

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
SEPTEMBER 17, 2009

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:32 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
G. Starr
D. DePiero
T. Longo
S. Kelly
W. O'Malley
R. Sulik

The Secretary informed the President a quorum was in attendance.

II. Presentation of Service Awards

Douglas Dykes, Director of Human Resources, reported to the podium to present service awards to Board member Ms. Kelly and Mayor Starr. Mr. Dykes stated that the District honors its employees for their hard work and dedication and their 5, 10, 15, 20, 25, and 30 consecutive years of service with the District.

Mr. Dykes honored Mayor Starr for his 15 years of service as a Board Trustee, since March 1, 1994. Mayor Starr served as Secretary for two years, Vice President from June 9, 2009 to present, and President for two years.

Mr. Dykes honored Ms. Kelly for her 15 years of service as a Board Trustee, since April 22, 1994. Ms. Kelly served as Secretary for three years, Vice President for one year, and President for one year.

On behalf of the Board, Mr. Brown congratulated Ms. Kelly and Mayor Starr.

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III. Approval of Minutes

MOTION – Mayor DePiero moved and Mr. O'Malley seconded that the minutes of the September 3, 2009 Board meeting be approved. Without objection, the motion carried unanimously.

VI. Public Session

Executive Director Ciaccia informed the Board that no members from the public registered to speak at Public Session.

V. Executive Director's Report

Executive Director Ciaccia thanked the Board for their attentiveness during the last Board meeting wherein staff presented the Combined Sewer Overflow Long Term Control Plan (hereinafter "CSO LTCP") before adjourning to Executive Session to discuss the ongoing negotiations between the District and the state and federal governments as it pertains to the CSO LTCP. The Board was extremely responsive, which was helpful to staff in determining which direction they should be moving towards.

The District will meet with the state and federal government representatives during the week of September 21st to discuss the District's response to the governments' proposed CSO LTCP. Executive Director Ciaccia stated that this will be a significant meeting for the District which will provide a good indication as to where we are heading on this very important endeavor.

Executive Director Ciaccia moved to the next report item. The District continues to be involved with the suburban communities which have contracted with Cuyahoga County Engineer's Office (hereinafter "CCEO") regarding their exposure to sanitary sewer overflow (hereinafter "SSO") issues. Of the 28 communities contracted with the CCEO, 14 received correspondence from the United States Environmental Protection Agency (hereinafter "USEPA") advising them to enter into an administrative order agreement with the USEPA. Those 14 communities attended a meeting with the USEPA and the CCEO. The CCEO sent correspondence to all 14 of those communities indicating that 6 of those communities are believed to not have any issues that would compel them to enter into administrative orders with the USEPA. The remaining 8 communities will either be required to enter in to an administrative order with the USEPA or their status is still unknown at this time.

Executive Director Ciaccia stated that the Frank Greenland, Director of Watershed Programs, and his team, as well as the Law Department, will be involved. The CCEO is hiring outside legal counsel to represent them and the communities as we move forward.

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Executive Director Ciaccia explained that although it is uncertain where this issue is headed, it will most likely significantly impact the CSO LTCP and the overall burden this entire region is expected to endure as it relates to SSO and CSO management.

Executive Director Ciaccia moved to the next report item, regarding the Stormwater Management Program (hereinafter "SMP"). He advised that Marlene Sundheimer, Director of Law, and Kyle Dreyfuss-Wells, NEORSD Manager of Environmental Programs, made a presentation to a meeting of the Cuyahoga County Law Directors Association. Approximately 50 law directors and other staff members were in attendance at the meeting. It was reported to Executive Director Ciaccia that the meeting went well, and many good questions having no contentious connotation were presented.

The District continues developing detailed information for SMP billing purposes and early-action construction projects, each of which will commence immediately at the SMP's inception. The District is also developing customer service protocols in order to handle calls associated with the SMP. A Credit Policy is being developed, which will be offered to customers practicing good, sustainable approaches stormwater management.

