

Board of Municipal Utilities  
**Meeting Minutes**  
**April 2, 2019**  
201 Miller Road  
Avon Lake, Ohio

***Call to Order – Roll Call***

The meeting was called to order at 6:50 PM following the work session.

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

Also present: CUE Danielson, CUO Munro, Community Outreach Specialist Arnold, Technical Support Specialist Collins, Mayor Zilka (left at 7:07 PM), Councilman Zuber (left at 7:28 PM), and Councilwoman Fenderbosch (left at 7:07 PM).

***Approve Minutes***

Chairman Dzwonczyk presented the minutes of the March 19, 2019, work session and regular meeting. With no changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

***Public Speakers***

No Public Speakers

***Correspondence***

No Correspondence

***Expenditures***

Following review and a brief discussion of expenses dated March 19, 2019, for funds and amounts as follows. Mr. Abram moved, Mr. Rush seconded to approve the expenditures of March 5, 2019:

Water Fund 701	\$	230,952.59
Wastewater Fund 721	\$	165,870.28
MOR Fund 703	\$	9,040.24
MOR Fund 762	\$	330,518.74
LORCO Fund 749	\$	21,948.86
Lateral Loan Fund 765	\$	20,000.00

Ayes: Abram, Dzwonczyk, Rush, and Schnabel.

Nays: None

Motion carried.

***LORCO Hawke Road Agreement Addendum***

The CUE brought to the Board's attention an addendum to the four-way agreement between Lorain County, Columbia Township, LORCO, and Avon Lake Regional Water. The CUE

explained that the original agreement allows the expansion of the LORCO/ Avon Lake Facility Planning Area (FPA) one parcel at a time along the east side of Hawke Road. The CUE told the Board that since the signing of the agreement, only two additional parcels have become part of the FPA. The CUE explained that a bore under Hawke Road is required to connect the parcel's lateral to the sanitary sewer line on the west side of the road. The CUE said that, most recently, a bore was made for a gravity lateral; and the cost for the bore was more expensive than the tap fees received by LORCO.

The CUE stated that, in light of this, he has worked with the LORCO Executive Director to see if the agreement could be modified to rectify that situation. The new agreement for Hawke Road would assist in stopping the loss of money under the current agreement. He stated that the new agreement would, essentially, help guarantee positive cash flow; and that is why he is asking for the new addendum. The CUE informed the Board that the addendum will now have the owner of the parcel that seeks connection pay for the connection to the LORCO line and also to pay the LORCO Capital Recovery fee of \$4,000 (currently) and the inspection fee of \$500. Mr. Rush stated that he believes that the addendum is progress, and he wondered if there would ever be the progress to allow a collector line on the east side of Hawke Road. The CUE responded that, though that would likely be the most cost-effective option, the County did not want that to occur, as then it would force all homes on the east side of the road to connect. The County preferred each homeowner be allow the choice of whether to connect or not.

Mr. Rush asked if, with the new addendum, neighbors could bore together in order to save on fees. The CUE told the Board that he believes that that would be possible, but he does not know if the current regulations allow for a shared lateral.

Mr. Rush moved, and Mr. Abram seconded, to approve the Addendum Number 1 to the Sanitary Sewer Agreement with Lorain County, Columbia Township, and LORCO.

Ayes: Abram, Dzwonczyk, Rush, and Schnabel.

Nays: None

Motion carried.

### ***Technical Support Specialist***

The CUE indicated that after the work session discussion regarding the job description for the Technical Support Specialist, he could consider what changes should be made before seeking approval. The Chairman clarified to the Board that the vote tonight was only on approving the description of the Technical Support Specialist, not for hiring to fill the position. The CUE informed the Board that, from the date of hire, temporary assistance (as currently being received) they receive from any one individual is only allowed for 120 business days. Mr. Abram asked why the past temporary help was allowed to work for 8 months. The CUE told the Board that the City has asked that temporary help be brought in to assist for only 120 business days and that assistance for any longer would not be approved. Mr. Abram stated he is not in favor of the new position.

Mr. Rush said that he believes the new position would be helpful, but he does think that there should be a procedural change to the approach to change the position's classification. Mrs. Schnabel said that she is also in support of the position, and she would like to see the position molded to what the Board wants for Avon Lake Regional Water. She said she would like to focus on the future. The Chairman expressed his concern that delaying the consideration of the position will present more difficulties to the Board in the future by trying to meet the hiring

window. He stated that changes in technology render some prior positions obsolete, while creating the need for new positions. Mr. Rush stated that he would also be in support of the job description because he knows that the Board is pressed for time in finding a replacement before the temporary position exhausts the allotted 120 business days.

Mrs. Schnabel moved, and the Chairman seconded, to approve the attached job description for Technical Support Specialist.

Ayes: Dzwonczyk, Rush, and Schnabel.

Nays: Abram.

Motion carried.

### ***Lateral Separation Path Forward***

The CUO presented to the Board the plan for the lateral separations taking place throughout the community. He said that since January 1, 2019, on average, there have been 2.8 Group A separations being completed per week. Based on this average, the CUO estimates that 81 homes may miss the April 30, 2019, deadline; and Avon Lake Regional Water and the City of Avon Lake will initiate court proceedings for these homes on May 1, 2019. He stated that in the next two weeks, the staff of Avon Lake Regional Water intend to take a number of measures to help reduce the number of homeowners that must be taken to court.

