

March 14,

24

RECORD OF PROCEEDINGS
MEETING OF THE LORDSTOWN VILLAGE BOARD OF PUBLIC AFFAIRS
1455 Salt Springs Road, Lordstown, Ohio
March 14, 2024
2:00 p.m. to 3:45 p.m.

IN ATTENDANCE: Mr. Christopher Peterson, President
Mr. Stanley Czeck, Vice-President
Mr. Michael Sullivan, Board Member
Mr. Darren Biggs, Supt. of Utilities
Ms. Cinthia Slusarczyk, Clerk
Mr. Christopher Kogelnik, Engineer
Atty. Matthew Ries, Solicitor

RECORD OF PROCEEDINGS taken before me, DEBORAH LAVELLE, RPR, a court reporter and Notary Public within and for the State of Ohio on this 14th of March, 2024.

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

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

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: Darren Biggs.
MR. BIGGS: Here.
MS. SLUSARCZYK: Cinthia Slusarczyk, present. Chris Kogelnik.
MR. KOGELNIK: Present.
MS. SLUSARCZYK: Matt Ries.
(No response.)

CORRESPONDENCE:

MR. PETERSON: Correspondence.
MS. SLUSARCZYK: No correspondence.

NEW BUSINESS:

1. Imperial Sewer Agreement

MR. PETERSON: Okay. The only item we have under New Business, Imperial Sewer Agreement. This is something we've been working on for many years. I know -- Stanley, are you up to speed on everything?

MR. CZECK: Well, as best as I can.

MR. PETERSON: Okay. Do you guys want to explain everything on your end and --

MR. COWIE: We'll go over it again. Initially I'd like to state first that this all could have been avoided if that flow meter would have been put in at the very beginning when we wrote the contract and agreed to that. That was one of the major problems that set this

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

all off. So that being said, over the period of I think it's been about since from connected to the sewers in '14 and we got our first -- the flow meter, the first bill was August of '20. And between '14 and '20, those time periods we were billed in different ways for the amount of I&I that went through our system. That's what we were -- it wasn't waste water, it was I&I that we were supposed to be billed for. The first period ran from July 7, 2014 to October 27 of 2017 which was 15 billing cycles, 3 years 9 months; and that amount was \$26,675.80. The second period was February 7 of 2018 to August 13 of 2020. That was ten billing cycles, 2 years and 8 months; and that amount was 24 thousand -- or 23 thousand -- excuse me, 3,255.03. And the last period was with the flow meter, and that period ran from November 9, 2020 to November 13 of 2023, 13 billing cycles, 3 years 4 months; and that amount was \$1,289.10. Those numbers -- and we had discussed that whole time period when the flow meter was supposed to be installed -- that we would always go back and look at it because we didn't have data to look at initially. Well, with three years of the flow meter under our belt we do have enough data, so we went back and looked ours to see what the charges were and we came up with, you know, those amounts. The first two billing cycles was a total of \$48,625.38. With the flow meter billing cycle was \$1,289.10. We divided that amount by three years on the flow meter and which came up to \$429.70. And we timed that by the six years that we were not on the flow meter and we weren't sure how we would be billed for that, which came out to \$2,578.20. Subtracting that from -- the total from the first two billing cycles, it gave us a total of four thousand six hundred -- or \$4,647.18 so -- and that's what we propose that has been owed to us for over overcharging of the I&I in that time period when there was no flow meter in there.

MR. PETERSON: So originally they were running off pump time.

MR. COWIE: Well not originally, not the first billing period. We don't know -- there was a mag meter I believe it's called. Is that true, Chris?

MR. KOGELNIK: Right.

MR. COWIE: And that was deemed, before they even started building this, that this thing could not be used for billing purposes because of they had some siphoning problems where it would flow forward and backward both ways so it wasn't completely accurate. So they couldn't bill us with that, but we still received bills in that first period. The second period was based on the formula that Chris' organization came up with. And we didn't totally agree with that initially or just because of some of the figures that they used, but I know that's all we had to go by. So we did pay those bills.

MR. PETERSON: Okay. And just to clarify, all along you guys have been -- whatever we bill, you guys have been paying.

MR. COWIE: Exactly.

MR. PETERSON: Okay. Chris, do you have anything to add or anything to --

MR. KOGELNIK: I mean, I don't have anything to add from the commentary that I provided at the last meeting. In how you describe this, I follow what you're saying. I do. There's not a problem there in understanding that. It's just the data that they're using. I mean, you guys asked me to look at that dollar amount and try and work it backwards from the beginning, and there was just not enough data in order to do that. It's clear, it's evident that there are periods that there was more waste water coming through than water being consumed at Imperial; but how many of those days have happened I don't

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

know. I can't say that for sure. We don't have enough data. And I do believe that if you had to use a meter today you'd have to rely on that meter that's in the manhole right now for a variety of reasons.

MR. COWIE: And if I could, Chris -- I mean, that meter we have now, that data is -- I mean, that's three years of data that we have that shows what our usage has been.

MS. SLUSARCZYK: No, no. It does not show what the usage has been. It shows the minimum bill. It was not based on usage. The usage calculation has to exceed the water master meters for it to bill based on calculations. That is a minimum bill, dollar amount only.

MR. PETERSON: Okay. So there's -- obviously the meter's working, but you're taking that against the water bill.

MS. SLUSARCZYK: We have to subtract it from the three master water meters in Imperial. That is what I questioned. I told you or I mentioned it to the Board before. When that contract was written, it was to state the difference between the homes and the sewer meter. If the homes registered an amount and the difference was greater than the homes, Imperial would be billed. If it's less they would still pay the minimum bill, but they would not get a credit. As the contract reads it says aggregate of the bulk water meters, the three master meters in the park. So the master meters in the park always record greater flow than all the homes in the park. So the chance of a sewer meter ever registering above those three master water meters is probably extinct, it's probably not even remotely possible.

MR. PETERSON: Unless there was an I&I issue.

MR. COWIE: Major I&I.

MS. SLUSARCZYK: Serious. Their typical water bill, the difference between the homes and the park is about \$2,000 a quarter I would say on average.

MR. PETERSON: You guys pay about \$2,000 a quarter for water that's not consumed by the residents.

MS. SLUSARCZYK: That's not consumed by the residents and the meter.

MR. COWIE: And that gets back to -- I don't want to delve too far, but the roll-over -- there's always an amount of water that's been through the master meters but hasn't been registered on the residents' meters because there's -- it's measured in thousands of gallons. So there's always a remainder.

MR. PETERSON: Okay, I see what you're saying.

MR. COWIE: And that's what we get billed for. We're current with that. We don't agree with that one either, but that's not why we're.

MR. KOGELNIK: In generalities, would it be fair to say that your -- the Imperial Communities draws approximately \$26,000 gallons of water a day?

MR. COWIE: Correct, that's what you guys have come up with and that's pretty consistent. I look at the readings that we can see and it says about that.

MR. PETERSON: How many homes do you guys have?

MR. COWIE: Close to 300, 280-some.

MR. RADTKA: 289.

MR. KOGELNIK: You wrote down 287 at the time.

MR. PETERSON: It's probably pretty close.

MR. KOGELNIK: And on the waste water end it fluctuates. It can go -- I've seen it 24,000 and all the way up to 40,000 given the --

MR. PETERSON: Does it fluctuate based on rain event?

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. KOGELNIK: Yeah. I mean, if you have a rain event like a half inch rain. And there were sometimes when we were able to have them correlate rain data with flow. But there were times when that wasn't possible. And so if the objective is to, you know, measure it against the water consumed and then assess an overage to Imperial, then I don't know how you do that without understanding all of that. So it's -- like Tom said, that's not why they're here. They're looking at this from a standpoint of what they paid. But you know, once it gets down to improvements to the metering I definitely have my opinions of that.

MR. PETERSON: So I don't have a paper in front of me, I'm sorry. The --

MR. RADTKA: Do you need one, Chris?

MR. PETERSON: If you have a spare one that would be great. Sorry, I grabbed the wrong folder. Thank you. So you guys were coming up with like \$46,000 over-charge?

MR. COWIE: Right.

MR. PETERSON: And I had Cindy run -- this is all sewer numbers, correct?

MS. SLUSARCZYK: That's only the --

MR. PETERSON: That's only sewer.

MS. SLUSARCZYK: That's the billing history.

MR. PETERSON: So for the last 10 years --

MS. SLUSARCZYK: The date -- it would be for the three months prior to that billing date.

MR. COWIE: The dates are at the top, Chris.

MR. PETERSON: And the total amount there was just a hair under \$56,000 that you guys would have been billed over the last ten years.

MR. COWIE: It was around 50 -- around \$50,000 I think that we were billed. I don't see where you're getting 56.

MS. SLUSARCZYK: That was as up to and including the last bill. That's current.

MR. COWIE: Okay, okay. This is a couple -- maybe a cycle or two older.

