

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JANUARY 19, 2023

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 Ronald Sulik.

I. Roll Call

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

Absent: Darnell Brown

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to approve the Minutes of the January 5, 2023 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 the Clean Water Act requires the EPA to regularly conduct a Clean Watersheds Needs Survey, to assess the capital investment needs for wastewater and stormwater across the country. The data from the survey is reported to Congress to quantify the needs nationwide. The survey process is underway and NEORS has been working with its member communities and Ohio EPA to share the information that NEORS has gathered via its long-term control plan, facilities planning, asset management program, and local sewer system evaluations.

Ms. Dreyfuss-Wells invited Rachel Webb, Project Manager in Watershed Programs, and Lita Laven, Project Manager in Engineering and Construction, to provide additional information regarding the survey.

Ms. Webb explained that the survey is typically performed every four years, however, it was last performed in 2012. It was initiated last year, as a result of the 2021 Bipartisan Infrastructure Law. It is intended to provide a comprehensive assessment of the capital costs required to meet water quality goals and does not include operation and maintenance costs.

The data will be collected by Ohio EPA and provided to the U.S. EPA to be developed into a report which will be delivered to Congress. Congress utilizes the report for budgeting efforts and also for influencing academic research, measuring environmental progress, and for public information to citizens.

NEORSD submitted three completed surveys, one for each of the major watersheds in the service area, Cuyahoga River, Rocky River, and Lake Erie Direct Tributaries. NEORSD focused on gray infrastructure, which captures culverted stream repair and rehabilitation projects, and green infrastructure, which includes the majority of the design and construction projects in the stormwater construction plan.

The information that NEORSD submitted was easily compiled through the Stormwater Master Plan Studies of NEORSD's watershed areas. The green infrastructure portion includes a mix of stream restoration, flood plain enhancement, and gray infrastructure, in order to best fit for the projects that NEORSD performs under the Stormwater Program on the Regional Stormwater System. The total estimated cost of the projects submitted is \$1.1 billion under the Stormwater Master Plans.

Ms. Laven provided information regarding the needs and costs as it relates to NEORSD's wastewater infrastructure. NEORSD costs associated with the survey include advanced wastewater treatment costs, which includes all three WWTPs; sewer replacement and rehabilitation to maintain the structural integrity of the existing sewer infrastructure; and CSO control, which is the cost associated with Project Clean Lake. The data source for the information provided to Ohio EPA comes from the Capital Improvement Planning Process.

Infiltration and Inflow (I&I) would have previously been included under Sewer Replacement and Rehabilitation but is now identified as a separate issue. The associated costs are a local community cost, not an NEORSD cost.

Over the course of the next twenty years, the estimated cost of meeting NEORSD's wastewater needs is \$2.2 billion. Ms. Laven provided a visual aid demonstrating the three WWTP wastewater districts and their anticipated costs and explained that the Southerly district has the highest cost because the storage tunnels have not yet begun construction.

When NEORSD last submitted the survey in 2012, the estimated cost of the identified needs was \$2.3 billion.

Ms. Laven noted that I&I issues are identified via NEORSD's Local Sewer System Evaluation Studies, which serve as a technical resource for the member communities to assist them in remedying these problems, which have a projected cost of almost \$1 billion. The NEORSD wastewater needs total \$3.3 billion. The local wastewater needs total \$3.4 billion.

Ms. Laven added that NEORSD is well positioned because it has many tools and resources to complete the survey quickly, with credible data sources. NEORSD was able to complete the survey within a three-week period. This is a testament to the Board supporting NEORSD's initiatives to identify needs, plan for them, and secure funding.

NEORSD is in continuous dialog with Ohio EPA. NEORSD is hopeful that the report will be available sooner than later, however, the 2012 survey took approximately four years to compile the national data and had an estimated cost around \$275 billion nationwide.

Mr. Sulik noted that compiling the information was a significant undertaking and added that he is hopeful that the data will enlighten Congress as to the needs of the communities across the country.

Ms. Dreyfuss-Wells added that NEORSD presented its data to the National Association of Clean Water Agencies, so that the level of work performed was able to be appreciated at a national level. Additionally, it is encouraging that Ohio EPA is recognizing I&I as a cost. Although it does not provide the level of funding needed, the Infrastructure Investment and Jobs Act funding of \$55 billion provides significant funding that NEORSD is working to secure for the region.

Action Items

Authorization to Advertise

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| Resolution No. 25-23 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a twelve-month requirement contract for grounds maintenance services with an anticipated expenditure of \$170,000.00. |
| Resolution No. 26-23 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the West Creek Stabilization in Brooklyn Heights project with an anticipated expenditure of \$19,182,000.00. |

