

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
MARCH 7, 2024

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  
Marjorie Chambers

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to approve the Minutes of the February 15, 2024, Board Meeting. Without objection, the motion carried unanimously.

III. Oath of Office for New Board Terms

Eric Luckage, Chief Legal Officer, publicly administered the oath of office to Mayor Alai and Ms. Dumas, swearing them in as Members of the Board of Trustees for their new terms. President Brown congratulated and thanked them for their continued service as Members of the Board.

IV. Public Session

There were no items.

V. Chief Executive Officer's Report

Kyle Dreyfuss-Wells, Chief Executive Officer, reminded the Board that the NACWA Winter Conference and the Utility Management Conference of the Water Environment Federation and the American Water Works Association were both held in early February. On February 15<sup>th</sup>, Jean Smith, Director of Administration and External Affairs, moderated a panel at NACWA with colleagues from the Madison Metropolitan Sewerage District and Metro St. Louis Sewer District entitled

*Connecting Drops to Trust: Building Community Confidence through an Effective Communications Strategy* On February 16<sup>th</sup>, Constance Haqq, Chief Administrative Officer, and Jacquelin Muhammed, Director of Government and Customer Relations, presented NEORSD's cost saving programs, as well as the many lessons learned from the Utility Assistance Resource Fairs, on two panels at the Utility Management Conference.

NEORSD received two National Environmental Achievement Awards at the NACWA event. The first was for the Clean Water Works podcast in the category of Public Information and Education, and the second was to recently-retired Director of Watershed Programs, Frank Greenland, in the category of Utility Leadership. Ms. Dreyfuss-Wells offered kudos to Donna Friedman, Manager of Community Watershed Coordination, and Mike Uva, Communications Production Lead, for the award that they received for the podcast as well as to Mr. Greenland.

On February 23<sup>rd</sup>, NEORSD hosted staff from the Trinity River Authority of Texas to learn about NEORSD's work on Project Clean Lake. Trinity River Authority is responsible for wastewater services for Dallas/Fort Worth and drinking water services to those cities as well as the City of Houston and is beginning its multibillion-dollar capital program to address their sanitary capacity issues across its five wastewater treatment plants (WWTPs) and their collection system. NEORSD's Engineering and Construction staff provided an overview of Project Clean Lake, specifically the storage and tunneling program and pump station construction. Sewer System Maintenance and Operation staff lead a tour of the Easterly Tunnel Dewatering Pump Station and answered questions related to the operations and maintenance of the large pump station assets. Ms. Dreyfuss-Wells thanked staff for leading the tours and added that Trinity River Authority staff offered great feedback on the lessons learned.

Ms. Dreyfuss-Wells introduced Travis Pitts, who is the new Superintendent of the Westerly wastewater treatment center (WWTC). Mr. Pitts earned his bachelor's degree in mechanical engineering from the University of Akron and joined NEORSD in 2003. He was the Assistant Superintendent of Plants at the Westerly WWTC since 2018 and has been a Wastewater Plant Operator at the Westerly WWTC and the Shift Supervisor and Shift Manager at the Southerly WWTC. Mr. Pitts is also an Ohio EPA Class IV Wastewater Plant Operator. Ms. Dreyfuss-Wells congratulated Mr. Pitts on his new role.

## VI. Action Items

### Authorization to Advertise

Resolution No. 48-24

Authorization to publish notice calling for bids for Renewable Energy Facility Water Purification System lease and maintenance services, in accordance with Ohio Revised Code Section 6119.10, with an estimated probable cost of \$200,000.00.

Resolution No. 49-24                      Authorization to publish notice calling for bids for a public improvement contract for the Woodland East Green Infrastructure Access Road Improvements project, in accordance with Ohio Revised Code Section 6119.10, with an estimated probable construction cost of \$140,000.00.

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 48-24 through 49-24. Without objection, the motion carried unanimously.

