MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
AUGUST 21, 2025

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

I. Roll Call

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

Absent: Sharon Dumas

The Secretary informed the 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 August 7, 2025 Board Meeting. Without objection, the motion carried unanimously.

I. Public Session

Richard Margolius addressed the Board and provided the following statement:

"Thank you. President Brown, Members of the Board of Trustees, thank you for allowing me to be here and speak. I appreciate Mr. Luckage reaching out to me. We discussed this matter, and I appreciate his time.

We agreed to disagree, but I wanted to bring it to your attention. On July 17th, the board went into executive session under the pretense of Ohio Revised Code 121.22(G)(3). During the executive session, I was told the board was updated on the changes to the Lower Lake plan.

The Ohio Revised Code, along with the Ohio Administrative Code, is very clear as to when a public body can enter into executive session. I'm going to read the pertinent session -- sections of the Ohio Revised Code: 121 -- 121.22, Section A. 'This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically accepted by law. Conferences with an

attorney for the public body' -- this is number 3, under G. 'Conferences with an attorney for the public body concerning disputes involving the public that are the subject of pending or imminent court action are exempt from public meetings.'

As far as I know concerning the Lower Lake, you were just told about that, so there couldn't be any pending or imminent legal action.

The Ohio Administrative Code goes on and lists six valid reasons for executive session. You had the vote. You complied with the code. A3, conferences with the public body's attorney concerning pending or imminent court action by division (G)(3) of Section 121.22 of the Ohio Revised Code Action is pending if a suit has been commenced; court action is imminent if it is on the point of happening or impending.

There wasn't a court action that was imminent or impending. In fact, the public that you were representing was unaware of the change until Steve Litt published in Ideastream on July 23rd, five days after your executive session. Further, the appellate court affirmed in the trial decision dismissing the complaint filed by Friends of Horseshoe Lake.

A public entity cannot discuss agenda items out of the view of public simply because the public entity thinks there might be the possibility sometime in the future that somebody may sue you. That's just not -- you have to be doing these things in public.

I also want to remind the board of what the Northeast Ohio Regional Sewer District told the public in 2021. Jeff Jowett made the following statements in a video presentation during one of the meetings: 'Our engineering team thoroughly investigated available scenarios as shown on the screen' -- this is a video Zoom – 'and our recommendation is to remove the dam at Horseshoe Lake now and replace the dam at the Lower Lake in the coming years. Not only will this option address safety concerns and eliminate the threat to human life, but it will provide maximum stormwater benefit to the region.'

I'm sure that you understand why so many -- and I would put this in terms that may be applicable here -- Northeast Ohio Regional Sewer District customers are upset with being misled for the past five years. The Northeast Ohio Regional Sewer District staff has made it clear to the public that the sole mission of the sewer district is stormwater management. Nothing else matters. That's your mission. Amenities do not matter. Community assets do not matter.

I want to finish with this analogy. Given the number of storms northeast Ohio has experienced, if FirstEnergy operated under the sole mission of providing electricity without any other considerations, FirstEnergy would cut down every tree in the Cuyahoga County so that there isn't a chance that a branch would hit a wire and disrupt service. We would have a county of tree stumps.

I did look and see the penalty for holding a meeting in -- in -- out of public view. It's $500, so not much of a penalty.

Thank you for your time. If you have any questions, I'll be happy to answer them. Otherwise, have a great day."

President Brown thanked Mr. Margolius for his comments and asked Kyle Dreyfuss-Wells, Chief Executive Officer, and Eric Luckage, Chief Legal Officer, if they had anything to add.

Mr. Luckage explained that he and Mr. Margolius had a discussion about the permissible purposes of executive session wherein Mr. Luckage explained that the court decisions on imminent court action supported NEORSD going into executive session for that reason, particularly in light of the past litigation regarding Horseshoe Lake involving very similar facts, parties, and location, in the sense that the same thing could reoccur. It was reasonable to believe that litigation is possible if we decided to proceed with the new recommendation for Lower Lake and thus, discussion with legal counsel about those possibilities was an appropriate executive session purpose.

Ms. Dreyfuss-Wells thanked Mr. Margolius for his comments and engaging NEORSD in this conversation.

