



**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF FOX METRO WATER RECLAMATION DISTRICT  
HELD WEDNESDAY, MAY 22, 2024**

The Board of Trustees met in a regular monthly meeting at 9:30 A.M. in the offices of the District at the Water Pollution Control Plant on Wednesday May 22, 2024. Present were Trustee Judith S. Sotir, Trustee Michael Funkey, Trustee Chuck Nelson, Trustee Brown and Trustee Scott Gryder. Also present were District Manager Karen Clementi, Regulatory Manager Tim Rubis, Controller Linnea Scherer, Human Resources Supervisor Dan Rivera, Plant Manager Joel Ilseman, Senior Project Engineer James Kerrigan, IT Supervisor Dan Vargas, Senior Administrative Assistant, Norma Rodriguez, and Mr. Shawn Ajazi from Progressive Energy Solutions.

11321 The bills were presented and read. It was moved by Trustee Funkey that the bills that have been presented and paid during the month of April 2024 be approved in the amount of \$3,633,883.52. Motion was seconded by Trustee Gryder, put to vote and unanimously carried that the bills be paid as presented.

11322 It was moved by Trustee Funkey seconded by Trustee Brown, put to vote and unanimously carried that the Financial Report for April 2024 be approved as submitted.

Controller Linnea Scherer addressed the Board with an update on the Rate Study. She said staff has received the finalized Agreement with NewGen Strategies & Solutions to prepare the District's 2024 Rate Study. Ms. Scherer has reached out and has met with a few different consultants and Manager Clementi, Senior Project Engineer James Kerrigan and herself came to the agreement that NewGen provided the service and package that would be the best fit for the District. The rate study will be a team effort between NewGen, Manager Clementi, Mr. James Kerrigan and Ms. Scherer.

Manager Clementi and Ms. Scherer will be meeting with Kellen O'Malley and Jim Savio from Sikich on May 31, 2024 for a preliminary audit meeting. These annual meetings are an opportunity to discuss



changes, both internally at the District and to update District staff on external regulatory changes.

11323

It was moved by Trustee Funkey, seconded by Trustee Nelson, put to vote, and the Motion was unanimously carried that the minutes of the April 17, 2024 Regular Board Meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

11324

It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote, and the Motion was unanimously carried that the minutes of the May 1, 2024 Special Board Meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

In Public Comments, Trustee Sotir on behalf of the Board, congratulated all of the employees who celebrated birthdays in the month of May.

The Non-union representative and Fox Pride recipient for the month of May is Heather Ochoa, Customer Service Representative from the Billing Department. Heather has worked in this department for nine years and routinely handles many complicated tasks. Heather is often going “above and beyond” in her regular duties. Still, she stepped up to the plate recently with an idea to review almost 200 accounts from the 1970’s to the present to verify they were being billed correctly. Heather related the details of this recent situation and how she fixed these old accounts.

Plant Manager Joel Ilseman introduced Dylan Moore, Operations Apprentice who is the Union representative at this month’s Board Meeting. Dylan joined the District last year and has recently completed his first six months in the Operations Department. He is now assigned to the Maintenance Department to complete the next six months in that department to complete his probation.

11325

With no other Public Comments, it was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and the Motion was unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.



The Regular Board Meeting temporarily adjourned at 9:40 A.M.

In the Committee of Local Improvements Mr. Shawn Ajazi, from Progressive Solutions addressed the Board and updated them regarding the new vendor for the Solar Farm #2. He gave the Board a memo with financial information and reviewed it in detail. As previously discussed at last month's Board Meeting, Progressive solicited proposals from three companies on completing the solar projects for the North and South array. The three companies are: Solarity, General Energy and Round Trip. Mr. Ajazi explained in detail the proposal options for each company.

Based on the net cost and developer's responses, further verification of each company's organizational chart, the status with the Illinois Shines Program, and direct experience of completed projects, Progressive recommends that Fox Metro enter a contract with General Energy to complete the project. Fox Metro staff concurs with recommendation.

Under this recommendation, Fox Metro would use the remaining total amount of \$1,487,670.00 in the original project and add \$2,360,153.00 with new project costs for a total payment of \$4,117,823.00 to General Energy. The net differential that Fox Metro will have after all incentives are paid back are \$633,732.00 between the original project cost and the new project.

