

Board of Municipal Utilities
Meeting Minutes
April 16, 2024
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 and streamed live to Facebook and YouTube.

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

Excused: Mr. Dzwonczyk

Also present: CUE Munro, CUO Yuronich, Attorney Tony Coyne of Mansour Gavin, City of Avon Lake Councilwoman Gentry and former Board Chairman David Marquard II.

Approve Minutes

Mr. Rush presented the Minutes of the April 2, 2024 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Public Speakers

Councilwoman Gentry stated that there had been some work done on James Circle that had resulted in standing water where repairs had been made. Mr. Yuronich responded that ALRW's Engineering Services staff had previously researched and responded to emails related to this area and although Underground Utilities, Inc. (UUI) had come back to that location to repair a section of the concrete it was determined that there is not enough slope to the asphalt roadway to properly drain the street. Mr. Yuronich added that it would require the entire street to be repaved and was not a result of the work UUI had performed. Mr. Yuronich also informed Councilwoman Gentry that he would forward the emails and pictures showing that the area was restored to the pre-construction condition.

Correspondence

Mr. Munro informed the Board that he had provided Mr. Austin Page, City of Avon Lake zoning manager, a position paper documenting ALRW's perspective regarding a variance application submitted for a parcel on the corner of Armour and Electric Blvd. Mr. Munro stated that the variance sought to allow the developer to partially install all utilities on an undeveloped street. Mr. Munro added that this would grant the developer an unfair advantage over other developers as the regulations require any developer to fully install all utilities on any platted street that improvements are constructed on. Mr. Munro stated that ALRW is in opposition to the requested variance and that there are additional buildable lots south of the lot currently being developed.

Mr. Rickey asked for clarification as to the location of the lot being developed. Mr. Munro responded that it is on the southeast corner of Armour Rd. and Electric Blvd. and that the developer felt that they could access the existing utilities to allow this single lot to make a connection without fully developing the street as the regulations require.

Mr. Rickey inquired if the Zoning Board of Appeals can go against our regulations. Mr. Munro stated that the Zoning Board of Appeals will make a recommendation to Avon Lake City Council but added that there doesn't appear to be any support behind the requested variance.

Mr. Abram stated that ALRW provides the Zoning Board of Appeals with all the applicable regulations so that they can make an informed decision.

Expenditures

Following review of expenses for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of March 28 through April 11, 2024:

Water Fund 701	\$	153,284.28
Wastewater Fund 721	\$	112,830.94
ETL1 Fund 703	\$	156,212.62
ETL2 Fund 762	\$	424,173.70
LORCO Fund 749	\$	4,595.11
Water Construction Fund 704	\$	42.41
Wastewater Construction Fund 724	\$	43,803.36

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

Nays: None

Motion carried.

Legislative Updates

Mr. Munro informed the Board that he had just returned from Washington D.C. from the annual trip the Ohio AWWA Water Utility Council (WUC) makes to engage with legislators. Mr. Munro wished to provide a summary of the trip relating to several topics that were broached with our elected officials. Mr. Munro stated that one topic that was discussed regarded PFAS and ensuring that the "polluter" is the entity that pays for necessary remediation and that this cost is not inadvertently absorbed by utilities. Mr. Munro elaborated by saying that under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) utilities need to be granted an exemption from any liability for ultimate disposal of any PFAS compounds when they are removed from either drinking water or wastewater. Mr. Munro stated that it would be inappropriate for utilities to be liable under CERCLA as drinking and wastewater utilities were not producers of these compounds.

Another topic that Mr. Munro stated was discussed with legislators was the State Revolving Loan Fund (SRLF) and how utilities want it to be fully funded and not used for Congressional Earmarks. Mr. Munro stated that under current practices 56% of the SRLF is used to fund Congressional Earmarks and that it would benefit the state's infrastructure to have 100% of the SRLF budget to go towards infrastructure improvement projects and that Congressional Earmarks should be funded separately.

Mr. Munro informed the Board that although this program would not directly benefit a large number of ALRW customers, the WUC proposed that the pilot program of Low-Income Household Water Assistance Program (LIWHAP) be expanded and continued to assist low-income households with their water and wastewater utility bills in the same way the Low-Income Home Energy Assistance Program (LIHEAP) has been assisting low-income customers with heating and electric bills.

The final topic Mr. Munro stated that was discussed was cybersecurity. Mr. Munro stated that the WUC wishes to promote a common-sense approach to implementing cybersecurity standards of practice for water and wastewater utilities. Mr. Munro added that when the rules were originally proposed by the United States Environmental Protection Agency (USEPA) the states would be responsible to enforce the rules using the same inspectors the Ohio Environmental Protection Agency (OEPA) uses to survey water and wastewater operations. The WUC feels that having inspectors not qualified in cybersecurity practices being tasked with assessing each system's compliance would not result in positive outcomes. The WUC wishes for a more common-sense approach to be implemented the same way that other utilities have had best-practices developed by third-party stakeholders.

Mr. Munro also added that aside from the topics he'd already discussed there were some other notable meetings that took place. Mr. Munro stated that he had met with Senator J.D. Vance and his staff and Congressman Troy Balderson who represents the 12th Congressional District near Columbus, OH.

