

Minutes of the regular meeting of the Board of Trustees of the Fox River Water Reclamation District held on Wednesday, May 17, 2023, at the Administration Building at 1957 North LaFox, South Elgin, Illinois. Present were President Benjamin Bernal, Vice President Martin McCormack, Trustee Steve Rauschenberger, and Trustee Beth Penesis.

Staff present included Executive Director Eric Johnson, Technical Services Director Beth Vogt, Assistant Clerk Amy Ortiz, and Attorney Mark Kimzey.

President Bernal called the meeting to order at 5:34 P.M.

ELECTION OF OFFICERS FY 2024 BOARD OF TRUSTEES

Trustee McCormack made a motion, seconded by Trustee Penesis, that the officers of the Board of Trustees of the Fox River Water Reclamation District be elected as follows: Benjamin Bernal, President; Marty McCormack, Vice President; and Beth Penesis, Clerk-Treasurer. Ayes, Trustees: Bernal, McCormack, Penesis. Nays, none. abstain Trustee Rauschenberger.

APPOINTMENT OF TRUSTEES FY 2024 BOARD OF LOCAL IMPROVEMENTS

Trustee McCormack made a motion, seconded by Trustee Penesis, to appoint the Board of Trustees of the Fox River Water Reclamation District to serve as the Board of Local Improvements: Benjamin P. Bernal, Martin McCormack, Steven J. Rauschenberger, and Beth Penesis. Ayes, Trustees: Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

ASSISTANT CLERK

Trustee Penesis made a motion, seconded by Trustee McCormack, to appoint Amy Ortiz as Assistant Clerk for the Board of Trustees. Trustee Rauschenberger questioned if the previous Assistant Clerk has been notified. Executive Director Johnson stated that she has.

No further discussion. President Bernal called for Trustees to vote: Bernal Aye, McCormack, Aye, Penesis, Aye, Rauschenberger, Nay.

ATTORNEY

Trustee McCormack made a motion, seconded by Trustee Penesis, to reappoint Airdo Werwas, LLC as Attorney for the Board of Trustees. Trustee Rauschenberger advised that he was not comfortable with how the contract was written. He would like the language to be changed to demonstrate that all trustees had access to their services not just the Board President and the Executive Director. President Bernal agreed that a revision should be made to include all trustees. Trustee Rauschenberger posed a question regarding how the Attorney's office billed the District. He questioned if there should be a monthly cap on Attorney services. If the monthly bill was to exceed those costs, then it would need to go to the board for approval. Rauschenberger continued to state that Airdo Werwas is currently costing more than the previous attorney.

President Bernal explained that the previous Attorney's services were more limited and that it caused the District to still obtain the cost from a third party. Trustee Penesis stated that the previous month we had an increase in attorney services that we normally don't see. She is hoping in the future this will not be an ongoing expense.

No further discussion. President Bernal called for Trustees to vote: Bernal Aye, McCormack, Aye, Penesis, Aye, Rauschenberger, Nay.

APPROVAL OF THE APRIL 21, 2023, BOARD OF TRUSTEES MINUTES

Trustee McCormack made the motion, seconded by Trustee Rauschenberger to approve the minutes of the April 21, 2023, Board of Trustees as written.

There was no discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

PUBLIC COMMENT

None

APPROVAL OF CASH DISBURSEMENTS

Executive Director Johnson read aloud the cash disbursement totals per fund. Disbursements for the Sewer Revenue Fund are \$1,631,310.93 for the Capital Improvement Fund is \$1,920.00 and for the Depreciation & Replacement Fund is \$88,748.04.

Trustee Rauschenberger made a motion, seconded by Trustee McCormick, to approve the Cash Disbursements as presented. Trustee Rauschenberger questioned the size of the attorney bill from last month and asked if the Executive Director Johnson reviewed the bill. Executive Director Johnson confirmed that the bill is larger from the previous month and replied that he does review the bills and approve the bill before payment. Rauschenberger asked for a copy of the invoice from Ralph Helm to be sent to his email. The Executive Director responded that it would be sent to him.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

REVIEW OF CONNECTION PERMITS

The permits issued in between Board Meetings consisted of two commercial, twelve single family, two multi-family, one public, one industrial, and one institutional. Approximately \$14,800 was collected in service fees. Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to approve the connection permits as issued.

