

June 30, 2022

PROCEEDINGS

Lordstown Village Council Special Meeting

(WHEREAS, the special meeting before the Lordstown Village Council commenced on Thursday, June 30, 2022, at 6:00 p.m. and proceedings were as follows:)

MAYOR HILL: I'd like to call the Lordstown Village Council special meeting to order. Can we have roll call, please.

MR. BLANK: Mayor Hill?

MAYOR HILL: Present.

MR. BLANK: Mr. Bond?

MR. BOND: Here.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Here.

MR. BLANK: Mr. Liming?

MR. LIMING: Here.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Present.

MR. BLANK: Mr. Reider?

MR. REIDER: Present.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Here.

MR. BLANK: Mr. Dutton?

SOLICITOR DUTTON: Present.

MR. BLANK: Clerk Blank, present.

MAYOR HILL: Entertain a motion for adoption of the agenda.

MR. RADTKA: So moved.

MAYOR HILL: Moved by Radtka. Second?

MR. SHEELY: Second.

MAYOR HILL: Second by Sheely. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?

COUNCIL: Aye.

MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

Mayor's remarks. We are here for second reading on two Ordinances and another is going to be modified, which we should be passing first at the next meeting. That's the master reimbursable agreement.

SOLICITOR DUTTON: We're going to actually pass that tonight—

MR. RADTKA: We're going to pass that one tonight.

MAYOR HILL: You're going to pass that tonight, okay.

MR. RADTKA: Yeah, to get ahead of—

MAYOR HILL: To get ahead of the curve, okay. And I know the Facebook chatter and everything has been running amok. It's usually the same people who are the ones doing all the talking. I would like to see this get through. The Village has a lot at stake; the school has a lot at stake. A lot of misinformation out there. And some people are getting a lot of joy out of that. Hopefully, we'll have this resolved by July 5th.

Any Council remarks?
(NO RESPONSE FROM COUNCIL.)
Hearing none, Public remarks?

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MR. MCGRAIL:

Mark McGrail, 3656 Goldner Lane, Lordstown, Ohio. Being one of the people that comments on Facebook on a regular basis, I guess there's—and this isn't really why I wanted to speak—but you have to realize that we get nothing out of these meetings. No response to any of the issues that are raised. I mean, it's fine for you to criticize the comments, but it would be interesting if you actually addressed what some of the people were saying on there, other than myself. But I know that's not going to happen.

I realize this is another reading. You're not going to vote on the two most important of these Ordinances. One of the issues that I've had—well, there's a couple, actually—but, you know, the City of Warren passed these Ordinances back in 2019. I don't know if they still are in effect. And it mentions, you know, entering into agreements with the Village of Lordstown. Who worked with the city? Who from this Village? I have asked that question of some people sitting here and they don't know.

MR. RADTKA:

Back in '19 you're asking?

MR. MCGRAIL:

Yeah.

MR. RADTKA:

I can't answer that.

MR. MCGRAIL:

So you had somebody, an official—I'm assuming it's an official—I don't think the City of Warren would just bring out Ordinances, vote on them without having some input from the Village. See, from my perspective and from others that I've spoken with, one of the issues that I have with this contract is that it appears—and I stress appears—that all of this has been done not in the public sphere the way it's supposed to be. Now, I understand contracts many times are negotiated out of sight. I get that. However, there has been, I mean, 2019, that's almost three years ago when those were passed. They were passed in September, 2019. Not a peep out of our officials sitting here. Most of you were here. So, it leads me to the next question. It sounds as though these negotiations, or whatever you want to call them, were a little bit one-sided. Because here you're talking about one option for this waterline when you actually have two, which is our current supplier. And, you know, Mayor, you talk about misinformation. Misinformation as to why MVSD has not been considered, which first of all, I don't get that at all. They should have been considered and there should have been a comparison and cost—benefit analysis of both proposals. Then I was just telling someone today, well, what if Warren came out. All right, I'm shutting my mouth. They say it's the better one, I'm accepting it. But you guys have not done that—I say "you guys" rhetorically—you haven't even considered it.

