

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
DECEMBER 1, 2022

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

I. Roll Call

Present: Darnell Brown  
Timothy DeGeeter  
Ronald Sulik  
Jack Bacci  
Sharon Dumas  
Samuel Alai  
Marjorie Chambers

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 November 17, 2022 Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

Kyle Dreyfuss-Wells, Chief Executive Officer, advised that Tony Coyne was in attendance to provide a statement regarding Horseshoe Lake. Mr. Coyne provided the following statement:

“I am an attorney for the Friends of Horseshoe Lake, as you know, I believe. And we’re here to remind you that the Friends of Horseshoe Lake has over 2,000 supporters. We’re not going away, and we intend to still try to persuade this august body to change their mind on destroying Horseshoe Lake.

I’m here to address item one and item nine on your agenda. One is the resolution for the RFP for Lower Lake. The other is for the authorization to amend the agreement with the Ohio State Historic Preservation Office.

For the first one, we would just like a copy of that RFP once it’s completed. For the second one, we just want to remind the Board that the United States Army Corps of Engineers has determined that

the project will have adverse effect on the North Union Shaker Site and the Shaker Village Historic District, both of which are listed on the National Register of Historic Places.

Again, Friends of Horseshoe Lake are represented by many people outside of Cleveland Heights and Shaker Heights. We've had 2,000 folks, plus, sign petitions to preserve and save the lake and as you know from meetings you've also had, there's a concern about what will remain if you remove the lake and try to simply reinstall streambeds that may or may not have water in them. There is a concern by several folks in Shaker and Cleveland Heights, regarding invasive species, there is also apparent lack of funding for any park improvements, no funding that we know of, comments that we've received or that philanthropic concerns will fill that gap. Neither city has appropriated funds for park improvements.

The streambeds will be dry in the summer so there's environmental concerns and we also will request at the appropriate time to get the detailed results of the survey that was undertaken by your consultant, a very competent organization, LAND Studio.

So, with that, I just want you to know that we're still here, the Friends of Horseshoe Lake, and we intend to proceed to complete a very thorough review of the public records request that we've submitted and that your counsel has provided to the Friends of Horseshoe Lake, as has Cleveland Heights, and as has Shaker Heights.

So, with that, I just ask you, again, keep an open mind as this process goes forward, and we request you to reconsider and work to negotiate a resolution that may result in preserving this historic lake in the middle of the first suburb in the United States. Thank you."

The Board thanked Mr. Coyne for his comments and invited Ms. Dreyfuss-Wells to respond.

Ms. Dreyfuss-Wells explained that a survey was conducted by LAND Studio, with 846 respondents, and while the respondents' personal information will not be posted, the data and LAND Studio's Executive Summary will be publicly available for review on NEORSD's website.

Regarding the State Historic Preservation issues referenced by Mr. Coyne and the resolution request for Item Number 9, NEORSD is working closely with the State Historic Preservation Office and the Army Corps of Engineers to address those concerns.

The statement regarding the streams being dry is inaccurate and will be addressed by Frank Greenland, Director of Watershed Programs.

As to the question of the Cities of Shaker Heights and Cleveland Heights dedicating funding for future park amenities, as NEORSD's designer stated in the November 30 public meeting, because the project is in the pre-design phase, it is too early for the cities to know what the anticipated

costs will be for potential park amenities. The discussions with the cities regarding maintenance and funding are preliminary and ongoing.

Mr. Greenland explained that NEORSD has remained open to suggestions and has engaged in very healthy public discussion about the project, with multiple public meetings and sessions to engage the public and discuss possibilities going forward.

Regarding the statement of the streams drying up, there was a question as to whether the streams could dry up if there was a drought, and any stream could dry up in severe drought. It would be dependent on the stream's layout, as there are two different branches that receive different drainage. These issues are being considered throughout the preliminary design process.

Mr. Greenland further explained that there is misinformation regarding the costs and funding related to the project as the costs are still unknown. Additionally, the discussion regarding millions of tax dollars being imposed on residents of Cleveland Heights and Shaker Heights is a misrepresentation as NEORSD will carry the bulk of the improvement costs. Once NEORSD has constructed restored streams, it will be responsible for stream maintenance to ensure that the stream corridors remain intact and will be responsible for invasive species maintenance. As the predesign phase unfolds, it will become clear what the potential costs will be.

Mr. Greenland added that the engagement process has been successful with communities providing feedback to inform the process.

President Brown asked Mr. Greenland to discuss the anticipated timeline for the project. Mr. Greenland explained that the project is in the predesign phase, which will be followed by detailed design, then construction. It will likely be late 2024 to early 2025 when construction begins.

