

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
JANUARY 21, 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 wish 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  
Sharon Dumas

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved, and Mr. Joyce seconded to approve the Minutes of the January 7, 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 the District's ongoing COVID-19 pandemic response. Ms. Dreyfuss-Wells informed the Board that as of January 21, 2021, the District has a total of sixty-one employees with confirmed diagnoses, of

whom fifty-one have recovered and returned to work, two have recovered and are in various stages of the return-to-work process, and eight are convalescing. There are three additional employees who are symptomatic and awaiting test results. The District wishes them a full and speedy recovery. There are seven District employees with no COVID-like symptoms who are remaining at home because a member of their household has tested positive for COVID-19.

The District has released its policy regarding COVID-19 vaccinations, with a focus on removing barriers for staff seeking vaccination. Vaccination is voluntary and encouraged for District employees. There are currently no plans to serve as a vaccine distribution point, as it is not an available option.

Included in the policy, available with documentation, is paid leave for time spent at vaccination appointments as well as for time off in the event that employees experience side effects that prevent them from working or teleworking. This will be managed by the COVID-19 Response Team.

The District is organizing a series of virtual forums in February, wherein employees may ask questions of medical professionals about COVID-19 vaccination, to address any concerns as well as provide information and support to interested staff.

#### V. Action Items

##### Authorization to Advertise

Resolution No. 25-21                      Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Shoreline Storage Tunnel project with an anticipated expenditure of \$213,500,000.00.

**MOTION** – Mr. Joyce moved, and Mr. Sulik seconded to adopt Resolution No. 25-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that this is a very large project with a 15% MBE/SBE goal and the District has been working through the Business Opportunity Program (BOP) process for many years to create opportunities by working with companies to complete various types of programs to achieve qualifications and create relationships in the region. President Brown asked for insight regarding this process and progress that has been made.

Devona Marshall, Director of Engineering and Construction, advised that the BOP goal of 15% under this project includes 10% MBE/WBE and 5% SBE. Based on the engineer's estimate, this provides for potential BOP participation at \$32 million. The process to identify the goal in this project followed the District's standard protocol for subcontracting opportunity analysis, utilizing a spreadsheet tool. The District assesses the construction services required for each project and the associated costs, as well as the capacity within the registered BOP firms that have been identified in a specific area. If there are more than three registered BOP firms identified in an area, it is considered in establishing the goal.

For purposes of this project, the main areas identified included trucking and hauling, pavement restoration, concrete supply, site work, non-pavement restoration, surveying, and trenchless construction for the smaller diameter sewers. Other potential areas of BOP participation based on past projects include shaft excavation and cast-in-place concrete work within the shafts. However, there are limited BOP firms that provide such services; therefore, it was not considered in establishing the goal.

The goals in this project are much like those established in similar projects, such as the Dugway Storage Tunnel and the Westerly Storage Tunnel. In those instances, the bid commitment exceeded the goals and in the case of the Dugway Storage Tunnel, the final BOP participation well exceeded the goal of the bid commitment. The District continues its endeavor to improve the BOP and has included it as part of its 2021 Diversity, Equity, and Inclusion (DE&I) Plan.

Constance Haqq, Chief Administrative Officer, added that included in the District's DE&I goals is an in-depth analysis and audit of the BOP. The District has been satisfied with the results of the BOP over the past ten years but is going to reassess the program for potential improvements. The District will bring its findings from the audit to the Board to provide an update of any changes going forward.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 26-21                      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for identification of software solution packages and implementation services to address shift logging and other business processes under the Electronic Shift Log project.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 26-21. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 27-21                      Authorization to purchase Cisco SmartNet Maintenance and Support renewal from Presidio under the State of Ohio Cooperative Purchasing Program, including technical support, equipment replacement, patches and updates for District Cisco equipment, for the period of January 2021 to January 2022, in an amount not-to-exceed \$200,000.00.

**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 27-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 28-21      Authorization to enter into a three-year professional services agreement with Raftelis for assistance with administration, application development, knowledge transfer, and support of the District's Stormwater Fee Toolset under the Stormwater Billing Support Services II project in an amount not-to-exceed \$600,000.00.
- Resolution No. 29-21      Authorization to enter into a one-year agreement with ConvergeOne for Avaya software and maintenance renewal in an amount not-to-exceed \$63,882.00.

**MOTION** – Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution Nos. 28-21 through 29-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted, regarding Resolution No. 28-21, that the District has had a long-standing relationship with Raftelis that was necessary at the onset of the Stormwater Management Program as the District did not have the staffing and resources required. Over time, the District began handling some aspects internally. President Brown asked for additional information regarding stormwater billing and where the District is heading in terms of ownership of the process.

