

Board of Municipal Utilities
Meeting Minutes
January 7, 2025
201 Miller Road
Avon Lake, Ohio

Call to Order – Roll Call

The meeting was called to order at 6:30 PM. The meeting was held in-person using web-based video conferencing technology.

Present: Mr. Dzwonczyk, Mr. Mondello, Mr. Rickey, Mr. Rush and Mrs. Schnabel.

Also present: CUE Munro, CUO Yuronich, Attorney Anthony Coyne of Mansour-Gavin, Karen Perkins and Jeffrey Armbruster representing Lorain County, Jeff Duke of Raftelis, Gene Toy and Del Roig representing LORCO, William Zimmerman, Gerald Phillips, and Tia Hilton. Councilwoman Amy Gentry arrived shortly after the meeting began.

Approve Minutes

Mr. Dzwonczyk presented the Minutes of the December 17, 2024 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Public Speakers

Gerald Phillips, 461 Windward Way, stated that the last time he had spoken at a meeting he had complimented Mr. Munro on his responses to public records requests but that his most recent request regarding the Brownfields Committee that was submitted in December still had not been responded to. Mr. Phillips stated that he had resubmitted the request and that he expects his requests to be fulfilled in a prompt fashion. Mr. Phillips also stated that his request for a detailed property listing was not fulfilled and that Mr. Munro had informed him that the listing was available on the Lorain County Auditor's website and this was not acceptable to him. Mr. Phillips requested Business & Financial Coordinator Logan's email address so that he could copy him on future requests. Mr. Phillips stated that he has yet to receive a copy of the minutes from the November 19, 2024 Board of Municipal Utilities meeting in which he was illegally locked outside of the meeting. Mr. Phillips stated that new board member Mr. Mondello was appointed after the public meeting had reconvened after that executive session and stated that he felt this was not a legal appointment. Mr. Phillips stated that he had planned on ignoring that action until Mr. Munro and the Board began siding with the Mayor of Avon Lake and the Avon Lake Police Chief and targeting those who attend meetings. Mr. Phillips stated that those that sit on the Board will have to be deposed when he files a lawsuit against the City of Avon Lake and ALRW. Mr. Phillips stated that he will defend himself now that ALRW chose to get involved in selectively targeting him.

William Zimmerman stated that he had heard the Mayor of Avon Lake told employees at City Hall that they are not supposed to talk to himself or Mr. Phillips and he wondered if that has made its way to ALRW employees. Mr. Zimmerman stated that he does not converse with ALRW staff or Board Members often but that he feels he has a working relationship with Mr. Munro. Mr. Zimmerman stated that he has been very busy and has not had a chance to file his lawsuit but that he expects it will happen soon and the Board members will have to give depositions. Mr. Zimmerman also stated that he expects Mr. Mondello will lose his seat on the Board as a result of this lawsuit. Mr. Zimmerman acknowledged that he is unsure if this will actually happen but that it is up to the courts to decide. Mr. Zimmerman stated that ALRW has

poked the wrong bear and that he has taken the City to court three times and looks forward to doing the same with ALRW.

Tia Hilton stated that she read in the newspaper today an article in there that Mr. Phillips was being charged for urinating in the bushes outside of the building. Ms. Hilton stated that this was confirming that ALRW was in violation of the ADA (Americans with Disabilities Act) laws because Mr. Phillips has a prostrate (sic) problem and that ALRW had discussed people's business behind closed doors. Ms. Hilton stated that not only will Mr. Phillips be filing a lawsuit against ALRW, she is putting ALRW on notice that her people will be sending papers tomorrow. Ms. Hilton also stated that the elevator at City Hall is a problem as well. Ms. Hilton informed the Board that they have poked the wrong bear.

Correspondence

Mr. Munro informed the Board that he received two letters, both dated December 23, 2024, from the Auditor of State confirming approval of the two new budget funds that ALRW was creating, Fund 723 – Water Distribution and Fund 722 – Sewer Collection. Mr. Munro stated that Mr. Logan is working with the Avon Lake Finance Director to ensure that these funds are properly set up in the financial software.

Expenditures

Following review of expenses for funds and amounts as follows, Mr. Rickey moved, Mrs. Schnabel seconded, to approve the expenditures of December 13 through December 31, 2024:

Water Fund 701	\$	230,713.50
Wastewater Fund 721	\$	152,692.99
Water Construction Fund 704	\$	1,177,962.73

Ayes (per voice vote): Dzwonczyk, Mondello, Rickey, Rush, and Schnabel
Nays: None
Motion carried.

2025 Meeting Schedule

Mr. Munro informed the Board that he provided them with a memorandum dated January 7, 2025 that outlines the dates of all meetings for the 2025 calendar year. Mr. Munro stated that at the organizational meeting in 2024 the Board approved the first and third Tuesdays of each month for the public meetings in 2024 and 2025. Mr. Munro stated that a summer recess is observed and there will not be a meeting held the third Tuesday of July or the first Tuesday of August. Mr. Munro also stated that the meetings will all be at 6:30PM at 201 Miller Rd. unless otherwise noted and the required public notification is made.

Step Increase

Mr. Yuronich stated that ALRW had hired WFP Operator Brandon Brown on January 1, 2024 and he has completed his probationary period satisfactorily and per the collective bargaining agreement is due a step increase. Mr. Yuronich stated that Mr. Brown will be moved from operator step 3 to operator step 4 effective January 1, 2025. Mr. Yuronich also added that staff feels Mr. Brown has done an excellent job and hope he will be a team member here for a long time. Mr. Rickey added that he had met Mr. Brown recently and concurred that he was an excellent individual and was impressed by him.

