

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JANUARY 18, 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 Darnell Brown.

I. Roll Call

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

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

II. Approval of Minutes

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to approve the Minutes of the January 4, 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 December 11, 2023, Tiffany Jordan, Manager of Contract Compliance, served as a panelist for the Construction Accelerator Program, hosted by the Urban League of Greater Cleveland. The Urban League of Greater Cleveland has focused on business development of MBE/WBE and SBE firms and launched the Construction Accelerator Program to offer participants access to capital, mentorship, construction management best practices, and opportunities to visit construction sites across the region. As part of the panel, Ms. Jordan shared information about becoming registered and certified with NEORS under its Business Opportunity Program, how to respond to a bid, how to respond to a request for proposals, and other important aspects of the program. NEORS looks forward to continued partnership with the Urban League of Greater Cleveland to support MBE/WBE firms and a diverse workforce.

On January 11, Scott Broski, Superintendent of Environmental Services, and Marie Fechik-Kirk, Manager of Sustainability and Special Projects, participated in a panel discussion regarding the District's wide range of water research projects as part of a webinar from the Cleveland 2030 District, which is a nonprofit organization focused on energy use, water use, and greenhouse gas emissions reduction among Cleveland's downtown buildings. Mr. Broski and Ms. Fechik-Kirk, along with the other panel members, presented to approximately 60 attendees, and discussed NEORS's various research and partnership efforts ranging from nutrients, to PFAS, to incineration.

On January 12, seven staff members from the Allegheny County Sanitary Authority (ALCOSAN) toured various NEORS construction sites as they begin design and construction of their tunnel program and a 120 MGD tunnel dewatering pump station in the Pittsburgh area. ALCOSAN provides wastewater treatment for 83 communities and is implementing a 20-year, \$2 billion program to address combined sewer overflow, with the goal of achieving 7 billion gallons of CSO control annually. Participating ALCOSAN staff included their Tunnel Program Manager, Interceptor Systems Manager, and Construction Administration Manager. NEORS staff took them to the Easterly and Westerly Tunnel Dewatering Pump Stations, the Shoreline Storage Tunnel mining site, and the Shoreline Consolidation Sewer project site.

Action Items

Authorization to Advertise

Resolution No. 12-24 Authorization to publish notice calling for bids for a two-year requirement contract for elevator maintenance and repair services at all District facilities, in accordance with Ohio Revised Code Section 6119.10, with an estimated probable cost of \$120,000.00.

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 12-24. Without objection, the motion carried unanimously.

Authorization to Reject and Rebid

Resolution No. 13-24 Authorization to reject all bids and re-bid, in accordance with Ohio Revised Code Section 6119.10, for a 10-month requirement contract for uniforms and equipment for District Security Officers with an estimated probable cost of \$100,000.00.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 13-24. Without objection, the motion carried unanimously.

Authorization to Purchase

- Resolution No. 14-24 Authorization of \$300,000.00 to purchase as-needed spare parts from sole source vendor Schwing Bioset, Inc. to repair and maintain Schwing Bioset material handling equipment at the Southerly and Westerly Wastewater Treatment Centers.
- Resolution No. 15-24 Authorization to purchase Rockwell Automation maintenance and support services for a one-year period from sole source vendor Rexel USA, Inc. in an amount not-to-exceed \$212,394.00.
- Resolution No. 16-24 Authorization to purchase telecommunications equipment and 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, and authorization to purchase such equipment and services under any other applicable cooperative purchasing program for which the District may obtain pricing and terms of service that are the most advantageous for the District, for the period of January 1, 2024 through December 31, 2024, in the total amount not-to-exceed \$860,500.00 allocated between AT&T and Verizon Wireless as determined necessary by District staff.

MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 14-24 through 16-24. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 17-24 Authorization to enter into a Stormwater General Engineering Services 3 (SGPS3) professional services agreement with Jacobs Engineering Group, Inc. for task-order based, as-needed Regional Stormwater Management Program consulting and implementation support services, in an amount not-to-exceed \$500,000.00.
- Resolution No. 18-24 Authorization to enter into a professional services agreement with Raftelis Financial Consultants for the Stormwater Billing Support and Upgrade project in an amount not-to-exceed \$1,649,310.00.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 17-24 through 18-24. After the following discussion, without objection, the motion carried unanimously.

Ms. Dumas asked if the agreement related to Resolution No. 18-24 is a multi-year agreement. Matt Scharver, Director of Watershed Programs, explained that it is a three-year agreement.

President Brown asked for additional information as to what services will be included in the contract. Mr. Scharver explained that the services are for the implementation of the Stormwater Billing Support and Upgrade project. There are three main components to the contract: migrating to an updated platform, as the current platform will not be supported after 2026; providing ongoing support for the stormwater billing toolset; and to support the development and training plan within the IT Department and GIS work group.

