

Board of Municipal Utilities
Meeting Minutes
September 5, 2023
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 over Facebook.

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

Also present: CUE Munro, CUO Yuronich and Nick Mondello of 33103 Lake Rd.

Approve Minutes

Mr. Dzwonczyk presented the Minutes of the August 15, 2023 regular meeting. Mr. Abram stated that the correct amount of the PFAS settlement was \$10-\$12.5 billion dollars. Pending that correction there were 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. Dzwonczyk seconded, to approve the expenditures of August 11 through August 31, 2023:

Water Fund 701	\$	339,136.39
Wastewater Fund 721	\$	300,210.58
ETL1 Fund 703	\$	35,017.19
ETL2 Fund 762	\$	61,203.45
LORCO Fund 749	\$	15,476.80
Water Construction Fund 704	\$	380.00
Wastewater Construction Fund 724	\$	380.00

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

Nays: None

Motion carried.

Safety Intervention Grant

Mr. Munro informed the Board that the Ohio Bureau of Workers Compensation (BWC) recently updated the list of eligible equipment that can be purchased through their Safety Intervention Grant which exists to provide financial assistance to employers to help reduce the frequency and severity of workplace injuries. The program provides for a three-to-one matching grant, with a maximum reimbursement of \$40,000. Mr. Munro stated that one of the newly approved items is portable traffic signals. These portable signals would be used when work by ALRW staff or its contractors requires a lane closure and traffic needs to be maintained. Currently ALRW staff and/or the ALPD will direct traffic. Using the traffic signals will help to ensure the safety of everyone by allowing personnel to be further from traffic while still maintaining one lane of the roadway for automobiles to traverse the construction zone. Mr. Munro stated that the total cost through the state purchasing program is \$59,500. He is asking the Board to approve the purchase contingent upon the award of the Safety Intervention Grant by the Ohio BWC. Included would be extensive training from the manufacturer. Mr. Munro also added that Mr. Yuronich will be working with our safety consultant to provide additional traffic control education for our staff during our annual employee safety training.

Mr. Dzwonczyk provided some bullet points of concerns and Mr. Munro read some of these in his report. ALRW staff would develop a Standard Operating Procedure that would address typical application and deployment of this equipment and would include typical applications, safeguarding the equipment itself, requiring approval from the CUO or CUE to deploy, an engineering plan developed by the Chief Engineer who would also oversee the use and methodology for loaning this equipment to other entities.

Mr. Munro also pointed out that each entity is only eligible to utilize this grant once every three years. ALRW coordinated with the City of Avon Lake to ensure that no other entity had plans to purchase something else under the Ohio BWC grant in this time period.

Mr. Abram inquired how this would handle impatient drivers that feel that they should not have to abide by the signals. Mr. Munro stated that those same people are likely to be the ones ignoring humans that are directing traffic and would much rather have a traffic signal in danger than one of our employees.

Mr. Rickey inquired about how easy this equipment is to set up. Mr. Munro stated that it is very similar to our light bars that we currently set up. Mr. Rickey also stated that the organization should be very cautious about loaning this equipment out to contractors. Mr. Munro stated that we currently work with any contractor on providing traffic control and that would continue whether that is with employees providing traffic control or when utilizing this equipment.

Mr. Abram inquired when we would possibly receive this equipment and Mr. Munro stated that according to the manufacturer it would be two to four weeks after payment is submitted.

Project Updates

Power Plant Update: Mr. Yuronich informed the Board that site remediation at the power plant property is continuing. Mr. Yuronich stated he had reached out to the Avon Lake Environmental Redevelopment Group (ALERG) regarding the additional sampling that was conducted along the proposed bike path and walking trail alongside the coal pile property but has yet to receive the results of that testing. Those results will be conveyed to the Board as soon as Mr. Yuronich receives those test results.

Mr. Rickey inquired about who ALERG was and Mr. Munro stated that they are the legal owner of the properties and a subsidiary of Charah.