There was no discussion. President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

REVIEW OF CONTRACTS AND PURCHASE ORDERS

Executive Director Johnson provided a report on the five purchase orders that were issued in between the Board Meetings that were over \$10,000. The purchase orders include:

- Wilson Industrial Sales Co in the amount of \$15,750 for BioCarb 72 Bulk delivery.
- Lakeside Equipment Corporation in the amount of \$67,835.00 for NP Secondary 1 Drive Replacement- Winsmith Reducer and hardware.
- Polydyne, Inc in the amount of \$18,400 for Polymer April delivery.
- Lakeside Equipment Corporation in the amount of \$26,222.00 for ADP Secondary 5 Skirt Repair Parts-Full Length Sheets, Hardware, and Railings.
- META-MEG Tool Corporation in the amount of \$13,700.00 for the ADP Secondary 6 Skimmer Fabrication W/Floats.

FOIA REQUESTS

None

NEW BUSINESS

MOTION TO OPEN A PUBLIC HEARING FOR THE FY 2024 BUDGET AND APPROPRIATIONS ORDINANCE 952

President Bernal opened the public hearing from the FY 2024 Budget, that is in effect May 1, 2023, to April 30, 2024, at 5:54 pm. With no discussion from the public the hearing was closed at 5:55 pm.

MOTION TO APPROVE FY 2024 BUDGET AND APPROPRIATION ORDINANCE 952

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the FY 2024 Budget and Appropriation Ordinance No. 952. President Bernal inquired if any changes have been made in the budget from the previous draft. Executive Director Johnson confirmed that no changes have been made.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO AWARD NORTH INFLUENT SCREENING PROJECT TO MANUSOS GENERAL CONTRACTING FOR \$3,533,000

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to authorize Executive Director Johnson to sign the contract with Manusos for the North Influent Screening Project for \$3,533,000.00.

There was no discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE AMENDMENT NO. 1 TO THE NORTH WRF INFLUENT BAR SCREEN AGREEMENT WITH TROTTER AND ASSOCIATES, INC. FOR CONSTRUCTION ENGINEERING SERVICES

Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to authorize Executive Director Johnson to sign an agreement with Trotter and Associates, Inc for Construction Engineering Services.

There was no discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE NORTH AND WEST STRUCTURAL REPAIR DESIGN AGREEMENT WITH TROTTER AND ASSOCIATES

Trustee Penesis made a motion, seconded by Trustee McCormack, to authorize Executive Director Johnson to sign an agreement with Trotter and Associates for North and West Plant Structural repairs. President Bernal inquired what prompted these projects. Technical Services Director Vogt explained that there are several areas of the North and West WRF's where concrete has deteriorated and needs significant repairs. At the North plant the Chlorine Contact Tanks and Secondary Clarifier need repair and at the West Plant the sludge holding tanks and operations building require structural repairs. President Bernal asked if the estimated cost of the projects included in the budget. Technical Services Director Vogt responded that the cost for these repairs are already allocated in the budget.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE CHANGE ORDER NO.1 ON THE ADP WRF BUILDING 45 BFP REHABILITATION PROJECT WITH HAYES MECHANICAL

Trustee McCormack made a motion, seconded by Trustee Penesis, to authorize Executive Director Johnson to sign a change order to Hayes Mechanical for the 45 BFP Rehabilitation project.

