

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
March 7, 2019

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:34 p.m. by Darnell Brown.

I. Roll Call

PRESENT:

D. Brown
R. Sulik
R. Stefanik
T. DeGeeter
J. Ciaccia
J. Bacci
S. Dumas

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 February 21, 2019, Board Meeting. Without objection, the motion carried unanimously.

III. Oath of Office

Eric Luckage, Chief Legal Officer, administered the Oath of Office to Ms. Sharon Dumas for her re-appointment to another term on the Board of Trustees.

IV. Public Session

There were no items.

V. Chief Executive Officer's Report

CEO Dreyfuss-Wells began her report by noting that on February 25, 2019 the Consent Decree team traveled to Chicago for a very productive meeting with US EPA and the Department of Justice to discuss the District's consent decree modification request. The Ohio Environmental Protection Agency (Ohio EPA) and the Ohio Attorney General's office joined the meeting by phone. Updated proposals were presented for the modification requests at the Easterly and Southerly Wastewater Treatment Plants (WWTP) based on feedback the District received from the government over a series of meetings. CEO Dreyfuss-Wells explained that up until now, the

meetings with the government have essentially involved the government asking questions and the District team running through various analyses based on their questions and recommendations. CEO Dreyfuss-Wells said the government has provided good feedback and assistance regarding the two modification requests.

CEO Dreyfuss-Wells explained that the District is asking to not build chemically enhanced high rate treatment at the Easterly WWTP and to offset any impact of the additional overflow with the enhanced investment program under the District's Member Community Infrastructure Program. The District is also looking to not build parallel treatment at the Southerly WWTP. An updated proposal was presented to the government to increase the capacity of chemically enhanced high rate treatment at the Southerly WWTP to address the government's concerns regarding this part of the modification request.

CEO Dreyfuss-Wells noted that the government had concerns with the investment program and the work at the Southerly WWTP and those questions and concerns have been addressed up to this point. During the Chicago meeting the questions and requests of the regulators were addressed, and the regulators were very responsive. CEO Dreyfuss-Wells explained that there will likely be more feedback and questions after the meeting with the regulators scheduled for April 11th.

Mr. Ciaccia asked if there are any project deadlines coming up that the District is committed to, such as the chemically enhanced high rate treatment at the Easterly WWTP. Devona Marshall, Director of Engineering and Construction explained that both projects required pilot testing to be done and approved by the Department of Justice and EPA before moving forward. Because discussions are on-going and the pilot performance reports have not yet been approved, the clock has not started ticking for these projects. Once approved, there would be a completion schedule associated with these projects. Mr. Ciaccia asked whether a date has been set. Ms. Marshall replied that no dates are set, but the District is ahead of the pending schedule because design was advanced on the projects. Mr. Brown also noted that when we get an answer, District staff will know how far down the road these projects are once the regulators have provided more feedback – including which method should be used to complete these projects. Ms. Marshall explained that if the District is ultimately required to build the two projects currently under discussion, the projects have been designed allowing for these projects to be put out for bidding for construction.

Next, CEO Dreyfuss-Wells noted that the District met with the new Director of the Ohio EPA, Laurie Stevenson, and the Director of Government Affairs, Michael Guastella, at the Ohio EPA offices in Columbus on February 27, 2019. The District and its structure were introduced to Director Stevenson, although Director Stevenson is familiar with the District because she used to manage the Division of Environmental and Financial Assistance (DEFA), the funding arm of Ohio EPA, and had a very good impression of the District. Ms. Stevenson mentioned she will likely be consistent with Director Butler's views regarding the District's Consent Decree and that the District should expect a similar approach from the Ohio EPA going forward.

CEO Dreyfuss-Wells stated that they discussed nutrients and phosphorus and reiterated that the District has been in the phosphorus control business since the early 1980s. CEO Dreyfuss-Wells also highlighted the work with Kurtz Brothers on the ash reuse to which Ms. Stevenson was very

receptive. CEO Dreyfuss-Wells noted the visit ended with some conversation on affordability and an invitation for Director Stevenson to visit the District's plants.

