

Board of Municipal Utilities  
**Meeting Minutes**  
**August 20, 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. Dzwonczyk, Mr. Rickey, Mr. Rush and Mrs. Schnabel

Excused: Mr. Abram

Also present: CUO Yuronich, Business & Financial Coordinator Logan, Facilities & Asset Manager Kimevski, Avon Lake Councilwoman Amy Gentry, Terry Robison, William Zimmerman, Gerald Phillips, Avon Lake Councilman Rob Shamir and Attorney Connie Carr of Seely, Savidge, Ebert & Gourash.

***Approve Minutes***

Mr. Dzwonczyk presented the Minutes of the July 2, 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 if the Purchase Agreement for the ALERG property had been completed and if ALRW had closed on the property. Attorney Carr responded that ownership has been transferred. Councilwoman Gentry also asked if the Phase II environmental report had been completed and if ALRW was going to review the data or just go off of the summary. Mr. Yuronich responded that all of the areas of concern had been completed but that the Phase II report had not been finalized. Mr. Dzwonczyk stated that once ALRW was in possession of the completed report it would review and ultimately share the data.

Terry Robison thanked ALRW for removing the dead trees that were on the south side of Lake Rd. and offered his assistance in selecting new trees and how to care for them. Mr. Robison inquired if ALRW proceeds with the purchase of the coal yard property that they could ensure that residents would not be affected by over seventy-five years of coal residue being released into the environment. Mr. Robison also inquired if ALRW would be liable for any future discovery of contamination. Mr. Yuronich responded that all of the testing that had been performed included ground water sampling to ensure that there was not migration of contaminants off the site. Mr. Yuronich stated that the sampling plan was developed with pursuit of entering into the Ohio EPA Voluntary Action Program (VAP) and seeking a No-Further-Action letter from the Ohio EPA. Mr. Robison asked who performed the sampling. Mr. Yuronich responded that Verdantas was the company who developed the plan and performed the testing. Mr. Robison inquired if ALRW was confident that there was no acidity or heavy metals on the site that would be of concern. Attorney Carr responded that ALRW had retained a certified professional, Mr. Steve Gross of Verdantas, which is one of the few in the state that has helped develop Ohio laws related to environmental site remediation. Attorney Carr stated that as a first step Verdantas reviewed the work that had been completed by Diegan and Associates related to their Phase I and Phase II reports to verify that Mr. Gross agreed with the results and methods of their sampling. Attorney Carr stated that Mr. Gross felt that Deigan and

Associates had done an excellent job with the remediation so far but that he wanted to perform the additional sampling so that ALRW would have all of the data they needed to enter into the Ohio VAP and to analyze both the surface run-off and the ground water. Attorney Carr stated that the goal was to ensure that there were no signs of anything that would prevent ALRW from applying to the Ohio VAP and seeking a NFA letter. Attorney Carr also stated that in the purchase of any property there is never going to be a situation where there is zero risk but one of the things that made this transaction easier was that ALERG has taken out a fifteen-million-dollar insurance policy and added the City of Avon Lake and ALRW as additional insured on the policy. Mr. Robison stated that the fifteen-million would be about ten-percent of the total cost of clean-up and wanted to know if the data would be made available. Attorney Carr stated that all of the information ALRW has available currently has been made public and that once it receives a completed Phase II report that information will be available as well. Mr. Dzwonczyk added that ALRW has high-confidence that the findings will be satisfactory to all interested parties.

Bill Zimmerman stated that fifteen-million dollars is a drop in the bucket of what will be required and that his other issue is that the forty-five-day extension of the due diligence period only resulted in a summary report that didn't include all of the data. Mr. Zimmerman also stated that he was upset because the forty-five-day extension pushed the closing date into a period of time in which both City Council and the Board of Municipal Utilities were both on summer recess. Mr. Zimmerman stated that he does not understand how money can go in between ALRW and the City of Avon Lake when all of the money comes from the same place. Mr. Zimmerman added that the Finance Director for the City of Avon Lake has taken a new job with the City of Huron and was not available to answer questions. Mr. Zimmerman stated that he will be having a meeting with the former Finance Director in the near future and that he feels this whole transaction was done in a cloud of secrecy. Mr. Zimmerman stated that he was thankful to be provided the summary but that Councilman Shamir had told him it was worthless because it did not have the data attached. Mr. Zimmerman informed the Board that Mr. Phillips will be coming to the podium to question the legality of the sale.