The CUO informed the Board that these actions include: knocking on the doors remaining in Group A; a notice in the bill for every customer of Groups A, B, and C who has not separated his/her lateral; reaching out to the contractors reminding them of what will happen to customers who do not separate by the deadline; and continuing to work with the City Prosecutor to draft the legal complaints for residents not separated by the April 30<sup>th</sup> deadline. Members talked about potential options to help assure customers meet the deadlines. Mr. Rush expressed his concern that he did not want those individuals who do not meet the deadline receiving improper gain by having their laterals separated for less than others have paid.

The CUO indicated that the major push that staff has initiated has helped confirm more homeowners completing the required work.

<b>Group</b>	<b>March 15, 2019 Need To Separate</b>	<b>March 29, 2019 Need To Separate</b>	<b>April 2, 2019 Need to Separate</b>	<b>Under Contract</b>	<b>Deadline</b>
A	101	93	87	30	April 30, 2019
B & C	195	183	170	27	June 30, 2019

The CUO stated that they have received information from 3 different homes saying that one of the contractors would be completing the work. However, he said that after following up with the contractor, there was no evidence of any additional follow up for the customer after a quoted completion price. The CUO informed the Board that he believes this could be a more common occurrence, so staff will be following up with both customers and contractors that are scheduled to complete work to make sure that the work is being fulfilled.

Mr. Abram stated his concern that contractors do not tell people about their choices. The CUO said that he believe that most of the contractors have been informing customers of their options before any work is completed on their properties. Mr. Rush said he would like the focus of the staff to be on Group A, and that they must be finished first. The CUO informed the Board that most of the contractors with whom Avon Lake Regional Water is working are aware of the focus and have been helpful in their scheduling. He also said that staff has been very careful about not pushing customers toward one contractor over another. He said that the staff has been sharing the numbers with local contractors to keep them abreast of the number of remaining homes. The Chairman stated the 60 homes with no action are the ones on which focus must be placed. He emphasized that staff must do everything possible to get the laterals separated.

### ***Project Updates***

45 Project: Roadway restoration preparation continues on Lakewood. Laterals work continues on Forest.

Elyria Interconnection Project: The contractor is working on punch list items within the emergency station. Site restoration, paving, and fencing will take place in the spring to coincide with a dedication ceremony.

### ***Member Reports***

No Member Reports

### ***Miscellaneous***

The CUO informed the Board that Ohio EPA inspected Avon Lake Regional Water, and the results were positive. He said it was an overall great inspection. Mr. Rush said that he was pleased to hear about the Ohio EPA inspection result. He said the Board often does not hear about the positive stories, and that it is usually only when something very bad happens.

The Chairman said that the new generator was very quiet, and that he was pleased with the work done at the water facility. The CUO informed the Board the Mr. Yuronich and Mr. Kimevski were the individuals involved in working to reduce the noise level of the new generator.

The Chairman expressed his desire for more landscaping in order to soften the industrial look at the water reclamation facility. He recommended installing shrubs, hedges, or bushes on the Lake Road side of the front fence to improve the aesthetics. Staff noted that the property there belonged to the power plant, but the chairman suggested that the power plant officials be approached with confidence that they would not object to the improvements.

The CUO told the Board that Sprint would like to put in a new structure on the new water tower. Sprint has stated their interest in using the existing contract from the old water tower. The Chairman said he would like there to be a new agreement, and he said he would like to see the terms of the old contract compared to the new contract. The Chairman asked staff to assure the agreement would be beneficial to Avon Lake Regional Water. Mrs. Schnabel asked if the City of Avon has structures on their towers and what their contracts might include. The CUO stated that Avon does have a structure on their old water tower, but he does not know the exact details of their agreement.

### ***Upcoming Travel***

The CUE brought to the Board's attention the upcoming travel that is planned for the months of April and May. He informed the Board that he is planning on attending a free afternoon seminar in Richfield on building an innovation culture on April 18, 2019.

The CUE stated that on May 9, 2019, he is scheduled to present with a representative from McMahon DeGulis and Joe Reitz at the Ohio Stormwater Conference in Cincinnati. The presentation will bring attention to Avon Lake Regional Water's work on addressing and funding wet weather issues in Avon Lake. The Chairman asked if the conference was recorded, and, if so, it would be beneficial to have that recording for Avon Lake Regional Water's website or the ALC-TV. The CUE informed the Board that, historically, the conference is not recorded, but he will confirm that for the Board.

The CUE is also scheduled to attend the quarterly OAWWA Technology Committee meeting in Columbus. The CUE informed the Board that this meeting is comprised of the Ohio EPA, utilities, and consultants; and it is a forum for learning about new Ohio EPA initiatives and for developing white papers to help utilities respond to Ohio EPA mandates.

The Chairman stated that until all of the lateral separations have been completed, he thinks that all upcoming travel should be limited for staff members. Mr. Rush said that he thinks the events are important, but he supports the restricting of travel until the lateral separations are completed.

### ***Executive Session***

The Chairman requested for the Board to meet in executive session to discuss the options for future lateral separations. Mr. Rush moved, Mr. Abram seconded, to move the meeting into an executive session as allowed by ORC 121.22 (G)(3) to discuss pending legal matters and to include the CUE, CUO, and Community Outreach Specialist.

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

Nays: None

Motion carried.

The Chairman resumed the meeting following conclusion of the Executive Session.

### ***Adjourn***

As there was no further business, Mrs. Schnabel moved, Mr. Abram seconded, that the meeting adjourn at 8:38 PM.

Ayes: Abram, Dzwonczyk, Rush, and Schnabel

Nays: None

Motion carried.

Approved \_\_\_\_\_ 2019.

John Dzwonczyk, Chairman

Todd A. Danielson, Clerk