

June 3,

24

RECORD OF PROCEEDINGS
SPECIAL MEETING OF THE VILLAGE OF LORDSTOWN
BOARD OF PUBLIC AFFAIRS & UTILITY COMMITTEE
1455 Salt Springs Road, Lordstown, Ohio
June 3, 2024

IN ATTENDANCE:

BOARD OF PUBLIC AFFAIRS:

Christopher Peterson, Michael Sullivan, Stanley Czeck, Cinthia Slusarczyk, Darren Biggs, Atty. Matt Ries

UTILITY COMMITTEE: Terry Campbell, Robert Bond, Jessica Blank,

MAHONING VALLEY SANITARY DISTRICT: Tom Holloway, James Gibbs, Atty. Thomas Wilson

VILLAGE REPRESENTATIVES: Mayor Jackie Woodward, Howard Sheeley (Roads Committee), Martin Nelder (Roads Superintendent)

CT CONSULTANTS: Christopher Kogelnik, Shawn Aiken

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 3rd of June, 2024.

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

LORD'S PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

MR. PETERSON: Roll call please.

MS. SLUSARCZYK: Chris Peterson.

MR. PETERSON: Here.

MS. SLUSARCZYK: Michael Sullivan.

MR. SULLIVAN: Here.

MS. SLUSARCZYK: Stanley Czeck.

MR. CZECK: Here.

MS. SLUSARCZYK: Terry Campbell.

MR. CAMPBELL: Here.

MS. SLUSARCZYK: Robert Bond.

MR. BOND: Here.

MS. SLUSARCZYK: Darren Biggs.

MR. BIGGS: Here.

MS. SLUSARCZYK: Cinthia Slusarczyk, present. Jessica Blank.

MS. BLANK: Here.

MS. SLUSARCZYK: Matt Ries.

ATTY. RIES: Present.

MS. SLUSARCZYK: Christopher Kogelnik.

MR. KOGELNIK: Present.

CORRESPONDENCES:

MR. PETERSON: Any correspondence?

June 3,

24

MS. SLUSARCZYK: No.

NEW BUSINESS:

1. Mahoning Valley Sanitary District (M.V.S.D.) - 24" Waterline Project

MR. PETERSON: The only item we have under New Business is the Mahoning Valley Sanitary District 24" Waterline Project.

MR. HOLLOWAY: I'd like to start off if we could. I'm currently the chief acting engineer, Mike McNinch is no longer with the District. We have had a discussion with the Board, and I'm here to tell you that we cannot commit to any participation in a second 24-inch line at this time. We have a number of our own projects to do. We have PFAS, we have Phase V Project and Youngstown reservoir, and we have the dam project. So, I want to make it known where we stand with regard to our projects, and there's other projects on the list also that we need to do down the road and are unable to participate in that 24-inch line.

MR. PETERSON: Okay. With that being said, Matt, do you have any questions or --

ATTY. RIES: No. I mean, I guess that changes the dynamic. We were here to talk about that we need this Memorandum of Cooperation. And under the Memorandum initially when this was being negotiated a couple years ago MVSD was gonna be financing the line. So, if there's not any participation -- is it just no financial participation, no participation at all, I mean, Tom?

MR. HOLLOWAY: No, it's just -- in some ways we could but not financially. We have enough capital improvements that we're looking to do, rather large projects to do, and at this time it's not in our rate structure to take on that debt or pay for that project.

ATTY. RIES: All right. And originally, I believe, when Solicitor Dutton and Attorney Wilson were negotiating this, part of it as it discloses -- you know, waive any interest or conflict of interest with CT Consultants, that was one of the main prerogatives of this Memorandum of Cooperation. If they're not gonna be hiring CT it would just be the Village, and I don't know that there's a need for the agreement at all.

MR. PETERSON: Okay.

ATTY. WILSON: From the standpoint of the District, Matt, I agree with you.

MR. PETERSON: Okay. Chris, do you have anything to add in addition to that or anything about the project? I know you said about the O.D.O.D. funding, correct?

