

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
DECEMBER 16, 2021

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

I. Roll Call

Present: Darnell Brown
Ronald Sulik
Jack Bacci
Samuel Alai
Terence Joyce

Absent: Timothy DeGeeter
Sharon Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Mayor Alai seconded to approve the Minutes of the December 2, 2021, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

Kyle Dreyfuss-Wells, Chief Executive Officer, provided an update regarding NEORSD's ongoing COVID-19 pandemic response and informed the Board that NEORSD has 22 active cases, and 10 employees with COVID-19-like symptoms awaiting test results. There are currently no employees remaining at home because a member of their household tested positive. There has been a total of 152 employees with confirmed diagnoses since the beginning of the pandemic, 130 of whom have recovered and returned to work.

In light of the increasing number of positive cases, NEORSD will reinstate its face covering requirement for all employees regardless of vaccination status on Monday, December 20, 2021. Also, staff will be required to again begin using the COVID-19 Symptom Tracking App to ensure

that sick employees are not coming in to work. NEORSD will make other necessary changes as the need arises and will continue to closely monitor the situation.

At the U.S. Environmental Protection Agency's (U.S. EPA) request, the National Association of Clean Water Agencies (NACWA), which is NEORSD's federal advocacy group, has convened a group of their Board Members, including Ms. Dreyfuss-Wells, to provide guidance to the U.S. EPA as they rollout the Infrastructure Investment and Jobs Act funding for water. NEORSD met with the NACWA committee to prepare for the U.S. EPA discussions and will meet with Andrew Sawyers, U.S. EPA Director of Wastewater Management, on December 21. NEORSD's goal within this dialog is to ensure funding for member community projects, as have been identified by the sanitary sewer system evaluations performed by NEORSD and supported with funding through the Member Community Infrastructure Program (MCIP). NEORSD is advocating for funding for NEORSD projects as well. NEORSD has requested that U.S. EPA provide guidance to state revolving loan programs to provide grants, to the extent possible, opposed to additional loans. Additionally, NEORSD has requested that the process to work with and support member communities is easy for NEORSD and other utilities. NEORSD and NACWA have sent letters to U.S. EPA with those requests. The letters have been shared with the congressional offices and other stakeholders. NEORSD will keep the Board informed of these efforts as they develop.

Each year, NEORSD recognizes employee milestones across the District with its service awards. Due to the pandemic, NEORSD has done the 2020 and 2021 service awards through video and individual recognition. The video is a team effort with emcees among NEORSD staff, led by Angela Smith, Human Resources Specialist, and other members of HR.

NEORSD's 2020 efforts were recognized with two awards, the Gold Cleveland Rock Award in the category of corporate events from the Public Relations Society of America and an International Best Practice Award from the Public Relations Global Network for Internal Communications. Ms. Dreyfuss-Wells congratulated staff for the achievement.

V. Action Items

Authorization to Advertise

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| Resolution No. 394-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a one-year requirement contract for grounds maintenance services with an anticipated expenditure of \$155,000.00. |
| Resolution No. 395-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a three-year requirement contract for centrifuge rebuilding services at the Southerly and Westerly Wastewater Treatment Centers with an anticipated expenditure of \$819,000.00. |

Resolution No. 396-21 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a two-year requirement contract for green infrastructure maintenance services with an anticipated expenditure of \$550,000.00.

Resolution No. 397-21 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the Blodgett Creek Bank Stabilization project with an anticipated expenditure of \$390,000.00.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 394-21 through 397-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional information regarding Resolution No. 369-21, noting that it is presumably part of the efforts to meet the requirements of the Consent Decree for the 44 million gallons of storage. President Brown asked what this project intends to achieve and added that his understanding is that there is still work to be done to achieve this target.

Frank Greenland, Director of Watershed Programs, advised that NEORSD has external contracts with two-year terms to maintain its large green infrastructure facilities and the initial contracts to maintain the spaces expire in March 2022. The services provided under the contracts include grounds maintenance of those sites to control invasive species, mow, prune, ensure functionality of the plant base, perform trash removal, snow removal, seasonal clean-up activities, fertilizing, etcetera. The care and maintenance allow for monitoring of the facilities to ensure that they are structurally sound and if an issue arises, it can be addressed on a case-by-case basis.

Devona Marshall, Director of Engineering and Construction, advised that the Consent Decree requires that NEORSD also maintain the green infrastructure sites that it constructs. These contracts help NEORSD to accomplish that portion of the requirements. Under Appendix 3, NEORSD is required to achieve 44 million gallons of additional CSO control above what the green infrastructure is going to achieve. As early as 2014, NEORSD was aware that it would not be able to achieve that level with green infrastructure alone and has been in communications with the EPA regarding this matter since that time.