President Brown noted that Resolution No. 17-24 is related to a 5-year \$500,000 contract and asked what types of services the contract would provide. Mr. Scharver explained that it is a task-order based contract, and there have been two prior such contracts that were 5-years and \$500,000. Based on the history of those stormwater general professional services contracts, tasks would normally include Title IV, the combined sewer code plan reviews, and fee credit application reviews.

Authorization to Assign Agreement

Resolution No. 19-24 Authorization to assign professional services Agreement No. 18003007 with Crimcheck Holdings, LLC to DISA Global Solutions, Inc. for background check services and I-9 employment verifications with all current terms and conditions of the agreement to remain unchanged under the assignment.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 19-24. Without objection, the motion carried unanimously.

Authorization to Close Out Public Improvement Contract

Resolution No. 20-24 Authorizing the final adjusting change order to close out Public Improvement Contract No. 23003569 with Marks Construction, Inc. for the Big Creek Streambank Stabilization at Pecan Drive in Parma project to decrease the contract amount by \$21,580.00, thereby bringing the total contract amount to \$87,190.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 20-24. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 21-24 Authorization to acquire one parcel in fee simple known as PPN 447-15-014, located at 4207 Longwood Avenue, in the City of Parma, owned by Carlos and Rebecca Genao, necessary for the construction and maintenance of the West Creek Veterans Basin Improvements in Parma project, to enter into a six-month no-cost lease agreement with

the Genaos, and to allow for the entirety of the payment to be disbursed to Black Tie Title Company with total consideration of \$200,000.00 plus closing costs.

Resolution No. 22-24 Authorization to acquire one parcel in fee simple known as PPN 457-33-034, located at 11097 West Pleasant Valley Road in the City of Parma, owned by James C. McCullough and Denise McCullough, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, to enter into a six-month no-cost lease agreement with the McCulloughs, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC with total consideration of \$285,000.00 plus closing costs.

Resolution No. 23-24 Authorization acquire one parcel in fee simple known as PPN 457-30-003, located at 11401 West Pleasant Valley Road in the City of Parma, owned by Christine A. Pate, necessary for the construction and maintenance of SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, to enter into a six-month no-cost lease agreement with Ms. Pate, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC with total consideration of \$215,000.00 plus closing costs.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 21-24 through 23-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the acquisitions seem consistent in terms of being for the purpose of facility improvements and floodplain expansion and done in such a way as to allow property owners time to relocate, and asked if there was anything additional of note.

Mr. Scharver explained that the acquisitions are consistent with NEORSD’s usual acquisition practices and provided slides illustrating the areas, beginning with Veteran’s Basin in Parma. That residential property is at the outlet of what will become a regional stormwater basin. The parcel sits over the culverted stream of West Creek. This property acquisition was opportunistic to remove a residential structure from overtop a culvert and will be a part of an upcoming regional basin project.

The next two parcels are within the same project area along the tributary of Baldwin Creek, and part of the Dell Haven Basin project, which will be another regional stormwater basin in Parma to address neighborhood and public roadway flooding. There is a series of residential parcels along the tributary to Baldwin Creek that are problematic in terms of being in the FEMA and the Stormwater Master Plan modeled 100-year flood plain. NEORSD is steadily acquiring properties in

order to do a phased approach of floodplain reconnection and expansion as a part of the overall Dell Haven Basin project area.

V. Information Items

Devona Marshall, Director of Engineering and Construction, provided the 2023 year-end update for the Capital Improvement Program, beginning with contract management. There are currently 65 active contracts with a total value of nearly \$776 million. By phase, the majority of that is in construction at \$522.5 million with the remaining \$253.4 million in design. By location, the majority is focused on the collections system at \$485.6 million, \$225.3 million in plans, and \$65 million in the category of District-wide.

Regarding year-end actuals for 2023, there were six professional service awards with a total value of \$31.6 million. Of note is the last of the PLC Replacement projects, which is focused on the Renewable Energy Facility (REF) at the Southerly WWTC. There were nine construction awards with a total value of \$71.9 million, including the Second Stage Aeration Improvements project, which is one of the last projects identified under the 2009 plant facilities plan for the Southerly WWTC. There were ten construction contracts closed for a combined total of \$181.2 million, including the Westerly Storage Tunnel.

Ms. Marshall provided a graphic demonstrating key performance indicators (KPIs) at the program level and explained that all except one goal was met or exceeded, including the cashflow KPI, which was 89% of planned, equating to approximately \$170 million paid out. All of the KPIs at the design level were met, including the KPI around value engineering wherein the goal was set for \$10 million and exceeded at \$25.3 million in savings. All of the construction related KPIs were also met. As for the BOP-related KPI, of the total construction contract payments of \$181.21 million, \$43.11 million was paid to BOP firms. The BOP participation cumulative goal of 15.87% was exceeded at 23.79%.

