordstown Sanitary Sewer Rate Study for the Village's East Side Sanitary Sewer

MR. CAMPBELL: Okay. The last 1 is a work authorization for CT for the sanitary sewer in the Village of Lordstown sanitary sewer rate study for the east side sewer. I would like to -- I didn't have a chance to review where we're at for that.

MR. PETERSON: I didn't either, I'm sorry.

MR. CAMPBELL: We'll keep that -- table that until the next meeting. Sorry.

MR. KOGELNIK: That's okay.

OLD BUSINESS:

1. City of Warren - Bulk Water (Warren Water)

MR. CAMPBELL: Old Business. City of Warren Bulk Water. That semi part of -- well, it is part of the TEC agreement. I guess at this point we'll have to wait and see if there's a bulk water agreement generated. It's in Council's hands. But part of approving that was the TEC project, so at this point we'll keep it on our agenda, keep our eye on it.

2. Ultium Sewer Connection

MR. CAMPBELL: The Ultium Sewer Connection. Is that finished up, or are we still keeping an eye on that?

MS. SLUSARCZYK: In regards to the subject matter, Ultium has recently requested the Village enter into an agreement with Ultium to install a sanitary sewer meter and connect to the Trumbull County sewer system; but the agreement did not stipulate or state that we would bill and read from that meter and bill from the sewer meter not the water meter. Our rules and regs say we bill from the water meter since they are cleaning up the projects. John-Carl Zarella sent me an e-mail and said any reason why we're billing from the water meter. The reason is I have no provisions to bill otherwise. I did tell him I would follow-up with the

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Board of Public Affairs, get your approval on that; and if you support that we can order the legislation and move ahead and change the billing method. But right now that agreement that was placed does not say to bill from the sanitary sewer meter, whether it's the Village of Lordstown meters or Trumbull County's.

MR. PETERSON: Are they hauling water out or are they using water to process, that's why they need an operating meter, just what's going on in the sewer?

MS. SLUSARCZYK: They are using water and it is being metered. Restate your question.

MR. PETERSON: Is there a reason why they need to not bill off the water meter. Are they using something in the process where it's not all going to sewer?

MS. SLUSARCZYK: I would assume that it would be less in the sewer meter than what they use inside the plant. That's an assumption.

MR. CAMPBELL: Yeah, Chris.

MR. KOGELNIK: If I might speak for Darren -- correct me if I'm wrong would you. There were times when they were testing their facility and flushing, but no water potable water coming in. But they were still testing and that, flushing water had passed through a meter which was, at that time, a waste water meter. And that's how those bills were charged for that testing.

MR. BIGGS: It was going down the waste water on -- there's two of them on that end. The problem is we were gonna bill from both, they just don't have the authority to do that. You could have one month that's gonna be hardly anything, and the next month they could dump their cooling towers and nothing was matching up. Plus with the construction stuff going down there everything -- nothing was really matching up.

MR. CAMPBELL: But in my mind, that size of facility that makes sense.

MR. PETERSON: Yeah, it makes sense. I'll make a motion to bill off of the sewer meter for sewer.

MS. SLUSARCZYK: We would need to an agreement, wouldn't we?

ATTY. DUTTON: Well, do would you have a separate agreement with them?

MS. SLUSARCZYK: We have a --

ATTY. DUTTON: We have an agreement with Trumbull. And I think we have a separate agreement to make them our customer, right, Ultium; or are they just part of --

MS. SLUSARCZYK: I think it's an agreement that encompasses both issues. I would have to look to be sure.

ATTY. DUTTON: We would have to amend that and make sure the language as to how we calculate the bill, so -- and give me a copy of that agreement and --

MR. CAMPBELL: All right.

ATTY. DUTTON: -- get me some engineering-speak to put the language where it should go.

MR. CAMPBELL: All right. So Chris made a motion.

MR. PETERSON: Yeah. I'll make a motion to bill sewer off of the sewer meter.

MR. SULLIVAN: Second.

MR. CAMPBELL: And Mike seconds it. All in favor?

(Mr. Peterson and Mr. Sullivan respond aye.)

MR. CAMPBELL: I have to abstain because of my employment.

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Thank you, gentlemen. Is there anything else you need on that, Cindy?

MS. SLUSARCZYK: No. I just didn't want to mark up an agreement and change it without bringing it before the Board first.

3. Imperial Sewer Agreement

MR. CAMPBELL: We have next one on our Old Business Imperial sewer agreement. Unfortunately, it's been kind of pushed down.

MR. PETERSON: We keep kicking the can down the road. Let's just set a meeting date.

MR. CAMPBELL: I don't want to do it on July 5. Again, we'll be in contact and see if we can work out something with that. Our apologies.

