

Board of Municipal Utilities  
**Meeting Minutes**  
**May 3, 2022**  
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 over Facebook.

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

Also present: CUE Munro, CUO Yuronich, Councilman Spaetzle, and Attorney Rinker of Mansour Gavin.

***Approve Minutes***

Chairman Dzwonczyk presented the Minutes of the April 19, 2022 regular meeting. With no changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

***Public Speakers***

None.

***Correspondence***

Mr. Munro said he and several staff members have had recent interactions with Mr. Dan Urbin of 32648 Carriage Lane pertaining to his water and sewer bill that he paid late. Mr. Munro said Mr. Urbin incurred a late charge on the bill for paying late and asked for it to be waived. Mr. Munro said Avon Lake Regional Water's policy is when looking at an account, we look to see if there was another instance where we waived a late fee. Mr. Munro said not long ago, we did waive a late fee so Mr. Urbin was told by staff that we would not be waiving this late fee. He said Mr. Urbin then preceded to contact Board Members, including the Chairman, who forwarded this to the CUE. Mr. Munro said he explained to Mr. Urbin that the five members of the Board must act as a whole and the proper forum for him is to come to a board meeting and speak during public speakers. Mr. Munro said Mr. Urbin indicated that he did not have the time for it. Mr. Munro said he wanted to make the Board aware of the situation and Mr. Urbin has an outstanding balance of \$13.82 and hopefully Mr. Urbin makes payment prior to shutoff day.

Mr. Abram said Mr. Urbin had contacted him and Mr. Urbin indicated that he will pay the fee later this month. Mr. Abram said he was a little upset, but he understands and will pay it.

Mr. Dzwonczyk said the Board cannot undertake operating items and that is why there is a staff. Mr. Dzwonczyk said Mr. Yuronich and Mr. Munro both separately spoke with Mr. Urbin upon the chairman's request. The only remaining recourse would be for the complainant to come in as a member of the public and say his peace. Mr. Dzwonczyk said everyone is a ratepayer and we cannot share some people's expenses among all people; we have to administer them equitably.

## ***Expenditures***

Following review of expenses dated May 3, 2022, for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of April 9 through April 28, 2022:

Water Fund 701	\$ 2,788,832.07
Wastewater Fund 721	\$ 1,870,437.87
MOR ETL1 Fund 703	\$ 268,510.04
MOR ETL2 Fund 762	\$ 427,496.14
LORCO Fund 749	\$ 842,232.04
Water Construction Fund 704	\$ 88,017.50
West Ridge Interconnect Fund 702	\$ 400.24

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

Nays: None

Motion carried.

## ***Legal Services***

Mr. Munro said he asked our representatives from Mansour Gavin to provide a proposal for general legal services and attendance at Board meetings. Mr. Munro said he has reviewed the engagement letter and is recommending its approval this evening. He also asked Law Director Ebert to provide a similar engagement letter. He said there are instances where we utilize both firms and if there was an instance where a representative from Mansour Gavin would be unable to attend a Board meeting, he would request a representative from Seely, Savidge, Ebert, & Gourash. Mr. Munro said he reviewed this engagement letter as well and is recommending its approval this evening. Mr. Munro said he has two recommended motions for the Board to approve those engagement letters.

Mr. Rush said the second motion he will abstain from voting if no objection from the Board as he uses one of the attorneys at Seely, Savidge, Ebert, & Gourash for personal business.

Mrs. Schnabel moved, and Mr. Rickey seconded, to authorize the CUE to execute a Letter of Engagement with Mansour Gavin, LPA for outside general counsel services at a flat rate of \$300 per regularly scheduled board meeting, as requested.

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

Nays: None

Motion carried.

Mr. Dzwonczyk stated that the Board enjoyed a Board Member with admission to the bar until the passing of Mr. Phillips and this is a way to fill that gap for the Board. Mr. Dzwonczyk said Mr. Rush will abstain from voting on this motion as he uses one of the attorneys at Seely, Savidge, Ebert, & Gourash for personal business.

Mr. Rickey asked if Mr. Ebert is the City's Law Director and this is no conflict of interest. Mr. Munro said yes and yes, there is no conflict.

Mr. Abram moved, and Mrs. Schnabel seconded, to authorize the CUE to execute a Letter of Engagement with Seeley, Savidge, Ebert, & Gourash for outside general counsel services at a flat rate of \$300 per regularly scheduled board meeting, as requested.

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

Abstain: Mr. Rush

Nays: None

Motion carried.

### ***HDR Construction Administration Services***

Mr. Munro said he asked HDR to provide an amendment proposal for their current design services contract at the Water Filtration Plant (WFP). Mr. Munro said HDR submitted the proposal and he is currently reviewing it. He said with submission of their 100% design drawings for the WFP, we are looking to move into our next phases which would be bidding and construction. In an effort to save money for the utility, Mr. Munro said the bidding phase will be handled by our Engineering Services Manager Jack Gaydar. Mr. Munro said the HDR services would include construction administration; project inspection; commissioning and startup of all new equipment; and all aspects of the project close out. Mr. Munro said we intend to have this proposal for these services on the agenda for the May 17<sup>th</sup> meeting.

Mr. Abram asked if the services were included in the initial contract. Mr. Munro responded no; the initial contract with HDR was for the Risk & Resiliency study. He said we have had a few amendments since the initial contract and those amendments included the design services to design the project at the Water Filtration Plant and the ETLs. Mr. Munro said this would be another amendment to the initial contract for construction administration services.

