

Board of Municipal Utilities  
**Meeting Minutes**  
**September 3, 2019**  
201 Miller Road  
Avon Lake, Ohio

***Call to Order – Roll Call***

The meeting was called to order at 6:40 PM.

Present: Mr. Abram, Mr. Dzwonczyk, Mr. Rush, Mrs. Schnabel, and Mr. Phillips.

Also present: CUE Danielson, CUO Munro, Mayor Zilka, Technical Support Specialist Collins, and Attorney Erin McDevitt-Frantz

***Approve Minutes***

Chairman Dzwonczyk presented the minutes of the July 2, 2019, regular meeting. After a discussion regarding the minutes, the Chairman called for a vote that the minutes stand and be distributed as presented.

Ayes: Dzwonczyk, Rush, Schnabel and Phillips.

Nays: Abram

Minutes approved.

Chairman Dzwonczyk presented the minutes of the August 20, 2019, work session and regular meeting. With no 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 dated September 3, 2019, for funds and amounts as follows, Mr. Abram moved, Mr. Rush seconded, to approve the expenditures of September 3, 2019:

Water Fund 701	\$	214,826.76
Wastewater Fund 721	\$	178,353.96
MOR Fund 703	\$	21,591.82
MOR Fund 762	\$	25,493.06
LORCO Fund 749	\$	10,145.26
Lateral Loan Fund 765	\$	4,000.00
Water Construction Fund 704	\$	84,943.68
Wastewater Construction Fund 724	\$	39,121.15

Ayes: Abram, Dzwonczyk, Rush, Schnabel and Phillips.  
Nays: None  
Motion carried.

**Annual Chemicals Bid**

Bids for the annual treatment chemicals were opened on August 21, 2019; and after review by Avon Lake Regional Water staff, it was recommended that the awards be per the motion below:

<u>Supplier</u>	<u>Chemical</u>	<u>Contract Award</u>
USALCO	Alum	\$368,952.00
Mississippi Lime Co.	Lime	\$49,952.50
Bonded Chemical Co.	Sodium Silicofluoride	\$123,520.00
Bonded Chemical Co.	Potassium Permanganate	\$39,480.00
Bonded Chemical Co.	Liquid Sodium Hydroxide	\$23,280.00
JCI Jones Chemical, Inc.	Chlorine	\$41,850.00
PVS Technologies, Inc.	Ferrous Chloride	\$3,480.00
Cabot Norit	Carbon	\$244,800.00
Sal Chemical	Liquid Orthophosphate	\$35,160.00

Chairman Dzwonczyk moved, and Mr. Abram seconded, the annual Chemical Supplies bids be awarded in accordance with the table above.

Ayes: Abram, Dzwonczyk, Rush, Schnabel, and Phillips.  
Nays: None  
Motion carried.

The CUO noted that Avon Lake Regional Water did not receive bids for Dry Polymer and Liquid Polymer. He said that staff reached out to the current supplier, SNF Polydyne, to extend the current contract by an additional year. He confirmed that they have agreed to the extension at the current price of \$108,000.00 for Liquid Polymer and \$35,000.00 for Dry Polymer, which he believes is a fair and equitable price.

**Annual Water Distribution Supplies Bid**

Bids for the annual water distribution supplies were opened on August 19, 2019; and after review by staff. Mrs. Schnabel moved, and Mr. Rush seconded, that the annual Water Distribution System Supplies bids be awarded in accordance with the following:

Supplier: **Ferguson Waterworks**  
Bid Items: 4B  
Total Contract: **\$540.00**

Supplier: **Core & Main**  
Bid Items: 2, 2B, 6, 7, 7A, 8, 10H, 10J, 11E, 12, 12A, 12B, 12C, 12D, 14, 14A, 15, 16, 16D, 17, 17A, 17B, 17C, 17D, 17E, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 22A, 22B, 22D, 22E, 22O, 22Q, 22S  
Total Contract: **\$309,283.37**

Supplier: **Trumbull**  
Bid Items: 1, 1A, 3, 5A, 5B, 5D, 10, 11K, 19A, 19D, 19E, 19H, 21A, 21B, 21C, 21D, 21E, 21F, 21G, 21H, 21I, 21J, 21K, 21L, 21M, 21N, 21Q, 21R, 21S, 22C  
Total Contract: **\$30,773.35**

