

Board of Municipal Utilities  
**Regular Meeting Minutes**  
**January 2, 2018**  
201 Miller Road  
Avon Lake, Ohio

***Swearing In of New Members***

Newly elected member Anthony Abram and re-elected member Tim Rush took the Oath of Office with CUE Danielson serving as Officiary.

***Call to Order – Roll Call***

The meeting was called to order immediately following the evening's work session at 6:30 PM.

Present: Mr. Abram, Dzwonczyk, Mr. Phillips, Mr. Rush, and Mrs. Schnabel.

Also present: CUE Danielson, WPCC Manager Baytos, Community Outreach Specialist Arnold, Councilmember Fenderbosch, Cynthia Farch, and Debbie Klimkowski.

***Approve Minutes***

Chairman Dzwonczyk presented the minutes of the December 14, 2017, special meeting and December 19, 2017, work session and regular meeting, and with no changes, additions or corrections noted, ordered that the minutes stand and be distributed as presented.

***Public Speakers***

None.

***Correspondence***

None.

***Expenditures***

Following review of expenses dated January 2, 2018, for funds and amounts as follows, Mr. Phillips moved, Mr. Abram seconded, that all be approved and paid per budget:

|                                  |    |            |
|----------------------------------|----|------------|
| Water Fund 701                   | \$ | 158,952.13 |
| Wastewater Fund 721              | \$ | 135,386.79 |
| MOR Fund 703                     | \$ | 67,120.30  |
| MOR Fund 762                     | \$ | 32,002.62  |
| LORCO Fund 749                   | \$ | 1,604.29   |
| Lateral Loan Fund 765            | \$ | 14,200.00  |
| Wastewater Construction Fund 724 | \$ | 191,472.00 |

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None  
Motion carried.

### ***Confirmation of Provisional Appointments***

Mr. Rush noted that an appointment to the position of ex-officio member to the Human Resource Committee is required by Charter, and that recognition was added to the agenda as an inclusion to the provisional appointment confirmations.

Mr. Phillips then moved that John Dzwonczyk serve as Chairman. Mrs. Schnabel seconded.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Phillips moved, Mrs. Schnabel seconded, that Tim Rush serve as Acting Chairman in the Chairman's absence.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Phillips moved, Mr. Abram seconded, that the Chief Utilities Executive be appointed Clerk of the Board without compensation.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Phillips moved, Mr. Rush seconded, that in the event of the CUE's absence, the CUO or the Wastewater Manager be appointed Acting Clerk of the Board without compensation.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Dzwonczyk moved, Mr. Phillips seconded, that Rick Eberle's appointment as Chief of Utility Operations be extended until December 31, 2018.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Abram moved, Mrs. Schnabel seconded, that Tim Rush serve as Ex-Officio Member of the Human Resource Committee.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Mr. Phillips volunteered to serve as Mr. Rush's alternate to the Human Resource Committee.

The Chairman asked Mr. Abram to serve as the Board's representative to the LORCO committee assignment, and Mr. Abram accepted.

All previous Board committee assignments were maintained without objection.

### ***Reports/Updates***

The following reports and updates were made by copy of the meeting's write-up and discussed as noted:

#### *Compliance with February 2018 Separation Deadline*

Per discussion at several recent meetings and following guidance from the Board's December 19, 2017, work session, the CUE worked with the Law Director to draft a path forward for confirming customers' removal of all clean water sources from sanitary laterals. Copies of the *Sewer Lateral Path Forward* were presented for discussion only. The draft first reviews the Sewer Lateral Separation Program's background in support of the recommended path forward which proposes deadline extensions, clarifies work areas (Groups A, B, and C), and establishes definitive consequences for non-compliance. The Chairman noted that the intent of the proposed separation path forward is to help customers accomplish the required action rather than burden them further with fines. The final document will be included for action on the Board's January 16, 2018, agenda.

#### *Wastewater Rates*

As discussed in this evening's work session, the CUE is investigating ways to potentially mitigate rate impacts and will present recommendations for rate increases at the next regularly scheduled meeting.

#### *Lake Road Closure*

The 60-day closure of Lake Road has been postponed slightly and is now intended to begin January 29, 2018. Construction progress has slowed due to the extremely cold weather and therefore the closure may be delayed further. Regardless, affected customers and the general population will be notified two-to-three weeks prior to the closure. The intended notification process and car, truck and local traffic routes were briefly reviewed.