NEORSD has implemented nine projects in total at a cost of approximately \$60 million to achieve approximately 9 million gallons of the required 44 million gallons of CSO control and is working toward achieving corrective action. Accordingly, NEORSD has upsized the Doan Valley Tunnel, which is operational, the Westerly Storage Tunnel, which is under construction, and the Shoreline Storage Tunnel, which is also under construction. NEORSD has recently discovered, as part of the post-construction monitoring efforts along with new information from the EPA, that even with that corrective action, NEORSD will fall short of the 44-million-gallon CSO control requirement. NEORSD is in discussions with the EPA regarding this issue and the potential need to modify the Consent Decree.

President Brown added that years ago, NEORSD was considered to be a pioneer in the field of green infrastructure, as there were only one or two other communities trying to create a path for green infrastructure at that time. There was much discussion regarding the value of green infrastructure versus gray infrastructure and NEORSD executed according to what it suspected would happen and was correct in its assumptions.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 398-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for as-needed engineering professional services under General Engineering Services – Treatment (GES-10) and GES – Collections (GES-11) proposed agreements.

Resolution No. 399-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for as-needed design and construction administration/resident project representation services under a Testing and Construction Inspection Services proposed agreement.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution Nos. 398-21 through 399-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution Nos. 398-21 and 399-21 relate to standard contracting opportunities and there have been discussions in the past regarding how to evaluate the performance of the contractors over the life of the contract. Additionally, there has been concern about NEORSD’s ability to attract larger firms with national reputations as well as contracting opportunities for people in the service area. President Brown asked if those issues are being monitored by NEORSD.

Ms. Marshall explained that this has been a very helpful tool over the past couple of years for on-call services for smaller projects regarding design efforts or evaluations, as well as emergency type efforts, requiring a capacity component to meet the needs of NEORSD. Additionally, the consultants must have a wide range of expertise. Due to the nature of the contracts, they have historically been awarded to prime firms with multiple subconsultants, both national and regional. In addition, there is a 20% Business Opportunity Program goal which also supports local contracting opportunities, as those BOP firms are regional.

As for performance, in recent years, NEORSD has established a performance review with its professional consulting firms which allows for NEORSD to meet with the consultants and provide them with performance feedback as well as for the consultant to provide feedback to NEORSD.

Authorization to Enter Into Agreement

- Resolution No. 400-21 Authorization to enter into service agreements with ten watershed organizations, under the 2022 Watershed Partners Service Agreement Program, to provide technical services in support of the District’s Strategic Plan goal of Community Partnerships in varying amounts, as presented, with a total combined amount not-to-exceed \$390,000.00.
- Resolution No. 401-21 Authorization to enter into a professional services agreement with Coldwater Consulting, LLC for the Mill Creek Restoration near Cricket Lane in Warrensville Heights project in an amount not-to-exceed \$731,286.00.
- Resolution No. 402-21 Authorization to enter into an agreement with CHN Housing Partners to administer the District’s Customer Assistance programs and Sewer Repair program for a five-year period in an amount not-to-exceed \$3,750,000.00 for the Energy program and an amount not-to-exceed \$1,439,394.00 for the Utility Assistance Program, for a combined total amount not-to-exceed \$5,189,394.00

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 400-21. Without objection, by roll call vote, the motion carried with all present members voting yes and recusal from discussion and abstention from voting by President Brown.

MOTION – Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution Nos. 401-21 through 402-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted, regarding Resolution No. 402-21, that NEORSD has had these programs for some time and especially since the pandemic has been ongoing, there is concern about whether the firms have the capacity to perform at a level that allows as many people as possible to be entered and processed through the system in a timely manner, realizing that utility bills can be challenging due to rate structures. President Brown requested additional information regarding NEORSD’s ability to monitor performance or add resources as necessary.

Constance Haqq, Chief Administrative Officer, explained that NEORSD has contracted with CHN Housing Partners for a number of years, in five-year increments, with the current contract expiring at the end of 2021. NEORSD has considered the Board’s concerns regarding capacity and has included additional resources in the new contract to assist the organization in managing the influx of new applicants. The adaptations of NEORSD’s rate and cost-saving programs will significantly increase the number of residents and customers eligible for these programs. NEORSD has worked very closely with CHN Housing Partners to ensure that they are resourced to accommodate that

increase. The new proposal includes an increase in plumbing assistance, as the needs for that assistance in the community are greater and the cost for those programs has increased. NEORS has added additional funds to the contract for plumbing assistance.

