

Board of Municipal Utilities  
**Meeting Minutes**  
**June 18, 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 and Mrs. Schnabel

Excused: Mr. Rush

Also present: CUE Munro, CUO Yuronich, Avon Lake resident Bill Zimmermann, Avon Lake Resident Gerald Phillips and Attorney Connie Carr of Seeley, Savidge, Ebert & Gourash.

***Approve Minutes***

Mr. Dzwonczyk presented the Minutes of the June 4, 2024 work session. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Mr. Dzwonczyk presented the Minutes of the June 4, 2024 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

***Public Speakers***

Mr. Zimmerman of Avon Lake stated that he was concerned about the City of Avon Lake claiming that ALRW is a business. Mr. Zimmerman stated that he had spoken with Mr. Munro about what he considers ALRW to be and asked him to repeat what he had said. Mr. Munro responded that ALRW is a public utility and government institutional is how it is recognized by zoning. Mr. Zimmerman further stated that he has an ongoing issue with the speed limit on Lake Rd. and wanted this statement to be on record as he continues discussion with the City of Avon Lake. Mr. Dzwonczyk added that he feels, as elected public officials, that the Board is not considered a business. Mr. Zimmerman stated that he appreciates the Chairman's view.

Mr. Zimmerman also inquired about the power plant property and the coal pile retention pond and its storm sewer connection. Mr. Zimmerman expressed his concern that there was no risk assessment performed prior to connecting the retention pond to the storm sewer. Mr. Zimmerman reiterated what he had stated in the June 4, 2024 meeting that when the retention pond was disconnected from the additional treatment system that discharges into Lake Erie through outfall 002, he worries that there is environmental damage being done and that a risk assessment should have been performed. Mr. Dzwonczyk responded that there is a risk assessment being performed at this time.

Mr. Phillips of 462 Windward Way stated that ALRW was purchasing the property from ALERG and it totaled approximately 48 acres. Mr. Munro responded that it was just under forty acres. Mr. Phillips added that ALRW currently has a large section of property in the area and wanted to know why ALRW would need to purchase additional property. Mr. Phillips stated that one of the intended purposes was to construct a multi-purpose trail with the Lorain County Metroparks.

Mr. Phillips stated that ALRW is a utility and that perhaps it should be the City of Avon Lake that should be making this purchase so that utility rates are not affected. Mr. Dzwonczyk replied that property is not something that can be created so when an opportunity comes to purchase it, that should not be passed up. Mr. Dzwonczyk added that this will be discussed later in the meeting and that Mr. Phillips would likely agree that ALRW's reasoning for pursuing the purchase is valid.

### ***Correspondence***

Mr. Munro presented a memorandum to the City of Avon Lake's Planning & Zoning Manager, Austin Page, that outlined ALRW's position against Code Text Amendment CTA-24-2 "Backyard Chickens." Mr. Munro explained that ALRW opposes the CTA for two main reasons. Mr. Munro stated that chicken feces have a very high nitrogen content and could contribute to harmful algal blooms in Lake Erie if it is not properly disposed of. Mr. Munro stated that additional nutrient runoff into the lake could potentially increase treatment costs which could lead to an increase in rates for ALRW customers.

Mr. Munro stated that the second reason ALRW is in opposition to CTA-24-2 is that avian influenza can be transmitted to humans and that in order to protect the health, safety and welfare of the public the organization is against allowing chickens within the City of Avon Lake.

Mr. Abram expressed that in his opinion equating large agricultural businesses that have thousands of chickens to a limited number of small flocks was not a fair comparison. Mr. Abram added that at one time the City of Cleveland had banned chickens but has since reversed that decision as Ohio is an agricultural state.

Mr. Dzwonczyk stated that he expects Mr. Munro to continue monitoring the situation and inform the Board if further action is warranted.