As it stands, the way I understand, now, let's take the first piece of misinformation that I saw. Well, the powers that be at TEC won't accept MVSD. First of all, it's not up to them to accept or not. Here we're the officials of the Village of Lordstown. This is your option.

The next piece of information was that they can't meet the timeline. As a matter of fact, the timeline that I understand from the City of Warren is about three years. I also understand that to put a 24-inch in from MVSD, Niles, is 20

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months, 24 months. So that's a piece of misinformation there.

Another piece of misinformation, MVSD doesn't have the capacity. That's absolutely not true.

MAYOR HILL: Who stated that?

MR. MCGRAIL: It doesn't matter.

MAYOR HILL: Yes, it does—

MR. MCGRAIL: I'm just—I didn't say it was you.

MAYOR HILL: I know—

MR. MCGRAIL: I'm just telling you things that I hear. I didn't point a finger at you. You seem kind of uncomfortable about it, though—

MAYOR HILL: I just asked you where you heard it.

MR. MCGRAIL: Find it a little interesting you find that uncomfortable.

MAYOR HILL: No, I don't.

MR. MCGRAIL: So, anyways, moving on. I mean, it just keeps going on and on and on. I don't understand why there was never a comparison of the two. The other thing, too about this is another question I can't get answered: What is the benefit to the Village of having the City of Warren bring this line into the Village? Of course, it's money. The Village is going to realize "X" amount of dollars; the schools will realize "X" amount of dollars. They will also realize that if MVSD—

MAYOR HILL: Your five minutes are up, Mark.

MR. MCGRAIL: Okay.

SOLICITOR DUTTON: I'd like to answer. Can you identify the pieces of legislation you're talking about that was enacted in 2019?

MR. MCGRAIL: Can I—yeah, I got it here.

SOLICITOR DUTTON: Identify it. I think I can clarify that, and I did clarify that at the last meeting.

MR. MCGRAIL: I didn't hear you say that, but I could have—

SOLICITOR DUTTON: Identify it if you would, please.

MR. MCGRAIL: Well, if somebody else wants to—

MR. RADTKA: And in answer to your one question, Mark—

SOLICITOR DUTTON: I mean, is it the tax abatement?

MR. MCGRAIL: No, no, no.

SOLICITOR DUTTON: Is it the PILOT? What are you talking about?

MR. MCGRAIL: They're mirror Ordinances to what you're looking at here.

SOLICITOR DUTTON: You mean a water supply Ordinance from Warren? Okay.

MR. RADTKA: I think I forwarded it to you a few months back.

SOLICITOR DUTTON: In 2019, this Village did not enact any Ordinance dealing with purchasing water from Warren. Warren sent to Cindy a proposed water supply agreement for the TEC project that was negotiated between Warren and TEC. Once we received it, we—I drafted a letter that was sent to the Mayor of Warren, as well as their public utilities director, Franco, to cease and desist from any further negotiations, discussions, whatever, about Lordstown water without involving the BPA and, in this case, also Village Council since it was water outside the Village. After that, we heard nothing. The pandemic hit and this project, for all intents and purposes, was dead. I think we identified at the last meeting what you have now is resurrected—

MR. RADTKA: Here they are, Paul.

SOLICITOR DUTTON: —in July of last year and Council identified its President, Mr. Radtka, and the BPA identified Kevin Campbell as the two people who would be involved in those negotiations. To

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my knowledge, those are the only two individuals who have been involved with Mr. Siderewicz or with the City of Warren dealing with this. Now, I think Cindy has had conversations—

MR. RADTKA: And Chris had a few conversations on behalf of Council.
SOLICITOR DUTTON: And our engineer because they've been authorized. I've had nothing, and to my knowledge, the Mayor has had nothing. Let me make sure that this is—so these are Warren's Ordinances.