MR. PETERSON: A cycle or two behind, yeah. That's a really big difference. And the other side that I'm thinking of, just to -- obviously that meter's installed. The meter has a life span of 20 years. Twenty years from now we're gonna have to replace that meter, the meter that's currently --

MR. COWIE: The I&I.

MR. PETERSON: The matter that's in there, somehow we're gonna have to cover the cost of that meter when the time comes.

MR. KOGELNIK: That's true.

MR. PETERSON: If we're over a 10 year period using your numbers only making \$10,000, that's only \$20,000. How much was that meter?

MR. KOGELNIK: Roughly 70.

MR. PETERSON: Roughly \$70,000. I'm just trying to think of the law of numbers, you know what I mean. Another -- how long has that meter been in for, about four years? So we're 16 years away from having to replace that meter. Meters aren't gonna get cheaper. That meter will probably be \$100,000.

MR. SULLIVAN: Well you know, if you go back to the original agreement when Mike and Ted made the agreement, the Village wanted one meter for the whole park and then --

MR. PETERSON: On the water side there is.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MS. SLUSARCZYK: No -- sewer side.

MR. PETERSON: Okay. On the sewer side. Okay.

MR. SULLIVAN: And we put in the meter, the master pit I think at about \$400,000 on private property; which we shouldn't have done, that should have been on them. And after that the park had saved probably \$2,000 a month not using chemicals and so on anymore. You know, we've caved to the park going back to '05, '06 I don't know how many times. And I find it ludicrous that they come and say now you owe us 50 million -- I mean \$50,000. The money that the village has spent on their metering -- and of course, you know, when we agreed that each one would have a separate meter back then we had to have a guy walk to check the meters each month. Now he just drives through.

MR. COWIE: Excuse me, Chris, he's confusing water and sewer together here.

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

MR. COWIE: He's combining the two water meters and sewer meters.

MR. SULLIVAN: It's kind of the same thing. It was all done at the same time.

MR. COWIE: It is not the same thing.

MR. RADTKA: Mike, we hooked back on to the water in the late eighties, '86.

MR. SULLIVAN: What I'm talking about, the time your dad and Mike made the first agreement when the sewer --

MR. RADTKA: Sewer was back in '14.

MR. PETERSON: Sewer was in '14, water was in '89.

MS. SLUSARCZYK: No, the sewer project started in '06 with the design and the approvals with Warren and all that and then began installation in 2008 I think.

MR. SULLIVAN: And I think it was like 2007 when they finally come to the agreement.

MS. SLUSARCZYK: All those things had to be established.

MR. SULLIVAN: And that's when that was agreed to also that there would be a master meter pit put in the front.

MR. RADTKA: You mean the pump station?

MR. SULLIVAN: I'm talking about the one that --

MR. RADTKA: Home Goods paid for. That was back in --

MR. COWIE: '14.

MR. RADTKA: That was back in '19.

MR. SULLIVAN: I understand that. But it was agreed to in '07.

MR. RADTKA: Okay.

MR. SULLIVAN: When they first said okay we'll do separate meters, we'll put the pit in. Because if you remember, the County was saying they gotta tie-in in the middle of 45 because there was already a pit there. And in fact, we had to go to court over that one to be able to put the new pit in on the private property.

MR. RADTKA: Well, that pit was put in there for -- just for the metering because the Village wanted a meter there to account for any I&I we could possibly have, they wanted to be compensated for it.

MR. SULLIVAN: Well, I understand that.

MR. RADTKA: Okay.

MR. SULLIVAN: But you -- that should have been on your nickel.

MR. COWIE: We didn't ask to tie onto that. And you say there's no cost to you. We gave you the property to put that.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. SULLIVAN: Well, that was sweet of you, and it cost us \$400,000.

MR. COWIE: It is.

MR. RADTKA: That meter didn't cost \$400,000, Mike.

MR. KOGELNIK: It cost \$70,000.

MR. SULLIVAN: The master meter.

MR. PETERSON: The master meter for sewer. I want to --

MS. SLUSARCZYK: I think he's saying the pump station.

MR. PETERSON: He's saying the lift station.

MR. KOGELNIK: The lift station has been primarily dedicated to Imperial because that's the only way --

MR. SULLIVAN: It's the only customer on it.

MR. RADTKA: Not now.

MR. SULLIVAN: Well, there's two houses on Bailey and --

MR. RADTKA: There's like 13 or something.

MR. KOGELNIK: There's like a dozen.

MR. SULLIVAN: There's 13 houses included when we made the agreement to put the pit in, the \$70,000 one.

MR. RADTKA: Right. But Mike, we can't get into that conversation. We can say we spent how many millions of dollars on the sewer up with Lenhart for three houses so --

MR. SULLIVAN: All I'm saying is every turn the Village has bulked up in your favor, every time.

MR. RADTKA: I don't agree with that, Mike.

MR. COWIE: You don't get one customer, you get close to 300 customers.

MR. SULLIVAN: We wanted one customer, we ended up with --

MR. COWIE: You guys decided to put the three water meters in. We only needed one sewer. We didn't design this initially, and we didn't design the pump station initially.

MR. RADTKA: And Lordstown came to us wanting us to be their customer. We didn't knock on Lordstown's door and say we wanted water and sewer.

MR. SULLIVAN: Ron, we saved you how many thousands a month.

MR. RADTKA: That treatment plan cost us \$1,000 month to run, Mike.

MR. SULLIVAN: So you saved a thousand a month.

MR. RADTKA: Okay.

MR. COWIE: With all that being said, there's still a huge discrepancy between what we were charged and what we're being charged now.

MR. PETERSON: Which this also shows because it shows there was a \$17,000 bill in '16. But it looks like it was just a catch-up bill when it was originally --

MR. COWIE: There was one, a major -- there was one that we were charged \$26,000 at one given point for -- to try to catch up or something.

MR. PETERSON: Was that the water and sewer probably.

MR. COWIE: No, just sewer.

MS. SLUSARCZYK: It was '17. That's on the account.

MR. PETERSON: So this is the original -- so originally there was a mag meter.

MR. COWIE: Yes.

MR. PETERSON: And eventually you went to pump run times, correct, if I'm following the timeline correctly.

MS. SLUSARCZYK: Yes, that is correct.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. KOGELNIK: Yeah.

MR. PETERSON: And that would have been this span. And the new meter was put in --

MR. KOGELNIK: November 9.

MR. PETERSON: -- November 9 of --

MR. KOGELNIK: '20.

MR. PETERSON: '20. And you see the difference there. Stan, I don't know if you got to see this one yet.

MR. RADTKA: Chris, I don't remember exactly when that mag meter went in. It wasn't at the conception.

MR. PETERSON: It looks like you could tell on there because there was up-charges and it went a little bit lighter on pump times and it went down to --

MR. KOGELNIK: The fact of the matter is the treatment plant that existed there had a meter. And I remember reviewing the flow from that treatment plant, it was right around 30,000 gallons a day. Then, you know, there were some days when it had some issues and whatnot. And then, you know, that evolution of assessing an exceedance to the waste water as compared to the water was derived, and it was the best technology at the time. Otherwise yeah, we would have had that master waste water meter installed in that manhole at day one. Technically speaking, it should have been.

MR. RADTKA: Well, going back before you --

MR. KOGELNIK: But that should have been something that should have been coordinated with Imperial, because normally when we connect a municipality or an external entity we do assess the cost of the meter to the --

MR. PETERSON: Tap-in fee, whatever that tap-in fee would be.

MR. KOGELNIK: It's like an impact fee sort of. But that was relegated to the Village. The Village found a way to get that meter paid for by TJX, they did. I don't know how they did that, but they did. And you know, that's -- that is the best available technology today. And that could be debated in four or five years from now too as to whether or not that's the best technology. But that's all that I can tell you right now.

MR. COWIE: And Chris, part of the problem with that flow meter was that it wasn't gonna pay for itself because of the cost to install it that kept on kicking that down the road, kicking it down the road. They finally got somebody to pay for it so they finally installed it. So it wasn't us not balking at getting the meter in there, it wasn't cost-effective to put that meter in there. So they chose to bill us other ways until the time came when they actually got it in the ground.

MR. PETERSON: Yeah.

MR. KOGELNIK: I understand what you're saying. But you heard what I said initially, didn't you?

MR. COWIE: Yeah.

MR. KOGELNIK: That formula. It was the municipality who assesses the external community or entity the cost of that meter, the capital cost.

MR. PETERSON: What he's saying is normally that would have been the meter would have -- cost would have been passed on.

MR. COWIE: But there was a contract wrote before that, before that all happened; and those terms were all laid out in that contract. So it was agreed to both sides. I mean, the contract -- I don't have a copy here -- it wasn't like it was just willy-nilly. It

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

was an actual contract that said where that meter was supposed to be installed, when it was supposed to be installed. Within one year of the signing of that contract that meter was supposed to be installed is what the contract says.

