

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
FEBRUARY 6, 2014

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:35 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown  
R. Sulik  
S. Kelly  
J. Bacci  
T. DeGeeter

ABSENT: W. O'Malley  
G. Starr

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

II. Approval of Minutes

**MOTION** – Mr. Sulik moved and Mayor DeGeeter seconded to approve the minutes of the January 16, 2014, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia informed the Board that no one signed up to speak about a specific agenda topic.

IV. Executive Director's Report

Executive Director Ciaccia advised that the Audit Committee meeting scheduled for today was canceled due to scheduling conflicts. The meeting will be rescheduled in the near future.

Secondly, staff had hoped to address the issue Ms. Kelly raised during the previous meeting regarding bank write-offs. However, Frank Badalamenti, the Chief Financial Officer for the

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Cleveland Water Department, had a scheduling problem and will intend to attend the next meeting.

Executive Director Ciaccia stated that the Renewable Energy Facility is still in startup mode but there have not been further trouble with the waste heat boilers.

Municipal Water & Sewer Magazine has rated the Northeast Ohio Regional Sewer District the top utility to follow on Facebook. An excerpt from their story reads, "Expect a lot of tongue-in-cheek humor and obscure wastewater-related news items from this utility. What can we say, these guys make wastewater fun, and in the process, they're showing their audience that infrastructure is, perhaps, interesting. Also, make sure you flag the District's blog. It's a great way to start the morning, and we promise you'll be inspired."

Executive Director Ciaccia was proud of this rating and thanked John Gonzalez and the CCR staff who participated. Their progressiveness allows things to be done differently from a communications standpoint.

Moving to the next item in the report, Executive Director Ciaccia stated that *The Plain Dealer* and Cleveland.com will be doing a story about the Combined Sewer Overflow (hereinafter "CSO") and green infrastructure programs. Articles tend to prompt questions to get engagement online. District staff is prepared to do that in a positive way and will not cede the comments to naysayers. People are entitled to their opinions but not the facts.

A Suburban Council of Governments (hereinafter "SCOG") meeting was held last Thursday. An election was held for the Board seat that will be vacated by Mayor Starr in March. The two candidates were Mayor Stefanik of North Royalton and Mayor Tom Coyne of Brook Park.

The election was held with open ballots. Executive Director Ciaccia advised that there had been some confusion prior to the meeting because the SCOG bylaws call for secret ballots; however, a subsequent opinion of the Ohio Attorney General in another case found that secret ballots were not legal. The SCOG then decided to go with an open-ballot form. Mayor Stefanik prevailed with 29 votes to Mayor Coyne's 8 votes.

Secondly, during the SCOG meeting Mayor Starr, who nominated Mayor Coyne for the Board seat, made comments concerning his tenure on the Board. He also brought up the upcoming article that *The Plain Dealer* and Cleveland.com will write about the District as it relates to the CSO program and whether it is green enough. Executive Director Ciaccia explained that he replied to Mayor Starr's comments and there were significant differences of certain facts. He was sure they would be addressed in the future and in the article.

Mr. Brown took a point of personal privilege and asked each Board member to reflect on how they have been engaged as it relates to the CSO long-term strategy. He stated that a consent

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decree is negotiated when an organization is sued by the federal government and is a cause for action to assess the issue at hand. There was proper vetting of the use of green infrastructure, which is the substantive issue.

Mr. Brown stated that around 2005 discussions were held regarding creating terms and conditions for the consent decree and the primary drivers were affordability. There were other related issues to ensure that the community that would be burdened with the responsibility to pay for the process was able to execute it in a fair and equitable manner.

Everyone supported what needed to be done but the question was who would pay and how much. The government originally wanted a 14- to 18-year consent decree that ultimately became 30 years due to a lot of work by the staff and that Kansas City became the first to negotiate a consent decree more than the government's standard term.

