

Board of Municipal Utilities
Meeting Minutes
July 2, 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 and Mr. Rush

Excused: Mr. Dzwonczyk and Mrs. Schnabel

Also present: CUE Munro, CUO Yuronich, Avon Lake Councilwoman Amy Gentry, Avon Lake Councilman Rob Shamir and Attorney Coyne of Mansour Gavin.

Approve Minutes

Mr. Rush presented the Minutes of the June 18, 2024 work session. Mr. Munro added that the last sentence of the third paragraph should read “Mr. Abram also stated that chicken manure can be used by residents as fertilizer.” With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

Public Speakers

None

Correspondence

None

Expenditures

Following review of expenses for funds and amounts as follows, Mr. Abram moved, Mr. Rickey seconded, to approve the expenditures of June 14 through June 27, 2024:

Water Fund 701	\$	304,602.96
Wastewater Fund 721	\$	180,862.01
ETL1 Fund 703	\$	14,768.45
ETL2 Fund 762	\$	7,710.33
LORCO Fund 749	\$	9,378.38
Water Construction Fund 704	\$	131,630.63
Wastewater Construction Fund 724	\$	31,300.12

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

Nays: None

Motion carried.

Mansour Gavin Legal Services

Mr. Munro stated that the current approved not-to-exceed amount for legal services on the Kopf-Aqua Marine litigation matter stands at \$250,000. Mr. Munro informed the Board that with the settlement of this litigation a new not-to-exceed amount will need to be approved so that the final invoices can be settled. Mr. Munro stated that there is a total of \$29,354.04 in outstanding invoices so the new not-to-exceed amount being requested is \$279,354.04.

Mr. Rickey moved, Mr. Abram seconded, to authorize the new not-to-exceed budget amount for legal services related to the Kopf-Aqua Marine litigation at \$279,354.04.

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

Nays: None

Motion carried.

Project Updates

Power Plant Update: Mr. Yuronich informed the Board that demolition is continuing on the north side of Lake Rd working from the east to the west. Mr. Yuronich stated that ALERG will notify staff ahead of the planned implosion so that staff can be prepared.

ETL Design Services: No update.

WFP Improvements: Mr. Yuronich stated that The Great Lakes Construction Company (GLC) has finished up the work on the unused chemical feed equipment on the second floor of the water filtration plant (WFP). Mr. Yuronich also added that GLC continues to prepare the locations for the filter building expansion and new chemical feed unit. Mr. Rickey inquired if there was an inspector on site to monitor the construction activity. Mr. Yuronich replied that there is. Mr. Munro added that HDR has a dedicated inspector who oversees this project. Mr. Yuronich also stated that all parties involved utilize a Microsoft Teams site where all construction related activities are posted and tracked along with pictures and daily reports.

SCADA Communication Upgrade: Mr. Yuronich informed the Board that all the fiber optic converters had been installed, tested and are now in use without any issues. Mr. Yuronich stated that staff had met with the Cybersecurity and Infrastructure Security Agency (CISA) to have an assessment of ALRW's physical security measures and standard operating procedures (SOPs) related to access control at each of the facilities. Mr. Yuronich also stated that staff will be working with CISA to review hardware and standard operating procedures to learn of any changes that are needed for both the information technology (IT) and operational technology (OT) networks at all ALRW locations. Mr. Yuronich added that staff is currently in the process of designing a new server room at the WFP. Mr. Yuronich stated that CISA will be able to review the design and help ensure that it is constructed to conform to current best-management practices and isn't overlooking anything that could be easily fixed while it is still in the design phase.

Councilwoman Gentry inquired if ALRW has plans in place that includes failovers. Mr. Yuronich responded that there are redundant SCADA servers along with an offsite backup of the programming. Mr. Yuronich also added that staff regularly practice running the WFP manually without the aid of SCADA so that in the event that there is a major failure of the SCADA servers the operators will know how to safely maintain operations.

Councilman Shamir inquired if the SCADA system is sequestered. Mr. Yuronich responded that ALRW maintains both an IT network and an OT network. Mr. Yuronich stated that the OT network for the SCADA is isolated from outside connectivity.

Mr. Rush asked Mr. Yuronich to explain other safeguards such as limits. Mr. Yuronich discussed how operating ranges are programmed into the PLCs so that excessive dosages of chemicals are unable to be implemented either by accident or intentionally by a hacker.

Councilman Shamir inquired if all replacement parts and equipment come from OEM sources to ensure that viruses aren't pre-installed that would allow a hacker access to the system. Mr. Yuronich responded that all of the SCADA hardware comes from a third-party contractor that has solely maintained the SCADA system for many years. Mr. Rush inquired if the contractor does the work remotely or on-site. Mr. Yuronich responded that this work can only be performed on-site.

CUE/CUO Report

Mr. Munro reported to the Board that Line Maintenance Technician Shaun Hutcherson will move from Step 1 to Step 2 after completing his first year with an effective date of June 19, 2024. Mr. Munro reported that Line Maintenance Technician Shannon Plum will move from Step 3 to Step 4 after completing his first year with ALRW with an effective date of June 26, 2024.

Mr. Munro informed the Board that a laborer in the Distribution and Collection crew had resigned. Mr. Munro stated that staff had collected applications and performed interviews and will be hiring Tyler McAreavey as a laborer. Mr. McAreavey will begin on July 22, 2024 and start at Step 6 on the laborer wage scale after his successful completion of a background check, physical and drug and alcohol screening.

Mr. Munro informed the public that this will be the final meeting before the summer recess. Mr. Munro stated that the next meeting will be held on August 20, 2024 at 6:30PM.

