MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
November 7, 2019

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:36 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
R. Sulik
R. Stefanik
T. DeGeeter
J. Ciaccia
J. Bacci
S. Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved and Ms. Dumas seconded to approve the Minutes of the October 17, 2019, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer’s Report

CEO Dreyfuss-Wells provided an update on the District’s Green Infrastructure Grants Program to control stormwater across the combined area as a complement to Project Clean Lake.

On October 18, Ms. Dreyfuss-Wells visited some Green Infrastructure Grants Program sites with the Watersheds Department and highlighted her findings from the tour. These sites demonstrate the depth of integration of the green infrastructure projects into redevelopment and creative work across the combined sewer area.

The sites included J. Spang Bakery Multifamily Conversion on Barber Avenue, off W.25th near MetroHealth with roof top drainage to infiltration trenches and permeable parking lots; work at Family Ministry Center with a series of green infrastructure practices at their campus on Fulton Road including pervious pavement, downspout disconnection, cisterns and rain gardens; the Cleveland Metroparks’ parking lot on Fulton Road with conventional asphalt to a series of
Bioretention cells; and finally the Boys and Girls Club of Greater Cleveland in Slavic Village with their Morgana Bluff Nature Preserve and Learning Center Stormwater Wetland.

These Green Infrastructure projects are controlling enormous amounts of stormwater and keeping it out of the combined system.

Next, Ms. Dreyfuss-Wells introduced Peter Grevatt, CEO of the Water Research Foundation (WRF), to address the Board and report on the benefits of the relationship between the District and the Foundation.

Mr. Grevatt explained that WRF is the world’s leading research collaborative for the water sector. They are a global organization that brings together the world’s leading water utilities and researchers in the water sector, with 1,200 subscriber members on six continents.

Ninety-seven percent of their funding comes from water utilities. They have ongoing $127 million in research projects, including both cash contributions and in-kind contributions.

Some of the issues that WRF is actively researching include: perfluoralkyl substances at wastewater treatment plants, management of pathogens in stormwater, how to build more intelligent water systems, making the greatest use of data to support decision-making in real-time, compounds of emerging concern permeating in the wastewater space and reuse. Another area of research includes operating in a post long-term control plan environment.

The District has nearly 40 staff who have accounts with WRF, 9 of whom, including Ms. Dreyfuss-Wells, either serve on its research advisory council or are engaged in research.

V. Action Items

Authorization to Advertise

Resolution No. 277-19 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for a one-year requirement contract for Sodium Bisulfite Solution at all Wastewater Treatment Plants with an anticipated expenditure of $330,000.00.

Resolution No. 278-19 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the District-Wide HVAC Equipment and Systems Upgrades project with an anticipated expenditure of $5,275,000.00.

Resolution No. 279-19 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Easterly Aeration Tank Rehabilitation Improvements project with an anticipated expenditure of $12,600,000.00.
MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 277-19 through 279-19. Without objection, the motion carried unanimously.

Authorization to Reject and Re-bid

Resolution No. 280-19 Authorization to reject bids and re-bid the Jennings and Old Denison Combined Sewer Cleaning 2019 project, with a revised scope of work and with an anticipated expenditure of $1,200,000.00.

MOTION – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 280-19. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for clarification as to whether this was a re-scoping of the project that the District was working on in tandem with the City of Cleveland, Division of Water Pollution Control, following the settlement of a lawsuit. Frank Foley, Director of Operation and Maintenance, confirmed that is correct and explained that it was originally anticipated that the District would perform the work with reimbursement coming from the City of Cleveland. The City of Cleveland is now going to perform the portion of the work related to the Old Denison Avenue sewer.

President Brown asked whether the cost is exacerbated by the removal of contaminated material. Eric Luckage, Chief Legal Officer, explained that this situation has been ongoing for several years. The District has been negotiating with CSI and the EPA to attempt to understand the nature and source of the contamination. This effort will allow the District to better identify what the contamination is and its source. The City of Cleveland entered into a settlement wherein the City will clean its portion of the line and CSI will pay the disposal costs. The District has made it clear to CSI that they must properly dispose of the materials, and specifically not return them to the sewer, and track the ultimate disposal. CSI has entered into a consent decree with EPA and any violations of the District’s orders will be considered non-compliant with the decree and can be referred to the Department of Justice for enforcement.

Authorization to Issue Requests for Proposals (RFP)

Resolution No. 281-19 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for Air Emissions Stack Testing Services.

