

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
JUNE 16, 2022

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

I. Roll Call

Present: Darnell Brown  
Timothy DeGeeter  
Ronald Sulik  
Jack Bacci  
Marjorie Chambers  
Samuel Alai  
Sharon 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 June 2, 2022 Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

Kyle Dreyfuss-Wells, Chief Executive Officer, advised the Board that Diane Calta was present to address the Board regarding Resolution No. 194-22. Ms. Calta provided the following statement:

“My name is Diane Calta, I’m here today on behalf of the Friends of Horseshoe Lake. I’m an attorney with Mansour Gavin. I work with Tony Coyne and I’m also here today with our engineer from TRC, Shawn McGee. We are a group that has been formed, grass roots group that has been formed, hundreds of interested Cleveland Heights/Shaker Heights residents, other interested families, friends, and have been actively involved in trying to accomplish an alternate solution to save Horseshoe Lake and repair or replace or construct a new dam in order to restore that lake and continue it on into generations to come.”

Ms. Calta advised the Board that she brought copies of a PowerPoint presentation which was provided to the Cleveland Heights City Council at their most recent meeting and could be viewed at YouTube.com. Frank Greenland, Director of Watershed Programs, attended the meeting and offered comment. Ms. Calta added that the presentation will also be given to the Shaker Heights City Council.

“Just a little bit about my background. I’ve been an attorney for 20 some years. Kyle (Dreyfuss-Wells) and I go way back. I’ve spent a lot of time in the stormwater area as a law director and assistant law director with many communities on the east side.

So, we appreciate the stormwater program that’s been put in place. It wasn’t an easy thing to come about. I’m very well aware of how it came about, the history. And it was one of those, I think, regional approaches that we all needed, and we support as law directors, as mayors. However, this is one of those instances where I don’t think that the interest of these communities clash with the District, I think they complement each other, and I think we need to collaborate and continue to collaborate. The District has been and staff has been very accommodating and, in fact, we’re working to schedule another meeting to make sure the metrics and the data that you’re using and we’re using are all the same, and that we are on the same page. And, obviously, the study that was put together for the Shaker Lakes was very comprehensive, there was a lot of time and effort and money put into that. But there are alternatives. That plan set out four alternatives, and we believe that we’ve come up with another one. Whether you call that the fifth or another option. And we’d like you to take careful consider of that. We think that we can have a win/win for the District and for these communities.

The stormwater program is stormwater focused, and that’s what it should be. You’re not looking at historic preservation, you’re not looking at aesthetics, you’re not looking at community entities–community amenities. You’re not looking at the history for some of the families that do live along the lake, you’re looking at stormwater, you’re looking at safety, you’re looking at controlling flooding, and you’re looking at cost.

We have tried to address all of those things in our plan, not just safety, not just stormwater, not just cost, but also all of those other things. And the program was set in place after a long court battle to make sure that the community input was part of the process. And I’m not saying that it wasn’t. I’m saying that we have more work to do. And what that means is we can have a plan that addresses the community interest and also the interest of the District.

So, thank you for your time today. If there’s any questions, if you would like to see the whole presentation, we certainly can schedule a time for that to happen with our engineer. He’s here today. I didn’t, you know, I let him know I didn’t think he would need to speak, but if there were any questions, he’s available. We know you have a full agenda and a lot of things to get to and a lot of business to take care of, but we just wanted to thank you for accepting that grant, continuing to engage in the community process, and we’d like to be part of that, and ask that you consider that moving forward. Thank you.”

President Brown thanked Ms. Calta for her comments and added that he has been involved in aspects of the Doan Brook watershed professionally and personally, as he was previously a resident of the lower watershed and now resides in the upper watershed, within walking distance to the

park. The Board is interested in the ongoing dialog surrounding the project and is committed to the public process. Although much of the project is stormwater related, the safety of the downstream community in the event of a catastrophic event is very important. While the amenities are an important aspect of the ongoing discussion, there has not been anything proposed that addresses the major concerns affecting the hydrology of the stream and the mitigation that will take place at Lower Lake with the reconstruction of the dam. NEORSD wants the project to achieve what is necessary and right for the project and the community and will continue the current discussions and process.

Ms. Dreyfuss-Wells thanked Ms. Calta and President Brown for their comments and added that NEORSD has been in discussions with TRC and the Watershed Programs staff is familiar with their proposal. The proposal does not address the issues that NEORSD needs to achieve with the restoration of Doan Brook. The primary concern is addressing the 170-year-old earthen dam that is in a state of failure in such a way that is in the best interest of the community. NEORSD has clearly communicated its plans with the Board as well as the Cleveland Heights and Shaker Heights City Councils, both of which have passed resolutions of concurrence with this project. NEORSD is happy to continue communications and has asked very specific questions about the design and looks forward to receiving the answers.