The SMP Code of Regulations (hereinafter "Code") is in draft form and has been forwarded to internal staff members for review and comment. The deadline for staff to complete their review is Friday, September 18, 2009. The District will present the Code to the Board's Governance Committee at its October 22nd meeting, and to the full Board at its November 5th meeting. The District also desires to distribute the Code to the communities for review and comment. Staff anticipates that the Code will be acted upon by the Board at its January 7, 2009 meeting.

The District continues working with the City of Cleveland Division of Water (hereinafter "CWD") regarding their new billing system and ability to accommodate billing for stormwater. Executive Director Ciaccia explained that CWD is in the process of rolling out its new billing system and it is not the District's intent to overburden CWD. The District did assess alternative billing methods in the event CWD or any other billing agents are unable to accommodate stormwater billing on behalf of the District. This may include outsourcing methods for the cities of Berea and Cleveland Heights, as well as billing for stormwater only customers. Executive Director Ciaccia advised that an internal billing system will be established and there is an action item on today's agenda regarding that issue.

Executive Director Ciaccia moved to the next report item, regarding green infrastructure. A scope was drafted for the Green Infrastructure Feasibility Study (hereinafter "GIFS"). The District desires exploring opportunities to implement green infrastructure practices, stormwater management and reduce CSO discharges.

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The District and Paul Alsenas of the Cuyahoga County Planning Commission (hereinafter "CCPC") held a meeting on September 16th. Meeting attendees also included City of Cleveland members: Ken Siliman, Bob Brown, Barry Withers, Andrew Waterson and Fran Didonato. Cuyahoga County representatives included Treasurer Jim Rokakis and representatives from the newly formed Cuyahoga County Landbank Commission. The meeting's purpose was to identify green infrastructure opportunities and to consider utilizing properties being accumulated in the landbanks. Executive Director Ciaccia explained that this is an important issue that will play into the District's CSO LTCP, and he requested Frank Greenland, Director of Watershed Programs to elaborate on this topic.

Mr. Greenland described how the foreclosure crisis has significantly impacted this region, but there may be opportunity to use vacant and foreclosed properties for the District's two major initiatives, the CSO LTCP and SMP. Both programs require land for construction projects and stormwater management. There may be opportunities to utilize some of those properties to better manage stormwater, reduce CSO discharges, and to alleviate basement and sewer flooding issues throughout the region. Mr. Greenland intimated that "it was a great meeting" and that many "key players" were in attendance and participated in the discussion.

The GIFS will assess stormwater management opportunities not only on vacant and foreclosed properties, but across this entire region. The District intends to identify any stormwater opportunities including the development of community parks and recreation areas and on-site stormwater management. Mr. Greenland stated that there is much opportunity to work with others and leverage of resources.

Mayor Longo stated that "this is a very strong trend" and that "there is one piece of the puzzle that needs to be addressed," the loss of the population. In his community, Garfield Heights, the population decreased from 43,000 to 28,000. Cleveland's population significantly decreased as well. We have to consider "what we are going to look like in the next 10 to 15 years" and this foreclosure crisis has become "a real headache for us." Mayor Longo questioned how the cities should be managed. Should we demolish the houses for new construction? Mayor Longo stated that "tying in green infrastructure is part of that puzzle." As this endeavor unfolds, the outward migration and population decline will have to be taken into consideration.

Mr. Greenland agreed with Mayor Longo, and stated that "green infrastructure is great but we need to create economic incentives and jobs." District representatives have traveled to Charlotte, North Carolina, in order to observe their stormwater facilities. Mr. Greenland was impressed by their use of culverted streams, which created an economic corridor that attracted many businesses while managing stormwater. There are many opportunities in our region for the development of greenway, trails and park plans. This region has not successfully implemented a lot of those plans. There is a great opportunity

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to link these plans as we manage stormwater, which will be beneficial to this community by improving the quality of life and creating jobs. Mr. Greenland explained that this must be “a well thought-out mission” and each community has ideas on how their communities should look, and the District plans on being involved in those discussions.