Resolution No. 282-19 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for services and equipment necessary to upgrade the audio/visual technology of various conference rooms under the Department Conference Room Upgrades project.

MOTION – Mr. Sulik moved, and Mr. Ciaccia seconded to adopt Resolution Nos. 281-19 through
282-19. Without objection, the motion carried unanimously.

Authorization to Enter into Agreement

Resolution No. 283-19  Authorization to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority to accept WPCLF funding for design costs related to the Shoreline Consolidation Sewer project for a total amount up to $5,383,935.00.

Resolution No. 284-19  Authorization to enter into agreements with the Summit Soil and Water Conservation District and interested Member Communities for certain services in support of member community compliance with Minimum Control Measures #1, #2, and #6 of the Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed $18,638.00.

Resolution No. 285-19  Authorization to enter into agreements with the Cuyahoga Soil and Water Conservation District and interested Member Communities for certain services in support of member community compliance with Minimum Control Measures #1, and #2 of the Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed $264,000.00.

Resolution No. 286-19  Authorization to enter into agreement with the Summit County Combined General Health District for certain services in support of member community compliance with Minimum Control Measure #3 of the Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed $48,992.90.

Resolution No. 287-19  Authorization to enter into agreement with the Lorain County Stormwater Management District for certain services in support of member community compliance with Minimum Control Measures #1, #2, #3, and #6 of the Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed $21,231.65.

Resolution No. 288-19  Authorization to enter into agreement with AST Corporation for professional consulting services for the Customer Relationship Management Implementation project, in an amount not-to-exceed $310,800.00, and to further authorize the purchase of Salesforce
Resolution No. 289-19

Authorization to enter into a professional services agreement with Osborn Engineering for the Southerly Building Demolition project in an amount not-to-exceed $2,662,219.00.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 283-19 through 289-19. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that most of the items are for Member Communities who are part of the Regional Stormwater Management Program and requested explanation of what happens after the District has done due diligence to ensure corrections are made.

Mr. Greenland stated illicit discharge relates to Minimum Control Measure 3. The District utilizes the services of these groups to identify and sample outfalls where there could be an illicit discharge. Once identified, the District works with the communities and the Ohio EPA to achieve remediation. The EPA is the authority on Phase 2 Stormwater Regulations and has joined with the District in working with the communities to identify problems in a timely fashion.

When illicit discharges are found, WQIS staff tracks and identifies the source and works with the Member Communities to make the necessary corrections.

Authorization to Enter into Contract

Resolution No. 290-19

Authorization to enter into a three-year requirement contract with Airgas USA, LLC for industrial gases at all District facilities in an amount not-to-exceed $210,629.30.

Resolution No. 291-19

Authorization to enter into contract with Tim Lally Chevrolet for the purchase of one service truck in an amount not-to-exceed $67,610.00 and with Advantage Ford for the purchase of one utility truck and two utility box trucks in an amount not-to-exceed $156,967.00.

Resolution No. 292-19

Authorization to enter into contract with Life Technologies Corporation for the purchase of a NexGen DNA Sequencer in the amount of $83,698.00.

MOTION – Mr. Dumas moved and Mayor Bacci seconded to adopt Resolution Nos. 290-19 through 292-19. Without objection, the motion carried unanimously.
Authorization to Amend Resolution

Resolution No. 293-19  Authorization to amend Resolution No. 231-14 establishing the pool of investment banking firms to underwrite District bond offerings to extend the expiration date of said resolution by 90 days to March 31, 2020.

MOTION – Mr. Dumas moved, and Mr. Sulik seconded to adopt Resolution No. 293-19. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 294-19  Authorization to amend Agreement No. 14002954 with Baker Tilly Municipal Advisors for financial advisory services by increasing the total agreement amount by $125,000.00, bringing the total agreement amount not-to-exceed $600,000.00, and extending the contract term by 90 days through March 31, 2020 or through the close of the series 2019B bonds, whichever should occur first.

MOTION – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 294-19. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 295-19  Authorizing the final adjusting change order for Contract 18001605 with Lake Erie Electric, Inc. for the District-Wide Uninterruptible Power Supply project by decreasing in the contract amount by $263,260.53, thereby bringing the total contract amount to $1,423,729.22.

Resolution No. 296-19  Authorization to modify Contract No. 18006243 with Pirc Landscaping and Snowplowing, LLC for site restoration services for a 192-day time extension with no change in the contract amount.

