

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JANUARY 7, 2021

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

President Brown opened the meeting by addressing the COVID-19 pandemic, and read the following statement:

Due to the COVID emergency, we are again conducting our board meeting via live stream video conference using the Zoom Video Communications tool and pursuant to continuing authority of House Bill 404.

Members of the public may observe and hear the meeting using the Zoom login link found on the top of the District website, and those who wished to address the Board were able to make that request through the Zoom system prior to the start of the meeting.

I. Roll Call

PRESENT: Darnell Brown
Ronald Sulik
Samuel Alai
Terence Joyce
Jack Bacci
Timothy DeGeeter

ABSENT: Sharon Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to approve the Minutes of the December 17, 2020, 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, began her report by providing an update regarding the District's ongoing COVID-19 pandemic response. Ms. Dreyfuss-Wells informed the Board that as of January 7, 2021, the District has a total of fifty-seven employees with confirmed diagnoses, of whom forty-three have recovered and returned to work, five have recovered and are in various stages of the return-to-work process, and nine are convalescing. There are two additional employees who are symptomatic and awaiting test results. The District wishes them a full and speedy recovery. There is one District employee with no COVID-like symptoms who is remaining at home because a member of their household has tested positive for COVID-19.

Ms. Dreyfuss-Wells advised the Board that contained in the new federal stimulus bill are the Emergency Water Utility Assistance Program and the Rental Assistance Program. The Emergency Water Utility Assistance Program includes \$638 million in funding to assist low-income households with water, wastewater, and stormwater bills. The funds will be distributed to states through the Department of Health and Human Services.

Constance Haqq, Chief Administrative Officer, and her team have met with CHN Housing Partners to assemble lessons learned from the 2020 utility assistance program. Eric Luckage, Chief Legal Officer, and his team are working with the National Association of Clean Water Agencies (NACWA) regarding the rollout of the new funding.

The Rental Assistance Program includes \$25.8 billion in funding and it is expected that each state will get a minimum of \$200 million under the program. At least 90% of the money can be applied to new or back rent and it includes funding that can be applied to water, wastewater, and stormwater bills.

Ms. Dreyfuss-Wells invited Ms. Haqq to provide a summary of the 2020 utility assistance programs offered by the District.

Ms. Haqq informed the Board that between November 11, 2020 and December 31, 2020, funds were available through the CARES Act to assist residents with past-due utility bills, due to the COVID-19 pandemic. District staff worked with CHN Housing Partners to distribute \$1,799,995 across 2,256 households and of that, \$175,000 was spent specifically on sewer and stormwater bills. Additionally, CHN Housing Partners had access to funds from The Council for Economic Opportunities of Greater Cleveland (CEOGC), and they have distributed an additional \$636,364 in assistance to 1,230 households, almost half of which was applied to delinquent sewer and stormwater bills, totaling \$354,000. The District collected a total of \$530,000 in delinquent billing.

The District is exploring the distribution guidelines for the next stimulus package to ensure that its customers can take advantage of the assistance.

President Brown offered his appreciation for the District's outreach efforts and collaboration with other local organizations in ensuring that its customers have access to information regarding eligibility for these assistance programs. President Brown noted that included in the challenges

related to the lifting of the moratorium for disconnections is the dissemination of information regarding assistance programs to those who need them most, and the cumbersome nature of the application process to obtain assistance. President Brown added that in addition to working with local organizations, the District should partner with local media to help get the message out that the District can provide assistance and information to those who qualify for these resources.

Ms. Dreyfuss-Wells ended her update by advising the Board that the District again received the Government Finance Officers Association's (GFOA) Distinguished Award for its 2020 budget. The award recognizes the Board and District's commitment to the highest principals of governmental budgeting. In order to receive the award, the District met nationally recognized guidelines for an effective budget presentation. The guidelines are designed to assess how well a governmental agency's budget serves as a policy document, a financial plan, an operations guide, and a communications tool. The District had to be rated proficient across a series of categories in order to receive the award. The District has won this award every year since 2007, and that is a testament to the work of Ken Duplay, Chief Financial Officer, and his team. Ms. Dreyfuss-Wells thanked and congratulated Mr. Duplay and the Finance Department for their consistent success in this regard.