There was no discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE PURCHASE ORDER TO LAI, LTD. FOR \$20,730 FOR WEST WRF PRIMARY SLUDGE TELESCOPING VALVES WITH ACTUATORS

Trustee Penesis made a motion, seconded by Trustee McCormack, to authorize Executive Director Johnson to issue a purchase order to LAI, LTD for \$20,730 for the West WRF Primary Sludge telescoping valves with actuators. Technical Service Director Vogt noted that this part is as a sole source purchase and is not sold at any other location.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE A 4.0 % INCREASE FOR FY2024 SALARY ADJUSTMENTS AND PAY GRADE ASSIGNMENT RANGES

Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to approve a 4.0 salary increase for the FY2024. Trustee Rauschenberger inquired for further information for Executive Director Johnson to walk through what staff would be included in the salary adjustments. Executive Director Johnson responded that all staff would be included, except the Executive Director. President Bernal inquired if staff are demonstrating concern with their pay. Executive Director Johnson explained that staff have expressed their concern and wondered if there would be a change in pay due to the cost of living increasing. Executive Director Johnson explained further that there were staff that have left due to other opportunities.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE RATE STUDY SERVICES PROPOSAL FROM BAKER TILLY MUNICIPAL ADVISORS, LLC

Trustee McCormack made a motion, seconded by Trustee Penesis, to approve a rate study services proposal from Baker Tilly. President Bernal inquired how long would the rate study take to complete. Executive Director Johnson responded it would only take about 3 months to complete Baker Tilly is already familiar with the District. Trustee Rauschenberger stated that he is more interested in the tools they would have to offer from completing this study. He would like to see formulas that staff in the future to help the District. Rauschenberger commented he is interested in what questions would be asked to develop the study. President Bernal noted that it would be nice to see Baker Tilly offer different models to see the different options available for the District. Trustee Rauschenberger would like the study to look at two agencies such as Fox Metro and see how other agencies are setting their rates in comparison to their ongoing expenses and staff salaries.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE 2023 HEALTH, DENTAL, AND VISION INSURANCE COVERAGES

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to approve the 2023 Health, Dental, and Vision Insurance Coverages. President Bernal inquired how are we on rates this year? Executive Director Johnson replied we are seeing rates at a 2.5% compared to the nations average of 8.0%. This has been a good year on usage. President Bernal stated he has seen in the industry at a 6-9% rate. This is a very good rate for the District.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE 2023 KANSAS CITY LIFE GROUP BENEFITS

Trustee McCormack made a motion, seconded by Trustee Penesis. To approve the 2023 Kansas City Life Group Benefits. President Bernal inquired about the current rates. Executive Director Johnson explained there is roughly about 8.2 % increase. The increased cost is due to our current retirees benefit package allows retirees to have that coverage until the day of their death. Although no changes are being recommended at this time, changing the length of coverage could be considered in the future to reduce this cost.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

MOTION TO APPROVE RESOLUTION ESTABLISHING A DECENNIAL COMMITTEE ON LOCAL GOVERNMENT EFFICIENCY

Trustee McCormack made a motion, seconded by Trustee Penesis, to approve the resolution establishing a Decennial Committee on local government efficiency. Trustee Rauschenberger inquired who drafted this resolution. Executive Director Johnson responded that he was the one who drafted this document based on the language of that was presented in the law. Trustee Rauschenberger questioned how the law was written and stated he was not comfortable with how the language was written in this document. President Bernal called on the Attorney to confirm the language in the law. Attorney Kimzey stated that he does believe the law states the appointment is by the chair of the board of the governmental unit which would represent in our District the President of the board.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

APPROVAL OF PRESIDENT’S APPOINTMENTS TO THE DECENNIAL COMMITTEE ON LOCAL GOVERNMENT EFFICIENCY

Trustee McCormack made a motion, seconded by Trustee Penesis to approve the appointments of Jose Bosque, Nuhemi (Emi) Morales, and Michael McKay to the Decennial Committee on Local Government Efficiency. Trustee McCormack stated that we can discuss dates and time at a later date. Discussion continued regarding how many meetings are required for the committee. Executive Director Johnson responded that the law requires a minimum of 3 meetings over the next 18 months with the first meeting happening before June 10th. Technical Services Director Vogt stated that the law mandates that the all the board members be part of the committee. Attorney Kimzey confirmed Vogt statement. Trustee Rauschenberger stated that we can host these meetings during the Board meetings. Technical Services Director Vogt recommended the meetings to take place before the board meeting. Trustee Penesis inquired who would write the report that needed to be submitted. Executive Director Johnson responded that the staff would write the report.