Authorization to Reject Bids

Resolution No. 50-24                      Authorization to reject all bids received for the Renewable Energy Facility Ash Slurry and Induced Draft Fan Variable Frequency Drives Replacement project.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 50-24. Without objection, the motion carried unanimously.

Authorization to Reject Proposals

Resolution No. 51-24                      Authorization to reject all proposals received for the Major AV Systems Upgrade project.

**MOTION** – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 51-24. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 52-24                      Authorization to enter into professional services agreements for a three-year term, or until funds are exhausted, with CCS Learning Academy, The Diversity Center, Eileen Claman, Inc., and Government Leadership Solutions for a Suite of Diversity, Equity and Inclusion Training Services in a total amount not-to-exceed \$200,000.00 for all agreements combined.

Resolution No. 53-24                      Authorization to enter into a professional services agreement with sole source vendor Talend, Inc. for the Talend Upgrade and Maintenance Renewal project for a three-year term, in an amount not-to-exceed \$287,407.00.

Resolution No. 54-24                      Authorization to enter into a three-year agreement with the Cuyahoga County Board of Health to provide the County with

water quality laboratory analytical services with District revenue not-to-exceed \$450,000.00.

Resolution No. 55-24

Authorization to enter into a Water Pollution Control Loan Fund (WPCLF) loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority to accept funding for a District Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Pretreatment Study, and including loan principal forgiveness under the Infrastructure Investment and Jobs Act in a total amount up to \$498,600.00.

**MOTION** – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution Nos. 52-24 through 55-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 52-24, the DEI program is an important and viable program to NEORSD and has helped NEORSD create a healthy and diverse workforce which represents the community that it serves and requested additional information regarding the contract.

Ms. Haqq explained that NEORSD has had a very robust DEI program for several years and is continuing those efforts. During the annual budget season, each department can elect to have their employees participate in a number of training activities. NEORSD provides a number of DEI training courses including unconscious bias training and Tri-C's Poverty Simulation training. This enables staff to learn about diversity, equity, and inclusion, and how it relates to the work they do at NEORSD. NEORSD has worked with all but one of the firms associated with this resolution in the past and has been happy with the results.

President Brown requested additional information regarding Resolution No. 55-24. Matt Scharver, Director of Watershed Programs, invited Robin Halperin, Manager of Environmental Health and Safety, to provide additional information.

Ms. Halperin explained that there are over 5,000 chemicals that fall under the umbrella of PFAS and what is unique about them is that they have a strong chemical bond that makes them resistant to heat, water, and oil. Those characteristics make them useful for products such as dental floss, nonstick cookware, stain-resistant carpeting, and firefighting foam. This strong chemical bond also makes PFAS chemicals very difficult to break down or destroy in the environment. They have been widely used throughout the world in consumer and industrial products.

There are currently no federal regulations for PFAS chemicals and no specific regulations for NEORSD for wastewater discharges or air emissions from incinerators, which is why it is referred to as an emerging contaminant. There will be future regulations for these chemicals which is why NEORSD is working to get out ahead of the issue as it has with other emerging contaminants, such

as the proactive approach that was taken with mercury in the 1990s, as well as pharmaceuticals and personal care products.

NEORSD has a planned approach to address future PFAS regulations which includes a planning process to monitor future regulations; a preventative component to potentially stop the chemicals from entering WWTPs; a protective component to shield NEORSD from liability; and an educational component to educate staff, the media, the public, and local industries about PFAS and its potential to become a regulated pollutant.

