

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
APRIL 4, 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 Ronald Sulik.

I. Roll Call

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

Absent: Darnell Brown

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to approve the Minutes of the March 21, 2024, 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 on March 23rd, NEORS joined several community partners for the 6th Annual Parma Water Summit, which was held at the Watershed Stewardship Center at the West Creek Reservation. NEORS Customer Service, Communications and Community Relations, and Watershed Programs staffed the event. NEORS staff discussed cost savings programs, worked the stream table, and displayed the stormwater projects that are ongoing in the City of Parma to remediate flooding. There were a record 690 people in attendance, surpassing the 583 attendees last year.

On March 30th, NEORS staff attended the LGBTQ Career and Resource Fair, and annual event coordinated by the LGBTQ Community Center and Plexus, which is the local LGBTQ and Allied Chamber of Commerce. Donna Friedman, Manager of Community Watershed Coordination;

Nichole Harvel, Communications Specialist; Zoey Johnson, Project Engineer; and Jason Peskar, Manager of Talent Acquisition, represented NEORSD, and joined 25 other employers and over 100 attendees.

Regarding the April 8th eclipse, several adjustments have been made due to anticipated traffic congestion, including establishing optional early start time for Local 2798 dayshift staff and encouraging managers to work with employees if remote work is an option for the day. Additionally, staff at the Westerly WWTC have credentials from the Cleveland Metroparks to ensure that they can access the WWTC from Edgewater Park, which is anticipated to be very congested. NEORSD is coordinating with the City of Cleveland and has confirmed that emergency backup communications work. Additionally, all employees have access to a pair of eclipse safe viewing glasses.

During the February 1, 2024, Board meeting, the Board authorized NEORSD to publish bids for either a one, two, or three-year natural gas requirement contract and to execute the contract. At the time, NEORSD was anticipating a three-year expenditure not to exceed \$3.4 million. There were two bids received from NRG Business Marketing, LLC and WGL Energy. NRG Business Marketing, LLC provided the lowest and best bid and NEORSD entered into a three-year contract with them at \$2,557,170.00. Ms. Dreyfuss-Wells acknowledged Jacqueline Williams, Manager of Procurement Services, and her team for managing the process.

V. Action Items

Authorization to Advertise

Resolution No. 85-24	Authorization to publish notice calling for bids for a public improvement contract for the Easterly Wastewater Treatment Plant Headworks Building Deaerator Tank Installation project, in accordance with Ohio Revised Code Section 6119.10, with estimated probable construction costs of \$142,000.00.
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MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution No. 85-24. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 86-24	Authorization to issue an RFP for a professional services agreement for Support Services for Automation Controls.
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Resolution No. 87-24	Authorization to issue an RFP for professional services to facilitate the development of the District’s Strategic Plan 2025-2027.
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MOTION – Ms. Chambers moved, and Mayor Bacci seconded to adopt Resolution Nos. 86-24 through 87-24. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested additional information regarding Resolution No. 86-24. Tom Madej, Deputy Director of Operation and Maintenance, explained that this is a request for proposals (RFP) to provide a professional service agreement to assist for peak workload and specialized work associated with the Process Control and Automation staff. It will provide the ability to perform extra work when the workload within the work group exceeds available hours. The contract will also be utilized for longer-term projects that may exceed a couple of weeks and for specialty work that staff cannot perform. Technical work includes programming, setting parameters for equipment and calibrating equipment. Additionally, the contract provides for document work including drawings, standard operating procedures, standard maintenance procedures, and process control diagrams.

Mr. Sulik requested additional information regarding Resolution No. 87-24. Jean Smith, Director of Administration and External Affairs, explained that NEORSD is requesting authorization to issue an RFP for its strategic plan for the years 2025 through 2027. NEORSD has been developing plans for more than two decades. The strategic plan helps to guide the organization, particularly with foundational work including performance management, sustainability plan, and DEI efforts.

Within the strategic plan are a mission statement and a vision statement, which are unlikely to change. NEORSD's eight values, most recently including equity, are included in the plan, as well as its strategic areas of focus: customer and community connections; environmental protection and sustainability; financial viability; operational excellence; and workforce planning, engagement, and development. Under those areas, NEORSD has 13 objectives, 49 goals, and over 200 tactics.

Along with its consultant, NEORSD will institute workshops, focus groups, and interviews with a number of groups, including the Board. There will be an intensive multi-day workshop with senior staff in order to create a draft plan and recommendations. In order to ensure that all of the tactics stay on track, there is tracking system, with each tactic assigned to a senior staff member and being overseen by Jennifer Elting, Senior Manager of Community and Media Relations.