MR. KOGELNIK: I can't remember, did you guys offer to contribute on that meter or pay for that meter.

MR. RADTKA: I don't know that, Chris. If that was back in like Mike's saying '06, '07, '08, I don't recall.

MR. PETERSON: That only goes back to '14. But I mean, it looks like '14 is when the mag meter was put in.

MR. RADTKA: Right. But kind of what transpired, so the Board understands, is we were -- I mean, back in '14 when we hooked on, right prior to that the Village was threatened with a lawsuit Trumbull County. They were afraid that they were gonna lose the park, we were contacted, so we hurried up and decommissioned through the E.P.A. our system, get hooked to you guys, because the idea was well it's gonna be harder for the County to take us as a customer off of the Village and make us go to the County if we're already hooked to the Village. So with that being said, we hurried up and hooked on before the -- you know, the installation and the bidding and everything for that meter manhole pit. So let's hurry up and get hooked on, we'll come back and get this meter manhole within that one year period. Well then the conversation came up of the Board being -- the east side sewer was relatively new. They didn't have the funds to throw \$60,000 because that was the initial cost of that meter manhole. They approached Council -- because I was on Council at the time -- and asked Council if they would split the cost for that meter manhole. Well then as the flow -- the temporary flow meter was put in there, the conversation with the Board was well it's never gonna pay for itself so do we want to spend 60 grand. A couple years went later on down the road before you was on there -- I think Leslie was here then, Chris -- and they approached Council again, and that number was up to \$70,000. And the idea kind of fell flat again until Home Goods knocked on the door. And then the reason why Home Goods agreed to put that metering pit in is because we needed to separate the water coming down Bailey now, picking up them other houses because they re-diverted the water on Bailey. Instead of going west down Hallock Young, that went north on Bailey into the park into that pump station. So there had to be a division between the waters into that pump station because then it's a mixed -- you know, a mixed bag there.

MR. KOGELNIK: Yeah.

MR. RADTKA: So that's where the Village got Home Goods to pay for that meter.

MR. SULLIVAN: It actually started -- Home Goods wanted to go into Trumbull County sewer.

MR. RADTKA: They are in Trumbull County sewer.

MR. SULLIVAN: I know. But we were saying no, you gotta go into Lordstown sewer. And then the rest is what you said. They came back and said well, you pick up the 13 houses and we'll go ahead and pay for it.

MR. RADTKA: Well they had to do that, Mike, because they took out Hallock Young Road so they had to re-route. And the way gravity is --

MR. KOGELNIK: I think you're both right in what you're saying. I remember pressing TJX about connecting to the Village's east side system. But Ron's right too and dividing up. I remember that.

MR. RADTKA: So the Village got a \$70,000 meter can chamber

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

for free.

MR. KOGELNIK: They did. But that's -- that is exactly correct. It's just that normally that wouldn't be the case.

MR. RADTKA: No, I agree. In a normal situation outside of Lordstown, Chris, everybody pays assessment fees and tap-in fees. But we don't in Lordstown.

MR. KOGELNIK: If your mobile home court is 20 miles down the road and we're the only wastewater treatment plant or conveyer to a treatment plant in town, that pump station that sits at your mobile home court 20 miles down the road that would have been yours.

MR. RADTKA: Right, exactly.

MR. KOGELNIK: So you know, when you put distance in between it you can understand okay, this is the true impact. So but that doesn't get us to what the crux of this matter is, and it's your opinion in the difference of payment. And I -- I just don't know how to get there and base it on any data.

MS. SLUSARCZYK: I think in addition to everything that you're saying here today about the pump and the flows, what group of meters and what you don't have, the Board has to consider their expenses for that pump station. Like I said, the life -- when that goes to be replaced how are we gonna generate that money. And my second question is not only do we have the cost of the meter, but we have a monthly bill for electricity there. I think that bill is like \$80 to \$100. I don't know, I did not go and see the total amount in the electricity. But Imperial's current bill, as you can see, is \$89 or \$60-some a quarter.

MR. PETERSON: I think the last one was \$60-some.

MS. SLUSARCZYK: So that doesn't cover one month's electricity bill, and that's a three-month bill. So it costs you to have that meter pit there. And I -- they're correct. I said if we're not gonna bill the I&I off of that meter why are we putting it in, why are we spending that money. I said it. And it was to bill the I&I the difference over the things. I showed you earlier Kevin's e-mail saying that it should have been the homes metered versus the three bulk water meters. If you were to take that figure that -- what we bill the homes and the sewer meter, they would have had to bill greater than that minimum bill over the last four years. So that's why I keep reiterating the calculation for the first two cycles of bill that they show you is not comparable to the last. That is a minimum bill without consumption. It's not apples to apples. So if you want to figure out what a third is, this is a minimum residential rate. That is not a residential meter. When these sewer rates were established, Ron was on the Utility Committee, John Mansell was. We had no commercial accounts, it was residential only. We even went as far as to add if there is a commercial tap-in fee what it would be just so we had it in place before a customer would come in. There's minimum residential fees here but no commercial fees or industrial minimum fees set up in our sewer system. Those fees need to be looked at. They're paying the same fee that the little meter is on a home to have 289 customers connected to. You need to think about that.

MR. RADTKA: But you gotta look at bulk water in as a total because the metering differences. That's why it was written there in the original agreement that was agreed upon everybody, bulk in, bulk water out.

MS. SLUSARCZYK: That's not true.

MR. RADTKA: Because there's only so much water coming in through them water meters, Cindy.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MS. SLUSARCZYK: Ron, you, Kevin, Chris Kogelnik, and I sat down; and we agreed the way to detect I&I would be the difference on the flows. Kevin wrote that in an e-mail. Here's the e-mail to Paul Dutton in the correspondence saying that. It says now for Imperial our current thought is to bill each tenant off the water reading for sewer use and then subtract all the tenant usage off the bulk sewer meter and bill that to Imperial. That does not say three bulk water meters or the aggregate of the three water meters. This is February 13, 2013. How Paul worded it, and he also went furthermore and said that Council had to approve or to draft that agreement first and accept it because the flow goes to the Warren treatment plant. So, the Board created it, it had to go to Council or the committee to be approved, and then it came back and that's what the wording was. It was not the intent -- I mean Paul revised it and I brought it to the Board attention and they passed it. And I said this is not what it's to say, and I was told we'll worry about it later if it's a problem later and its problem is here.

MR. PETERSON: I was gonna say we're to later now.

MS. SLUSARCZYK: As I said, that was the understanding. If it exceeded what we weren't billing the residents then we knew there was I&I recorded at that time. Imperial and the Board can agree that the water meters the master water meters and the customer meters has always been that. So we went and added the third meter into the equation. I mean --

MR. PETERSON: So the first batch from September 26 to January 27 would be the mag meter, correct?

MS. SLUSARCZYK: What days did you say?

MR. PETERSON: 2016, 8/30 of 2016.

MS. SLUSARCZYK: That is the original mag meter and pump station.

MR. PETERSON: And the \$17,000 was catching everything back up from the 2014?

MS. SLUSARCZYK: '14.

MR. PETERSON: Okay.

MR. RADTKA: I think what they did there, Chris, once they got that mag meter in there, then they just took that number and went backwards for the catch-up.

MR. PETERSON: What do you mean by go backwards?

MR. RADTKA: For the catch-up, for this.

MR. PETERSON: The initial \$17,000. That's going back to 2014, I'm assuming you're correct.

MR. RADTKA: Yeah, that's what I assumed too.

MR. PETERSON: Because if you divide that out over that it gets you right in the area of where they were.

MR. RADTKA: Because there's nothing else to come up with a number.

MR. CZECK: So those are sewer overages you paid, not the residential?

MR. RADTKA: Correct.

MR. CZECK: Beyond --

MR. KOGELNIK: We were just -- I was with Stanley here wanting to understand exactly what was on this piece of paper, and you confirmed that.

MR. PETERSON: Yes. So this is what Imperial paid over the three meters. You pay a sewer bill on the three meters, correct or incorrect?

MS. SLUSARCZYK: No.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. PETERSON: The residents pay that.

MS. SLUSARCZYK: Nobody pays a sewer bill on the three water master meters. Nobody.

MR. PETERSON: Okay. So nobody pays a sewer bill, so you just bill for water on them three meters?

MS. SLUSARCZYK: That is correct.

MR. PETERSON: And then -- but the difference between -- wait a minute. I think a light bulb just kicked on.

MS. SLUSARCZYK: We talked about this before.

MR. PETERSON: So, the residents pay a sewer bill -- the residents in the park pay a sewer bill on their water bill based on their reading.

MS. SLUSARCZYK: Correct.

MR. PETERSON: So is there a difference between what the residents use and what the three master meters read?

MS. SLUSARCZYK: Absolutely. And that difference is about \$2,000 a quarter on average.

MR. PETERSON: Give me in gallons, sorry. I do better in gallons.