4. Rate Study - Water

MR. CAMPBELL: All right. Rate study for water. I think we just keep this on here as a touch base. I know you want to get to a point where we talk with Mr. McNutt, get Chris involved in that discussion. Cindy sent a reminder, I didn't get a chance to --

MS. SLUSARCZYK: There was also a work authorization from CT Consultants for additional charges from November.

MR. KOGELNIK: Roughly.

MS. SLUSARCZYK: Approximately November last year-to-date because of the talks with TEC. It exceeded the initial work authorization. I sent that to everybody. Unfortunately, I do not have --

MR. CAMPBELL: I know. And you did have it on the agenda. I asked to have it taken off at this point to see where that project goes because the way the funding with it is gonna go. It's not forgotten.

MR. KOGELNIK: You can table it for next month.

MR. CAMPBELL: That's basically where we're at. Thank you for bringing it up though. Anything else on that topic?

5. Ultium

MR. CAMPBELL: Any updates for Ultium, number 5?

MS. SLUSARCZYK: Recently with Ultium I did the state report. They are at employment of 550, and they originally told us that they would be at 1,000 with employees. And the recent report I have is they'll exceed that by December of next year.

MR. CAMPBELL: Oh, good.

MS. SLUSARCZYK: It will be more than promised.

MR. CAMPBELL: Very good. Any questions?

(Atty. Dutton leaves the meeting at this time.)

6. Utility Department Building

MR. CAMPBELL: Probably no updates on our Utility Department building at this point. Darren?

MR. BIGGS: Nothing.

MR. CAMPBELL: Okay. We'll keep it on there.

7. I&I

MR. CAMPBELL: I&I.

MR. KOGELNIK: Yes. We have a rental price for a meter. We're gonna need to use the Utility Department's meter. They have one.

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So we'll have to make sure that one's operable. We need another one for probably three months. The rental price for a single meter for three months is gonna be \$1,200 a month.

MR. CAMPBELL: \$1,200 a month you said?

MR. KOGELENIK: \$1,200 a month for rental, not purchase. You could go with a purchase. These meters are around \$8,500 if you purchase one. But given that I don't think that the Village is going to be utilizing those, you know, very often I would go with a rental price. So you may want to consider addressing that at the next meeting to give me approval to purchase -- or not purchase, but rent a single meter for three months. I'd like to put two meters at the junction of Salt Springs and Highland.

MR. CAMPBELL: All right. So my question along those lines. I know we have the one meter and we use it some. If we're -- with what we'll be needing that's further town the line, are we gonna run it for a few months and later need to run again?

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

MR. KOGELENIK: Good question. Understand, this is a pilot program for No. 2 tributary, Pump Station No. 2. You may want to say hey, we can do that on Pump Stations 3 and 4.

MR. CAMPBELL: That's what I was thinking.

MR. PETERSON: So maybe it's more advantageous to purchasing.

MR. KOGELENIK: You may want to consider purchasing. \$1,200 times 3, \$3,600 less \$8,500, there's your deal, take your change. You might want to consider purchasing another meter.

MR. CAMPBELL: That's something for Darren to consider, if it's something the department would continue to use to have.

MR. BIGGS: Chris, the only issue would be that would we need more than just the two because of the different sizes? They only fit so many, so that would have to be figured out. Two -- we may need three, four, five, you know what I mean, for the different sizes.

MR. KOGELENIK: You might want to stick with just rental right now.

MR. CAMPBELL: All right.

MR. SULLIVAN: It's not in the agreement.

MR. KOGELENIK: It is in the agreement. But the purchase of a rental is not. That was just the professional services, Mike.

MR. CAMPBELL: Any questions on that topic?

8. Sanitary Sewer Rate Review

MR. CAMPBELL: Sanitary Sewer Rate Review. I guess we had that for the work authorization, so I guess we'll be tabling that and keeping an eye on that until we get it wound up.

PUBLIC COMMENTS:

MR. CAMPBELL: Public Comments. Another section for public comments that goes just like last time. If you would like to state a comment, please stand up, state your name, and keep it within five minutes. Council meeting is at 6:00, so just keep that in mind. Anyway, public comments?

MS. JONES: Karen Jones. 1802 Clay Little Road, Elizabethton, Tennessee. I was on Council when the first power plant came in, and Mr. Siderewicz wanted to put it down here on Salt Springs

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Road. And he said you can't change it, you can't change it, you can't change it or the project goes away. The Planning Commission did not approve that zoning change, the project did not go away. The project is located where it should be, on property that is zoned industrial.

MR. CAMPBELL: Appreciate your comment. Thank you. Any other public comments?

MR. DIETZ: Tom Dietz again. I'm glad you guys stuck to your guns because of what happened to us on that last contract was disgraceful. They hit three of us that were all new on the Board. And the people walked in, threw the contract on our table and told us to sign it, we were gonna make a million dollars. I don't know if Paul even seen the contract.