The KPI goal that was not met was regarding the Consent Decree compliance reporting. Of the five milestones required in 2023, only four were met as the critical milestone for Control Measure 23, which is comprised of the Pearl Jennings Road Storage Tank and Pump Station Upgrades project, has been severely delayed by supply chain issues. The delays are ongoing, as the motor control centers have yet to be delivered. Back in September, NEORS D invoked the force majeure provisions under the Consent Decree with the EPA and the Department of Justice. NEORS D continues to update them on the situation and there have not been any related penalties to date. Some of the project components have been completed and some flow is being captured. Substantial completion of this project is anticipated to be achieved in May or June 2024, if the schedule goes as planned.

Ms. Marshall then provided an update regarding Project Clean Lake and advised that of the planned 79 projects required under the Consent Decree, 72 are completed or active. Those projects roll up under 25 specific control measures identified in the Consent Decree and of those 25 control measures, 13 have achieved full operation.

As for money spent or awarded to date, the total is currently \$1.95 billion, which equates to \$1.55 billion in 2009 dollars for the purpose of comparing it to the \$3 billion overall estimate when NEORS D entered into the Consent Decree. Value engineered savings total just over \$500 million.

Regarding CSO reduction, 1.7 billion gallons of annual CSO reduction has been achieved since entering into the Consent Decree and there will be an additional 310 million gallons achieved between the Pearl Jennings Road Storage Tank and Pump Station Upgrades project and the Westerly Storage Tunnel, with 25 million gallons and 285 million gallons, respectively.

The Westerly Storage Tunnel construction is complete; however, the associated pump station is delayed due to electrical equipment supply chain issues. The project is anticipated to online by summer 2024.

Project highlights from 2023 included the completion of the design and bidding process of the Southerly Storage Tunnel, which will be presented to the Board at the next meeting for authorization to award the construction contract. The design of the associated Southerly Tunnel Dewatering Pump station has commenced. Full operation of Control Measures 17 and 19 has been achieved and two CSO locations were eliminated. Post construction compliance activities for Control Measure 8, the Doan Valley Tunnel System, have also been completed.

Upcoming projects in 2024 will include the commencement of the design of the Big Creek Storage Tunnel, the seventh and final storage tunnel to be completed under the Consent Decree. Construction of the Southerly Storage Tunnel will begin. The mining of the Shoreline Storage Tunnel will be completed in April or May of 2024. If the projects remain on schedule, full operation of Control Measure 14, the Westerly Storage Tunnel System, and Control Measure 23, the Pearl Jennings Road Storage Tank and Pump Station Upgrades project, will achieve full operation.

President Brown noted that it is interesting to see the comparison of Allegheny County's Consent Decree requirements of 7 billion gallons of CSO reduction over 20 years at a cost of \$2 billion, to NEORS D's 4.5 billion gallons of CSO reduction over 25 years at a cost of \$3 billion and noted that NEORS D is fortunate to have an additional 5 years. NEORS D should be cognizant, as it approaches the final stages of the Consent Decree over the next 10 to 11 years, and significant spending is going into facilities, to ensure a return on the investment benefit, as those benefits may not be as significant as those achieved under earlier projects.

Ms. Dreyfuss-Wells noted that Pennsylvania is in a different EPA region than Ohio, meaning that there can be different enforcement in the areas. Additionally, ALCOSAN is discharging into rivers rather than the Great Lakes. It will be interesting to see the differences as the Consent Decrees achieve completion. Ms. Dreyfuss-Wells added that it is worth noting that NEORS D's accomplishments are not by accident, rather, there is significant coordination between the Board, Engineering and Construction, and Operation and Maintenance to deliver these project and results. It is a significant and impressive accomplishment. President Brown concurred, adding that it requires significant hard work and good people and offered appreciation.

VI. 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 Mayor DeGeeter seconded, to enter into executive session to consider the appointment, employment, promotion, and compensation of a public employee. By roll call vote, the Board voted unanimously to enter into executive session at 1:06 p.m.

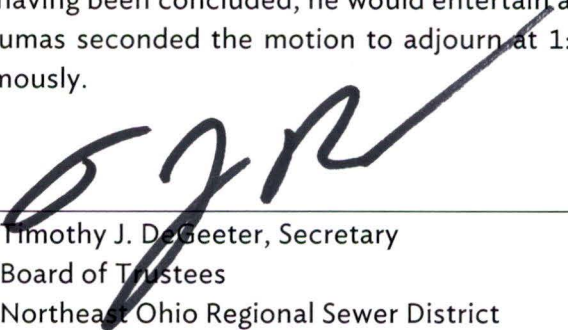
The Board returned to open session at 1:43 p.m.

IX. Approval of Items from Executive Session

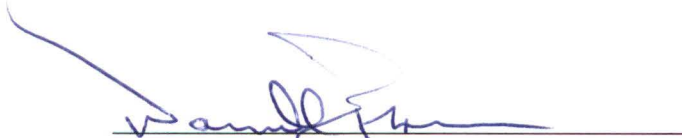
There were no items.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 1:44 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