Mr. Greenland added that NEORSD will continue the open dialog. Ms. Calta's statement that NEORSD is not considering the community in its project plans is a misstatement. Every project performed by NEORSD is done with an eye towards community and this project is no different. The community and interests are very important; however, one must realize that there are certain tenets of the Regional Stormwater Management Program. NEORSD collects revenue from 56 communities and there is \$1.4 billion in need to address significant annual flooding in many locations. NEORSD invested significant funding in the Lake Erie tributary study, including the Doan Brook watershed and is very confident in those results. Going forward, it is important to realize that NEORSD has begun the predesign activities and there are still unknowns that NEORSD is working to understand and will continue to work with the community for a successful outcome, which is part of the process.

Ms. Calta thanked everyone for their comments and indicated that she is looking forward to working together.

#### IV. Chief Executive Officer's Report

Ms. Dreyfuss-Wells provided an update regarding NEORSD's ongoing COVID-19 pandemic response and informed the Board that NEORSD staff has no active COVID-19 cases, and 2 employees with COVID-19-like symptoms. There has been a total of 220 employees with confirmed diagnoses since the beginning of the pandemic, all of whom have recovered and returned to work.

On June 1, NEORSD partnered with Case Western Reserve University (CWRU) to hold a combination of lectures, site visits and small group discussions to identify opportunities for CWRU and NEORSD to collaborate. Ms. Dreyfuss-Wells acknowledged Constance Haqq, Chief Administrative Officer, her team, and other NEORSD staff that participated in the event. There were 15 CWRU staff and faculty representing the School of Engineering, Mandel School of Applied Sciences, Environmental Law Department, Biology Department, Corporate Relations, and Government Affairs. Additionally, there were 15 NEORSD staff from various departments in attendance to explain the breadth of work performed by NEORSD, and to showcase it as an employer and collaborator.

From June 1 through June 3, NEORSD held the kickoff meetings with Stimson and AECOM for the Doan Brook Restoration near Horseshoe Lake Park project, including a meeting at the park with the community observers from Shaker Heights and Cleveland Heights who had participated in the initial selection process. This began NEORSD's work collecting field data for the development of the design alternatives to remove the failing dam, to restore Doan Brook and to integrate that into the surrounding park landscape- the point at which the NEORSD project ends and the larger park project begins. This also began the community engagement process that will include popup events, walking tours and forums to gather input on the design alternatives and landscape integration. This is being partially funded by the grant from the Cleveland Foundation, which appears as Resolution No. 194-22 on the meeting agenda.

On June 8, Ryan Puente, Chief Government Affairs Officer for the City of Cleveland, attended a tour of the Southerly Wastewater Treatment Plant and learned about NEORSD's partnership with the City on Project Clean Lake, the Regional Stormwater Management Program, and other administrative areas.

NEORSD's billing services agreement with the City of Cleveland is up for renewal this year, for both the billing fee and billing services agreement. On April 25, NEORSD received the initial contract proposal from the City. On May 27, NEORSD submitted its questions regarding the proposed billing fee increase, and on June 14, NEORSD submitted its proposed modifications to the billing services agreement.

#### V. Action Items

##### Authorization to Purchase

Resolution No. 193-22	Authorization to purchase annual software licenses and maintenance and support services from sole source vendor Carahsoft Technology Corp for the District's Boomi cloud software for the period July 17, 2022 through July 16, 2023, in an amount not-to-exceed \$57,254.76.
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**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 193-22. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

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| Resolution No. 194-22 | Authorization to enter into a grant agreement with the Cleveland Foundation to accept funding in the amount of \$50,000.00 to partially fund the landscape integration plan relative to park planning and community engagement, in cooperation with the Cities of Shaker Heights and Cleveland Heights, for the Doan Brook Restoration near Horseshoe Lake Park project. |
| Resolution No. 195-22 | Authorization to enter into a professional services agreement with Cambridge Computer Services, Inc. for the replacement of the District's Storage Area Network in an amount not-to-exceed \$74,701.00.  |
| Resolution No. 196-22 | Authorization to enter into a professional services agreement with RSM US LLP under the State of Ohio Cooperative Purchasing Program for the IT Response and Recovery Phase 2 project in an amount not-to-exceed \$162,503.00.   |
| Resolution No. 197-22 | Authorization to enter into a professional services agreement with DLZ Ohio, Inc. for design and construction administration/resident project representation services for the Kingsbury Run Consolidation Sewer project in an amount not-to-exceed \$11,374,651.63.  |

**MOTION** – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 194-22 through 197-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 194-22, the Cleveland Foundation is offering funding presumably with an interest in the project outcome as well as the community engagement and integrated planning process of this unique project, which requires a multifaceted approach. President Brown welcomed comment on the matter.

