

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JANUARY 6,2022

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
Jack Bacci
Samuel Alai
Terence Joyce
Timothy DeGeeter
Sharon Dumas

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 December 16, 2021 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, provided an update regarding NEORS's ongoing COVID-19 pandemic response and informed the Board that NEORS staff has 6 active COVID-19 cases, and 10 employees with COVID-19-like symptoms awaiting test results. There are currently no employees remaining at home because a member of their household tested positive. There has been a total of 196 employees with confirmed diagnoses since the beginning of the pandemic, 190 of whom have recovered and returned to work.

The 196 confirmed positive cases represent a significant increase from the 152 confirmed cases reported at the December 16, 2021 Board meeting, consistent with the national and local trends.

In response to the increase in cases, NEORSD has reinstated the face covering requirement for all employees regardless of vaccination status, reactivated the COVID-19 health screening app to remind sick employees to stay home, and on December 20, provided each employee with two rapid antigen test kits and a packet of face coverings. NEORSD is making test kits available for any employee who has identified as symptomatic or as being in close contact with another employee that has tested positive.

Beginning next week there will be staggered start times for maintenance staff and there are a variety of flexible work arrangement options for non-union employees. NEORSD continues to offer paid leave for vaccination, boosters, and side effects from the vaccination.

The Human Resources COVID-19 response team remains the point of contact for all COVID-19 issues at NEORSD. Ms. Dreyfuss-Wells acknowledged the efforts of the team noting that they work through holidays, over weekends, and at all hours to assist staff.

NEORSD will continue to monitor the pandemic and adjust accordingly.

President Brown requested that general counsel continue to monitor what's happening at the state level in the event that legislation is again introduced to give authority for virtual meetings.

Ms. Dreyfuss-Wells highlighted that on December 22, John Gonzalez, Communications Manager, posted on Twitter to encourage people to call in to NEORSD to hear a special message and leave their own message. Shelli Tolley, Senior Communications Analyst, set up a direct line for the calls. There was an overwhelming response with over 1,000 calls and 920 voicemails received over the holiday weekend. The tweet reached hundreds of thousands of social media users with 340,000 impressions. The vast majority of the calls received were from Cleveland area codes with some coming from as far away as Canada.

Mr. Gonzalez has listened to over 400 of the voice messages. Ms. Dreyfuss-Wells provided a small sample of the messages received. People left comments stating that NEORSD helped them by providing helpful advice to first-time homeowners; uplifted them as fellow essential workers; and highlighted NEORSD's affordability programs.

There was an article in Scene Magazine with the Headline "The Northeast Ohio Regional Sewer District is Making Everyone Cry", which exemplified what was happening. One tweet stated "Well done Sewer District Team. You've created a connection among far-flung people and cultivated an understanding of what it takes to make our civilized lives possible".

The messages received conveyed gratitude, graciousness, and grace to NEORSD employees. A montage of the messages will be compiled and shared with staff.

Ms. Dreyfuss-Wells expressed thanks to Mr. Gonzalez and Ms. Tolley for their efforts.

V. Action Items

Authorization to Advertise

Resolution No. 01-22 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the Westerly Chemically Enhanced High Rate Treatment project with an anticipated expenditure of \$84,400,000.00.

MOTION – Mayor Alai moved, and Mr. Joyce seconded to adopt Resolution No. 01-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the Westerly Wastewater Treatment Plant (WWTP) is different from the other WWTPs because of the chemically enhanced treatment process and requested additional information regarding scope and timeline of the project associated with Resolution No. 01-22.

Devona Marshall, Director of Engineering and Construction, explained that this project is Control Measure 3 of the Consent Decree. There is an existing combined sewer overflow (CSO) facility next to the Westerly WWTP with a current capacity of 300 million gallons per day. This project will upgrade the facility in size and level of treatment offered. It currently acts as a settling tank through gravity. This project will implement enhanced treatment with chemical addition and disinfection as well as increase the capacity from 300 million gallons to 411 million gallons per day.

The construction will take just over four years to complete and will require significant coordination with the neighboring Cleveland Metroparks and Port Authority.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 02-22 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, to retain a Suite of Facilitators to provide training to District employees on various development topics.

Resolution No. 03-22 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, to retain a Suite of Instructional Designers to design and develop training courses, as needed, for District employees.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 02-22 through 03-22. After the following discussion, without objection, the motion carried unanimously.

President Brown asked whether Resolution Nos. 02-22 and 03-22 are related to an existing program or expansion of a program.

Constance Haqq, Chief Administrative Officer, explained that NEORS has traditionally offered training to its employees on a variety of topics. That training is centralized in the Human Resources Department. During budget planning, which is ongoing, the departments and directors indicate the training that they would like to have. That information is used to develop a training schedule and curriculum. Resolution Nos. 02-22 and 03-22 are seeking facilitators to provide managerial training. There is also computer-based training, some of which is mandatory, such as ethics training.