MR. KOGELNIK: Yeah. I just think that if the design -- if a project were to commence for the future 24-inch water line and if there were a possibility that MVSD would be an operator or a maintainer of the future 24-inch water line, it would behoove of Lordstown to understand what, if any, design requirement they might want to include in a design of the future 24-inch water line. That way, you know, if that agreement for operation and maintenance were to happen later on it wouldn't be an issue.

MR. PETERSON: Okay.

MR. KOGELNIK: If that's --

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

MR. HOLLOWAY: Legally that's something we would have to look into, if we would have the ability to operate and maintain the water line for you. We would have to look into legal. You're not in the District under Statute 2116. I don't know the answer for you, that's a legal issue.

MR. SULLIVAN: What would it take to become part of the District?

MR. HOLLOWAY: Go into Section 115 and look at the statute, and there's provisions on how you petition the court of jurisdiction. You would have to look into it to see if you have the ability to do that and if the court would honor the petition.

MR. SULLIVAN: So, you wouldn't -- it would all be from our end?

MR. HOLLOWAY: Yes, you would be petitioning the court for jurisdiction. We would not petition for you. If you want to become part of the District -- again you're treading into new waters here -- whether that could happen under the 2116. There are other provisions that allow you to form some other water district, and if there's two they could be combined into one. But your legal counsel would have to look at all these languages.

ATTY. RIES: May be subject to the approval of a Mahoning County judge and a Trumbull County judge.

MR. HOLLOWAY: That's the court of jurisdiction. They hear all matters on the District, legal matters on the District, rate structure and interpretation of the laws.

MR. SULLIVAN: Do you think, Matt, that that would be good for us to try to do that.

ATTY. RIES: I would have to look at how that would impact our own current BPA and everything else. So, I don't know, I'd have to look into looking at this a lot more before I give a yes or no answer.

MR. GIBBS: There's two things that's on the table. The first one is if you created the pipeline you've given us the property for us to maintain, and that being a member of the district. The second part would be you trying to be a member of the District like Tom said. So, there's two things that, you know, you would have to look into.

ATTY. RIES: The first one, if everyone's willing to agree, would be a lot less complicated, you know. If you guys are willing to do that, if that's something you're willing to consider.

MR. HOLLOWAY: Again, we had a discussion regarding the legalities, can you do this without something saying they object to it when they go to the court of jurisdiction, some outside party. Not wanting that to happen, you go to the courts. So, I don't know how that would go with regard to owning a piece of property and petitioning the court of jurisdiction for them to approve. Again, you would have to go through the legal process and go that route.

MR. KOGELNIK: Here's another dynamic too. We would have to make sure that if we get -- if the Village is fortunate to receive any grants, how soon after if they could, you know, relinquish such property to another entity. That's usually --

MR. HOLLOWAY: Well, you would still own it. You could still own it, but we could maintain and operate. There's different

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

contracts you can enter into. As the former county sanitary engineer I was involved in a number of previous -- and that's one way around it; you still own it, just agree to let the District operate and maintain it. We don't own it, we turn it back over to you if the agreement expires or something occurs where you want the system back.

MR. PETERSON: Okay.

MR. KOGELNIK: So, at this time the Village has been told by the U.S.E.P.A. that they do have a U.S.E.P.A. grant for \$4.2 million for the future water line. That's a portion of the project. And we did apply, as everybody knows, to O.D.O.D. I think it was on Friday that some amount of that O.D.O.D. money was released. And there was only two projects in our region, two small projects actually that got it. It did say on there round six. I don't know what round six means, I don't know if there's around seven, eight or nine.

MR. AIKEN: They are not -- we inquired and that's the last of it.

MR. KOGELNIK: So that's the end of that. We did submit a request through the capital budget to Senator O'Brien, and Representative Loychik, and Representative Loychik's office called me on Friday to recommend we send the documents for the capital budget request over to Senator O'Brien to have her office take a look at that. So we're gonna do that. But that's -- aside from the traditional Ohio E.P.A. WSRLA loan or nomination that's all that we have done for the funding effort on this project. At least right now the Village has a little bit more clear view of the funding that's out there for this project with O.D.O.D. not being there.

