

Minutes of the regular meeting of the Board of Trustees of the Fox River Water Reclamation District held on Wednesday, March 8, 2023 at the Administration Building at 1957 North LaFox, South Elgin, Illinois. Present were President Benjamin Bernal, Vice President Marty McCormack, Trustee Steve Rauschenberger. Trustee Beth Penesis attended via Zoom.

Staff present included Executive Director Eric Johnson, Technical Services Director Vogt, Assistant Clerk Kim Narvaiz and Attorney Stephen Patterson.

President Bernal called the meeting to order at 5:40 P.M and read aloud a statement allowing Trustee Penesis to participate in the Board of Local Improvements meeting via Zoom. There were no objections by any board members.

### **APPROVAL OF THE FEBRUARY 8, 2023 BOARD OF TRUSTEES MINUTES**

Trustee Rauschenberger made the motion, seconded by Trustee McCormack, to approve the minutes of the February 8, 2023 Board of Trustees meeting minutes as written.

There was no discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

### **PUBLIC COMMENT**

President Bernal took a minute to thank his wife and kids for attending tonight's Board meeting to celebrate his birthday with him.

### **APPROVAL OF CASH DISBURSEMENTS**

Executive Director Johnson read aloud the cash disbursement totals per fund. Disbursements are Sewer Revenue Fund \$1,589,070.88, Capital Improvement Fund \$5,218.75, and Depreciation & Replacement Fund \$45,021.67.

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the cash disbursements as presented. There was no discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

### **REVIEW OF CONNECTION PERMITS**

Permits for six commercial, two public, three single family, four multi-family and one institutional projects were issued in between meetings. Approximately \$7,000 was collected in

connection fees. Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to approve the Connection Permits as issued.

There was no discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

**REVIEW OF CONTRACTS AND PURCHASE ORDERS**

Executive Director Johnson reported that there were four purchase orders over \$10,000 issued between Board meetings as follows:

- Vogelsang USA in the amount of \$11,500 for the purchase of a grinder replacement for Building 12 at the ADP Facility.
- Polydyne, Inc. in the amount of \$18,400 for a standard order of Polymer..
- LAI LTD in the amount of \$14,250 for Secondary 5 and 6 actuators which includes install and startup assistance.
- Buckeye Power Sales Co. in the amount of \$13,500 for annual generator maintenance for all the pump stations that have a generator.

No purchase orders require approval at this time.

**FOIA REQUESTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**MOTION TO APPROVE REISSUANCE OF PRETREATMENT DISCHARGE PERMIT FOR FOREST PRESERVE DISTRICT OF DUPAGE COUNTY IN COMPLIANCE WITH PRETREATMENT PROGRAM REQUIREMENTS**

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve reissuing the Individual Discharge Permit for the User as prepared by staff. President Bernal asked for elaboration on this item. Technical Services Director Vogt responded this is exactly like the one the Board approved last month, just a different landfill this time. These are permits the District issues for Leachate. In the past the permit was issued for 5 years, but with the new concerns of PFAS and the unknowns that come with that, staff is only renewing permits for a 1 year period. This landfill uses the District as a back up to their normal discharge location.

There was no further discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

**MOTION TO APPROVE PURCHASE ORDER TO LAI, LTD. FOR \$32,945 FOR WEST WRF RAW SEWAGE PUMP 1 REPLACEMENT**

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to authorize Executive Director Johnson to sign a purchase order to LAI, Ltd. for \$32,945 for West WRF Raw Sewage Pump #1 Replacement. Trustee Rauschenberger asked why no dual speed motor. Technical Services Director Vogt explained that the existing two speed pumps at the West Plant only operate at a lower speed and thus the two speed motor isn't needed.

There was no further discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

**MOTION TO APPROVE EMPLOYEE HEALTH OUT OF POCKET MEDICAL EXPENSES**

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to approve the distribution of reimbursements to employees for out of pocket medical expenses for calendar year 2022. President Bernal asked if the employees have been made aware of the changes on how this is processed. Executive Director Johnson responded yes. He continued with the Insurance renewals coming up June 1<sup>st</sup>, staff is exploring better options for this program.

There was no further discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

At approximately 6:00 P.M., Trustee Penesis's connection to the Zoom meeting was lost. President Bernal called for a 10 minute break to allow Trustee Penesis time to reconnect.

At 6:10 P.M., President Bernal called the meeting back to order. Roll call was taken. Present were President Benjamin Bernal, Vice President Marty McCormack, Trustee Steve Rauschenberger. Trustee Beth Penesis attended via Zoom.

**MOTION TO APPROVE FISCAL YEAR 2024 BOARD OF TRUSTEES MEETING SCHEDULE**

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the proposed Board meeting schedule for both the Board of Local Improvements and Board of Trustees for Fiscal Year 2024. There were some discussions regarding some of the dates and a few changes were suggested. Trustee Penesis indicated she would have to look at her calendar when she was not using her phone for the zoom call. President Bernal commented that they are always able to reschedule a Board meeting if it is a conflict. A motion to amend some dates of the schedule was

made by Trustee Rauschenberger, seconded by Trustee McCormack. Trustee Rauschenberger asked for staff to update and redistribute the calendar to the Trustees at the next meeting.