Engineering Intern

Mr. Yuronich informed the Board that staff is welcoming Ms. Stella Davisson, an engineering intern, who began January 6, 2025. Mr. Yuronich stated that she will be completing a semester of her college internship working with Mr. Gaydar and Mr. Larson. Mr. Yuronich also added that he and Ms. Davisson had already discussed their college rivalries as he had attended Bowling Green State University and she attends the University of Toledo and those schools are in close proximity to each other. Mr. Yuronich informed the Board that Ms. Davisson will be compensated at the rate of \$17.00 per hour.

Project Updates

Power Plant Update: Mr. Yuronich informed the Board that the final implosion at the power plant took place after the December 17, 2024 meeting and that the crew there was on break due to the holidays. Mr. Yuronich stated that they returned to the site on January 6, 2025 and will be organizing and clearing the debris from that implosion.

ETL Design Services: No update.

WFP Improvements: No update.

SCADA Communication Upgrades: No Update

Mr. Rickey inquired about the status of the ETL design as he remembers staff receiving the plans at the end of November 2024. Mr. Munro responded that engineering staff had received those plans and is reviewing them to ensure there are no errors. Mr. Munro stated that when Mr. Gaydar and Mr. Larson are finished with their review that staff will proceed to the easement acquisition process. Mr. Munro stated that due to the change in plans the legal descriptions had to be updated. Mr. Rickey inquired who will be working on that part of the process. Mr. Munro stated that Bramhall has written the legal descriptions and also stated that Attorney Connie Carr will be handling the easement acquisition process. Mr. Rickey inquired about the current state of supply chain issues and if ALRW was still planning on procuring the materials themselves. Mr. Munro responded that it has somewhat improved and ALRW will be purchasing materials but pointed out that there are some new developments that could have a large effect on the pricing. Mr. Munro informed the Board that there is legal action involving the PVC pipe industry that includes allegations of price fixing by the manufacturers where they colluded to keep prices inflated by 400%. Mr. Munro stated that although ALRW had waited to procure the pipe for other reasons, it is beneficial to have held off until this situation is able to play out. Mr. Munro added that there is still plenty of work to be done before procuring the pipe.

CUE Report

None.

Miscellaneous & Member Reports

None.

Public Speakers

Mr. Phillips stated that the Board had been involved with the purchase of the power plant property and also alleged that Mr. Gaydar had improperly approved a storm water connection at the site and added that he thinks there is still not a proper permit for that connection. Mr. Phillips stated that the Brownfield Committee has been secretly operating for three years behind closed doors and added that he has gone to the Ohio Supreme Court and the Lorain County Court of Common Pleas for injunctive relief. Mr. Phillips stated that as part of this process he has come across an appraisal for the park property that the City maintains is worth fifteen million dollars. Mr. Phillips stated the appraisal lists its value at 2.37 million dollars. Mr. Phillips

stated that he wonders if anyone on the Board has seen this appraisal and that Councilwoman Gentry had also requested this document but it was never provided to her. Mr. Phillips stated that Mr. Davis was in possession of this appraisal on the day the letter of intent was passed and still stated that he had not seen it and therefore Mr. Phillips feels all of these actions are illegal.

William Zimmerman stated that he and Mr. Rickey have had troubles going back to the Building & Utilities Committee meeting. Mr. Zimmerman stated that Mayor Spaetzel, the City of Avon Lake and ALRW are all going down. Mr. Zimmerman stated that the City is not going to be able to complete its ALERG property purchase because the School Board is not going to accept the tax-incremental-financing option proposed by the City. Mr. Zimmerman continued with comments directed at Mr. Rickey and Mrs. Schnabel, threatening lawsuits. He concluded his comments by calling Mr. Rickey an "old dumb piece of [expletive]".

Councilwoman Gentry stated that a resident has complained about a smell near the Miller Rd. Park and inquired if anyone at ALRW was aware of any issues there. Mr. Munro stated that ALRW has not noticed any odors nor was aware of this complaint.

Executive Session

The CUE requests an Executive Session to discuss the purchase, sale, and/or lease of property. The CUE does not anticipate any formal action following the Executive Session.

Mr. Rush moved, Mr. Dzwonczyk seconded, to meet in executive session as allowed by ORC §121.22 (G)(2) to discuss the purchase and/or sale of public property, and to include the CUE, the CUO, Attorney Anthony Coyne, representatives from Lorain County and their legal counsel, representatives from LORCO and their legal counsel, if any, and Raftelis and their legal counsel.

Mr. Phillips inquired who the last entity was. Mr. Dzwonczyk stated that it was Raftelis whom ALRW had subcontracted with to perform a rate study.

Ayes (per roll-call vote): Dzwonczyk, Mondello, Rickey, Rush, and Schnabel

Nays: None

Motion carried.

The Board entered Executive Session at 6:58 PM

The Board reconvened the public meeting at 8:37 PM

Adjourn

As there was no further business, Mr. Rush moved, and Mr. Rickey seconded, to adjourn. The meeting adjourned at 8:37 PM.

Ayes (per voice vote): Dzwonczyk, Mondello, Rickey, Rush, and Schnabel

Nays: None

Motion carried.

Approved January 21, 2025.

John Dzwonczyk, Chairman

Robert Munro, Clerk