

Minutes of the regular meeting of the Board of Trustees of the Fox River Water Reclamation District held on Wednesday, August 10, 2022 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 Bob Trueblood, Technical Services Director Beth Vogt, Senior Project Engineer James Kerrigan, Assistant Clerk Kim Narvaiz and Attorney Mark Kimzey.

President Bernal called the meeting to order at 5:45 P.M.

APPROVAL OF THE JULY 13, 2022 BOARD OF TRUSTEES MINUTES

Trustee Rauschenberger made the motion, seconded by Trustee McCormack, to approve the minutes of the July 13, 2022 Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

APPROVAL OF THE JUNE 8, 2022 BOARD OF TRUSTEES MINUTES

Trustee Penesis made the motion, seconded by Trustee McCormack, to approve the minutes of the June 8, 2022 Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

APPROVAL OF THE JUNE 8, 2022 EXECUTIVE SESSION BOARD OF TRUSTEES MINUTES

Trustee McCormack made the motion, seconded by Trustee Penesis, to approve the minutes of the June 8, 2022 Executive Session of the Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

APPROVAL OF THE JUNE 3, 2022 BOARD OF TRUSTEES MINUTES

Trustee Penesis made the motion, seconded by Trustee McCormack, to approve the minutes of the June 3, 2022 Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

APPROVAL OF THE JUNE 3, 2022 EXECUTIVE SESSION BOARD OF TRUSTEES
MINUTES

Trustee McCormack made the motion, seconded by Trustee Rauschenberger, to approve the minutes of the June 3, 2022 Executive Session of the Board of Trustees as written. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

PUBLIC COMMENT

Eight FRWRD employees were in attendance at the meeting. Maintenance Superintendent Steve Moore requested to speak on their behalf during public comment. His statement is as follows:

“My name is Steve Moore, I am the Maintenance Superintendent for the District. I prepared a statement I would like to read about the delay in hiring a new Executive Director.

In 29 years with the district, I have never witnessed board actions that upset and frustrated so many employees including myself. This last-minute search for a new Executive Director has severely damaged the moral of employees. The board had plenty of notice and time to find a new executive director, but instead waited until the last minute, leaving employees in limbo of the District’s future.

I and many others were excited at the thought of Beth (Vogt) becoming the next Executive Director, with the knowledge and leadership that Beth brought to the District, it doesn’t get any better than her.

I’m asking the board to realize that your actions negatively impacted District employees, and hopefully we don’t lose essential employees over this. Please keep in mind that you are to protect the district assets and not drive them away.

Thank you.”

Senior Project Engineer James Kerrigan added that it was his understanding that Steve’s comments were similar to those shared by the staff present and of the majority of staff at the District.

Operations Superintendent Ed Brown commented that he agrees with what has already been said. Additionally, Ed commented that the District has made so much forward progress since Beth was hired, it would be devastating to have to start all over again with someone new. Ed continued saying that Beth understands the District and its complexity and shares a vision along with other staff members of how the future should look, it would really be a setback to lose that.

The rest of the employees present nodded that the comments made represented their thoughts on the Board of Trustees Executive Director search.

President Bernal thanked the employees for their input. There was not further comment from the public.

APPROVAL OF CASH DISBURSEMENTS

Executive Director Trueblood read aloud the cash disbursement totals per fund. Disbursements are Sewer Revenue Fund \$1,425,689.16, Capital Improvement Fund \$75,310.35, Depreciation & Replacement Fund \$71,992.84 and Corporate Fund \$1,010,521.78.

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 vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

REVIEW OF CONNECTION PERMITS

There were five Commercial, five Industrial, and one Single Family permits issued in between meetings. Approximately \$14,000 was collected in connection fees and the others were all prepaid service fees. TSD Vogt noted that service fees are always prepaid based on the structure of the fee payments in the ordinance. Trustee McCormack made a motion, seconded by Trustee Penesis, to approve the Connection Permits as issued.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

REVIEW OF CONTRACTS AND PURCHASE ORDERS

Executive Director Trueblood reported that there were three purchase orders over \$10,000 issued between Board meetings. They are as follows:

- Polydyne, Inc. in the amount of \$19,182 for the polymer for the dewatering process.
- LAI, LTD in the amount of \$30,122 for the motor for the West Plant Drain Pump, approved by the board.
- JWC Environmental, Inc. in the amount of \$35,293.30 for the ADP WRF Purify Drive Grinder Renewal, which was previously approved by the board.

FOIA REQUESTS

Executive Director Trueblood reported that there were two FOIA requests between meetings. The first was from Dave Cox regarding planning lists of bids that FRWRD maintains. Staff does not maintain such a list and the response indicated that. The second was a request from Art Malm for drawings related to the newly constructed lift station on Robertson Road. Staff provided a copy of the record drawings for the project.