ETL Design Services: Mr. Yuronich stated that the CUE continues to work with Norfolk & Southern regarding the licensing agreement for the new 60-inch casings that need to be run underneath the railway. There have been personnel changes at Rail Pros (the designated consultant for Norfolk & Southern) that have slowed the process. Mr. Yuronich stated that the easement acquisition continues except for in areas affected by the realignment near the railroad tracks. Mr. Yuronich stated that the wetlands permit is still in the approval process with the United States Army Corps of Engineers.

Mr. Dzwonczyk asked about how much longer the USACE will take to approve the wetlands permit. Mr. Munro responded that the earmarked money for Congressionally Directed Spending through United States Senator Sherrod Brown's office is being distributed through the USACE. Mr. Munro also added that due to a recent United States Supreme Court ruling affecting wetlands, the approval process should speed up. Wetlands and isolated wetlands are subject to a jurisdictional determination under the new Supreme Court ruling. Wetlands that are not physically connected to a waterway of the United States will be classified as an isolated wetlands and are no longer going to require approval through the USACE. Isolated wetlands will be approved through the Ohio Environmental Protection Agency instead and this should result in quicker approval of permits. While Mr. Munro stated that our project is not directly affected by this ruling, a lot of the approvals were in limbo until it was cleared up how the Supreme Court ruling was going to be implemented.

Mr. Munro also added that if the original point of crossing the railway was used it would require an \$80,000 licensing fee for a 20-year permit. This was not a perpetual easement and would have to be re-negotiated after 20 years. By utilizing a public right of way at the existing crossing at Moore Rd. the fees would be significantly reduced. Mr. Munro stated that when the City of Avon crossed their water line at a public right of way, they only paid \$1900.

WFP Improvements: Mr. Yuronich stated that staff is currently performing a final quality assurance/quality control and review of the bid documents provided by HDR to prepare the final bid package. The Engineering Services group will compile all the documents that incorporate staff's comments and tentatively start the six-week bid period on September 15, 2023.

Mr. Munro added that the bid specifications document is approximately one thousand, one hundred and seventy pages long.

2022 Water Line Bundle Project: Mr. Yuronich stated that Underground Utilities Inc will complete site restoration of any affected properties by the end of September allowing this project to be closed out.

Additional Storage Building: Mr. Yuronich stated that during the last week of August 2023 the site was graded and prepped for concrete to be poured on the west side of the additional storage building. That pour took place on Friday, September 1, 2023. The rest of the site is being prepped and the next pour will take place on the north side of the building. The saw cuts were also completed on the freshly poured concrete.

On August 25, 2023 a preconstruction meeting was held between staff and North Bay Construction regarding the commercial wash bay. Drawings for this work are currently being reviewed and approved by the Engineering Services staff. Mr. Yuronich stated that once these drawings have been approved, North Bay Construction will order the equipment and finalize the project schedule.

Mr. Yuronich stated that remaining electrical equipment is still due to be delivered in mid to late September and this will allow for First Energy to tie in the electric feed for the additional storage building and North Bay Construction can finalize the internal electrical connections.

CUE Report

Mr. Munro stated that he attended the One Water Conference in Columbus, OH the week of August 21, 2023. ALRW was presented with the Engineering Excellence Award for the improvement project at the Water Reclamation Facility. Mr. Ed. St. John of CDM Smith, the lead engineer on that project was also in attendance to help accept the award. A plaque commemorating this will be placed in the lobby. This was awarded by the Ohio Water Environment Association.

Mr. Munro stated that Mr. Dzwonczyk, Mr. Yuronich and himself attended a meeting at Lorain County Community College on August 30, 2023 to discuss the potential for regionalization of sanitary sewer systems in Lorain County. Mr. Munro stated that it was attended by several communities throughout Lorain County and was an update to a study conducted in 2012. Mr. Munro said that if this approach is something that makes sense for our rate-payers, Avon Lake Regional Water would be interested in partnering. If it is determined that it doesn't make sense then we will inform the other entities of that and not partner with them.