The next steps and recommendations are to seek Board approval to approve General Energy as the solar developer moving forward and to present General Energy's contract for District's legal review. Upon legal review and approval, the Board will need to authorize Manager Clementi to sign the agreement and following the agreement signature, General Energy will begin coordination for project completion on the North and South arrays.

It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and approve the recommendation of staff to accept Progressive Energy's recommendation to proceed with General Energy as the contractor and authorize Manager Clementi to sign the Agreement to enter into a contract to build Solar Field #2.



Mr. Ajazi said he has commitment from General Energy that the Solar Field #2 project would be completed by June 2025.

The next item discussed in the Committee of Local Improvements, IT Supervisor Dan Vargas addressed the Board regarding the updated District website. Mr. Vargas said the updated website is scheduled for public launch on May 30, 2024. He reviewed in detail all the improvements made to the new website and said it was designed to make it easier for the public to navigate and find content. The new website makes it easier for customers to find the page to pay their bill which is the page that gets the most traffic on the website. Mr. Vargas' presentation was very detailed and informative. Staff that was involved in this project were Trustee Sotir, Manager Clementi, retired Lab Supervisor Eva Kiss, current Lab Supervisor Megan Miklosik, and himself. Trustee Sotir said this was a very interesting project, the size of the project and how many pieces of detail have to go into it to make it happen. She commended Mr. Vargas for his amazing job. Mr. Vargas addressed and answered the Board's questions and concerns.

At 10:00 A.M. Manager Clementi opened and read aloud bids received for the Building P1 Server Room Construction Project as follows: Sjostrom and Sons, Inc. – Total Bid \$653,118.00; The Engineer's Estimate for this project is \$200,000.00. After Discussion, it was moved by Trustee Funkey, seconded by Trustee Gryder, put to vote and unanimously carried based on recommendation of staff to reject the only bid that was submitted for this project from Sjostrom and Sons, Inc., in the amount of \$653,118.00, due to being too high. Staff will review the project and potentially request authorization for another bid in the Fall.

Attorney Ingemunson called for a Public Hearing at 10:00 A.M. regarding the 2024/2025 Fiscal Year Budget. Notice of said Public Hearing was duly published in the Beacon News. The Board of Trustees approved Appropriations Ordinance No. 929 in tentative form at the April 17, 2024 Board Meeting.

After addressing all questions from the Board and hearing no comments from the public, Attorney Ingemunson presented Appropriations Ordinance No. 929 to the Board for their approval.

11328

It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and unanimously carried that the Public Hearing be adjourned and Appropriations Ordinance No. 929 for 2024/2025 Fiscal Year Budget, be approved as written.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 22<sup>nd</sup> day of May, 2024 by a voice vote of 5 to 0.

Back in Committee of Local Improvements, Trustee Nelson inquired if there was an after hours line that customers can call with emergencies. Manager Clementi said there was an afterhours back-up line listed and indicated where this number could be found on the website.

11329

With no other matters to come before the Committee of Local Improvements, it was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and the Motion was unanimously carried that the Committee of Local Improvements adjourn and the Regular Board Meeting reconvene.

The regular Board Meeting reconvened at 10:07 A.M.

Attorney Ingemunson addressed the Board with the Attorney's Report and updated them on the Fox Metro's Reorganization Meeting Compliance. He advised them that he researched the Statute with regard to Reorganization Meetings and stated the Board does not have to hold a separate meeting to elect the officers every year. Kendall County holds their Reorganization Meetings every two years and his recommendation is to follow the County and hold the District's Reorganization Meetings every two years as part of the regular May Meeting. All trustees concurred with Attorney Ingemunson's recommendation.

Senior Project Engineer James Kerrigan addressed the Board with the Construction Project Report. The Digester Complex Improvements Project with Williams Brothers is 100% complete. There is no pay application submitted this month. The last remaining items related to HVAC have been resolved, and the final pay application is being prepared.



Mr. Kerrigan reported that the 111<sup>th</sup> St. Pump Station project with Vissering Construction is 95% complete and there is no pay application submitted for this project this month. The ComEd easement coordination is nearing completion and staff and Strand are working with the contractor to schedule the final connection to the facility to 480V utility power.