MR. CAMPBELL: All right. I'm sorry, I didn't mean to interrupt you.

MR. DIETZ: That's all right. You can shut me up.

MR. CAMPBELL: Are you good, Tom? All right. Thank you for your comment, Tom. Any other public comments. Okay, very good.

REPORTS:

1. Solicitor's Report

MR. CAMPBELL: Reports. Solicitor's Report. Well, I guess our Solicitor is eating dinner so we don't get a report.

2. Engineer's Report

MR. CAMPBELL: Engineer's report. Chris, you had a topic?

MR. KOGELNIK: What I wanted to mention was the connector line between State Route 45 and Ellsworth Bailey. This is an important project, albeit not one that's well-known. We identified this project in the master water plan as you well know. This will resolve a number of things. This will provide a redundant loop for Salt Springs Road, Ellsworth Bailey, Hallock Young, State Route 45. And this will help a lot for the future. This eliminates two dead-ends on Ellsworth Bailey and on State Route 45. This can provide a facility like Li-Cycle, if they were to stay there, with the demand they need, the pressure they need. So there's other undeveloped property, you know, along there. It's -- as time goes by it's becoming more limited actually. But that water loop connector will provide a lot more in the future. So I recommend that we wait until next year, we get our plans together in the meantime, and there's a proposal to do that on your table there.

MR. CAMPBELL: Yeah. Well, you did send that to me. I don't know if I forwarded that to you gentlemen.

MR. PETERSON: I don't remember seeing anything.

MR. CAMPBELL: I got it. I'm sorry, I remember reading it through that, and I got focused on other stuff. It can still be forwarded to them. I just want to know a time frame, you need a work authorization to start that ball rolling. When should we --

MR. KOGELNIK: Appalachian Regional Commission is a real good organization when it comes to economic development. They want to make Appalachia, you know, strong. And so what we need to do is have these plans ready by I would say February of next year. So that means we need to be in design until then. Why the ARC program requires that the plans be complete is they want readiness.

MR. CAMPBELL: Okay.

MR. KOGELNIK: Okay. You should speak with Miss Kathy Zook at Eastgate regarding ARC funds, she's wonderful. She helps a lot of

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communities out with ARC funding, and she is gonna be your liaison when it comes to a project like this. And I would imagine she would be excited about this project when it comes to fruition. There's time between now and then to react. If we wait until the dead of winter to do this, you're not gonna have enough time. You need to be soliciting letters from the interested businesses along there to say -- so that they can speak to why that water line would be important to bring in more jobs or retain what they got. And you also need to get letters of support from, you know, your Utility Department heads and things like that as to why the new water line will eliminate the dead-ends and reduce maintenance on their part. We need to put that all together and submit a package around May to Kathy, and then she will usher it through to ARC. ARC is federal funds. You would be eligible, I think, for up upwards of \$500,000 on the project, which is good.

MR. PETERSON: Is that something RCAP can do too because RCAP does stuff for us.

MR. KOGELNIK: RCAP can provide loans, can't they?

MR. PETERSON: I believe.

MR. KOGELNIK: But I'm talking about a grant. This is federal.

MR. PETERSON: I mean, I know RCAP does loan and grant stuff so --

MR. KOGELNIK: You can combine the two possibly.

MR. PETERSON: Sometimes RCAP will look for GRANTS a little bit more too. I'm not familiar with Eastgate.

MR. KOGELNIK: Well then, what you should do is I would advise you to work -- coordinate with Kathy. She's wonderful with doing all of that. Anyways, I can't speak enough about that.

MR. CAMPBELL: So this project is 1.1 or something million, I mean as far as I think.

MR. KOGELNIK: I think the water line construction costs -- I mean, costs are going up a lot lately. But I thought that I wrote in the proposal around \$2 million for the water line.

MR. CAMPBELL: Well, that's something we need to factor in because we only have -- like this was \$500,000 that we would be getting a grant for, we still need to make up a lot.

MR. PETERSON: A lot of difference. That's why I mentioned RCAP because I know they are working with us on a project.

MR. KOGELNIK: You can get a loan through Ohio E.P.A. There's a variety of things you can piggyback that grant money with. You want to do as much as you can to leverage that 500k. But I mean, the time in front of you and that, start now --

MR. CAMPBELL: To get ready.

MR. KOGELNIK: It's an important first project. The water booster station we started talking about, that's gonna come at the tail end of the Ultium project which is at, you know, probably March of -- March or April of next year, so. Okay. And that's really all I have. I mean, I did do the plan review for the Li-Cycle facility, but I'll speak to Council about that. But it was in my discussions with the engineer for Li-Cycle that they stated that they want to basically table their project until they come back and say that they're gonna plow forward on it. But the plan review memo is done.

