

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
MAY 3, 2012

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
R. Sulik
S. Kelly
J. Bacci
T. DeGeeter
W. O'Malley
G. Starr

The Secretary informed the President that a quorum was in attendance.

II. Approval of Minutes

MOTION – Mr. O'Malley moved and Mayor Bacci seconded that the minutes of the April 19, 2012, Board Meeting be approved. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia informed the Board that Norman Edwards registered to speak during Public Session in regards to Resolution Nos. 97-12, 98-12, 99-12, 100-12, 101-12 and 102-12

Mr. Edwards stated that he wished to talk about the issue of construction projects that he has raised for nine-and-a-half years. Mr. Edwards advised that he met with Congresswoman Marcia Fudge on Tuesday, Cleveland Mayor Frank Jackson on Monday and they are "all on the same page now."

Mr. Edwards indicated that with other contractors a committee was formed that developed a community benefits agreement through the Greater Cleveland Partnership and Jones Day which would mandate minority inclusion with the unions. He stated that Congresswoman Fudge indicated she would address the Board in the future regarding

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projects that are given federal dollars and no minority representation in the labor force. Mr. Edwards stated that it is inexcusable in 2012 for contractors to take money and exclude minorities from the construction projects. He indicated Mayor Jackson and Congresswoman Fudge are “fed up” and former Congressman Louis Stokes is drafting the community benefits agreement.

Mr. Edwards stated that the committee would like the Board to receive a copy of the agreement from the Greater Cleveland Partnership. He indicated that if the unions do not adopt the agreement the committee will move forward without them. Mr. Edwards stated that “we are not going to be excluded from any project” in the area any longer. He stated that “it is just not Norm Edwards anymore” and politicians are involved. He explained that the politicians have viewed date-stamped photos and videos over the past nine and a half years showing zero percent minority participation on certain construction projects. He stated that was unacceptable and that “we have gone in reverse as far as diversity and inclusion.”

Mr. Brown stated that Executive Director Ciaccia’s report would follow up on questions and concerns from the previous board meeting.

IV. Executive Director’s Report

Executive Director Ciaccia stated that he wanted to discuss construction workforce issues, the District’s obligations, current practices and how to address these issues. He advised that Mr. Edwards raised the issue of minority labor participation during the last Board meeting and since then staff has been diligently researching the current situation and what the laws require. He explained that staff is still learning in that regard and ultimately wants to address those issues.

Executive Director Ciaccia explained that the issue is not related to subcontractors or minority-owned enterprises; many times contracting and workforce programs are confused. The issue at hand is about workforce. Mr. Brown acknowledged that there is a distinction between ownership and workforce.

Executive Director Ciaccia encouraged all Board members to ask questions they may have to make sure everyone is on the same page because it is an important issue. He advised that the City of Cleveland has the Fannie Lewis law, which is a workforce program. The District does not have such a resolution dealing with those issues directly. When the Fannie Lewis law was being considered Executive Director Ciaccia was employed by the Cleveland Water Department (hereinafter “CWD”) which had a millions of dollars in its construction programs. He explained that the consultants who developed the program consulted with CWD.

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The Cleveland City Council at the time wanted a race- and gender-based workforce program. The consultants felt that was not legally defensible and steered the program and Council to a Cleveland residency requirement. Considering the demographics of Cleveland they felt that the same outcome could be accomplished while limiting legal challenges with a race-based program. Executive Director Ciaccia advised that a resident requirement for the District would be difficult because it is not only a Cleveland-based organization.

Executive Director Ciaccia advised that there are five active District projects that have some sort of Federal or State funding. There are two types of federal funding: straight federal funding or funding channeled through the Ohio Water Pollution Control Loan Fund (hereinafter "WPCLF").

The District currently has more than one active project funded directly through the federal government but none are construction. A water resources grant was received for a design project for Easterly plant improvements. The grant was in the amount of \$300,000. Executive Director Ciaccia indicated that federal funds were received for three other non-construction projects: development of a methodology to inspect bacteria levels in Ohio beaches; predictive models for determining bacteria levels for urban beaches; and installation of amalgam separators.