MR. PETERSON: Yeah.

MR. KOGELNIK: So it's up to the Village to determine if they want to proceed with the project. I did recommend that Lordstown Roads Superintendent Martin Nelder -- thank you for coming, Martin -- attend this meeting, because if the project did proceed forward with some amount of construction then a portion of that construction could be on Salt Springs Road where the easternmost section of Salt Springs Road is in dire condition to be resurfaced; and you could team up and leverage your opportunity with O.D.O.T. STBG funding for at least pavement portion of that road.

MR. SULLIVAN: So we could -- the project's \$14 million. We got four, so could we do like \$4 million worth of --

MR. KOGELNIK: From our perspective here that is the question that everybody would probably wonder about. The other thing that, you know, you'd have to ensure is if you did spend U.S.E.P.A.'s money would they be expecting you to only build a portion or the whole water line. So you know, before you set off down that course we should ask those questions so that the Village doesn't get in trouble.

MR. SULLIVAN: Ask those questions of the State.

MR. KOGELNIK: To U.S.E.P.A.

MR. PETERSON: Is there principal forgiveness available through the E.P.A.

MR. KOGELNIK: Not for Lordstown, we already checked that.

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

MR. PETERSON: Go ahead.

MR. AIKEN: From a practical engineering standpoint yes, it would be possible to build a third -- whatever the number is -- of the water line. You could actually build it and tie it in at both ends so it would actually be carrying the water and keeping it fresh. It would actually realize a little bit of benefit in terms of being able to bring more matter into town, but it would only be a fraction of what you get. You could still bottle-neck back down to --

MR. SULLIVAN: When we get another grant for \$5 million or whatever we could continue down the road.

MR. AIKEN: But Chris' point is really important, you gotta look out for your best interests. Maybe sure, it's okay with the funding agencies. But all of those things aside from an engineering standpoint is certainly --

MR. PETERSON: It would offer a little bit of redundancy because at least there would be two to feed through.

MR. KOGELNIK: Exactly what Shawn has stated. We've talked about that scenario at a couple other meetings, so that's possible. The County is planning to replace that bridge in front of Lift Station No. 2 on Salt Springs Road, but that's probably a year out now or so. So the timing of doing that part of the project seems to be aligning. There's quite a bit to make that happen from a dollars-and-cents perspective because ODOT's timeline is very difficult to work into a project like this. Always is.

MR. PETERSON: Anything else to add or any questions we have for the gentlemen from MVSD, or do you guys have any questions of us?

MR. HOLLOWAY: I do not.

MR. GIBBS: No.

MR. PETERSON: Do you guys on your end see a problem with us moving forward and building a portion of the line if U.S.E.P.A. allows? I know it's in the Village is where we're talking about.

MR. HOLLOWAY: It depends on where you're putting it. If you're tying into City of Niles it gets involved. If you have start coming out with a plan --

MR. PETERSON: I don't think that's the projected area you're looking at.

MR. KOGELNIK: No. It would probably be -- honestly, it would be somewhere in between. That's the area we're talking about. So the eastern section of Salt Springs Road, Tom, if that is in really bad shape in terms of the surface is between Highland and the railroad tracks.

MR. HOLLOWAY: That would be Lordstown's call to do that. We would have no problem with that.

MR. KOGELNIK: Now another thing that the Village has to plan for is this is a jurisdictional type of project. It's going to extend eventually into Weathersfield and the City of Niles, and so there's some advance coordination that the Village could do so that they know what is coming and they can plan for it. So like already on the one section of Salt Springs Road as you go around that curve there they've already resurfaced that part of the road. So the

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

County's gonna have some, you know, concern and comments on that.

MR. HOLLOWAY: Well, there was a discussion on the routing too, whether you wanted to take it from our plant directly, go through the power lines instead of following Salt Springs Road you had a shorter route to get to.

MR. KOGELNIK: That is true too.