### ***Expenditures***

Following review of expenses for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of May 31 through June 13, 2024:

Water Fund 701	\$	299,903.93
Wastewater Fund 721	\$	165,970.40
ETL1 Fund 703	\$	169,666.79
ETL2 Fund 762	\$	485,109.66
LORCO Fund 749	\$	3,997.32
Water Construction Fund 704	\$	88,948.11
Wastewater Construction Fund 724	\$	103,982.01

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

Nays: None

Motion carried.

### ***Springbrook Customer Software***

Mr. Munro informed the Board that the conversion to the Springbrook software that ALRW Customer Service uses for billing is progressing. Mr. Munro stated that the new software had gone live on June 10, 2024 and is being used alongside the previous software, Muni Link. Mr. Munro explained that the quarterly water bills will be generated with this new software. Mr. Munro also stated that the old software is still functional in the event that ALRW needs to revert

back during the implementation. Mr. Munro added that water and sewer billing along with backflow tracking is all handled by this software suite and that it is an important tool for this organization. Mr. Munro stated that when the new bills go out there will be an insert that will explain how to create a new user account to be able to log into the new customer portal. Mr. Munro stated that all of the conventional ways of paying the water and sewer bill such as cash, check or credit card in person or over the phone, mailing payments or in person at the Avon Lake Drug Mart will still be accepted. Mr. Munro stated that if anyone has questions, he recommends they call our customer service staff and they will be happy to answer their questions.

Mrs. Schnabel inquired if she would need to log in to the new software to continue her auto-payments. Mr. Munro stated that the auto-payments would transfer over automatically but that she should still create a new account so that she would be able to view her bill and history.

Mr. Rickey inquired how long ALRW intends to maintain a license with Muni-Link. Mr. Munro stated that staff intends to keep a full version of the software until after the next quarterly bills at the end of September and then a read-only license would be maintained for a brief period of time in order to access any data that may not have been imported.

### ***Project Updates***

*Power Plant Update:* Mr. Yuronich informed the Board that demolition still continues from east to the west of the main turbine hall. Mr. Yuronich stated that once the date for the first implosion of the boilers and precipitators is finalized, ALERG will inform ALRW of the date.

*ETL Design Services:* Mr. Yuronich informed the Board that SAM Surveying & Mapping was on location June 13<sup>th</sup> and 14<sup>th</sup>, 2024 performing hydro excavating to locate the underground infrastructure at the railroad crossing. Mr. Yuronich stated that all of their findings will be uploaded into the GIS system to be referenced in the future. Mr. Yuronich also stated that Bramhall Engineering will complete the final six base maps once the locating is complete.

*WFP Improvements:* Mr. Yuronich stated that The Great Lakes Construction Company (GLC) continues to verify underground assets in areas of the improvements. Mr. Yuronich stated that GLC was relocating two two-inch sample lines that run underneath the area where the new chemical feed equipment will be located. Mr. Yuronich also discussed the necessary plant shut-downs that will need to take place in order to connect the new filters to the existing plant. Mr. Yuronich stated that while this work will take place during the low-flow, off-peak season, many of the parts needed have extended lead times and need to be ordered now. Mr. Yuronich stated that WFP staff has been coordinating with GLC to make sure all parties approve of the plan.

*SCADA Communication Upgrade:* Mr. Yuronich informed the Board that Summit Office Solutions (SOS) was at the WFP installing the new fiber optic converters that had been ordered to replace the units that had previously failed. Mr. Yuronich stated that SOS performs all of the work on the OT (operational technology) network that connects the supervisory control and data acquisition (SCADA) system to the WFP process equipment. Mr. Yuronich also added that SOS would be returning June 19, 2024 to finish the installation of any of the thirteen converters that they did not get to today.

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

Mr. Munro informed the Board that the deadline to have all backflow devices within Avon Lake tested is June 25, 2024 at 4:30 PM. Mr. Munro stated that any device not tested by that date and time will receive a fifty-dollar fine and that further non-compliance could lead to that customer's water service being disconnected.