There was no further discussion; President Bernal called for Trustees to vote: McCormack: Aye, Penesis: Aye, Bernal: Aye. Naves, None. Sustain Trustee Rauschenberger:

TECHNICAL SERVICES REPORT

Technical Services Director Vogt explained that with numerous bills that are be proposed in Illinois legislature this session related to PFAS, the IEPA appears to have made a commitment to develop special conditions related to PFAs to add into the NPDES permits that are scheduled for renewal. Additionally, USEPA Region 5, which has pretreatment authority in Illinois, has also drafted special condition language. Both drafts were forwarded to IAWA for review and a group of active participants have been reviewing the language. Any input needs to be provided quickly, as IEPA plans to move forward as soon as possible with adding the language into renewal drafts.

The key provisions in the IEPA draft language include all major POTWs will have to test the influent and effluent of their plants quarterly for PFAS using the USEPA 3rd draft standard method 1633. Biosolids are to be tested semiannually. POTWs are to develop an inventory of facilities in their service area that may have the potential to contribute or discharge PFAS in the sanitary sewer system. The draft pretreatment language goes considerably further for POTWS. Quarterly PFAS monitoring is required with each PFAS test costing approximately \$450 dollars per sample. The POTWS are to develop local limits that focus on BMP for inclusion in the permits. Note this is difficult to do given there is no wastewater effluent standard for PFAs and no treatment process for removal.

STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS

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

- ADP WRF Phosphorus Removal Liquid Facilities this project is complete, and staff are operating the facility to optimize the treatment process with assistance from the design engineer. The ADP WRF is receiving sludge from the North WRF via the sludge force main. The impacts of this change on phosphorus processes are currently being identified. Once the process is operating satisfactorily with the sludge from Nort WRF, staff will begin sending sludge from West WRF to the gravity thickeners.
- CSO Structure Rehabilitation DesignNo bids were received at the last bid opening. The consultant is reaching out to potential bidders to determine if the bidding climate is such that competitive bids would be received in upcoming months.
- ADP and North WRF HVAC Improvements contractor Independent Mechanical Industries, Inc. The project is underway, and the contractor has started to deliver materials to the site in preparation for installation commencing this summer.
- ADP WRF Belt Filter Press Rehabilitation Project contractor Hayes Mechanical. The work of the first press has commenced. Based on initial review of the condition of the equipment, the unit requires additional components that were not in the original scope.
- North WRF Influent Screening Project has been bid and two separate Board Action Request are presented at this Board Meeting for the Award of the project an consultant engineering services during construction.
-

- Pump Station 38 Rehabilitation Project contractor Manusos General Construction. The contractor is working on piping and valve replacement and is also continuing with the installation of the flood barriers and exterior improvements. The remaining electrical portions of the project, that will require facility shutdowns and temporary pumping is being coordinated with staff, will be completed late in the summer.
- Electrical Distribution System Upgrades CDM-Smith and staff held a meeting to review the alternatives for future upgrades to best meet with the electrical needs of the North WRF, and PS 32 and 37. Staff have provided comments to the consultant for inclusion in the final report. A meeting to review the alternatives for the final recommendations and cost estimates is currently being reviewed.
- ADP WRF Biogas Utilization Study Strand has provided the final report to the staff.
- Bowes Road Interceptor Sewer 1 Cleaning and Televising project contractor National Power Rodding Corporation. The project is complete and final payment has been made.
- PS 41 Generator Installation Project went for bid on May 11th. No bids were received. Staff will monitor the bidding conditions to determine the best method to get the work completed. The Nicor portion of the project to bring natural gas to the proposed generator location can still proceed as planned as the pad was to be installed after Nicor completes its pipeline. The Nicor work is at no cost to the district.
- North WRF Structural Repairs Project a separate Board Action request is presented at this Board meeting for the design of structural repairs at the Chlorine Contact Tanks and Secondary Clarifiers.