MOTION – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 295-19 and 296-19. Without objection, the motion carried unanimously.
Property Related Transaction

Resolution No. 297-19  Authorizing the District to acquire one permanent stormwater easement and five temporary easements on a portion of PPNs 601-35-003, 601-35-004, 601-35-022, and 601-36-001, located at 8803 Brecksville Road, in the City of Brecksville, owned by Millside Shopping Center LLC, necessary for the construction and maintenance of the Chippewa Creek Bank Stabilization at Route 21 Brecksville project with total consideration of $1.00.

**MOTION** – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution No. 297-19. Without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 298-19  Adopting the findings of the Hearing Officer with regard to sewer charges on the account of Angela Cameron, Sewer District Hearing No. 19-023, that the customer's request be denied.

**MOTION** – Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution No. 298-19. Without objection, the motion carried unanimously.

Authorization to Retain Legal Counsel

Resolution No. 299-19  Authorization to retain Squire Patton Boggs LLP and Forbes, Fields & Associates Co., LPA to serve as Bond Counsel and Co-Bond Counsel respectively for the Series 2019B Wastewater Improvement Revenue Refunding Bonds in a total amount not-to-exceed $150,000.00.

Resolution No. 300-19  Authorization to retain Fisher & Phillips as outside counsel to further represent the District in matters related to workers' compensation, and to approve fees in excess of the $50,000.00 limit of the current engagement and incurred prior to adoption of this resolution.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolutions Nos. 299-19 and 300-19. Without objection, the motion carried unanimously.

Authorization to Renew Subscription

Resolution No. 301-19  Authorization to renew the District's Water Research Foundation subscription for 2019-2020 in the amount of $122,682.00.

**MOTION** – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 301-19. Without
objection, the motion carried unanimously.

Authorization to Pay Fees

Resolution No. 302-19 Authorizing payment to the Treasurer, State of Ohio for the Ohio Environment Protection Agency's 2019 Annual Discharge Fees for the Easterly, Southerly, and Westerly Wastewater Treatment Plants in the amount of $129,400.00.

MOTION – Mayor Bacci moved and Ms. Dumas seconded to adopt Resolution No. 302-19. Without objection, the motion carried unanimously.

Authorization of Compensation

Resolution No. 303-19 Authorizing up to 2% base pay increases in 2020, and up to $625,000.00 for 2019 performance pay, for those eligible non-union employees, all as determined by the Chief Executive Officer.

MOTION – Mr. Ciaccia moved and Mr. Sulik seconded to adopt Resolution No. 303-19. Without objection, the motion carried unanimously.

Authorization to Grant Credit

Resolution No. 304-19 Authorizing the District to issue a credit adjustment in the total amount of $41,583.36 against sewer charges on NEORSD account number ending in 0004 for the Elizabeth Baptist Church at 2971 East 61st Street, Cleveland.

MOTION – Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution No. 304-19. Without objection, the motion carried unanimously.

Authorization for Bond Issuance

Resolution No. 305-19 Providing for the authorization, issuance and sale of not to exceed $480,500,000 Northeast Ohio Regional Sewer District Wastewater Improvement Refunding Revenue Bonds, Series 2019B (Federally Taxable), for the purpose of refunding some or all of certain obligations previously issued for the purpose of acquiring, constructing and improving water resource projects, all as authorized by the Trust Agreement; authorizing the execution of a Tenth Supplemental Trust Agreement to extend
the pledge of Net Revenues and Special Funds to secure such Series 2019B Bonds, to provide covenants appropriate to the protection and disposition of such Net Revenues and Special Funds, and to secure the payment of the principal of and interest on the Series 2019B Bonds at their respective maturities on a parity with the Series 2005 Bonds, the Series 2007 Bonds, the Series 2010 Bonds, the Series 2014 Bonds, the Series 2016 Bonds, the Series 2017 Bonds, the Series 2019 Bonds and Additional Bonds that may be issued in the future; authorizing the execution of an Escrow Agreement for the purpose of effecting the refunding of the Refunded Bonds; authorizing the preparation and distribution of a preliminary and final Official Statement; authorizing the execution of a Bond Purchase Agreement, a Certificate of Award, and a Continuing Disclosure Agreement; and authorizing such other actions as are necessary and appropriate to accomplish the transactions hereby authorized.

MOTION – Mayor Bacci moved and Mr. Ciaccia seconded to adopt Resolution No. 305-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Ciaccia asked if Finance could provide some information about the timing and opportunity of this issuance.