### ***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 inquired on how the meter reads went at the end of May and noted that ALRW has been purchasing a lot of new meters. Mr. Yuronich stated that there were around six hundred and sixty-seven readings that had to be retaken. Mr. Rickey asked if ALRW was still moving ahead with meter replacement. Mr. Munro responded that approximately twelve hundred have been replaced so far.

Mr. Rickey also stated that he heard Customer Service Representative Heather Barnes had done a terrific job assisting a customer that had an issue and wished to publicly acknowledge that.

Mr. Rickey inquired about the sewer backups that had occurred on Pin Oak Parkway. Mr. Munro stated that staff has been doing a thorough investigation and was compiling their findings. Mr. Munro added that it appears there are multiple contributors to the backups and he and staff will be issuing fines to recoup some of the costs of the cleanup.

Mr. Dzwonczyk stated that the Board had intended for the meter replacement to take place over multiple years so that the time and cost of replacement could be spread out. Mr. Rickey inquired when the new online meter portal where customers can view their current usage will be active. Mr. Munro stated that will take place once a majority of customers have the new meters in approximately a year and a half.

Mr. Dzwonczyk informed the Board that he will not be in attendance for the next meeting and that Mr. Rush will lead that meeting. Mr. Dzwonczyk also stated the July 2, 2024 meeting will be the last meeting before the summer recess.

### ***Public Speakers***

Mr. Dzwonczyk answered Mr. Phillips's previous question while he was approaching the podium. Mr. Dzwonczyk stated that ALRW has multiple reasons for purchasing additional property including expansion of the treatment plants and economic development. Mr. Dzwonczyk added that due to ongoing negotiations he could not divulge specifics but informed Mr. Phillips that he could schedule a time to follow up with Mr. Munro as the process progresses. Mr. Phillips asked how many acres the current facilities cover and stated that he felt this was more land than was needed. Mr. Dzwonczyk added that the power plant forced the original water filtration plant off the property and relocate to its current location. Mr. Dzwonczyk also stated that the original raw water pump station is still on the power plant property although it has been disconnected and not used for many years.

Mr. Phillips asked how many acres that ALRW owns currently for the WFP. Mr. Munro stated that he was unsure of the exact number of acres. Mr. Phillips stated that he thought there were multiple parcels that ALRW had recently purchased. Mr. Munro stated this was correct and that ALRW was in the process of purchasing a block of properties to the west of the existing WFP.

Mr. Phillips inquired about the property ALRW currently owns south of Lake Rd. Mr. Munro responded that this is where the Water Reclamation Facility is located. Mr. Phillips stated that there is frontage along Lake Rd and Mr. Munro stated that is part of the property ALRW wants to acquire and is currently owned by ALERG. Mr. Phillips stated that he has a copy of the purchase agreement and it lists a ninety-day due diligence period. Mr. Phillips stated the due diligence period had expired. Mr. Munro informed Mr. Phillips that it expired on June 11, 2024 and ALRW had requested and received a forty-five-day extension to the due diligence period. Mr. Dzwonczyk stated that this will allow ALRW's environmental consultant to complete the risk assessment that was being performed. Mr. Phillips stated that there was an insurance policy associated with the property purchase and wanted to know if ALRW had a copy of that. Mr. Munro stated that he does have a copy and would provide it if Mr. Phillips could send him an email. Mr. Phillips said that he would even though he didn't have to put it in writing.