Executive Director Ciaccia added that representatives from the USEPA and a representative from Governor Strickland’s office also attended this very important meeting. Coupling green infrastructure initiatives with the District’s resources in the CSO LTCP and SMP area promises real benefits to this region. Executive Director Ciaccia explained that by taking \$100 million off of the \$2.6 billion CSO LTCP and redirecting it into something creative and useful could be indispensable. The District should identify ways that this money can be put to better use.

Mr. Brown inquired if the group established any next steps or action items. Mr. Greenland replied that since the GIFS is going forward, the scope of this group’s engagement will need to be clarified, and we also need to identify the right people at the local and county government levels in order to better understand landbank issues and the availability of property. Mr. Greenland stated that “as we conduct the GIFS in the combined sewer area, the intent is to start at a high level to look for potentials and drill down into promising opportunities. The more you drill down into areas for demonstration or pilot projects the more you need to understand whether the property is available.” The group has identified this need and plans to meet soon to continue discussing the scope of the effort moving forward.

According to Mr. Brown, we sometimes do not make the connection between the environmental benefits of green infrastructure work completed during road projects, and “you cannot uncouple those and say that we’re holistically approaching the greening of America.” The impacts of parcel land use must also be considered as discussion continues regarding green infrastructure. In response, Mr. Greenland advised that in addition to the focusing on foreclosed and vacant properties, they will also consider street grids which can potentially reduce the volume of stormwater.

Ms. Kelly questioned whether redevelopment is integrated into this plan. Mr. Greenland replied that we need to work with all involved parties from the county and the communities. As we redevelop this region, there are opportunities to make smart decisions regarding stormwater management that will not only benefit the environment but also enhance the quality of life for our customers.

Stormwater management in conjunction with new construction can assist with solving sewer overflow problems in certain areas, reduce basement flooding and address stream flooding issues in other areas. The District is working to develop the expertise and tools needed in order to work with community partners and to ensure that new problems are

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not being created with the region or the downstream community. Mr. Greenland stated that good partnerships between the District and the communities can solve existing issues and prevent the occurrence of future problems.

Executive Director Ciaccia clarified that the District can utilize property not currently being used for the creation of stormwater facilities that will enhance the property values rather than leaving those parcels vacant.

Ms. Kelly commented that community involvement is a vital component and that the communities need to participate.

Mr. Greenland advised that community involvement is critical and is a major component of the stormwater master planning. The Stormwater Watershed Advisory Committees (hereinafter "SWAC") will study the various watersheds, define the problems and identify potential solutions. The District is relying upon community support and facilitation with stormwater solutions. Mr. Greenland stated that the District intends to thoroughly engage the communities during the stormwater master planning process and is desirous of becoming an expert resource for those communities and supports working collaboratively in order to understand the problems, identify any development patterns and propose good solutions.

Executive Director Ciaccia moved to the next report item, regarding the Capital Improvement Program (hereinafter "CIP") and Program Management (hereinafter "PM"). Five construction bids will be opened in October totaling approximately \$180 million. One of the items for bid is Southerly's Renewable Energy Facility (hereinafter "REF") which is estimated to cost \$120 million and will opened on October 8th. Over 100 people attended the pre-bid meeting, so there is much interest in that particular project.

The District's evaluation team underwent a selection process and reviewed three very good proposals for the Easterly Tunnel Dewatering Pump Station (hereinafter "ETDPS"). Montgomery Watson Harza Americas, Inc. (hereinafter "MWH") was determined to have submitted the best proposal, and the District is currently negotiating pricing with MWH and will bring this award to the Board for consideration sometime in October. Executive Director Ciaccia advised the Board that MWH representatives Jim Bunsey and Bob Pintabona were present at the meeting.

The Westerly Interceptor Box Culvert Replacement (hereinafter "WIBCR") project has been ongoing, and Executive Director Ciaccia advised that the District has "run into a snag" due to an invert pipe being four inches too high and therefore the pipes are not lining up properly. Marra Construction (hereinafter "Marra") is the contractor on the WIBCR project, and they submitted several options for resolving this dilemma.

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Executive Director Ciaccia advised that rectifying this situation is Marra's financial responsibility since this problem resulted from their surveying and construction.

