

Board of Municipal Utilities
Meeting Minutes
March 21, 2023
201 Miller Road
Avon Lake, Ohio

Call to Order – Roll Call

The meeting was called to order at 6:47 PM following a Work Session. The meeting was held in-person only due to issues with the audio/video equipment in the Board Room.

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

Also present: CUE Munro, CUO Yuronich, Facilities and Asset Manager Kimevski, Councilman Mark Spaetzle, LORCO Trustee Del Roig, and Attorney Coyne of Mansour Gavin.

Approve Minutes

Mr. Dzwonczyk presented the Minutes of the March 7, 2023 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Public Speakers

No comments.

Correspondence

Mr. Munro provided an email to the Board from Mr. Jerry O’Flanagan of Advance Door. Co. expressing his displeasure with the garage door bid for the Additional Storage Building. Advance Door Co. was the only bidder, and their bid was more than 10% higher than the engineers estimate. Mr. Munro stated that because the bid came in over the engineer’s estimate it could not be awarded per Ohio Revised Code (ORC). The specialized garage doors and openers for the wash bay came from a company that provided only a five-day period that the price was guaranteed. With no approved bids ALRW requested quotes for the standard garage doors from Advance Door, Co. and others. Two of the quotes came in above \$50,000 and one came in at \$49,000. Action Door of Elyria was selected because it met all of the specifications. Mr. Munro explained that because that quote was under the \$50,000 threshold, it could be awarded as submitted even though it was not a formal bidding process. Mr. Flanagan requested that his company be removed from all future bid opportunities. Mr. Rush asked whether it was the specialty doors that caused so few to bid or if it was the Bid Express platform used to advertise the bids. Mr. Munro stated that the doors were one of the factors but that potential bidders can download the plans without going through Bid Express so more potential bidders have the plans than what is shown on the Bid Express platform. Mr. Dzwonczyk inquired if Mr. Munro considered the matter closed with Mr. O’Flanagan and Mr. Munro stated that he considered this matter closed.

Expenditures

Following review of expenses dated March 21, 2023, for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of March 3 through March 16, 2023:

Water Fund 701	\$	189,624.75
Wastewater Fund 721	\$	142,10.25
ETL1 Fund 703	\$	159,071.40
ETL2 Fund 762	\$	326,343.72
LORCO Fund 749	\$	12,433.29
Water Construction Fund 704	\$	50,602.33
Wastewater Construction Fund 724	\$	26,983.54
West Ridge Interconnect Fund 702	\$	1,249.06

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

Nays: None

Motion carried.

First Energy Easement

Mr. Munro informed the Board that in order for The Illuminating Company to install the electric service to the Additional Storage Building that they would need an easement to draw power from the existing step-down transformer and run it to a new transformer near the new building. ALRW staff will install the four-inch conduit, The Illuminating Company will inspect the conduit and upon approval will install the new power line. We have paid for the permit fee to get into the queue for the work to be completed.

With no further discussion, Mrs. Schnabel moved, Mr. Rickey seconded, to authorize the CUE to execute with a perpetual easement with the Illuminating Company for the installation of electric service at 201 Miller Rd.

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

Nays: None

Motion carried.

Annual Step Increases

Mr. Munro informed the Board that either through the collective bargaining agreement or by recommendation of their supervisor, ALRW employees are to receive step increases April 1st of each year. As an information item for the Board, Mr. Munro stated that the following employees will be receiving step increases:

Rebecca Robertson, Cust. Serv. Rep.	Step 5 to Step 6
Tim Bradley, Line Maint. Technician	Step 4 to Step 5
Heather Barnes, Cust. Serv. Rep.	Step 4 to Step 5
Vince Petrucelli, Maint. Technician	Step 4 to Step 5
Mike Clough, Plant Operator – WRF	Step 5 to Step 6
Robin Liepold, Lab Analyst	Step 2 to Step 3
Kameron Kuhl, Maint. Technician	Step 4 to Step 5

Project Updates

Power Plant Update: Mr. Yuronich informed the Board that on Wednesday March 15, 2023, Mrs. Schnabel, Mr. Kimevski and himself met with Mr. Rogatto, Mr. Woodruff and other Charah staff at the Power Plant for a tour. Mrs. Schabel stated that she was very impressed with the way the demolition and remediation of the site was being handled and felt very confident that the work was being completed in a responsible and safe manner. She also expressed that she feels much more informed and able to pass that along to those that may express concern in her presence. Mr. Dzwonczyk stated that having a staff member to handle public outreach would be valuable in conveying this type of information to the public. Mr. Yuronich also stated that Mr. David Emerman of the OEPA will be coming to Avon Lake on May 3rd, 2023 for a tour of the power plant site and to see our Water Filtration Plant. He informed the Board that the OEPA has visited the site at least 8 times, mostly for the asbestos monitoring. Charah has chosen to follow more stringent standards in the asbestos abatement rather than the minimum requirements for industrial site remediation.