MR. COWIE: I got the whole list of gallons here. I mean, it's anywhere -- it started out about 170,000 gallons and it's been as high as 500,000 gallons.

MR. PETERSON: 170 in a three-month period?

MR. COWIE: Yes.

MS. SLUSARCZYK: Yes.

MR. RADTKA: It fluctuates.

MR. PETERSON: It fluctuates. And part of that is based on the readings, the roll-over, because we don't bill until it gets to a thousand gallons.

MR. COWIE: Right. Well, that's what we --

MR. PETERSON: And your three meters don't do the same, but there's a lot more of them than there is of your three.

MR. RADTKA: On the water side.

MR. PETERSON: And I know I keep jumping to the water side; but to understand the sewer side you kind of have to understand the water side, I think at least. Maybe it's just how I think. So that could be the discrepancy. So over a year period is there a way to pull -- because the roll-over shouldn't take into account over the year period, correct? Because eventually they're getting billed for that water; is that correct or incorrect?

MS. SLUSARCZYK: Who's they and what --

MR. PETERSON: If a resident uses 200 -- 2,532 gallons, they're getting billed for that third thousand gallons that next billing cycle, correct?

MS. SLUSARCZYK: Yes.

MR. PETERSON: They don't get billed until it gets it to that thousand.

MS. SLUSARCZYK: Correct.

MR. PETERSON: So if we took a year's period would that even out the bill and show that difference a lot better?

MS. SLUSARCZYK: No. Especially in the period where he said it's as high as 575,000, that's almost 2,000 gallons usage in one quarter per home. And hypothetically if it's 100,000, if you gave everybody, 280 trailers, that thousand gallon variable a year and at the end of the year, they would exceed that in the first two quarters of the year.

MR. PETERSON: What are the three master meters not

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

covering besides the homes?

MR. COWIE: Everything is metered in the park.

MS. SLUSARCZYK: The three master meters cover everything.

MR. COWIE: Everything as an individual.

MR. PETERSON: Everything also has an individual meter?

MS. SLUSARCZYK: That was part of the -- not conditions, but part of the change with the sanitary sewer. Imperial did have units that were not metered before, and they had to meter those units for the sanitary sewer purposes. I don't remember how many.

MR. RADTKA: There was a handful.

MR. COWIE: There was out buildings and that's what they were. They weren't rental units or --

MR. PETERSON: Before all that you guys just paid the master meter difference on the water bills, correct?

MR. RADTKA: Yeah.

MR. COWIE: Right.

MR. PETERSON: I'm with you so far. So is the half a million just a roll-over? Can't be just a roll-over, that's a lot of water.

MS. SLUSARCZYK: We'll say it's water loss. I don't think anybody in this room knows the difference September double-metering the water. I mean, it's --

MR. PETERSON: Yeah.

MR. RADTKA: You're going per --

MR. PETERSON: Darren, have them meters been calibrated recently? The three meters in Imperial, have they been calibrated?

MR. BIGGS: Lately do we have anything on that? I don't think it's been recent. No, they have not.

MR. COWIE: I don't know whether they've been calibrated since they've been put in back in.

MR. RADTKA: Yeah, they have been.

MR. KOGELNIK: Yeah, I remember Bruce stated that --

MR. CZECK: So you know, the question is what they say, what we say. How do you say something you don't know what the true answer is? There's my question.

MR. RADTKA: Well, that's what we --

MR. CZECK: I can't go back in time. I can't get in a time machine and go see what happened. And you don't know what transpired back here. This thing should have been solved a long time ago as far as I'm concerned. And in my position -- and nothing to do with you guys -- I'm not gonna give any of this money away because we don't -- we're not a rich entity. Whatever these gentleman -- if they want to give you something, that's fine. As far as I'm concerned I don't know what happened. It's -- this should have been solved a long time ago.

MR. COWIE: We've been overcharged for --

MR. CZECK: That's hearsay as far as I'm concerned.

MR. COWIE: Well, you can say that. But if we have been -- I'm saying if we have been overcharged --

MR. CZECK: If you can prove it. Where's the proof, the true proof? I don't have the true proof. I can't say you were overcharged. There's opinions. I mean, there's a lot of opinions.

MR. RADTKA: The only thing we can go off, Stanley, is just the -- once the meter was put in there, you know, this is what we're being charged now. And going back in -- you know, if we went back and pulled minutes from meetings whenever this formula was, you know, created because there's no other way at the time, you know. It was stated from the conception of these conversations that, you know, once

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

we got this data established over, you know, a credible period of time then we would go back. And if Imperial owed more, we'd make it correct; and if we were overcharged, we'd go back and look at it. So I mean, minutes can be pulled, you know, for the argument. Not going all the way back to '14, but going back to when the formula was created by, you know --

MR. CZECK: But I don't know what happened, what leaks we had, what leaks -- I don't know. You know what I mean. Throw it in a bag, mix it up and pull a number out. I can't conclusively say yeah, you paid too much. Well, from my opinion, that's all I can state here.

MR. SULLIVAN: Well, and I think you're right. I think nobody knows and it is --

MR. CZECK: It needs to go away though.

MR. RADTKA: Correct, it needs to be put to rest.

MR. PETERSON: Number one, we need to fix it going forward so this doesn't keep --

MR. CZECK: This has been going on too long.

MR. PETERSON: This is 10 years which is way too long, I totally agree with you. How do we fix -- from today's date, how do we make sure that everything we're doing is correct?

MR. RADTKA: Well, that's why the meter pit was put in this, for the recording of I&I.

MR. PETERSON: Correct me if I'm wrong -- when the meter pit was put in the agreement was changed, correct?

MR. RADTKA: Huh-uh.

MS. SLUSARCZYK: The agreement was created in '14, and the agreement says that a meter pit will be installed to catch the flow for Imperial at the corner of Cardinal Drive, simply put. The expenses of the meter I think started out at like \$75,000, and there was no money in the sewer fund because it was a new sewer system. So as time -- and there was I&I in Imperial as well, and they acknowledged it; and at some point in time they say they corrected the I&I. I don't know when that point in time was. But based on CT's data, they took the pump run times and the flows and they said this is the calculation for what they believe Imperial's I&I would calculate out to. I was to use that formula to bill Imperial's compared to off the pump station. If I was to bill the pump station I&I, there's an old e-mail -- that first bill was huge. But if we go back to what the actual pump station was recording in that time, I think the first bill had been \$25,000 for a three-month period because the pump station meter.

MR. PETERSON: Because there were times that it was correct.

MS. SLUSARCZYK: The pump station was back siphoning. It would pump, and when the pumps would shut down some water would flow back into the pit, the pump would kick on again and suck up the same water.

MR. RADTKA: This whole thing -- Chris would know better than anybody, that whole thing was a mess.

MR. KOGELNIK: We noticed that, Chris, when we were doing some draw-down testing at the station, okay. I believe it was right after the force main got replaced. We wanted to check the -- I don't think you were there at the time. We wanted to check the hydraulics at the station to determine whether or not the force main was operating correctly after we got it replaced. And we noticed during that draw-down test that when the pumps turned off there was still water going through the force main header in the vault where the meter was at and it was still recording flow, because we had somebody standing in front

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

of the transmitter of the meter inside the pump house and he could see flow when the pumps were off indicating siphon. Follow me?

MR. PETERSON: Yeah, I'm with you.

MR. KOGELNIK: So at the time we -- after that Bruce and I had some discussions with the Board of Public Affairs about the legitimacy of that meter. It was in meetings that we had. And I had posted the question well, you know, you could use an area velocity meter like we have now today or you can use what is called an electric actuated check valve where once the pumps shut down -- well the valves shut before the pumps turn off, that way there's no column of water being conveyed at all. It's just 100 percent on or it's 100 percent off. But even that was a capital cost at the time around \$60,000. So we opted for that meter manhole, and that got installed in '20. But I go back to the same thing I said before is the best available method and technologies for determining the metering for Imperial were used. And without the benefit of a master meter like we have today, that's all that we had.

MR. PETERSON: Cindy, had printed out a paper, and I probably lost it in the shuffle, where it shows them credit because you guys must have noticed a problem and then there was credits given on their account.

MR. KOGELNIK: Okay. I don't know that, but --

MR. PETERSON: Showing -- you know what I mean, showing the bill was adjusted because there was problems found.

MR. KOGELNIK: All right.

MR. SULLIVAN: Was that after 2016?

MS. SLUSARCZYK: It included from the beginning.

MR. PETERSON: Can you run up and print that off again?

I'm sorry.

MR. RADTKA: But I guess the whole headache really covers back to the creation of this whole -- of us hooking onto the Village's system. If the flow meter would have been put in there at the beginning, none of us would be here. I understand.

MR. PETERSON: I'm not gonna say you're wrong.

MR. RADTKA: I understand the money and all that stuff changed.

MR. PETERSON: You're absolutely right.