Mr. Brown inquired whether those would be considered research projects. Executive Director Ciaccia agreed that they were research projects designed to produce outcomes to deal with these issues.

There are five construction projects with WPCLF funding. The Euclid Creek Tunnel and the Tunnel Dewatering Pump Station projects are the largest with WPCLF loan funds from the State.

Executive Director Ciaccia advised that the State may fund the WPCLF program partially through federal funding. Staff does not know precisely how those funds are mixed and are unsure if they include federal money. However, the Euclid Creek Tunnel and Lee Road Relief Sewer projects do not have federal funding. The other three projects' funding is being researched.

Mayor Starr inquired if there are regulations set by federal law. Executive Director Ciaccia stated that he was setting the context and will now move to the District's obligations.

Executive Director Ciaccia advised that on construction projects with direct federal funding the District must include in the contract bid documents the minority and female

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goals established for project workforces by the federal government. This practice was established through an Executive Order issued in 1965.

The goal the federal government has set for the region of Cuyahoga, Geauga, Lake and Medina counties is 16.1% for minority participation and 6.9% for female. He was not certain how those percentages were determined, but it appears by trade.

Executive Director Ciaccia advised that the Executive Order states the percentages are by trade. He explained that there is debate over whether that 16.1% pertains to each trade of a job or the entire job. However, the 6.9% female requirement is an undisputed national figure.

Complicating matters is that a contractor that has a job associated with federal funds has these requirements extended to all jobs they perform within the region. Executive Director Ciaccia stated that from a monitoring standpoint it becomes more difficult if the District were involved in monitoring this federal program. Monitoring is the responsibility of the federal government, and it is a federal program to be administered and enforced on a federal level.

The U.S. Department of Labor is required to monitor and enforce the program. Executive Director Ciaccia advised that the District has no obligation to monitor and in fact cannot enforce the program; however, he did not dismiss doing so in the future, if authorized by the Board.

The District's only requirement is to notify the contractor of the obligation, which is included in the bid documents and the contract. The contract reads exactly that "the contractor will furnish all information and reports required by Executive Order 11246, dated September 24, 1965, and by rules, regulations and orders governing federal contractors or pursuant thereto, and will permit access to its books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders." He stated that it is the federal government's program and they have taken the primacy dealing with it.

Executive Director Ciaccia introduced District employee Buck Depew who formally worked with the U.S. Dept. of Labor dealing with this program.

Mr. Depew stated that it is the prime contractor's responsibility to contact the local Department of Labor. For this case it would be to notify the Columbus district office they were awarded the project, and perhaps if it is federal funded in part, it would be up to the Department of Labor whether they want to conduct a compliance audit.

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Executive Director Ciaccia asked Mr. Depew to explain what the federal government typically does in regards to 16 steps of good faith effort. Mr. Depew stated that the goals are not mandated quotas. A contractor's compliance is not judged solely upon their utilization of minorities and/or females. They are based upon their good faith efforts to reach those goals and there are mandated 16 steps to demonstrate. He had copies of the document. Mr. Brown welcomed receiving copies of the steps.

Ms. Kelly inquired regarding a contractor's responsibility if it is awarded a contract with an MBE or WBE goal and a union is involved. Executive Director Ciaccia advised that the vast majority of District contracts are with unionized contractors, and he does not think the unions have an obligation under the Executive Order. The requirements fall on the contractor.

Executive Director Ciaccia further stated that the contractors have relations with the unions to meet the good faith efforts of the Executive Order. He assured the Board and Mr. Edwards that staff will continue to look at availability. Executive Director Ciaccia stated that 16.1% is a nice goal, but every job is different. The union is not under any obligation as it relates to the Executive Order.

Ms. Kelly further stated that if the union has no responsibility to honor the goals, then the contractor could in essence have no minority or female participation. Mr. Depew advised that the contractor cannot use the unions as an excuse for meeting minority or female participation goals. The contractors are under an obligation to refer minorities and females into apprenticeship programs, which is part of good faith efforts.

Executive Director Ciaccia was not sure what the national unions are required to do and that is likely under the National Labor Relations Board or another statute.