MR. RADTKA: Yes.
SOLICITOR DUTTON: So Warren has a right to pass whatever they want to pass.
MR. MCGRAIL: I understand that.
SOLICITOR DUTTON: And they passed something on the assumption that Lordstown—that this would be acceptable to Lordstown, well it wasn't. Now, we did identify at the very beginning of this project through discussions that Mr. Siderewicz had with the Lordstown School District and with the Mayor and the President of Council about a tax abatement. So, there is a chicken that comes before the egg in these projects. Without a tax abatement, none of these things would ever fly. Unless the School District goes along with any tax abatement greater than 75 percent, it's dead. So the developer had to identify would the school district go along with the tax abatement with the Village. And a deal was worked out for a tax abatement like what this Village does with many large projects of this nature.

The second piece of legislation that has already been adopted by the Village and ratified is the President of Council and the Mayor and the Clerk objected to any deal unless the Village got what is called a PILOT, payment in lieu of taxes. The school district gets about \$15 million over 15 years. In the last go-around with LEC, we got the donut hole. So they were not going to agree to this project unless this Village also got—and that is what, about seven million?

MR. BLANK: Seven point five.
SOLICITOR DUTTON: Seven point five million, so we get half—
MR. RADTKA: Seven point eight five is the PILOT.
SOLICITOR DUTTON: And the third thing that had to be negotiated, the chicken before the egg, is the school district has the ability to put a claim on a portion of the income taxes from the actual construction of the project. The Village lives off of income tax revenue. The school district lives off of real estate tax revenue. So the Village did not want to surrender any of its right to those income taxes, and we worked an agreement with them on that.

So those are the three things that needed to be dealt with back in 2019, 2020. These water agreements are only six, seven, eight—12 months old. I hope that answers your question.

MR. MCGRAIL: Sort of. It kind of did in a round—about way. But, I mean, I have a response but my time is up.

MAYOR HILL: Come up, Mark.
MR. KERSTETTER: Yeah, I'd like to yield my five minutes to Mark. Go ahead, Mark.

MR. MCGRAIL: I don't know if I need another five minutes. First of all, I understand exactly what you were saying. You answered the

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question about the Ordinances. It still doesn't answer the question about why none of this has been discussed in public. I'm not trying to place blame on anybody or anything. I just think that people need to be more attuned on Council to the rules that you're supposed to operate under, which is any deliberations should always take place in public. There's an appearance of a lack of public deliberation in this case. And since there hasn't been any, it's more than an appearance. It kind of goes to feeding conspiracy theories. I mean, I'll leave it there.

You kind of touched on the point that I made with regard to what are we getting? And I understand everything that you said. We're going to get that anyways if MVSD supplies the water because that's the other piece of misinformation. If Mr. Siderewicz—and I don't use his name in vain—you brought it up—for some reason, wants Warren and nobody will answer the question why. Because the better deal is with MVSD. You not only get the supply of water and the adders that the BPA would receive—you get that. You also get a 95-cent discount for that increased volume. That doesn't come from Warren. In the long run, the way I look at it, we, the people of this Village, will be subsidizing that plant if Warren gets the contract and how will that be? Well, the conversations I've had—and I'm not going to name names—the adders on the Warren contract will not cover the operating deficits of the Water Department at least indefinitely. Whereas, if we had that 95-cent discount, that would. So, that's basically it. Thank you, Mark.

Are there any other—Rick.

MR. BIGGS:

Rick Biggs, 6270 Highland Avenue, Southwest. Along with what Mark said, MVSD did present a proposal to Lordstown to extend a 24-inch line on their own nickel. And, I believe, that was addressed to the Mayor. And I have a copy of it. MVSD says they can supply up to 60 million gallons per day. And we're only at 20 million right now. So they definitely have the capacity to do that.

Second question is, like Mark was saying here and I'll reiterate on it, why can't we hear why you want—Mr. Siderewicz wants Warren water? We're hearing how great it is. The proposal from MVSD says that's not true. So why can't—can't you tell us why you want to do this? That's one comment and one question. Can we wait for an answer?