MR. HOLLOWAY: And stay off the road until you get over to Salt Springs.

MR. KOGELNIK: That will be a valuable thing to talk with MVSD about --

MR. PETERSON: Yeah.

MR. KOGELNIK: -- before we set off on any -- so having a concept issue alignment like we talked from point A to point Z is very important to understand. And furthermore, not to take words out of, you know, some of our planning and upper management's perspective; but if you have a plan you're probably more able to get other funding rather than not having a plan. So what we've done so far is taken the as-builts that we have had for the existing water lines and we're able to see where the new water line could be placed along that route. Now in conjunction with Tom's thought here, there might be a more efficient way for part of the way to take it off road.

MR. PETERSON: So the way you guys have it designed currently is follow the road?

MR. KOGELNIK: It's following the existing water line.

MR. PETERSON: It could be a little bit cheaper.

MR. KOGELNIK: It could be a little cheaper, it could be less timely.

MS. SLUSARCZYK: Wouldn't the whole purpose of the redundance be interconnection between the two lines? How would that be served?

MR. KOGELNIK: We would evaluate that during the planning phase, the concept phase. You know, eventually -- Tom, correct me if I'm wrong -- but once we come off road and come back on in the Village of Lordstown then, you know, the two water lines would be in close proximity to one another.

MR. HOLLOWAY: They'd parallel each other. But again, you could do a cross line back out to Salt Springs somehow if you wanted to. We do have property that still goes out to Salt Springs, and we've done that with transmission lines through Niles and Youngstown, interconnect those transmission lines so you can move water around.

MR. KOGELNIK: So that conceptual work should start soon being that you do have the grant. Now the one positive thing with that particular grant, they don't have a timeline, they don't have a deadline. It's not like the State's O.D.O.D. money.

MR. PETERSON: Okay.

MR. KOGELNIK: So that offers you -- that's a huge flexibility in going after additional grant dollars. ARC could be another one that -- usually when you have ARC you have to really have some jobs created.

MR. AIKEN: I think it would be worth taking a swing at ARC. Or is it as reinforcing the supply, and if you broke the

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

project into phases you might be able to take several bites at the ARC apple. If you broke it into three phases you could attract a half million dollars each time. Depending how the funding breaks down it's either quarter million or a half.

MR. KOGELNIK: In -- our county is eligible for half a million.

MR. HOLLOWAY: Does your rate structure qualify you for Ohio Public Works funding.

MR. KOGELNIK: That's an interesting question. We learned painfully last year it didn't, so the Village increased their water user fee; and by just math -- we did the math, and we believe we're now eligible for that. So O.P.W.C. generally across the state allows for, what is it, 20 percent for new growth?

MR. AIKEN: Yeah. (Inaudible comments).

MR. KOGELNIK: I would still continue in the background politically trying to request funds through an earmark. That's -- it's not an easy thing to do, but you generally get more money in terms of pure grant from something like that. Also keep in mind that a \$4.2 million grant from the U.S.E.P.A. comes with a requirement to have a 20 percent match. So you can make that match happen a variety of ways; but you can't do it federally, you have to have it local or state.

MR. PETERSON: Any other funding sources you guys -- you know, you guys are starting to rattle them off.

MR. HOLLOWAY: FEMA. I don't know if you qualify, Chris.

MR. AIKEN: Oh, yeah.

MR. HOLLOWAY: You'd have to check into it. Emergency redundancy. Again, I don't know, it's a tough -- it's a tough road to hoe.

MR. AIKEN: Okay.

MR. KOGELNIK: Yeah, we'll look into that. So in many ways we're at the very beginning still of all this.

MR. GIBBS: Have there been any discussions with Niles?

MR. KOGELNIK: It's been some time since we have. But I did let Kevin Robertson know that the Village is trying to find funding for the future 24-inch water line but we -- you know, we haven't set any course of time or anything like that. That's all I can let Kevin know. That should also be communicated.

