

Board of Municipal Utilities
Meeting Minutes
May 7, 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. Dzwonczyk, Mr. Rickey, Mr. Rush and Mrs. Schnabel

Also present: CUE Munro, CUO Yuronich, Attorney Bruce Rinker of Mansour Gavin and City of Avon Lake Councilwoman Gentry.

Approve Minutes

Mr. Dzwonczyk presented the Minutes of the April 2, 2024 regular meeting. Mr. Dzwonczyk suggested that the phrase "...the variance sought to allow the developer to not fully install..." be changed to "...the variance sought to allow the developer to partially install..." Mr. Munro replied that it would be changed. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed with that edit.

Public Speakers

None

Correspondence

None

Expenditures

Following review of expenses for funds and amounts as follows, Mr. Abram moved, Mrs. Schnabel seconded, to approve the expenditures of April 12 through May 2, 2024:

Water Fund 701	\$	485,088.35
Wastewater Fund 721	\$	422,828.91
ETL1 Fund 703	\$	12,829.50
ETL2 Fund 762	\$	7,036.34
LORCO Fund 749	\$	18,222.47
Water Construction Fund 704	\$	27,513.74
Wastewater Construction Fund 724	\$	29,013.74

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

Nays: None

Motion carried.

Tower Lease Amendment

Mr. Munro stated that in July of 2021 the Board had approved a lease agreement with Cleveland Communication, Inc. (CCI) for the purpose of the Public Safety Communications System to be installed on the Walker Road Water Tower. Mr. Munro added that CCI was the company that had contracted with Lorain County law enforcement, fire departments and emergency services to provide communication services. Mr. Munro stated that in exchange for access to the water tower CCI agreed to install an emergency generator at that location and hooked up the tower lights and equipment to that generator. Mr. Munro added that there were three items included in this first amendment to the original agreement. Mr. Munro stated that they are adding one small antenna, performed additional structural analysis at their cost, agreed to pay a fee of \$300 per month with an annual increase of 3% and the lease is for a period of five years instead of the original two-year period.

Mr. Dzwonczyk inquired if there were any unusual terms in this amendment and Mr. Munro stated that it was all very standard.

Mr. Rickey asked if there was safety equipment on the tower so that the workers accessing the roof of the tower were protected. Mr. Munro responded that when the tower was originally constructed it was designed with provisions for future communication equipment to be installed. Mr. Munro explained that there were conduits installed so that there will not be anything attached to the column visible from the exterior and that holes will not have to be cut into the exterior for cables to pass through. Mr. Munro also stated that there are provisions for mounting the cable inside of the tower so that everything can be kept secured and orderly. Mr. Munro also stated that there is a railing on the top of the tower that adds additional safety for any workers that need to access that area.

Mr. Abram asked if this amendment includes the stipulation that requires anyone accessing the site to notify ALRW ahead of time. Mr. Munro responded that because the amendment calls out which sections of the original contract will be modified it leaves the other sections as they were originally drafted so the notification requirement remains.

Mr. Rickey moved, Mrs. Schnabel seconded, to authorize the CUE to execute the First Amendment to Tower Lease, Installation and Maintenance Agreement with Cleveland Communication, Inc. as presented.

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

Nays: None

Motion carried.

Project Updates

Power Plant Update: Mr. Yuronich stated that demolition continues westward down the main turbine hall. Mr. Yuronich informed the Board that there had been a change in the implosion schedule and that instead of one of the stacks being imploded in early June it would be two of the precipitators and a boiler that will be brought down in early June. Mr. Yuronich stated that staff will be notified in advance of this work.

ETL Design Services: No update.

WFP Improvements: Mr. Yuronich stated that equipment has been being staged, the storm water pollution prevention (SWPP) plan has been implemented and have filmed and photographed the work areas so that all pre-construction conditions can be documented. Mr. Yuronich went on to add that the lay down areas for materials have been levelled and covered in stone and the area of the site where the filters will be constructed is going to be potholed so that the edges of existing infrastructure could be located and marked prior to actual excavation taking place. Mr. Yuronich added that they've reviewed the drawings, utilized ground-penetrating radar and have marked approximate locations but want to ensure that the locations are precise so that no existing infrastructure gets damaged.