MR. RADTKA:

Well, I don't want to speak for Mr. Siderewicz but he has said at numerous meetings that the—and Chris might help me out on some of this—the engineering, the design of the plant has been designed for the chemical composition of the Warren water. So, for him now to go back and start over again with engineering, design, bidding, everything else, is not going to work with his investors.

MR. BIGGS:

MR. RADTKA:

So I'm hearing—

So he'd have to go back because the composition of the water from MVSD is not the same as Warren. So, now we're asking him basically go back, start from scratch, redesign his facility, holding towers, settling ponds, everything to accept a different water source, which won't work with his timeline with his investment, which he's said numerous times.

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MR. BIGGS: Two things, the EPA controls the quality of water from Warren and MVSD. Are you telling us that Warren has better water and we're drinking something that's not potable? And as far as going back and Mr. Siderewicz and revamping all their work, it's not that big of a deal to add a chemical, probably a small tank and a feeder pump.

MR. RADTKA: Chris, can you add to this? I'm not an engineer.

MR. BIGGS: He's not involved in—

MR. KOGELNIK: I guess I'm imparting on his five minutes. I probably shouldn't do that. Let me help clarify if I can. The amount of engineering that they have done from their contractor that's probably selected for the job is significant. And their permit, their NPDES permit, is partly based off water quality that they sought out on their own, you know, years ago before all of this. And so there is a major difference between what the chemical composition is that they're intending to process in their cooling towers versus the water that would come from Meander. And Warren, they add ammonia after their chlorination to produce chloramines, which help to provide a disinfectant further out into the distribution system. And so albeit that's a challenge for Clean Energy, their process is custom made for that.

Now, in terms—there's a word "design" that Ron had used. I want you to understand that the design part of a facility like this or any processing facility does not happen until the permit to install application. Remember what I told Council and the BPA, it's a two—step process. You apply for your NPDES permit first, that tells you that the stream can accept the waste load and what the waste load is.

And then secondly, you've got five years to do that under an NPDES—and actually this one is kind of up and they're renewing it right now, from what I understand. The second thing that happens is the permit to install application. That's the time they put pen to paper and they finalize their design and they submit that design application, that permit to install application, to the Ohio EPA for approval. And there's a report that goes along with that. Traditionally, in the Village with land development plan review, site plan review, we, the Village, are supposed to get a copy of that permit to install application. There's a lot of stuff that has happened before then that has led us to the point where Ohio EPA has already approved an NPDES permit without the Village's comment. And right now we are scrambling trying to figure out how the permit was issued, and that is found out by reviewing the NPDES permit application. I could tell you over the past week, I've invested a hell of a lot of time reviewing that application. And that application, again, is for an NPDES permit. It's just to understand the waste load and how it's going to be managed in a concept pond that has not been designed yet and then discharged to the creek. The design of which would happen later in the permit to install application period.

But I can tell you that that water from Warren is evidently important to their concept process with their contractor for their internal cooling process.

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MR. BIGGS:

Again, what I'm hearing is the same thing. We have to do all this for the job. We want a billion dollar investment ability. I think every body out here does. But we're sick and tired of getting raped ourselves by giving to businesses like this at our expense. Again, like I told the Mayor, the agreement they gave him, that pays for itself. Warren is not going to pay for itself.

MAYOR HILL:

Rick, let me correct something. I went to Niles when we renegotiated the rates with Niles. I was there with Cindy. A guy named Jim Jones, who was the Chief Engineer at MVSD, took me aside after the meeting and said I'd like to run a redundant line. And that was passed on to Mr. Siderewicz. Jim Jones took a job in Pittsburgh. Siderewicz contacted MVSD and it laid fallow. There was no response back from MVSD at that time until we had a presentation from Mike McNinch, who is now the new Chief Engineer. There was no response back. And I didn't negotiate any of this. The original abatement I was there, but after that I recused myself.

