

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JANUARY 5, 2023

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

I. Roll Call

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

Absent: 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 December 15, 2022 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, advised the Board that from December 23 through December 25, there was prolonged cold weather, which staff managed with great skill. Ms. Dreyfuss-Wells invited Jim Bunsey, Chief Operating Officer, to discuss the challenges caused by the weather.

Mr. Bunsey explained that, historically, there is reduced staffing over holiday weekends. In preparation, there were multiple coordination meetings to discuss the potential problems that could be caused by the extreme cold and how to manage them. In order to prepare, staff sourced portable heaters, reviewed potential staffing as it relates to the time and distance to travel to plants, and gathered supplies for staff to shelter-in-place, should it become necessary. Preparations were complete by Friday.

The low temperatures and freezing rain caused heating and ventilation problems at the Easterly and Westerly WWTPs. Overall, the plants sustained 10 pipe ruptures from freezing. The breaks occurred on potable water pipe, non-potable water pipe, and a fire line. The most severe rupture was a four-inch line that broke at the Westerly WWTP and flooded the basement of the Combined Sewer Overflow Treatment Facility building.

Under the Synchronized Reserve Market and Emergency Load Response Electricity agreements, NEORSD was asked seven times to take the WWTPs offline to reinforce the grid. During a portion of these requests, one of the three generators at the Easterly WWTP and one of the six generators at the Southerly WWTP failed. Obtaining fuel delivery for the generators was difficult because of the holiday and weather. The decision was made to not run the generators on Christmas eve and Christmas day if asked, in order to conserve fuel, should the WWTPs lose power from the grid and need the fuel for the generators to supply power to the plants. With the restrictions, NEORSD responded fully or partially to four of the requests for a total generator runtime of approximately 14 hours. Staff is working to identify the cause of the two generator failures.

The staff responded very well to these challenges. The WWTP processes continued to operate, and all permit requirements were met. Many of the failures have been repaired and work plans are in place to fix the remaining failures.

Mr. Bunsey and Ms. Dreyfuss-Wells offered kudos to staff for a job well done despite the challenges.

President Brown offered congratulations on behalf of the Board to the staff for their ability to manage the significant events. President Brown noted that it is interesting that NEORSD would be asked to go off the grid during extreme weather conditions.

President Brown added that presumably there are lessons learned from this situation, which he would be interested in hearing.

Ms. Dreyfuss-Wells informed the Board that Senator Brown, Congresswoman Brown, and outgoing Congressman Gonzales secured funding for two important NEORSD projects for Fiscal Year 2023. The first project is in Garfield Heights to remove combined sewage from Wolf Creek, which is tributary to Mill Creek and upstream of Garfield Park, where the Cleveland Metroparks is doing a significant revitalization project. The project will also reduce basement flooding in the neighborhood bordered by East 105th, McCracken, Granger, and East 119th Street. The estimated cost is \$2 million and NEORSD received \$2 million in funding. The design process will begin in the first quarter of this year.

The other project is the Middleburg Heights/Brook Park Project, for which NEORSD received \$2.7 million to construct a detention basin in the Abram Creek Watershed. The estimated project cost is \$3.4 million. The design process should begin in the fourth quarter of 2023.

V. Action Items

Authorization to Advertise

Resolution No. 01-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the Big Creek Bank Stabilization near York Road in Parma Heights project with an anticipated expenditure of \$1,000,000.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 01-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 02-23 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for Environmental, Health, and Safety Consulting Services in support of the District’s Capital Improvement Program, Regional Stormwater Management Program, and operation and maintenance activities.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 02-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Qualifications (RFQ)

Resolution No. 03-23 Authorization to issue an RFQ, in accordance with Ohio Revised Code Chapter 6119, for Conservation Planning and Property Acquisition Services.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 03-23. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 04-23 Authorization to purchase Rockwell Automation maintenance and support services for a one-year period from sole source vendor Rexel USA, Inc in an amount not-to-exceed \$143,877.00.

Resolution No. 05-23 Authorization to purchase Wonderware software maintenance and support services for a one-year period from sole source vendor Q-Mation Wonderware North in an amount not-to-exceed \$385,003.50.