Mr. Brown stated that green infrastructure was not embraced by the federal government until around 2007 or 2008. The District was negotiating in earnest in 2005 and was in the position to swap some green infrastructure for gray with the understanding that there had to be demonstration of the appropriateness to get the expected capture rates needed so ratepayers were not saddled with additional capital construction costs.

The green infrastructure program is to be completed in the first eight years of the consent decree so there is time to tweak the program based on the science. Staff has proceeded properly doing due diligence and making sure investments of the ratepayers' money is based on something that yields the proper outcome.

Mr. Brown was disturbed when people, who have been with the District a long time and should know how things were done, forget "there was nobody sleeping at the switch and voting on things that did not make sense and were not in the best interest of the ratepayers." Mr. Brown stated that he served for 18 years as the commissioner of the division that was responsible for that and he knows about CSO. He stated that the Board and staff were very deliberate and "to have somebody cast that off in the interest of a green infrastructure marketing person who wants to sell us their product" really upsets him.

Executive Director Ciaccia stated that he joined the District in November 2007 and the consent decree with the federal government was entered into in December 2010. There were two full years of negotiations for him after many years of other good people negotiating. His predecessor, Erwin Odeal, and his team including Frank Greenland reduced CSOs by 4.5 billion gallons at a cost of about \$1.2 billion, or 22 cents per gallon. Grants were available during that time and they got ahead of the game. Today, Philadelphia is talking about green infrastructure at 30 cents per gallon.



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Annual Software Support and Maintenance for the District's Storage Area Network. Cost: Not-to-Exceed \$65,933.33.

**MOTION** – Ms. Kelly moved and Mr. Sulik seconded to adopt Resolution No. 11-14. After discussion and without objection, the motion carried unanimously.

Authorization of Enter Into Agreement

Resolution No. 12-14

Memorandum of Understanding with the Chagrin/Southeast Council of Governments for Emergency Response Coordination.

Resolution No. 13-14

Settlement Agreement with John Carroll University Due to an Over-Payment made by John Carroll University. Cost: \$33,016.95.

Resolution No. 14-14

Settlement Agreement with Notre Dame College for a Water Leak Adjustment and Authority to Enter Into a Three-Party Settlement Including the City of Cleveland if Determined to be Necessary. Cost: \$65,156.85.

Resolution No. 15-14

Legal Settlement and Release Agreement of EEOC Charge No. 532-2012-02144 and Federal District Court for the Northern District of Ohio, Case No. 1:13-CV-02104.

**MOTION** – Mr. Sulik moved and Mayor Bacci seconded to adopt Resolution Nos. 12-14 through 15-14. After discussion and without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 16-14

Contract with Epiq Systems to Execute Stormwater Customer Payment Refunds. Cost: Not-to-Exceed \$410,997.00.

Resolution No. 17-14

Contract with the Cleveland Clinic Foundation for the 2014 Executive Physical Program. Cost: Not-to-Exceed \$75,000.00.

Resolution No. 18-14

Contract with Environmental Systems Research Institute, Inc. for Geographical Information

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System Technical Consulting Services. Cost: Not-to-Exceed \$66,268.00.

Resolution No. 19-14

Two-Year Requirement Contract with Marra Services, Inc. for Maintenance Services at the District's Ten Combined Sewer Overflow Floatable Control Sites and the Lakefront Reservation. Cost: \$375,560.00.

Resolution No. 20-14

One-Year Requirement Contract with PVS Chemical Solutions, Inc. to Provide Sodium Bisulfite Solution for Use at All Wastewater Treatment Plants. Cost: \$213,110.00.

**MOTION** – Mayor Bacci moved and Mayor DeGeeter seconded to adopt Resolution Nos. 16-14 through 20-14. After discussion and without objection, the motion carried unanimously.

Mr. Brown inquired if Resolution No. 16-14 was a contingency in case there is an adverse decision on regarding the SMP. Executive Director Ciaccia affirmed and explained that if the court does not accept the case or if they accept the case and rule against the District the organization is committed to pay back 100% of the money.