You know, I see comments, "Well, what's the Mayor getting out of it? What sort of presentation is the Mayor trying to give us." I recused myself from that, Rick. And I'm a little bit sick and tired of the comments I'm hearing from people like that or seeing it on social media. But MVSD was approached. They were asked what's going on. They never followed through. Plus there was Covid; plus there were a couple other issues, health issues from one of the developers. And now this has been coming forward. There has been nothing hidden. Everything which gets passed has been passed on Council floor. If somebody has a question, they want to ask Council because Council is the one who passes. I only have a say when there's a tie, Rick, and you know that. But MVSD was approached and there was no response. And then with all the other factors, then Siderewicz approached Warren and said, "I'm going to need water for this."

Now, there's also comments made at the last meeting where, "Oh, if we go with Warren, all our water rates are going to go up." And I read figures, which I had gotten off the Clerk, the Water Department, we're probably the cheapest water rates around for someone that doesn't produce their own water. We have to pay a surcharge to get the water here. But they've run at a deficit for the last three years, '19, '20 and '21. It's probably pushing 500,000. Now where'd that deficit come from? Well, it's when General Motors was still running. Then I hear people say, "Well, they're taking care of the residents." And I brought up at the last meeting—and you were there—and I said how long can you keep doing this? And to say we're subsidizing a business coming in, there's \$625,000 which is going to be coming in to the BPA based on the adder, which was negotiated with the BPA and Mr. Radtka. That's \$625,000. If this agreement doesn't come through, you're going to keep eating into what revenues are left and there's going to be a water increase if this doesn't get passed. That's just some of the misinformation which is out there.

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MR. BIGGS: First of all, I don't do anything on social media, I'm not talking about you behind your back or—

MAYOR HILL: I know you don't but I see it, Rick, and you know people who are on there.

MR. BIGGS: But, still, I can't understand if we have such a good deal from MVSD, why don't we keep our eggs in that same basket? We don't have to worry about cross—contamination of lines between Warren and Niles or anybody else because we will have a redundant system that's going to supply the new building over there plus the rest of the Village—

MAYOR HILL: Rick, it's just like you have a car—all the agreements, the financing, NPDES permits, or whatever it is, all those were done based on Warren. It's like right now you have a new truck going down the assembly line. It's on the line and you're saying, "I want to change the trim and the color." And you say you can't. Well, it comes time—the financiers, they lost—this should have been passed last November and the BPA never took action on it. Why? I don't know. But right now the financiers, a \$200 million investor, bailed at that time. Now, the financing is there. The equity is there. They're shopping some of the debt. They would like to close at the end of July. One thing which another person who was here, Dan Crouse, who is a commercial realtor, said the interest rates are going up. When you're borrowing \$500 million and it goes up half a point, that's a lot of money. And I really think some people say, "Well, we all want the project." Well, not everybody out there wants the project, Rick. You and I aren't that naive. Not everybody wants the project.

MR. BIGGS: Or do they—

MAYOR HILL: And some people are saying "We'll just ride it out and we'll create enough of a hiccup." And then they're going to fall back and say, "We were just trying to take care of the residents." Well, you know what, if it doesn't happen, I guarantee everybody's water rates are going to go up. How much that is? I don't know. That's up to the BPA to call. I have nothing to do with the Water Department. But for people to say we're subsidizing it when they're linking the system.

And I know somebody said there's only seven hydrants on the Warren line, you know, you can put more on the Warren line. There's also rumors out there that Warren may become to capacity and that 24-inch still may be coming from MVSD and they may even give the Village of Lordstown Foxconn. The rumor mill is running amok but some of them there's a little more truth to the rumors than anything else. But the bottom line, if that doesn't get passed, everybody says, "Well, my water rates are going up." They will because you can't run—can you go three years digging into your nest egg and running your house and then be comfortable about it? No. You can say, "Well, I'm taking care of the residents. They got low rates." I don't want my rates to go up, but there comes a time when it's going to happen and that's up to the Board of Public Affairs.

