

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
MARCH 16, 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 Darnell Brown.

I. Roll Call

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

The Secretary informed the 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 March 2, 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 on March 2, NEORS) hosted a public meeting for a stormwater maintenance project in the Milligan Avenue neighborhood of Cleveland, in partnership with Councilman Kazy. Ms. Dreyfuss-Wells provided a map of the project area and explained that NEORS) distributed 160 flyers and posted yard signs to inform community members of the meeting. Ms. Dreyfuss-Wells thanked the Watershed Programs and Government Affairs staff for their efforts in hosting the event. This project is the first step in improving the level of service in the area and a long-term solution planning is underway.

On March 6, NEORS) staff met with Cuyahoga County Executive Ronayne and Mike Dever, the County's Director of Public Works. The County Executive is meeting with entities to understand their connections to the County. NEORS) appreciated the opportunity to detail the points of coordination and contact with the County. Ms. Dreyfuss-Wells and Constance Haqq, Chief

Administrative Officer, as well as staff from the Watershed Programs, Engineering and Construction, and Government Affairs Departments were in attendance.

On March 8, Lita Laven, Engineering and Construction Project Manager and Dave Ritter, Manager of Watershed Technical Support, presented NEORSD's Clean Watersheds Needs Survey, in partnership with the U.S. EPA, during the National Association of Clean Water Agencies (NACWA) sponsored webinar, which was attended by utilities nationwide.

Ms. Dreyfuss-Wells, along with other utility executives and leaders from national water associations, participated in U.S. EPA's listening session regarding the Greenhouse Gas Reduction Fund, which is part of the Infrastructure Investment & Jobs Act (IIJA). The session was related to how the funds from that program can be used in the wastewater sector. This builds onto the work that Jacqueline Williams, Manager of Procurement Services, and Marie Fechik-Kirk, Manager of Sustainability and Special Projects, discussed at the most recent meeting regarding NEORSD's efforts to reduce greenhouse gas emissions.

Mayor DeGeeter expressed appreciation to NEORSD staff, as on March 15 Parma's Ward 7 Councilman Kammy Shuman held a NEORSD-focused ward meeting. Nicole Velez, Watershed Team Leader, presented on the Regional Stormwater Management Program projects that are going on within Ward 7 and the surrounding areas. Mayor DeGeeter expressed that it is nice to see how the projects are nearing completion. Additionally, several residents applied for NEORSD cost-saving programs while attending the event.

#### V. Action Items

##### Authorization to Advertise

Resolution No. 79-23                      Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the Southerly Training Center Renovation project with an anticipated expenditure of \$700,000.00.

**MOTION** – Ms. Chambers moved, and Mayor Bacci seconded to adopt Resolution No. 79-23. Without objection, the motion carried unanimously.

##### Authorization to Issue Request for Proposal (RFP)

Resolution No. 80-23                      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for professional services for Advanced Stormwater Planning of Big Creek West Branch Problem Areas WB-BP-01 to 03.

Resolution No. 81-23            Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the Southerly Tunnel Dewatering Pump Station project.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 80-23 through 81-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the project related to Resolution No. 80-23 is in an area that has undergone significant evaluation by NEORS and asked if something has changed fundamentally to reevaluate the approach to solving the problems.

Frank Greenland, Director of Watershed Programs, explained that this area of Brook Park was studied under the Cuyahoga North Master Plan and is prone to extensive flooding. Things have changed since the time of the study. The interaction between the regional system and local system is complex and the solutions are costly. NEORS needs to obtain updated information to determine the best alternative and how to phase construction.

Mr. Greenland provided a map depicting the study area and explained that determining the best approach will take an approximately 1.5- year-long evaluation. There are varying levels of service for frequency of flooding in the area, which spans from Sheldon Road which has a fairly high level of service, and then has decreased levels of service as it gets closer to Brookpark Road, where all of the flow goes into the Puritas Basin. At the conclusion of the 1.5-year planning period, there should be helpful recommendations to improve the level of service at the regional and local level, throughout the study area.