MR. RADTKA: Whoever paid to put it in and everything else. But if it would have been done per the agreement that was agreed upon, you know -- it wasn't by me but by Imperial and the BPA, which wasn't you guys but the BPA/the Village, you know, we wouldn't be here.

MR. KOGELNIK: Now -- so, all right, that --

MR. RADTKA: We're 10 years away.

MR. KOGELNIK: I hear you loud and clear. And I can't even -- I can't argue with that, right.

MR. PETERSON: Huh-uh.

MR. KOGELNIK: But if the Village did what they should have done back then, they should have assessed Imperial the cost of that meter and the pump station. So is there any value --

MR. RADTKA: Probably at that point, Chris, Imperial would have said we're just gonna stay with our treatment plant.

MR. KOGELNIK: I don't think you had the choice at the time, right, because wasn't the Ohio E.P.A. --

MR. RADTKA: No.

MR. PETERSON: I was actually gonna ask that. The plant was under no findings or --

MR. KOGELNIK: I thought the plant was under F&O.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. COWIE: It was because the Trumbull County lawsuit that was out there.

MR. KOGELNIK: I'm gonna have to take that as gospel.

MR. RADTKA: The B.P.A. decided to create their own east side district.

MR. SULLIVAN: Actually the Village wanted the park because without the park we had 300 customers.

MR. RADTKA: And --

MR. SULLIVAN: Spending \$18 million on 300.

MR. RADTKA: \$18 million on 300. They are gonna pick up the cost of the pump station for --

MR. KOGELNIK: I understand now.

MR. SULLIVAN: We had a lot of expense once that pump station come in, the flow wasn't proper.

MR. RADTKA: That's because it wasn't installed proper, Mike. That was not the Village's fault, certainly not Imperial's fault. It was the contractor because they directional bored it instead of open cut it.

MR. SULLIVAN: That even goes back to Farina not inspecting it properly then.

MR. RADTKA: That whole thing was a mess from the get go. But no, Chris, to answer your question, we was not under a mandate to --

MR. KOGELNIK: Thanks for clearing that up. I thought the park was.

MR. RADTKA: No. Because at \$1,000 a month, you know, it's cheaper for us just to maintain what we had.

MS. SLUSARCZYK: I thought your permit was expiring.

MR. RADTKA: No.

MR. KOGELNIK: Well, even if their permit was expiring they could have renewed it. That -- that's kind of not a cost.

MR. SULLIVAN: But at that point in time the County come in the situation.

MR. KOGELNIK: Yeah, that's what he's articulating here.

MR. SULLIVAN: Saying that we want it.

MR. KOGELNIK: I understand that now. I didn't understand that.

MR. RADTKA: That's why everything got fast-tracked to hurry up and hook on before that flow meter chamber was put in there because of the time frame.

MR. KOGELNIK: Well --

MR. RADTKA: And then it came down to dollars and cents for the BPA, do we want to pay \$60,000 to \$70,000 for something we're never gonna pay for with the calculation.

MR. KOGELNIK: It's definitely a difficult issue to retroactively correct something like that or adjust something like that. I just -- I can only state what I stated, and that is that we -- you know, we -- everybody used the best available technology for the time.

MR. CZECK: That's my issue. I can't go backwards like that. I mean, maybe you are owed something, I don't know. But I can't say that this department is gonna give back --

MR. KOGELNIK: Let me go back to this piece of paper if I might. So --

MR. RADTKA: Which one is that, Chris?

MR. KOGELNIK: This one (indicating). Did you pass it out?

MR. CZECK: Quarterly bill?

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. KOGELNIK: That one that Cindy just sent here. So this has -- in that second to the right column, the amount that is -- that's the amount that Imperial was billed for the overage, Cindy?

MS. SLUSARCZYK: That's -- that's Imperial's quarterly bill. Again, I'll state the calculation used from the billing from November 20 does not allow me to bill based on the residential meters versus the sewer meter.

MR. KOGELNIK: All right. Pardon me, I'm a little bit slow at this. That's Imperial's quarterly bill?

MS. SLUSARCZYK: Quarterly bill, right.

MR. CZECK: The residents are paying --

MS. SLUSARCZYK: The same amount.

MR. CZECK: -- every -- whatever is over they pay.

MR. KOGELNIK: All right. Thank you very much.

MR. RADTKA: I&I, Chris.

MR. PETERSON: They're paying I&I.

MR. KOGELNIK: So --

MR. PETERSON: Because you say sewer on your billings also.

MR. KOGELNIK: From '14 to '16 is somewhat the same amount that it is today.

MS. SLUSARCZYK: Well, '14 to '16 was I was not to bill. Kevin told me not to issue Imperial a bill based on their concerns with the pump station. And then at this bill, that August of 2016, Solicitor Dutton ordered me to bill them that day.

MR. KOGELNIK: Okay. So that's why that amount is so high, because it had accumulated?

MS. SLUSARCZYK: Correct, correct.

MR. KOGELNIK: Okay.

MR. RADTKA: And that was based off the formula, Chris, going backwards, correct?

MS. SLUSARCZYK: No. The formula wasn't even created until 2017 something.

MR. RADTKA: My question is, how do you calculate that number?

MS. SLUSARCZYK: The one before?

MR. RADTKA: Yeah.

MS. SLUSARCZYK: I think it was the readings, the difference in the readings.

MR. RADTKA: Off what?

MS. SLUSARCZYK: I'd have to go back and look at the bills to give you the proper answer.

MR. KOGELNIK: Let me just say this. If there's enough data here -- but it's missing one huge piece of data and that's the flow data. If we had the flow data that was consistent from, you know, today all the way back, then we'd be able to make an adjustment here or infer an adjustment. But we can't because we don't know the true data, we don't know the true flow that came from Imperial back then.

MS. SLUSARCZYK: Yeah. The original set of billing was off that pump station.

MR. KOGELNIK: So you're relegated with, if you really wanted to make a judgment, throwing a dart at a dart board at a flow number. You really don't have anything to reference. You don't.

MR. PETERSON: Yeah. Because we can't say the flow wasn't higher 10 years ago --

MR. KOGELNIK: You can't.

MR. PETERSON: -- or eight years ago or --

MS. SLUSARCZYK: Right.

March 14,

24

MR. PETERSON: We just have no way of proving that.

MR. KOGELNIK: You just -- in this case what Imperial is asking you to do -- if I can speak on your behalf, tell me if I'm wrong -- is agree on a flow.

MS. SLUSARCZYK: That's what we did for those bills in that time frame. That was CT's agreed -- in that calculation that reduced my billing calculating from compared to the pump station and what flows were going through the pump station, I think it cut the bills about \$10,000. It's in an e-mail from Bruce Platt to the BPA. It said Ct's calculation cuts the bill \$10,000 a quarter.

MR. SULLIVAN: But when we show 2020 and backwards we were taking --

MS. SLUSARCZYK: That's an average flow. CT's calculated average I&I. That is what --

MR. SULLIVAN: But they came with that from the amount of water used in the -- on the meters and then subtracted by the pump station.

MS. SLUSARCZYK: It was more than that. CT would have to answer that.

MR. COWIE: Is that the formula you were talking about? Yeah, it was based on pump run times. Water coming in was \$26,000. That was the -- it was based on the water coming in, the run times, and the volume that the pumps would put out.

MS. SLUSARCZYK: Yeah, not a meter reading.

MR. COWIE: It wasn't a meter reading.

MR. KOGELNIK: The problem with going off of pump run times all the time is you have wear and tear on your pumps. It's okay to --

MR. PETERSON: When the pump's brand new it would be great the first year or two. But after that --

MR. KOGELNIK: Or when you do like a pump start-up where you really truly measure the draw-down of the pump. But even then in a wet well in a submersible pump, as your water is drawn down your rate becomes less because there's less head on top of the pump.

MR. CZECK: Pressure changes and --

MR. KOGELNIK: So it's an important measurement. But it was the only thing that we had because we saw there was an issue with the mag meter at the time. So you can't just throw that idea out the window because it was the best available that was built at the time.

MR. COWIE: And even though we didn't agree with, you know, like the 180 for example, that GPA, we didn't agree with that because the pumps were older and they had changed the impellers on them and different things were done to them. We agreed to be billed off of that formula because that's all we had.

MR. KOGELNIK: Yeah.

MR. COWIE: So it wasn't --

MR. RADTKA: But if that was agreed, there was the understanding we were gonna go back with --

MR. COWIE: When the flow meter was installed.

MR. RADTKA: -- revisit it.

MR. PETERSON: What Darren just handed out to everybody was what we have to show the credits; correct, Cindy?

MR. KOGELNIK: Say that again, Chris.

MR. PETERSON: What you guys have in front of you now is to show the credits. Am I correct, Cindy, in saying that?

MS. SLUSARCZYK: That's the total account history. I exported it into Excel. And that shows any and every -- whether it was a charge, a payment, a correction, whatever it was. Front and back.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. BIGGS: There was one on front and back of yours. Everyone else has a single.