In terms of reporting, NEORS receives daily, monthly, and quarterly reports from CHN Housing Partners as well as serving together on a number of committees, providing regular contact between the organizations.

Ms. Haqq introduced Matt Sattler, Vice President of Operations, and Robin Williams, Water & Sewer Utilities Program Manager, both of CHN Housing Partners, and noted that they are available to answer any questions the Board has.

President Brown asked if the additional resources required includes alternate staffing. Ms. Haqq confirmed that NEORS has provided one additional staff member for CHN Housing Partners to handle NEORS programs specifically.

Authorization to Enter Into Contract

Resolution No. 403-21 Authorization to enter into a one-year requirement contract with PVS Chemical Solutions, Inc. for Sodium Bisulfite Solution at all Wastewater Treatment Plants in an amount not-to-exceed \$279,950.00.

Resolution No. 404-21 Authorization to enter into a construction contract with Akron Building & Outdoor Maintenance, Inc., doing business as RiverReach Construction, for the Baldwin Creek Stabilization near Abbey Road project in an amount not-to-exceed \$763,490.49.

Resolution No. 405-21 Authorization to enter into a construction contract with Tucson, Inc. for the Chippewa Creek Stream Stabilization near Broadview Road project in an amount not-to-exceed \$1,595,567.00.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution Nos. 403-21 through 405-21. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 406-21 Authorization to amend Agreement No. 20006415 with Stantec Consulting Services, Inc. for the Westerly Sludge Pump Station and Force Main project to remove work scope specific to the sludge pump station and force main and to add work scope for centrifuge rehabilitation and truck area loadout improvements, to modify the project name to the Westerly Sludge Handling Improvements project to better align with the modified scope, and by decreasing the agreement amount by \$675,614.86, thereby bringing the total agreement amount not-to-exceed \$4,047,336.14.

MOTION –Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 406-21. Without objection, the motion carried unanimously.

Authorization of Emergency Contract Modification

Resolution No. 407-21 Authorization of an emergency modification of construction Contract No. 20000730 with A.W. Farrell and Son, Inc., for the District-Wide Roof Improvements project to increase the contract scope to include time-critical roof repairs and replacements threatened by roofing material supply chain issues and necessary to avoid building impact and damage to critical equipment housed in the buildings, to include a 466 day time extension, and to increase the contract amount by \$1,566,000.00, thereby bringing the total contract amount not-to-exceed \$4,408,404.12, and to declare such modification to be a real and present emergency awarded without formal bidding or advertising.

MOTION –Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution No. 407-21. After the following discussion, without objection, the motion carried unanimously.

President Brown indicated that he understood this Resolution to be driven by supply chain and asked whether there are additional risks to consider.

Ms. Marshall explained that the request is driven by supply chain issues and uncertainty in the market as it pertains to roofing materials. It was originally planned to bid a second District-wide roofing contract in 2022; however, the project was put on hold due to concerns regarding the market and inability to properly estimate the project for public bidding. However, there are four roofs that are in such a state of disrepair that action is required within the next year. The emergency modification was requested as the only way to guarantee that the roofing materials can

be obtained, and work can be performed within the next year is to order the roofing materials by the end of this year.

President Brown added that this may be beneficial financially, not only in terms of supply chain timelines. Ms. Marshall agreed that there is a financial benefit in as much as if the roofs are allowed to continue to deteriorate, there is increased risk for damage to the buildings and their contents. President Brown added that, generally speaking, delaying construction from one year to the next can increase the cost by 15% to 20%. Ms. Marshall agreed.