MR. SULLIVAN: One question, and it's got nothing to do with anything we just talked about. But on the line that is proposed to go

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to TEC, why would they meter at the Village line and at the plant?

MR. KOGELNIK: I don't think that's understood well. I think you had asked that question recently, and I think the accurate answer is it's gonna be at the plant.

MR. SULLIVAN: Just one.

MR. KOGELNIK: Yeah. Because it would be kind of foolish to meter at the Warren/Lordstown boundary line.

MR. SULLIVAN: Okay.

MR. KOGELNIK: Anything else?

MR. CAMPBELL: No. Thank you.

MR. KOGELNIK: You're welcome.

3. Utility Committee Report

MR. CAMPBELL: Utility Committee Report. Any report?

(Mr. Reider shakes his head negatively.)

MR. CAMPBELL: Thanks, done.

4. Clerk's Report

MR. CAMPBELL: Clerk's Report, Cindy.

MS. SLUSARCZYK: Remaining from previous meetings. We had talked about the sewer deduction meters that residents purchased in their home, and we had a situation where we had a customer that bought a sewer deduction meter and that meter was -- quit working. And at the time the guys were just going in and reading the meter. That has gone on for three to four billing cycles now, and the rules say secondary meters are at the expense of the homeowner. He did purchase it, it is not our inventory. But getting the reading or obtaining the reading and/or the appointment is becoming a major chore as time goes on. I need to know if I tell the customer he has to replace or update the meter that is no longer working or we're not gonna honor the sewer deduction service. I need the Board's direction as to what you would like us to do because it's not the only one now that has quit working.

MR. CAMPBELL: That needs updated.

MR. PETERSON: I would feel that they need to replace the meter at their expense if that's what our rules and regs say. And the other side of that would be if they don't grant you access, then it's something we do that we're not gonna offer to them. I don't know how the rest of the Board feels about that, but --

MR. CAMPBELL: Yeah, exactly. We have to be able to read the meter.

MR. PETERSON: If you can't perform the duty, you can't give them that service.

MR. CAMPBELL: We're gonna remove the service.

MS. SLUSARCZYK: I just wanted the Board's clarification. We did -- I did talk to Tom last week about the Imperial sewer meeting, and I asked him to take a look at the calendar for next week and you just booked up our calendar for next week. So I will try to make that yet later. However, we have put that off too many times too long.

MR. PETERSON: We need to get it done.

MS. SLUSARCZYK: So I will stay on top of that as far as getting that scheduled after the TEC issue is resolved. The last thing I have is an address within Imperial, 3324 Mae Drive, was one of those homes on a vacant pad list where in 2015 we said if it was capped. However, the same scenario as last, there was a balance prior to the policy

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being put in place. Since I can't share the dollar amount publicly -- if you were to split this, that would be Imperial's balance to satisfy the account and move forward. They were provided the meter.

MR. SULLIVAN: I make a motion that we do the split.

MR. PETERSON: I'll second that.

MR. CAMPBELL: All in favor?

(All respond aye.)

MR. CAMPBELL: All opposed?

(No response.)

MR. CAMPBELL: Thank you.

MS. SLUSARCZYK: That completes my report. Do you have any questions for me?

5. Superintendent's Report

MR. CAMPBELL: Okay. Superintendent's Report, Darren.

MR. BIGGS: I have no report this evening.

MR. CAMPBELL: All right. I saw that KV, they got their stuff done and updates.

MR. BIGGS: We're ready to go for Spectrum now.

MR. CAMPBELL: Are we all good?

MR. BIGGS: We don't have Spectrum yet. We didn't have enough power for them, that's why KV Electric had to come out and put them in. We're ready when Spectrum does come out.

MR. CAMPBELL: Any questions for Darren? Thank you.

MEMBER COMMENTS:

MR. CAMPBELL: Any further Member Comments? I don't have any either.

MR. PETERSON: No.

QUARTERLY APPROVAL OF BILLING ADJUSTMENTS:

MR. CAMPBELL: Quarterly Billing Adjustments. That will be next month.

ADJOURNMENT:

MR. CAMPBELL: And I'll take motions for adjournment.

MR. SULLIVAN: So moved.

MR. PETERSON: Second.

MR. CAMPBELL: All in favor?

(All respond aye.)

MR. CAMPBELL: All opposed?

(No response.)

MR. CAMPBELL: All right. Thank you everybody.

(Meeting adjourns at 5:25 p.m.)

C E R T I F I C A T E

STATE OF OHIO)

TRUMBULL COUNTY) SS.

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

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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 29th day of June, 2022.

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

Submitted:

Approved By:

Cinthia Slusarczyk, Clerk

Kevin Campbell, President