

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
FEBRUARY 5, 2015

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:38 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown  
R. Sulik  
W. O'Malley  
J. Bacci  
T. DeGeeter

ABSENT: S. Dumas  
R. Stefanik

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 18, 2014, Special Board Meeting. Without objection, the motion carried unanimously.

**MOTION** – Mr. O'Malley moved and Mayor Bacci seconded to approve the minutes of the January 15, 2015, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Ciaccia began his report by stating that a Suburban Council of Governments (SCOG) meeting was held on January 22, 2015. During the meeting he briefed the mayors and their representatives on the status of the Stormwater Management Program (SMP) litigation – the

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status of which is still pending a decision by the Ohio Supreme Court. He also briefed them on the performance of the Capital Improvement Program and consent order, both of which are proceeding well.

The SCOG was briefed regarding the District's integrated planning approach with the U.S. Environmental Protection Agency (EPA). The concept of community grants was part of the discussion and CEO Ciaccia informed the SCOG that he believes it was well-received by the EPA.

CEO Ciaccia asked the SCOG to assemble a small committee of mayors to work with the District on the details of the District's integrated planning approach.

CEO Ciaccia advised that the SCOG reappointed Mayor Bacci to another term for the eastside Trustee. Additionally, he had received a letter from Cleveland Mayor Jackson reappointing Mr. Brown to another term. They will both be sworn in to the new terms during the next Board meeting.

Moving to the next subject, CEO Ciaccia advised that he attended the National Association of Clean Water Agencies' winter meeting last week with Constance Haqq, Darnella Robertson and Kyle Dreyfuss-Wells. The conference was productive and he was able to exchange valuable information with peers in the industry.

Closing his report, CEO Ciaccia stated that the District won an award for the District's use of social media.

V. Action Items

Authorization to Enter Into Contract

Resolution No. 20-15	Design-Build Contract with Brewer-Garrett Company for the Environmental and Maintenance Services Center Energy Conservation and Management Project. Contract Amount: \$2,576,167.00.
Resolution No. 21-15	Construction Contract with Fabrizi Trucking and Paving Co., Inc. for the Green Ambassador - Fairhill/MLK Project. Contract Amount: \$5,948,403.85.
Resolution No. 22-15	Professional Services Contract with Hazen and Sawyer for the Westerly Wastewater Treatment

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Center – Long Term Residuals Plan Project.

Contract Amount: \$432,054.28.

**MOTION** – Mr. O’Malley moved and Mayor DeGeeter seconded to adopt Resolution Nos. 20-15 through 22-15. After discussion and without objection, the motion carried unanimously.

Regarding Resolution No. 20-15, Mr. Brown questioned whether there was a payback period. James Bunsey, Director of Engineering & Construction, affirmed that there is. There is a 15-year payback period for electrical use and operation and maintenance reduction.

Mr. O’Malley inquired if the payback was guaranteed. Mr. Bunsey affirmed that it will be guaranteed by contract. There is a \$1.6 million guarantee of electrical reduction costs over the 15-year period. Should there be no energy reduction in the first year, by contract Brewer-Garrett Company is required to either fix the situation or pay the difference.

Moving to Resolution No. 21-15, Mr. Brown noted that there was an issue with the contractor complying with the District’s Business Opportunity Program goal and an issue with a subcontractor. He questioned whether staff would work to ensure the 20% Minority- and Women-Owned Business Enterprise (MBE/WBE) goal is achieved. CEO Ciaccia confirmed that the contractor would be required to work toward achievement of the goal prior to project completion.

Authorization of Contract Modification

Resolution No. 23-15

Modify the Existing Contract with Aggregate Construction, Inc. for Ash Lagoon Cleaning at the Southerly Wastewater Treatment Plant. Cost: A Two Month Time Extension with No Change in the Contract Price.

**MOTION** – Mayor DeGeeter moved and Mr. Sulik seconded to adopt Resolution No. 23-15. After discussion and without objection, the motion carried unanimously.

Authorization of Property-Related Transaction

Resolution No. 24-15

Authorize One Permanent and One Temporary Easement Acquisition, and Obtain a License from the City of Cleveland Necessary for Construction of the Urban Agriculture Green Infrastructure Project. Total Consideration: \$17,750.00.

Resolution No. 25-15

Authorize the District to Make One Permanent and

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One Temporary Easement Acquisition and Obtain a Right of Entry from the Greater Cleveland Regional Transit Authority Necessary for Construction of the Green Ambassador - Urban Agriculture Green Infrastructure Project. Total Consideration: \$6,825.00.