Supplier: **WinSupply**  
Bid Items: 2E, 3A, 5E, 5F, 5O, 9C, 9D, 10G, 10I, 11L, 11M, 16A, 16B, 16C, 19B, 19C, 19F, 19G, 22F, 22G, 22H, 22I, 22J, 22K, 22L, 22M, 22N, 22P, 22R  
Total Contract: **\$30,829.40**

Ayes: Abram, Dzwonczyk, Rush, Schnabel, and Phillips.

Nays: None

Motion carried.

### ***2019 Water Main Replacement Bundle Contingency Item***

The CUE stated to the Board that there was a contingency request regarding the 2019 Water Main Replacement Bundle. He said that Avon Lake Regional Water is collaborating with the City in order to replace the Moore Road water line in the area of the culvert. The CUE informed the Board that in order to do this, staff requested the Board approve a change order with UUI for an estimated \$104,960, plus contingency, for UUI to install the water line on Moore Road using the bid prices from the Replacement Bundle.

He also said that he confirmed with the OWDA that there would be no problem including the change order in the 2019 Water Main Replacement Bundle loan. He stated that the unbudgeted item can be paid using the 20-year, 2.25% interest rate loan. Mr. Abram asked if the contingency item should be bid. The CUE informed the Board that the contract was written that additional work could be done as was bid.

Mr. Phillips asked if the new item just changed the scope of the original contract. The CUE confirmed that it did change the scope of the original contract. The CUO added that bidding the item would make the Moore Road closure even longer, which was not acceptable to the City. The Chairman asked what size the pipe was in the area. The CUO informed the Board that it was a 12-inch pipe. Mayor Zilka said that the project was a "slow moving emergency," and that the City has been asked by the state to complete the work. The Mayor also said the City has been trying to complete the project as quickly as possible.

The Chairman stated that UUI might be able to complete the demolition as opposed to the current contract and that that may decrease the remaining time needed for the project. The CUO informed the Board that they have scheduled a meeting with Mr. Reitz regarding that option to complete the project all at once.

Mr. Rush moved, and Mr. Abram seconded, to authorize the CUE to execute a change order on the 2019 Water Main Replacement Bundle with Underground Utilities Inc. for up to \$120,000 for replacing part of the Moore Road water line.

Ayes: Abram, Dzwonczyk, Rush, Schnabel, and Phillips.

Nays: None

Motion carried.

### ***Lateral Separation Update***

The CUO informed the Board that since the last update, two properties have come into compliance, and construction has begun on a third. The following table summarizes the outstanding properties:

<b>Group</b>	<b>8/14/19 Need to do work</b>	<b>8/29/19 Need to do work</b>	<b>Notes</b>
A	2	2	<ol style="list-style-type: none"><li>1. One property was a foreclosure, has been auctioned, and has an affidavit recorded with County indicating work must be completed before water meter is provided.</li><li>2. Other property is an estate situation with determination of executor currently in front of a judge.</li></ol>
B & C	7	5	<ol style="list-style-type: none"><li>1. Two properties have completed the work since the last update.</li><li>2. Work is underway at one property.</li><li>3. One property owner has indicated he will contact contractors and is interested in a lateral loan.</li><li>4. Two properties are foreclosures and have active cases in the court of common pleas.</li><li>5. One property is an estate situation, with no known executor. An affidavit of title will be recorded for the property.</li></ol>

The Chairman said that only a few homes remained out of almost two thousand homes. The CUE confirmed that it was a very good ratio. The Chairman asked how much of the loan from Ohio EPA has been used. The CUE informed the Board that the total used was about \$1.5 million. He also said that the program was authorized up to \$5 million, and that the program was subscribed by a large number of the homes seeking work.

The Chairman asked how the work on Avondale was going. The CUO informed the Board that the e-one grinder station was being installed, and the easement with First Energy was secured. He did say that the easement on Lake Road was still being established so the crew can provide additional redundancy.