OLD BUSINESS

EXECUTIVE SESSION MINUTES – EXEMPT UNDER 5ILCS 120/2 (C) (21)

President Bernal requested that this agenda item be moved to the end of the meeting. Trustee Rauschenberger made a motion seconded by McCormack to move agenda item 11.1 to item 14.2. There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

NEW BUSINESS

MOTION TO APPROVE FIREWALL UPGRADE AGREEMENT WITH CONCENTRIC INTEGRATION

Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to approve the Firewall Upgrade Agreement with Concentric Integration for \$35,760. Trustee Rauschenberger asked how old the equipment was. TSD Vogt indicated the equipment was installed when the new Administration Building was constructed so it is 12 years old.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE SIXTH SUPPLEMENTAL AGREEMENT BETWEEN THE FOX RIVER WATER RECLAMATION DISTRICT AND THE VILLAGE OF WEST DUNDEE

Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to approve the Sixth Supplemental Agreement with the Village of West Dundee. TSD Vogt explained that the agreement sets forth the provisions for the Village to make their payments toward the loan for the Phosphorus Removal – Struvite Facilities Project. The agreement was reviewed by Attorney Kimzey and has been approved by the Village Board. Trustee Rauschenberger asked if there was any push back from the Village. TSD Vogt said no as staff provides them with annual updates on the status of the loan projects and their expected costs. TSD Vogt also commented that MWRD paid their portion up front as construction occurred so there is no agreement with them.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE THE LEGEND PARTNERS LLC SHARED GREASE SEPARATOR AGREEMENT FOR MULTI-TENANT RETAIL AND RESIDENTIAL DEVELOPMENT, ELGIN

Trustee McCormack made a motion, seconded by Trustee Penesis, to authorize the Executive Director to sign the multi-tenant outside grease trap agreement with Legend Partners, LLC. for the Courtyard at 40 development, Elgin, IL.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE FIRST AMENDMENT TO THE BIOSOLIDS MANAGEMENT AGREEMENT WITH SYNAGRO CENTRAL, LLC

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to authorize the Executive Director to sign the First Amendment to the Biosolids Management Agreement with Synagro Central, LLC. TSD Vogt indicated that representatives Will Walker and Clayton Sutherland from Synagro were in attendance at the meeting to answer questions the board may have.

Trustee Rauschenberger asked if the District was required to enter into this amendment or if we were being cooperative given the fuel costs? TSD Vogt explained that the agreement does not include any fuel surcharge and only makes provisions for the District to end the contract, not Synagro. If the District did not want to make these provisions, Synagro would have to either honor the contract as currently written or walk away. If they did stop performing the work, the District would keep their performance bond, but then we would have to rebid the contract likely at much higher cost. ED Trueblood added that staff will address adding fuel surcharge provisions in future biosolids management bid contracts. ED Trueblood also noted that staff has been extremely pleased with the service from Synagro and how they keep our storage cleaned out. President Bernal asked about the expected increase in cost due to the amendment. TSD Vogt explained that she made a very upper limit estimate that it could add up to \$37,000 more, however this would still be a lot less than if the other bidder had been awarded the contract.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

Synagro representative Will Walker thanked the Board and commented that the District has an amazing staff that is a pleasure to work with.

MOTION TO APPROVE PURCHASE ORDER TO LAI, LTD. FOR \$51,555 FOR PUMP STATION 39 RAW SEWAGE PUMP #1 REPLACEMENT

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to authorize the Executive Director to sign a purchase order to LAI, Ltd. for \$51,555 for the Pump Station 39 Raw Sewage Pump #1 Replacement. TSD Vogt commented that this is a sole source purchase as obtaining this type of pump from another manufacturer would require replacement of all mounting hardware and potential modification to discharge piping as well.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE PURCHASE ORDER TO LAI, LTD. FOR \$19,927.82 FOR WEST WRF PLANT DRAIN PUMP #1 REPLACEMENT

Trustee Penesis made a motion, seconded by Trustee McCormack, to authorize the Executive Director to sign a purchase order to LAI, Ltd. for \$19,927.82 for West WRF Plant Drain Pump #1 Replacement. Trustee Rauschenberger asked if this purchase was sole source as well. TSD Vogt responded yes.