Mr. Phillips stated that there has been a lot of discussion regarding chicken and that ALRW had provided correspondence to the City of Avon Lake outlining their stance. Mr. Munro provided a copy of that memo to Mr. Phillips. Mr. Phillips stated that pollutants were a concern and the zoning code covers various animals for R1 and R2 zoned areas to allow a certain number of animals per area. Mr. Phillips added that he was surprised that this is even an issue for Avon Lake as most subdivisions have regulations against livestock. Mr. Phillips stated that his concern was the new line coming from the power plant property that ties into the storm sewer and drains to Lake Erie. Mr. Phillips stated that there have been allegations made that pollutants including mercury have been discharged into the lake along with Powdermaker Creek. Mr. Phillips stated that if there was concern about chickens causing pollution that someone should be testing the water coming from the power plant property. Mr. Phillips added that Mr. Shamir is the one bringing this to Avon Lake City Council that no testing or risk assessment has been performed. Mr. Dzwonczyk informed him that ALRW is performing a risk assessment. Mr. Phillips asked for a copy and Mr. Dzwonczyk stated that this will be available once the due diligence period is over. Mr. Phillips asked if ALRW had any test results and Mr. Munro stated that they are not yet publicly available. Mr. Phillips stated that he believes it is a public record. Mr. Munro stated that the results have not been given to him yet. Attorney Carr stated that the report is not yet complete and that is why they are currently unavailable. Mr. Phillips stated that Mr. Shamir has done an excellent job of being a watchdog when no one at City Council seems to have any concern. Mr. Dzwonczyk stated that the Board of Municipal Utilities has been keeping close watch of the demolition due to its close proximity to the property and has been very proactive. Mr. Dzwonczyk stated that this is why Mr. Yuronich reports on the power plant at each meeting. Mr. Phillips inquired how many lines empty to the lake via the storm sewer system. Mr. Munro responded that the retention pond only has one connection to the lake that he is aware of. Mr. Dzwonczyk informed Mr. Phillips that if he has more questions, he should schedule a time to meet with Mr. Munro.

Mr. Phillips inquired if replacement of old water meters would be replaced first. Mr. Munro said that is how meter replacements typically go. Mr. Phillips stated that with his subdivision being newer he should have a newer meter. Mr. Phillips inquired if the builders install the meters and Mr. Dzwonczyk informed him that ALRW selects and installs the meters so that ALRW can ensure quality.

Mr. Abram inquired if there was any mercury testing available to distribute and Mr. Munro responded that the consumer confidence report is available which shows the lack of mercury in the drinking water.

Mr. Zimmerman stated that he would like to yield his three minutes to Mr. Phillips. Mr. Phillips inquired about the new billing system. Mr. Phillips stated that he and his wife had a difficult time setting up automatic payments when the old software was implemented. Mr. Phillips stated that if he had not been at this meeting he would not have been aware that a change was coming.

Mr. Munro stated that there will be inserts included in the bills with instructions and information about the change. Mr. Phillips stated that he does not receive a paper bill. Mr. Munro stated that the insert will be included with the electronic distribution of the bills as well. Mr. Phillips stated that his wife handles that and does not read the bills.

Mr. Phillips stated that he was unaware of a railroad underneath the power plant property. Mr. Dzwonczyk stated that the original pump station for the WFP was located on that property. Mrs. Schnabel asked if Mr. Phillips was referring to the ETL project.

Mr. Phillips held up a copy of the expense reports and stated it was self-explanatory except for funds 703, 762 and 749. Mr. Dzwonczyk stated that Mr. Yuronich could explain those funds but Mr. Phillips asked if those were the transmission lines that carried water to Medina and Mr. Dzwonczyk stated that they were.

Mr. Phillips stated that he would go through the information he had and would be back at the next meeting.

### ***Executive Session***

Mr. Dzwonczyk 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 and Attorney Connie Carr.

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

Nays: None

Motion carried.

The Board entered Executive Session at 7:27 PM

The Board reconvened the public meeting at 7:52 PM

Mr. Rickey inquired further about the sewer backups on Pin Oak Parkway and wanted to know what course of action ALRW will be taking. Mr. Munro responded that ALRW staff is compiling all of their findings and will be assessing fines as allowed by regulation.

### ***Adjourn***

As there was no further business, Mr. Abram moved, and Mr. Rickey seconded, to adjourn. The meeting adjourned at 7:56 PM.

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

Nays: None

Excused: Rush

Motion carried.

Approved July 2, 2024.

John Dzwonczyk, Chairman

Robert Munro, Clerk