Westerly's Primary Effluent Pump Station (hereinafter "PEPS") was impacted by the WIBCR delay, and the District decided to shut down the WIBCR for approximately 10 to 12 weeks so it will no longer have an effect on the PEPS project. The delay should not impact the final construction date since they are ahead of schedule, but Marra will endure some financial burdens in order to resolve this issue.

Mayor Starr inquired as to the estimated costs associated with remediating this situation. Rick Switalski, Engineering Program Manager, stated that this will be at no cost to the District and that there are several options on the table as it pertains to the contractor's costs. According to Mr. Switalski, the most viable option is approximately \$225,000 for the direct cost of construction. Mr. Switalski reiterated that this would be at no cost to the District since this resulted from "putting in some incorrect numbers by the surveyor and transferring a monument down to where the work was done." This simple error "cascaded into something very big."

Mayor Starr questioned as to who hired the surveyor. Mr. Switalski stated that the surveyor was Marra's subcontractor.

Mayor Starr requested clarification as to what is actually not aligning properly. Mr. Switalski replied "the grade differential, the invert," and he explained that the contractor came across the Shoreway and under the railroad tracks. They were planning to "put that piece in to sort of finish up," but the tunnel embankment under the railroad is four inches higher. Consequently, the slope is not steep enough to carry the flow. Mayor Starr questioned, "Gravity?" Mr. Switalski affirmed.

Ms. Kelly inquired how the delay will impact the project and what the delay costs will be." Ms. Kelly questioned if any costs associated with those delays will be Marra's responsibility as well. Mr. Switalski replied that "all costs associated with this are going to Marra." The project completion date is June 2010, and getting the railroad's approval is a significant factor. The District anticipates project completion before June 2010, and any delays, costs and maintenance issues in the future will be Marra's responsibility. Executive Director Ciaccia added that this is the District's position and "we are not getting any type of pushback from it." This is how we will continue to proceed.

Executive Director Ciaccia moved to the next report item, regarding the CWD billing system. CWD is expected to go-live with its new billing system on September 28th. The District has been involved with the testing and, as of August, CWD was 91% complete with program implementation. District representatives are fairly confident that the transition will go smoothly. Executive Director Ciaccia wanted to apprise the Board of

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this development since by the next time the Board meets, CWD will be using its new billing system. There will be a single bill as opposed to the double billing system, which benefits the customers since it will save money.

Mr. Brown expected that there will be a dramatic increase in the volume of calls placed to CWD and the District regarding the new billing system, and he was concerned whether enough available staff is trained and sensitive to this new system in order to field those calls. Humberto Sanchez, Director of Information Technology (hereinafter "IT"), stated that CWD holds weekly and monthly meetings regarding the billing system, and he understood that CWD is working on additional staffing to field those calls during the transition.

Mr. Brown understood that CWD was making accommodations for the increased volume of calls, but he was questioning whether the District was prepared to handle the volume of calls as well. Jennifer Demmerle, Director of Finance, stated that there are currently staff members handling an average of 80 customer service calls per day. They feel the staffing is adequate to accommodate for the anticipated increased volume of calls, but the District is also considering utilizing a part-time person to assist Customer Service. Director Demmerle stated that the District feels "very strongly that they will be able to handle the call volume."

Executive Director Ciaccia shared in Mr. Brown's concerns and indicated that he had expressed those same concerns to both CWD and District staff. He suggested that we remain flexible and will be prepared to ramp up our efforts if needed.

Executive Director Ciaccia advised that the District will begin discussing its current billing agreement with CWD at a meeting scheduled for Wednesday, September 23rd with Commissioner Nielsen of CWD. The District desires modernizing this agreement since many things have changed since the 1980's, when the agreement was initially formalized. Meeting discussions will also include CWD's metering program and its impacts on the District, as well as the District's handling of CWD's residual sludge, for which the District currently bills the City of Cleveland.

Executive Director Ciaccia moved to the next report item, regarding the Small Business Enterprise (hereinafter "SBE") program. The disparity study is on schedule and preparation for the reports and final draft are expected to be completed between April and May of 2010.

