

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
January 3, 2019

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:33 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
R. Sulik
R. Stefanik
T. DeGeeter
J. Ciaccia
S. Dumas

ABSENT: J. Bacci

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

II. Approval of Minutes

MOTION – Mr. Sulik moved and Mr. Ciaccia seconded to approve the Minutes of the December 20, 2018, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began her report by thanking all the District staff who were on the job throughout the holidays, as well as John Gonzalez who put out a Tweet with the days the District would be closed for the holidays -- which were none.

Next, Ms. Dreyfuss-Wells stated that Congress passed the Water Infrastructure Improvement Act of 2018. She said the Bill codifies for the first time EPA's integrated planning approach and provides communities with new flexibilities to meet their Clean Water Act obligations. The District has been very supportive of integrated planning and its codification both through the National Association of Clean Water Agencies (NACWA) and Ohio delegation, with Congressman Gibbs, the main sponsor, as well as Congressmen Latta, Joyce, and Chabot, Congresswoman Fudge and Senators Portman and Brown who were also very strong supporters. With the codification of integrated planning, communities can have the ability to look at all of their capital needs, and environmental needs when they are dealing with Clean Water Act

enforcement under their municipal separate storm sewer systems, combined sewers, and sanitary sewer system issues. The Bill also ensures that EPA incorporates green infrastructure into Clean Water Act enforcement. Ms. Dreyfuss-Wells concluded that the codification of integrated planning is significant, but the District is still looking to see how this specifically impacts the District in current efforts to modify the consent decree because it's still unclear how EPA will implement the integrated planning now that it's codified.

Next, Ms. Dreyfuss-Wells stated that Congress also passed legislation (with Senator Portman as the main leader) reauthorizing the Harmful Algal Bloom and Hypoxia Research and Control Act for five years and providing \$100 million in funding to combat Harmful Algal Blooms ("HAB"). The legislation is positive for the District because it provides funding opportunities and grant eligibility to assist communities with both performing interventions and mitigations when there is an HAB situation, and it also gives the National Oceanic and Atmospheric Administration (NOAA) and EPA the ability to declare a HAB of significance which makes federal funding available to communities that are impacted by the blooms.

Mr. Ciaccia commented that there is really a need for not just the District but for NACWA to step up and find out what integrated planning means for utilities across the country.

CEO Dreyfuss-Wells agreed and noted that before there was integrated planning there was watershed-based planning to integrated planning to green infrastructure but that the point is that good project management and flexibility in terms of being able to address the things that are most important are key and the District continues to stress this point with the agencies.

Mr. Brown recalled that when the District was negotiating the terms for the consent decree and green infrastructure was in its beginning stages, the District was an early adopter. He noted that integrated planning has a lot of definitions, but the early adopters are those that can demonstrate the value of moving programs forward and will see the most benefits before everything slows down. Mr. Brown stated that he hopes that the District will take advantage of its preparation to help define the outcomes and process to utilize this tool.

CEO Dreyfuss-Wells agreed with Mr. Brown's point and noted that the District is ahead of the game because of the local sewer systems evaluation studies (LSSSES) which the Board has authorized and are under way, as well as the stormwater master planning so in addition to the talk, the District can actually bring examples of the water quality and public health issues that are out there so we can back up our conversation.

Mr. Brown agreed and noted that the District has done its due diligence. The District has the science behind it and knows what the impacts are and that these projects bring value. These projects have an impact on future rates for customers, which is an important piece and integrated planning is a better way to get to some of these outcomes and the ability to demonstrate that, as opposed to having someone dictate to the District down the road what this should look like.

V. Action Items

Authorization to Advertise

Resolution No. 01-19

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Westerly CSOTF Boiler Replacement project with an engineer's opinion of probable construction cost of \$440,000.00.

MOTION –Mr. Ciaccia moved and Mayor Stefanik seconded to adopt Resolution No. 01-19 Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No.02-19

Authorization to enter into an agreement with Heidelberg University for District funding of the National Center for Water Quality Research Cuyahoga Tributary Loading Station project for years 2019 and 2020 in a total amount not-to-exceed \$68,000.00.