Nick Charles inquired via social media if there was any interruption to services due to the storm that had passed through Avon Lake on August 6, 2024. Mr. Yuronich responded that aside from the loss of power and use of generators for a brief period there were no issues at the water filtration plant (WFP). Mr. Kimevski added that there were additional power outages that affected the eastern transmission lines (ETL1 and ETL2) and that several electrical poles had been knocked down along the route. Mr. Kimevski informed the Board that due to the surge of pressure in the water lines from the sudden stopping of the pumps that a break did occur. Mr. Kimevski added that staff did need to wait until the electric company cleared the downed power lines along ETL1 before they were able to excavate and repair the break. Mr. Dzwonczyk inquired if there was any flooding related to the storm or if it was just the wind that caused the damage. Mr. Kimevski stated that it was just the wind that was the problem.

Gerald Phillips asked if the water board has a resolution authorizing them to purchase the property and stated that if so, he would like a copy. Mr. Phillips also inquired if it stated anywhere in the purchase agreement that there was a fifteen-million-dollar insurance policy that listed ALRW or the City of Avon Lake as additional assured. Mr. Phillips also stated that in the purchase agreement it was a requirement prior to closing that all of the additional testing be provided and that since this didn't take place, he felt the purchase was illegal and void. Mr. Phillips also added that the purchase agreement provided numerous details that weren't followed, and he didn't understand how the City could allow this to proceed. Mr. Phillips further added that Ordinance No. 24-28 required additional data be provided to Council prior to closing. Mr. Phillips stated that he hoped ALRW and the City of Avon Lake wouldn't be held liable for the illegal storm water connection under the Clean Water Act because no data exists that shows contaminants are entering into Lake Erie and only evaluated the hydraulic conditions. Mr. Phillips requested a detailed listing of all properties that ALRW owns. Mr. Phillips stated that he

felt property purchasing was not a function of ALRW and that the purchases are illegal. Mr. Phillips reached the time limit and Mr. Dzwonczyk asked if he could continue his questions during the next Public Speaker opportunity later in the meeting. Mr. Dzwonczyk also informed Mr. Phillips that there was a packet of documents that Mr. Phillips had requested previously but never picked up and that Mr. Yuronich would hand him those documents.

Mr. Kimevski added that Mr. Charles had added a comment on social media thanking Mr. Yuronich and ALRW for their great service to the community.

### ***Correspondence***

None

### ***Expenditures***

Following review of expenses for funds and amounts as follows, Mr. Rush moved, Mr. Rickey seconded, to approve the expenditures of June 28 through August 15, 2024:

Water Fund 701	\$ 3,836,157.67
Wastewater Fund 721	\$ 2,453,615.35
ETL1 Fund 703	\$ 429,791.11
ETL2 Fund 762	\$ 1,241,516.34
LORCO Fund 749	\$ 871,134.58
Water Construction Fund 704	\$ 1,246,333.23
Wastewater Construction Fund 724	\$ 7,588.43

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

Nays: None

Motion carried.

### ***Step Increases & New Hire***

Mr. Yuronich informed the Board that Emily Lenz had reached a year of service and would be moving from Step 3 to Step 4 on the Laboratory Analyst wage scale effective July 24, 2024. Mr. Yuronich also stated that Brandon Benitt advanced from Step 2 to Step 3 on the Water Filtration Plant wage scale effective August 7, 2024. Mr. Yuronich also informed the Board that ALRW staff welcomed Tesa Lutz to the team who was hired as a Customer Service Representative – Step 2 on July 22, 2024. Mr. Yuronich stated that the main office is now fully staffed with four customer service representatives.