MR. HOLLOWAY: One of our thoughts coming out of the plant was to tie into the Youngstown transmission instead of Niles ones because you're trying to tie two 24-inches into two -- a 20- and a 24-inch. That again may have a hydraulic impact to Niles. Our thought was you come into the plants and come off the Youngstown transmission, which is a bigger transmission bay right at the headers of our pumps. Just a thought.

MR. KOGELNIK: That is a huge thought.

MS. SLUSARCZYK: Would -- we would need an agreement with Youngstown to do that.

MR. HOLLOWAY: Probably you would be talking to Youngstown and let them know. I don't know if they would object or not. Again, legal issue.

MR. AIKEN: From an outside party standpoint, for what

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

it's worth, if I were talking to Youngstown about it, you know, I see that as being a beneficial project for everyone involved, right. Having redundant source of supply makes it more reliable for the Village, it also increases the volume of water we can pull into the Village, sell more water for MVSD and their member community. And I'm speaking for you so correct me, but generally they have a certain substantial amount -- most of their costs are fixed costs, right. The treatment plant is there, the projects that they have to do with Phase 5 and PFAS Tom has already mentioned. These cost what they cost whether they sell 100 gallons of water or ten million gallons of water. But the more water they can sell, the more customers they have to spread that cost all over. So it's actually by extension I would make the case to Youngstown beneficial for Youngstown for that to happen because the more water MVSD sells, the more customers all those fixed costs are spread over.

MR. GIBBS: So basically this is the catalyst of any economic development that can come to Lordstown.

MR. PETERSON: Correct.

MR. KOGELNIK: So with that -- I mean, that probably alone is a huge magnet for external funding that I really haven't even thought about.

MR. HOLLOWAY: Again you went to E.D.A. before. I don't know where you stand with EDA, Economic Development Agency, a federal agency, if they would assist or not.

MR. KOGELNIK: That's an entity. The other thing that the \$4.2 million was applied for was the little booster station improvement on BHGH property on State Route 45. That's the one that we're trying to really get into construction but we can't because of the easement issue. So a small portion of that funding from the grant was to be allocated for that. There was no prescribed amount, so that could be whatever the Village probably wanted it to be for that project.

MR. PETERSON: Anybody have anything else? You got more?

MR. HOLLOWAY: I do want to mention one other thing. Again, sometime back it was covered you have air release valves that are not working. That could limit or reduce the amount of water you can draw. Until you replace those air release valves, you're not gonna know how much water that's gonna make available in that existing 24-inch line.

MR. PETERSON: Correct. And we're working to get them replaced hopefully.

MR. KOGELNIK: We can do that by way of this project too. We've discussed that with the Village in a couple just conceptual meetings. So that would be the most convenient way to do that. Then they could get a similar quality of construction by one reputable contractor doing that. But that is a top priority for the Village, they talk about that at almost each one of the BPA meetings.

MR. HOLLOWAY: You gotta keep in mind when you take that line down there, you gotta take that air release valve unless you abandon the existing one.

MR. KOGELNIK: Yeah, that's been a thought we've talked

June 3,

24

about too because we can't just replace the valve, we have to replace the stem coming up from the main line.

MR. HOLLOWAY: You might think about just abandoning them and put new ones on with the 24-inch line.

MR. KOGELNIK: That can be done too. It's a ductile iron line so it wouldn't be out of the way to do that. So that's where we're at. We have written a scope of work on a proposal for the Village to start to review that. The Village has to basically decide whether or not they want to move forward with at least a conceptual design for the project. That's what I would recommend doing, with the concurrence, of course, of Council, B.P.A., because this has to get Council and BPA approval. It's a water line that originates from outside the Village or is intended to.

MR. PETERSON: Anything else to add? Darren, have you got anything?

MR. BIGGS: Doesn't sound like there's anything to add. The only thing, Chris, you got an idea on what the \$4.2 million, how far that would get us?

MR. KOGELNIK: We've looked at that. At least the section for -- you know, the subject section of the eastern section of Salt Springs Road and the railroad tracks back to Highland, if not a little bit more.