MR. RADTKA: I did receive a letter today from the developer, a two-page letter. I'll give it to Bill of why the MVSD water supply is

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not a Trumbull option. It's from Bill Siderewicz, the developer. I'll give it to Bill so if anybody would want a copy of it.

MR. BIGGS: I'm done. Just the one last thing I do want to say is this whole issue is the problem with Bill Siderewicz starting in 2017, instead of going through the proper channels, coming to the Village, starting to get his ducks in a row and negotiating with us. He took it upon himself to go to Warren. If you remember when Lordstown incorporated, what their biggest fear was, that was to be incorporated by the City of Warren. You're giving them another handle. Thank you.

MAYOR HILL: Any other public remarks? John.

MR. KRISHER: John Krisher, 4510 Highland Avenue. So, I have something to read. First of all, I completely understand Council doesn't have to answer any questions during public remarks. At the same time, the only place the residents get any information is from the *Tribune* or Facebook. Yes, Facebook. Most would not have been at the first meeting if it was not for Facebook. The reason residents show up is they want information. They have questions and need answers. So, let's go backwards. Why is this water deal any different than the first energy plant? Why was a developer permitted to go around the Village and negotiate his own contract? Doesn't it concern Council that we're going down a dangerous road for the future? What if the next developer wants to do the same? I don't understand why MVSD was told, basically, to back off on this deal. They are our supplier. All of the residents—this has to be done. Now, I completely understand what Covid has had to do with businesses, but it shouldn't have to stop contract talks concerning water. How do the residents know this is the best deal for them? Yes, the residents, the people who elected you. And that's what I'm going off of and that's what I will keep saying because you have the residents out here that elected everybody up there. And you're basically not listening to some of the residents.

MAYOR HILL: Are there any other public remarks?
(NO RESPONSE.)
Hearing none, the purpose of the special meeting. Lordstown Village Council will conduct a special Council meeting on June 30, 2022, at 6:00 pm to consider the following legislation. Bill.

MR. BLANK: From Council as a Whole for Emergency Passage, AN **ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 22-22 AUTHORIZING THE VILLAGE OF LORDSTOWN TO ENTER INTO A MASTER AGREEMENT FOR FUNDING OF LEGAL, ENGINEERING AND VILLAGE ADMINISTRATIVE COSTS FOR CLEAN ENERGY FUTURE—TRUMBULL, LLC, FOR THE TRUMBULL ENERGY CENTER PROJECT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. RADTKA: Motion to suspend.

MAYOR HILL: Motion to suspend the rules by Radtka. Second?

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MR. LIMING: Second.
MAYOR HILL: Second Liming. Roll call.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?

MR. SHEELY: So moved.

MAYOR HILL: Moved by Sheely. Second?

MR. REIDER: Second.

MR. RADTKA: We need to make a motion to amend first.

MAYOR HILL: Motion to amend first by Mr. Radtka. State your motion, please.

MR. RADTKA: Okay, page 3, Section I, "an amended Master Agreement" at the end of line two. Line 4, "to include future Village customers connected to the Warren water infrastructure." Section II, third line down, "amended Master Agreement." It's all in bold type. The things we went over at the Utility meeting. Page 4, very top, the bold, "Master Agreement for funding of Legal, Engineering and Village Administrative Costs Between Village of Lordstown, Ohio, and Clean Energy Future-Trumbull, LLC." Next paragraph changing June to July. It just ran into another month. Under Section A, fourth line, "for the use of CEF-T and potential future Village customers connected to the Warren water infrastructure." That is all the amendments for the Ordinance.

MAYOR HILL: Everybody heard the motion to amend by Mr. Radtka. Is there a second to that motion?

MR. LIMING: Second.

MAYOR HILL: Comments?
(NO RESPONSE FROM COUNCIL.)
Bill, can we have roll call, please.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Bond?

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MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to amend. Is there a motion to adopt?
MR. RADTKA: So moved.
MAYOR HILL: Moved by Radtka. Second?
MR. SHEELY: Second.
MAYOR HILL: Second by Sheely. Comments?