### ***Project Updates***

***Power Plant Update:*** Mr. Kimevski stated that the Avon Lake Environmental Remediation Group (ALERG) has been removing the debris and processing scrap from the implosion that took place on July 31st. ALERG is also preparing for the next implosion which will be two additional boilers. A date has not been set for this event yet. Following the implosion, there were no adverse effects noted by staff regarding the quality of drinking water.

Mr. Dzwonczyk asked if Mr. Kimevski could expand on the last statement. Mr. Yuronich stated that none of the manual testing nor the online-monitoring of the water through the treatment process revealed any changes in quality during or after the implosion. Mr. Yuronich stated that staff had been performing additional sampling since the start of the demolition of the power plant and have yet to detect anything out of the ordinary. Mr. Dzwonczyk inquired about the air monitoring that was being conducted at the time of the implosion that was performed by others. Mr. Yuronich stated that he believed there were four monitoring stations around the property and that although there was an increase in the dust levels briefly after the implosion none of the stations detected anything that exceeded the OSHA exposure limits and that plume of dust had mostly gone out over the lake. Mr. Dzwonczyk inquired if Mr. Yuronich had observed the implosion. Mr. Yuronich stated that he had been standing on the surface of the settling basins at the WFP when the implosion took place approximately a half-mile to the east of the power plant site. Mr. Dzwonczyk also asked Mr. Yuronich how the experience was and Mr. Yuronich responded that it sounded like loud firecrackers.

*ETL Design Services:* Mr. Kimevski informed the Board that Bramhall continues development of the base maps for the relocation of the suction line to cross the railroad tracks in the public right-of-way. Due to the power outages during the recent storm, staff had to deploy to repair ETL1 four times. Downtime was minimal as ALRW staff had necessary repair clamps on hand and was able to quickly mobilize so that bulk customers were minimally affected. Mr. Kimevski added that he felt staff did a really good job responding to this event.

Mr. Dzwonczyk inquired if the utility poles that had fallen were snapped in two or if they simply fell due to the wind and wet ground. Mr. Kimevski stated that a few had actually snapped in half but the rest fell just due to the extra weight of the fallen lines. Mr. Dzwonczyk asked if the shock of the poles hitting the ground contributed to the breaks in the water line and Mr. Kimevski stated that it was most likely due to the water hammer from the pumps suddenly stopping.

Mr. Rickey stated that these breaks are another reminder that ALRW must continue to push to move the ETL water line replacement project moving. Mr. Rickey added that ALRW should consider starting the project as we continue to pursue the necessary easements.

*WFP Improvements:* Mr. Kimevski stated that The Great Lakes Construction Company (GLC) has been relocating underground assets located within the layout of the new chemical feed building so that there will not be an interference with the foundation of the new structure and so that those assets can be accessed easily if needed. The sludge force main has been relocated and they are working on the storm sewers along with verifying that the existing electrical duct banks will not interfere. They are planning on reinforcement of the duct banks in locations that will be exposed with the necessary excavations.

Mr. Dzwonczyk inquired if Mr. Kimevski could elaborate on the location of this work. Mr. Kimevski stated that it is located in the northeast section of the WFP and that the sludge line was being rerouted in a manner to avoid existing underground utilities that could potentially interfere with future access. Mr. Yuronich added that due to the incoming electrical feeds, switchgear and generator it is a very busy area at the WFP.

Mr. Rickey inquired if the power issues related to the storm were going to result in claims from the contractor for lost-time. Mr. Kimevski stated that the power outage at the WFP was minimal and mostly during non-working hours so he did not expect any claims.

Mr. Dzwonczyk inquired if there was a way to address the temporary construction entrance and increase its security. Mr. Kimevski stated that he would let the contractor and look into that.

*SCADA Communication Upgrade:* Mr. Kimevski stated that ALRW team members along with representatives from both our IT (information technology) and OT (Operational Technology) network contractors will meet with a Cybersecurity and Infrastructure Security Agency (CISA) cybersecurity specialist on August 28, 2024 to review ALRW's cybersecurity practices and equipment. Staff will also go over the proposed WFP server room plans so Engineering can proceed with finalizing the design and proceed with this project.