CEO Dreyfuss-Wells ended her report by noting the District was awarded the Certificate of Achievement for Excellence for Financial Reporting by the Government Finance Officers Association for the 2017 Comprehensive Annual Financial Report (CAFR). CEO Dreyfuss-Wells quoted from the letter received by the Government Finance Officers Association: "The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. The CAFR has been judged by an impartial panel to meet the highest standards of the program, which includes demonstrating a constructive spirit of full disclosure to clearly communicate its financial story and motivate users and users' groups to read the CAFR." CEO Dreyfuss-Wells congratulated Kenneth Duplay, Chief Financial Officer and his team on their award.

VI. Action Items

Authorization to Issue Request for Proposals (RFP)

Resolution No. 52-19

Authorization to issue a Request for Proposals, in accordance with Ohio Revised Code Chapter 153, for the Chippewa Creek Flood Reduction Project Near Echo Lane.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution No. 52-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown asked how the District plans to proceed with an almost \$10 million design and construction project specific to some historic street flooding. Frank Greenland, Director of Watershed Programs, noted that this project was brought to the District's attention by Broadview Heights. He noted that this was studied during the District stormwater master planning and this project is a combination of street flooding and surface flooding that can inundate homes to certain elevations. When stormwater flows from streams are on the surface, inflow and infiltration (I&I) will be exacerbated, so there are basement flooding components related to both stormwater and sanitary sewage. Mr. Greenland also explained that this is one of the first projects coming out of the master planning efforts addressing flooding issues. District staff will be looking at ways to deal with the flooding issue through floodplain expansion and this project is an inter community issue with North Royalton and Broadview Heights. Mr. Greenland noted that District staff will look at how to modify and enlarge a detention basin in that area to help mitigate flooding. Also, culverted streams will be assessed. There are a lot of engineering tasks that will have to happen to find the best package, but the construction estimate is around \$10 million.

Mr. Brown asked whether there are existing facilities in these areas. Mr. Greenland explained that there is an existing stormwater management facility, a detention basin, that needs to be augmented

to upsize and enlarge the basin so that it functions in a better fashion to mitigate flooding. Mr. Brown then asked what will be done to make sure we are not moving this issue from one location to another. Mr. Greenland explained that the master plan study looked at all of that. Every time we develop an alternative to deal with a flooding or erosion issue in one area, we use hydraulic models and tools developed during master planning to make sure we have not transferred the problem downstream.

Mr. Ciaccia asked how the determinations are made as it relates to stormwater when to perform design-build contracting. Mr. Greenland explained that when there is a project where the scope of the job is well understood, there are not a lot of variables so the District can move towards design-build contracting. For example, the detention basin project is a complex project and would not lend itself well to a design-build methodology. Mr. Ciaccia requested a further explanation on the District's multiple general engineering contracts and the process of issuing the Request for Proposals for these types of services. Mr. Greenland explained that these contract sizes are limited each with a set amount of money for design activities. The flood relief jobs are going to be very expensive jobs that the District will see more of going forward. Mr. Greenland noted that more information will be provided to the Board during the next Quarterly Report on each of the consultants under contract.

Authorization to Enter into Contract

Resolution No. 53-19

Authorization to enter into a one-year contract with Oracle Corporation for annual software maintenance and support for Oracle applications and databases in an amount not-to-exceed \$729,195.15.

Resolution No. 54-19

Authorization to enter into a two-year contract with Lakeside Building Services, Inc. for janitorial services at the GJM and EMSC facilities in an amount not-to-exceed \$529,045.00.

Resolution No. 55-19

Authorization to enter into a three-year contract with Industrial Furnace Co., Inc. for refractory inspection and repair services in an amount not-to-exceed \$217,442.40

MOTION – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 53-19 to 55-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested further explanation on Resolution No. 53-19 regarding the prior contract amount and if there was anything new or expanded in terms of scope. Mohan Kurup, Director of Information Technology, explained that Resolution No. 53-19 is an annual request for support and

maintenance for Oracle software that supports all areas in the District for daily operations, including hardware that it runs on as well. The contract amount requested for the previous year was \$703,125. This year's contract is \$729,195.15, which is an increase of 3.7 percent, and is in line with expectations.

Mr. Brown also requested an explanation on Resolution No. 54-19 and asked if the current vendor will be used for this contract, as well as the amount and contract period for the last contract. He noted that there are several Minority Business Enterprise (MBE) firms that were qualified but did not respond. He also asked what is done when firms do not choose to participate. Frank Foley, Director of Operation and Maintenance, noted that the current contract for the janitorial services is with Lakeside Building Services, Inc. which will be the same company for this contract. Mr. Foley stated that the increase in price is just under 3 percent. Mr. Foley explained that there were five MBE/WBE/SBE firms that were identified; however, three of these firms indicated they did submit the documentation on time and two of the firms did not respond when District staff reached out to them. Mr. Brown stated he found it interesting that firms would go through the effort to sign on and qualify with the District, but when the opportunity comes, they do not submit a bid.