Miscellaneous & Member Reports

Mr. Rickey asked how many open positions there were within ALRW. Mr. Munro stated that ALRW has one more open position in Customer Service. Mr. Munro added that later in the year there will be a position at the Water Reclamation Facility opening due to an anticipated retirement in 2025. Mr. Munro stated that in order to maintain ALRW's succession planning the goal is to have someone hired, trained and onboarded prior to the vacancy. Mr. Rickey inquired if the hiring success could be attributed to not hiring through the Civil Service process. Mr. Munro stated that during the negotiations of the last collective bargaining agreement ALRW Management and the Union agreed that removing Civil Service from the process would help attract quality candidates. Mr. Munro stated that especially for the OEPA licensed operators who are already tested by the state many candidates do not want to go through an additional test for a chance to be interviewed.

Mr. Rickey inquired about the zoning classification for the coal pile property. Mr. Munro stated that it is currently zoned industrial. Mr. Munro added that if the purchase goes through it would ultimately receive ALRW's zoning classification which is government-institutional. Mr. Rickey asked if that was automatic. Mr. Munro responded that he would look into that to see if it was automatic or required a rezoning application.

Mr. Rickey inquired about the storm water retention pond on the coal pile property. Mr. Rickey asked if that approval process had been between the OEPA and the current owner. Mr. Munro

responded that the OEPA had classified the site as no longer being industrial and that approval to tie that connection into existing storm sewers was granted by the City of Avon Lake. Mr. Munro further added that due to a conflict of interest with the City of Avon Lake's consulting engineer, Chris Howard of Bramhall Engineering, Mayor Zilka had asked if ALRW's engineer, Jack Gaydar, would review the hydraulic capacity only as a professional engineer (PE). Mr. Munro also stated that he did not instruct Mr. Gaydar to review the plans but asked if he would be willing. Mr. Gaydar reviewed and approved the plans on the behalf of the City of Avon Lake. Mr. Rickey stated that other than lending the City our PE, ALRW did not have anything to do with that connection to the storm sewer and Mr. Munro affirmed that this was correct.

Public Speakers

Councilman Shamir stated that he had spoken with the OEPA and they had been under the impression that the coal yard property had been remediated to the Voluntary Action Plan level. Mr. Shamir continued and stated that at the time there was no ground cover nor sediment management so that any surface water running across the property could carry sediment to the retention pond. Mr. Shamir stated that Mr. Gaydar reviewed the hydraulic capacity of the planned storm water connection but did not perform nor have the knowledge base to conduct a risk assessment that was required. Mr. Shamir stated that no root-cause analysis was performed to show that the sediment or retention pond were not contributing to the violation of the NPDES permit. Mr. Shamir stated that he had been trying to determine who had given the approval for the connection and for a long time there was back-and-forth finger pointing. Mr. Shamir added that he had a follow up discussion with Law Director Ebert. (*time limit on public speaker was reached*) Mr. Shamir asked if he was allowed one final question. Mr. Rush allowed it. Mr. Shamir stated that Mr. Ebert had informed him that the reason City Council was not able to be given any information was due to Mr. Munro not seeing it fit to bring Verdantas to the meeting to provide an update. Mr. Shamir added that City Council had approved the purchase by Avon Lake Regional Water on behalf of the City of Avon Lake with the understanding that Council would receive updates on the process. Mr. Shamir stated that the due diligence period has ended and he would like to get an update. Mr. Munro responded that the due diligence period has been extended for an additional forty-five days. Mr. Munro stated that once he receives a completed document, an update would be provided at that time. Mr. Shamir stated that it is the norm to be provided updates and does not want to get to the end of the process with unanswered questions given the fact that ALRW is purchasing the property on behalf of the City of Avon Lake. Mr. Munro corrected him by saying that purchasing property is a utility function per the Charter of Avon Lake that allows ALRW to enter into contracts and that ALRW is purchasing the property on behalf of the City of Avon Lake for ALRW. Mr. Shamir stated that it is ALRW that does not want to have that dialogue. Mr. Munro stated that it has nothing to do with whether or not ALRW wants to have dialogue but that ALRW's consultant is still collecting data and that once that report is completed and has been given to ALRW, that will be when it makes sense to meet. Mr. Shamir stated that he will be bringing this topic up at the next City Council meeting because this is a point of contention.

Mr. Rush inquired if the Law Director has been involved in all the discussions. Mr. Munro stated that either the Law Director or outside counsel Carr has been involved through the entire process. Mr. Rush expressed that it can be frustrating that not all of the information that is being requested is available for distribution yet. Mr. Rush also stated that in his opinion when the City of Avon Lake requested a favor by having Mr. Gaydar review the plans ALRW should have denied the request and had the City of Avon Lake hire an outside PE. Mr. Shamir responded that Mr. Gaydar reviewing plans for a property that ALRW is considering purchasing is an even bigger conflict than the designer reviewing their own plans. Mr. Munro stated that this exact scenario was presented to Law Director Ebert and that Mr. Ebert stated this was not a conflict.

Councilwoman Gentry stated that two of the condos she owns in the Landings have water and sewer bills that are \$300 more per quarter than the other two and stated that she was unsure how to determine if there is a leak or where that extra water usage is coming from. Mr. Munro stated that she could coordinate with Mr. Yuronich and staff could bring them strips to test for leaky toilets as those are typically the culprit. Mrs. Gentry stated that she had done that already and the residents claim that none were leaking.

Adjourn

As there was no further business, Mr. Abram moved, and Mr. Rush seconded, to adjourn. The meeting adjourned at 7:03 PM.

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

Nays: None

Excused: Dzwonczyk and Schnabel

Motion carried.

Approved August 20, 2024.

Tim Rush, Acting Chairman

Robert Munro, Clerk