President Brown thanked Mr. Greenland for his comments and noted that the history of the area dictates that it is not only a regional stormwater issue but also a capacity issue with the ability for the local community to make improvements. The solution will not be to only provide relief to the upstream communities, as stormwater rolls downhill and creates problems for communities at the bottom of the hill. Hopefully, NEORS will continue to have dialog with the communities, possibly in a collaborative way, so that upstream and downstream communities are aware of what the thinking is behind solutions that work best for the regional area. Mr. Greenland agreed and indicated that there will be much communication and collaboration.

Mr. Greenland explained that the Puritas Basin was constructed in order to solve the flooding problems in the area. It is necessary to optimize the basin and not have the basin compromise the ability to solve flooding upstream and vice versa.

Mayor Bacci asked if the approach will be applied to Mill Creek. Mr. Greenland explained that NEORS is continuing to evaluate Mill Creek, which is a complex area with, with flows coming in from the Mill Creek watershed area and ultimately discharging to the Cuyahoga River.

Regarding Resolution No. 81-23, President Brown noted that the Southerly Tunnel Dewatering Pump Station sounds similar to the Westerly WWTC project and requested information regarding budget and timeline. President Brown added that he was struck by the description of the assets involved, including the placement of a 65-foot diameter pipe placed 180 feet deep, which includes significant amounts of engineering and money to achieve such outcomes of not discharging immediately into the environment. This is another project that has been in development for a long time and is coming to fruition, which will bring relief, but at significant financial cost.

Devona Marshall, Director of Engineering and Construction, explained that the Southerly Tunnel Dewatering Pump Station is similar to the Westerly Tunnel Dewatering Pump Station currently under construction. It is the same type of submersible pump station, with the pumps being 180 feet below ground, pumping flows from the future Southerly Storage Tunnel. In total, the system will achieve approximately 760 million gallons of annual CSO from CSOs that are directly tributary to the Cuyahoga River. While this project will have significant CSO benefit, overall, the control measure which includes the pump station and the large tunnel and other related projects, will cost NEORSD over \$500 million in construction.

The design of the Southerly Tunnel is nearing completion and NEORSD will be seeking Board approval to advertise the project for construction later this year. The tunnel is estimated to cost \$350 million for construction, which is a significant portion of the overall cost. The Southerly Tunnel Dewatering Pump Station has an estimated construction cost of \$36 million, and the design services are estimated between \$5 million to \$6 million.

President Brown noted that this is another very significant project. It is interesting to watch the projects evolve to completion and witness the impact. For example, when the Easterly project went online and there was a significant rain event, there was not the residential flooding that would have been previously seen on the Northeast side of Cleveland. As NEORSD executes these projects that require significant time, energy, and money, are community impactful, provide environmental benefits, and improve residents' quality of life, it is important to ensure that the public is aware of these efforts.

Ms. Dreyfuss-Wells agreed and added that Engineering and Construction as well as Watershed Programs maintain dialogue with the communities and ensure that information is available.

Ms. Marshall added that NEORSD also coordinates with mayors and other community leaders in an effort to lessen the negative impacts of the construction process.

Mr. Greenland added that NEORSD is in a great position and the Board has authorized funding for CSO planning, local sewer system evaluation studies, and regional stormwater master planning. This is the first time Northeast Ohio has seen comprehensive plans that span the service area that allow NEORSD to prioritize projects and investments to solve problems and not create new problems in their place.

President Brown emphasized that NEORS D needs to make the benefits of the work performed to the community and the region very clear to the public. Just as residents are able to go to the West Creek Watershed Stewardship Center and learn about the issues in the area, there should be education available to all of the communities served so that residents understand the benefits of the Great Lakes and the correlation between dealing with industrial impacts, residential impacts, and efforts needed to ensure that the waterways are cleaner for future generations.

#### Authorization to Purchase

Resolution No. 82-23                      Authorization to purchase office furniture and related installation services from American Interiors for the Southerly Training Center Renovation project under the State of Ohio Cooperative Purchasing Program in an amount not-to-exceed \$70,000.00.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 82-23. Without objection, the motion carried unanimously.

