

Board of Municipal Utilities  
**Meeting Minutes**  
**December 17, 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.

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

Excused: Mr. Abram

Also present: CUE Munro, CUO Yuronich, Business & Financial Coordinator Logan, Attorney Anthony Coyne of Mansour-Gavin, William Zimmerman and Gerald Phillips.

***Approve Minutes***

Mr. Dzwonczyk presented the Minutes of the November 19, 2024 work session. Mr. Rickey stated that he felt the revisions he requested now accurately reflect his statements during that 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 December 3, 2024 regular meeting. With no additional changes, additions or corrections noted, he ordered that the minutes stand and be distributed as presented.

***Public Speakers***

William Zimmerman stated that decorum is only required by the members of the Board of Municipal Utilities, not those in attendance, and he is able to speak his mind with no interruptions, questions or censoring during his three minutes of time. Mr. Zimmerman stated that at a previous meeting he was told to maintain decorum and was called a liar which he claimed was defamation of character. Mr. Zimmerman informed the Board that he was going to sue them for these issues. Mr. Zimmerman then proceeded to inquire how the \$300,000 grant money the City of Avon Lake had allocated for use by ALRW was disbursed. Mr. Zimmerman stated that he does not understand how funds can be intermingled between the City of Avon Lake and ALRW and that although he is not a certified public accountant, Gerald Phillips is and will help him get an understanding of the financials. Mr. Zimmerman also stated that members of the Board may be included in the lawsuit he claims has been initiated with the Ohio Supreme Court.

Via social media, Councilwoman Amy Gentry offered her apologies that she could not be in attendance due to her job.

Gerald Phillips of 461 Windward Way stated that he appreciates the Board of Municipal Utilities for having open meetings and that Mr. Munro always does a great job responding to public records requests. Mr. Phillips stated that the Community Improvement Corporation and its sub-committee, the Brownfields Committee, do not hold open meetings or maintain minutes and in his opinion operate in secrecy. Mr. Phillips stated that they were only able to determine that the meetings were held by reviewing Mr. Todd Davis's (Hemisphere Brownfields LLC) billing

records for sixteen meetings the consultant was in attendance. Mr. Phillips stated that in order to gain access to information about the remediation of the power plant property the City of Avon Lake is planning on purchasing he had to go through the Ohio Supreme Court. Mr. Phillips inquired if Mr. Munro was able to provide information about ALRW's intent to expand its water filtration plant (WFP) westward. Mr. Phillips stated that he was aware of several property acquisitions by ALRW on Moore Rd. near the existing WFP and that ALRW had used the appraisal firm Sours, Buie and Associates. Mr. Phillips stated that this company had appraised the land the City is planning to purchase at only \$2.37 million while the only number presented to the public listed the value of the property at fifteen million dollars. Mr. Phillips added that Avon Lake City Council does not operate like the Board of Municipal Utilities.

### ***Correspondence***

None.

### ***Expenditures***

Following review of expenses for funds and amounts as follows, Mr. Rickey moved, Mrs. Schnabel seconded, to approve the expenditures of November 28 through December 12, 2024:

Water Fund 701	\$	844,218.28
Wastewater Fund 721	\$	381,395.69
ETL1 Fund 703	\$	25,012.46
ETL2 Fund 762	\$	5,775.80
LORCO Fund 749	\$	3,589.85
Water Construction Fund 704	\$	4,195.33

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

Nays: None

Motion carried.