Authorization of Contract Amendment

Resolution No. 56-19

Authorization to amend design-build Contract No. 17006994 with Independence Excavating, Inc. for the Stickney Creek at Ridge Road Stream Relocation and Utility Repair project to incorporate Guaranteed Maximum Price Amendment with an increase in the contract amount of \$3,162,852.90, thereby bringing the revised total contract amount to \$3,387,852.90.

MOTION – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 56-19. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 57-19

Authorizing final adjustment modification of Contract No. 17002230 with Turn-Key Tunneling for the Emerald Parkway Culvert Repair project by decreasing the contract amount by \$397,589.72, thereby bringing the total contract amount to \$4,302,410.28.

MOTION – Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution No. 57-19. After the following explanation, without objection, the motion carried unanimously.

Mr. Brown questioned why the completion date of March 2018 has been changed to May 2019. Ms. Marshall provided the Board with a slide presentation and explained that the purpose of this

project was to repair an approximately one thousand-foot section of culvert that had collapsed, resulting in extreme upstream flooding. It resulted in a critical situation and an inability to fully evaluate the field conditions and that is why the design-build contracting methodology was used. There were a lot of unknowns going into this project and after the area upstream of the culvert was dewatered, they found some things they were not aware of with the culvert headwall. Therefore, a time extension was required to perform the unanticipated headwall repairs. Ms. Marshall further noted that during the underground work, other unforeseen conditions were encountered including areas of voids around the culvert which also extended the overall schedule.

Property Related Transactions

Resolution No. 58-19

Authorizing the District to enter into a license agreement and to acquire one permanent sewer easement and two temporary easements, located on a portion of PPNs 117-08-001 and 117-10-047, located on Roseland Road in the City of Cleveland, owned by the City of Cleveland, necessary for the construction and maintenance of the London Road Relief Sewer project with total consideration of \$11,340.00.

Resolution No. 59-19

Authorizing the District to acquire two permanent stormwater easements and one temporary easement on property located at 28999 Shaker Boulevard, in the City of Pepper Pike, and known as part of PPN 871-30-011, owned by Anne Blumenthal-Perry, necessary for the construction and maintenance of the Pepper Creek Bank Stabilization project with total consideration of \$39,930.00.

Resolution No. 60-19

Authorizing the District to acquire one permanent sewer easement and one temporary easement on property located at 6300 Biddulph Road, in the City of Brooklyn, and known as part of PPN 432-28-001, owned by Biddulph Plaza Shopping Center, LLC, necessary for the construction and maintenance of the Stickney Creek Stream Restoration and Utility Repair project with total consideration of \$103,900.00.

Resolution No. 61-19

Authorizing the District to acquire one permanent sewer easement, one permanent stormwater easement, and two temporary

easements on property located at 4301 W. 66th Street in the City of Brooklyn, and known as part of PPN 432-27-001, owned by Brooklyn Acres Mutual Homes, Inc., necessary for the construction and maintenance of the Stickney Creek Stream Restoration and Utility Repair project with total consideration of \$100,300.00.

MOTION – Mr. Sulik moved and Mr. Ciaccia seconded to adopt Resolution No. 58-19. Without objection, by roll call vote, the motion carried with all present members voting yes and recusal from discussion and voting abstention by Mr. Brown and Ms. Dumas.

MOTION – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution No. 59-19 through 61-19. Without objection, the motion carried unanimously.

VII. Information Items

There were no items.

VIII. Open Session

There were no items.

IX. Public Session (any subject matter)

There were no items.

X. Executive Session

MOTION – Mayor Bacci moved pursuant to Ohio Revised Code Section 121.22(G)(4) to enter Executive Session to prepare for and review the negotiations and bargaining sessions with District employees concerning their compensation and other terms and conditions of employment. Roll call vote: all yes, enter into executive session at 12:59 p.m.

XI. Approval of Items from Executive Session

There were no items.

XII. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. Sulik moved and Mr. Ciaccia seconded the motion to adjourn at 1:37 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