EXECUTIVE DIRECTOR JOHNSON'S REPORT

Executive Director Johnson provided a written report to the Board of Trustees including:

Accounting Transitions: Governmental Accounting has assumed the accounting duties for the District. While Kim is on leave Governmental Accounting, Amy Ortiz, Beth Vogt, and Eric Johnson will be splitting the duties normally handled by Kim. The March financial report was completed by James Howard. The information presented is easier to read with graphs for a nice snapshot of where we currently stand. Portbrown has declined the request to complete the financial reports through the end of April when our fiscal year ended. They have completed their obligations to the district with their final month being February 2023. James Howard is working with Pauline Staab to have all the District accounting files transferred over to his firm. James has been lopped in with both auditing firms to complete the FY23 regular OPEB audits.

100th Anniversary (Observed) Open House: The district will be hosting an open house on Thursday June 15th from 6:00-8:00 pm to celebrate 100 years of service. David Butts, Kathy Kovach, Amy Ortiz, Eric Johnson have been serving as an unofficial planning committee. We will be offering a tour of the building and a tour of the west plant. Refreshments and hors d'oeuvres will be served and a brief program at 7:00 pm.

Legislative Updates from IAWA: IAWA Lobbyist Mike Grady sent an update on the following bills that we have been monitoring. House Bill 1602 Sanitary District Bidding Proposal is on the final passage in the Illinois Senate. Senate Bill 1438, the Illinois Dig Once Act, is positioned for a final floor vote. House Bill 3508 requiring IEPA to do a study of EPA consistent with Federal Standards and Regulations amendments to the bill have been made and would need to go back to the house for concurrence action.

BOARD PRESIDENT REPORT

President Bernal reported that himself, Executive Director Johnson, Technical Services Director Vogt, Senior Project Manager Kerrigan, Laboratory Manager Russell, and New Laboratory Manager Youssef had a meeting with the City of Elgin to discuss their plan to add Phosphorus into the city's water system starting in 2024. Members from the city who attended the meeting included: The Mayor, Elgin City Manager, Assistant City Manager, Elgin Public Works Director, and Elgin Water Director. President Bernal requested Technical Services Director Vogt to provide an overview of the meeting with the city. Technical Services Director Vogt stated that the city has received two action level notices regarding the amount of lead in the water system. The city was expected to have this issue resolved by 2021.

The biggest question is how the city is going to fix this issue. The current plan is for the city to put 3mg of Phosphorus into the water system. The duration of this project and how much phosphorus they are planning to put into the water system is unclear at this time. It would cost the city 14 million dollars to replace all the lead service lines. A cost the city would like the help from the District to get this project completed at a faster rate. Trustee Rauschenberger commented he would be willing to discuss making a commitment to the city only if it was something that would be beneficial for the district.

EXECUTIVE SESSION

Trustee McCormack made a motion, seconded by Trustee Penesis, to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act, 5 ILCS 120/1 et seq., to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Fox River Water Reclamation District. President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none. Motion carried. President Bernal adjourned the Executive Session meeting at 7:04 PM.

RECONVENE

President Bernal announced the Executive Session had concluded and called the Board of Trustees back to order at 7:30 P.M. Present were President Bernal, Vice President McCormack, Trustee Rauschenberger, and Trustee Penesis. Also present were Attorney Airdo and Assistant Clerk Ortiz.

May 17, 2023

ADJOURN

As there was no additional business, Trustee Penesis made a motion, seconded by Trustee McCormack, to adjourn the May 17, 2023, meeting at 7:32 PM. The next regular meeting is scheduled for 5:30 P.M. Wednesday, June 14, 2023. President Bernal called for a Roll Call vote. Assistant Clerk Ortiz called Roll: Trustees McCormack: Aye, Penesis: Aye, Rauschenberger: Aye, Bernal: Aye.

Respectfully Submitted,

Amy Ortiz, Assistant Clerk

APPROVED:

President

Clerk/Treasurer