President Brown added that there has been a series of conversations, and more are planned in this continuous effort to achieve the best outcome related to the Lower Lake. There are a number of stakeholders that are very interested in the outcome of this project. President Brown added that information that has been discussed internally is useful and the public engagement portion, as more information becomes available, will be shared with the public in a timely manner.

Mr. Margolius responded to President Brown: "Thank you. Just want to add one thing on what you said. If you've discussed this internally, it's really out of the view of the public. And you are a public body; you should be discussing these things externally so that all these fine people here can be part of the conversation. Thank you for your time and have a good day."

Chief Executive Officer's Report

Ms. Dreyfuss-Wells advised that on July 15th and 16th, Jeremy Short, Director of Human Resources, and Jason Peskar, Manager of Talent Acquisition, participated in the Great Lakes Commission's Water Workforce convening in Grand Rapids, Michigan. This two-day workforce development roundtable brought together industry leaders to explore strategies on strengthening the water talent pipeline. The roundtable covered such topics as growing talent, coordinating across organizations and sectors, and mitigating turnover and the loss of institutional knowledge. This inaugural round table marks an important step for regional collaboration. NEORSD looks forward to continuing to work with the Great Lakes Commission and other organizations across the Midwest.

On July 18th, NEORSD joined the Village of Brooklyn Heights for the Cuyahoga Area of Concern for a ribbon cutting ceremony for the West Creek Stabilization project. At $17 million, this is NEORSD's largest regional stormwater management project to date. The project will restore 6,500 linear feet of stream, improve fish passage and enhance habitat, expand floodplains, and protect local infrastructure. This project was jointly funded by NEORSD, U.S. EPA's Great Lakes Restoration Initiative, and the Ohio Department of Transportation. Representatives of these organizations as well as Ohio EPA, the Ohio Lake Erie Commission and Cuyahoga County also participated in the ribbon cutting. Ms. Dreyfuss-Wells acknowledged Anne Schilling, Watershed Team Lead, and other NEORSD staff for organizing the event.

Ms. Dreyfuss-Wells advised that the Human Resources Department refocused the internship program to ensure that in addition to gaining valuable work experience, interns also experience professional development, networking opportunities, and exposure across the organization, by putting together several workshops and facility site tours to introduce the interns to different people and careers with NEORSD and its partner organizations. NEORSD celebrated National Intern Day on July 31st. Ms. Dreyfuss-Wells thanked Mr. Short and his team for the attention and care that they brought to the interns this summer and wished the interns the best of luck in their future endeavors.

NEORSD's Finance Department recently won awards. Ms. Dreyfuss-Wells congratulated Jackie Williams, Manager of Procurement Services, and her team for receiving the 30th Annual Achievement of Excellence in Procurement for 2025 from the National Procurement Institute. This award is earned by public nonprofit agencies that demonstrate a commitment to procurement excellence. NEORSD was one of two agencies in Ohio and one of 23 special districts to receive the award. NEORSD has won this award every year since 2015, with the exception of 2017.

Ms. Dreyfuss-Wells congratulated Majlinda Marku, Manager of Accounting and Reporting, for her team receiving a Certificate of Achievement for Excellence in Finance Reporting for the Annual Comprehensive Financial Report for Fiscal Year ending December 31, 2023. This is the 29th consecutive year that NEORSD has achieved this prestigious award.

President Brown thanked Ms. Dreyfuss-Wells for her presentation and added that, as he was looking at the portion of her presentation regarding the West Creek Stabilization project, it occurred to him that NEORSD is good at that kind of work. NEORSD has performed a number of these projects to acquire property and restore streams to expand floodplain to provide relief for longstanding problems either surface flooding or basement flooding in the service area, and perhaps it would be helpful to compile something that depicts these successes, and the positive outcomes to the residents and property owners adjacent to those improvements. President Brown offered as an example the Cities of Parma and Parma Heights, that experienced significant flooding related to Big Creek. There are opportunities to share success stories related to NEORSD's record

of commitment, project delivery, and project outcome costs, that NEORSD has contributed to mitigating stormwater-precipitated events in the region.