Mr. Greenland explained that NEORSD has met with the Cleveland Foundation multiple times to discuss the project and they are interested in the public engagement and the landscape integration. NEORSD will work with the communities to implement the stream restoration portion of the project, determine the footprint of the stream restoration activities, and look for opportunities to enhance the park. The Cleveland Foundation has a vested interest in the outcome of the project. Many stakeholders will be involved in the project and NEORSD will utilize extensive public involvement to aid in integrating its plan with desired park plans.

Ms. Dreyfuss-Wells added that Shaker Heights has retained Jeffery Streaan, who previously worked with the Cleveland Museum of Art with the Doan Brook restoration through Rockefeller Park. Mr. Streaan is very skillful at these types of projects.

President Brown requested that NEORSD also continues its communication with the City of Cleveland as the property owner, as the process moves forward.

President Brown noted that the project associated with Resolution No. 197-22 is large as the design portion is \$11 million of the total projected cost of \$95 million. President Brown asked for an explanation as to why only two bids were received and what the project is intended to achieve as it relates to CSO reduction.

Doug Gabriel, Deputy Director of Engineering and Construction, explained that this is the sister project to the Southerly Tunnel, which commenced design work last year. Mr. Gabriel provided a graphic demonstrating that there will be two runs that connect to the Southerly Shaft No. 4. This is part of Control Measure 21 of the Consent Decree, which will result in an annual CSO volume reduction of 260 million gallons.

Regarding the proposals, there were consultants that did not propose because they are already engaged with the Southerly Tunnel. Both of the proposals included a number of sub-consultants which could be prime consultants on projects.

#### Authorization to Amend Agreement

Resolution No. 198-22	Authorization to amend Agreement No. 21004072 with Oracle America Inc. for Oracle Analytics Cloud Support to cover unanticipated data storage overages in an additional amount of \$5,000.00, thereby bringing the total agreement amount not-to-exceed \$54,930.23.
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Resolution No. 199-22	Authorization to amend Agreement No. 19000753 with Stantec Consulting Services, Inc. for the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project to add additional work scope necessary for redesign efforts to mitigate construction and regulatory risks associated with radiological contamination and to increase the agreement amount by \$686,772.14, thereby bringing the total agreement amount not-to-exceed \$4,304,299.14.
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**MOTION** –Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 198-22 through 199-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 199-22 appears to be related to attempting to locate the storage facility on an old Harshaw Chemical site, and due to the risk of radiological contamination, the site had to be changed, incurring additional costs.

Mr. Gabriel responded affirmatively and explained that the project was originally intended for the storage tank adjacent to the existing pump station and the design level had progressed to 30% when the environmental work began. The environmental assessment revealed much more severe risk than was anticipated, including the potential for radioactive soil and groundwater, which would have to be treated, thereby significantly increasing project costs. Accordingly, the project was halted at the 60-day mark in order to find a different site with less risk, to enable NEORSO to still meet the December 31, 2023 Consent Decree deadline for this project. A non-contaminated site located north of the original site has been identified. NEORSO proceeded with the design modifications and is looking to adjust the contract accordingly.

President Brown asked whether the project would meet the deadline. Mr. Gabriel confirmed that it will.

The Board briefly discussed what could have caused the contamination and the former location of Harshaw Chemical. Mr. Gabriel explained that under the original design, the primary risk to the project was that there was an overflow pipe from the storage tank out to Big Creek that crossed through the old Harshaw property, that has numerous environmental risks, the full extent of which is unknown.

#### Authorization of Contract Modification

Resolution No. 200-22	Authorization to modify Construction Contract No. 20003771 with DiGioia-Suburban Excavating, LLC for the Miscellaneous CSO Improvements project to extend the term of the agreement by 90 non-compensable calendar days necessary to remove two additional newly discovered sanitary lateral connections, with no change in the total contract amount.
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**MOTION** – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 200-22. Without objection, the motion carried unanimously.

#### Property Related Transactions



Resolution No. 201-22      Authorization to acquire one permanent stormwater easement at the property known as PPN 531-28-016, located on Resource Drive, in the Village of Brooklyn Heights, owned by the Village of Brooklyn Heights, necessary for the construction and maintenance of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$1.00.