(NO RESPONSE FROM COUNCIL.)
Roll call, please.

MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 28-2022. Next, please.

MR. BLANK: From Utilities Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE VILLAGE OF LORDSTOWN TO ENTER INTO A WATER SUPPLY AGREEMENT WITH THE CITY OF WARREN IN CONNECTION WITH THE TRUMBULL ENERGY CENTER PROJECT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. RADTKA: Motion to amend.

MAYOR HILL: Motion to amend by Mr. Radtka. Is there a second?

MR. SHEELY: Second by Sheely.

MAYOR HILL: Ron.

MR. RADTKA: On page 11, the end of the first paragraph, changing June to July. Page 12, Section 3, "CEF-T together with Clean Energy Future will agree to grant Warren a permanent easement from the 24" waterline at TEC across CEF-T's land, to enable Warren to connect the 24" Warren-TEC pipeline to Warren's 16" waterline along Ohio Route 45. This new connecting line will be installed and completed during the time TEC is being constructed. Warren will"... The next two Ordinances next sentence, go down to the next paragraph in the center. It's in bold. "Besides TEC" page 13, Section 6, paragraph (a), end of the second line, "and other potential customers of the Village connected to Warren's Water infrastructure." Two thirds of the way down, the same paragraph, "and other potential customers of the Village connected to Warren's water infrastructure."

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MAYOR HILL: That is it for the amendments of that Ordinance.
Comments?
(NO RESPONSE FROM COUNCIL.)
Can we have roll call for the amendment?

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to amend. Any other
comments or motions?
(NO RESPONSE FROM COUNCIL.)
Hearing none, I declare this Ordinance to have had its second
reading.

SOLICITOR DUTTON: Mr. Mayor, I'd like to explain to the audience since not all of
them were in the caucus room earlier.

MAYOR HILL: Anybody on Council have a problem with that?
(NO RESPONSE FROM COUNCIL.)

SOLICITOR DUTTON: And this is for Mr. McGrail for furtherance of transparency.
The difference between what Council did procedurally on
the first Ordinance and this Ordinance was at the last
meeting, the first Ordinance, what we call the Master
Reimbursement Ordinance, was passed. Rules were
suspended; they passed it as an emergency measure, which
meant that it was ready for signature.
In the interim period, yesterday—actually, two days ago—I
was instructed to change the water supply agreement with
Warren water service agreement to include language that
dealt with connecting the new 24-inch line from Warren with
Warren's existing 16-inch line, something that Mr. Campbell
and Mr. Radtka had been trying to negotiate for and finally it
came about.
We did not need to include all of that language in the first
Ordinance, the Master Reimbursement, but we did need to
identify that the two lines would be connected and to the
extent our engineer had to do some inspection or something
of this nature or we had some cost associated with it, they
would reimburse us.
Since the first Ordinance had already been passed, had an
Ordinance number, the most we could do is to amend and
restate. So we actually passed a new Ordinance tonight
amending by adding that little bit of language and restating
it.
The second Ordinance, which is the City of Warren water
supply agreement, was never passed. It went first
reading. So Council is permitted to amend those Ordinances

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at second reading. They could have put any kind of amendment up and it would still stay as second reading. So, since it never passed, it's not being amended and restated. It's simply being amended at this stage. The same thing will happen for the next Ordinance, the third.

MAYOR HILL: Bill, can we have the third Ordinance.

MR. BLANK: From Utilities Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE VILLAGE OF LORDSTOWN TO ENTER INTO A WATER SERVICE AGREEMENT WITH CLEAN ENERGY FUTURE-TRUMBULL, LLC, FOR THE TRUMBULL ENERGY CENTER PROJECT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. RADTKA: Motion to amend.

MAYOR HILL: Motion to amend by Mr. Radtka. Is there a second?

MR. REIDER: Second, Mr. Mayor.

MAYOR HILL: Second by Mr. Reider. Mr. Radtka, you have the floor.