### ***CUO Report***

Mr. Yuronich informed the Board that on July 18, 2024 the City of Elyria had a major electrical issue at their WFP and were unable to pump water for a period of time. Mr. Yuronich stated that staff worked with Rural Lorain County Water Authority (RLCWA) and the City of Elyria to utilize the emergency interconnect on West Ridge Rd. Mr. Yuronich informed the Board that 6.83 million gallons of water was pumped into Elyria's distribution system to help them supply their customers with a sufficient amount of water until the electricity was restored at their WFP. Mr. Dzwonczyk stated that sending water to them was the easier direction to send the water through the interconnect due to ALRW/RLCWA having higher pressures in their system compared to the City of Elyria. Mr. Kimevski added that no pumps are involved when water flows to Elyria. Mr. Kimevski also stated that RLCWA was monitoring their system to ensure that the flow of water to Elyria did not impart difficulties within their system and none were detected. Mrs. Schnabel inquired how long the interconnect was open and Mr. Kimevski stated that it was a little less than thirty-six hours. Mr. Dzwonczyk stated, for the benefit of Mr. Phillips, that this is one of the reasons why it is in fact appropriate for ALRW to acquire property as the interconnect was constructed on land that ALRW had purchased for expansion.

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

Mr. Rickey stated that he had attended the Building and Utilities Meeting on August 19, 2024. Mr. Rickey added that zoning for the newly acquired coal pile property was discussed. Mr. Rickey stated that he attended the Economic Development Meeting and learned that a wine restaurant was being constructed in Avon Lake and learned of the infrastructure challenges such as number of traffic lanes in that area. Mr. Rickey also informed the Board that he stayed for the Collective Committee Meeting and was able to meet the new Human Resource Director Lynn Kernya. Mr. Rickey stated that she came very highly recommended by some friends of his. Mr. Rickey stated that he feels there is a lot of information available in the Consumer Confidence Report prepared by ALRW along with the quarterly bill inserts provided to customers and that this is one of the ways ALRW strives to be transparent in its operations.

Mrs. Gentry asked how residents who live in a condo or apartment building who don't receive a bill would receive these. Mr. Yuronich stated that those documents are available online along with being dropped off to apartment buildings, public buildings and are also located within the lobby of ALRW's main office.

Mr. Rickey added that he feels ALRW goes above and beyond to keep its customers informed.

### ***Public Speakers***

Councilwoman Gentry inquired if there were any issues due to the seismic activity from the implosion within ALRW's distribution or collection system. Mrs. Gentry stated that there was a resident on Carriage Lane that had their entire ceiling collapse due to the shock waves from the implosion. Mr. Dzwonczyk stated that if it was a plaster ceiling it's possible but seemed that it was quite far away from the implosion. Mr. Yuronich stated that the seismic waves did not seem to affect anything underground.

Mrs. Gentry also asked Mr. Kimevski if the power poles were snapped in two or just blown over. Mr. Kimevski stated that he would share some pictures with her.

Mr. Dzwonczyk encouraged Mrs. Gentry to contact Mr. Yuronich or Mr. Munro if there is anything she would like explained in further detail after the meeting. Mr. Dzwonczyk stated that he will encourage Mr. Phillips to do the same. Mr. Dzwonczyk added that the summary of the report that was shared was like a scouting report and that it summarizes all of the data in way that can be easily interpreted. Mr. Dzwonczyk added that once all of the information is released that the public will be satisfied and that now that the industrial activity has ceased and the coal has been removed the site is already much, much better than it was previously and continues to move in the right direction.

Mr. Zimmerman asked about the ETL lines. Mr. Dzwonczyk informed him that those are the main transmission lines that supply water to customers outside of Avon Lake. Mr. Dzwonczyk added that the steel lines have been affected by corrosion and stray current from the power transmission lines running alongside them. Mr. Dzwonczyk stated that the replacement pipe will be plastic to address these concerns in the future.

