

Board of Municipal Utilities  
**Meeting Minutes**  
**June 4, 2024**  
201 Miller Road  
Avon Lake, Ohio

***Call to Order – Roll Call***

The meeting was called to order at 6:45 PM following a Work Session. 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, Business & Financial Coordinator Logan, Councilwoman Gentry and Avon Lake resident Bill Zimmermann. Attorney Connie Carr of Seeley, Savidge, Ebert & Gourash and environmental consultant Steve Gross of Verdantas joined later in the meeting.

***Approve Minutes***

Mr. Dzwonczyk presented the Minutes of the May 21, 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 inquired about the power plant property currently owned by Avon Lake Environmental Redevelopment Group (ALERG) that Avon Lake Regional Water is in negotiations to acquire. Councilwoman Gentry asked what the property will be used for. Mr. Munro stated that the ALERG property is contiguous to other property currently owned by ALRW. Mr. Munro stated that there are plans to work out an agreement for a multi-purpose trail to be constructed by the Lorain County Metroparks. Mr. Munro added that ALRW is still within the due diligence period and purchase is not guaranteed at this point. Mr. Munro also added that there could be other economic development or commercial use on that property in the future.

Councilwoman Gentry stated that she would like to schedule a follow up meeting with ALRW and environmental consultant Steve Gross of Verdantas. Mr. Munro stated that would be fine.

Councilwoman Gentry also inquired when ALRW began negotiating with ALERG to acquire this property. Mr. Munro stated that it was late spring or early summer of 2023.

Bill Zimmerman asked if there had ever been a risk assessment performed on the property when the mercury violation had been discovered. Mr. Munro responded that he had no knowledge of that but that would be a question for ALERG. Mr. Munro stated that when ALRW began to negotiate to purchase the property, part of the due diligence process is a preliminary risk assessment to be performed by ALRW's environmental consultant followed by a full risk assessment.

Bill Zimmerman also asked if ALRW had approved the discharge to the storm water system that bypassed what had previously gone to outfall 002. Mr. Dzwonczyk asked Mr. Zimmerman to clarify what was meant by 002 and Mr. Zimmerman responded that Mr. Shamir had informed him that water previously had been pumped from the coal yard retention pond to receive

additional treatment prior to being discharged into the lake. Mr. Zimmerman stated that now it was being discharged into the 108-inch storm sewer and dumped into the lake. Mr. Zimmerman asked how it came to be that the coal pile retention pond was no longer receiving further treatment. Mr. Munro responded that regarding the first two issues, ALRW was not involved in those decisions. Mr. Munro stated that the connection to the storm sewer was approved by the City of Avon Lake. Mr. Munro went on to explain that the City Engineer Chris Howard had a conflict of interest reviewing the plans for the City since Bramhall Engineering, of which he is a managing partner, had designed the plans. Mr. Munro stated that Mayor Zilka had asked if Jack Gaydar, as a professional engineer, could review the plans on behalf of the City of Avon Lake. Mr. Munro said he could not instruct Mr. Gaydar to review the plans but asked if he would be interested in assisting the City. Mr. Gaydar said that he would and after reviewing them, approved them on the City of Avon Lake's behalf.

Mr. Zimmerman asked who had submitted the plans and Mr. Munro replied that ALERG as the property owner had.

### ***Correspondence***

None

### ***Expenditures***

Following review of expenses for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of May 17 through May 30, 2024:

Water Fund 701	\$	273,964.75
Wastewater Fund 721	\$	156,072.29
ETL1 Fund 703	\$	3,215.97
ETL2 Fund 762	\$	9,387.74
LORCO Fund 749	\$	2,836.71
Water Construction Fund 704	\$	30,134.31
Wastewater Construction Fund 724	\$	35,202.61

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

Nays: None

Motion carried.

### ***Budget Updates***

Mr. Munro stated that in the Work Session the Business & Financial Coordinator Mr. Logan provided a more in-depth budget update to the Board. Mr. Munro summarized that during the first five months of the year revenues had exceeded the expenditures in both the Water and Sewer Funds and that staff expects that trend to continue throughout the year. Mr. Munro also stated that staff is working on a financial dashboard that will provide an overview to Board Members any time they log in to view it.

### ***Chemical & Distribution Supplies Bid***

Mr. Munro informed the Board that staff had received and opened the bi-annual chemical and distribution supply bids on May 17, 2024. Mr. Munro stated that the Engineering Services Manager had reviewed the bids and stamped and sealed them as presented. Mr. Munro stated

that staff is recommending the award of the various contracts based on the Engineers Certified Bid Tabulation.

Mr. Munro added that ALRW is seeing a trend of supplies and chemicals coming down slightly in price which is encouraging. Mr. Munro stated that on the distribution supplies there was only one bid received from Core & Main.

Mr. Dzwonczyk stated that Attorney Connie Carr had arrived and will be joining for the Executive Session.