Mr. Munro also informed the Board that he will take over as chairman of the WUC in 2025 and that he looks forward to continuing to promote the needs of water utilities throughout Ohio.

Project Updates

Power Plant Update: Mr. Yuronich stated that demolition continues on the north side of Lake Rd. and that the main turbine hall has been opened up and exposed down to the basement area at the east-end of the building. Mr. Yuronich added that two of the precipitator units have begun being demolished. Mr. Yuronich stated that the implosion of one of the smoke stacks is still scheduled for late May or early June and that as the timeline is finalized ALRW staff will be notified ahead of time.

ETL Design Services: Mr. Yuronich stated that there were no updates.

Mr. Rickey inquired to the CUE what could be done to get the project moving forward. Mr. Munro stated that throughout the past year there had been much time spent negotiating with the railroad on the terms of an easement to cross underneath the tracks. Mr. Munro added that now that the decision to alter the routing of the water line so that it crosses the railway at the public right-of-way has been made, the plans for this change can be finalized and easements along the new routing can be procured. Mr. Munro assured the Board that staff is continuing to take steps to move this project along including re-negotiating the agreements with bulk customers to make sure the costs are distributed fairly between ETL1 and ETL2 customers.

Mr. Rickey asked if ALRW expects to have the project go out to bid before the end of 2024 and Mr. Munro replied that is the goal staff is working towards.

Mr. Rickey also inquired if it will be one project to install all of the water line from the Water Filtration Plant all down the railroad tracks on ETL1. Mr. Munro stated that it will all be the same contract but would probably be broken down into two phases. Mr. Munro also added that ALRW is going to be procuring all of the materials themselves to help keep costs down.

WFP Improvements: Mr. Yuronich informed the Board that staff held a preconstruction meeting on April 3, 2024 with The Great Lakes Construction Company and that he and staff were presented with the site plan for lay-down areas and the initial construction schedule. Mr. Yuronich stated that GLC has begun mobilizing and are now utilizing 92 Moore Rd. as their construction office and will begin staging equipment the first week of May and plan on breaking ground May 9, 2024.

Inductively Coupled Plasma Mass Spectrometer (ICP): Mr. Yuronich informed the Board that staff is finalizing their OEPA submittal so that they procure the certifications needed to analyze and submit test results on drinking water samples. Mr. Yuronich stated that as staff has become more comfortable operating the new equipment, they have begun taking a look at the testing fees ALRW charges. Mr. Yuronich stated that due to the equipment being much less labor-intensive than the older machine they are potentially able to lower their prices to be more in-line with third party laboratories and entice other customers to bring their samples to the WFP for analysis.

Mr. Rickey inquired how much of a revenue stream this could be. Mr. Yuronich responded that it is very much dependent upon how many entities choose to utilize ALRW for their testing. Mr. Yuronich stated that lead and copper analysis are the main tests that other organizations would bring to the lab and that the reason for taking a look at the fees charged. Mr. Yuronich added that being able to drop off samples as opposed to shipping them is an important consideration and that staff have been in contact with neighboring water systems about providing analysis to them.

SCADA Communication Upgrade: Mr. Yuronich informed the Board that staff was still finalizing the layout of the new server room and once finalized will move forward with the project.

CUE/CUO Report

No report.

Miscellaneous & Member Reports

Mr. Rickey inquired about updates on the Lear Rd. sewer backup, what, if any, plans have been made to prevent a reoccurrence and if the root cause had been determined. Mr. Munro stated that the root cause was found to be the amount of flow in a short time that was pumped from Avon. Mr. Munro stated that there are things that will be looked at as far as ALRW's collection system and the way the contract with the City of Avon is structured. Mr. Munro added that the insurance claim has been opened and the adjust will be in contact with the affected residents but that the City of Avon will have a part in the remedy also. Mr. Munro stated that staff has reviewed the event with the City of Avon and they are onboard with working together to prevent any future issues. Mr. Munro informed the Board that the agreement with Avon is twenty years old and there have been changes in capacity since then. Mr. Munro stated that as the City of Avon sees more development the flow is likely to increase even more so staff wants to ensure that future demands on the collection system can be met without incident.

Mr. Rickey also inquired about the polymer/sewer backup issue on Pin Oak Parkway. Mr. Munro stated that the investigation is ongoing and that results from a contract laboratory analyzing the material found in the sewer have just been received and are being reviewed by staff. Mr. Munro stated that the sewer main has remained clean and that staff is continuing to work towards pinpointing the discharge that led to the backup.

Public Speakers

None.

Executive Session

Mrs. Schnabel moved, Mr. Abram seconded, to meet in executive session as allowed by ORC §121.22 (G)(1) and (G)(3) to discuss the employment and/or dismissal of a public employee and pending or imminent court actions and to include the CUE, the CUO and a representative from Mansour Gavin.

Ayes (per roll-call vote): Abram, Rickey, Rush and Schnabel
Nays: None
Motion carried.

The Board entered Executive Session at 7:33 PM

The Board reconvened at 8:34 PM

Adjourn

As there was no further business, Mr. Abram moved, and Mr. Rickey seconded, to adjourn. The meeting adjourned at 8:34 PM.

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

Approved May 7, 2024.

Timothy Rush, Chairman

Robert Munro, Clerk