- Resolution No. 27-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the Big Creek Streambank Stabilization at Pecan Drive in Parma project with an anticipated expenditure of \$125,000.00.
- Resolution No. 28-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the purchase of eight valves to be installed under the future Southerly Secondary Effluent Capacity Improvements project with an anticipated expenditure of \$1,300,000.00.
- Resolution No. 29-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the Collections PLC Replacement project with an anticipated expenditure of \$11,000,000.00.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 25-23 through 29-23. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested a brief explanation regarding the project associated with Resolution No. 26-23. Frank Greenland, Director of Watershed Programs, explained that the West Creek Stabilization in Brooklyn Heights project is the largest Stormwater Program project to date with an estimated cost exceeding \$19 million. Mr. Greenland provided photographs of the project area, demonstrating some of the erosion along West Creek and explained that this is a highly urbanized area with a high percentage of impervious surface area. The stream has been experiencing downcutting and high velocities for a number of years. The erosion is significant, threatening utilities and nearby structures. Mr. Greenland explained that the project will be a significant undertaking to realign and regrade the stream, reduce velocity, increase floodplain, and remove restrictions to restore fish passages, with 6,000 feet of stream restoration. NEORS has obtained federal funding for the project through the Great Lakes Restoration Initiative in the amount of \$7 million, as well as \$2 million from the Ohio Department of Transportation.

Mr. Sulik requested additional information regarding the project associated with Resolution No. 29-23. Devona Marshall, Director of Engineering and Construction, explained that this is the fourth of five planned Programmable Logic Controllers (PLC) replacement projects under the Automation Improvements Program, which has been underway for approximately five years. This project is specifically focused on the collection system and remote sites including pump stations, odor control sites, auto regulators, gate control structures, rain gauges, and flow and level monitors, for a total of 150 sites. Of those, 109 will be PLC replacements, 6 will be replacing cellular routers, and 35 portable units for non-permanent flow or level monitors will be replaced. The goal is to replace older equipment for more reliable operation and maintenance as well as improved data and documentation to support maintenance and operation activities.

Authorization to Reject and Re-Bid

Resolution No. 30-23 Authorization to reject all bids and re-bid, in accordance with Ohio Revised Code Section 6119.10, for a three-year contract for Solids Handling Screw Feeder Gearbox Rebuild and Repair Services at the Southerly and Westerly Wastewater Treatment Centers with an anticipated expenditure of \$250,000.00.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 30-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 31-23 Authorization to enter into a project agreement with Chagrin River Watershed Partners, Inc. to provide local match funding toward the Engaging Dugway Brook Communities in Designing Stream and Wetland Restoration project with a District contribution in an amount not-to-exceed \$500,000.00, NCRF grant funding in the amount of \$500,000.00, and local match funding in the amount of \$77,675.00 from additional community stakeholders, for a total project cost of \$1,077,675.00.

Resolution No. 32-23 Authorization to enter into professional services agreements with Staffing Solutions Enterprises, Inc., and Robert Half International Inc. for temporary staffing support for 2023, for various District departments, with a not-to-exceed amount of \$100,000.00 for Robert Half, and a not-to-exceed amount of \$100,000.00 for Staffing Solutions, for a total not-to-exceed amount of \$200,000.00 for both agreements combined.

MOTION – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution Nos. 31-23 through 32-23. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested additional information regarding Resolution No. 31-23. Mr. Greenland explained that it is a request for NEORS to provide \$500,000 in matching funds from its Stormwater Program to enter into an agreement with Chagrin River Watershed Partners to complete a study in order to enhance the estuary where Dugway Brook goes into Lake Erie. Mr. Greenland provided a slide demonstrating the funding that Chagrin River Watershed Partners has received for the project and explained that there was a previous study performed by the Army Corps of Engineers. This project will have significant public engagement and is intended to reduce flooding along Dugway Brook.

Mr. Sulik asked for additional information regarding Resolution No. 32-23. Constance Haqq, Chief Administrative Officer, advised that NEORSD is retaining two agencies for staffing support. NEORSD has previously engaged Staffing Solutions for administrative support for temporary staffing. Robert Half provides more professional and administrative support. It provides more flexibility to engage the two organizations.

Mr. Sulik asked if temporary staffing ever leads to full-time employment and whether the Human Resources Department is preparing to be able to conduct interviews and fill positions. Ms. Haqq answered affirmatively and explained that, on occasion, temporary staff have been hired.

Authorization to Amend Agreement

Resolution No. 33-23 Authorization to amend professional services Agreement No. 20002631 with Insight Public Sector, for application hosting services for the District's 2010 SharePoint application platform by extending the term of the agreement by ten months through December 31, 2023, and increasing the agreement amount by \$85,880.00, thereby bringing the total agreement amount not-to-exceed \$1,017,796.46.

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 33-23. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 34-23 Authorization to acquire one parcel in fee simple known as PPN 761-16-086, located at 19814 Longbrook Road, in the City of Warrensville Heights, owned by the City of Warrensville Heights, Land Reutilization Program, necessary for the construction and maintenance of the Mill Creek near Cricket Lane in the City of Warrensville Heights project with total consideration of \$1.00.

MOTION – Ms. Chambers, and Mayor Bacci seconded to adopt Resolution No. 34-23. Without objection, the motion carried unanimously.

V. Information Items

Ms. Marshall provided the year-end report for the Capital Improvement Program for 2022, beginning with contract management. There are 75 open contracts with a total value of \$937 million, with \$678.9 million in construction contracts and the remaining \$257.7 million in design contracts. The focus continues to be on Project Clean Lake and the collections system with \$634.4

million in collections and \$225.8 million in plant specific projects, and the remaining \$76.3 million in District-wide projects.