MR. BIGGS: So that's \$4.2 million, that little bit there?

MR. KOGELNIK: I can't say that for sure.

MR. BIGGS: Just roughly.

MR. HOLLOWAY: That would depend on your bids. You could put a price on there depending on the bids if you could go farther in the project.

MR. BIGGS: Does that get rid of the Niles line?

MR. KOGELNIK: That's another thing that we've included in our proposal, Darren. But getting rid of the Niles 10-inch along the way, and also you had mentioned the 10-inch -- isn't it 10-inch and an 8-inch that goes up State Route 45?

MR. BIGGS: Probably. I don't know. I don't know.

MR. KOGELNIK: So that also has to be taken into consideration that that is one of your objectives, I remember that. So -- but we did include that in the estimate for the entire job. But I can't say for sure how much of that can be done with 4.2.

MR. BIGGS: That's what I was curious, how far is that gonna get you even coming up Salt Springs from Highland to the tracks.

MR. KOGELNIK: If the Village wishes, I could try to parse that information from the estimate, you know, I originally shared if you want me to do that.

MR. BIGGS: I just want a better idea. If you're not even gonna reach Highland Avenue what are we gonna do, with the tie-ins or whatever. We don't know how far that's gonna make it. I don't know if you had that in there, tying in the new hydrants and the residents and getting rid of that line. I was just trying to get a better idea of what \$4.2 million is gonna get us. If it's gonna come up a little ways, it ain't gonna cover that road, you're gonna pave it anyway, what's the point. If we're losing money we

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

gotta do something, but I don't want to just do it halfway either. We gotta put that line on the other side, I think that's a good time to get rid of that one. So I wanted to make sure. I would still like to see all that being included.

MR. KOGELNIK: Well, let us know what you want us to do. You know, we'll --

MR. BIGGS: Chris, what do you think? Do you want to know exactly what the 4.2 will get us? Not exactly, but a ballpark, because I don't have a clue.

MR. PETERSON: We probably should know how far that would get us.

MR. BOND: You want to know what you're building.

MR. PETERSON: Yeah, absolutely.

MR. BIGGS: We got an idea, we got a stop point. Council got money, you know what I mean, we can go to them, whatever. Well, they do.

MR. PETERSON: Chris, if you could run a model and see how far that will get us.

MR. KOGELNIK: And just from our side we'll -- those are high dollar, high level --

MR. PETERSON: But not knowing how much the booster station is gonna take out of that 4.2. I realize that will be --

MR. KOGELNIK: We'll do the best we can to parse that information. Understand, they are just very vague numbers right now.

MR. HOLLOWAY: James asked a good question. Is that 4.2 -- is there engineering costs in that 4.2?

MR. KOGELNIK: That's correct. Yes, that could be that way. And that was applied that way with engineering and construction.

MR. GIBBS: Okay.

MR. PETERSON: Okay.

MR. KOGELNIK: See, the original project was around 14.4, no tank included. But the new water line removing the old ten, making the valved connections and also the water booster station on State Route 45, that really needs to happen. That's a simple one, we just need to get that done.

MR. PETERSON: We need to get that done. Okay. Anybody else have anything else to add? Seeing none --

PUBLIC COMMENTS:

MEMBER COMMENTS:

MR. PETERSON: Public Comments. Member Comments. Anything, anybody?

ADJOURNMENT:

MR. PETERSON: Motion to adjourn.

MR. SULLIVAN: So moved.

MR. CZECK: Second.

MR. PETERSON: All in favor?

(All respond aye.)

MR. PETERSON: Opposed?

(No response.)

Village of Lordstown Board of Trustees of Public Affairs

June 3,

24

MR. PETERSON: Thank you everyone.

(Meeting ends at 4:33 p.m.)

C E R T I F I C A T E

STATE OF OHIO)
TRUMBULL COUNTY) SS.

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Niles, Ohio on this 17th day of June, 2024.

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

Submitted:

Approved By:

Cinthia Slusarczyk, Clerk

Christopher Peterson, President

June 3,

24

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