Mr. Kerrigan reported that the Orchard Road Pumping Station Generator Replacement Project with Newcastle Electric is 44% complete and there is no pay request this month. Work on site is still on hold pending the delivery of the generator that is scheduled to be delivered on June 10, 2024.

Mr. Kerrigan reported that the Oswego Pump Station HVAC Replacement Project with Complete Mechanical Services, Inc., is 62% complete and there is no pay request this month. The last of the electrical work has been completed, and the equipment's startup is currently being scheduled.

Mr. Kerrigan reported that the Solar Farm #2 with SimpleRay/Round Trip Energy, is 20% complete. Mr. Ajazi updated the Trustees on this project during the Committee of Local Improvements earlier in the meeting.

Mr. Kerrigan requested approval of Partial Payment No 1 to J&S Construction Sewer and Water, Inc, in the amount of \$4,733.00 for the North Aurora Pumping Station Watermain Installation Project. The project is 1% complete and the pay request was reviewed by Strand Associates. The contractor is preparing shop drawing for submittal and approval, and will mobilize shortly.

Mr. Kerrigan requested approval of partial payment No. 1 to Steve Spiess Construction, Inc., in the amount of \$90,936.11 for the Boulder Hill Sanitary Sewer Repairs Project. The project is 5% complete and the pay request was reviewed by H.R. Green. A public information meeting was held on May 2 with no significant comments from the residents. The spot repairs have been completed. The Circle Drive West Road closure and subsequent work is scheduled to start Tuesday, May 28, 2024.

Mr. Kerrigan requested approval of partial payment No. 1 to Otto Baum Company, Inc., in the amount of \$21,035.97 for the DCM – 2 Masonry Repairs Project. The project is 23% complete and the pay request was reviewed by Fox Metro staff. The contractor has commenced work on repairing the Digester tank and portions of the Digester Control building. Work on lintel and grout repairs will continue the upcoming weeks.

It was moved by Trustee Brown, seconded by Trustee Nelson, put to vote and the Motion was unanimously carried that the Construction Project Report be approved as published and payments be made as requested.

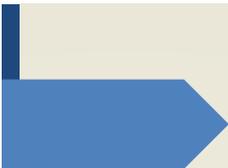
In the Manager's Report, Manager Clementi addressed the Board with a PFAS Regulatory Update and gave them a summary regarding PFAS Regulations for their review.

Regulatory Manager, Tim Rubis stated there was a Tribune article that Trustee Nelson shared that discussed the new policy declaring that PFOA and PFOS is hazardous under the Superfund Law. There is also a policy that sets limits for those two contaminants plus four others.

The Superfund Law is going to hold the polluters liable for the clean-up of PFAS. Manager Clementi was asked to be part of the IAWA "Polluters Pays" group being spearheaded by MWRDGC. They will be working on PFAS legislation under HB4702 and draft bill language to create a Trust Fund for wastewater agencies to recoup expenses for addressing PFAS compliance and reductions.

The EPA is considering requirements for PFAS limits in sludge and will also require industries to remove these chemicals before discharging and entering into the sewer system. Manager Clementi said what they are looking for is for chemical substitution because the technology does not exist.

Trustee Funkey said he has reviewed the proposed "Polluters Pay" legislation that was sent by Manager Clementi. It is to be enacted in Illinois and it provides for a tax, grants and involvement of the Illinois EPA. Fox Metro is going to have to treat PFAS and then we have to



go to the State Fund and request a reimbursement. He said this is all wrong in his opinion because the polluter is not going to pay, the District and the ratepayers are going to pay. The District will have to purchase additional equipment to remove it, additional technical staff and additional administrative staff. Trustee Funkey said that it was his opinion what all this is going to do is make this District larger and more expensive. If the industries are required to remove PFAS before they discharge, then the polluter pays. Mr. Rubis said Federal Regulations are being considered. Trustee Funkey wanted to confirm that it was the Federal Legislation that requires removal of PFAS before discharge and the proposed State Legislature is what was just discussed. Manager Clementi said that was correct and Trustee Funkey agreed with that. Trustee Sotir said the problem with the issue of PFAS is that it is an enormous entity that no one can even say what PFAS really is and where it originates, but it exists. The real issue is when we discuss how the District is going to deal with this, we need to know what is coming in and how the Plant is going to process it because there are thousands of variants of PFAS.