Ms. Kelly stated that it seems that contractors can circumvent the system by using the union to fulfill the contract. The unions can send whoever they want to a job if there is no connection between the contract and the union.

Mr. O'Malley stated that as the president of the electrician's union, they have a hiring hall and members sign the list in order of when they are laid off. When contractors call for manpower they go to the top on the list. There are exclusions for females and minorities. If the first 20 people on the list are not a minority or female it goes to the 21st person. If a contractor needs a minority or female for a given job it will jump the list to fill the call.

Ms. Kelly stated that it is on a voluntary basis and has nothing to do with the goals established in the contract. Mr. O'Malley advised that when a contractor calls on a Fannie Lewis job or one mandated at the District they call the union hall and request

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either a female or minority, they will be taken from the list with no exception, if available.

Ms. Kelly questioned whether he could vouch for only the electricians. Mr. O'Malley affirmed.

Mr. Brown asked Mr. Edwards to allow Executive Director Ciaccia to complete his report, and he will allow time for additional comments.

Mr. Brown stated that the affirmative action requirements provided by Mr. Depew function as guidance to requiring contractors and subcontractors to maintain lists and creating competencies in these areas so they cannot claim minority and female hiring opportunities do not exist. The policies help facilitate compliance and these are 16 items in terms of how people can be found and how to develop the workforce. Mr. Depew affirmed.

Executive Director Ciaccia explained that staff does not know how the State mixes federal and non-federal funds in WPCLF loans. There are two jobs with no federal funds. Since the makeup of the WPCLF funds are not known the Executive Order language is inserted into all WPCLF funded projects by the District.

Mr. Brown stated that the contractors are aware of the goals and the organization still relies on their good faith to notify the appropriate agency there are federal dollars in a contract. They may also have federal dollars in another contract with another agency and have the same applicable language in terms of goals. He questioned whether it is their responsibility to notify the appropriate agency or federal government because they have knowledge of the federal dollars to make sure contractors are in compliance. Executive Director Ciaccia explained that two things can be done. First, staff will get information from the Environmental Protection Agency (hereinafter "EPA") regarding whether there are federal funds in the loan. Secondly, staff can notify the U.S. Department of Labor in Columbus that a contract was awarded with the language in it and they can decide whether to monitor it.

Mr. Brown stated that this was a good discussion but closure will not be reached today. The current issue is notice. Executive Director Ciaccia affirmed.

Mr. Brown stated that notice is different than compliance. Compliance is a function of the contractor doing what the law requires and the federal government being responsible for monitoring compliance. He stated that much is left to people doing the right thing. A discussion should be held on whether that happens in this region. He questioned what occurs in the region with other counties that have the same guidance and compliance requirements as the District.

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Executive Director Ciaccia stated that appreciated Mr. Brown's comments and that a lot of research and discussion will be done. He added that the State has a program with workforce goals in regards to WPCLF funds. Mr. Brown inquired where that is classified. Executive Director Ciaccia explained that those funds are only directed to direct State agencies such as ODOT, not agencies such as the District.

Executive Director Ciaccia advised that the District does not do anything from a monitoring standpoint because it is not a District program to administrate and enforce. However, prevailing wages are monitored because of a new software package called LCP Tracker was implemented.

As part of tracking prevailing wages on seven active projects workforce demographic information is captured. He distributed a summary of one job and noted that these are recent jobs because the tracker became operational in late 2010.

Executive Director Ciaccia explained that the software is being utilized on only a handful of jobs but it does detail the workforce. The particular job cited had no federal or State funds, but the contractor must monitor prevailing wages because we put a requirement into the contract that the tracking software must be used for such purpose.

Executive Director Ciaccia stated that this will be a great benefit going forward. This particular job had 9.1% minority workforce participation. He added that Mr. Edwards was correct about no minority workforce participation on some jobs, but not this case. He stated that a good tool is available to develop demographic background and consider how to proceed with this issue. Throughout the remainder of this year data will continue to be mined and the tracking system will be utilized in regards to understanding the demographics.