### ***Budget Transfers & Supplemental Appropriations***

Mr. Logan informed that Board that at the end of any budget year there are going to be certain transfers and appropriations necessary to balance any budget. Mr. Logan stated that while money is commonly transferred between sub-funds within the various budget accounts there are many sub-funds that do not spend anywhere near the appropriated amounts so the overall budget is sound there still need to be funds moved within those accounts. Mr. Logan also added that any increases requested will be more than covered by a surplus of revenue within the funds. Mr. Logan added that the City of Avon Lake is conducting its final check run of 2024 on December 21, 2024 and that there are some encumbrances that will carry over to 2025 in the form of purchase orders that have not been closed out. Mr. Logan stated that these encumbrances are accounted for in the 2025 budget that was approved by the Board. Mr. Logan informed the Board that the Fund 749 – LORCO appropriations include some very minor appropriations, such as \$0.34, but is necessary to avoid a negative fund balance. Mr. Logan also stated that there is an increase in appropriations requested for that fund and he explained that the money has already been taken from the fund balance, it just needs to have that appropriation increased to balance the budget. Mr. Logan also took to the time to clarify a budget line-item in Fund 749, refunds and reimbursements, and explain that there are various phases of the LORCO system and they all share one merchant account. Mr. Logan stated that those refunds result when LORCO 2 customers pay their bill online and ALRW, as the billing agent for all of LORCO, transfers those funds to the LORCO 2 account. Mr. Logan added that as LORCO 2 continues to see increased growth within that phase additional money will need to be budgeted to account for that phase's increase in billing. Mr. Rickey stated that LORCO 2

does not send their waste stream for treatment at the ALRW Water Reclamation Facility. Mr. Logan replied that was correct but ALRW does handle the billing for that phase of the LORCO system and transfers payments received on those accounts into a LORCO 2 account that is managed by the Executive Director of that system. Mr. Dzwonczyk inquired if ALRW is compensated for managing the billing of LORCO 2 customers and Mr. Munro stated that it is covered under the cooperative agreement. Mr. Rickey expressed his appreciation of how well Mr. Logan handles and conveys information about the budget to the Board. Mr. Dzwonczyk stated that is the advantage of having an expert like Mr. Logan on staff.

Mr. Rush moved, Mr. Rickey seconded, to authorize the Business & Financial Coordinator to make the necessary transfers and appropriations for the 2024 budget based on the two memoranda dated December 12, 2024.

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

Nays: None

Motion carried.

### ***Annual Distribution Supplies Bid***

Mr. Yuronich informed the Board that staff opened the bids for the distribution supplies on November 27, 2024. Mr. Yuronich stated that in the past staff had bid a much larger list of supplies and that many of those items have not been ordered or used in recent years. Mr. Yuronich stated that the list had been pared down to those that are likely to be used. Mr. Yuronich also stated that pricing has also stabilized relative to the volatility seen in the past years. Mr. Rush inquired about exceptions that were listed. Mr. Munro stated that those were due to availability and that they still met ALRW's specifications and were acceptable to staff as alternatives. Mr. Rickey inquired if Core & Main were required to have these items on their shelves at all times and Mr. Munro responded that they did. Mr. Rickey also asked if the prices will change if ALRW ordered more of an item than listed in the bid tab. Mr. Munro stated that ALRW structures its bids with expected quantities but that the price applies no matter how many items are purchased and that the quantity could end up being zero with no penalties incurred. Mr. Munro added that staff is cognizant of receiving only one bid this time and had spoken with a vendor that had competed with Core & Main in the past. Mr. Munro stated that staff had begun including current contract prices in the bid specifications several years ago. Mr. Munro stated that while Core & Main was not pleased with this practice, Mr. Munro informed them that it was a public record. Mr. Munro also added that Ferguson views those prices and will bid if it feels they can compete with Core & Main but during this time they did not feel they could offer a competitive quote. Mr. Dzwonczyk stated that he is aware of a time or two in the past when ALRW was unhappy with prices charged by Core & Main and wanted to know if they were locked into the price for the contract length even if conditions change. Mr. Munro responded that they were locked in for the duration of the contract. Mr. Rush inquired if a competitor to Core & Main could bid on only one or two items if they felt they could compete on specific supplies. Mr. Munro stated that bidding on specific items is allowed and that Ferguson had done that in the past on items they were competitive on. Mr. Dzwonczyk inquired about the total value of the contract. Mr. Logan replied that although he did not have the exact amount that was spent with Core & Main during 2024 it was between a half-million and one-million-dollars.