#### *Project Updates*

- *Wastewater Plant:* The final tank equipment installation is progressing and the sludge dewatering building structural steel and concrete work is complete. The screening building is enclosed and the inside work has begun.
- *Elyria Interconnection:* Engineering Services Manager Gaydar has provided the Assistant Law Director with the survey information needed. The design is being finalized and the project is scheduled to bid in February/March. The project will again be presented to Amherst's Zoning Department for approval and then go before their Planning Commission.
- *ETL1:* The project is expected to bid in February.

#### *Lateral Updates*

Sewer lateral separation and loan program numbers were updated by this meeting's write-up. CUE Danielson noted the progress being made in reducing the numbers and customer notification options for increasing those results were again reviewed.

### *Employee Promotion*

The Board recognized Adam Sisson's one-year anniversary as Laborer and his promotion to Line Maintenance Man (Step 3) effective January 9, 2018, as recommended by management.

### *CUE Report and Action Items*

- Per the Board's request, the CUE is investigating the potential for an online portal for members that would eventually include the financial dashboard and could also include a running update of the action item list.
- The CUE recently met with the Chairman to discuss his performance.
- The staff directory is being updated and is expected to be available by the end of the month.
- The Chairman and CUE are scheduled to meet this week with the Mayor, Council President, and (possibly) Law Director regarding outside legal counsel.
- A much-improved lateral information center (inclusive of Council's Resolution of Necessity) will be available with the launch of the new website.
- The Chairman and CUE are scheduled to meet with RLCWA's General Manager next week.
- The CUE is working with the Human Resource Director and incoming Human Resource Committee Chair regarding Board salary increases and whether an ordinance can be put in place that would index the wages to the OPERS minimum requirements. Consideration of this matter and managements' wage ranges are believed included on the Committee's January 8, 2018, agenda, which the CUE and Mr. Rush will attend.
- The Partnerships for Safe and Clean Waters relate to treating drinking water and wastewater to higher standards. Becoming part of the Partnerships was recommended by the management consultant to consider as a Phase 2 initiative after the new CUO was on board. The CUE understands that similar Partnerships for piping systems exist and staff is doing the groundwork for an informed decision regarding Avon Lake Regional Water's affiliation.

### *Chairman/Committee/Member Reports*

- Chairman Dzwonczyk reported that he met with CUE Danielson regarding his performance review, and will participate in the upcoming meetings with RLCWA General Manager Mahoney and Avon Lake city officials regarding outside legal counsel.
- Mrs. Schnabel said a Quality Initiative meeting is scheduled this Friday.

Mr. Rush asked that an action item regarding agreement wording be added to this agenda following the Executive Session in anticipation of its necessity. All agreed.

CUE Danielson reported that, with the current extreme cold, *The Press* is running an article in next week's edition regarding Avon Lake Regional Water's previous January icing incidents and the plant improvements made to avoid future incidents.

### ***Public Speakers***

Debbie Klimkowski (159 Ashwood Drive) introduced herself as a resident concerned by the current February 1, 2018, sewer separation deadline. Ms. Klimkowski said she and several neighbors have signed contracts for the work, however have no hope of having

the work accomplished by the deadline. CUE Danielson briefly explained the Board's Sewer Lateral Path Forward intent and assured that she and other contract holders will not be fined for non-compliance with the expected passage of that document at the Board's January 16, 2018 meeting.

### ***Executive Session***

Mr. Rush moved, Mr. Abram seconded, to meet in Executive Session at 7:40 PM as allowed by ORC 121.22 to discuss legal matters and to include the CUE and Community Outreach Specialist.

Ayes per roll call vote: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

The Board reconvened at 7:53 PM.

Mr. Rush moved that the Chairman be authorized to sign a Memorandum of Understanding with the Mayor and Council President stating the following: In an effort to facilitate greater communication among the Mayor of the City of Avon Lake, its Council, and its Board of Municipal Utilities (the "Board") with respect to the employment of outside counsel to represent the Utility and/or the Board, the Board agrees that it will inform the Director of Law of any outside counsel to be retained by the Utility to represent the Board and/or the Utility in connection with any issue. Mr. Phillips seconded.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

### ***Adjourn***

As there was no further business, Mr. Rush moved, Mr. Abram seconded, that the meeting adjourn at 7:54 PM.

Ayes: Abram, Dzwonczyk, Phillips, Rush, Schnabel

Nays: None

Motion carried.

Approved January 16, 2018

John Dzwonczyk, Chairman

Todd A. Danielson, Clerk