The Infrastructure Investment and Jobs Act (IIJA) authorized \$55 billion for the water industry for the years 2022 through 2026, a portion of which is dedicated to emerging contaminants by way of principal forgiveness loan funding administered through the State Water Pollution Control Loan Fund. In program year 2024, Ohio EPA called for nominations for all loan projects, with up to \$11.9 million to award for emerging contaminants. Ohio EPA has made it clear that PFAS is a priority for emerging contaminants. Accordingly, NEORSD submitted its PFAS pretreatment study as a nomination and Ohio EPA has awarded full funding for the study. This is directly related to Resolution No. 56-24 to issue a proposal to hire a consulting firm or team to perform the study to assess potential sources of the contaminants in the District's service area that have been identified by U.S. EPA to have potential or known PFAS in their discharges, sample the discharges, and characterize those contaminants.

The next step of the study will be to look for treatment technologies to remove or destroy PFAS from those sources and determine potential pretreatment options to remove PFAS from entering with the rest of the flow at the plant. Another focus of the study will be to explore the possibility of installing pretreatment facilities on industrial sites in the services area or a centralized pretreatment at the Southerly WWTC.

The study is estimated to take two years to complete and cost \$498,600, which will be fully funded by the principal forgiveness loan. The information gained by the study will be useful to NEORSD as well as other wastewater utilities across the state and the country.

Authorization to Issue a Request for Proposal (RFP)

Resolution No. 56-24                      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for professional services for the Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Pretreatment Study.

Resolution No. 57-24                      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the District Wide Space Improvements project.

Resolution No. 58-24 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, to acquire updated spherical imagery of portions of the Regional Stormwater System under the Chagrin River, Lake Erie Direct Tributaries, Rocky River, and Black River Spherical Imagery project.

Resolution No. 59-24 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for pre-design services for the Woodland Central West Green Infrastructure Site Improvements project.

**MOTION** – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 56-24 through 59-24. After the following discussion, without objection, the motion carried unanimously.

President Brown requested an explanation of the needs associated with the project related to Resolution No. 57-24. Devona Marshall, Director of Engineering and Construction, explained that the project will address the needs of current staff and potential future staffing needs will be considered as the project is advanced through design. Some of the current staff is more recent, such as in Customer Service where staff was added to manage affordability programs in-house, and in Building Maintenance where staff was added to address HVAC needs in-house. The space needs were identified through the annual capital planning process. The project involves multiple departments across District-owned facilities including remodeling the Customer Service Department area at GJM, reconfiguring the Building Maintenance and WQIS cubicle spaces at EMSC, relocating TSG staff from EMSC to the Southerly Administration Building, updating the operator hub at the Westerly WWTC, as well as some HVAC and soundproofing improvements at EMSC.

President Brown requested additional information regarding the project associated with Resolution No. 59-24. Matt Scharver, Director of Watershed Programs, explained that the Woodland Central West Green Infrastructure Site Improvements project is an Appendix 3 Consent Decree Green Infrastructure site that is expansive in terms of its trail network, over a 10.5-acre area in the Central neighborhood of Ward 5, extending from Kinsman Road to Beaver Avenue. It has gravel trails that have been in use for approximately 5 years. NEORS D would like to perform some surface treatment enhancements to the trail network, possibly including an ADA compliant trail connecting Kinsman Road to Beaver Avenue and north to the corridor of East 61<sup>st</sup> Street. NEORS D will work with the neighborhood and community development corporation Burton Bell Carr to understand how to best enhance the site from the public's perspective. The request is for predesign services.

President Brown added that it would be helpful to speak with the recreation department about the amenities to ensure public awareness and engagement as all residents in the area may not be aware of the trails.

Authorization to Purchase

Resolution No. 60-24                      Authorization to purchase two PowerFlex 755 Variable Frequency Drives from sole source supplier Rexel USA, Inc. necessary to maintain operations at the Easterly Wastewater Treatment Plant in an amount not-to-exceed \$95,000.00.

**MOTION** – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution No. 60-24. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 61-24                      Authorization to enter into a ten-month requirement contract with Galls, LLC for uniforms and equipment for District Security Officers in an amount not-to-exceed \$70,146.68.