MR. PETERSON: Okay.

MR. COWIE: And this is to show what? I mean, what are we

--

MR. RADTKA: This is just our whole account from --

MR. PETERSON: That just shows the whole record of the whole account from 2014. Because what you have for the other paper is just showing your payments, correct, or just showing actually what was billed to them.

MS. SLUSARCZYK: If you look at the type first column, I can isolate that to show just the bill. So that first piece of paper you have is just bills that was presented, okay, as printed on paper, okay. The second set, the three pages showing you any transactions in that account history.

MR. PETERSON: So if I'm reading this correctly -- again, Cindy, correct me if I'm wrong -- basing it off of run times, we have substantially given them a huge credit compared to what we would have billed just based on the run time, correct?

MS. SLUSARCZYK: Correct.

MR. PETERSON: Okay.

MS. SLUSARCZYK: The pump run time was just to record an agreed amount of I&I that I believe was reduced. It was not what the pump recorded but based on what CT felt was fair or equitable between my billing and the pump run time to Imperial.

MR. PETERSON: So I guess I'm gonna ask this question, what changed in 2018? Because you can see a large amount being billed then.

MS. SLUSARCZYK: That is when CT created the billing method that says you took the number of days in a billing period and CT's approved calculation that the Board approved was 4,399; you took that total volume times the days in the billing period, you come up with the total -- we bill by thousand gallon units -- you divided that by a thousand and that times the sanitary sewer rate of \$5 -- like on 4/30/18 the bill was \$2,037.53. That is CT's approved formula, the calculation of what they agreed to bill between Imperial and the Board agreed on those, that calculation method. That's how I was to bill.

MR. PETERSON: Okay. So, which brought the bill down more down to earth than it was in the past.

MS. SLUSARCZYK: Right. I have here on the thing that at that time on this 5/18 bill, if I would have billed on the 30,024 in the same billing period the bill would have been \$14,081.30.

MR. PETERSON: Okay.

MS. SLUSARCZYK: They were provided a copy of this. This is an example of the tape for the calculation I would send with the bill.

MR. PETERSON: You would send with the bill?

MS. SLUSARCZYK: Yeah. So they knew exactly how many days, what day to what day.

MR. PETERSON: So -- and lately it's showing -- the way the bill processes it's showing a credit, which we agreed to there would be no credits.

MS. SLUSARCZYK: Well --

MR. PETERSON: Because of the way we're calculating it.

MS. SLUSARCZYK: The credit comes back for -- this \$405 goes back into a time frame.

MR. COWIE: That was the first bill that was mistakenly --

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

it was -- the math was done wrong. Instead of subtracting water from the I&I they subtracted the I&I from the water.

MS. SLUSARCZYK: Correct.

MR. COWIE: Which made it positive. When we noticed it, it was about a year later we had noticed it; and they corrected it and give us that. That's what that credit is for.

MS. SLUSARCZYK: That is true.

MR. PETERSON: Okay.

MR. KOGELNIK: Can I offer an idea?

MR. PETERSON: Absolutely you can.

MR. KOGELNIK: I haven't thought about this yet and it's maybe nebulous. I mean, you may not have a basis. Let's -- if this means so much to these two parties, we should do a draw-down test at the pump station anyhow. Just it's healthy to do that to understand where the pump is pumping at. Right?

MR. PETERSON: Uh-huh.

MR. KOGELNIK: I can find out. Then if it's reading around 180 gallons a minute after it does a draw-down, then we can say even if it's wrong that on a given day like or a period of time like this month or this quarter that this amount of run time had occurred over that 90 days.

MS. SLUSARCZYK: Are you talking the pump station?

MR. KOGELNIK: Yes.

MS. SLUSARCZYK: I don't think that's valid. And I'm sure Imperial would agree. Because we also have additional customers, and the entire sanitary sewer down Ellsworth Bailey Road drains into that pump station.

MR. PETERSON: It's changed too much. I don't think there's a good way to -- we just don't have the numbers. They don't exist. I'm open for suggestions. I guess what are you gentlemen looking for today, let's start there.

MR. RADTKA: Well, I'd say at the minimum, Chris, I think it ought to be adjusted back to at least when we agreed to disagree using CT's formula, because it was stated and both sides agreed to it, that once we established that we'd go back and adjust one way or the other. Prior to that I could see the argument on either side of we had nothing -- nothing off of --

MS. SLUSARCZYK: How would you adjust it?

MR. RADTKA: Off of the data that's been selected for the past four years of the meter chamber that's been put in.

MR. KOGELNIK: Give us an example of how you would apply the adjustment.

MR. RADTKA: Only thing we can go with, Chris, is just off the bills. That's all we got.

MS. SLUSARCZYK: Which is a dollar amounts, not readings.

MR. RADTKA: Right. Which dollar amounts reflect flow, correct? That's how dollar amounts are generated.

MR. KOGELNIK: It's supposed to.

MS. SLUSARCZYK: It's a minimum bill. But you're doing it -- it has to exceed the three master water meters for me to bill flow.

MR. RADTKA: Correct.

MS. SLUSARCZYK: Not the residential meters that -- if the residential meter said 2,000 units went through there and the sewer meter says 2,200 units went through there, I can't bill that 200 units because it did not exceed the 3,000 on the master water meters - the way the contract is written. That's the discrepancy.

MR. RADTKA: But if there's less water going out than came

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

in --

MS. SLUSARCZYK: If there's less --

MR. RADTKA: -- there's no I&I because it -- somebody used -- someone was washing their car, watering the lawn, doing whatever with it.

MR. PETERSON: The best way to determine that would be in January when people probably aren't -- maybe this year they did -- but aren't watering their lawn or watering their -- you know what I mean.

MS. SLUSARCZYK: For Imperial it would be. But the best way for the Board would be in a rainy summer month to see if there's I&I going in there.

MR. PETERSON: What I was saying, in January there's probably nobody using anything, you know what I mean, that would give us a true I&I reading. Well, maybe not because it's frozen.

MS. SLUSARCZYK: No, I&I.

MR. RADTKA: But that was part of the whole conversation of why we would, you know, take three or four years collecting data, because then you go through your dry cycles, your wet cycles, your freeze cycles, whatever cycles you want to call it to establish the data.

MR. KOGELNIK: Well having that said, that there were periods of time when at least by pump run time you could see that there was an abnormality. It was -- the pumps were exceedingly high, they were around 11, 12 hours as compared to the traditional 1 or 2 hours of pump per day. And you know, that's clearly an indication that there's infiltration and inflow. But that's only for one or two days. And then, you know, the system normalizes and it goes down to --

MR. PETERSON: So I have to track it for my waste water plants with a rain gauge. I have to record what is on the rain gauge placed on my flow, there's a whole calculation on that.

MR. KOGELNIK: What we're talking about is how we would perfect the metering. But what exists and what existed is a whole other matter.

MR. RADTKA: But with you saying that though, Chris, your pumps are going to show an increase if there's I&I, correct?

MR. KOGELNIK: It could, yep. Most likely.

MR. RADTKA: So your metering chamber would show the same thing, correct?

MR. KOGELNIK: Correct.

MR. RADTKA: Yeah.

MR. KOGELNIK: Yeah.

MR. COWIE: We did discuss when we'd met, you and I, how that pump station at times before we were even hooked on it had showed that it has a high flow light. That light came on and stayed on for a month before it burned out, indicating to us -- we weren't hooked onto that pump station yet -- that there was some infiltration somewhere in that system apart from us. So I mean, we're not denying we probably have I&I; but there could be I&I in the other part of the system.

MR. PETERSON: Listen, if you didn't -- guys didn't have I&I it would be the first place ever in the history that I've come across that couldn't have I&I.

MR. COWIE: What we're saying is the meter is telling us one thing --

MR. PETERSON: Before you were hooked on there was water going in the wet well, which means probably when they put the station in they could have hit could be a natural spring, who knows.

MR. KOGELNIK: Well, every sanitary sewer system has

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

infiltration as you know, Chris. And actually --

MR. PETERSON: Honestly, truthfully to see these numbers, to me it's unbelievable, not saying anybody is untruthful, because there's I&I in everything. I mean, Chris, you go to a lot more systems than even I do. I've never seen a system that doesn't have it.

MR. KOGELNIK: No, they don't exist. They really don't. And in fact, when you design a system you estimate an amount of infiltration that you're gonna have on day one.

MR. SULLIVAN: So where there's that minimum charge, would that be saying there's no I&I.

MR. PETERSON: Well, to me the three meters -- what comes in should be the difference, the three meters that come in should be the calculation. Now the other flip side of that is I bill in gallons where I work so I can get away with that. I go down to the gallon. We bill in thousand gallons so the roll-over becomes an issue here. That's the issue. That's why I would say you can't do this here right now because it's not a practical number. You would have to get down to the exact number. And I don't even know, is that possible with them to bill down to the gallon?

MS. SLUSARCZYK: (Shaking head.)