Executive Director Ciaccia advised that 361 SBEs have certified with the District through the Office of Contract Compliance (hereinafter "OCC"). Executive Director Ciaccia provided the breakdown of those 361 SBEs to include 102 certified in construction, 27 certified in engineering, 67 certified in goods and 165 certified in services. Those

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numbers are increasing, and the District will continue its outreach measures through programs and certification workshops with The Urban League and Lorain Community College. The District will hold a certification workshop in Akron on September 24th since the District expands into Summit County.

The District will hold its first Small Business Development Program designed to assist certified SBEs on becoming prime bidders on District projects. This 7-week program will be taught by District staff. Current prime contractors and attorneys have also agreed to assist in this process. Executive Director Ciaccia commented that the District continues to be aggressive in its outreach efforts.

Executive Director Ciaccia moved to the next report item, regarding the USEPA's proposal to reclassify biosolids from a "resource product" to "solid waste" which would significantly impact the handling of the District's residuals and air emissions. The USEPA was initially going to propose a new rule in September, but this has been pushed back for seven months. According to Executive Director Ciaccia, Bob Dominak, Residuals and Air Emissions Manager, is very prominent within the wastewater industry. Mr. Dominak along with representatives from the National Association of Clean Water Agencies (hereinafter "NACWA") and the Water Environment Federation (hereinafter "WEF") have been working to educate the USEPA as to how this change will negatively impact the District and other wastewater utilities nationwide. The District informed its federal advocates of this issue as well, but does not anticipate dedicating too many of those resources to this effort since their primary function is to chase federal funds.

Executive Director Ciaccia moved to the next report item regarding the District's finances. The 2009 revenues are lagging behind by about 2% of what was initially projected at the beginning of this year. Executive Director Ciaccia speculated that both the current economic conditions and the cool summer are contributing factors of the District's revenue shortfall. Conversely, the District's expenditures are running 4% below the initial projections, and so from a budgetary standpoint, we are in good shape. Having reached the 67% mark for 2009, the District only expended 60.2% of its budget.

Executive Director Ciaccia moved to the next report item, regarding the H2O=Life Exhibit (hereinafter "Exhibit") at the Great Lakes Science Center (hereinafter "GLSC"). The District was heavily involved in formulating the local message as it relates to this exhibit, which is expected to travel throughout the country. Executive Director Ciaccia advised that the District is meeting with CWD on this initiative as well and further details will be given during the Action Items.

Executive Director Ciaccia moved to the last report item and advised that he plans conducting "one-on-one" meetings with all of the mayors of the District's member communities. The District went through three rounds of meetings regarding the SMP. In

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addition to the SMP and the CSO LTCP, Executive Director Ciaccia plans discussing various initiatives at the District that have transpired to assure the mayors that “things are in fact different here at the District both at the Board level and the staff level.” Executive Director Ciaccia also desires obtaining feedback from the mayors regarding the impacts of the CSO LTCP. Commencing the week of September 21st, Executive Director Ciaccia is scheduled to meet with eight member community mayors.

Mayor Longo inquired whether any staff members will assist Executive Director Ciaccia with those meetings. Executive Director Ciaccia indicated that this was a good question, since this will most likely become a routine effort; however, he advised that he will be conducting those meetings personally. Darnella Robertson is the District’s Government Affairs Specialist, and the District is also considering bringing an individual on board to assist with government affairs.

Mayor Longo commented that the upcoming green infrastructure initiatives, planning and EPA edicts will require much follow-up. He suggested that the District “have somebody on staff responsible for this and make sure that when any inquiries come in they’re directed to Frank or Engineering or Finance, because it’s going to take off now.” Mayor Starr commented that “we never had to do this, but it’s just going to get much more complicated.”

Executive Director Ciaccia agreed and advised that the District is involved with the federal and state governments but should become more active at the local level. In an attempt to increase public outreach, the District is running educational pieces on the television, but “there is nothing better than that face-to-face type of approach.” Mayor Longo suggested that it would be beneficial to have someone who understands the inner workings of the local communities and agencies. Executive Director Ciaccia affirmed.