**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 61-24. Without objection, the motion carried unanimously.

Authorization to Close Out Public Improvement Contract

Resolution No. 62-24                      Authorizing the final adjusting change order to close out Public Improvement Contract No. 23001838 with Tucson, Inc. for the Stream Restoration Along Unnamed Tributary to Cuyahoga River at CH00147 project, to decrease the contract amount by \$29,189.72, thereby bringing the total contract amount to \$570,585.28.

Resolution No. 63-24                      Authorizing the final adjusting change order to close out Public Improvement Contract No. 23002562 with Mark Haynes Construction for the Big Creek Bank Stabilization Near York Road in Parma Heights project, to decrease the contract amount by \$143,079.86, thereby bringing the total contract amount to \$633,753.20.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution Nos. 62-24 through 63-24. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 64-24                      Authorization to acquire one parcel in fee simple known as PPN 020-14-154, located at 12000-12006 Bennington Avenue, in the City of Cleveland, owned by TGIF Properties, LLC, necessary for the construction and maintenance of the Big Creek West Branch

Problem Area 8 project, and to enter into an Assignment and Assumption Agreement with the Western Reserve Land Conservancy, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC., with total consideration of \$45,000.00 plus closing costs.

Resolution No. 65-24                      Authorization to appropriate three permanent sewer easements, three subterranean easements, and ten temporary easements at the property known as PPN 131-16-030, located at 3595 East 49<sup>th</sup> Street and 3560 East 55<sup>th</sup> Street, in the City of Cleveland, owned by Morabito Enterprises, Inc., necessary for the construction and maintenance of the Southerly Tunnel Project and to provide for the consideration of \$291,500.00 determined by the fair market value to be deposited with the Cuyahoga County Probate Court.

**MOTION** – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 64-24. Without objection, the motion carried unanimously.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 65-24. Without objection, by roll-call vote, with all present members voting yes, and recusal from discussion and abstention from voting by Mayor Bacci, the motion carried.

Authorization to Grant Credit

Resolution No. 66-24                      Authorizing the District to issue a credit adjustment in the total amount of \$84,260.84 against sewer charges on the account ending in 2998 to Steven and Avigail Malcmacher, 4451 University Parkway, University Heights.

**MOTION** – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution No. 66-24. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

Resolution No. 67-24                      Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the stormwater account of Dimitri Salivaras ending in 6600, Sewer District Hearing No. 24-001, that no adjustments be made.

**MOTION** – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution No. 67-24. Without objection, the motion carried unanimously.

VII.    Information Items



Ms. Haqq invited Lydia Stump-Hartman, Manager of Diversity, Equity, and Inclusion, to provide a review of the 2023 DEI activities and an overview of what is to come in 2024.

Ms. Stump-Hartman advised that the purpose of NEORSD's DEI program is to ensure that it is an employer and business partner of choice where people of all identities and experiences are understood, appreciated, and fully included in creating a culture of performance excellence. NEORSD leverages the power of diversity to produce results that support the organization's mission, vision, and core values. The following information is not comprehensive, rather an example of some of the activities.

NEORSD has several Employee Resource Groups (ERGs) which are groups of employees that convene around common identities, interests, and concerns. The ERGs hosted 21 events in 2023 which offered opportunities for growth, leadership development, community building, and growing awareness of our different lived experiences. Across the 21 events, there were 735 total participants, with an average of 35 employees each.

NEORSD facilitated four different DEI committees that spanned topics of disability inclusion and launched the DEI survey. NEORSD is continuing to have conversations that matter through its racial justice dialogue series. In 2023, staff focused on examining issues that indigenous people face and how that connects to NEORSD's service area and work. The training sessions meet employees where they are with varied DEI trainings, with participation totals of 492. NEORSD piloted DEI learning communities this year, which are small groups of employees meeting several times during the year to study specific DEI topics. There were 43 employees who participated in the learning communities.