President Brown thanked Ms. Dreyfuss-Wells for the update and expressed his gratitude to Mr. Duplay on behalf of the Board for their work in budgeting this multi-billion-dollar operation and finding ways to fund the infrastructure with below market loans. President Brown added that those are the things that strengthen the District as an organization and assist the District in ensuring that its services are equitable and affordable.

V. Action Items

Authorization to Advertise

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| Resolution No. 01-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for Renewable Energy Facility Waste Heat Boiler preventive maintenance and repair services with an anticipated expenditure of \$500,000.00. |
| Resolution No. 02-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for crane inspection, maintenance, and repair services at all wastewater treatment plants and pump stations with an anticipated expenditure of \$204,000.00. |
| Resolution No. 03-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Easterly Tunnel System Improvements project with an anticipated expenditure of \$506,600.00. |

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 01-21 through 03-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 03-21 is related to the Easterly Tunnel System, which has been online for a couple years but is still undergoing modifications and asked for additional information regarding this project. Devona Marshall, Director of Engineering and Construction, explained that the project is providing optimization improvements to multiple tunnel systems, as much has been learned over those two years of operation. This project has an estimated cost of \$506,000 and will improve the structural integrity of the screens at the shaft locations where there are significant hydraulic forces. The improvements will also increase ease of maintenance to this critical infrastructure.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 04-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the Southerly Tunnel and Consolidation project.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 04-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 04-21 involves a very large project and requested additional information. Ms. Marshall introduced Charles Huse, Project Manager overseeing the project, to provide an overview.

Mr. Huse explained that the Southerly Tunnel and Consolidation project is the primary component of Control Measure No. 21 of the Consent Decree. This project will serve to control three of the largest outfalls, outfalls 35, 36 and 40, which are tributary to the Cuyahoga River. Doing so will reduce overflow volumes by 760 million gallons each year and will be achieved via construction of 3.5 miles of 23-foot diameter soft ground tunnel.

The project site is located along the I-77 corridor. Mr. Huse provided a visual demonstration of the area in which construction will occur and explained that construction will begin across the street from the Southerly WWTP at Shaft Site 1. Mining will take place from Site 1 to Shaft Site 2 to capture flow from the Burke Brook culvert, across I-77 to Shaft Site 3 to collect flow from the Morgana Run culvert, and finally to Shaft Site 4 to collect flows from the Kingsbury Run consolidation sewer, which will be designed under a separate contract.

Two other components of the project include a gate located on the Southerly interceptor north of the plant, and inspection and rehabilitation of the Southerly interceptor.

Mr. Huse provided graphics demonstrating each of the shaft sites. Shaft Site 1 is located across the street from EMSC. It is owned by the District and will serve as the mining site for the tunnel as well as house the future Southerly Tunnel Dewatering Pump Station, which will be designed under a separate contract. This will dewater the tunnel to the southwest interceptor for treatment at the Southerly WWTP.

Shaft Site 2 will collect wet weather flows tributary to CSO 35 to the Burke Culvert. This property is owned by the Cleveland Board of Education and will be a key aspect of the predesign work on the project.

Shaft Site 3 will collect flows tributary to CSO 36 through the Morgana Run culvert. This property is owned by a private owner.

Shaft Site 4 is where the tunnel boring machine will be removed and will collect flows from the Kingsbury Run consolidation sewer branches 1 and 2. The property is owned by the City of Cleveland.

The aforementioned gate will be located just north of the Southerly WWTP on the Southerly Interceptor. It will serve to regulate flows entering the WWTP and maximize available capacity in the Southerly Interceptor.

The key stakeholders are very important in this project. Construction will take place in the cities of Cleveland, Newburgh Heights, and Cuyahoga Heights. Mr. Huse and the design team are working with Government Affairs and the Watershed Team Leader in these project areas.

As for timing of the project, design will be ongoing from August 2021 through July 2023. After bidding, construction will begin early 2024 and reach completion early 2028. There are three other projects that comprise Control Measure 21: the Southerly Tunnel Dewatering Pump Station, the Kingsbury Run consolidation, and the Southerly Miscellaneous CSO Relief Sewer Project.