Resolution No. 03-19

Authorization to exercise the first one-year option to extend the agreement with Concentra (formerly Occucenters) for Occupational Health Services through 2019 in an amount not-to-exceed \$200,000.00.

Resolution No. 05-19

Authorization to enter into construction contract with Kokosing Industrial, Inc. for the Southerly WWTC REF Improvements project in an amount not-to-exceed \$1,023,000.00.

MOTION –Mr. Sulik moved and Mr. Ciaccia seconded to adopt Resolution No. 02-18 and 03-19. Without objection, the motion carried unanimously.

Resolution No. 04-19 was withdrawn.

MOTION- Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution No. 05-19. Without objection, by roll call, the motion carried with all present members voting yes and refusal from discussion and voting abstention by Mr. Ciaccia.

Authorization of Contract Modification

Resolution No. 06-19

Authorizing the final adjustment modification of Contract No. 18005721 with Mark Haynes Construction, Inc. for the West Creek Temporary Bank Stabilization at Resource Drive project with a decrease in the amount of \$4,116.93, thereby bringing the total revised contract price to \$92,403.07.

Resolution No. 07-19

Authorization to modify Contract No. 18006039 with Shook Construction Company for the Southerly Second Stage Settling Improvements project to add out-of-scope work to the contract for emergency repairs of the EMSC waterline relative to the December 5, 2018 waterline failure with no change in the contract price.

MOTION – Mr. Sulik moved and Ms. Dumas seconded to adopt Resolution No. 06-19 and 07-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested further explanation on Resolution No. 07-19.

James Bunsey, Chief Operating Officer, explained this is a good example of a project taken on between the Engineering & Construction (E&C) and Operation and Maintenance (O&M) departments, and the staff at EMSC. The building was out of service for a couple of days due to the waterline break. The failure occurred where the waterline entered the building, below the footer and under the slab and before it came up through the slab into the basement of the building. As part of the repair the line was brought into the basement above the slab in a location so that it is now entirely visible. If a failure were to occur again, it can be seen and fixed quickly. Mr. Bunsey also stated that a non-functional valve was located in the yard during the waterline break. The valve was replaced and now each building has its own isolation valve. He also noted that in the future, they may look at the possibility of bringing another service line into the building if it would be cost effective.

Mr. Brown noted that it would be a good idea to create a program to exercise valves in the future.

Mr. Bunsey explained that there is a program in the plants but that he would check to make sure there is valve exercising in the field around the service building itself and EMSC.

Property Related Transaction

Resolution No. 08-19

Authorization to acquire one (1) permanent subterranean easement on a portion of PPN

003-27-094, located at 2885 Detroit Avenue in the City of Cleveland, owned by MeToo, LLC, necessary for the construction of the Westerly Storage Tunnel project with a total consideration of \$4,500.00.

Resolution No. 09-19

Authorization to acquire one (1) permanent subterranean easement on a portion of PPN 003-27-098, located at 2885 Detroit Avenue in the City of Cleveland, owned by Project 29 Partners, LLC, necessary for the construction of the Westerly Storage Tunnel project with a total consideration of \$5,950.00.

MOTION –Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution No. 08-19 and 09-19. Without objection, the motion carried unanimously.

Authorization for Expenditure

Resolution No. 10-19

Authorize the purchase through the State of Ohio Cooperative Purchasing Program, of four utility trucks, one pick-up truck, five sport utility vehicles, one van and seven utility carts for District purposes in an amount not-to-exceed \$680,000.00.

MOTION –Mr. Sulik moved and Ms. Dumas seconded to adopt Resolution No. 10-19. Without objection, the motion carried unanimously.

Audit Committee Appointment

Resolution No. 11-19

Approving the reappointment of Ken Koncilja to the Board of Trustees Audit Committee for a two-year term beginning February 1, 2019.

MOTION –Mr. Ciaccia moved and Mr. Sulik seconded to adopt Resolution No. 11-19. 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

MOTION- Mr. Sulik moved pursuant to Ohio Revised Code Section 121.22(G)(1) to enter into Executive Session to consider the employment and compensation of a public employee. Roll call vote: all yes.

Following executive session, the Board returned to regular session at 1:27 p.m.

X. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. Sulik moved and Mayor Stefanik seconded the motion to adjourn at 1:28 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