Frank Greenland, Director of Watershed Programs, explained that the District initially engaged with Raftelis to assist with the building and implementation of the Regional Stormwater Management Program. The plan required the development of billing files for more than 330,000 accounts, policy decisions regarding revenue, and work with the Cleveland Division of Water (CWD) to establish accounts and billing practices. The initial engagement with Raftelis from 2007 through 2010 cost over \$1 million in order to begin billing in 2010. The program was delayed due to litigation in the trial and appellate courts. Once the District obtained a favorable ruling from the Ohio Supreme Court, Raftelis had to be reengaged to work with the District and CWD, again at the cost of over \$1 million to complete the process of creating billing files and begin billing in 2016.

Since 2016, the District has not used their services for bill file construction or policy development but rather on an as-needed support basis. Initially, the billing support contract was \$750,000 over a two-year period. The District has gradually handled more services internally and reduced the amount of the contract. Currently, the GIS group manages pervious area delineations, the District's Billing Services group continues to coordinate with CWD, and the IT Department assists with a number of billing related tasks. While the District intends to continue to transfer more services in-house, the current task-based contract proposes \$200,000 per year over a three-year period.

Authorization to Amend Agreement

Resolution No. 30-21 Authorization to amend Agreement No. 20005422 with AST, LLC for the Computerized Maintenance Management System (CMMS) – Oracle E-Business Suite Interface Implementation project to add additional scope of services and increase the agreement amount by \$130,100.00 for a revised total agreement amount not-to-exceed \$310,940.00.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 30-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 31-21 Authorization to enter into a construction contract with Shook Construction Company for the Southerly Primary Settling Tanks 1-10 Flush Valves project in an amount not-to-exceed \$1,206,400.00.

**MOTION** – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 31-21. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 32-21 Authorizing final adjusting change order for Contract No. 19006730 with Sterling Professional Group for the Southerly WWTC Fire Safety, Code, and Building Improvements project by decreasing the contract amount by \$13,294.48, thereby bringing the total contract amount to \$691,079.52.

**MOTION** – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 31-21. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 33-21 Authorizing the District to acquire one permanent sewer easement on property known as part of PPNs 108-10-085 and 108-10-086, located at 464 East 105<sup>th</sup> Street, in the City of Cleveland, owned by The Cleveland Steel Tool Company, necessary for the construction and maintenance of the Shoreline Storage Tunnel project with total consideration of \$146,200.00.

Resolution No. 34-21 Authorizing the District to enter into a temporary easement on property known as part of PPNs 004-27-009 and 004-27-011, located at 2111 Scranton Road, in the City of Cleveland, owned by 2151

Scranton Acquisition, LLC, necessary for the construction of the Westerly Storage Tunnel project, and authorizing a holdover payment for the same as consideration for fourteen months of additional use with total consideration of \$178,000.00.

Resolution No. 35-21

Authorizing the District to acquire one parcel in fee simple known as PPN 489-13-035, located at 8148 Maplegrove Avenue, in the City of North Royalton, owned by the David A. Cornish Living Trust, necessary for the construction and maintenance of Big Creek Main Branch – Master Plan Project Area BC-NR-02, to enter into an Assignment and Assumption Agreement with the Western Reserve Land Conservancy, to enter into a lease agreement with David A. Cornish, Trustee of the David A. Cornish Living Trust, and to allow for the entirety of the payment plus closing costs to be disbursed to Ohio Real Title Agency, LLC with total consideration of \$320,000.00 plus closing costs.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 33-21 through 35-21. Without objection, the motion carried unanimously.

VI. Information Items

Ms. Marshall provided the 2020 year-end update regarding the Capital Improvement Program, beginning with contract management. There are 104 active contracts with a total value amount of \$1.1 billion. The majority of the contract costs are in construction at \$759 million, and \$306 million in professional services for design costs. The remaining \$30 million is in professional services for planning-type projects. As for the areas of spending, \$798 million is assigned to the collection systems, \$170 million is allocated to the wastewater treatment plants, and the remaining \$127 million is allocated to District-wide projects.

Regarding contract management actuals for 2020, the year ended with four requests for proposals, eight professional services awards totaling \$22 million, twenty-one construction awards totaling \$91.1 million, and fourteen construction closeouts.

As for the first half of 2021, there are three requests for proposals and four professional service awards planned. The estimated total for the professional services awards is \$26.4 million. Of note is the award for the design and CA/RE services for the Southerly Tunnel system, which accounts for approximately \$20 million of the estimated \$26.4 million. There are seven construction awards planned with a total estimated cost of \$265.5 million, including the Shoreline Storage Tunnel Project with an estimated construction cost of \$213 million. Additionally, there are seven construction closeouts planned for the first half of the year.