Mr. Zimmerman informed the Board that Mr. Phillips had been involved in a heated argument with a council member at the Collective Committee Meeting. Mr. Zimmerman stated that Mr. Phillips told the council member to shut up and tried to reclaim his time at the podium. Mr. Zimmerman acknowledged that this is not proper etiquette for a public meeting but Mr. Rickey had stood up and started calling for decorum. Mr. Zimmerman then stated he told Mr. Rickey it's not his place to comment and that Mr. Rickey then accused him of threatening him. Mr. Zimmerman stated that he felt that this was important for elected officials to not act that way. Mr. Zimmerman also added that when he went to ALRW's website the terms for the Board Members were not updated. Mr. Yuronich stated that he was not aware those did not get updated and would see to it that they are made current.

Councilman Shamir stated that he and council approved the purchase process based on the understanding that they would be provided a complete report prior to the transaction being completed. Mr. Shamir stated he repeatedly asked for this and has yet to receive the complete report. Mr. Shamir added that on August 5, 2024 he was given the summary which he felt was a synopsis and therefore useless. Mr. Shamir stated that when ALRW came to the council they were informed that this information would be provided and ALRW had not acted in good faith. Mr. Shamir stated that the \$300,000 grant the City of Avon Lake received was what had funded the investigation into potential contamination at the coal yard property. Mr. Shamir stated that the property has environmental issues and he felt that Council should have been made aware of all of them ahead of the transfer. Mr. Shamir also stated that he has an issue with the Law Director representing both the City of Avon Lake and ALRW because that is a conflict of interest. Mr. Shamir requested to sit with ALRW and Verdantas to review the information and that this should have taken place prior to the property purchase. Mr. Dzwonczyk added that the information will be provided when it is completed along with providing a copy of the risk assessment. Mr. Shamir stated that the risk assessment is not what he is after. Mr. Dzwonczyk stated that he understood that but wanted Mr. Shamir to know that ALRW has been going above and beyond what was required to ensure that the City of Avon Lake, ALRW and the citizens of Avon Lake are all being protected. Mr. Shamir stated that the risk assessment should've been completed prior to the stormwater connection.

Mr. Phillips stated that he had asked Mr. Munro if there were any demolition permits related to the power plant and was told there were not. Mr. Phillips stated that the power plant had water and sewer service provided to it and they should have had to have gotten a permit. Mr. Phillips asked if the water being supplied to Avon and other communities and wants to request the contracts for those being served by ALRW. Mr. Phillips requested a detailed accounting of the \$300,000 grant funds for the environmental investigation. Mr. Phillips stated that he disagreed with the statement that the power plant implosion was much more significant than previously stated. Mr. Phillips stated that this was a noise ordinance violation and wanted to know why nothing was being done about that. Mr. Dzwonczyk stated that the noise ordinance is a City of Avon Lake function. Mr. Phillips stated that he has received asbestos and other monitoring that although it did not surpass any limits were detected. Mr. Phillips stated that he has pictures showing the dust did not just go out over the lake but had gone in every direction. Mr. Phillips wanted to know why there were no soil samples taken. Mrs. Schnabel inquired what soil samples Mr. Phillips was requesting. Mr. Phillips stated that he felt the City of Avon Lake should have taken samples after the implosion. Mrs. Schnabel and Mr. Rickey reminded him that ALRW is not the City of Avon Lake. Mr. Dzwonczyk stated that he wanted to allow Mr. Phillips time to speak and that he should focus on water or sewer related issues and not City of Avon Lake functions. Mr. Phillips stated that since ALRW was the one purchasing the power plant property it should be responsible. Mr. Dzwonczyk informed him that the property the implosion took place on is not the property ALRW purchased. Mr. Phillips stated that Mr. Munro has been very helpful in his public records requests and will go to him for that. Mr. Dzwonczyk stated that would be appropriate and noted that all of the public requests Mr. Phillips has made have been fulfilled.

### ***Adjourn***

As there was no further business, Mr. Rickey moved, Mrs. Schnabel seconded, to adjourn. The meeting adjourned at 7:40 PM.

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

Nays: None

Motion carried.

Approved September 3, 2024.

John Dzwonczyk, Chairman

Greg Yuronich, Acting Clerk