Mr. Rickey inquired if there were any sort of weekly updates staff will get on the project. Mr. Yuronich responded that there are weekly progress meetings that include ALRW, HDR and the contractors that will address all aspects of the project along with a dedicated Microsoft Teams page that allows all parties to upload and view any documents related to the project.

Mr. Rickey also inquired if the workers need to have security clearance to work on the project and Mr. Munro responded that The Great Lakes Construction Company manages that through their hiring process.

Inductively Coupled Plasma Mass Spectrometer (ICP): Mr. Yuronich informed the Board that ALRW Lab Staff will be completing their certification process on May 15, 2024 when the Ohio EPA conducts an on-site survey and reviews their testing and analysis of one final group of unknowns for each parameter.

Mr. Rickey stated that he was surprised and impressed at how thorough the approval process is. Mr. Rickey added although it was a costly process he found it very reassuring that this much effort goes into safeguarding our drinking water and the only thing left is to find some more customers to test their water.

Mr. Munro informed the Board that the City of Lakewood will be bringing their lead and copper samples to ALRW and that staff have been in contact with several other entities as well.

Mr. Rickey wanted to make sure prices were competitive to other laboratories.

Mr. Munro stated they would be set appropriately and that there is also value to being able to drop off samples and interact with the lab directly rather than shipping the samples. Mr. Munro stated that it is also preferable for organizations to be able to receive quicker turnaround time.

SCADA Communication Upgrade: Mr. Yuronich stated that staff still expects the fiber optic converters to be received and installed by the end of May 2024. Mr. Yuronich also added that staff is continuing to develop plans to construct a dedicated server room within the WFP and appropriately house all of the computer equipment. Mr. Yuronich added that when the WFP was expanded in 1980, there was not a need for that type of electronic computer equipment. Mr. Yuronich stated that the new server room will need proper access control and HVAC to ensure it is housed in an appropriate and safe environment.

CUE/CUO Report

Mr. Munro informed the Board that Mr. Kimevski had returned to work from his extended medical leave and was doing great. Mr. Munro added that Mr. Kimevski was very grateful for all of the support he'd received from fellow team members.

Mr. Munro informed the Board that twenty million of ALRW's funds have now been invested in the STAR Ohio (State Treasury Asset Reserve of Ohio) investment pool and are now earning interest at a rate of 5.5%. Mr. Munro stated that this was a large improvement over the 1.34% the money was earning in the Huntington Sweep account the funds were previously held in. Mr. Munro expressed thanks to Mayor Spaetzel, Law Director Ebert and the Finance Director for their assistance in getting these funds invested appropriately.

Mr. Munro reported that ALRW had received a Notice of Violation after the most recent OEPA Sanitary Survey at the WFP. Mr. Munro stated the NOV was due to the original twelve filters that are being demolished as part of the improvement project that is now underway. Mr. Munro expressed his frustration that ALRW does have a plan to permanently disconnect these filters from the WFP and that the OEPA is already aware of this plan. Mr. Munro also stated that when ALRW responds within the thirty-day period provided in the NOV, ALRW will respectfully remind them that disconnecting these filters has been in the works for a couple of years and that if the OEPA hadn't taken a year and a half to review the plans these filters would already have been disconnected. Mr. Munro informed the Board that there is a contract already in place to have this work completed and that it will take place by August 1, 2024 at the latest. Mr. Munro stated that this was not a water quality issue and that public notification is not required.

Mr. Dzwonczyk inquired if the OEPA has a copy of the plans to disconnect these filters and Mr. Munro responded that they do. Mr. Dzwonczyk stated that he received a copy of the sternly worded letter and appreciates that it sounds like ALRW will resolve this issue quickly.

Miscellaneous & Member Reports

Mr. Rickey inquired about the status of the insurance claims related to the Lear Rd. sewer backup from earlier in the year. Mr. Munro stated that the claims were working their way through ALRW's insurance and that it will be subrogated through the City of Avon's insurance company as well. Mr. Munro stated that the three homeowners will be made whole in a timely manner. Mr. Munro stated that corrective action to ensure this does not happen again are progressing and an alteration of the sewer collection system is being developed by Mr. Gaydar and his staff. Mr. Munro added that a long-term measure that needs to be addressed is the sewer-use agreement with the City of Avon. Mr. Munro informed the Board that there has been a lot of development in Avon since that agreement was signed and that there will be further development in the coming years. Mr. Munro also stated that both ALRW and the City of Avon agree that the contract needs to be updated and that both entities will be working together to develop an agreement that serves the public's best interest. Mr. Munro added that Avon acknowledged an operational issue on their part led to this backup and it wasn't the way their collection system is typically operated.