MR. RADTKA: Page 17, bottom of the first paragraph, change June to July. Page 19, second paragraph, "CEF-T together with Clean Energy Future will agree to grant Warren a permanent easement from the 24" waterline at TEC, across CEF-T's land, to enable Warren to connect the 24" Warren-TEC pipeline to Warren's 16" waterline along Ohio Route 45. This new connecting line will be installed and completed during the time TEC is being constructed. Warren will"... Next two words of the next paragraph, bottom of that paragraph in bold "potentially" was added. I believe that's it.

MR. BOND: Can I ask a question? Why does Warren need our permission to connect their two lines together?

MR. RADTKA: Yes, that is all the amended changes.

MR. LIMING: They don't need ours. They need TEC's, the way this reads.

MR. BOND: Then why are we passing it as part of our Ordinances?

SOLICITOR DUTTON: This is, fundamentally, an agreement to purchase water.

MR. BOND: Yes.

SOLICITOR DUTTON: And it has a lot of bells and whistles in it, one of which is as a part of this construction of the 24-inch line, they will, with TEC's consent, by granting an easement, connect to another line that they own, which is a 16-inch line. The agreement has to reflect all of the attributes of the primary objective of building a 24-inch line to get water. This is not an agreement just to give our permission. This is an agreement to purchase water.

MR. RADTKA: But in the first agreement that went first reading last week, if everybody read it up here, there was language in there that TEC gave the Village of Lordstown the easement. In this case, they're giving the easement to the City of Warren because they're going to construct the inner connector line during the construction period. So that's the difference in the language of the meeting last week until tonight. And how that came about is concerns for Mr. Peterson and others on the BPA of the inner connect to have a redundancy in that Warren line—part of fire protection—

MR. BOND: Redundancy are recommended—

MR. RADTKA: Redundancy, the whole—me and Mr. Campbell tried negotiating that for a while and Warren finally agreed,

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through the assistance of Chris Kogelnik, they finally agreed to do that at the time of construction.

SOLICITOR DUTTON: On their nickel.

MR. RADTKA: On their nickel, right.

MAYOR HILL: Any other comments or questions on the amendments?

MR. BOND: This is on the second one.

MAYOR HILL: Correct. Can we have roll call on the amendments, Bill.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

(VOTE: 6, AYES; 0, NAYS; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to amend. Any other comments?
(NO RESPONSE FROM COUNCIL.)
Hearing none, this Ordinance has had its second reading. Whenever we have a special meeting, we can only do what action is listed in the ad and on the agenda. Council said they will be adjourning into executive session regarding contract negotiations with CT Consultants for engineering services. Who will be making that motion and who will be invited?

MR. RADTKA: I'll make the motion.

MR. LIMING: I'll second it.

MAYOR HILL: Who are we going to invite? Mayor, Council, Solicitor—

SOLICITOR DUTTON: BPA.

MAYOR HILL: Mr. Kogelnik, BPA. Okay.

SOLICITOR DUTTON: And perhaps the Clerk if you want the Clerk.

MAYOR HILL: You want in, Bill? Probably not.

MR. BLANK: Not tonight.

SOLICITOR DUTTON: Not tonight. That's right. I'm sorry.

MAYOR HILL: There will be no action taken. We cannot take any action in executive session. So the only action will be to adjourn. You're welcome to stay. We'll come out and adjourn the meeting after that executive session. Can we have roll call for that, Bill.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

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MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays for executive session.
Thank you coming this evening. Hope to see everybody next
week, the 5th.

(

WHEREAS, THE SPECIAL MEETING BEFORE THE VILLAGE OF
LORDSTOWN COUNCIL ADJOURNED AT 6:45 P.M.)

_____, Mayor
_____, Clerk

STATE OF OHIO)
)
COUNTY OF TRUMBULL)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify
that the foregoing special meeting before the Lordstown Village Council was written in the
presence of witnesses and by me transcribed. I further certify that the foregoing is a true
and accurate transcript to the best of my abilities.

Sharon K. Vigorito, Notary Public
My commission Expires May 9, 2027