Executive Director Ciaccia stated that staff will obtain a copy of the community benefits agreement Mr. Edwards talked about from the Greater Cleveland Partnership and explore apprentice type programs. As with the MBE/SBE program, he would like to develop how to move forward on this issue and receive the input from the Board. He also advised that whatever program is put together, it will have a monetary factor that was not budgeted for in 2012.

Mr. Brown stated that those are good proactive steps but there is a history in this community of training and apprenticeship programs that have tried to open opportunities. There is a difference between programs for getting people prepared for from those for placement into employment.

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Mr. Brown stated that the community benefits program contains many elements; one of which deals with employment. Other benefits can be derived for communities. The District is spending large amounts of money impacting communities, so there must be some benefit resulting from the impacts of the workplace.

Mr. Brown stated that the Board and other agencies that do similar work should be engaged in the community benefits process. He was pleased to hear that the Greater Cleveland Partnership was involved. There are federal goals and guidelines. While the District does not have that many jobs with federal dollars, the organization must find ways to make sure the workforce is inclusive.

Mr. Brown stated that the federal guidance is a floor, not a ceiling. The MBE/SBE programs are nice but they address ownership, not necessarily who is on the workforce. These are good programs with an impetus and identified outcome to be achieved. The task is to determine how a responsible agency helps in terms of things getting done. He stated that there is a diverse community in which everyone should have an opportunity. There must be some type of broad engagement with the building trades group.

Executive Director Ciaccia stated that part of the equation is engaging the trade unions that work with the District.

Mr. Brown stated that rather than the District singularly taking on this issue, more may be accomplished with a broad engagement of those in the industry to discuss the base of employment, inclusion and the region.

Executive Director Ciaccia advised that staff will continue to work at it and would appreciate any direction from the Board because a program must be funded. Mr. Brown stated that from his perspective it suggests creating some type of task force or committee to work on this issue with some Board participation.

Mr. Edwards stated that his questions had been answered. Executive Director Ciaccia thanked him for his input.

At that time, Executive Director Ciaccia moved the report to a response to questions Mr. Brown and Ms. Kelly raised during the last board meeting regarding bidding and contractors that declined to bid. He introduced Dave McNeeley, Director of Operations & Maintenance.

Mr. McNeeley stated that a report was placed at the Board members' seats. He asked Ramona Lowery, Operations & Maintenance Administrative Manager, to walk them through the document.

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Ms. Lowery advised that staff works collaboratively to mitigate bidding barriers and ensure SBE, MBE and WBE inclusion.

Since February 2009, if a bidder does not respond, sometimes that will be reflected in a resolution request, detailing the reasons why. Each bidder is contacted by telephone.

Ms. Lowery specifically cited lawn maintenance, sludge hauling and uniforms as instances in which significant modifications were made. Staff learned that a barrier in sludge hauling bids was due to equipment. Equipment and resources were often cited as a barrier.

Ms. Lowery advised that the sludge hauling contract required the vendor to have 12 trailers onsite, which many vendors do not have. She explained that the District has since purchased trailers, which opens the bid to others.

Lawn maintenance services were broken down by location. However, following the last bid, some vendors indicated they would like to bid on a specific facility. That will be reflected in the next contract.

Mr. Brown was pleased that staff identifies actions to mitigate barriers and makes adjustments for the next contract. He said it sounds like it is a work in progress that is always evolving.

Mr. McNeeley stated that workshops have been held since February 2009 with potential vendors reviewing contracts, reducing barriers and ways to attract more bidders.

Ms. Kelly inquired whether there was a record of bid results to verify that barriers have been removed and there will be significantly more bidders. Ms. Lowery explained that staff considers historical data from the last five to ten years in regards to bids. That process is currently in place and improving.

Executive Director Ciaccia moved discussion to a recent visit to Washington, D.C. where last week he and other District personnel attended the National Association of Clean Water Agencies meeting (hereinafter "NACWA"). Deputy Executive Director F. Michael Bucci, Kyle Dreyfuss-Wells, Darnella Robertson and Andy Futey made legislative visits as well

Executive Director Ciaccia advised that the focus of the NACWA meeting was the EPA's approach to permitting. They proposed a new integrated planning approach, moving away from regulating one thing at a time in each region. He believed this change would be difficult for the EPA.