Successes under the strategic plan include utilizing the Green Infrastructure Grant Program to help prevent stormwater runoff, with the hope to award a total of \$4.5 million under the current plan; including environmental protection and sustainability within the goal of improving resource management to reduce the cost of environmental footprint of NEORSD operations including waste, and the purchase of supplies and utilities; and, NEORSD has recently implemented its sustainable purchasing and contracting guidelines. Finally, under workforce planning, engagement, and investment, the goal is to deliver on the strategies outlined in the DEI Advisory Committee, which includes the eight NEORSD employee resource groups.

Authorization to Issue Request for Proposal (RFP) and Enter Into Agreement

Resolution No. 88-24

Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for the procurement of electricity for up to a ten-year period, for the Southerly Wastewater Treatment Center, the George J. McMonagle Administration Building, and outlying facilities and authorization for the Chief Executive Officer to enter into an agreement with the highest-ranked supplier and execute any documents necessary to secure electricity pricing and other terms and conditions favorable to the District without additional Board approval, in an amount not-to-exceed \$54,000,000.00.

MOTION – Ms. Dumas moved, and Mayor Bacchi seconded to adopt Resolution No. 88-24. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested a detailed explanation. Ken Duplay, Chief Financial Officer, explained that this request is to issue an RFP for electricity specifically for the Southerly WWTC, GJM, and over 40 outlying facilities. The current contract expires in May of 2025. In that contract, there has been higher pricing than previous contracts, so staff are working diligently to put in place a long-term power procurement strategy that balances costs as well as greenhouse gas emissions impacts. Mr. Duplay invited Marie Fehik-Kirk, Manager of Sustainability and Special Programs, to provide additional information.

Ms. Fehik-Kirk explained that NEORS D is looking at 3, 5, 7, and 10-year terms with renewables ranging from 27% to 100% Green-E Certified renewable energy credits. NEORS D is also seeking authorization to enter into an agreement without further Board authorization because electricity prices change by the minute depending on market variability. The current contract for the First Energy sites is with Engie Resources, LLC, with a rate of approximately \$0.07 per kWh, with 27% Green-E Certified renewable energy credits.

NEORS D and Cuyahoga Community College (Tri-C) issued a joint RFP in September of 2023 for a period of up to 20 years for offsite solar with 100% renewable energy electricity. Proposals were received and reviewed. Tri-C determined that it would not move forward with the procurement and NEORS D determined that the current market pricing was more advantageous than the proposals received.

Historically, electricity agreements have had term lengths of two to three years for the First Energy sites (the Southerly WWTC, GJM, and over 40 outlying facilities). However, the Easterly WWTP and Westerly WWTC have a current ten-year agreement with Cleveland Public Power. NEORS D is looking to extend its contract terms for the First Energy sites because a longer contract could provide long-term cost stability and budget certainty as well as reduction of greenhouse gas

emissions. There is a tactic under the strategic plan to develop a long-term sustainable greenhouse gas emissions goal, and as 70% of our emissions are from electricity, we'd like to investigate a longer-term solution to help achieve that goal.

The plan is to issue the RFP today upon board approval with a deadline to respond of April 16, 2024, in order to take advantage of attractive pricing, then the agreement's start date would be May 1, 2025, which aligns with the end of the current agreement with Engie Services, LLC.

Mr. Sulik asked if utilities are willing to propose now for a contract a year out with pricing. Ms. Fehik-Kirk answered affirmatively. Mr. Duplay added that pricing in the five-year range is currently favorable compared to NEORSD's current contract and will be the likely term length of the next agreement.

Authorization to Purchase

Resolution No. 89-24 Authorization to purchase eighteen sorbent polymer composite media modules from sole source supplier EnviroCare International, Inc. in an amount not-to-exceed \$208,800.00.

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 89-24. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 90-24 Authorization to enter into a contract with Johnson March Systems, Inc. to purchase equipment for the REF Steam Sample Panel Replacement project in an amount not-to-exceed \$247,948.80.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 90-24. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 91-24 Authorization to amend Agreement No. 23001517 with Staffing Solutions Enterprises, Inc. for temporary staffing in certain departments throughout the District to add \$100,000.00 for continued services, for a total amended amount not-to-exceed \$200,000.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 91-24. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

Resolution No. 92-24 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Debbie Neff ending in 6465, Sewer District Hearing No. 24-003, that no adjustments be made.