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

Ms. Dreyfuss-Wells advised the Board that NEORSD has undergone a major project to transition from WAM to NEXGEN for work order management across the Operation and Maintenance and Watershed Programs departments. On November 3, NEORSD was awarded the Innovator Award from NEXGEN at their conference in Sacramento. This is one of four awards given to NEXGEN users. NEORSD was awarded specifically because of its "relentless requests for new features and improvements in the software which enhance the experience for all users". Meg Shively, Manager of Systems Integration, and Mike Zapior, CMMS Program Lead, accepted the award. They have been integral to the success of the project and Ms. Dreyfuss-Wells offered kudos to them both.

On November 21, the Greater Cleveland Partnership (GCP) held their annual Leadership Forum, which brings together federal, state, and local leaders to discuss the upcoming year. GCP President and CEO, Baiju Shah hosted a wide-ranging conversation with County Executive-Elect Chris Ronayne and State Senator Matt Dolan, wherein they discussed the importance of clean water and

Cleveland's role in the freshwater economy as a driver for economic development. The discussion regarding Cleveland's abundant supply of fresh water was front and center and NEORSD looks forward to continuing its conversations with County Executive-Elect Ronayne and Senator Dolan regarding NEORSD's role in the freshwater economic development.

As was previously mentioned, on November 30, NEORSD hosted the second virtual public forum on the Doan Brook Restoration near Horseshoe Lake Park, with 158 people in attendance. Over the past two months, LAND Studio has conducted its survey with 846 respondents. The data was compiled and presented at the meeting in the form of an executive summary, with the vast majority of respondents reacting positively to the project and looking forward to having the park and stream restored into a natural setting.

The predesign team shared three potential stream alignments that will be evaluated over the next several months, with engineering and stormwater management being the driving factors in the final alignment that is selected. The final recommendation will be made in the spring.

This weekend, there will be onsite public events at the Shaker Heights Public Library where residents will have an opportunity to learn about the stream alignments, sediment mediation management issues, wetland restoration, and possible park amenities.

There were 248 people registered for the November 30<sup>th</sup> event. There were 148 questions asked during the session and Jennifer Elting, Business Strategy Program Manager, did a great job of getting the questions answered during the session, for a robust conversation.

#### V. Action Items

##### Authorization to Issue Request for Proposal (RFP)

Resolution No. 381-22      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for professional pre-design services for the Lower Shaker Lake Dam Reconstruction project.

Resolution No. 382-22      Authorization to issue an RFP, in accordance with Ohio Revised Code Section 6119.10, for 2023 temporary staffing support services.

**MOTION** – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 381-22 through 382-22. After the following discussion, without objection, the motion carried unanimously.

President Brown emphasized that Resolution No. 381-22 is related to the predesign of the structure that would prevent catastrophic impacts to the downstream communities in the event of a dam failure.

President Brown noted that the predesign phase is anticipated to take one year to complete and requested additional discussion regarding the timing of the project, concerns about the ability of the downstream community to accept flow without surcharge conditions in the streams, and if there are structures restricting areas where backups occur during storm events. Additionally, President Brown asked whether the predesign services will look ahead to these issues or if that is another phase beyond this.

Mr. Greenland explained that the problems in the area were identified by the Stormwater Master Plan Study that was conducted in the Lake Erie tributaries. The Lower Shaker Lake Dam Reconstruction project is the second major project, and it is on sequence to begin one year behind Horseshoe Lake. The Stormwater Master Plan identified flood control benefits and the Ohio Department of Natural Resources (ODNR) identified deficiencies that must be rectified. The dam is supposed to pass 100% of the Maximum Probable Flood, however, it currently only passes 2%. This is problematic and will require reconstruction. This project will likely take a total of five years from start to finish.

There are other recommendations along Doan Brook, including the culvert at University Circle, which had been compromised by debris and had a two-year level of service until NEORSD cleaned it out and increased protection to a ten-year level of service. The culvert is being further evaluated for potential solutions. Another recommendation relates to the flooding that occurs along Martin Luther King, Jr. Boulevard, to potentially bypass the bridge crossings to gain capacity and outlet access to Lake Erie.

President Brown noted that the services requested under Resolution No. 382-22 do not apply to the IT Department because they have their own process and requested additional information. Constance Haqq, Chief Administrative Officer, explained that this request is to issue an RFP to identify the firm that NEORSD will be working with for temporary staffing, to be proactive for 2023. All temporary staffing needs will come into Human Resources to assist the departments in filling the positions.