Kenneth Duplay, Chief Financial Officer, informed the Board that the District is currently exploring a taxable advance refunding of some of its outstanding 2013 and 2014 bonds. The $480 million would represent refunding everything outstanding, and while that is not what the District is considering, that number maintains flexibility should savings become likely on all outstanding bonds. The District will likely look to refund approximately $175 million of the outstanding bonds and is currently seeing approximately 10.5 percent net present value savings on them with $18.5 million net present value in debt service savings. As the market changes that number fluctuates. The Board has approved to extend the District’s agreements with its underwriters and financial advisor to provide flexibility should this deal close next year. The agreements are currently in line to close December 31. The District will likely see a transaction like what was done in August with $250 million refunding bonds.

Mr. Ciaccia asked whether the District has done taxable bonds before. Mr. Duplay advised that the 2010 Build America bonds were taxable with a rebate. The current bonds would not have an associated rebate, but they would be eligible for future tax-exempt advance funding should that become an option in the future.

Mr. Ciaccia asked whether the expected savings include what will be taxable and Mr. Duplay confirmed that those are the savings with the new bonds at a taxable interest rate.
Authorization to Advertise

Resolution No. 306-19  Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the EMSC Elevator Repair Project with an anticipated expenditure of $80,000.00.

MOTION – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 306-19. Without objection, the motion carried unanimously.

Authorization to Ratify Modification of Construction Contract and Emergency Repairs

Resolution No. 307-19  Ratification of the CEO’s emergency authorization to modify the existing construction contract with Independence Excavating, Inc. for the Woodland Central Green Infrastructure Project to add the scope of emergency repair of the existing Sludge Force Main on E. 55th Street with a cost not-to-exceed $75,000.00 from the contract’s General Allowance, with no change to the total contract amount or schedule.

Resolution No. 308-19  Ratification of the CEO’s emergency authorization to modify the existing construction contract with Shook Construction Company for the Southerly Second Stage Settling Improvements project to add the scope of emergency repair of a leaking natural gas line at the Westerly WWTC with a cost not-to-exceed $25,000.00 from the contract’s General Allowance, with no change to the total contract amount or schedule.

MOTION – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 307-19 and 308-19. Without objection, the motion carried unanimously.

VI. Information Items

1. Financial and Investment Advisor Performance Reports for the Third Quarter 2019

There were no items.

2. Operations and Maintenance Quarterly Board Update

Mr. Foley began his presentation to the Board by addressing safety, using a chart demonstrating lost and restricted workdays. 2019 has been trending high. The District had 11 safety events in the first three quarters that resulted in lost or restricted workdays. Seven occurred in the first quarter, three in the second quarter, and one in the third quarter. District-wide, there were 411 lost or restricted workdays from events that occurred in the first quarter, 233 lost or restricted workdays
from events that occurred in the second quarter, and five lost or restricted works days from events that occurred in the third quarter. The District is improving in terms of the number of events and the number of lost workdays resulting from those.

In August, the District received two citations from the Ohio Public Employees Risk Reduction Program (PERRP) related to an accident that occurred during the second quarter, wherein employees were working offsite preparing to install a rain gauge on the roof of a building. The employee was using a hydraulic lift to get to the roof of the building and the lift fell over injuring that employee. The employee has returned to work. The lift did not belong to the District and the employees on that job were not authorized to use the lift. In the citations, PERRP noted that the employees did not use the lift’s outrigger supports which would have prevented it from falling over, and the employees were not trained to recognize hazards associated with this equipment because it was not the District’s equipment.

In response to the citations, the District staff has developed an External Equipment Use Policy. The staff members who were involved in this incident have been trained on the policy. PERRP was notified of these actions to close this incident. The policy has been communicated with employees who may also be in situations where there is equipment on site that that does not belong to the District.

Mr. Foley presented a chart demonstrating the types of accidents that District employees have had. There was the incident previously discussed, four slips, trips and falls; three strains and sprains; one motor vehicle accident, and one laceration.

The District-wide DART rate, the number of incidents per 100 full-time employees that result in lost or restricted workdays, is below the 2.0 target. The DART rate the Operation and Maintenance department is above the 2.0 target. The DART rate has come down gradually over the course of the year. The rate for the first quarter was 5.9 for O & M. The second quarter was at 3.9 and it is currently down to 3.6. He does expect that to come down by the end of the year, but not likely to be below that 2.0 target in O & M.