Ms. Dreyfuss-Wells agreed and indicated that Jean Smith, Director of Administration and External Affairs, and her team could coordinate with Watershed Programs in this regard.

Action Items

Authorization to Advertise

Resolution No. 183-25	Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the George J. McMonagle Security & Lighting Enhancements project, with an estimated probable construction cost of $250,000.00.
Resolution No. 184-25	Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the CEMS Upgrade and Relocation project, with an estimated probable construction cost of $2,500,000.00.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 183-25 through 184-25. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 184-25, that the associated resolution request noted that the contract would not be awarded if the bid was greater than 20% above the engineer's estimated cost and that the project relates to equipment located within the Renewable Energy Facility (REF), that is beginning to exceed the end of its useful life and requested additional information.

Robin Rupe, Director of Engineering and Construction, explained that the Continuous Emissions Monitoring System (CEMS) Upgrade and Relocation project is part of the final programmable logistic controller (PLC) upgrade project in the REF. NEORSD is expediting replacement of the CEMS monitoring equipment, used for air quality permitting, due to recent failures. The equipment is nearing the end of its useful life and in need of upgrades sooner than the rest of the PLCs that will be upgraded next year. This project will also include enhancements for O&M personnel to more easily access equipment that they work on daily. There is an item in the resolution request to award the contract within 20% of the engineer's estimate, allowing for a buffer should the bids exceed the estimated cost for construction.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 185-25	Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for professional services and software for the NEORSD IT Service Management and IT Asset Management Selection and Implementation project.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 185-25. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 186-25	Authorization to purchase one mini crawler crane from Smiley Lifting Solutions, LLC in the amount of $102,550.00 and seven vehicles from Valley Ford Truck, Inc. in the amount of $714,144.00, as presented, for a total amount of $816,694.00.

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution No. 186-25. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the replacement and addition of vehicles.

Frank Foley, Director of Operation and Maintenance, explained that most of the vehicles are replacement vehicles. Two of the four-by-four utility trucks are new additions to the SSMO Department. Mr. Foley explained that the mini crawler crane is also new and provided photographs. It helps to access tight spaces, such as in tunnels and on top of tanks. NEORSD has two similar pieces of equipment, one at the Southerly WWTC and another at the Westerly WWTC, which both get used frequently.

Authorization to Enter Into Agreement

Resolution No. 187-25	Authorization to enter into a professional services agreement with Kurtz Bros., Inc. (Kurtz) for the Biosolids Incinerator Ash Beneficial Reuse Program for the Southerly Wastewater Treatment Center, for a ten-year term, in an amount not-to-exceed $7,499,900.00, and for Kurtz to pay the District a royalty rate of $2.25 per ton for ash used in the production of existing reuse product, with an option to adjust the royalty rate on an annual basis and to establish a royalty rate for each new reuse application, all to be exercised by the CEO at her discretion.

Resolution No. 188-25	Authorization to enter into a professional services agreement with Infojini, Inc., including software, for the Accessibility of Web Information and Services project in an amount not-to-exceed $45,000.00.
Resolution No. 189-25	Authorization to enter into an agreement with The Illuminating Company – A FirstEnergy Corporation for relocation of 18 electrical poles within the construction site of the Mill Creek Restoration near Cricket Lane in Warrensville Heights project, in the amount of $233,220.74.

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution Nos. 187-25 through 189-25. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 187-25 is for a ten-year contract with Kurtz Bros., which NEORSD has worked with for some time and requested additional information regarding the beneficial reuse program. Mr. Foley explained that Robin Halperin, Deputy Director of Watershed Programs, has been leading these efforts and invited her to offer comment.

Ms. Halperin explained that NEORSD has been working with Kurtz Bros. since 2018 to beneficially reuse all ash generated by NEORSD, although through shorter-term contracts. The long-term contract will provide more opportunities to expand the reuse options. The revenue sharing rate under the most recent contract was $1.75 and will be $2.25 for the first year of the current contract and renegotiated each year after.