All of the projects will be completed ahead of the Consent Decree date. The construction budget for the SOTC project is \$326 million. Subcontracting goals for BOP will be 15% M/WBE and 5% SBE, as is typical for projects of this size and scope.

President Brown noted that this project will take eight to nine years to achieve completion and asked for clarification as to whether the budget discussed included design costs. Mr. Huse explained that the project will take a total of 90 months including design, bidding, construction, and closeout, with construction taking 48 months. Typically, for projects of this size, the design cost is 5% to 7% of the construction, \$20 million in this instance.

Authorization to Issue Request for Qualifications (RFQ)

Resolution No. 05-21 Authorization to issue an RFQ, in accordance with Ohio Revised Code 6119, for conservation planning and property acquisition services in support of the District's stormwater-related property acquisition and management activities.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 05-21. Without objection, the motion carried unanimously.

Authorization to Purchase

- Resolution No. 06-21 Authorization to purchase Wonderware software maintenance and support services from sole source vendor Q-Mation Wonderware North for process control automation at all wastewater treatment plants, EMSC, and the collection system, for a one-year term, in an amount not-to-exceed \$207,777.00.
- Resolution No. 07-21 Authorization to enter into a three-year service contract and extended warranty with sole source vendor Shimadzu Scientific Instruments, in an annual amount not-to-exceed \$53,473.87, for a total amount not-to-exceed \$160,421.61.
- Resolution No. 08-21 Authorization to purchase telecommunications services, including wide-area network, integrated services digital network, telephone and mobile data services and related equipment, from AT&T under the State of Ohio's Master Service Agreement and Verizon Wireless under the Federal Government Services Administration, for the period of January 1, 2021 through December 31, 2021, in an amount not-to-exceed \$160,000.00 for AT&T services and an amount not-to-exceed \$570,800.00 for Verizon services and equipment, for a total amount not-to-exceed \$730,800.00.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 06-21 through 08-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 09-21 Authorization to enter into a loan agreement with the Ohio EPA and the Ohio Water Development Authority to accept WPCLF funding for design costs related to the CSO Consent Decree and National Pollutant Discharge Elimination System Performance Compliance Phase 2 project for a total amount up to \$8,500,357.29.
- Resolution No. 10-21 Authorization to enter into a loan agreement with the Ohio EPA and the Ohio Water Development Authority to accept WPCLF funding for design costs related to the Project Lifecycle Management System project for a total amount up to \$1,337,297.00.
- Resolution No. 11-21 Authorization to enter into a loan agreement with the Ohio EPA and the Ohio Water Development Authority to accept WPCLF funding for construction costs related to the Westerly Settling Tank Rehabilitation project for a total amount up to \$3,238,400.20.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 09-21 through 11-21. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 12-21 Authorization to amend Agreement No. 17002669 with Hazen and Sawyer for additional design and construction administration/resident project administration services under the Westerly Chemically Enhanced High Rate Treatment project in an additional amount of \$1,473,729.00, thereby bringing the total agreement amount not-to-exceed \$10,216,402.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 12-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 13-21 Authorization to enter into a one-year construction and repair contract with North Bay Construction, Inc. for the Westerly Wastewater Treatment Center Primary Effluent Pump #1 Repair project in an amount not-to-exceed \$209,468.70.

Resolution No. 14-21 Authorization to enter into a one-year requirement contract with PVS Chemical Solutions, Inc. for the delivery of up to 232,000 gallons of sodium bisulfite solution to all wastewater treatment plants in an amount not-to-exceed \$248,137.50.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution Nos. 13-21 through 14-21. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 15-21 Authorizing the District to enter into a Temporary Easement agreement with the City of Cleveland for the City’s temporary use of District-owned property known as part of PPN 124-23-001, located at 2710 East 75th Street, in the City of Cleveland, necessary for the City’s Cuy-East 75th Street project with total consideration of \$3,200.00.