Mrs. Schnabel moved, Mr. Rickey seconded, to authorize the CUE to execute a contract with Core & Main, valid from January 1, 2025 and running through, and including, December 31, 2025, in accordance with the Engineers Certified Bid Tabulation signed on December 2, 2024.

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

Nays: None

Motion carried.

### ***Project Updates***

*Power Plant Update:* Mr. Yuronich informed the Board that the final implosion at the power plant is scheduled to take place. Mr. Yuronich stated that, weather dependent, stack #8 and #9, precipitator #8 and two boiler units will take place. Mr. Rickey inquired about the plans for the third stack that is located on the property and Mr. Yuronich stated that it will remain standing with no plans to take it down.

*ETL Design Services:* No update.

*WFP Improvements:* Mr. Yuronich referenced pictures documenting the progress being made on the construction of the new chemical feed building. Mr. Yuronich stated that the building is approaching its overall finished height of approximately thirty-two feet and be a single floor with room for the vertical chemical storage tanks. Mr. Yuronich discussed the new air gap structure for the wash water that was created to allow the existing air to be demolished so the new filters could be constructed. Mr. Yuronich informed the Board that in order to connect the new air gap there will be a period of time when staff will be unable to wash filters. Mr. Yuronich explained that when the scope of the project there were planned outages that needed to be performed during the time of year when production is at its lowest so that operations will be minimally affected.

*SCADA Communication Upgrades:* No Update

Mr. Yuronich also spoke of the Techwin container and informed the Board that it was on its way to Avon Lake via train. Mr. Munro added that it had passed through customs in Long Beach, CA and that staff had been making the preparations for it to have access to necessary utilities at the site next to the WRF.

### ***CUE Report***

Mr. Munro stated that he provided the Board with a few news articles and the first related to the unknown service line status letters sent to customers to comply with the Lead Rule Revisions. Mr. Yuronich, WFP Manager Gibboney, and he spoke with the reporter and provided information to him so he could write the article. Mr. Munro also spoke of the article in the Chronicle Telegram regarding the regional sewer initiative that ALRW may be a partner in. Mr. Munro stated that Mr. Dzwonczyk will speak about this further in his report. Mr. Munro added that the article spoke of the City of Vermillion and their need for this project. Mr. Munro stated that he had provided a year-end report to the Board members and highlighted that ALRW had acquired a total of 38 acres of land involving 25 parcels and 8 property owners. Mr. Munro added that the properties adjacent to the WFP will be used for expansion of the plant. Mr. Munro also informed the Board that staff expects to see a draft of the Water System Master Plan in the coming days and this will outline future improvements in the water system. Mr. Munro also highlighted that 2024 saw the collection of trunk sanitary sewer fees from Kopf that were owed to ALRW. Mr. Munro stated that although there had been lengthy litigation it

resulted in a settlement of principal and interest that was due to ALRW. Mr. Dzwonczyk asked Attorney Coyne if he could elaborate and Mr. Coyne stated that the courts reiterated the right of ALRW to assess and collect those fees from Kopf and set the precedent for any future developers within ALRW's service area. Mr. Munro informed the Board that one additional accomplishment was Mr. Logan's work with the City of Avon Lake to invest utility funds with STAR Ohio and have earned over seven-hundred-thousand since May 2024 compared to the three-hundred-sixty-five-thousand from all of 2023. Mr. Munro stated the City of Avon Lake has a new finance director starting soon, Beth Krosse, and that ALRW staff and Mr. Logan look forward to work with her to insure the separation of ALRW funds. Mr. Logan stated that she had worked for the City of Oberlin and he feels she will be a great addition. Mr. Munro informed the Board that another goal in which progress was made was being made whole by LORCO as the regional sewer district moves forward in 2025. Mr. Munro also added that the Techwin sodium hypochlorite project made a lot of progress in 2024 and that staff look forward to continuing to work with them in 2025. Mr. Munro informed the Board that all of the accomplishments he referenced fall within the overarching goal of continuous improvement throughout the organization. Mr. Munro stated that while there is always the potential for mistakes to be made that staff has embraced the idea that correcting and learning from those mistakes will continuously improve the organization. Mr. Dzwonczyk spoke of the goal of attaining ISO certification for the organization and Mr. Munro stated that staff will be pursuing ISO 50001 certification for energy management. Mr. Munro stated that even though the ultimate goal is ISO 9001 certification achieving one of the other standards first is a way to help introduce the mindset to staff and that the lessons learned will help ALRW as it pursues a more demanding certification. Mr. Dzwonczyk stated that removal of the unused water tower was a 2025 goal and Mr. Munro stated that this will be addressed in conjuncture with the demolition that will take place at the WFP. Mr. Munro stated that due to Lycoming Supply not meeting all of the bid specifications for demolition at the WFP, that project would have to be rebid and the Division Rd. tower will now be included in that job when it goes out for bid later in 2025 with the tower actually coming down in 2026. Mr. Rush inquired about the cell provider equipment currently installed on the tower as that area of Avon Lake already has cellular issues. Mr. Munro replied that staff will be putting out an RFQ from a company to construct a dedicated cell tower on the same property as the existing tower for the equipment to be transferred prior to demolition. Mr. Munro added that leases would be formulated in a similar manner to the cell phone tower at the WRF.