Ms. Stump-Hartman highlighted some accomplishments as they relate to the five action goals that guide the DEI initiatives; beginning with recruiting, engaging, and retaining a diverse workforce. Over the past three years, NEORSD has hired an average of 116 new employees. From a gender perspective, the new employees are 64% male and 36% female. While those numbers are not reflective of the community, it is an improvement from NEORSD's historical average of 70% male and 30% female. From an ethnicity and racial perspective, 58% of new hires identify as white, 39% as a person of color, and 3% not specified. While this is more reflective of the community NEORSD serves, it is acknowledged that there is more work to be done.

Going into 2024, staff are performing a job description review to ensure that inclusive language is used and there are not unnecessary barriers in how the work is described. NEORSD will utilize targeted outreach and continue with developmental programs such as the Good Neighbor Ambassadors, Clean Water Fellows program, and tuition assistance.

As for ensuring an inclusive culture, staff works together to incorporate employee skills, creativity perspectives and talents. In 2023, NEORSD piloted a workshop series focused on the role that

leaders play in creating and maintaining that inclusive culture. The initiative received positive feedback and will continue in 2024 with a broader employee base.

NEORSD strives to learn and apply DEI principals to business practices. In 2023, a DEI Toolkit was published to the Intranet to serve as a self-service library of resources for staff to be able to access and learn various DEI information to apply to their work at NEORSD.

The DEI learning communities will continue in 2024 with 46 employees currently signed up to participate.

Also in 2024, NEORSD will be expanding its DEI training offerings, enhancing the DEI Toolkit site, and revamping the employee Intranet page dedicated to DEI to help employees access information about what is happening and how to get involved.

The fourth action goal is to eliminate barriers to participation facing employees, customers, and vendors. In 2023, NEORSD created a participation policy to clarify and streamline the process for eligibility for the ERG events to ensure that employees and managers understand how to become involved. The Business Opportunity Program (BOP) refined the database to be able to better match suppliers with contract work and recommendations were made as to how to become more of an employer and partner of choice for the disability community. NEORSD is also looking for ways to best support employees in the LGBTQ+ communities, specifically those that identify as transgender, to explore creating guidelines to support employees that are going through gender transitions while in employment at NEORSD.

The fifth action goal is to engage business and community partnerships that promote DEI. In 2023, NEORSD continued the important work of hosting utility resource fairs and attempting to connect customers to available assistance programs. In 2024, NEORSD is looking to ensure that its community partnerships are occurring equitably across the service area and strengthening relationships with local high schools to further develop direct pipelines to employment and to demonstrate the importance of NEORSD's work in the community.

There is an ongoing DEI assessment that will help to understand the impact of the work and guide these efforts going forward.

#### VIII. Open Session

There were no items.

#### IX. Public Session (any subject matter)

There were no items.

X. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(3) and (G)(4), moved, and Mayor DeGeeter seconded, to enter into executive session to consult with the District legal counsel concerning disputes involving the District that is subject of pending and imminent court action; and to prepare for and review negotiations of bargaining sessions with District employees concerning their compensation and other terms and conditions of employment. 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 2:31 p.m.

XI. Approval of Items from Executive Session

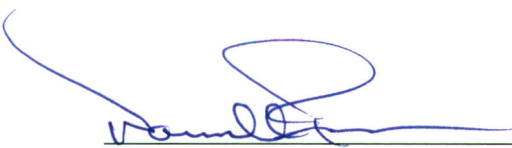
Resolution No. 68-24	Approval of a Final Tentative Agreement and Memorandum of Understanding dated February 15, 2024, between the Northeast Ohio Regional Sewer District and the Ohio Patrolmen's Benevolent Association (OPBA), and authorization to enter into a Successor Agreement with OPBA from July 1, 2024 through July 31, 2024, and authorization to implement the terms of the February 15, 2024 Memorandum of Understanding with the OPBA.
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**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 68-24. Without objection, the motion carried unanimously.

XII. 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 2:22 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