Resolution No. 26-15

Authorize the District to Make One Fee Simple Acquisition in the City of Cleveland from the Cuyahoga County Land Reutilization Corporation Necessary for Construction and Maintenance of the Green Ambassador - Slavic Village Demonstration Green Infrastructure Project. Consideration: \$1.00.

Resolution No. 27-15

Authorize Seven Permanent Easements and Three Temporary Easements from the City of Cleveland Necessary for Construction of the Dugway Storage Tunnel Project. Total Consideration: \$20,355.00.

**MOTION** – Mr. O’Malley moved and Mayor Bacci seconded to adopt Resolution Nos. 24-15 through 27-15. After discussion and without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 28-15

Adopting the Findings of the Hearing Examiner with Regard to the Sewer Account of Ante and Gordana Susnjara, Sewer District Case No. 14-010.

**MOTION** – Mayor DeGeeter moved and Mr. Sulik seconded to adopt Resolution No. 28-15. After discussion and without objection, the motion carried unanimously.

VI. Information Items

1. Chief Executive Officer Performance Goals for 2015 & Performance Report for 2014

CEO Ciaccia advised that his performance goals for 2015 will form the basis that District staff will utilize to create their own goals. His goals contain the following five areas:

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Stormwater management after the Ohio Supreme Court makes a ruling; establishing and initiating a strategy for integrated planning; operational transformation – including multi-year sub-goals; customer and community responsiveness; and financial responsibility.

Moving to 2014 performance goals and results, CEO Ciaccia explained that two items did not move forward. The first was developing strategies for advancing a hybrid billing arrangement with the Cleveland Department of Public Utilities. He advised that at the time the goal was established, performance issues prompted staff to consider alternatives in case problems remained persistent; however, performance has improved and the project was put on hold. It is in the customers' best interest to have both agencies aligned under one system.

The second item that did not move forward from the 2014 goals was to pursue Ohio Public Works Commission grants. He reported last year that a number of communities and sewer systems were applying for monies and the District could not be left outside if such funds were going to be utilized for funding wastewater projects.

Since that time the committee realized that the projects were taking away from tax-supported roads and bridges projects and subsequently rearranged their scoring criteria. Now it will be less likely that wastewater projects will be funded from these funds.

Other than those two items, CEO Ciaccia stated that the District had a great year and staff performed well.

Mr. Brown stated that the OWDA grants issue had a good outcome because those funds are limited and should be designated for appropriate infrastructure that does not have other means of support.

Mr. Brown also agreed that the District had a good year in terms of accomplishing its goals and objectives. A number were challenging, particularly given the reorganization and continuing engagement with the Cleveland Division of Water.

Issues are still pending in terms of the SMP, the consent decree and green infrastructure. He stated that continuing public engagement will be vital so that customers understand the value the District brings to the rates they pay; the rates are contributing to programs that will ultimately provide an asset that is good for the region and helps secure clean water in Northeast Ohio.

Mr. Brown stated that at some point they must have a dialogue about the increasing number of water quality-related task forces and initiatives in Northeast Ohio. Much is directly related to the algae bloom problem in Toledo last year. Many have become guardians of the environment in terms of the source -- the Great Lakes. The District must determine to what extent it can play a role in focusing on the real issue, which is toxicity related to deposition of agriculture, chemicals and runoff.

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Mr. Brown expressed interest in making sure the organization is up front on those issues and that the Board has an opportunity to understand how those challenges affect outcomes. The District is tasked with spending \$3 billion for consent decree projects to do its part and others should be held accountable and meet their challenges.

CEO Ciaccia advised that through the District's association with NACWA, he anticipates that these issues will continue to be discussed with peers. The Board will hear more about that subject this year because he expects more problems with algae.

Mr. Brown was also conveyed that climatic changes, such as warming, freezing trends and the increased number of 100-year storms are not anomalies. The District must be able to meet those challenges and be prepared for what will become a way of life. An appropriate role for the organization is to be a thought leader.

### VII. Open Session

There were no items.

### VIII. Public Session (any subject matter)

No members of the public registered to speak during Public Session.

### IX. Executive Session

**MOTION** – Mayor Bacci moved to go into Executive Session to discuss personnel matters regarding the status of a union negotiation. Discussion of the matter in Executive Session is permitted under specific exemptions to the public meeting act pursuant to Ohio Revised Code section 121.22. He specifically designated matters discussed in Executive Session to be protected from public disclosure in accordance with Ohio law and the attorney-client privilege.

A roll call vote was taken and by the motion passed unanimously. The Board met in Executive Session from 12:59 p.m. to 1:21 p.m.

### X. Approval of Items from Executive Session

There were no items.

### IX. Adjournment

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**MOTION** – Mr. 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 1:21 p.m. Without objection, the motion carried unanimously.



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Walter O'Malley, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District



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