ETL Design Services: Mr. Yuronich informed the Board that staff has received the easement agreement from Norfolk & Southern to allow two 60-inch casings to be installed under the railway for the new water main to be installed. One is required by this project and the other is for future use. Staff is currently reviewing this agreement and will present it to the Board for their consideration at a future meeting.

WFP Improvements: No update.

2022 Water Line Bundle Project: No update.

Additional Storage Building: Mr. Yuronich stated that Kendera, Inc has begun erecting the demising wall and that staff is currently soliciting bids for the utility work inside the building. Received bids will be opened on March 28, 2023.

CUE Report

Mr. Munro stated that WFP staff recently collected VOC (volatile organic compounds) samples for analysis to help reassure the public that our water is safe. Mr. Yuronich stated that samples for both the raw, untreated water and the water entering the distribution system were analyzed. None of the VOCs were detected at a measurable quantity. Mrs. Schnabel suggested that staff perform testing for asbestos. Mr. Yuronich informed the Board that we have tested for that previously but it wasn't a common test required by the OEPA. He stated that we have not tested the raw water previously so those results would not have any comparison, but that staff would investigate a sampling schedule moving forward that goes above and beyond what is required. Mr. Dzwonczyk asked Mr. Yuronich to report back at the next meeting if possible.

Miscellaneous & Member Reports

Mr. Rickey stated the he attended the March 8, 2023 Charter Review Committee meeting. He also stopped at a March 12, 2023 break on the Eastern Transmission Line #1. After observing the work, he wanted to state that not only was he impressed with the work the crew was performing he was really surprised to see how "out of round" the existing pipe was and the difficulty the crew had finding a suitable seal when applying the clamp because of the pipe condition. Mr. Rickey also requested a site visit of the West Ridge Interconnect. He will coordinate with ALRW staff to arrange this.

Public Speakers

None.

Executive Session

Mr. Rush moved, Mr. Abram seconded, to meet in executive session as allowed by ORC §121.22 (G)(3) to discuss pending legal matters and to include the CUE, the CUO, the Facilities and Asset Manager and a representative from Mansour Gavin.

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

Nays: None

Motion carried.

The Board entered Executive Session at 7:24 PM

The Board reconvened at 7:41 PM.

Charter Review Topics

The Board had a brief discussion regarding an amendment to the City Charter. It was discussed that Section 47, pertaining to the Removal of Board Members, should have the current language modified. The language in Section 47 currently states that the removal of Board members is at the discretion of City Council. Board members feel it is more appropriate that the Board shall have the determination of removing a member since the Board of Municipal Utilities is a separately elected body.

With no further discussion, Mr. Abram moved, Mr. Dzwonczyk seconded, that the Board submit to the Charter Review Commission a proposed Amendment to Section 47 of the City Charter concerning Removal of Board Members as presented.

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

Nays: None

Motion carried.

Adjourn

As there was no further business, Mr. Abram moved to adjourn, and Mr. Rush seconded. The meeting adjourned at 7:58 PM.

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

Nays: None

Motion carried.

Approved April 4, 2023.

John Dzwonczyk, Chairman

Robert Munro, Clerk

CHAPTER IX
BOARD OF MUNICIPAL UTILITIES

SECTION 47. REMOVAL.

The Board of Municipal Utilities may expel or remove any member of the Board of Municipal Utilities for any valid reason, including gross misconduct, or for malfeasance, misfeasance, nonfeasance, felony conviction while in office or conviction of a crime involving moral turpitude, violation of his oath of office, persistent failure to abide by the rules of the Board of Municipal Utilities, absence from three (3) consecutive regular meetings without justifiable excuse, divulging proprietary Board information without authorization, or otherwise acting against the best interests of the Board. Such removal shall not take place except on concurrence of four (4) of the members elected to the Board of Municipal Utilities, nor until the offending member shall have been notified in writing of the cause for removal against him at least ten (10) days in advance of any hearing upon such matter and until he shall have been given an opportunity to appear before the Board of Municipal Utilities to be heard and present evidence against the proposed Board action.