Authorization to Purchase

- Resolution No. 04-22 Authorization to purchase annual maintenance and support services from Oracle America, Inc. as necessary for the District’s Enterprise Oracle software (databases and applications), beginning January 31, 2022 through May 31, 2023, in a total amount not-to-exceed \$1,020,551.89.

- Resolution No. 05-22 Authorization to purchase Cisco SmartNet Maintenance and Support for technical support, equipment replacement, and patches and updates from Presidio, beginning January 22, 2022 through January 21, 2025, under the State of Ohio Cooperative Purchasing Program, in an amount not-to-exceed \$582,382.08.

- Resolution No. 06-22 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, beginning January 1, 2022 through December 31, 2022, in unspecified amounts for each vendor but in a combined total amount not-to-exceed \$786,200.00 for all purchases.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 04-22 through 06-22. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 07-22 Authorization to enter into a project agreement with West Creek Conservancy to provide funding for the acquisition of permanent parcel 455-24-007 located in the City of Parma and within the Federal Emergency Management Agency’s (FEMA) 100-year floodplain along West Creek, necessary for the operation and maintenance of the Regional Stormwater System, in an amount not-to-exceed \$190,000.00.

Resolution No. 08-22 Authorization to enter into professional services agreements with Resource International, Inc., Terracon Consultants, Inc., and Anser Advisory, LLC for Stormwater Testing and Construction Inspection Services, as needed, in support of stormwater project construction activity for the period 2022-2026, in an amount not-to-exceed \$1,000,000.00 per agreement, for a total amount not-to-exceed \$3,000,000.00 for all agreements.

Resolution No. 09-22 Authorization to enter into a professional services agreement with Case Western Reserve University Weatherhead School of Management to provide training classes to District staff on various professional development topics in a total amount not-to-exceed \$100,320.00.

MOTION –Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 07-22 through 09-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the structure of the agreements associated with Resolution No. 08-22.

Frank Greenland, Director of Watershed Programs, explained that similar to the Engineering and Construction Department, Watershed Programs utilizes outside testing and construction inspection services to augment NEORSD staff at construction sites. This has been ongoing since the inception of the program. Resolution No. 08-22 represents the next iteration of contracts. Hopefully the contracts will last five years, however, this is dependent on the amount of testing and inspection necessary. There are three firms each receiving \$100,000 contracts which will be task-order based.

President Brown asked whether the task orders will be based on skill level and work schedules. Mr. Greenland answered affirmatively.

Authorization to Enter Into Contract

Resolution No. 10-22 Authorization to enter into a two-year requirement contract with Quasar Energy Group for Liquid Sludge Removal Services at the Westerly Wastewater Treatment Plant in an amount not-to-exceed \$48,500.00.

Resolution No. 11-22 Authorization to enter into a construction contract with Proshot Concrete, Inc. for the Brookside Culvert Repair project in an amount not-to-exceed \$9,468,918.00.

Resolution No. 12-22 Authorization to enter into a construction contract with Building Integrated Services for the Districtwide Electrical Repair and Easterly Service Improvements project in an amount not-to-exceed \$4,502,000.00.

MOTION –Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution Nos. 10-22 through 12-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested an overview of the project associated with Resolution No. 11-22.

Ms. Marshall explained that the Brookside Culvert Repair requires structural rehabilitation of approximately 2,300 linear feet of failing corrugated metal culvert. This is a somewhat unique situation in that it is not only failing but also exposed in many places.

The culvert runs through the yards of approximately 100 residential properties, requiring careful consideration of how to best address the needed repairs. This resulted in a design using Shotcrete, which is essentially spraying concrete within the existing culvert. This requires a specialized skill set because it is a permanent structural fix.

There was a requirement for certification in the application of shotcrete included in the bid package to ensure that this will be a lasting repair. There was a low bid significantly under the engineer's estimate of \$11.9 million. The lowest bidder did not have any certified nozzle men and therefore, did not meet the requirements for the project. Additionally, their bid value on multiple bid items was less than the engineer's estimate for materials alone. The recommendation is that the contract be awarded to the second lowest bidder, as they have six nozzle men certified in shotcrete application.

President Brown asked whether the completion of the project will restore the structural integrity of the culvert. Ms. Marshall explained that it is a structural fix and will maintain the hydraulic capacity through the culvert, which is critical in the project area.

Authorization to Amend Purchase

Resolution No. 13-22 Authorization to amend the purchase with Dell Marketing, L.P. under the State of Ohio Cooperative Purchasing Program to provide Accidental Damage Coverage for 120 Dell Latitude 5520 Laptops in the amount of \$5,457.33, requiring authorization of an additional amount of \$1,743.88, thereby bringing the total purchase amount not-to-exceed \$324,684.30.

MOTION –Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 13-22. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 14-22 Authorization to amend Resolution No. 367-21, adopted November 18, 2021, to publish notice calling for bids for the purchase of Avaya Software Support and Maintenance for a three-year period in lieu of the authorized one-year period.