Resolution No. 202-22      Authorization to acquire one permanent stormwater easement at the property known as PPN 455-15-010, located on Royalview Drive, in the City of Parma, owned by the West Creek Conservancy, necessary for the construction and maintenance of the Streambank Stabilization at Pecan Drive project with total consideration of \$1.00.

**MOTION** – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution Nos. 201-22 through 202-22. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

Resolution No. 203-22      Adopting the findings and recommendations of the Hearing Officer with regard to the stormwater account of David Wolff, Sewer District Hearing No. 22-005, that no further adjustments be made.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 203-22. Without objection, the motion carried unanimously.

Authorization to Adopt Budget

Resolution No. 204-22      Approval of NEORSD's 2023 Operating and Capital Budgets for the year ending December 31, 2023, as presented.

**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 204-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that NEORSD is required by law to prepare the budget as presented rather than preparing a temporary budget for First Quarter 2023 and requested additional information regarding the estimates used.

Ken Duplay, Chief Financial Officer, explained that the process is performed every year and the projected budget is the same as the 2023 budget in the ten-year plan for the most recently completed budget. The budget includes: operating budgets of \$139 million for sewer and \$32.4 million for stormwater, capital budgets of \$234 million for sewer and \$7.5 million for stormwater and approximately \$112 million in debt service for next year.



As always, the budget process begins in the fall, with a full review internally and with the Finance Committee, before asking the Board to adopt the final budget. It is not anticipated that the final budget that will be presented to the Board in March will vary significantly from these figures.

#### Authorization to Ratify Expenditure

Resolution No. 205-22                      Ratification of an additional twelve-month period to the term of the electricity procurement agreement with Engie Resources, LLC pursuant to Resolution No. 83-22, which authorized the CEO to enter into an agreement with the highest-ranked supplier to secure electricity pricing favorable to the District without additional Board approval for up to a 24-month contract, thereby bringing the term of the agreement to thirty-six months.

**MOTION** – Ms. Chambers moved, and Ms. Dumas seconded to adopt Resolution No. 205-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding supply and demand, as well as any other factors contributing to the timing of the purchase.

Jacqueline Williams, Manager of Procurement Services, explained that it was necessary to act immediately, as the market is extremely volatile.

NEORSO issued a Request for Proposals for a 24-month period and during the process, discovered that if the contract term was extended to 36 months, the price would come down due to market pricing being less expensive after the 24-month period. She went on to explain how the impact of a \$0.01 change in price, equates to \$2.5 million over the life of the contract; thus, the need to enter into contract to avoid incurring additional cost based on market volatility. Going forward, the plan is to move toward blend and extend contracting to achieve better pricing.

#### Authorization to Grant Credit

Resolution No. 206-22                      Authorizing the District to issue a credit adjustment in the total amount of \$61,717.16 against sewer charges on the NEORSO account ending in 8418 for Dusig Ventures, LLC at 5300 Tradex Parkway, Cleveland.

**MOTION** – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 206-22. Without objection, the motion carried unanimously.

#### Authorization of Emergency Purchase

Resolution No. 207-22                      Declaring the need to immediately procure a boiler feedwater pump that maintains redundancy at the Renewable Energy Facility to be a real and present emergency, and to authorize the purchase of a Carver boiler feedwater pump from Shultz Fluid Handling, on an emergency basis without formal bidding or advertising, pursuant to ORC Section 6119.10, in an amount not-to-exceed \$75,000.00.

**MOTION** –Mayor Bacci moved, and Mayor Alai seconded to adopt Resolution No. 207-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the need to complete the purchase related to Resolution No. 207-22.

Tracey Phelps, Deputy Director of Operation and Maintenance, explained that the resolution pertains to the purchase of a spare boiler feedwater pump for the incineration process at the Southerly WWTP. There are currently three pumps and only one is required to operate the incinerators. Two pumps have failed in the past eight months, meaning that if the third pump were to fail, the incineration process would be halted and NEORSD would have to haul biosolids at a cost of \$26,000 per day, which would negatively impact the budget.

The pumps are highly specialized and very difficult to acquire. NEORSD has ordered two new pumps to replace the two that failed, however, there is a 10-month wait period and they will not be delivered until October.

President Brown inquired as to the condition of the last operational pump. Joe Yance, Superintendent of Maintenance, explained that the current pump is in good working order; however, there is no backup, should it fail. Once the new pumps are received, there will be three reliable pumps and one backup.

#### VI. Information Items

President Brown noted that the Legal Report for the period January through June 2022 was included in the Board materials and any questions should be directed to Eric Luckage, Chief Legal Officer.