The Chairman asked if two-to-three of the remaining properties are vacant, and, if so, only two remain that are potentially still tied into the sanitary sewer. The CUO informed the Board that two of the properties are in foreclosure and they have cases in front of the court of common pleas. The Chairman asked to describe what the issued affidavit of title would have on the remaining homes. The CUE stated to the Board that he had worked with the Law Director regarding the affidavit, and that this affidavit will state that the home is not connected to the sanitary sewer. He said the affidavit also states that the home does not have a water meter, and that the new owner will need to address the sewer connection before the water meter can be installed. The Chairman asked if there was anyone still remaining in the homes. The CUE stated that there was only one home without a resident, the other four remaining still had residents, and two of the remaining four will be a problem if they are not resolved soon.

The Chairman stated that those individuals are violating the EPA mandate by putting their sewage into the system. He asked Mr. Phillips if there was a higher law that could be brought against those remaining home owners. Mr. Phillips stated that there was probably something that could be brought against those residents but that the desired outcome could take a long time. He suggested that the management team contact the attorney's representing the firms opposing those homeowners on the foreclosures to instruct them that there is an EPA mandate that is being violated. He said another option would be to file to enjoin the case, but he doesn't believe that is the best route; staff should let the original case play itself out.

The Chairman asked if there was any way to cap off the lateral between the right of way and the main or to redirect the lateral to the sanitary sewer to avoid going on the resident's property. The CUE stated that there was the possibility, and that that was considered for the civil suit as an option. The Chairman said that Avon Lake Regional Water would not be going on the property, because they would be disconnecting the lateral in the public right of way. The CUE informed the Board that he would speak with the Law Director regarding that option. Mrs. Schnabel asked if the formerly combined sewer will be converted to a sanitary sewer and learned that the combined sewer is being converted into a storm sewer. The Chairman said that he believes that staff should find a way to make sure that no sanitary is going into the lake.

### ***Travel***

The CUE presented to the Board staff's travel schedule from the summer recess and currently proposed travel for the remainder of the year. The CUE informed the Board that he traveled twice to Columbus. On July 12th, the CUE attended an OAWWA Governing Board meeting, to which he was invited as Chair of the Water Utility Council. He said that at the meeting, Ohio EPA presented information regarding Agency Source Water Protection staff's efforts to leverage Farm Bill money to help with source water protection in Ohio and Ohio EPA's desire to form a technical advisory committee regarding how any money might be used.

The CUE informed the Board that on August 2nd, he met with Ohio EPA staff to discuss the revisions they proposed to the Disinfection Byproducts (DBP) Rule. He said that EPA staff presented highlights regarding their proposed changes that they intended to issue for public comment. The CUE said that he also took the opportunity to meet with the Chiefs of Drinking Water and Surface Water, where he was able to discuss the operator reciprocity issue and long-term control plan compliance/NPDES permit modification. As a note, the CUE stated that the Chief of Surface Water asked him to present at an integrated planning workshop in Columbus on October 2<sup>nd</sup> being hosted by Ohio EPA.

The CUE stated that the OAWWA state conference will be held in Cleveland on September 12th and 13th. He said that the Water Filtration Plant Manager and two operators will be attending to receive training hours to help maintain their licenses. The CUE stated that on September 12th, he plans to attend OSU's annual state of the science algae conference in Toledo in order to meet the Directors of the Ohio Department of Natural Resources, the Department of Agriculture and the Lake Erie Commission, as well as, to continue discussions with the Director of Ohio EPA. The CUE also said that on September 19th, the Water Reclamation Manager will attend the NESOWEA Fall Section Meeting in Medina County, as a member of the Executive Committee and to receive training hours. He said that on October 22nd, the Water Filtration Plant Manager will be attending the Lake Erie Users Group meeting.

The CUE informed the Board that he has been asked to present to approximately 350 people on November 13th about the Board's lateral program at the 21st Annual 3 Rivers Wet Weather Sewer Conference in greater Pittsburgh. The CUE said he hopes to meet with Pennsylvania DEP staff regarding operator licensure reciprocity while he is there. The CUE also said that he has been asked to sit on a panel at the fall CIFA (Council of Infrastructure Finance Authorities) workshop in Cleveland on November 18th/19th. He said this is an annual meeting of revolving loan fund and other public funding administrators from across the country. He informed the Board that he has been asked about his availability to talk about the state revolving loan program from a utility perspective.