MOTION –Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 14-22. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 15-22 Authorization to amend Agreement No. 18006896 with Pinnacle Leadership Solutions, Agreement No. 18006869 with Synergy Marketing Strategy & Research, Inc., and Agreement No. 18006895 with Yan Maschke Group, collectively referred to as the Suite of Coaches, for leadership coaching services, by increasing the total amount for all agreements by \$73,550.00, thereby bringing the total amount not-to-exceed \$157,550.00 for all agreements.

MOTION –Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution No. 15-22. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 16-22 Authorizing final adjusting change order for Contract No. 20002507 with S.E.T., Inc. for the Doan Valley Regulator/Relief Sewers project by decreasing the contract amount by \$1,572,753.78, thereby bringing the total contract amount to \$2,342,574.21.

MOTION –Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 16-22. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 17-22 Authorization to appropriate one channel easement and one permanent access easement at the property known as PPNs 114-25-006 and 114-25-007, located at 1201 East 185th Street, in the City of Cleveland, owned by Shaker Real Estate & Properties, LLC, necessary for the construction and maintenance of the Euclid Creek Spillway Fish Passage project and to deposit the compensation of \$32,000.00 with the Cuyahoga County Probate Court.

Resolution No. 18-22 Authorization to acquire one permanent subterranean easement at the property known as PPNs 105-01-008 and 105-04-028, located at 5430 Lake Court, in the City of Cleveland, owned by the State of Ohio, Department of Transportation, necessary for the construction and maintenance of the Shoreline Consolidation Sewer project with total consideration of \$1.00.

Resolution No. 19-22 Authorization to acquire one permanent stormwater easement at the property known as PPN 489-14-001, located at 4461 Sprague Road, in the City of North Royalton, owned by Dennis F. Hiller and Carole A. Hiller, Trustees, or their successors in trust, under the Dennis F. Hiller and Carole A. Hiller Living Trust dated March 8, 1994, necessary for the construction and maintenance of the Big Creek Flood Reduction Near Sprague Road project with total consideration of \$2,300.00.

Resolution No. 20-22 Authorization to acquire one temporary easement at the property known as PPN 771-12-062, located at 4829 Derbyshire Drive, in the Village of North Randall, owned by Pamela M. Blue, necessary for the construction of the Bear Creek Culvert Improvements project with total consideration of \$300.00.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 17-22 through 20-22. Without objection, the motion carried unanimously.

Authorization to Grant Credit

Resolution No. 21-22 Authorizing the District to issue a credit adjustment in the total amount of \$59,441.13 against stormwater charges on the NEORS Account ending in 5162 for Stopper Family Corp., doing business as Maria Gardens at 8334 North Marks Road, Columbia Station.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 21-22. Without objection, the motion carried unanimously.

Authorization of Emergency Contract

Resolution No. 22-22 Authorization to enter into an emergency construction contract with Nerone & Sons, Inc. for the emergency repair of the Big Creek Interceptor to ensure the structural integrity of the Interceptor and prevent potential ground failure, in an amount not-to-exceed \$75,000.00, including a general allowance in excess of ten percent of

the base contract price in the amount of \$14,200.00, and to declare such contract to be a real and present emergency awarded without formal bidding or advertising.

MOTION – Mayor Alai moved, and Mr. Joyce seconded to adopt Resolution No. 22-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the circumstances surrounding Resolution No. 22-22.

Frank Foley, Director of Operation and Maintenance, advised the Board that NEORSD received a notification from the Ohio Utilities Protection System to mark its infrastructure near I-71 and Bellaire Road. There was human error and the infrastructure was not marked correctly, resulting in a contractor for the Ohio Department of Transportation (ODOT) penetrating a sewer. Going forward, NEORSD is working to provide additional oversight in this area to prevent such an incident from occurring in the future.

VI. Information Items

There were no items.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22(G)(1), moved, and Mr. Sulik seconded to enter into Executive Session to consider the employment and compensation of a public employee. By roll call vote, the Board voted unanimously to enter into executive session at 1:05 p.m.

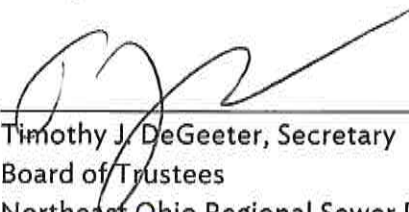
The Board returned to open session at 1:17 p.m.

IX. Approval of Items from Executive Session

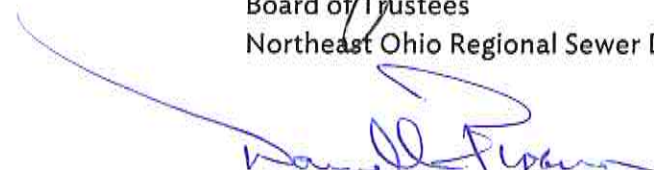
There were no items.

X. 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 1:18 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