The predominant reuse method for the ash has been using it as topsoil, and lesser uses include structural fill and 304 aggregate. This long-term contract will allow NEORSD to explore the options that Kurtz Bros. has been working on but have not been able to bring to fruition with a short-term contract. For example, Kurtz Bros. has been working with The Ohio State University on a blend using the ash that helps neutralize lead in soil. This use may be realized within the next two years. Additionally, there has been ongoing discussion regarding the potential to use the ash in low-strength mortar or flowable fill. There has been ongoing work to ensure that it meets ODOT and City of Cleveland standards, which it does. Flowable fill is required in any street opening in the City of Cleveland. There are several exciting opportunities for ash reuse in cement making, stone, and agricultural runoff.

Over the course of the last seven years, NEORSD has not landfilled any ash, with Kurtz Bros. utilizing over 200,000 tons of ash. Continuing at 100% reuse will generate an estimated 50% savings compared to landfilling, which will equate to approximately $9 million over the course of the ten-year contract. Additionally, it provides 92% reduction in associated greenhouse gas emissions,

compared to landfilling, as the Kurtz Bros. primary facility is only two miles from the Southerly WWTC, and the nearest landfill is 35 miles away. Additional savings may be realized as new royalty rates are negotiated.

President Brown noted that the project associated with Resolution No. 189-25 is in an area that historically has flooding issues and requested additional information. NEORSD is entering into an agreement to pay First Energy to relocate its poles out of the project area.

Matt Scharver, Director of Watershed Programs, responded affirmatively and explained that this is another project in the Mill Creek watershed amongst many others that NEORSD and its partners have implemented over the years.

In terms of voluntary property acquisitions, NEORSD has worked with residents in the area to voluntarily purchase their properties to make room for Mill Creek and needed floodplain access. This agreement with First Energy is to move First Energy's utility poles out of the stream corridor as the final step of the design and preparation process.

Authorization to Enter Into Contract

Resolution No. 190-25	Authorization to enter into a public improvement contract with Markley's Precision Company for the restoration of Sludge Cake Storage Bin #3 at the Southerly Renewable Energy Facility in an amount not-to-exceed $94,600.00.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 190-25. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 191-25	Authorization to modify Contract No. 22005855 with Shook Construction Co. for the Southerly Chemically Enhanced High-Rate Treatment Upgrades project for a 25-day, non-compensatory time extension with no change in the total contract amount.

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 191-25. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 192-25	Authorization to acquire one parcel in fee simple known as PPN 457-30-041, located at 11533 West Pleasant Valley Road, in the City of Parma, owned by Alexander S. Kurtz and to be owned by the West Creek Conservancy at the time of transfer to the District, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC, with total consideration of $275,000.00 plus closing costs.
Resolution No. 193-25	Declaration of intent to appropriate two temporary easements at the property known as PPN 544-14-016, located at 12395 McCracken Road, in the City of Garfield Heights, owned by Charak Properties, LLC, necessary for the construction of the Renewal of Culverted Streams II Project, and to authorize the consideration of $78,900.00, determined by the fair market value, to be deposited with the Cuyahoga County Probate Court.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 192-25 through 193-25. After the following discussion, without objection, the motion carried unanimously.

Mayor DeGeeter noted that it would be helpful to see a demonstration of how many properties have been acquired in the York and Pleasant Valley area.

Mr. Scharver provided a slide deck demonstrating property acquisitions in the Baldwin Creek Watershed along Pleasant Valley and near the Dell Haven regional stormwater basin project and explained that NEORSD has voluntarily acquired approximately 20 residential parcels in the area. There will be some culvert upsizing on the residential roads in the last phase of the project.

President Brown asked whether this project would address surface or basement flooding. Mr. Scharver explained that the project will remediate both types of flooding on this section of Baldwin Creek tributary.

II. Information Items

Ms. Rupe provided the Capital Improvement Program July 2025 Status Report, beginning with cashflow. Through July 31, total cashflow is just below $120 million for the year, equating to 80% of planned spending, with over $20 million of that being paid to Business Opportunity Program (BOP) approved firms, which include minority owned, women owned, and small businesses.

Regarding Key Performance Indicators (KPIs), the design of the REF CEMS project was completed within 60 days of planned meeting that KPI.

The Southerly Fluid Bed Incinerator No. 1 Refractory Replacement project did not meet the KPI for engineer's estimate within 10% of the lowest three bids; however, the construction contract for the project was awarded within 60 of planned, meeting that KPI.