Authorization of Contract Modification

Resolution No. 21-14

Modify Contract for the District to Provide Analytical Services to Arcadis U.S., Inc. by Increasing the Value of the Contract by \$1,500.00 and Extending the Contract's Duration. Revenue: An Increase in Revenue to be Received by the District in the Amount of \$1,500.00 Bringing the Total Revenue Amount to \$22,000.00 and a Six Month Time Extension of the Contract.

Resolution No. 22-14

Modify Contract No. 13002872 with Critigen, LLC for SharePoint PMO Application Hosting Services. Cost: An Increase in the Amount of \$1,193.78 Bringing the Total Contract Price to \$51,145.78.

Resolution No. 23-14

Extend, for an Additional Six Months, the Existing One-Year Requirement Contract with Polydyne, Inc. to Provide Centrifuge Polymer at the Westerly Wastewater Treatment Plant. Cost: A Six Month

Time Extension with No Change in the Contract Price.

Resolution No. 24-14

Accept the Transfer of District Contract Numbers 13001593 (Skimmings Hauling) and 13002614 (Ash Removal) from Inland Waters of Ohio, Inc. to HydroChem, LLC Due to an Acquisition.

**MOTION** – Ms. Kelly moved and Mr. Sulik seconded to adopt Resolution Nos. 21-14 through 24-14. After discussion and without objection, the motion carried unanimously.

Property-Related Transactions

Resolution No. 25-14

Authorize the District to Accept an Affidavit on Facts Relating to Title with Respect to the Tuxedo Improvement 230 Project. Consideration: \$0.00.

Resolution No. 26-14

Authorize Six Easement Acquisitions in the City of Cleveland Necessary for Construction of the CSO 049 and 050 Relocation Project. Total Consideration: \$35,500.00.

Resolution No. 27-14

Authorize One Fee-Simple Acquisition in the City of Cleveland Necessary for Construction of the Kingsbury Run Green Infrastructure Project. Consideration: \$1,100.00.

**MOTION** – Mayor DeGeeter moved and Mayor Bacci seconded to adopt Resolution Nos. 25-14 through 27-14. After discussion and without objection, the motion carried unanimously.

VI. Information Items

1. 2014 Performance Goals.

Executive Director Ciaccia stated that he had submitted his proposed 2014 goals to the Board. He asked the Board to review them and advise if any changes are necessary. The goals of the department directors cascade from his throughout the organization and goes toward the performance management system.

VII. Public Session (any subject matter)

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

VIII. Open Session

Ms. Kelly questioned if there is an official succession plan for the Executive Director. She noted that Executive Director Ciaccia's contract has three years remaining but that goes by quickly. Executive Director Ciaccia advised that a succession plan is being formulated internally at this point that also looks within the organization, defining the critical roles and who might be in line for succession. There will be a timetable by which the Board gets involved as well.

Ms. Kelly inquired when the timetable will be established. Executive Director Ciaccia stated that he anticipates one this year. He also expects as part of his 2015 goals to include some of the steps that would be carried out.

Mr. Brown proposed adding to the 2014 performance goals to start the process and provide a timeline with appropriate recommendations. Executive Director Ciaccia agreed to do so and advised that he had the opportunity to go through succession planning with National Association of Clean Water Agencies when their longtime executive director announced that he would retire in July 2015.

Mr. Brown stated that the last time the organization went through succession the importance was stressed of having strong executive-level managers as well. He asked to add that to the structure and process. Executive Director Ciaccia advised that aspect is encompassed in the early stages.


Mr. Brown stated that the Board would like to hear from the Executive Director in terms of starting the dialogue as to how that process should work and will engage as necessary.

IX. Executive Session

Mr. Brown stated that there were no matters for discussion during Executive Session.

X. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Ms. Kelly seconded the motion to adjourn at 1:11 p.m. Without objection, the motion carried unanimously.

  
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Sheila J. Kelly, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District



A handwritten signature in black ink, appearing to read "Darnell Brown", is written over a horizontal line. The signature is fluid and cursive.

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