Resolution No. 93-24 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Timothy Bundy ending in 6151, Sewer District Hearing No. 24-004, that no further adjustments be made.

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution Nos. 92-24 through 93-24. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 94-24 Authorization to acquire one parcel in fee simple located at 26810 Bagley Road, in the City of Olmsted Falls, and known as PPN 281-14-016, owned by Lucas T. Kantura and Samantha M. Stawicki, also known as Samantha M. Kantura, necessary for the construction and maintenance of the Rocky River West Branch Subwatershed Masterplan – WBPA_05 Bagley Road project, and to enter into a six-month no-cost lease agreement with the Kanturas, and to allow for the entirety of the payment to be disbursed to Northstar Title Services, LLC with total consideration of \$250,000.00 plus closing costs.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 94-24. Without objection, the motion carried unanimously.

VI. Information Items

Tiffany Jordan, Manager of Contract Compliance, provided an update regarding the Business Opportunity Program (BOP). The program provides procurement opportunities to minority-owned, women-owned, and small businesses, thereby contributing to the economic health and vitality of the region.

The BOP Committee was formed in 2020, comprised of staff members from the Finance, Legal, Engineering and Construction, Watershed Programs, and Communications and Community

Relations Departments. The BOP Committee agreed on action item No. 6, titled "Reporting and Publications." This will provide transparency around the BOP program. Steps include a BOP lunch & learn, informing senior staff as needed, providing annual updates to the Board, new employee on-boarding sessions, as well as being featured on digital boards across District facilities, encouraging staff who know small business owners to direct them to the program.

In 2023, the BOP participated in 47 outreach events and will continue to participate in those events in 2024.

Mr. Sulik asked if the events were well attended. Ms. Jordan answered affirmatively although there are times that the events are hosted by a community partner via Zoom, making it difficult to know exactly how many people participate.

Mr. Sulik asked if the events have been successful in retaining new BOP firms. Ms. Jordan answered affirmatively and explained that, in 2023, there were 326 certified firms in the program; 71 minority-owned firms; 173 women-owned firms, and 82 were small local businesses. Areas of practice for those firms included 145 in construction; 22 in the area of engineering; and 99 in the area of services. In 2023, the BOP welcomed a total of 30 new firms: 11 in the area of construction, 5 in the area of engineering, and 14 in the area of services.

Firms must apply to become certified in the program and firms may graduate from the BOP based on size standards as well as the NAICS Code associated with size standards established by the Small Business Administration. Per the NAICS Code, once a firm exceeds \$9.5 million based on a five-year average, they are no longer considered a small business enterprise.

In 2023, two firms graduated from the BOP, one construction firm and one engineering firm. Twenty projects that closed in 2023 had BOP goals; of which, four did not meet the BOP goals and sixteen exceeded the BOP goals. In 2023, \$17 million was paid to MBE firms, \$16 million to WBE firms, and \$7.9 to SBE firms for a total of \$40.9 million.

The BOP Committee will continue to meet and will return to the Board to request a change in policy as well as request the endorsement of the City of Cleveland's Community Benefits Agreement.

Mr. Sulik noted an uptick in WBE firms and inquired about the certification of those firms. Ms. Jordan answered affirmatively and explained that in order to be eligible, a WBE firm must be 51% owned by women.

Matt Scharver, Director of Watershed Programs, provided a quarterly update regarding the Regional Stormwater Management Program (RSMP), beginning by providing the history of the Program. Mr. Scharver reminded the Board that authorization to implement the RSMP was authorized in 2010, and implementation and billing began in 2013. There was a hiatus due to litigation in 2014 and 2015. There are 489 miles of regional stormwater system throughout the stormwater service area managed by NEORS. NEORS addressed the legacy debris in the

regional stream network in 2017 and 2018. There were some large storm events in 2020 that brought significant debris into the system; however, things are more settled in 2024.

The Community Cost-Share Program is a reimbursement program under the RSMP with 57 participating member communities. The current budget is \$40 million. There is \$7.5 million assigned to 90 projects that have executed agreements, and another 61 projects that are in the process of being fully executed, for a combined total of \$16 million in current or pending project agreements. There is \$9 million in funding assigned to allocation agreements, and the uncommitted funds total \$14.5 million. The uncommitted funds are most commonly due to smaller communities that take several years to grow their funds for future projects. In total, there has been just under \$49 million spent on local stormwater improvements from 2016 through 2023.

Mr. Scharver provided a graphic demonstrating property acquisitions and explained that in the first quarter of 2024, 15 properties have been acquired at a combined cost of \$3 million. Overall, under the capital program, NEORSD has captured 100 properties and approximately 220 permanent easements, for a total of \$25.4 million in capital for property acquisition, including fee simple, easements, and demolition costs.