Mr. Rickey stated that he wants to ensure that ALRW takes the necessary steps to ensure this doesn't repeat itself and that the customers who were affected are pleased with the efforts ALRW is undertaking to rectifying the problem and their concerns are all addressed.

Mr. Rickey stated that he'd had another question that was already addressed by Mr. Yuronich that related to the high-pressure situation at the WFP and that it sounds like staff is continuing to work towards a permanent resolution.

Mr. Abram wished to remind the Board members that the deadline to file their ethics report was Wednesday, May 15, 2024.

Mrs. Schnabel inquired about an update on the investigation of who was responsible for the discharge that caused issues with the Pin Oak Parkway sewer main. Mr. Munro stated that staff had just received the results from their sampling. Mr. Yuronich responded that a sampler has

been placed in the manhole and that this will help determine if the suspected connection is the one who caused the blockage. Mr. Yuronich stated that staff want to ensure that any accusations have irrefutable proof and can be well defended.

Mr. Rickey inquired if the storm sewer lines that had been installed under Lake Rd. before the repaving took place had been put into service yet. Mr. Munro responded that they have not yet been utilized but the City of Avon Lake does have plans to connect to them in the future.

Mr. Rickey also inquired about the York Rd. repaving where ALRW had partnered with the City of Avon Lake. Mr. Munro responded that because ALRW had disturbed a significant portion of the road doing the sewer repairs the City of Avon Lake felt it made sense to repave the entire street in that area and partner with ALRW on the cost share.

Public Speakers

Councilwoman Gentry informed the Board that the speed limit along Lake Rd. is currently being adjusted. Mrs. Gentry stated that they are still working on finalizing the changes but the area that will remain 25mph has been reduced.

Councilwoman Gentry also stated that the variance requested for the property on Armour and Electric was denied so the developer will be required to install utilities the length of the street.

Executive Session

Mr. Munro stated that based on discussion in Executive Session the Board may take action upon returning to Open Session. Mr. Munro also added that Mr. Rush will be recusing himself from a portion of Executive Session to avoid any appearance of a conflict of interest.

Mr. Rush inquired if he should abstain from voting on entering Executive Session and Attorney Rinker replied that it would be best if he did.

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, Dzwonczyk, Rickey and Schnabel

Nays: None

Abstentions: Rush

Motion carried.

The Board entered Executive Session at 7:10 PM

The Board reconvened the public meeting at 7:56 PM

Kopf Construction Settlement Agreement

Mr. Rush requested that he abstain from voting to avoid any appearance of a conflict of interest on the settlement agreement. With no objections, Mr. Dzwonczyk stated that Mr. Rush would abstain from voting.

With no further discussion, Mr. Dzwonczyk moved, Mr. Abram seconded, to authorize the CUE to execute a settlement agreement for Case No. 22CA011863, regarding unpaid Trunk Sanitary Sewer Fees by Kopf Construction, as presented and reviewed by legal counsel, in the amount of \$675,000.00.

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

Nays: None

Abstentions: Rush

Motion carried.

Executive Session

Mr. Dzwonczyk requested to meet in a second Executive Session to discuss the employment of a public employee.

Mr. Dzwonczyk moved, Mr. Rush seconded, to enter executive session as allowed by ORC §121.22 (G)(1) to discuss the employment of a public employee.

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

Nays: None

Motion carried.

The Board entered Executive Session at 7:58 PM

The Board reconvened the public meeting at 9:00 PM

Adjourn

As there was no further business, Mr. Abram moved, and Mr. Rush seconded, to adjourn. The meeting adjourned at 9:00 PM.

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

Nays: None

Motion carried.

Approved May 21, 2024.

John Dzwonczyk, Chairman

Robert Munro, Clerk