Property Related Transactions

- Resolution No. 408-21 Authorization to appropriate one permanent sewer easement and one temporary easement at the property known as PPN 104-02-014, located at 1160 Marquette Street, in the City of Cleveland, owned by BCP Cleveland, LLC, necessary for the construction and maintenance of the Shoreline Consolidation Sewer project and to deposit the compensation of \$32,650.00 with the Cuyahoga County Probate Court.
- Resolution No. 409-21 Authorization to appropriate three permanent sewer easements and three temporary easements at the property known as PPN 105-01-004, located at 1155 Marquette Street, located in the City of Cleveland, owned by P&R Ventures, Inc., necessary for the construction and maintenance of the Shoreline Consolidation Sewer project and to deposit the compensation of \$61,250.00 with the Cuyahoga County Probate Court.
- Resolution No. 410-21 Authorization to acquire one permanent sewer easement at the property known as PPNs 105-04-016, 105-04-017, and 105-04-018, located at 5470 Lake Court, in the City of Cleveland, owned by SCN Services, LLC, necessary for the construction and maintenance of the Shoreline Consolidation Sewer project with total consideration of \$1,400.00.
- Resolution No. 411-21 Authorization to acquire one permanent stormwater easement and one temporary easement at the property known as PPN 771-12-054, located at 4908 North Randall Drive, located in the Village of North Randall, owned by Wendell Webb and Doris Jean Webb, necessary for the construction and maintenance of the Bear Creek Culvert Improvements project with total consideration of \$3,200.00.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution Nos. 408-21 through 411-21. Without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 412-21 Adopting the findings of the Hearing Officer with regard to the sewer account of Ayotunde Olowu, Sewer District Hearing No. 21-008, that the customer’s request be denied.

Resolution No. 413-21 Adopting the findings of the Hearing Officer with regard to the stormwater service account of James Shorey, Sewer District Hearing No. 21-009, that the customer’s request be denied.

Resolution No. 414-21 Adopting the findings of the Hearing Officer with regard to the sewer account of Allegro Realty, Sewer District Hearing No. 21-010, that the customer’s request be denied.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 412-21 through 414-21. Without objection, the motion carried unanimously.

Approval of Policy Amendments

Resolution No. 415-21 Approval of amendments to the District’s Travel Expense Reimbursement Policy, as presented, and delegation to the Chief Financial Officer the authority to make future amendments to the policy as deemed necessary by the Chief Financial Officer.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution No. 415-21. After the following discussion, without objection, the motion carried unanimously.

Mayor Alai asked if this is a complete rewriting of the policy, noting that there is significant redlining. Mr. Duplay explained that it is not a complete rewrite, rather it is primarily to incorporate an electronic reimbursement system that was implemented in the last two years. While it looks like there are significant changes to the policy, it primarily encompasses changes related to implementing the system to replace previously used forms. There are not substantive changes to the policy itself.

Authorization to Pay Fees

Resolution No. 416-21 Authorizing the expenditure of \$129,400.00 to the Treasurer, State of Ohio, for the Ohio Environmental Protection Agency Annual Discharge Fees for all wastewater treatment plants, for the 2021 calendar year.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 416-21. Without objection, the motion carried unanimously.

VI. Information Items

Ms. Marshall provided the monthly Capital Improvement Program update for November 2021, beginning with cashflow. November ended at 97% of planned, up from the month prior which closed at 95%. The year will end fairly close to the planned cashflow. In terms of dollars paid, approximately \$25 million was spent in November for a year-to-date total tracking at just below \$154 million.

Regarding Key Performance Indicators (KPIs), design of the Easterly PLC Replacement Project was completed within 60 days of planned, meeting that KPI. As for construction level KPIs, the Doan Valley Storage Tunnel project achieved substantial completion within 90 days of planned, meeting that KPI.

The construction contract for the Southerly Electrical Infrastructure Improvements project was not closed within 95% of the original contract amount, failing to meet that KPI. However, the KPI for BOP goals of 9% MBE/WBE and 8% SBE were well exceeded with projected actuals of 16.24% MBE/WBE and 61.53% SBE, with significant subcontracting on the project. Work orders by change categories as a percent of construction was 8.45%, which equates to approximately \$1,500,000 and was primarily attributable to owner-requested changes.

The construction contract for the CSO Outfall Repairs and Improvements project was closed within 95% of the original contract, meeting that KPI. The BOP goal was set at 10% MBE/WBE and 5% SBE. The projected actual was 26.27% for MBE/WBE and 4.94% for SBE, however, all of the firms are SBE. The work orders by change categories as a percent of construction was 6.85%, equating to approximately \$137,000, the majority of which were due to differing or unforeseen site conditions.

Ms. Marshall invited Andrea Remias, Planning Manager, Engineering and Construction, to provide an update regarding the Local Sewer System Evaluation Studies (LSSES).

Ms. Remias reminded the Board that the LSSES are planning-level studies focused on the local sewer system. It is a \$40 million investment divided into four project areas, studied over the course of six years.

NEORSD began the LSSES process by polling local communities to see what their primary problems were in the sewer system, with a focus on basement backups and sanitary sewer overflows. Field work and modeling was used to validate and identify new problems and develop solutions. Each member community is in the process of receiving or has received, a report specific to their community with findings and recommendations, along with the presentation.