MR. PETERSON: I didn't think so.

MS. SLUSARCZYK: All the meters would have to be changed and so would the software.

MR. PETERSON: Yeah. I mean, you're talking about a huge change-over.

MR. RADTKA: So I guess, getting back to your initial question of us would be, you know, just look at it from what was that, '18 forward? '18 to '20, whatever our --

MR. SULLIVAN: Yeah, it was '18.

MS. SLUSARCZYK: Yes.

MR. RADTKA: Because before '18 there was nothing --

MR. PETERSON: Yeah, at least in '18 we were using some kind of --

MR. RADTKA: Something.

MR. PETERSON: Something.

MR. KOGELNIK: So are you saying, Ron, that if you were to establish '18 as the cut-off line, '18 to today is what Imperial would pay?

MR. RADTKA: No, '18 to -- when did we -- when did --

MS. SLUSARCZYK: '20. July of '20 we took the first read on the new meter.

MR. RADTKA: July of '20.

MR. KOGELNIK: What 1,048.55 to here.

MR. RADTKA: So to look at it from --

MR. KOGELNIK: '22. So roughly half.

MR. RADTKA: When did you say that started, Cindy, July?

MR. PETERSON: I guess I'm gonna ask the question. In November of 2020 they were billed about the same amount. Was that just a fluke, or is that because you're behind?

MS. SLUSARCZYK: No, it's based on the number of days in the billing period, and the rate is always the same. The 4399 was the average, it only varied by dates. So that indicates there in those two billings that the number of days was 90 days and 90 days.

MR. PETERSON: But the meter was installed in July so we were already on the new meter.

MS. SLUSARCZYK: July of '20 is when the new meter was installed.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. PETERSON: We didn't start using it for billing until after.

MS. SLUSARCZYK: They did it. And because the day it started up, we were in the middle of a billing period, so Wednesday to line up the customers' billing and Imperial's bill. So July, August, September, October -- we got readings, fresh readings, from July to October. I was able to take that calculation and present a bill.

MR. PETERSON: Okay.

MS. SLUSARCZYK: So, -- because it takes three months.

MR. PETERSON: I'm with you now. I'm with you.

MR. SULLIVAN: So then '18 we had throw-over payments of --

MS. SLUSARCZYK: Don't look at the account history that's why I didn't prepare those because that's just giving you a glimpse because there's been credits and changes and corrections and stuff like that.

MR. PETERSON: I didn't want to confuse anybody, but I wanted to show them that they were trying to adjust -- whoever the old Board was adjusting --

MS. SLUSARCZYK: Oh yeah, the difference. There's changes. And that's why I printed it in just the billing view so you could see the evolution of charges from the Imperial account's start until today - what was billed.

MR. SULLIVAN: That shows \$60,000 in three --

MR. PETERSON: Where are you at?

MR. SULLIVAN: I'm at 1/9/18, 1/17/18 and 1 --

MR. PETERSON: That shows an overpayment.

MS. SLUSARCZYK: Don't look at the overpayment because that could be where I had to take a credit off. And that credit, when you told me to issue them a credit, that could have been from two years previous. That's why. And that's showing you the balance. When I printed this one I was looking at something different. If you notice, that's not the bill amount column that's the balance column, the ongoing credit. The column before that amount is --

MR. SULLIVAN: Yeah, the minus.

MS. SLUSARCZYK: Uh-huh.

MR. COWIE: Before you get too far along with that, Chris, I mean, that first section of billing that we had on the paper that I gave you, we're still not sure how that bill was calculated, how any of those bills were calculated.

MR. PETERSON: Before we went to the formula with CT.

MR. KOGELNIK: Well, that was based off the mag meter in the pump station.

MR. COWIE: Was it? We got our bills and there was numbers on there.

MR. KOGELNIK: I thought that you and I had talked about that, and I wrote down here mag meter.

MS. SLUSARCZYK: Uh-huh.

MR. COWIE: I just -- from what we have, the bills that we have, we couldn't determine. Like now I can do the math and see that you know whether it's water or that. We just weren't sure because there was credits and there was times when the bill would be -- it just kept accumulating and accumulating and we just didn't know how it was being calculated.

MR. KOGELNIK: So in 2014 the attorneys wrote this agreement.

MR. COWIE: Uh-huh.

MR. KOGELNIK: The formula was established in 2018. In

March 14,

24

between that time span had to have been an application of how to make this bill, and the only way to do that would have been the mag meter.

MS. SLUSARCZYK: Uh-huh. And this was agreed to. That is why if you look at the first couple of bills they were minimum bills.

MR. KOGELNIK: So I think that answers your question, Tom.

MR. RADTKA: So we were billed off a mag meter that wasn't working properly.

MR. KOGELNIK: Yes.

MR. COWIE: That was established -- that fact was established before the billing even started.

MR. KOGELNIK: But again, it was the only thing that we had.

MR. RADTKA: Sure, sure, we get it.

MR. COWIE: Hence is why we're here asking, you know, how can we adjust this now because we knew the meter wasn't good for billing.

MR. PETERSON: On your bills, because I have your bills --

MR. COWIE: I just pulled mine.

MR. PETERSON: I have usage on here. So they were getting that usage off of somewhere, I assume it was off a mag meter.

MR. SULLIVAN: It had to be.

MR. PETERSON: I don't want to speak out of turn, you know what I mean, and be wrong, but there's usage numbers on here.

MR. RADTKA: Right. And if the usage meter -- if the usage meter numbers were correct, the pump station would have been working correctly and the Village wouldn't have replaced the force main and redid pumps and every other thing to that if it was working properly from the get go. We knew from the conception that pump station was a mess.

MR. COWIE: I mean, we have a bill in '16 that shows usage of 3,364. The next one drops down to 775.

MR. PETERSON: That was the catch-up bill where they billed the \$17,000. The \$3,000 one, I think that was your catch-up bill because I saw that. Yeah, \$3,664. Yeah. That was your -- that was the bill where they hadn't been billing you and she was, I'm assuming, just catching up from previous.

MS. SLUSARCZYK: Right. That's when Solicitor Dutton mandated I present a bill.

MR. PETERSON: And then you went to usage where she has a previous zero, usage 775.

MR. COWIE: I mean, it makes it touch for us. Like the bills now we can see a start, you know, previous.

MR. PETERSON: When they went to run time, there wasn't a reading to give you.

MR. COWIE: The bills now have a previous reading and the current reading.

MR. PETERSON: On here -- as I go through they're on here from 2017.

MS. SLUSARCZYK: Because there was no meter to use. We -- they said quit using the pump station and do the calculation method.

MR. PETERSON: That's when you switch to the -- yeah.

MS. SLUSARCZYK: Which reduced the bill from almost, you know, three -- \$3,500 to \$4,000 down to \$2,000. That's why I said that was a reduction in the -- based on the CT's formula.

MR. SULLIVAN: So now we're at a minimum bill of what?

MR. RADTKA: Whatever the reading is, Mike.

MR. PETERSON: \$89.94. The last bill was actually --

MS. SLUSARCZYK: \$65.70, because I told you --

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. PETERSON: Because of the new stuff we did.

MS. SLUSARCZYK: The account maintenance fee is removed, but the readiness-to-serve fee which applies to water and not sewer. So --

MR. PETERSON: We lowered your bill.

MR. COWIE: Maybe one of them.

MR. PETERSON: Well, it's gonna be that price going forward now, so we lowered the future. Gentlemen, thoughts?

MR. KOGELNIK: I think that we've banged our head against the wall enough that some sort of positive or more constructive thought would have come out, but it didn't. Honestly, I'm looking at this thing upside down and I can't offer any other ideas that are with data.

MR. PETERSON: At the end of the day, even if we were to want to issue a credit, we have to prove somehow some way that that credit is justified; and I don't know how we --

MR. KOGELNIK: Yeah. The only way I see that happening is some sort of negotiation. This is not gonna be based on data. It can't, it doesn't exist.

MR. COWIE: But I mean, you talk about data; but you were okay with billing us on data that you knew was wrong at the very beginning through the mag meter and then based on data that stayed consistent because you used a formula that stayed the same every billing cycle. And now you're saying that you don't have any data to prove that.

MR. KOGELNIK: Let me posture my statement. It's based off of today's data, data being measured flow that we can rely on from the master meter. Sorry.

MR. PETERSON: And I'm gonna say no, I would not have been okay with that.

MR. COWIE: We weren't from the beginning.

MR. PETERSON: It's really easy for me to look back and complaining about something they did 10 years ago, but I wasn't there.

MR. COWIE: We haven't been good with this from the beginning.

MR. PETERSON: There could be circumstances I don't know that were there.

MR. COWIE: That's why it's been going on for 10 years, because we haven't been good with it and we stuck to it to try to come to a resolution after the meter problem was addressed.