Mr. Rush informed the audience that there were eleven different companies that provided bids for the various chemicals and the best price is selected for each. Mr. Rush stated that while it is a lengthy process, ALRW undertakes this to ensure that the organization is making the best use of its finances to benefit the customers.

Mr. Dzwonczyk reiterated that Mr. Munro had stated that prices were coming down. Mr. Munro added that chlorine was down from the previous year, although it was not back to pre-pandemic levels.

Mr. Abram wanted to ensure that when the switch is made to sodium hypochlorite that we won't be having the same supply chain issues like when chlorine was in short supply. Mr. Munro replied that sodium hypochlorite also had supply chain issues but the on-site generating system to be supplied by Techwin will provide additional options should procurement of disinfecting chemicals become difficult again.

Mr. Dzwonczyk stated that Mr. Logan should supply a cost analysis of producing the chemical in house once the Techwin system is installed and operational.

Mr. Rickey pointed out that a few years ago there were only two or three bidders on the chemicals and that having more bidders surely helps to bring the prices back down.

Mrs. Schnabel moved, Mr. Abram seconded, to authorize the CUE to execute the necessary contracts with vendors, for the supply of chemicals, in accordance with the certified engineers bid tabulation as presented.

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

Nays: None

Motion carried.

Mr. Rush inquired what platform is used to solicit bids. Mr. Munro stated that ALRW uses the Bid Express online bidding platform that is also used by the State of Ohio. Mr. Munro stated that it is very efficient and also reaches a larger number of companies as they are registered to be alerted of new bid solicitations. Mr. Munro also added that on the distribution supplies there are not many companies that can compete with Core & Main due to their purchase of smaller companies. Mr. Munro stated that we work with Ferguson on the supply of meters and in talking with them, they informed him that they choose not to bid because of the low pricing Core & Main is able to provide.

Mr. Rush inquired if multiple companies did provide bids, would ALRW select the lowest price for each item as is done on the chemical supplies. Mr. Munro responded that we would and that it has occurred in the past.

Mr. Dzwonczyk stated that Core & Main is a nationwide firm and that can lead to issues with only one supplier. Mr. Munro responded that in the event that Core & Main cannot supply an

item on the contract, ALRW is allowed to procure that item elsewhere. Mr. Munro added that Ferguson has been able to provide items in the past when stock was lacking at Core & Main.

Mr. Abram added that Core & Main has a location in Amherst, OH. Mr. Dzwonczyk also added that he's seen locations in other states as well.

Mr. Abram moved, Mr. Rickey seconded, to authorize the CUE to execute a contract with Core & Main for the supply of various water distribution supplies in accordance with the certified engineers bid tabulation as presented.

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

Nays: None

Motion carried.

### ***Project Updates***

*Power Plant Update:* No update.

*ETL Design Services:* Mr. Yuronich informed the Board that there has been some progress on this project and that two purchase orders have been recently issued. Mr. Yuronich reminded the Board that negotiations with Railpros had been unsuccessful in procuring an easement to cross underneath the Norfolk Southern railway and that the crossing was being relocated to the public right-of-way at Moore Rd. Mr. Yuronich stated that ECS Midwest, LLC has been issued a purchase order for subsurface geotechnical work in that area and a second purchase order was issued to SAM Surveying & Mapping for hydro excavation and GPS/GIS location services to provide exact locations of all utilities in the project area. Mr. Yuronich added that once this work is complete, Bramhall Engineering & Surveying will complete the six additional base maps for the relocation of the water line.

Mr. Rickey inquired if the railroad will be shut down when the water line is installed. Mr. Munro stated that they will be boring underneath the tracks and that presented its own challenges. Mr. Munro informed the Board that even though the easement was easier and less expensive to procure ALRW still has to follow the permitting process of the railroad. Mr. Munro added that this includes hiring a structural engineer to design the boring and receiving pits on either side of the railroad tracks along with the shoring for these pits.

Mr. Rickey asked if this was something that would have had to have been completed either way. Mr. Munro responded that this is typically something that a contractor would have had to handle when the job but, in this case, the work had to be done in advance to procure the permit.

*WFP Improvements:* Mr. Yuronich stated that The Great Lakes Construction Company (GLC) continues to verify underground assets in areas of the improvements. Mr. Yuronich added that GLC has also been removing concrete that remained in the area of the filter expansion that was remaining from when the original 1926 settling basins existed on that area. Mr. Yuronich stated that GLC has been going through the areas of the plant that house the old chemical feed equipment and removing what is no longer functional or needed.