#### Authorization to Purchase

Resolution No. 383-22      Authorization to purchase an annual support and maintenance renewal contract from sole source provider LCPTracker for Labor Compliance Program Tracker software for the period December 17, 2022 through December 16, 2023, in an amount not-to-exceed \$53,382.66.

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 383-22. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 384-22      Authorization to enter into agreements with eleven watershed organizations, under the 2023 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 \$430,000.00.

Resolution No. 385-22      Authorization to enter into a professional services agreement with Governmental Policy Group, Inc., for state advocacy services for years 2023-2026, at a total cost for all four years not-to-exceed \$288,000.00, and including a District option to extend the term of the agreement for one additional two-year period.

**MOTION** – Ms. Chambers moved, and Mayor Bacci seconded to adopt Resolution No. 384-22. Without objection, by roll-call vote, with all present members voting yes, and recusal from discussion and abstention from voting by President Brown, the motion carried.

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 385-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that there have been prior discussions regarding the value of the advocacy effort, and there is an outstanding issue regarding the ability to certify delinquent accounts. President Brown additionally noted that this contract could potentially span six years and requested an explanation.

Eric Luckage, Chief Legal Officer, explained that, regarding the six-year potential term of the contract, it is intended to align with the two-year cycles of the General Assembly, with the minimum contract duration spanning two General Assemblies. Maintaining consistency makes sense because of the relationships that are built with the elected members. Should NEORSD wish to exercise the additional two-year contract, it would be presented to the Board for approval.

With respect to certification, there are two bills pending: one that would eliminate NEORSD's and other political subdivisions' abilities to certify delinquent charges altogether and the other that would restrict certification when the property is tenant occupied. NEORSD is watching both bills closely. The latter bill is the more likely of the two to proceed, though it does not appear that anything will happen before the end of the year.

The overall ban on certifications is not having any hearings at the moment and is not anticipated to move forward. It is being largely driven by the misperception, by some, that certifications lead to immediate foreclosures. As NEORSD has discussed with the Board and Cuyahoga County in the past, when there are only water and sewer delinquencies at issue, those foreclosures are not

pursued. NEORS and Governmental Policy Group have been working to deliver that message whenever appropriate.

President Brown added that the last point regarding foreclosures is the most relevant in his view, and that NEORS has emphasized to the County that delinquency on water and sewer alone should not result in certification, and he is concerned that some member communities may not know that. It is important to engage on the issue, particularly in the face of administration changes. The ability to discuss the issue with other counties in the state may be helpful as well.

M. Dreyfuss-Wells added that NEORS agrees with President Brown that it is important to maintain this dialogue. For example, Ms. Haqq is updating the Suburban Council of Governments on the progress that NEORS has made in its affordability programs and can emphasize this issue again in terms of the amount of work that is done before an account is certified

#### Authorization to Enter Into Contract

Resolution No. 386-22      Authorization to enter into a contract with Plibrico Company, LLC for the Incinerator No. 3 Refractory Repair project at the Southerly Renewable Energy Facility in an amount not-to-exceed \$297,194.00.

Resolution No. 387-22      Authorization to enter into a one-year requirement contract with PVS Chemical Solutions, Inc. for the delivery of up to 240,000 gallons of sodium bisulfite solution at all wastewater treatment plants in an amount not-to-exceed \$395,550.00.

Resolution No. 388-22      Authorization to enter into a construction contract with Triad Engineering & Contracting Co. for the Easterly TDPS Groundwater Drainage Cleaning and Repairs project in an amount not-to-exceed \$877,500.00.

**MOTION** – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution Nos. 386-22 through 388-22. Without objection, the motion carried unanimously.

#### Authorization to Amend Agreement

Resolution No. 389-22      Authorization to amend the Memorandum of Agreement with Ohio's State Historic Preservation Office and the United States Army Corps of Engineers for mitigation measures to be carried out as part of the District's Rehabilitations of the Upper Shaker Lake and Green Lake Dams, to extend the term of the agreement for up to five additional years.

Resolution No. 390-22      Authorization to amend professional services Agreement No. 18003007 with Crimcheck to include additional background services and to add electronic I-9 services, and to increase the agreement amount by \$25,000.00, thereby bringing the total agreement amount not-to-exceed \$65,000.00.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 389-22 through 390-22. After the following discussion, without objection, the motion carried unanimously.