#### Authorization to Enter Into Agreement

Resolution No. 83-23                      Authorization to enter into an agreement with the City of Cleveland to sponsor District-related educational stormwater management projects to be implemented under Mayor Justin M. Bibb’s 2023 Youth Summer Employment Program in an amount not-to-exceed \$23,085.70.

Resolution No. 84-23                      Authorization to enter into a one-year partnership agreement with the Cuyahoga County Solid Waste District for its Cuyahoga County Household Hazardous Waste Program to assist in the cost to collect and transport household hazardous waste in the total amount of \$75,000.00.

**MOTION** – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 83-23 through 84-23. Without objection, the motion carried unanimously.

#### Authorization to Enter Into Contract

Resolution No. 85-23                      Authorization to enter into a contract with Sumitomo Machinery Corp of America for solids handling screw feeder gearbox rebuild and repair services in an amount not-to-exceed \$290,075.78.

Resolution No. 86-23 Authorization to enter into three 12-month requirement contracts for grounds maintenance services at all District facilities with ESK Landscaping, LLC in an amount not-to-exceed \$57,950.00 for Bid Group 1; Spisak's Outdoor Creations, LLC in an amount not-to-exceed \$32,628.13 for Bid Group 2; and BGB Ground Maintenance, LLC in an amount not-to-exceed \$83,706.00 for Bid Groups 3 and 4, for a total amount not-to-exceed \$174,284.13 for all contracts combined.

Resolution No. 87-23 Authorization to enter into a construction contract with Mark Haynes Construction, Inc. for the Big Creek Bank Stabilization near York Road in Parma Heights project in an amount not-to-exceed \$776,833.06.

**MOTION** – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 85-23 through 87-23. Without objection, the motion carried unanimously.

#### Authorization of Contract Modification

Resolution No. 88-23 Authorizing final adjusting change order for Contract No. 18006039 with Shook Construction Company for the Southerly Second Stage Settling Improvements project to extend the term of the contract by 21 non-compensable calendar days and decrease the contract amount by \$5,189,509.42, thereby bringing the total contract amount to \$33,239,990.58.

**MOTION** – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 88-23. Without objection, the motion carried unanimously.

#### Property Related Transactions

Resolution No. 89-23 Authorization to enter into a license agreement with Norfolk Southern Railway Company for the use of the property known as PPN 125-06-003, located on East 65<sup>th</sup> Street, in the City of Cleveland, owned by Norfolk Southern Railway Company, necessary for the construction and maintenance of the Southerly Storage Tunnel project with total consideration of \$76,900.00.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 89-23. Without objection, the motion carried unanimously.

### Hearing Officer Findings and Recommendations

Resolution No. 90-23                      Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Valores Saafir ending in 5386, Sewer District Hearing No. 22-022, that no adjustments to the customer's account be made.

**MOTION** – Ms. Dumas moved, and Mayor Bacchi seconded to adopt Resolution No. 90-23. Without objection, the motion carried unanimously.

### Authorization to Grant Credit

Resolution No. 91-23                      Authorizing the District to issue a credit adjustment in the total amount of \$46,068.95 against sewer charges on the NEORSD account ending in 2330 to EBMHC, LLC at 16801 Lake Shore Boulevard, Cleveland.

**MOTION** – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 91-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that there seemed to be a considerable amount of underground leakage occurring at this trailer park, which has hopefully been remedied. Mr. Greenland explained that there is a City of Cleveland, Division of Water-owned water meter on the main water line that serves the entire trailer park, and that meter is used for billing purposes. The property owner installed individual meters at the service connection to each house, and there were and continue to be great differences. Mr. Greenland invited Scott Broski, Superintendent of Environmental Services, to provide additional explanation.

Mr. Broski explained that the Western Reserve Land Conservancy recently purchased the property from the Euclid Beach Mobile Home Trailer Park. Prior to the purchase, it was known that there was a considerable amount of water purchased beyond what they believed they were using, necessitating an investigation of possible underground leaks. The property owner performed their due diligence and identified multiple underground leaks, which were all remedied.