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

Mr. Rickey stated that according to a news article in the Chronicle Telegram water rates for customers supplied by the City of Elyria will see increases of 15% per year for the next three years. Mr. Rickey acknowledged that even though he voted against the 4% increase in water rates for ALRW over the next three years those seem very minor compared to what other utilities are implementing. Mr. Dzwonczyk added that the four percent increases for ALRW were after three years of no increases. Mr. Rush also added that ALRW customers know well in advance of any rate increases due to agreements with bulk customers as opposed to finding out only a month in advance like Elyria's customers.

Mr. Dzwonczyk stated that he and Mr. Munro had presented plans for the regional sewer district at the Building and Utility Committee meeting. Mr. Dzwonczyk stated that the plans were well received. Mr. Dzwonczyk also wished to thank Mr. Abram for his time serving on the Board as he ends his tenure and presented a resolution thanking him for his service to the organization.

### ***Public Speakers***

Via social media Councilwoman Gentry stated that it (the third stack at the power plant) will remain. Mr. Phillips stated that the City of Avon Lake had passed a temporary budget at the December 16, 2024 council meeting and had appropriated various funds from the enterprise funds and wanted Mr. Logan to correct him if he was incorrect in stating that. Mr. Phillips stated that at the November 19, 2024 ALRW work session two new funds were being created for ALRW's 2025 budget, Fund 722 and Fund 723. Mr. Phillips stated that Mr. Logan had said that those funds were comparable to the budgets for the City of Avon and Mr. Phillips wanted to know if he meant City of Avon or the City of Avon Lake. Mr. Logan stated that the two new funds were for water distribution and sewer collections so the comparison to the City of Avon was appropriate because the City of Avon does not have its own treatment plants and only operate water distribution and sewer collection systems. Mr. Phillips inquired if the five-digit codes for each fund were consistent throughout the city. Mr. Logan stated that they were. Mr. Logan stated that all utility funds are in the 700 range and those are ALRW funds. Mr. Dzwonczyk stated that although Mr. Phillips had used his allotted time, if he had further questions, he should contact Mr. Munro directly for further clarification. Mr. Dzwonczyk inquired if Mr. Zimmerman had additional questions or comments and Mr. Zimmerman stated that he did not want to waste his time or the Board's and that he did not wish to speak again. Mr. Dzwonczyk wished everyone a Merry Christmas, Happy Holidays and a Happy New Year. Mr. Dzwonczyk also stated that he looked forward to Nick Mondello joining the Board at the next meeting in 2025.

### ***Adjourn***

As there was no further business, Mr. Dzwonczyk moved, and Mr. Rush seconded, to adjourn. The meeting adjourned at 7:52 PM.

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

Nays: None

Motion carried.

Approved January 7, 2025.

John Dzwonczyk, Chairman

Robert Munro, Clerk