Ms. Marshall provided a table demonstrating all of the Key Performance Indicators (KPI) for Engineering and Construction, with a column listing the goals related to each KPI and another for the actual results for 2020.

Regarding cashflow, the year ended below the KPI, coming in at 75% of planned, which equates to \$173 million paid out in 2020.

As for design level KPIs, the goal for the value engineering KPI was set at \$12 million in savings. This goal was exceeded with a total of \$27 million in savings. The KPI for engineer's estimates is to be within 10% of the project bids. That KPI was not met for 2020, as the bid average was 13.41% under the engineer's estimate. There continues to be a competitive bidding market and the District will continue to work with its engineers to hone those estimates.

Regarding the construction level KPI of achieving substantial completion within ninety days of planned, there were thirteen projects in 2020 that achieved substantial completion, on average within 112 days. Two projects were more than a year late which contributed significantly to this KPI not being met.

Regarding the BOP goal, the KPI is established around any construction contract that closes in a given year. In 2020, there were fourteen projects closed, with a final value amount of \$261.5 million, of which \$100.5 million went to BOP firms. This equates to an actual BOP participation of 38.43%, which well exceeded the cumulative goal of 16.44%. Of the overall cashflow total of \$173 million, \$47.8 million was paid to BOP firms, which exceeded the planned \$26.4 million.

As for the KPI related to reporting on work orders by changed categories as a percent of construction, of the fourteen projects closed in 2020, total changed work orders came in at 6.26%, which equates to \$16.4 million of the \$261.5 million total. The majority fell under the category of claims. This is specific to the Dugway Storage Tunnel project where significant ground water issues were encountered in the excavation of one of the shafts. The majority of the remaindering percentage is categorized as differing or unforeseen site circumstances.

Ms. Marshall provided an update regarding Project Clean Lake. There are sixty-six of seventy-nine planned projects that are completed or active. The projects are part of the Control Measures as identified in the Consent Decree. There are twenty-five total Control Measures, and of those, nine have been completed and achieved full operation. As for dollars spent, \$1.51 billion has been spent to date, which is equivalent to \$1.2 billion in 2009 dollars. The original estimated total cost of the Project is \$3 billion. To date, there has been \$429 million in value engineered savings in 2009 dollars.

From an environmental standpoint, to date, there has been an estimated reduction of 1.5 billion gallons of combined sewer overflow (CSO) since entering into the Consent Decree, with an additional 535 million gallons of CSO reduction to be achieved over the next three years. The majority of the additional reduction will be achieved via two tunnel systems that will be activated over that period: the Doan Valley Tunnel and the Westerly Storage Tunnel.

Control Measure 6, which is the Euclid Creek Dugway Storage Tunnel, was completed in 2020. It is the largest Control Measure in terms of the number of projects that comprise it and the amount of CSO control achieved, resulting in a reduction of 900 million gallons of CSO.

Construction of the Westerly Tunnel Dewatering Pump Station has commenced. This pump station in coordination with the Westerly Storage Tunnel will be responsible for 285 million gallons of CSO reduction in the Westerly District.

The District has reinitiated the design of the Westerly Chemically Enhanced High-Rate Treatment Facility. This project is part of Control Measure 3 of the Consent Decree, which is pending modification with the U.S. and Ohio EPA.

Construction was closed on seven projects including the Dugway Storage Tunnel and design was completed on seven additional projects including the Shoreline Tunnel.

Projects going forward in 2021 include the Westerly Tunnel, mining of which was completed on January 6, commencement of construction of the Shoreline Tunnel, and activation of the Doan Valley Tunnel.

President Brown thanked Ms. Marshall on behalf of the Board and added that her presentation helped to highlight the number and magnitude of the projects as well as the management of them in terms of design and construction. President Brown expressed his appreciation for the value engineering on these projects and the savings accomplished through due diligence. While a few items are not on target, most are on schedule and will be accomplished within the mandates provided by the governing entities.

President Brown offered his appreciation to the entire District team for their work and added that the Board looks forward to continuing progress in the timely and efficient completion of these projects.

President Brown expressed his concern regarding the future as it relates to changing rainfall and weather patterns being a moving target of sorts, likely requiring a number of modifications in the future, to the projects that are being completed now.

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. Joyce seconded the motion to adjourn at 1:07 p.m. Without objection, the motion carried unanimously.



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Timothy J. DeGeeter, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District



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Darnell Brown, President  
Board of Trustees  
Northeast Ohio Regional Sewer District