Mr. Abram said that while meetings are important to Avon Lake Regional Water, he believes the CUE conference organizers should pay for all of his accrued expenses. Mr. Rush stated that he doesn't see the expense being too much considering the amount of contacts made at the events. Mr. Phillips said that he believed some of the networking that has been done has been well worth the expenses. The Chairman said that he agreed with Mr. Rush that any side benefits derived from the meetings are worth the investment. Mr. Abram asked that a report be given to the Board once the CUE returns from the conference in Pittsburgh.

### ***WFP Concrete Waterproofing & Expansion Joint Rehab***

The CUO informed the Board that the Water Filtration Plant basin roofs have received a considerable amount of wear over several years since the last restoration project, and staff issued a request for bids for rehabilitation. He stated that upon bid opening, staff determined there were too many irregularities in the bids and would not be bringing a recommendation before the Board at that time. He said that staff will reissue a request for bids later this fall for the project to take place in the spring. Mr. Rush asked if there was a problem that required the project and if the delay would make it worse. The CUO informed the Board that it was preventative maintenance.

### ***Project Updates***

*45 Project:* The CUO informed the Board that the contractor is working on Overlook Park restoration preparation. He said that the playground and splash pad are still on track for installation in mid-September. He also said that treelawn restoration is picking back up. The Chairman asked how the splash pad was to be winterized and what was to happen to pets and contaminated water. The CUE stated that the splash pad water would go into the storm sewer. He said the roughened concrete on the splash pad is meant to prevent slippage and the Recreation and/or Public Works departments would handle the area.

*Avondale:* The CUO stated that staff received notification that the First Energy easement for the pumping station on Avondale was approved and will be forwarded to Avon Lake Regional Water for execution.

*Redundancy/Future Capacity Study:* The CUO said that staff had received qualifications from five firms. He said that staff is in the process of reviewing the qualifications and plans to short-list and select a partner soon. Staff intends to present a request to the Board at an upcoming meeting regarding this project and to enter into an engineering planning agreement.

### ***CUE and CUO Reports***

The CUE notified the law director that he is working with outside counsel to develop an acceptable scope of work to determine the most appropriate method to recover uncollected fees. Upon developing an acceptable scope and budget, the CUE will request Board approval to execute an agreement.

The CUE also stated that Avon Lake Regional Water received an award for the "Best Presentation at a Regional Conference" from the Government Affairs Meeting in March. Mr. Abram asked if there was any money received for winning. The CUE stated that there was no monetary award, but he did say that there was an increase in awareness brought to the idea of protecting Lake Erie which could be leveraged for more financial backing in the future. Mr. Phillips stated that awards should be displayed to show the hard work by Avon Lake Regional Water.

### ***Member Reports***

The Chairman stated that he has had a conversation with Mansour-Gavin law firm regarding a legal matter that the Law Director had passed on. The Chairman said that Mr. Phillips is reviewing the proposal.

### ***Miscellaneous***

Mr. Abram submitted a report. In summary, he stated he established a contact in the Governor's office to assist Avon Lake Regional Water when needed. Luanne Cook is Governor DeWine's Lorain County liaison. Mr. Abram said he met with her and discussed concerns. She said she will help Avon Lake Regional Water with any EPA issues such as accepting the wastewater blending process and attempt to re-open the monofill. Her office will monitor HB 163, which would regulate how utilities charge water to other jurisdictions. Mr. Abram said he told her that Avon Lake Regional Water opposed the bill. Her office may be able to provide assistance in dealing with NOACA when discussing Facility Planning Areas.

### ***Public Speakers***

None

### ***Adjourn***

As there was no further business, Mr. Abram moved to adjourn, and Mr. Rush seconded. The meeting adjourned at 7:38 PM.

Ayes: Abram, Dzwonczyk, Phillips, Schnabel, and Rush

Nays: None

Motion carried.

Approved \_\_\_\_\_ 2019.

John Dzwonczyk, Chairman

Todd A. Danielson, Clerk