Regarding year-end actuals, there were 9 professional service awards for a total of \$34.3 million, including 5 testing and construction inspection services contracts totaling \$14 million, and the Kingsbury Run Consolidation Sewer Project for \$11.3 million.

There were 10 construction awards in 2022 with a cumulative total of \$186.5 million. Three of the awards were related to Project Clean Lake. Projects of note include the Westerly Chemically Enhanced High-Rate Treatment for \$80 million and the PLC Replacement Projects at the Southerly and Easterly WWTPs.

A total of 16 construction contracts were closed in 2022, for a total value of \$190.2 million with 3 contracts specific to Project Clean Lake, including the Doan Valley Storage Tunnel with a final cost of \$136.5 million. Also of note was the Easterly Aeration Tanks Rehabilitation project and the District-Wide HVAC Improvements Phase 1 project.

Ms. Marshall provided a graphic demonstrating Key Performance Indicators (KPIs), explained that there are 12 total KPIs across Engineering and Construction, which were represented on the graphic. Ten (10) of the 12 KPIs were met or exceeded. The KPI for monthly cashflow target of 85% of planned spending was not met, as it came in at 75% of planned. The KPI for achieving substantial completion within 90 days of planned was not met, as the average was 120 days. There were a few projects that impacted that KPI such as the Westerly Storage Tunnel, which achieved substantial completion approximately 630 days beyond the contract schedule. The Dille Road Barberton Creek project closed 260 days after the scheduled contract date due to supply chain delays.

As for the Business Opportunity Program (BOP) KPI, of the \$190.2 million combined total of the 16 closed construction contracts, \$60.2 million went to BOP firms for their work on these projects. This equates to a BOP participation of 31.66%, exceeding the cumulative goal of 15.21%.

Regarding work orders by change categories as a percent of construction, of the \$190.2 million contract total, \$5 million went to work orders, which equates to 2.6% of the overall cost. The majority was due to differing of unforeseen site conditions and time extensions or owner-requested changes.

Ms. Marshall provided a progress update for Project Clean Lake, explaining that of the current 102 projects planned necessary to meet the requirements of the Consent Decree, 72 of those projects are either completed or active. NEORS has met achievement of full operation on 11 of the 25 Control Measures identified in the Consent Decree. As for dollars awarded or spent to date, current spending is at \$1.93 billion, equating to \$1.6 billion in 2009 dollars. For comparison, when NEORS entered into the Consent Decree, the estimate for the program was \$3 billion in 2009 dollars.

Value engineering savings is tracking at \$499 million in 2009 dollars. The CSO reduction since entering into the Consent Decree is at 1.7 billion gallons annually, with an additional 300 million gallons annually to be achieved by the end of 2023 with the activation of the Westerly Storage Tunnel for a total of 2 billion gallons annual CSO reduction by year's end.

Construction highlights for 2022 include commencement of the design of the Kingsbury Run Consolidation Sewer, which will be the large flow input to the future Southerly Storage Tunnel. The system will control 750 million annual gallons of CSO. Also of note, construction has commenced for the Shoreline Consolidation Sewer, a large input to the Shoreline Tunnel, and the Westerly Chemically Enhanced High-Rate Treatment and Disinfection Facility, controlling one of NEORSD's largest CSOs, CSO 002.

Post-construction compliance activities have begun for Control Measure 20, which involved the elimination of a CSO location.

Construction was completed for both the Westerly Storage Tunnel and the West 3rd Quigley CSO Control Project. Post-construction compliance activities were completed for NEORSD's largest Control Measure, Control Measure 6, achieving 900 million gallons of annual CSO control.

Looking ahead to 2023 NEORSD will complete the design of the Southerly Storage Tunnel, which is the 6th of 7 tunnels required under the Consent Decree. Design will commence for the Southerly Tunnel Dewatering Pump Station. NEORSD will also achieve full operation of three additional Control Measures, including Control Measure 14, the Westerly Storage Tunnel System. The Westerly Tunnel Dewatering Pump Station has been delayed by supply chain issues but should be activated before the end of the year. NEORSD will also achieve full operation of Control Measures 17 and 19, which will eliminate two CSOs completely.

Ms. Marshall provided a photo of the Shoreline Storage Tunnel mining site and explained that the tunnel mining operation is underway and scheduled to be complete in the Spring of 2024.

Mr. Sulik asked if Southerly is the sixth storage tunnel and if so, which is the last to be completed. Ms. Marshall answered affirmatively and advised that the Big Creek Tunnel in the Southerly District will be the last.

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) and (G)(4), moved, and Mayor DeGeeter seconded, to enter an executive session to consider the employment and discipline of a public employee and to prepare for bargaining sessions with public employees concerning their compensation and other terms and conditions of employment. By roll call vote, the Board voted unanimously to enter into executive session at 1:10 p.m.

The Board returned to open session at 1:33 p.m.

IX. Approval of Items from Executive Session

There were no items.

X. Adjournment

MOTION – Mr. Sulik stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 1:35. 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