Authorization of Emergency Contract Modification

Resolution No. 391-22      Authorization of an emergency modification to the District-Wide HVAC Equipment and Systems Upgrades Phase 2 construction Contract No. 21006230 with Synergy, LLC to add \$37,000.00 to the general allowance for time-critical HVAC equipment replacements at three additional locations, estimated to cost \$367,000.00, that, due to supply chain issues, require expedited procurement, thereby bringing the total contract amount not-to-exceed \$7,107,000.00, and to authorize a resulting general allowance in excess of ten percent of the base contract price bid, excluding specific allowances, and to declare such contract modification to be a real and present emergency awarded without formal bidding or advertising.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 391-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the resolution request cites supply chain issues as the reason for the modification and asked for clarification as to whether these facilities were assessed as part of an existing project, and this was the best way to get good pricing.

Doug Gabriel, Deputy Director of Engineering and Construction, explained that the project is ongoing, and the cost of the repairs is approximately \$370,000 to be paid out of the General Allowance. The equipment in need of replacement has failed or failure is imminent. The request to add \$37,000 to the General Allowance portion of the contract will replenish the General Allowance. NEORS staff has already established pricing with the contractor and the increase allows the project to move forward.

Authorization of Contract Modification

Resolution No. 392-22 Authorizing final adjusting change order for construction Contract No. 20005518 with Nerone & Sons, Inc. for the Morgana and Burke System Improvements project by decreasing the contract amount by \$329,303.09, thereby bringing the total contract amount to \$6,368,299.41.

Resolution No. 393-22 Authorizing final adjusting change order for construction Contract No. 20005031 with Triad Engineering & Contracting Co. for the W. 3<sup>rd</sup> Quigley/Westerly Miscellaneous CSO Control project by decreasing the contract amount by \$372,465.58, thereby bringing the total contract amount to \$9,490,734.42.

**MOTION** – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution Nos. 392-22 through 393-22. Without objection, the motion carried unanimously.

Ratification of Expenditures and Authorization of Contract Modification

Resolution No. 394-22 Ratification of expenditures for security uniforms from Shuttlers Apparel in the amount of \$11,981.29 in excess of the amount authorized in Contract No. 21007881, and authorization to modify said contract to add \$9,818.71 for additional security uniforms in 2022, for a total increase in the contract amount of \$21,800.00, thereby bringing the total contract amount not-to-exceed \$60,000.00.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 394-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the modification is necessary due to hiring six additional staff members and the costs are still below budget.

Property Related Transaction

Resolution No. 395-22 Authorizing the District to deposit additional funds in the amount of \$63,000.00 with the Cuyahoga County Probate Court per court settlement reached under the District’s appropriation action for two channel easements and one permanent access easement on the property known as PPNs 114-25-006 and 114-25-007, located at 1201 East 185th Street, in the City of Cleveland, owned by Shaker Real Estate & Properties, LLC, necessary for the Euclid Creek Spillway Fish Passage project, for a total settlement amount of \$95,000.00.

Resolution No. 396-22 Authorization to acquire one temporary easement for an additional three months at the property known as PPNs 004-27-009 and 004-27-011, located at 2111 Scranton Road, in the City of Cleveland, owned by 2151 Scranton Acquisition, LLC, necessary for the construction of the Westerly Storage Tunnel project, and to authorize a holdover payment for the same with total consideration of \$35,000.00.

Resolution No. 397-22 Authorizing the District to deposit additional funds in the amount of \$17,450.00 with the Cuyahoga County Probate Court per court settlement reached under the District's appropriation action for one temporary easement on the property known as PPN 531-22-013, located at 600 Resource Drive, in the Village of Brooklyn Heights, owned by Brooklyn Heights Business Park, LLC, necessary for the West Creek Stabilization in Brooklyn Heights project, for a total settlement amount of \$55,750.00.

Resolution No. 398-22 Authorizing the District to deposit additional funds in the amount of \$19,300.00 with the Cuyahoga County Probate Court per court settlement reached under the District's appropriation action for two temporary easements on the property known as PPN 531-22-018, located at 650 West Resource Drive, in the Village of Brooklyn Heights, owned by Brooklyn Heights Business Park, LLC., necessary for the West Creek Stabilization in Brooklyn Heights project, for a total settlement amount of \$62,250.00.

**MOTION** – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 395-22 through 398-22. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

Resolution No. 399-22 Adopting the findings and recommendations of the Hearing Officer regarding the stormwater account of Linda Shatteen ending in 6596, Sewer District Hearing No. 22-018, that the customer's request be denied.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 399-22. Without objection, the motion carried unanimously.

VI. Information Items

Mohan Kurup, Director of Information Technology, provided the December 2022 IT update, beginning with the Oracle EBS upgrade. Oracle EBS is an Enterprise Resource Planning (ERP) software, which is meant to run all aspects of a business. NEORSD utilizes it for financing, budgeting, accounts payable, and tuition reimbursement. While NEORSD does not utilize all of its available modules, it only pays for the ones it uses. Oracle EBS is intertwined with other systems such as UKG, Salesforce, and external vendors such as banks, making the upgrade a large task.