Trustee Funkey said in the proposed State Legislation, they go into great detail to identify the chemicals. He agrees that no one knows how to treat it but he does not feel the District should be the one that is burdened with the job of determining how to treat PFAS. He said staff has enough information to identify the chemicals and say that the Plant is not going to accept any of it or perhaps the plant will not accept more than a certain amount for certain products. This will make the large producers of PFAS pretreat it and pay for the training to learn how to treat it before they discharge to Fox Metro. Trustee Sotir said sometimes it is not pretreating it but eliminating it and replacing it with something else. Trustee Funkey said PFAS is a forever chemical and however is treated, there is always going to be something left over forever.

Manager Clementi said this is so much bigger than just the District. She said there are a couple of things we cannot lose sight off. The levels that are being tested by staff are extremely low. Right now we are below drinking water standards so we are chasing a problem that Fox Metro does not have. To Trustee Funkey's point if the District amends the regulation and begin to receive more inputs, Fox Metro can go after the new industries. Trustee Funkey said the laws supports



his suggestion to pass an Ordinance that says Fox Metro is not going to accept PFAS chemicals. Manager Clementi said what the District would do is amend its Pretreatment Ordinance and add a clause regarding PFAS limits. That Ordinance then has to go back to USEPA to be approved. Trustee Funkey agreed for staff to amend the Pretreatment Ordinance and wait to see the USEPA's response. Manager Clementi said staff can review some draft regulations from other states that have things like this. Manager Clementi said the 18 biggest Districts in Illinois will be asked to be part of the study Mr. Rubis previously mentioned. Trustee Nelson inquired if the influent is what gets sampled when testing for PFAS. Manager Clementi said what gets tested is the influent, effluent, biosolids and the industries, and the levels are very low. Mr. Rubis said something else that has been added to the testing this time around are the domestic basins out in the collection system. Staff will be able to compare that to the industrial side. There are three residential basins that have been sampled since the 1980's to get a domestic baseline of the waste. Discussion ensued.

Mr. Rubis said the EPA issued an Information Collection Request and it is open for public comment until the end of May. He said 200 agencies will take part in this study where they will basically be requesting data from the wastewater agencies. Fortunately, this is data that Fox Metro has already been collecting.

The next item discussed was the Fox Metro 100<sup>th</sup> Anniversary Planning. Per the discussion at the April Board Meeting, staff would like direction from the Board on the date and activities for Fox Metro's 100<sup>th</sup> anniversary celebration. The Public Relations Committee will handle the specifics. Trustee Gryder said the District was founded in 1925 and it makes sense to celebrate in 2025. Discussion ensued regarding the type of event the Board would like to see for the celebration. Trustee Funkey suggested having the 100<sup>th</sup> anniversary the same day the 2<sup>nd</sup> solar field goes live next Summer. He also suggested inviting Congressman Foster to deliver remarks at the celebration. It was suggested to look at what other wastewater agencies have done for their anniversary celebrations. Trustee Sotir suggested calling the celebration "100 Years of Progress" and hone in on all the things that the District has done over the years to make a

better environment for everyone. Discussion ensued and many other suggestions were given.

Trustee Sotir requested an Executive Session to discuss personnel, Review the last six months of Executive Session Meeting Minutes and related matters.

11331

It was moved by Trustee Funkey, seconded by Trustee Nelson, put to vote and unanimously carried to temporarily adjourn for an Executive Session.

The Regular Board Meeting temporarily adjourned for Executive Session at 10:45 A.M.

11332

It was moved by Trustee Brown, seconded by Trustee Gryder, put to vote and unanimously carried that the Executive Session be adjourned and resume the Regular Board Meeting.

Regular Board Meeting reconvened at 11:51 A.M.

No decisions were made in Executive Session.

11332

It was moved by Trustee Funkey, seconded by Trustee Brown, put to vote and the motion unanimously carried that the Executive Meeting Minutes of October 18, 2023 through April 17, 2024 be approved and kept closed as recommended by Attorney Ingemunson and Manager Clementi.

11333

With no other business to come before the Board, it was moved by Trustee Brown seconded by Trustee Gryder, put to vote and the Motion unanimously carried that the Regular Board Meeting be adjourned.

Meeting adjourned at 11:52 A.M.

R-606