*SCADA Communication Upgrade:* Mr. Yuronich informed the Board that staff had met with members of Ohio Homeland Security and the Cybersecurity and Infrastructure Security Agency (CISA) on May 30, 2024. Mr. Yuronich explained that they offer a wide range of free services to help organizations improve both their physical security measures and cybersecurity practices. Mr. Yuronich stated that they walked through the Administration Building, water tower, Water Filtration Plant, Water Reclamation Facility, and Moore Rd. Pump Station and will be offering reports that will include any recommendations of ways to further improve the security of our

operations. Mr. Yuronich also stated that a future meeting will be scheduled with their cybersecurity specialist to fully assess both the information technology and operational technology infrastructure (IT & OT) throughout the organization. Mr. Yuronich added that when ALRW puts out a request for qualifications for a company to update the IT Master Plan, these recommendations will be included and addressed in that plan. Mr. Yuronich informed the Board that the fiber optic convertors that had been on order had shipped and were scheduled to be installed the week of June 17, 2024.

Mrs. Schnabel stated that she did not recall seeing this work performed previously and wanted to know if it was all new. Mr. Munro responded that vulnerability assessments had been completed before but that CISA was a newer organization that he was made aware of during the pandemic. Mr. Munro stated that when he needed to register ALRW employees as essential workers so they would be able to travel to work during any pandemic lock-downs he had registered with Ohio Homeland Security. Mr. Munro stated that he is able to be made aware of classified information as it relates to utilities and had forged several relationships that alerted him to these services.

### ***CUE/CUO Report***

Mr. Munro informed the Board that the CUO had completed a fifty mile ultra marathon over the weekend and wished to recognize that accomplishment. Mr. Munro stated that a marathon is quite an undertaking but that fifty miles is a significant physical and mental accomplishment and he and staff wanted to congratulate him on that.

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

Mr. Rickey informed the Board that the Building and Utilities Committee Meeting has been rescheduled for June 24, 2024 and he will be attending that as the liaison for the Board of Municipal Utilities.

Mr. Rickey also stated that he had visited the new Engineering Office and was impressed with the layout.

Mr. Rickey also stated that he had read some of the online comments related to mercury violations at the former power plant property and wants ALRW to address these concerns of the residents that have been misinformed.

### ***Public Speakers***

Mr. Dzwonczyk informed Mr. Zimmerman that there is three minutes available for comments and that if he wished to spend more time speaking that he could schedule a meeting with the CUE and CUO to have more time for question.

Mr. Zimmerman stated that he and other residents have concerns about the mercury violation that was discovered at the former power plant property and asked when that violation had occurred. Mr. Munro stated that it was in May of 2023. Mr. Zimmerman stated that they were discharging mercury for forty-five straight days according to Councilman Shamir. Mr. Munro responded that was incorrect based off the information ALRW had received from the Ohio EPA. Mr. Munro stated that the power plant had a National Pollutant Discharge Elimination System (NPDES) permit as does the ALRW Water Reclamation Facility. Mr. Munro explained that per the OEPA, the power plant had a low-level mercury limit for both daily concentrations and monthly averages and are required to collect one sample per month. Mr. Munro stated that they had exceeded the monthly average but not the daily limit so they performed additional samples to attempt to lower the average and when that proved unsuccessful, they stopped discharging

water into Lake Erie. Mr. Munro also added that the permit was based off of the flows they would have had in full operation and the limit was based on a lot more water being discharged. Mr. Munro added that at the time of the violation they were only discharging approximately forty-thousand gallons per day as opposed to the two million that the permit was based on so the dilution factor was not present.

Councilwoman Gentry asked what they did to resolve the issue. Mr. Munro responded that once they realized they could not get the results below the monthly average they stopped discharging until they submitted a corrective action plan and had it approved by the OEPA.

Mr. Dzwonczyk stated that he believed this was something that would have been included in their demolition permit. Mr. Munro stated that they would have been required to comply with their NPDES permit throughout the process and was unsure if that had been specifically addressed.

Mr. Dzwonczyk reiterated that the drinking water produced by ALRW is tested for mercury and has never had a detection. Mr. Dzwonczyk stated that ALRW has always been focused on maintaining safe drinking water for all of its customers.

Mr. Yuronich stated that even with the mercury concentration being slightly higher than the permit allows, due to the small amount of water that was leaving the facility, it resulted in much less mercury being released than when the power plant was in full operation and complying with its permit.

### ***Executive Session***

Mr. Rush moved, Mr. Abram seconded, to meet in executive session as allowed by ORC §121.22 (G)(2) and (G)(3) to discuss the purchase or sale of public property and pending or imminent court actions and to include the CUE, the CUO, the Business and Financial Coordinator, Attorney Connie Carr and Steve Gross of Verdantas.

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

Nays: None

Motion carried.

The Board entered Executive Session at 7:38 PM

The Board reconvened the public meeting at 8:58 PM

### ***Adjourn***

As there was no further business, Mr. Abram moved, and Mr. Rickey seconded, to adjourn. The meeting adjourned at 8:58 PM.

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

Nays: None

Motion carried.

Approved June 18, 2024.