Mr. Dzwonczyk stated that he felt it was a positive meeting with a lot of potential cooperation present and mentioned that LORCO, the Mayor of Avon Lake and the Economic Development Director, Mayor Bradley of Lorain, the Mayor of Vermillion and Mayor Corcoran of North Ridgeville were also in attendance along with the Ohio EPA.

Mr. Munro stated that the next meeting will be September 19, 2023 with a work session. Fontus Blue will present the capabilities of their software to assist operations at the Water Filtration Plant.

Mr. Dzwonczyk asked how the Avon Lake Regional Water system fared during the widespread rain received the end of August 2023. Mr. Munro stated that it appeared to fare much better than many of the surrounding communities but did have an overflow at the Center Rd. pump station along with some potential backups for a couple of residences on James Circle. Mr. Munro informed the Board that the new camera truck was sent out to investigate the sewers and found nothing impeding the flow there. He stated that staff will continue to investigate other potential issues in that area and will be conducting some additional dye testing to search for cross connections. Mr. Munro reminded viewers that in the event of a backup they should call our emergency number immediately so that investigations can begin while the backup is occurring. This will help staff to determine the cause of the backup rather than trying to troubleshoot the situation after the water has receded.

Mr. Munro stated that the City of Elyria inquired as to how our plant fared during those rain events and was informed that they experienced flooding at the Elyria Water Treatment Plant that submerged several of their pumps. Those pumps had to be removed, baked to remove all traces of water and reinstalled.

Mr. Rickey asked if they had to utilize the emergency interconnect. Mr. Munro stated that although they had to shut their plant down for a period of time, they had enough redundant pumps to maintain operations without using the interconnect on West. Ridge Rd.

Mr. Rickey inquired about the status of our vac-truck that had been ordered a couple of years ago. Mr. Munro stated that it is scheduled to be delivered later in September. Once we have the new truck delivered, there will be a work session providing a demo to the Board along with

the camera truck. Mr. Munro stated that we have already made two payments on the vac-truck to reduce the interest that will be paid.

Mr. Yuronich provided an update on a question posed by Mrs. Schnabel at the last meeting. Mrs. Schnabel asked about the number of quotes that were received regarding the chemical application for lawn treatment. Mr. Yuronich stated that staff requested quotes from eight different companies. Five companies did not respond. One company only handles residential. Two actual quotes were received and TruGreen Lawn Care was the lowest quote.

Miscellaneous & Member Reports

Mr. Rickey stated that he had received three phone calls from constituents living in the Sweetbriar Estates area and that they all expressed concerns about the level of water in the retention pond. Mr. Rickey instructed them to contact the City of Avon Lake as we do not handle the storm water.

Mr. Rickey also stated that he got recertified through the Operator Training Committee of Ohio for backflow for another three years and that this will be the last time he'll be doing this. He attended alongside Andy Provoznik of Rural Lorain County Water Authority.

Mr. Abram stated that Dick Tomanek, a former Cleveland Indians pitcher who was born in and resided in Avon Lake, Ohio had recently passed away at the age of 92.

Public Speakers

None.

Executive Session

Mr. Rush moved, Mr. Abram seconded, to meet in executive session as allowed by ORC §121.22 (G)(1), (G)(2) and (G)(3) to discuss personnel matters, the purchase and/or sale of property and pending legal matters and to include the CUE and the CUO.

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

Nays: None

Motion carried.

The Board entered Executive Session at 7:30 PM

The Board reconvened the public meeting at 8:02 PM.

Adjourn

As there was no further business, Mr. Abram moved, and Mr. Rush seconded, to adjourn. The meeting adjourned at 8:02 PM.

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

Nays: None

Motion carried.

Approved September 19, 2023.