VI. Action Items

Authorization to Issue Request for Proposals (RFPs)

Resolution No. 205-09	RFPs for Electrical Power Generation for the District’s Outlying Facilities.
Resolution No. 206-09	RFPs for Facilitation of Information Technology Strategic Planning.
Resolution No. 207-09	RFPs for Professional Services for the Implementation of Oracle E-Business Software Modules for Procurement.

Resolution No. 208-09

**RFPs for Supplemental Desktop and
Network Support Services.**

Executive Director Ciaccia explained that 64 accounts throughout the District are fed by a private electric company, and in this case that entity is First Energy Solutions (hereinafter "FES"). The District has the same opportunity to go out for auction for its energy for those 64 accounts. The District plans following the same process that was previously used in obtaining energy at the Southerly facility.

Executive Director Ciaccia speculated that the bid for those 64 locations will be approximately \$400,000 worth of power needing to be purchased. If the District realizes similar savings as it did with the Southerly power, then the amount saved will be about \$70,000. Mr. Brown commented that those are real dollars and that is a good thing.

MOTION – Mayor Longo moved and Mr. O'Malley seconded to adopt Resolution Nos. 205-09 through 208-09. Without objection, the motion carried unanimously.

Authorization to Enter into Sponsorship

Resolution No. 209-09

**H2O=Life Exhibit at the Great Lakes
Science Center (GLSC). Cost:
\$100,000.00.**

Executive Director Ciaccia introduced Blake Andres, Vice President of Strategic Initiatives for the GLSC. The District became aware that the GLSC will be housing an exhibit concerning wastewater which will be travelling throughout the country. This exhibit will be displayed at the GLSC in Cleveland for six months. GLSC approached the District to be a sponsor for this particular exhibit. The GLSC must raise money in order to display these types of exhibits, and the District is requesting that the Board consider sponsoring this exhibit in the amount of \$100,000.

Executive Director Ciaccia stated that it is extremely important for the District to get its message out to the public. An estimated 30,000 visitors will see this exhibit while on display at the GLSC of which the majority will be local visitors.

Executive Director Ciaccia invited Mr. Andres to the podium to provide the Board with an overview of the world-based water exhibit at the GLSC.

Mr. Andres thanked District staff on their efforts over the last year and half in moving the partnership between the GLSC and the District forward. Mr. Andres explained that the

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GLSC was a major partner on the development of this exhibition, which was an investment of approximately \$1 million. The exhibit focuses primarily on global water issues and the partnership desired incorporating the local story. The District's mission of protecting the health and environment significantly overlapped GLSC's mission.

Mr. Andres stated that the 6-month duration for this exhibit to be on display at the GLSC more than doubles the typical timeframe of travelling exhibits. Mr. Andres advised that there were eight partners from around the world including the GLSC. One exhibit will travel to the partners located throughout North America and a copy exhibit will travel amongst the partners throughout Europe and Asia.

Mr. Andres indicated that the GLSC views its partnership with the District as a long-term relationship and desires to continue to move forward as GLSC completely redevelops its permanent Great Lakes exhibits. Mr. Andres stated that GLSC can present important issues about the regional watersheds, stormwater and CSO areas in a much more compelling way since partnering with the District.

Mr. Andres presented visual images of the exhibit, which will be held on the main floor of the GLSC. The exhibition area exceeds 10,000 square feet and is visible when entering the GLSC facility from the lakefront, harbor front or the garage across from the Reinberger Auditorium. This is a major exhibition featuring the District's local story in a highly public area. The GLSC anticipates that there will be between 55,000 and 75,000 visitors to the exhibition. The GLSC receives more than 300,000 to 350,000 annual visitors. The District's branding and presence will be visible in public spaces within the GLSC, including the winter garden where people pass through at least two or three times during their visit at the GLSC.

Mr. Andres showed the Board an entry piece or title piece which he described as a fog wall showing the projection of the title of the exhibition. The display will include exhibits on the watersheds, aquifers, comparable environments in other regions around the world, the American southwest, our region's story and the polar regions.