MR. RADTKA: There's a lot of layers to the onion of the whole thing. It wasn't installed in the beginning, the way it was --

MR. PETERSON: No, if the original meter had been installed like it should have been and that's --

MR. RADTKA: We understand the cost of things and, I mean, the BPA didn't have the funds. And like Cindy, came out of her mouth they never thought it would pay for itself so why put something in. So --

MR. PETERSON: Which right now it shows it's not paying for itself.

MS. SLUSARCZYK: No, it cost money.

MR. PETERSON: I guess that's the second stage of this is, you know, there's gonna come a time where -- and none of us might even be here -- that we're gonna have to replace this meter and we have to look at a way to do that.

MR. KOGELNIK: Look, the meter the pump station, the force main, you're talking \$2 million, \$3 million more to replace that. And right now that's all built into every Village sewer customer's bill.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. RADTKA: Yep.

MR. KOGELNIK: It has to be. So --

MR. RADTKA: And it is -- and all 290 homes that are all paying for, you know, for electric, maintenance, repair, yadda-yadda-yadda, just like everybody sitting here.

MR. KOGELNIK: So I mean --

MR. RADTKA: So they are getting that money. Imperial doesn't -- is not paying sewer, but we're only paying the difference. But the residents, 300, that Mike wanted or they would have been upside down on the east side, that's why they wanted the park in the beginning; one pump station, 300 homes.

MR. KOGELNIK: Yeah, I understand that.

MR. RADTKA: That was a cash cow.

MR. SULLIVAN: I don't know if it was a cash cow, but it allowed us justifying putting the system in.

MR. RADTKA: You would have never done it. You wouldn't have spent \$12 million for 300 customers.

MR. KOGELNIK: In retrospect, I would have treated Imperial as a satellite community.

MR. PETERSON: You can see what we've billed in the last ten years, we've billed \$56,000. The pump station cost \$400,000, the meter cost \$70,000. Just using them two numbers, not including any residual money, we're not gonna make any money on that particular -- now on the water side I'm sure we do, you know what I mean.

MR. KOGELNIK: Yes.

MR. RADTKA: Okay. But looking at that, you put three pump stations in for 300 homes on the east side --

MR. PETERSON: I'm not saying that makes money either.

MR. RADTKA: -- you know what I'm saying. So --

MR. PETERSON: I'm not disagreeing with you.

MR. RADTKA: And how many million dollars did we spend for 300 homes.

MR. PETERSON: Correct.

MR. RADTKA: Eight, nine, whatever it was back then.

MR. SULLIVAN: Well, the whole system was about \$18 million.

MR. RADTKA: 18, okay.

MR. KOGELNIK: And even if -- as bad as LEC is an example, if we didn't get them as a sewer customer we'd have a partially used \$16 million system that, you know, isn't really reaping any revenue. So we understand that. But you know, right now I just -- I -- if I'm relegated to make a decision based on data from today, flow data that we can rely on, I just -- I don't know how to make it. I just don't know how. And the only way to do that and make you happy is some form of a negotiation in my opinion. Otherwise, somebody's gonna have to be pretty darn artsy with figuring out that. And that's not gonna use today's data.

MR. PETERSON: Yeah, there's not gonna be any factual data. It's just not possible. So next steps going forward?

MR. COWIE: Can you guys as a Board agree -- I mean, does it appear that we were charged way more before the meter was put in? I mean, it appears that way just based on looking at the money. No flow data, no none of that, just we were charged a lot more at the beginning than we were once the meter was installed.

MR. PETERSON: Gentlemen?

MR. SULLIVAN: Well, that's obviously -- I mean --

MR. COWIE: Well, I'm just asking that question.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. PETERSON: The dollar amounts are higher than than they are now.

MR. COWIE: Would you guys be willing to negotiate some amount, or are you just opposed to paying anything? I mean, that's what it's gonna come down to. I mean, are you willing to negotiate something -- and I'm not saying we have a figure in mind, just are you willing to negotiate something?

MR. PETERSON: Yeah. No, I understand what you're asking.

MR. COWIE: On the indication that we might have been overcharged based on the monetary numbers. If you are, then we can probably -- you guys can talk about it, you know -- not right at this very moment -- but talk about it and then we can come back together. If you're not willing to pay anything, then there's gonna have to be a different route taken.

MR. SULLIVAN: And I don't know whether we will or we won't, but if we did, out of that negotiations we'd have to change the minimum amount to reflect our costs of those pump stations.

MR. COWIE: I'm not following you.

MR. CZECK: Well, we go to replace that pump station there's \$75,000.

MR. SULLIVAN: \$89 a month isn't gonna do that. If we're losing money it would be \$89. Now --

MR. CZECK: Our costs gotta come from somewhere. The taxpayer is only paying so much. You can't rely on the taxpayers.

MR. RADTKA: The taxpayers' families, what are they spending on your area over there? We put \$30 million in the ground and gave it to Trumbull County.

MR. PETERSON: To me the pump station isn't as -- the residents of your community are offsetting the price of the pump station. The meter is the extra thing that we don't have anywhere else, so somehow we would have to mitigate the cost of the meter to replace it, you know, 16 years from now. Darren, 20 years life expectancy or Chris, either one. I've always been thought 20 years.

MR. BIGGS: It's a little bit better so you might get that out of it. I'm no expert on it.

MR. PETERSON: I don't know if a sewer meter has a little less life expectancy.

MR. SULLIVAN: And you mention Trumbull County. Look at the way their bills have been going up every year, and this year is crazy.

MR. KOGELNIK: If I can, I think Tom's question was a fair one. You can either answer it or you can say no, we're not gonna negotiate.

MR. SULLIVAN: I don't think we can answer that right now. We would have to meet and discuss it between ourselves.

MR. KOGELNIK: That's fine. But I think his question was fair. Just -- I'm just listening to this impartially.

MR. RADTKA: And I would feel that the Board should at least take into consideration the statements from the previous board you know, not everybody sitting up here now -- but the previous BPA, when they came up with that formula and they stated that we're gonna go back and look at that, this is all we have. So at that point until the --

MR. PETERSON: Do you remember in '14 who was on the Board? I know Tom and Kevin.

MR. RADTKA: Tom and Kevin and Mike.

MR. PETERSON: John.

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. RADTKA: John Gillespie, yeah.

MR. KOGELNIK: I go back to what I said there though. The cost of the meter, the cost of, you know, that pump station, that needs to be reconciled going forward because there's gonna be a day -- and I'm telling you, I cost those pump stations out on almost a daily basis anymore. That thing right now is around \$900,000.

MR. RADTKA: I believe it. But that's gonna be assessed by everybody that pays the sewer, everybody individually, correct?

MR. KOGELNIK: Everybody in the Village.

MR. RADTKA: Everybody in the Village, yes.

MR. SULLIVAN: Well no, half of the Village because the other half goes to Trumbull.

MR. KOGELNIK: Yeah.

MR. SULLIVAN: So those 600 houses, right.

MR. PETERSON: Well, let's think it through. If you guys want to take some time, but I'd like to give these guys a date of when we're going to give an answer. Is the end of the month enough of a time date?

MS. SLUSARCZYK: You have a special meeting on the 21st also with MVSD. You have two meetings next week already. So I mean, you have a lot of things to prepare for with that meeting.

MR. PETERSON: So -- yeah. If we did it by March 31, if we give them an answer is that okay, April 1 because March 31 is a Sunday.

MR. SULLIVAN: April Fools.

MR. PETERSON: I didn't mean to do that but --

MS. SLUSARCZYK: Not that day, huh?

MR. PETERSON: By April 1. And I'll call you guys and let you know we'll discuss it and --

MR. RADTKA: It's been 10 years, Chris. What's another couple weeks.

MR. PETERSON: I want to set a time because I want to keep this moving.

MR. RADTKA: We'd appreciate that.

MR. PETERSON: Is that okay with you gentleman?

MR. SULLIVAN: Yes.

MR. CZECK: Yeah, that's fine.

MR. COWIE: I'd just like to state at least this was the first positive meeting that we actually got together and got to put everything out there and hear both sides and we can talk freely. So I commend you guys for that. I mean, that's after 10 years we finally got to sit down and talk about this so.

MR. PETERSON: Yeah. Absolutely. Do you gentlemen have anything else?

MR. CZECK: No.

PUBLIC COMMENTS:

MR. PETERSON: Public Comments. Anybody?
(No response.)

MEMBER COMMENTS:

MR. PETERSON: Member Comments. Do you guys have anything?
(No response.)

ADJOURNMENT:

MR. SULLIVAN: Motion to adjourn.

MR. PETERSON: Motion to adjourn. Second. All in favor?
(All respond aye.)

Village of Lordstown Board of Trustees of Public Affairs

March 14,

24

MR. PETERSON: Opposed?

(No response.)

MR. PETERSON: Motion passed.

(Meeting ends at 3:43 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 26th day of March, 2024.

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

Submitted:

Approved by:

Cinthia Slusarczyk, Clerk

Christopher Peterson, President