The version of Oracle EBS that NEORSD was using was released in 2010 and support for the platform ended in December 2021, necessitating the upgrade. Support for the current version is guaranteed through 2031, meaning that NEORSD will not be forced off the platform or required to upgrade before that time.

Mr. Kurup provided a graphic demonstrating each step of the seven months-long update process from the infrastructure readiness assessment through production. The project went live a few weeks late to ensure that everything was right and finished within budget.

There were five iterations of the upgrade, wherein it was presented to business users for testing and problem identification before the vendor and internal staff corrected the problems and sent it back, reducing the number of issues each time. There were 10 functional areas and over 300 components addressed, with over 700 test cases executed by business users over the course of the upgrade. Of approximately 250 issues that were logged, only 9 remain to be resolved.

The production cutover began on October 13 and took five solid days of teams working around the clock before the system went live on October 17. Mr. Kurup provided a list of the primary internal team members involved in the project and specifically thanked Satish Krishnan, Oracle Technical Manager, for his efforts.

Benefits of the upgrade include guaranteed premier support for the next ten years; having the latest security patches; being able to function on any modern internet browser; being able to apply patches while online; a new dashboard; being iPad certified; and the interface has enhanced HTML, for better functionality.

The program also has Enterprise Command Centers, which produces reports within the system. Rather than having to build custom reports as was done previously, the reports provide real-time data to improve decision-making with the most recent data.

This has been a very successful project with a lot of cooperation from NEORSD staff and its external partner Tata Consulting Services.

Mr. Kurup provided a graphic demonstrating other IT projects and explained that the IT Department is always updating the infrastructure and cyber security. Every year, 20% of all computers are replaced. There were back-end network migration projects, and projects to build software for other NEORSD departments, including Human Resources and Finance.

There was an upgrade to Noetix, which is a reporting platform, utilized heavily across NEORSD. The Oracle EBS upgrade could not have happened without the Noetix upgrade. Mr. Kurup recognized Francis Cung, Manager of Data Governance, and the Business Intelligence team for their work on the project.

Enhancements were made to the DW3 system, which is the data warehouse that synthesizes data from the Cleveland Division of Water and various counties that is helpful to the costs savings programs. Other upgrades include security cameras, digital signage, and gauge adjusted rainfall radar data management systems.

Active projects include the IT Response and Recovery Phase 2 project, as well as the SAN Replacement Project, which will dramatically increase storage capabilities to duplicate databases and provide backup in the event of a catastrophic event.

The IT Department is undertaking several Diversity, Equity, and Inclusion (DEI) activities, including compiling demographics for the HR Department to assist with NEORSD's overall DEI efforts. The department's employee participation in DEI events goal has been increased to 100% participation.

Mr. Kurup provided a graphic demonstrating some of the upcoming projects including implementation of performance management in UKG; an electronic bidding solution; and increased information and cyber security measures.

Mr. Kurup provided a graphic demonstrating IT service tickets from 2019 to present and noted that of the 13,000 items, 75% were for enhancements or service requests. Only 25% represented a problem that needed to be addressed immediately. Additionally, the department managed 220 change management items this year, which were addressed in such a way to prevent systems going down due to unexpected environmental changes.

As for customer service satisfaction, the department issues a survey for each ticket that is resolved. The goal internally is a rating of 4.8 out of 5 and the current rating is 4.93, surpassing the performance goal.

## VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(1), moved, and Mr. Sulik seconded, to enter an executive session to consider the compensation of public employees. By roll call vote, the Board voted unanimously to enter into executive session at 1:31 p.m.

The Board returned to open session at 1:59 p.m.

X. Approval of Items from Executive Session

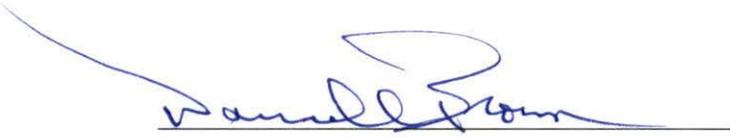
Resolution No. 367-22      Authorizing funding for year 2022 Pay for Performance, including base pay increases for non-union employees up to four percent (4%), effective the first pay of 2023, and a budgeted amount not-to-exceed \$676,000.00 for merit pay to eligible non-union employees to be distributed in January 2023, all as determined by the Chief Executive Officer.

**MOTION** – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 367-22. Without objection, the motion carried unanimously.

XI. Adjournment

**MOTION** – President 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 2:00 p.m. Without objection, the motion carried unanimously.

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

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