Mr. Andres explained that there will be "science on a sphere" which takes real data and projects it onto the globe, and this will be a signature piece within the exhibition. Mr. Andres showed the Board a visual image from the science museum in Minnesota to give the Board a rendition of this piece, and he explained that this is not exactly how the GLSC's final installation will be presented.

Mr. Andres referred to another image depicting the map of the GLSC's travelling exhibition space. There were 11 yellow bubbles representing the exhibits where the GLSC and District staffs have worked over the last few months. Mr. Andres explained that several of those bubbles located at the bottom of screen are situated within the public

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space of the GLSC. Many people pass through this location and situated to left of that area is the winter garden and the inner harbor. Situated to the right is the opening from the Darwin exhibit, and there will be a similar opening for the water exhibit. Mr. Andres stated that "the travelling exhibition entry is in the back and immediately to the right of that same space is where we see great positioning of the very large graphic of *"Where Does It Go?"*" Mr. Andres explained that this family friendly and public friendly messaging fits well with the GLSC audience.

Mr. Andres stated that more than 85% of the GLSC visitors are from Northeast Ohio and neighboring zip codes. So there is terrific overlap within the mission and customers.

MOTION – Mayor DePiero moved and Mr. Sulik seconded to adopt Resolution No. 209-09. Without objection, the motion carried unanimously.

Authorization to Enter into Agreement

Resolution No. 210-09

Lee Road Relief Sewer (LRRS), Water Pollution Control Loan Fund Loan Agreement.

Resolution No. 211-09

Southerly Renewable Energy Facility, Contract 28, Water Pollution Control Loan Fund Loan Agreement.

Resolution No. 212-09

Tunnel Dewatering Pump Station Design, Water Pollution Control Loan Fund Loan Agreement.

MOTION – Mayor Starr moved and Ms. Kelly seconded to adopt Resolution Nos. 210-09 through 212-09. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No. 213-09

Contracts for 2009-2011 Audit Professional Services. Cost: Not to Exceed \$351,811.00.

Resolution No. 214-09

Contract with Hughes-Primeau Controls, Inc. for Masoneilan Angle Control Valve Bodies and Associated Equipment for Use at the Southerly Wastewater Treatment Plant. Cost: \$72,935.00.

Resolution No. 215-09

Contract with Rexel Electrical & Datacom Supplies for PLC Change Management Software to be Used at All Wastewater Treatment Plants and Remote Sites. Cost: \$15,850.00.

Resolution No. 216-09

Sole Source Contract with Chagrin Valley Engineering, Ltd. for Professional Services for the Chagrin S.O.M. Center Road Intercommunity Relief Sewer Contract/Pepper Pike (SOMRS-PP). Cost: \$219,377.29.

MOTION – Mayor Longo moved and Mr. O'Malley seconded to adopt Resolution Nos. 213-09 through 216-09. The motion carried with one abstention from Mayor DePiero on Resolution Nos. 213-09 through 216-09.

Authorization to Purchase

Resolution No. 217-09

Direct Purchase from Sole Source Vendor Siemens Water Technology Corporation, Valve Stems and Valve Seats for the Southerly Wastewater Treatment Plant. Anticipated Expenditure: \$35,000.00.

Mayor Starr inquired if Resolution No. 217-09 was competitively bid. Executive Director Ciaccia stated "no, this is sole source" and he requested that Raymond Weeden, Acting Director of Operations and Maintenance, elaborate on this issue.

Mr. Weeden stated that these valve seats and stems are part of the ZIMPRO process at the Southerly WWTP. This particular equipment is proprietary to the vendor since it has been customized specifically for use at the Southerly WWTP. The company will not

release the drawings or specifications to any of its competitors, therefore, this is a sole source purchase.

Executive Director Ciaccia added that this particular process will be decommissioned with the installation of the REF. This will most likely be the last purchase of these particular parts. These parts will no longer be in service and the company will no longer supply them, but the District needs to purchase the product at this time in order to keep the process going until it is decommissioned.