The construction contract for the Shoreline Consolidation Sewer project was closed within 95% of the original planned amount. The BOP goal for MBE/WBE was met but the SBE goal was not. Work orders accounted for $726,900, and were primarily due to design errors and omissions, and differing and unforeseen site conditions.

Ms. Rupe invited Doug Lopata, Program Manager of Planning and Design, to discuss the combined sewer outflow at Edgewater Beach, known as CSO-069.

Mr. Lopata began with an overview of the service area that flows into the northwest interceptor and explained that it spans west to the Kamm's Corner neighborhood and along the lake shore. This area is unique because there are no culverted streams to offload stormwater flow, meaning that wet weather in this area goes into the northwest interceptor.

There are three outfalls in this area, numbers 071, 069, and 002. CSO-002 is located near the Westerly WWTP and is related to the CSO Treatment Facility (CSOTF). CSOs 071 and 069 are controlled and do not have related Consent Decree projects. CSO 069 has one of the highest levels of control, but it is in a very public location on the beach, when overflows occur during significant rain events.

The CSO-002 project will provide a significant upgrade, as it has a large volume of CSO which will be reduced greatly under the Westerly Chemically Enhanced High-Rate Treatment (WCEHRT) project.

Mr. Lopata provided maps of the immediate service area, west to West 117th Street, and east past CSO-069 and explained the path in which the hydraulics in the system have to rise to a point that would trigger an outflow gate at CSO-069 onto Edgewater Beach. Mr. Lopata explained that the hydraulic flow is so intense during these events that the manholes in the area are sealed in order to prevent the flow from coming out of the pipe at the street level.

Over the last 10 years, there have been approximately 20 overflows at CSO-069, and three within the past year. The recent overflows are related to the WCEHRT project. NEORSD assessed several ways to get the overflows off the beach, which were expensive and did not improve water quality.

Mr. Lopata provided graphics demonstrating the work being performed under the WCEHRT project and explained that the project will result in improved gate controls during these major rain events. NEORSD staff are working to adjust gate settings and optimize performance. One of the primary issues during WCEHRT has been that bulkheads had to be constructed to block flow in the northwest interceptor while this project is ongoing. The bulkheads are causing a hinderance in the flow, causing 5.3 million gallons to sit in the pipe and cause hydraulic restriction during storm events.

There has been extensive testing and hydraulic modeling ongoing for the past year to determine the best way to address the overflows at the beach. Mr. Lopata provided slides demonstrating the modeling in the area. While there are still significant testing and pre-design activities to be performed, it is believed that CSO-069 could eventually be eliminated. The preliminary cost estimate is approximately $20 million including the required tunneling and engineering costs. The next step will be to conclude the GES evaluations and pre-design testing to confirm that it could handle significant storms. There will be additional testing to coordinate gate settings once the WCEHRT project is complete and those systems are online.

The $20 million in costs will have to be added to the Capital Improvement Plan, and the RFP to fully design and bid the project in 2027. NEORSD has upcoming meetings scheduled with Cleveland Metroparks and other stakeholders to discuss the impact of the project.

President Brown asked if NEORSD is in violation of any regulatory requirements. Mr. Lopata explained that NEORSD is not in violation; this is a permitted CSO outfall that was not specifically addressed in the Consent Decree.

President Brown asked for clarification as to whether the intent of the project is to improve environmental impact, an eyesore, or the beach closing for several days. Ms. Dreyfuss-Wells explained that the overflows cause the public beach to be closed for several days in the summer, which also creates an equity issue for residents. NEORSD is also making efforts on the east side of Cleveland to improve Euclid Beach and Villa Angela, via its Member Community Infrastructure Program to address CSO outfalls and other sources of bacteria. NEORSD has worked to manage CSO-069 for several years and is working through issues with gate settings and construction at the Westerly WWTP and ultimately, eliminating the CSO from Edgewater Beach is an important part of NEORSD's work.

III. Open Session

There were no items.

IV. Public Session (any subject matter)

There were no items.

V. Executive Session

There were no items.

VI. Approval of Items from Executive Session

There were no items.

VII. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Chambers seconded the motion to adjourn at 1:23 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