Resolution No. 16-21 Authorizing the District to grant six permanent access easements for use of District-owned property known as PPN 432-12-018, located at 10716 Biddulph Road, in the City of Brooklyn, necessary for access to perform private property maintenance by the following property owners: William J. Svoboda (owner of PPN 432-12-022), Marvin D. Beavers III (owner of PPN 432-12-021), Katherine J.

Gallagher (owner of PPN 432-12-020), Ronald G. and Veronica Campbell, trustees (owners of PPN 432-12-026), Terrill L. and Ginger A. Bohlar (owners of PPN 432-12-023), and Edward G. Kashary, trustee (owner of PPN 432-12-006) with total consideration of \$6.00.

Resolution No. 17-21 Authorizing the District to acquire in fee simple the entirety of PPN 029-05-003, located at 20617 Emerald Parkway, in the City of Cleveland, owned by the Cuyahoga County Land Reutilization Corp., necessary for the construction and maintenance of the District's Debris Racks & Access Road Improvements at Various Locations project with consideration of \$100.00 plus closing costs.

Resolution No. 18-21 Authorizing the District to transfer in fee simple the entirety of PPN 481-02-033, located at 7950 Abbey Road, in the City of North Royalton, to the City of North Royalton, and to acquire a permanent stormwater easement from the City of North Royalton over the entirety of said parcel with total consideration of \$1.00.

Resolution No. 19-21 Authorizing the District to appropriate two permanent sewer easements on property known as part of PPNs 108-04-032 and 108-04-033, located on East 94th Street and Carr Avenue, in the City of Cleveland, owned by GPSI Properties, LLC, necessary for the construction and maintenance of the Shoreline Storage Tunnel project, and to deposit \$800.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 20-21 Authorizing the District to transfer in fee simple property known as PPN 132-03-042, located at 6920 Union Avenue, in the City of Cleveland, to Slavic Village Development with total consideration of \$1.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 15-21. Without objection, by roll call vote, with all present members voting yes and recusal from discussion and abstention from voting by President Brown, the motion carried unanimously.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 16-21 through 20-21. Without objection, the motion carried unanimously.

Revoking and Replacing Resolution

Resolution No. 21-21 Revoking Resolution No. 367-01 and replacing it with Resolution No. 21-21 to authorize the Chief Executive Officer to dispose of certain personal property that is no longer necessary or needed for the operation or purposes of the District, either by sale, as trash, or by donation.

MOTION – Ms. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 21-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional information regarding the necessity of Resolution No. 21-21. Jim Bunsey, Chief Operating Officer, explained that the purpose of the resolution is to allow the Chief Executive Officer to dispose of personal property that has limited value or is no longer of use to the District, through sales, trash, or donation.

In 2001, the Board granted similar authority to the Executive Director to address the disposal of surplus equipment parts and materials. In this instance, the District wishes to dispose of uniforms. The Legal Department reviewed the existing resolution and determined that the authority was not clear, as it was granted to the Executive Director rather than the CEO and did not specifically address personal property. Board approval will continue to be required for disposal of any real District property.

Authorization to Distribute

Resolution No. 22-21 Authorization to distribute proposed revisions to Title V of the Code of Regulations (Stormwater Management Code), as presented, to the District Member Communities, pursuant to District Bylaws Procedure.

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

Authorization to Pay Fees

Resolution No. 23-21 Authorizing the expenditure of \$129,400.00 to the Treasurer, State of Ohio, for the Ohio Environmental Protection Agency Annual Discharge Fees for all wastewater treatment plants, for the 2020 calendar year.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 23-21. Without objection, the motion carried unanimously.

Authorization of Appointment

Resolution No. 24-21 Reappointing Kenneth Koncilja to a two-year term of the Board of Trustees Audit Committee commencing February 1, 2021 and concluding January 31, 2023.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 24-21. Without objection, the motion carried unanimously.

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

There were no items.

IX. Approval of Items from Executive Session

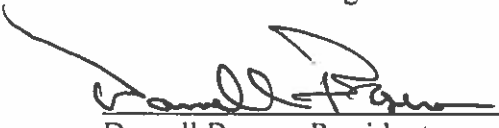
N/A

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 1:10 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