MOTION – Ms. Kelly moved and Mr. Sulik seconded to adopt Resolution No. 217-09. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 112-09a

Contract No. 09001329, Development and Evaluation of Requests for Proposals for the Stormwater Alternate Billing System, Brainville, Inc. Cost: An Increase in the Amount of \$39,900.00 Bringing the Total Contract Amount to \$91,610.00.

Resolution No. 218-09

Contract No. 3127, Professional Services for the Southerly Wastewater Treatment Center Substation Replacement Project (SSR-1), MWH Americas, Inc. Cost: An Increase in the Amount of \$1,119,606.00.

Resolution No. 219-09

Final Adjusting Deduct Order, Contract No. 3510, Spring-Jennings Storm Water Outlet Replacement, Kenmore Construction Co., Inc. Cost: A Decrease in the Amount of \$75,174.62 Bringing the Total Contract Price to \$661,625.38.

Mayor DePiero required an explanation on the need to increase the contract's original price under Resolution No. 112-09a from \$51,000 to \$91,000.

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Executive Director Ciaccia explained that he touched on this earlier during the CWD billing discussion. The District originally hired this particular company through competitive process to evaluate possible stormwater billing alternatives in the event billing agents or CWD does not have the capacity to accommodate for stormwater billing. A couple of those billing agents have been deemed incapable of accommodating stormwater into the billing. From a timing standpoint, the District felt it more prudent to modify the contract, at this time, since this firm can provide the services we need for the development of the Request for Proposals (hereinafter "RFP") and assistance with the procurement process.

Mr. Brown inquired which municipalities the District anticipates having to bill for, and Executive Director Ciaccia replied the cities of Berea and Cleveland Heights, as well as stormwater-only accounts.

Mr. Brown inquired if the District conducted its due diligence on the approach as well as implementing a strategy. Executive Director Ciaccia affirmed and advised that the firm will help prepare the RFP, but the District will advertise for RFPs in the future.

MOTION – Mr. Sulik moved and Mayor Longo seconded to adopt Resolution Nos. 112-09a and 218-09 through 219-09. Without objection, the motion carried unanimously.

Add-On

Resolution No. 191-09a

Amending Resolution No. 191-09, adopted by the Board of Trustees on August 20, 2009, which authorized the purchase of four (4) Proliant DL380 G6 servers from the Hewlett-Packard Company under the State of Ohio Cooperative Purchasing Program, by increasing the appropriation.

Executive Director Ciaccia stated that Resolution 191-09a was to amend an error in the in Resolution No. 191-09 in which the contract amount was \$16,375.28 less than the actual amount. This is a state purchasing contract for servers, and some equipment was not included in the original bid proposal. Hewlett-Packard Company continues to remain as the lowest and best bidder on this contract after the amendment.

MOTION – Ms. Kelly moved and Mayor Longo seconded to add and adopt Resolution Nos. 191-09a. Without objection, the motion carried unanimously.

VII. Information Item

Executive Director Ciaccia advised that the CIP presentation should have been included in the Board packets. Although Kellie Rotunno, Director of Engineering and Construction, was not present at the meeting, John Barron, Program Manager was prepared to present the information to the Board. Executive Director Ciaccia advised that the CIP information did not substantially change since the presentation given during the August 20th Board meeting, but he left this to the Board's discretion. Mr. Brown suggested that the Board hold this item in abeyance until next month, to provide them an opportunity to review the CIP report.

VIII. Open Session

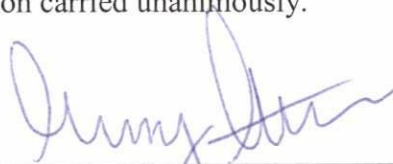
No items for discussion.

IX. Public Session (any subject matter)

No members from the public registered to speak at Public Session.

X. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor DePiero moved and Mr. O'Malley seconded the motion to adjourn at 1:29 p.m. Without objection, the motion carried unanimously.



Gary W. Starr, Vice President
Board of Trustees
Northeast Ohio Regional Sewer District



Darnell Brown, President
Board of Trustees
Northeast Ohio Regional Sewer District