Regarding environmental monitoring and illicit discharge, detection and elimination, there are permits issued through Ohio EPA under the National Pollutant Discharge Elimination System program. Illicit discharges include any discharge that is not entirely stormwater and can occur in any community. Because many communities are not equipped to address illicit discharges, it is critical that NEORSD assist to protect local waterways. NEORSD has agreements with the boards of health of each of the counties within the service area for the board of health to perform outfall sampling. NEORSD uses the results of the sampling to determine the severity of the outfalls and prioritize remediation. To date, the program has successfully eliminated hundreds of thousands of gallons of illicit discharge to the regional stormwater system throughout all member communities, on an annual basis, and millions of gallons total since implementing the program.

Mr. Scharver invited Kimberly Colich, Stormwater Program Manager, to provide additional information regarding the RSMP.

Ms. Colich advised that her presentation would focus specifically on the Mill Creek Watershed, which has almost 23 miles of regional stormwater system, and those regional stormwater system assets drain 300 acres or more. They include open channel segments as well as culverted streams or pipe systems. There are just over 15 square miles of drainage within the watershed, across nine municipalities. The watershed itself is 40% impervious, which contributes to structural issues within the system, stream velocity, and stream erosion within the open channel segments. Mill Creek confluences with the Cuyahoga River, approximately 11.5 miles upstream of Lake Erie in the Village of Cuyahoga Heights.

Ms. Colich provided a detailed overview of the Mill Creek Watershed including projects performed by NEORSD in the area beginning 2013, as well as ongoing and upcoming projects, beginning in the upstream area, and working downstream throughout the watershed, from Northeast to Southwest.

An ongoing project in the Mill Creek Watershed is the Restoration Near Cricket Lane, which is in the final design stages. It will include restoration of approximately 2,000 feet of stream restoration in the City of Warrensville Heights to expand floodplains, create riparian area, and replace crossings. NEORSD has acquired 19 residential parcels in order to perform the project.

There is also an upcoming restoration project near Kerruish Basin in Warrensville Heights. Kerruish Basin is a large stormwater detention basin and an ODNR Class 1 dam owned by the Cities of Cleveland and Warrensville Heights. The project is near 50% design and is anticipated to include maintenance items such as replacing the inlet structure, addressing exposed sanitary sewers, and raising the streambed.

There are ongoing construction efforts on the culverted stream rehabilitation project, involving spot repairs to gray infrastructure assets within the Mill Creek system.

The Renewal of Culverted Streams II Project is currently under design. It will include three different culverted stream assets, one in Cleveland in the Big Creek Watershed and the other two in the Mill Creek Watershed in Garfield Heights. The two projects in Garfield Heights will be bid separately, with one of them being in the area that runs along Marymount Hospital, and the other along Broadway Avenue, to slip line rather than replace the culvert. The project along Broadway Avenue is not yet in design, and is being assessed under advanced stormwater planning, as it was identified as a problem area under the Stormwater Master Plans. There is frequent flooding in the area and models are being finalized so that solutions will be determined using the most up-to-date information with alternative analysis to be completed at the end of this year.

Ms. Colich noted that there are at least two 319 grants that West Creek Conservancy has for open channel segment repairs on Mill Creek and NEORSD has been assisting with cost-share match dollars for those grants.

Ms. Colich moved her attention to flood reduction projects in residential neighborhoods. The Chippewa Creek Flood Reduction Project Near Echo Lane in the City of Broadview Heights was performed in coordination with the City of Broadview Heights, utilizing Community-Cost Share Program dollars to incorporate local fixes to reduce flooding. Ms. Colich provided a graphic demonstrating a home that would flood prior to the repairs during 25-year level storms that have increased levels of service.

The Upper Ridgewood Basin Improvements Project in the City of Parma was constructed on public land to retrofit an existing pond into a stormwater detention basin to reduce flooding and improve level of service in Parma.

Mayor Alai added that construction near Briarwood Estates has been successful in reducing flooding without major inconvenience to residents and offered appreciation.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session


There were no items.

X. Approval of Items from Executive Session

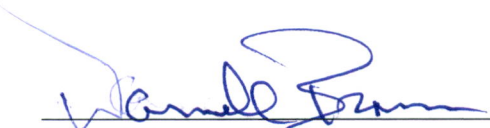
There were no items.

XI. Adjournment

MOTION – Vice President Sulik stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 1:40 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