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The EPA was obtaining input from people in the industry. There was a lot of discussion about an affordability bill introduced by Senator Sherrod Brown and District staff is encouraging him. He indicated that NACWA has also been working with his staff. Sen. Brown's bill requires that the integrated plan approach for the Clean Water Act obligations be available to all communities, encouraging the use of green infrastructure for managing wet weather issues and requiring the EPA to revise financial guidance in determining a community's ability to meet the Clean Water Act obligations.

Executive Director Ciaccia advised that staff had discussions during the consent decree negotiations regarding a 2% household median income threshold. He stated that other factors should be considered and the ability to reopen consent decrees.

Executive Director Ciaccia stated that a time will come when the District and other communities should have the ability to reopen and renegotiate based on current conditions. Senator Brown's bill also includes bumping up the State Revolving Loan Fund by \$1.8 billion to address combined sewer overflows and a CSO grant program with a 75/25% match. A number of aides and Congressional candidates were present, most who were Democrats that support this notion.

Executive Director Ciaccia advised that there seemed to be some support for the bill but it may be a mirage. There was bipartisan support for portions of Senator Brown's bill but the funding is the sticking point. He stated that Sen. Portman is on board with some aspects but the funding will continue to be a problem.

There was discussion from utility executives about advocating funding programs. There is a bill for a water infrastructure bank and a bill to reauthorize the State Revolving Loan Fund (SRF). He stated that those are not lucrative funding mechanisms as there are better deals in the bond market at present. He did not think the infrastructure bank would be much more lucrative than the SRF.

Executive Director Ciaccia advised that NACWA continues to push for a clean water trust fund and some members, including the executive director of NACWA, after listening to Democratic representatives supporting the idea, declared congressional support. There is a federal highway trust fund after which they want to fashion it. Someone will have to be taxed to fund the program. He advised that a Senator from Oregon is pushing a bill for a trust fund that includes a tax on bottled beverage products such as Coca Cola and Pepsi and on sanitary products. He stated that most do not see much chance of that bill passing anytime soon.

Executive Director Ciaccia explained that when he was on the drinking water side he did not think this issue would "get legs." The District faces bigger obligations than the drinking water industry and every bit counts. However he pointed out that the level of

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funding for a trust fund would not be dissimilar to what we saw in the Obama stimulus package where the District was fortunate enough to receive \$11 million. Given our annual construction program size this level of grant funding will not materially affect our revenue needs through our rates. He raised the issue because there will be a debate about a trust fund. He is on the NACWA board and the executive director of the District. He stated that he takes his cue from the Board, and there is division at NACWA whether to push a trust fund.

There are a lot of utilities and cities that do not think big federal trust funds are a good way to go. He wanted to have a discussion about what the District's position should be, and he would provide more information in the future.

Mr. Brown stated that more information would be helpful and engagement with the Board can be scheduled for an appropriate time. He stated that everyone is for clean water and doing our part, but "we feel very strongly that the federal government has a role in supporting the desire to comply." He stated that the District has a larger older system than many parts of the country; the population and impacts of unemployment are very well chronicled. Mr. Brown stated that it is very difficult to make decisions based on having to raise revenue locally to meet federal mandates. The District is very clear with where it would like to go and should bear some but not all responsibility.

Moving to the next subject, Executive Director Ciaccia advised that Kyle Dreyfuss-Wells received the NACWA president's award for her work on stormwater. She chose the stormwater committee for her organization involvement. Also, former employee Bob Dominic was elected to the NACWA hall of fame. Mr. Brown congratulated Mr. Dominic.

Executive Director Ciaccia asked Deputy Executive Director Bucci to brief the Board regarding legislative visits while in Washington, D.C.

Deputy Executive Director Bucci advised that he and Ms. Dreyfuss-Wells, Darnella Robertson and Andy Futey from the District's advocacy group made three legislative visits to the offices of Sen. Brown, Sen. Portman and Congresswoman Marcy Kaptur. The visit with Sen. Brown's office revolves around his affordability bill. He plans to hold a hearing to discuss affordability issues. The District may have an opportunity to participate. He advised that Sen. Portman's office supports many elements of the bill but funding is an issue. They are working through the elements they can support.