There was no discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE AGREEMENT WITH AIRDO WERWAS

Trustee Penesis made a motion, seconded by Trustee McCormack, to approve the agreement with Airdo Werwas as presented. Trustee Rauschenberger asked if the contract was May 2022 to May 2023. President Bernal responded yes. ED Trueblood indicated that the agreement included a \$10 per hour increase in partner billing rates. Trustee Rauschenberger asked if the contract included mandatory arbitration if a dispute between the parties arose. Attorney Kimzey said yes.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

MOTION TO APPROVE PROPERTY AND CASUALTY INSURANCE BROKER OF RECORD

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to authorize Executive Director Trueblood to work with the Broker of record for the 2022 property, casualty, and workers compensation insurance coverage. Trustee Rauschenberger asked what the timeline is regarding when a decision needs to be made. ED Trueblood responded a decision needs to be made tonight so paperwork can get moving. Rich Stokluska representing AJ Gallagher was in attendance. Jose Melendez of Melendez Insurance and Dan Mackey from Alliant were in attendance representing Alliant. Rich Stokluska and Dan Mackey each gave a presentation explaining their respective proposals to the District. At the conclusion of the presentations, Trustee Bernal thanked both firms for being present today and commented that he liked that for 2022 Alliant has been voted by Forbes as one of the best employers for diversity and therefore is making an amendment to the motion to change the broker of record for the 2022 property, casualty, and workers compensation insurance coverage to Alliant. Trustee McCormack seconded the amendment.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Penesis. Nays, Rauschenberger.

**MOTION TO APPROVE AGREEMENT FOR THE EXECUTIVE DIRECTOR
RECRUITMENT AND SELECTION**

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to authorize Executive Director Trueblood to execute an agreement with GovHR USA, LLC for the recruitment and selection services related to filling the Executive Director Position. President Bernal introduced Jim Arndt who was presented via zoom. Mr. Arndt gave a quick overview of the recruitment process. Trustee Rauschenberger asked him to explain the fee structure breakdown as he doesn't want to be surprised with hidden fees. Trustee Rauschenberger also asked how quickly the process will proceed and conclude. Mr. Arndt explained the fee is a flat rate plus any other direct costs such as travel that are estimated in the agreement. He also indicated that he believes the process can be completed in approximately 3-4 months. Trustee Bernal commented that he liked that GovHR USA includes a 1-year guarantee otherwise they will work to fill the position again at no cost, also they do not take a percentage fee, it is instead a flat rate.

There was no further discussion; President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none.

TECHNICAL SERVICES REPORT

TSD Vogt presented an overview of the rate comparison as requested by the Board of Trustees at a previous meeting. The findings were that:

- FRWRD/COE/VSE water, sewer, and wastewater bills are \$13.27 lower per month than the average of the comparison group.
- FRWRD/COE/VSE sewer and wastewater bills are \$11.83 lower per month than the average of the comparison group.

Trustee Rauschenberger commented that this is useful information to have to help decide on what type of rate increase the Board wants to go with for this year.

TSD Vogt also shared an article related to PFAS in biosolids as a follow up to their article about PFAS in drinking water. The article focuses on the biosolids distributed by MWRDGC. Trustee Rauschenberger asked if PFAS testing is expensive. President Bernal asked if this testing could be done internally. TSD Vogt commented that she would have to check on the cost for testing. She also indicated that she did not think we have the correct equipment, but that she would follow up with better information.

STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS

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

- Staff has advertised for bids for the Sludge Forcemain River Crossing project as well as the ADP and North WRF HVAC Improvement project.
- For the CSO Structure Rehabilitation Project the consultant is preparing the revised bid documents and staff is anticipating bidding the project later this fall.

EXECUTIVE DIRECTOR'S REPORT

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

- No new updates on Covid since the last Board meeting.
- The Employee Committee meeting held on August 3, 2022 again included significant discussion concerning the Executive Director position. Major concerns included why the Board is taking so long with the process, why the position is no longer being offered to Technical Services Director Vogt, and whether the Board is taking into consideration the morale of employees given the current dynamics and trickledown effect this could cause.
- FRWRD has made an offer to an individual for the Operation Supervisor Position. HR Manager Butts is working on the onboard process and determining a start date.
- The April 2022 Financial Statement has been reissued to correct the recording of Investments. The May 2022 Statement was also provided.

RECESS

Trustee McCormack made a motion, seconded by Trustee Penesis, to recess the meeting and enter into Executive Session at 7:06 P.M. President Bernal called for a vote; Ayes, Trustees Bernal, McCormack, Rauschenberger, Penesis. Nays, none

RECONVENE

President Bernal announced the Executive Session had concluded and called the regular Board of Trustees Meeting back to order at 7:30 P.M.

ADJOURN

As there was no additional business, Trustee Rauschenberger made a motion, seconded by Trustee Penesis, to adjourn the August 10, 2022 meeting at 7:31 P.M. The next meeting is scheduled for 5:30 P.M. Wednesday, September 14, 2022. President Bernal called for a vote, Ayes, Trustees Bernal, McCormack, Rauschenberger and Penesis.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

President

Clerk/Treasurer