Mr. Gabriel provided the Capital Improvement Update for May 2022, beginning with cashflow. May closed at 74% of projected. The Shoreline Consolidation Sewer and the Westerly Chemically Enhanced High Rate Treatment projects are beginning, meaning that spending will soon be much closer to the target of 85% of projected.

Regarding Key Performance Indicators (KPIs), the Southerly Programmable Logic Controllers Replacement project completed design within 68 days of planned. The Southerly Wastewater Treatment Plant Tunnel Structural Repair Project obtained substantial completion within 90 days of the original completion date, meeting that KPI.

The Southerly Miscellaneous Disinfection and Solids Handling Improvements project did not meet the KPI for substantial completion. The schedule was extended by a total of 350 days to complete the design procurement and installation of the PEB sampling shed and later in the project supply chain issues delayed project completion.

Mr. Gabriel provided a construction update regarding the Shoreline Storage Tunnel (SST) and reminded the Board that the Shoreline Consolidation Sewer is part of Control Measure 7 of the Consent Decree. It will achieve 350 million gallons annual CSO reduction through 12 outfalls tributary to Lake Erie. As the Tunnel fills, it will discharge to the Dugway Storage Tunnel and will ultimately be emptied by the Easterly Tunnel Dewatering Pump Station to the Easterly WWTP.

The Tunnel is 23 feet in diameter and 14,100 feet long. Flow starts at shaft #3 at E. 55<sup>th</sup> St and Marginal. Shaft #3 will also accept flow from the Shoreline Consolidation Sewer. Shaft #2 is at Gordon Park and finally to Shaft #1 at Forest Hills Park. Shaft #1 will drain into the adjacent Dugway Storage Tunnel Shaft #4. The tunnel boring machine (TBM) will have to be assembled onsite. The SST shaft is very large as the tunnel is in soft ground unlike the rock tunnels previously constructed. The TBM will have to be assembled and launched from inside the shaft. Substantial completion is scheduled for January 2026.

Mr. Gabriel provided various animations depicting the tunnel and muck pit and explained that muck will be excavated and sent to a landfill. President Brown asked if that is due to the soil conditions. Mr. Gabriel answered affirmatively and explained that there are clays, silts, and running sand in the tunnel due to its proximity to the lakefront.

Mr. Gabriel provided more images and explained that the SST is different in that it uses a vertical belt cassette structure rather than horizontal, resulting in a smaller footprint. The belt cassette stores the conveyor belt so that as the TBM advances, the belt continuously comes with it. The cassette holds 2,000 feet of conveyor belt, which will provide 1,000 feet of tunnel once emptied.

The TBM cutter head arrived last week on a ship at the Port of Cleveland and was brought to the site last Monday. The TBM cutter head came from Germany assembled in one piece and the balance of the machine went to the Port of Baltimore and is making its way to the site in various loads.

Mr. Gabriel provided an animation demonstrating how the TBM will move through the shaft and explained that the machine is 350 feet long and will take a couple months to have it fully assembled and in full production mining. This will include using half-moon shaped concrete segments to assemble the TBM on, as well as an extension conveyor and muck bins to move and dispose of

muck until the TBM is fully assembled . Once fully buried, a vertical conveyor will be installed in the shaft, and production mining will begin.

The TBM manufacturing began in July 2021, and was finished in the Spring of 2022, with acceptance testing performed in March. The machine was then disassembled and shipped here from Germany. Once the remaining components are received, assembly will begin later this month. Once assembled, the manufacturer will be onsite for acceptance testing and to begin initial mining, which will take approximately six weeks. Following which, the vertical conveyor will be installed, and production mining will begin in January 2023, and should conclude by December 2023.

VII. Open Session

President Brown noted that Board Officers are selected in July of each year. Accordingly, President Brown requested that Mr. Sulik chair the Nominating Committee and that Ms. Dumas and Mayor Bacci join him as Committee members.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(6), moved, and Ms. Dumas seconded to enter an executive session to discuss details relative to NEORSD security agreements and emergency response protocols, the disclosure of which could reasonably be expected to jeopardize Sewer District security. By roll call vote, the Board voted unanimously to enter into executive session at 1:30 p.m.

The Board returned to open session at 2:02 p.m.

X. Approval of Items from Executive Session

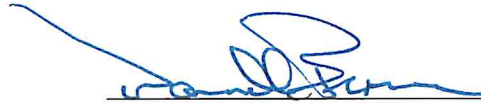
There were no items.

XI. 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 2:03 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