### ***Project Updates***

*ETL Design Services:* Mr. Yuronich said staff continues to work with Attorney Schrader to procure the necessary easements. Mr. Yuronich said we are almost approaching the 100% design mark and we will be meeting with HDR tomorrow (May 4<sup>th</sup>).

*WFP Improvements:* Mr. Yuronich said the finalized detailed plans have been submitted to staff. Mr. Yuronich said our Engineering Services Manager is reviewing everything and looking for any conflicts and if so, presenting those conflicts to HDR tomorrow (May 4<sup>th</sup>). Mr. Yuronich said then the plans would be submitted to Ohio EPA for their approval and working towards the permit to install.

Mr. Dzwonczyk asked how many drawings are in the package. Mr. Munro said the 100% design drawings was 195 sheets and the bid specifications was a couple thousand pages; it was significant.

*WFP Filter Repairs:* Mr. Yuronich said S&S Filter continues the process of removing the rest of the damaged under tiles and making sure that the drains in place are completed cleaned. He said our staff has been working with S&S Filter on any work that they can removing the blocks. Mr. Yuronich said it's a very delicate process because if you work too quick you could damage the next block and we are trying to avoid further damage. Removal will finish up in the two filters by the end of next week (May 13<sup>th</sup>) and that is the same time as the filter media starts arriving. He said once the filter media arrives, we can work on getting it installed, disinfected, and back in service before dry season starts.

*Spieth Road Water Tank Mixers:* Mr. Yuronich said Practical Inspections has completed the work in the North Tank and it is back in service. He said Practical Inspections is finishing draining the South Tank and they should be able to get into the South Tank tomorrow (May 4<sup>th</sup>) to do the cleaning, installation of the mixer, and repeating the disinfection process for getting it back into service. Mr. Yuronich said staff will work to alter our standard operating procedure (SOP) document on how we manage the tanks. Mr. Yuronich said when we started this project, the long-term goal was instead of raising and lower the tanks to keep the tanks at a more static level and the mixers will keep the water turned over to avoid any water quality issues and operate the WFP more efficiently.

Mr. Dzwonczyk asked if there are a copy of the SOPs at the Spieth Road site. Mr. Yuronich responded that we do not keep a copy at the Spieth Road site since it is all managed from the WFP by the operators. Mr. Dzwonczyk asked if an emergency there would not be a way for anyone to operate the tanks. Mr. Yuronich responded no, there would not be a way for someone to operate the tanks from the site. Mr. Munro added we talked earlier about the West Ridge Interconnect Station, the SOP for the station is onsite and Mr. Yuronich and Mr. Kimevski have trained staff on operation of the station.

*2022 Water Line Bundle Project:* Mr. Yuronich said Underground Utilities, Inc. (UUI) continues work on the new Coveland Dr. water line. Pending any weather issues, restoration for the Lake Road crossover work will occur during the week of May 2nd. Staff continues to send correspondence to the Mayor and City Council regarding the project's progress.

### ***CUE Report***

Mr. Munro informed the Board that Mr. Yuronich and himself met with representatives from Charah Solutions (Charah), who is the new owner of the GenOn Power Plant. He said the main discussion was our vested interest in the decommissioning of the former power plant from an environmental standpoint that we need to protect Lake Erie, which is our water source. Mr. Munro said the representatives from Charah were very gracious in hosting us and we made introductions with the site manager. Mr. Munro said he made Charah aware that we have spoken with Ohio EPA and Avon Lake Regional Water will be kept in the loop and appreciate their cooperation in ensuring that any contamination is held on the site and does not make it into Lake Erie.

Mr. Dzwonczyk said that is very important and that any contamination should not make it into the air around the demolition site. He said he assumes they will be monitoring the air very thoroughly as well because what's in the air falls into the water. Mr. Munro said Charah is providing us with their storm water prevention plan that they had to submit and was approved by Ohio EPA of how they will control any runoff from the site. Mr. Dzwonczyk said he hopes that Avon Lake Regional Water will actively observe and critique their following of their storm water protection plan because that is something that people characteristically take for granted as you can see by the unmaintained silt fences on all the construction sites in town. He said this is particularly an environmentally sensitive situation with the demolition being near the water that we use for supply; of the highest priority, be on top of that. Mr. Munro added he wanted to thank Councilman Spaetzel for making sure that we were involved and advocating with the Environmental Affairs Advisory Board and Councilwoman Billie Jo David who chairs that committee for making sure that we do have involvement in that entire process. Mr. Dzwonczyk said thank you Councilman Spaetzel on behalf of the entire Board.

### ***Miscellaneous & Member Reports***

Mr. Munro asked the Board for the recommended motion for the Board to authorize a \$50.00 per month reimbursement to Mr. Yuronich for the cost of his cell phone.

Mr. Dzwonczyk moved, and Mr. Rush seconded, to authorize a \$50.00 per month reimbursement to Greg Yuronich for the expense of his cell phone.

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

Nays: None

Motion carried.

### ***Public Speakers***

None.

### ***Executive Session***

Mr. Rush moved, and Mr. Abram seconded, to meet in executive session as allowed by ORC §121.22 G (2) and ORC §121.22 G (3) to consider the sale of property and pending legal matters and to include the CUE, the CUO, and representatives from Mansour Gavin.

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

Nays: None

Motion carried.

The Board reconvened at 7:49 PM.

### ***Adjourn***

As there was no further business, Mr. Abram moved to adjourn, and Mr. Rush seconded. The meeting adjourned at 7:49 PM.

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

Nays: None

Motion carried.

Approved \_\_\_\_\_ 2022.

John Dzwonczyk, Chairman

Robert Munro, Clerk