Deputy Executive Director Bucci indicated this was staff's first visit with Congresswoman Kaptur's office since redistricting. Much of the discussion was about what the District does, and the Congresswoman would like to visit the District. She

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would probably like to visit Westerly since it is closest to the area she serves, and they would like as many Board members to be in attendance.

Executive Director Ciaccia advised that the Water Environment Federation is planning a national communication campaign. They envision a "Got Milk?" style campaign pushing the need for water and infrastructure investment. They were planning to form a new not-for-profit organization to carry out campaign. He stated that he opposed the formation of that new entity because "the last thing this industry needs is another national organization that has to be funded." The NACWA board voted unanimously to table the issue. He stated that local campaigns are not cheap and this would be a large national campaign.

Executive Director Ciaccia moved to the issue of communications. He introduced Constance Haqq, Director of Administration & External Affairs, to discuss awards the District had recently won.

Ms. Haqq advised that the District received four communicator awards from the International Academy of Visual Arts. One was a silver award of distinction for the 2010 annual report for photography taken by Michael Uva. She noted that all awards were for work done in-house; the only external work is printing.

Ms. Haqq advised that some employees' children were in advertisements. The second silver award of distinction and the gold award of excellence were for work with the Cleveland Metroparks Zoo. The display compared District tunnels to the size of elephants and pachyderm trunks. The District's display was to last for a few months but they kept it up for over a year. The District also received a gold award for a short commercial as part of the "Pick up Poop" campaign, featuring the voices of John Gonzalez's daughter and Jennifer Elting.

Ms. Haqq thanked the Communications & Community Relations department, and in particular Kim Jones -- the manager of that department -- John Gonzalez, Mike Uva, Jennifer Elting and Mardele Cohen.

Executive Director Ciaccia introduced Douglas Dykes, Director of Human Resources (hereinafter "HR") to discuss an award received from United Way.

Mr. Dykes stated that in 2011 the District's Charity of Choice campaign asked employees to give generously to three agencies which included the United Way of Greater Cleveland, the United Negro College Fund and Greater Cleveland Community Shares. Total contributions were over \$74,000 -- the most the organization has ever raised.

Mr. Dykes explained that yesterday three representatives from the United Way of Greater Cleveland stopped by the office to present an appreciation award. The District raised

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over \$56,000 -- the most an organization has ever raised -- and was 35.7% over the goal. The figure was also 37.7% higher than the previous year.

The United Way informed staff that for the regional government group, to which the District belongs, had the largest increase in their history and the District had the highest employee participation, around 49%. Additionally, the organization had the highest number of donors giving \$1,000 or more. He asked Nolan Carver, chairman of the 2011 campaign, and co-chair Jackie Williams to come to the podium to receive the award.

Mr. Carver advised that the Charity of Choice campaign considered why we give and asked all District employees. A core team was built from members from each District facility who met monthly. The team intended to put together activities that fostered camaraderie and strong workforce morale and apply that to charitable fundraising.

Mr. Carver recognized Deputy Executive Director Bucci, the senior staff sponsor, and Ms. Williams team co-chair. He asked the team members in attendance to stand.

The process continued with selling t-shirts with a unique design and a number of social events such as breakfasts. He advised that many people endeavored to do more than last year, with senior staff setting a standard.

Mr. Brown congratulated Mr. Carver and his team.

Mr. Carver stated that he was asked to be chairman again for 2012 and was looking forward to working with Ms. Haqq. He introduced his co-chairs, Sergeant Eric Payne and Scott Reppa.

V. Action Items

Authorization to Advertise

Resolution No. 97-12

One-Year Requirement Contract for Sludge Cake Removal at the Southerly and Westerly Wastewater Treatment Plants. Anticipated Expenditure: \$510,000.00.

Resolution No. 98-12

Westerly/Easterly Chemical Enhanced High Rate Treatment Pilot and Demonstrations SFPI-2A. Engineer's Opinion of Probable Construction Cost: \$2,577,200.00.