Typically, NEORSD relies upon historical billing to determine the appropriate refund. In this instance, due to the change of ownership and number of historical leaks, NEORSD waited until the repairs were completed and there was a stabilized period of water usage to quantify the amount of leak that was occurring during the period before the repairs.

In the interim, the property owner installed individual meters on each of the trailers and are comparing the water used on the aggregate of all of the trailers versus the city meter and there is a discrepancy. NEORSD is not set up to bill on the individual meters and does not oversee any aspect

of these new meters. Accordingly, NEORSD is able to move forward on the leak credit that it can account for and if additional data shows more underground leaks, the issue can be revisited at that point. There is an ongoing effort to relocate the trailer park residents in order to turn the property into a greenspace.

Authorization to Approve and Adopt

Resolution No. 92-23                      Authorization to approve and adopt the Northeast Ohio Regional Sewer District Board of Trustees Finance Committee Charter, as presented.

**MOTION** – Mayor Alai moved, and Mayor Bacchi seconded to adopt Resolution No. 92-23. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 93-23                      Authorization to amend Resolution No. 204-22 to approve the District’s Operating and Capital Budgets for the fiscal year ending December 31, 2023, as presented.

**MOTION** – Mayor Bacchi moved, and Mayor Alai seconded to adopt Resolution No. 93-23. After the following discussion, without objection, the motion carried unanimously.

Mayor Alai thanked Ken Duplay, Chief Financial Officer, and his team for their work creating this year’s budget, and President Brown, Mayor Bacchi, and Ms. Dumas, for attending the annual Finance Committee meeting.

A detailed presentation of the proposed operating and capital budgets for sewer and stormwater was provided at the meeting. Key expense categories were discussed in great detail. Operating revenue projections will support the proposed increases over 2022 budget in sanitary sewer (5.3%) and stormwater (34%) operating expense budgets. The 2023 budget projections also aligns with the recent Rate Study projections for 2023. Capital budgets for 2023 are \$208.2 million for sanitary sewer and \$9.2 million for stormwater. The debt service payments will be \$115.2 million.

The meeting included discussions regarding the current ten-year long-term financial plan and the components of a comprehensive financial plan. The plan helped to cash fund over \$700 million in capital improvement projects and potential bond defeasances.

President Brown thanked Mayor Alai for his report and thanked Mr. Duplay and his team for a job well done and added that the information helps with assembling funding requests for various areas of concern.



President Brown added that, regarding the ten-year projection model, which NEORSD continues to monitor to understand the alignment of the proposed budget versus actuals, he is concerned about the annual consumption decrease projection. The projected decrease in consumption has historically been set at 2%, however, the actual decrease in consumption has been less than projected for the last few years. He urged continued monitoring of consumption for the purpose of the ten-year projections and adjustments when necessary to better determine revenue needs.

VI. Information Items

Ms. Marshall advised the Board that there were construction updates contained in their meeting materials and provided the monthly report on the Capital Improvement Program for February 2023.

Ms. Marshall explained that the planned cashflow for 2023 is \$192 million and provided a list of the top seven projects for the year, which account for 73% of that cashflow. Five of the projects are under Project Clean Lake and two are part of the ongoing automation improvements across the District, the Easterly PLC Replacement and Southerly PLC Replacement projects.

Regarding key performance indicators (KPIs), there were two projects, the Southerly Secondary Effluent Capacity Improvements project, and the Southerly Training Center Renovation project, which achieved design completion in February, both within 60 days of planned, meeting that KPI.

As for construction level KPIs, the construction contract for the Burke Brook Open Channel Improvements project closed in February. The final value amount of the contract was \$3.7 million, which was within 95% of the original contract amount, meeting that KPI. The KPI for the Business Opportunity Program (BOP) goals of 15% MBE/WBE and 5% SBE were exceeded with projected actuals of 19.32% MBE/WBE and 8.08% SBE. The work orders by change categories as a percent of construction was 2.38%, which equates to \$87,000, were primarily due to differing or unforeseen site conditions.