Resolution No. 06-23 Authorization of \$300,000.00 to purchase as-needed Allen-Bradley replacement parts used in plant automation process repair, at the EMSC facility and all Wastewater Treatment Plants, from sole source vendor Rexel USA, Inc.

Resolution No. 07-23 Authorization to purchase telecommunication services from AT&T and Verizon Wireless under the State of Ohio Master Service Agreement with AT&T and the Federal Government Services Administration contract with Verizon, for the period of January 1, 2023 through December 31, 2023, in the total combined amount not-to-exceed \$828,260.00.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 04-23 through 07-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 08-23 Authorization to enter into a professional services agreement with EMH&T for design and construction administration/resident project representation services under the Baldwin Creek Dell Haven Basin near York Road project in an amount not-to-exceed \$622,915.71.

Resolution No. 09-23 Authorization to enter into a professional services agreement with Biohabitats, Inc. for design and construction administration/resident project representation services under the Mill Creek Restoration and Kerruish Basin Modifications project in an amount not-to-exceed \$1,199,108.38.

Resolution No. 10-23 Authorization to enter into a professional services agreement with Paladin Protective Services, Inc. for the Security Systems Maintenance Renewal project in an amount not-to-exceed \$144,909.78.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 08-23 through 10-23. Without objection, the motion carried unanimously.

Ratification of Expenditures and Authorization of Agreement Amendment

Resolution No. 11-23 Ratification of expenditures with PRADCO for pre-hire psychological assessments in the amount of \$3,500.00 in excess of the amount authorized in Agreement No. 16001846, and authorization to amend said agreement to further add \$6,500.00 for additional pre-hire psychological assessments, thereby increasing the total agreement amount by \$10,000.00 for a revised amount not-to-exceed \$61,200.00.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 11-23. After the following discussion, without objection, the motion carried unanimously.

President Brown asked whether these assessments are only utilized for the hiring of security personnel, or if other positions are also subject to such assessments.

Constance Haqq, Chief Administrative Officer, explained that after the interview process is complete and NEORS D has selected a candidate, PRADCO performs psychological assessments for security personnel. NEORS D also utilizes their services for leadership assessments of potential senior management hires.

Authorization to Accept Application and Amend Agreement

Resolution No. 12-23 Authorization to accept the application of the Council of the Village of Richfield for inclusion of certain annexed territory of the Village, previously located in Richfield Township, within the territory of the Northeast Ohio Regional Sewer District, pursuant to Section 6119.05 of the Ohio Revised Code, and further authorization to enter a *“First Amendment to Regional Stormwater Management Program Service Agreement No. 3760 By and Between the Northeast Ohio Regional Sewer District and Village of Richfield”* to add the same territory to the Stormwater Service Area.

MOTION – Mayor Alai, and Mayor Bacci seconded to adopt Resolution No. 12-23. After the following discussion, without objection, the motion carried unanimously.

President Brown asked if there are any concerns in providing to this new service area, and whether there is existing sewer or plans for development.

Frank Greenland, Director of Watershed Programs, provided a map of the area and explained that NEORS D does not get many annexed territory additions. There was an old, privately operated treatment plant nearby, which treated wastewater from Richfield Village. They were not sewage customers of NEORS D until the Village submitted a Member Community Infrastructure Program

application to remove the treatment plant, as it was problematic. Mr. Greenland explained that there is an area that is under development, but NEORS D does not have any ties to local sewer costs or agreements. However, because there is a pump station force main gravity sewer system, they are able to get the flow to NEORS D and NEORS D has the capacity to treat it.

This arrangement results in 200 new NEORS D customers. The stormwater service area agreement must be modified, as the annexed area is from Richfield Township, and early court proceedings in the Cuyahoga County Court of Common Pleas struck a number of Northern Summit County townships from the Stormwater Program.

Authorization of Contract Modification

Resolution No. 13-23 Authorization to modify Construction Contract No. 21006826 with The C.D. Whitfield Co., LLC for the Southerly Boiler Feedwater Pumps Replacement project to extend the term of the contract by 178 non-compensable calendar days due to on-going supply chain issues, with no change in the total contract amount.