There was no further discussion. President Bernal called for a Roll Call vote on the schedule as amended. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

**MOTION TO APPROVE FY 2023-2024 TENTATIVE APPROPRIATION BUDGET  
ORDINANCE 950**

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to adopt the FY2023/2024 Tentative Appropriation Budget Ordinance 950 as presented and authorize staff to make all public notices required by Illinois Statutes for an April 19<sup>th</sup>, 2023 Public Hearing to approve the FY 2023/2024 Appropriation Budget Ordinance. President Bernal requested that staff provide a side by side report comparing last years budget to this year's budget. Technical Services Director Vogt responded that she will prepare and e-mail that out the Board members.

There was no further discussion. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Penesis: Aye, Bernal: Aye.

**DISCUSSION ONLY – PARENTAL LEAVE POLICY**

As requested by the Board at the last meeting, Executive Director Johnson provided a draft parental leave policy for the Board members to review. He indicated that none of the other agencies the District contacted had any cutting edge type policies similar to this one presented in place. The policy would give eligible employees up to 4 weeks of paid leave and would run concurrently with FMLA Leave. Trustee Rauschenberger asked if Human Resources or our Attorney has reviewed this proposed policy. Executive Director Johnson responded yes. President Bernal commented that he would like the attorney to review it one more time before the board votes on a decision at the next Board meeting.

**TECHNICAL SERVICES REPORT**

Technical Services Director Vogt reported that as of March 2, 2023, there are two major bills that could have impacts for the District.

- The first is HB1602 – Sanitary District Contracts which increases the bidding threshold from \$40,000 to \$100,000 for districts of FRWRDs size, as well as increasing emergency bid thresholds. IAWA supports and pushed for this bill.
- The second is HB2845 – Prevailing Wage on Biosolids Hauling which would require prevailing wages to be paid for the hauling of biosolids for land application and landfilling. IAWA is not supportive of this bill as it will increase biosolids disposal costs by approximately 50-60%. In anticipation that this bill will pass, TSD Vogt commented that she did increase the Biosolids hauling budget for Fiscal Year 2024 by about 60%.

Executive Director Johnson commented that both of these bills have passed out of committee and they are still very much alive and possible.

Lastly, Technical Services Director Vogt commented that the IEPA is considering changes to their rules on Disadvantaged Community funding for the wastewater revolving loan program. The changes would mirror those proposed for the lead service line replacement funding, however, changes to these rules for the wastewater program are likely still at least a year out.

### **STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS**

Technical Services Director Vogt provided a written update on all projects. Highlights include the following:

- North WRF Influent Screening Project will be going out for bid soon.
- The contractor for the ADP WRF Belt Filter Press project has indicated that the equipment is being fabricated and is scheduled to ship to the site in the upcoming weeks.
- Stand is finalizing the Biogas Utilization Study, but at this point it is not looking like a direct connect to Nicor for renewable natural gas (rng) production would be cost effective. There may be an option to truck rng to another direct connection which is about 30 miles away.

### **EXECUTIVE DIRECTOR JOHNSON'S REPORT**

Executive Director Johnson provided a written report to the Board of Trustees. Highlights include the following:

- ED Johnson reported that Baker Tilly is putting together a proposal for a rate study. They have indicated that it will take 8-10 weeks to run the analysis. Trustee Rauschenberger commented that he would be in favor of a rate increase of 3-5% in the mean time while we wait for the results from Baker Tilly. The District has not had a rate increase since September of 2021 and there needs to be something done before funds run out as the depreciation expenses have increased significantly since the completion of the phosphorus removal projects.
- President Bernal asked for an update on the phosphorus issues involving the City of Elgin. Executive Director Johnson commented that he has not been able to set up a meeting yet. President Bernal asked why staff thought the City is not exploring other options that we are aware of. Technical Services Director Vogt responded because for them simply adding phosphorus to the water is probably is the easiest solution for them. Trustee McCormack asked if this is the solution that the USEPA is pushing them to do. Technical Services Director Vogt responded likely not, the USEPA probably is just giving them a date by which the issue needs to be addressed.
- Executive Director Johnson reminded Trustees that they need to complete their sexual harassment training. The link was sent to their FRWRD e-mail.
- Lastly, Executive Director Johnson commented that the position for Lab Manager has been posted and there have been some good applicants so far. Also, one of the District chemists

submitted her resignation. Staff will make an offer to qualified internal candidates and if not filled internally, then post that open position as well.

At 6:48 P.M. Trustee Penesis dropped from the zoom call as Board members are not permitted to participate in Executive sessions remotely per District Ordinance.

**RECESS**

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to recess the meeting and enter into Executive Session at 6:49 P.M. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Bernal: Aye.

**RECONVENE**

President Bernal announced the Executive Session had concluded and called the regular Board of Trustees Meeting back to order at 7:07 P.M.

**ADJOURN**

As there was no additional business, Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to adjourn the March 8, 2023 meeting at 7:07 P.M. The next regular meeting is scheduled for 5:30 P.M. Wednesday, April 19, 2023. President Bernal called for a Roll Call vote. Assistant Clerk Narvaiz called Roll: Trustees Rauschenberger: Aye, McCormack: Aye, Bernal: Aye.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

President

Clerk/Treasurer