Construction of the Westerly Storage Tunnel was completed, with a final cost of \$128.3 million, within 95% of the original contract amount, despite the issues encountered during construction. The BOP goals of 10% MBE/SBE and 5% SBE were exceeded with projected actuals of 16.79% MBE/WBE and 9.87% SBE. Work orders by change categories as a percent of construction for this project was 3.3%, equating to \$4.2 million, the majority of which was due to differing or unforeseen site conditions.

Ms. Marshall invited Bob Auber, Manager of Large Tunnel Construction, to provide the feature presentation.

Mr. Auber advised the Board that the contractor for the Shoreline Storage Tunnel (SST) is scheduled to commence full-scale tunneling operations next week. This is NEORSD's fifth of seven storage tunnels under Project Clean Lake. This project is unique in that this will be a single pass

tunnel in soft ground geology. The prior storage tunnel projects have gone through shale, and there was a soft ground double pass tunneling project approximately 25 years ago.

Mr. Auber reminded the Board that the SST contract amount is \$201 million, and the general contractor is McNally Kiewit, the same contractor that was used for the Euclid Creek Tunnel and the Doan Valley Storage Tunnel.

Mr. Auber provided a map of the project area and explained that the SST will run east to west, south of I-90, from East 55<sup>th</sup> Street where it will collect CSO flows from the Shoreline Consolidation Sewer, eastward for 14,000 feet to Hazeldell Drive, which is just west of Eddy Road. The tunnel will be 23-foot finished diameter and the CSO capture will go into the Dugway Storage Tunnel system and eventually to the Easterly WWTP for treatment. There will also be a midpoint pickup point, SST-2, which is a shaft and hydraulic pickup located at Gordon Park.

The SST project is under Control Measure 7, Appendix 1 of the Consent Decree with the EPA. It will capture 350 million gallons of CSO annually and will allow for 12 existing CSO locations that are currently direct tributaries to Lake Erie to be taken offline.

Mr. Auber provided photos of the tunnel boring machine (TBM) and explained that it is manufactured by Herrenknecht in Germany, which is a world leader in TBM innovation and has manufactured the TBMs for all of NEORSD's Project Clean Lake tunnels except for the Westerly Storage Tunnel. The TBM is specifically designed for use on soft ground, with an Earth Pressure Balance System (EPB), to allow for tunneling without ground loss.

President Brown asked if water will be encountered as well as soft ground. Mr. Auber answered affirmatively and explained that glacier deposits, boulders and cobbles are anticipated. President Brown added that there has been issues historically with sewer repairs in the area, due to unstable ground. Mr. Auber explained that is why the project will be so challenging.

The TBM cutting head and the shield behind it weigh 825 tons, not including the additional gear.

Mr. Auber provided images of an aerial view of the mining site, a 66-foot diameter shaft, and equipment. Mr. Auber also provided sketches depicting tunnel locations, including the 300-foot rear tunnel required to lower in sections of the TBM for reassembly and boring operations, as well as utilities, pumps, and other requirements needed to facilitate full-scale mining operations underground.

There are precast tunnel segments measuring one-foot thick and six-feet wide, which will be the final lining of the tunnel. The segments are assembled into the shield of the TBM and are erected behind it as it bores the tunnel.

There will be a spoil pit that can hold up to 3,000 cubic yards of tunnel spoils in order to support 24 hour mining activities despite the city's ordinance that does not allow dump trucks at the site between 7:00 p.m. and 7:00 a.m.

Mr. Auber provided more photographs and explained that there is a hyperbaric chamber at the mining site, which is a first for NEORSD. This is because staff has access to the cutter head of the TBM to be able to assess what is being encountered and whether the cutter head needs to be changed accordingly. The chamber will allow staff to decompress before returning to the surface.

Mr. Auber closed with additional photos, including photos depicting SST-1, shaft 1, and a vertical conveyor.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

There were no items.

X. Approval of Items from Executive Session

There were no items.

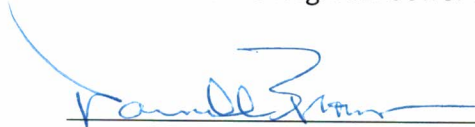
XI. Adjournment

**MOTION** – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 1:25. 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