NEORSD will meet with the member communities a minimum of four times each: to collect problems and sewer maps; to develop field work protocols; to present the comprehensive problem evaluation and gain concurrence; and to present solutions and final documents.

During the course of the LSSES, NEORSD has identified 800 miles of common trench sewers, which is an antiquated design where both storm and sanitary sewers are constructed in the same trench, which deteriorate over time, allowing sewage and stormwater to mix together, overwhelming the system, and flowing into basements and streams. Additionally, 22,000 homes were found to be at risk for basement flooding, 56 active Sanitary Sewer Overflows (SSO) were identified, as were 2,000 septic systems that had likely reached their end of useful life.

Ms. Remias provided a map of the service area demonstrating the different project areas and explained that some of the issues will fall under the Northeast Ohio Area Wide Coordinating Agency's (NOACA) Environmental Justice Area, and some are CSOs that are being addressed under Project Clean Lake and are not a part of the LSSES.

President Brown asked which streams are represented on the map and Ms. Remias explained that there are CSOs on most of the streams and the large waterways represented are the Cuyahoga River and Euclid Creek.

Ms. Remias explained that the total estimated cost of the identified solutions is \$3.4 billion over 50 years, across the entire service area and all of the local system. The projects are categorized into three priority categories. The first category, accounting for \$950 million, is to address the problems that were communicated by the communities, such as basement backups. The largest category, at \$1.6 billion, is to address excessive inflow and infiltration in areas that are not already covered under the first category, and while not causing a local problem, are problematic for NEORSD as they send significant flow to its interceptors and Wastewater Treatment Plants (WWTP). The remaining category, at the projected cost of \$840 million, addresses model-predicted future projects that may need to be performed 30 to 50 years in the future.

In light of the significant cost associated with these projects, NEORSD will continue to support communities in acquiring funding through programs such as MCIP, as well as assisting with applications for grant funding from programs like the American Rescue Plan Act. NEORSD recently assisted communities with adding their projects to the County Hazard Mitigation Plan, which makes those projects eligible for future funding as well.

The information gained from the LSSES will be used to assist communities in their compliance with the Community Discharge Permit Program. Additionally, it resulted in a robust online GIS resource, which provides communities with access to sanitary sewer mapping, identified problem areas, such as model-predicted basement backups, all identified solutions, 15,000 points of field work and the associated data such as manhole inspections and flow monitoring.

Of note, while the consultant field crews were in the field performing tests and collecting data, they identified 1,700 locations where they had to correct the GIS. They also identified 1,200 local maintenance issues that were documented and reported to the communities, including critical safety and regulatory issues such as surcharged manholes and a potential sinkhole, allowing the issues to be addressed before becoming major problems.

The data was also used to update the collection system models, providing NEORSD with a very comprehensive understanding of the level of service the infrastructure is providing to the communities. NEORSD is sharing its collection system models with the member communities by request.

Ms. Remias acknowledged Project Managers Bill Fussner and Lita Laven for a job well done on such a complicated project.

President Brown thanked Ms. Remias for the information and added that even after \$3 billion is spent to make more capacity and keep CSO from discharging into the Great Lakes, there are still an equal number of problems in the member communities, but at least those problems have been identified. President Brown noted that there will be significant lobbying for grant funding required to address the issues.

Mr. Greenland added that this is the sobering reality of infrastructure management and climate change. Several local sewers are well over 100 years old and rain patterns have changed. It shows the value of the MCIP, NEORSD funds leveraged with community funds. The value of the LSSES is to allow communities to target the worst issues and develop good strategies to address them. NEORSD is well positioned to apply for infrastructure funding and plans to find ways to allow regional authorities to help member communities.

President Brown agreed with Mr. Greenland and added that there is a lot of good work and great information associated with the projects. When the MCIP began, NEORSD worked with member communities to prioritize their projects and optimize their spending. Many of the local communities' concerns are much like those of NEORSD where the largest problems are addressed first and eventually the return on investment will dissipate somewhat, but there is still necessary work to be done.

President Brown also noted that the semi-annual report of settlement and release agreements was provided as an information item and asked that any questions be directed to the Chief Legal Officer.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

President Brown indicated that there is a matter for Executive Session, however, the matter will be held until all Board Members are present for discussion.

IX. Approval of Items from Executive Session

There were no items.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mayor Alai seconded the motion to adjourn at 1:27 p.m. Without objection, the motion carried unanimously.



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



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