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Resolution No. 99-12

Westerly Electrical and Easterly Electrical
Infrastructure Improvements (WEII/EEII).
Engineer's Opinion of Probable
Construction Cost: \$17,500,000.00.

MOTION – Mr. Sulik moved and Mayor DeGeeter seconded to adopt Resolution Nos. 97-12 through 99-12. After discussion and without objection, the motion carried unanimously.

Mr. Brown questioned the quantity regarding Resolution No. 97-12. The amount disposed of the last couple years was very low and now is budgeted for \$560,000. He asked why it was such a large number when not much is trucked away. Mr. McNeeley advised that it is a requirement contract. One incinerator is not operational and will not be repaired in anticipation of the Renewable Energy Facility.

Mr. McNeeley explained that sludge hauling has been reduced but should another incinerator be lost the potential for hauling is still available. The budget is a certain amount every year for sludge hauling.

Mr. Brown summarized that if it is not used it will not be spent, and Mr. McNeeley affirmed.

Authorization of Easement

Resolution No. 100-12

Acquire from Daniel C. Kost One
Temporary Easement (Part of Cuyahoga
County Permanent Parcel No. 009-24-015)
Necessary for Construction of the Spring-
Jennings Cut Off Sewer Project (SJCOS).
Consideration: \$300.00.

Resolution No. 101-12

Acquire from Slade A. Jesse One
Temporary Easement (Part of Cuyahoga
County Permanent Parcel No. 009-25-002)
Necessary for Construction of the Spring-
Jennings Cut Off Sewer Project (SJCOS).
Consideration: \$300.00.

MOTION – Ms. Kelly moved and Mr. O'Malley seconded to adopt Resolution Nos. 100-12 through 101-12. After discussion and without objection, the motion carried unanimously.

Authorization to Enter Into Agreements

Resolution No. 102-12

Agreements with the City of Cleveland for the Fleet Avenue Reconstruction/Green Infrastructure Project: Independence Road to Broadway Avenue. Cost: \$1,000,000.00.

MOTION – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 102-12. After discussion a roll call vote was taken, and the motion was adopted with one abstention by Mr. Brown.

Authorization to Enter Into Contract

Resolution No. 103-12

Negotiate and Enter Into Contract with the Commission on Economic Inclusion and Minority Business Accelerator 2.5+ to Administer the Minority-Owned Business Enterprise (MBE) Development and Training Program. Cost: Not-to-Exceed \$55,000.00.

Resolution No. 104-12

Two-Year Requirement Contract with Fisher Scientific for Chemicals and Supplies Used for Microbiological Testing. Cost: Not-to-Exceed \$37,959.64.

Resolution No. 105-12

Option the Additional One Year Period with Vorys, Sater, Seymour and Pease, LLP for State Advocacy Services. Cost: Not-to-Exceed \$60,000.00.

MOTION – Mr. O'Malley moved and Ms. Kelly seconded to adopt Resolution Nos. 103-12 through 105-12. After discussion and without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 106-12

Modify Contract No. 11002430 for Additional Funding with Ashland Scale Co., Inc. for Truck Scale Rental Services at the Southerly Wastewater Treatment Plant. The Additional Funding will Cover Rental

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Cost for Twenty (20) Months while the Permanent Scale is Procured. Cost: An Increase in the Amount of \$20,000.00 Bringing the Total Contract Price to \$43,500.00.

MOTION – Mr. Sulik moved and Mr. O'Malley seconded to adopt Resolution No. 106-12. After discussion and without objection, the motion carried unanimously.

VI. Information Items

There were no Information Items.

VII. Public Session (any subject matter)

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

VIII. Open Session

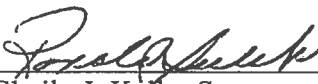
Mr. Brown stated that the election for officers will come up in July. He asked Mr. Sulik to chair a nominating committee including Mayor Bacci and Mr. O'Malley to make recommendations for Board officers for the coming year.

IX. Executive Session


There were no matters for Executive Session.

X. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Mr. O'Malley seconded the motion to adjourn at 1:39 p.m. Without objection, the motion carried unanimously.



Sheila J. Kelly, Secretary - *acting*
Board of Trustees
Northeast Ohio Regional Sewer District



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