MOTION – Ms. Dumas, and Mayor Bacci seconded to adopt Resolution No. 13-23. After the following discussion, without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 14-23 Authorization to acquire one permanent stormwater easement at the property known as PPN 455-27-025, located at 7616 Hidden Valley Drive, in the City of Parma, owned by Susan L. Tomasello, necessary for the construction and maintenance of the Big Creek Stream Restoration Upstream and Downstream of Ridge Road in Parma project with total consideration of \$18,500.00.

Resolution No. 15-23 Authorization to acquire one permanent stormwater easement at the property known as PPN 552-04-015, located at 6716 Cheryl Ann Drive, in the City of Seven Hills, owned by James M. Mates and Barbara T. Mates, necessary for the construction and maintenance of the Hemlock Creek Bank Stabilization in Seven Hills Phase 1 project with total consideration of \$12,830.00.

Resolution No. 16-23 Authorization to acquire one permanent stormwater easement at the property known as PPN 393-33-084, located at 19588 Wildwood Lane, in the City of Strongsville, owned by Julia E. Fitch, necessary for the construction and maintenance of the Baker Creek Stream Restoration at Echo Basin in Strongsville project with total consideration of \$1.00.

- Resolution No. 17-23 Authorization to acquire one parcel in fee simple known as PPN 133-04-089, located at 3565 East 75th Street, in the City of Cleveland, owned by the City of Cleveland, necessary for the ongoing maintenance of the Green Infrastructure Maintenance SWIM project with total consideration of \$1,400.00.
- Resolution No. 18-23 Authorization to acquire one parcel in fee simple known as PPN 133-04-051, located at 3544 East 78th Street, in the City of Cleveland, owned by the City of Cleveland, necessary for the ongoing maintenance of the Green Infrastructure Maintenance SWIM project with total consideration of \$1,150.00.
- Resolution No. 19-23 Authorization to acquire one parcel in fee simple known as PPN 794-21-043, located on Rauland Drive, in the City of Walton Hills, owned by Brian and Caroline U. Feda, necessary for the construction and maintenance of the Sagamore Creek Problem Area 01 project, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$36,000.00 plus closing costs.

MOTION – Ms. Dumas, and Mayor Bacci seconded to adopt Resolution Nos. 14-23 through 19-23. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

- Resolution No. 20-23 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer accounts of Kay Smith ending in 0000, 8996 and 0002, Sewer District Hearing No. 22-009, that the customer’s request be denied.
- Resolution No. 21-23 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Jeff Makar ending in 0001, Sewer District Hearing No. 22-019, that no further adjustments be made.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 20-23 through 21-23. Without objection, the motion carried unanimously.

Authorization to Grant Credit

Resolution No. 22-23 Authorizing the District to issue a credit adjustment in the total amount of \$71,765.59 against sewer charges on the NEORSD account ending in 6183 for the Village at Mayfield, LLC at 935 Aintree Park Drive, Mayfield Village.

Resolution No. 23-23 Authorizing the District to issue a credit adjustment in the total amount of \$26,827.71 against sewer charges on the NEORSD account ending in 0004 for 13 Associates, LLC at 11214 Snow Road, Parma Heights.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 22-23 through 23-23. Without objection, the motion carried unanimously.

VI. Information Items

There were no items.

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 a public employee. By roll call vote, the Board voted unanimously to enter into executive session at 12:58 p.m.

The Board returned to open session at 1:33 p.m.

X. Approval of Items from Executive Session

Resolution No. 24-23 Authorization to amend the Employment Agreement of Kyle Dreyfuss-Wells as Chief Executive Officer to extend the term of the Agreement for an additional four-year period, through December 31, 2028, and to further increase Ms. Dreyfuss-Wells' 2023 salary by 1% in addition to the 4% increase pursuant to the agreement, for a total 2023 salary increase of 5%, to be reflective beginning with the January 13, 2023 payroll.

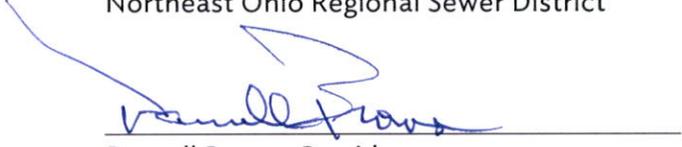
MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 24-23. Without objection, the motion carried unanimously.

XI. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mr. Sulik seconded the motion to adjourn at 1:35. 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