Health and Safety will be revising their approach to safety training for 2020 with special focus on the employee’s first two days of employment, then the first month and the first quarter of employment.

As for effluent quality for total suspended solids, carbonaceous biochemical demand, phosphorus, and E. Coli bacteria, all three plants performed well and were below monthly limits.

Dry weather overflows in the collection system is at a total of eight events for the year compared to eleven for last year. Five were caused by debris in the collection system at the regulator, one by downstream blockage, and two that were caused by inflows from the river earlier in the year when river levels were high. This is a positive downward trend since 2009, due to capital improvements and work performed by the District’s Sewer Systems Maintenance and Operations group.
Automated wet weather equipment performance is close to 100% throughout the year with exceptions in June and September.

Planned maintenance is in the low 70 to high 80 percent range for this year, which is slightly higher than 2018. Budget and cost for all Operation and Maintenance are significantly below where expected for this time of year. The District is below actual expenditures from last year, which is attributable to many factors, but one is cost savings in electric utility rates, which will be further addressed by Doug Reichlin, Deputy Chief Operating Officer.

As for employee morale, the District has instituted its Operational Readiness initiative changing its approach to operations. When equipment comes to the end of its useful life it may not be replaced and some employees may struggle with the equipment changes.

Mr. Foley and Jim Bunsey, Chief Operating Officer, have been meeting with operating crews to discuss their concerns and implement changes as appropriate.

Mr. Foley stated that the Operator Training Program may be a source of concern for some employees, as they have completed the three-year training program and may end up assigned to a different plant than where they were trained and are comfortable with the facility and equipment. The Southerly plant needs experienced operators and some of those employees who have been trained elsewhere may need to be transferred to Southerly. Additionally, cold weather and lack of sunlight may impact employee morale.

Mr. Foley introduced Mr. Reichlin to provide an update regarding the status of the Operational Readiness Implementation Project. The project consists of evaluating people, process, and performance, building the organization to more sustainability and continuous improvement.

Of 87 tasks, 32 are completed, and to date, $4 million per year annualized savings, as presented last quarter.

Mr. Reichlin provided a brief overview of some of the projects in the area of electricity savings and becoming more efficient.

At the Southerly plant, there is an LED lighting project, a $2 million capital investment installing light-emitting diodes, a higher efficiency lighting system. Net savings after that investment is $110,000 per year and has been in place for several years.

At the First Stage Aeration facility, the District installed new high-efficiency compressors, made an additional capital investment to get the higher efficiency compressors and automated the dissolved oxygen control system to be able to keep the compressors running at the minimum electricity required to meet the process performance requirements, saving $120,000 a year.

At the fluid bed incinerators, they are shifting between 1 and 2 incinerators and using the storage capacity to optimize that, for an electricity savings of $100,000 per year.
At the second stage aeration, the existing compressors are minimizing the electrical consumption while delivering sufficient air to meet the permit requirements for the process, for a $470,000 per year savings.

The District has re-procured its energy source at the Southerly facility, which is the largest consumer of electricity, at a lower market rate energy costs, which included a 50% utilization of renewable energy sources for a $630,000 per year savings.

The District has saved nearly $1.5 million at the Southerly plant alone. As for future opportunities, one is demand-side management, which is where the generators are used to run the plant. While it is normally more expensive to run generators than buy power from the grid, the electrical grid operator for the Mid-Atlantic states, PJM, has a program where they would pay the District to go offline when the grid is experiencing high demand. The District signed a contract with a broker. They will do emissions control equipment installation on those generators at Southerly that will allow for the District to meet the EPA requirements to have lower carbon monoxide emissions. Over the five-year contract, this will result in a $275,000 per year savings. The District will start to accrue some of those savings beginning next year.

Mr. Ciaccia asked whether this program is only at Southerly. Mr. Reichlin explained that the District did investigate whether it would be beneficial to do at GJM, but it would not be cost effective. The District will further evaluate whether to extend the program to Easterly and Westerly, as soon as 2022.

Mr. Reichlin further advised the Board that there are several other initiatives under review, targeting another $1.5 million in savings to be completed by the end of 2023.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

There were no items.

X. Approval of Items from Executive Session (if necessary)

N/A

XI. Adjournment
MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Ms. Dumas seconded the motion to adjourn at 1:32 p.m. Without objection, the motion carried unanimously.

Timothy J. DeGecter, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

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