

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
March 21, 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 March 7, 2019, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began her report by stating that the Office of Contract Compliance continues to look for venues to interact with firms under the District's Business Opportunity Program (BOP). Contract Compliance partnered in February with the Urban League of Greater Cleveland to provide training opportunities for BOP firms, including "Get Bonded and Capitalized for the Work" on February 7th where six firms attended and "Procurement: How to do Business with the State of Ohio" on February 20th, with 15 firms attending. Contract Compliance also participated in the Construction Opportunity Fair hosted by the Northeast Ohio Hispanic Chamber of Commerce on February 22nd with 75 firms attending. Finally, Tri-C's James H. Walker Turner School of Construction Management had a kick-off meeting on February 27th with 40 firms attending. These are all part of Contract Compliance efforts to go where the firms are to talk to them about the work the District is doing, the District's programs and opportunities for small, minority-owned and women-owned businesses to work with the District. CEO Dreyfuss-Wells noted that the District is looking forward to continuing this outreach.

Moving on to customer service, due to a combination of events in February, customer service call volume increased to 3,700 answered calls – making February the highest monthly call total in two years and a 25 percent increase above the monthly average. CEO Dreyfuss-Wells noted that during February there were a combination of news articles and radio stories about rates, infrastructure age, infrastructure condition, and affordability. Customer Service also mailed out 5,200 postcards to District customers, which added to the call volume. It was a great month for Customer Service with the planned outreach around the affordability programs coinciding with the media coverage. There were 805 rate savings inquiries for February, which was a 200 percent increase from 265 inquiries in January.

CEO Dreyfuss-Wells ended her report by highlighting the great news this week of the continued improvement in the Cuyahoga River. Cuyahoga is one of the 43 Great Lakes areas of concern in the U.S. and Canada. The Cuyahoga's Areas of Concern Advisory Committee includes government agencies, citizens, community groups and others working toward the eventual delisting of the Cuyahoga River from the Beneficial Use Impairments (BUIs). To address the river's impairments, the Advisory Committee has created strategic priorities that go toward addressing BUIs. One of those impairments, restriction on the consumption of fish was removed back in December of 2018 and that is what the media coverage was about this week. The removal of the beneficial use on the restriction of fish consumption means that now the Cuyahoga River fish have the same fish advisory as the rest of the waters in the Great Lakes and Lake Erie – this was covered by the Washington Post, the Boston Globe and other publications around the country. The District's Water Quality and Industrial Surveillance (WQIS) department was integral in collecting data for 30 years about the improvements in the Cuyahoga River and that data was very important in the removal of this particular BUI.

V. Action Items

Authorization to Purchase

Resolution No. 63-19

Authorization to direct purchase 54 Sorbent Polymer Composite media modules for the REF Mercury Scrubbers from sole source vendor EnviroCare International, Inc. in an amount not-to-exceed \$540,000.00.

MOTION – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution No. 63-19. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No. 64-19

Authorization to enter into one-year contracts for grounds maintenance services at District facilities with Henderson Contracting Company, LLC in an amount not-to-exceed \$40,812.59 for Bid Group 1; BGB Ground

Maintenance, LLC in an amount not-to-exceed \$37,341.81 for Bid Groups 2 and 3; Robins Nest Landscape in an amount not-to-exceed \$29,556.80 for Bid Group 4; and Pirc Company Landscaping & Snowplowing, LLC in an amount not-to-exceed \$25,313.56 for Bid Group 5 for a total amount not-to-exceed \$133,024.76 for all bid groups.

MOTION – Mr. Ciaccia moved and Mr. Sulik seconded to adopt Resolution No. 64-19. Without objection, the motion carried unanimously.

Authorization to Enter into Agreement

Resolution No. 65-19

Authorization to enter into a stormwater project agreement with the City of East Cleveland for maintenance services at the Forest Hill Park Dam No. 2 in an amount not-to-exceed \$150,000.00.

Resolution No. 66-19

Authorization to enter into agreement with West Creek Conservancy to provide funding for West Creek's acquisition of property in the City of Parma for operation and maintenance of the Regional Stormwater System in an amount not-to-exceed \$65,000.00.

Resolution No. 67-19

Authorization to enter into a Memorandum of Agreement with the U.S. Army Corps of Engineers (USACE), Buffalo District to fund one-half of a USACE full-time equivalent employee for 29 months under Section 214 of the Water Resources Development Act of 2000 for the purpose of expediting Clean Water Act Section 404 permit reviews related to District projects, in an amount not-to-exceed \$181,250.00.

Resolution No. 68-19

Authorization to enter into agreement with First Energy (aka The Illuminating Company) for performance of design and construction of upgrades for the Southerly First Energy Substation Upgrades project in an amount not-to-exceed \$700,000.00.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 65-19 through 67-19. After the following discussion, without objection, the motion carried unanimously.

With regard to 67-19, Mr. Ciaccia questioned the District funding the Federal Government.

Frank Greenland, Director of Watershed Programs, explained that when looking at the delays in terms of stormwater program construction initiation, one of the significant delays is the amount of time it takes to get the permits for the type of work that needs to be done at the streams related to the availability of staff at the USACE. Mr. Greenland then introduced Robin Halperin, Manager of Regulatory Compliance, to further explain the arrangement. Ms. Halperin explained that permits issued under Sections 401 and 404 of the Clean Water Act are critical to what the District does in streams or wetlands, especially in the stormwater program. Ms. Halperin further explained that the way the USACE processes permits is "first in/first out" such that the District could be in line with 5 or 100 permit requests ahead of the District's request, leading to inconsistent waiting times in getting the permits processed. Ms. Halperin explained the District was looking for ways to shorten the turn-around times on these permits, especially for the fast-moving stormwater projects, and became aware of Section 214 funding, which is only available to non-federal public entities doing projects for the public good. This funding ensures that, once the District submits a permit application, dedicated staff of the USACE would make the District permit a priority project.

President Brown inquired as to the turn-around time. Ms. Halperin explained that District staff put together performance criteria in the Memorandum of Agreement with the USACE, based on what other entities have used. For instance, the District specified that a nationwide permit should be turned around in 45 days and would ultimately receive a report back with documentation as to whether that was achieved. This will give consistency in planning as well as an expedited review. Ms. Halperin noted this funding pays for the person reviewing the permit application and making sure it is completed. It does not pay for anyone's time approving or authorizing that work. Ms. Halperin explained that there are many benefits to this agreement, including that the District will have one dedicated person at USACE to work with and build a relationship with, and who will understand the types of projects the District is performing, which all benefits the public health and the stream health. Ms. Halperin concluded with statistics of the average review times, which were extremely high and increasing in the last couple years. A target would be a turnaround time of 45 days for a nationwide permit. The Buffalo District has been well above that for the last several years and, with a sharp increase expected in the number of permit applications we will submit in 2019 and beyond, this agreement would establish a commitment to meet that time frame for all District applications.

Mr. Ciaccia stated that at a recent Finance Committee meeting to discuss the District's budget, the Board and staff agreed that the District needs some assistance from the federal government to help fund the Consent Decree requirements, and now we are going to pay them for something they should already be doing. He said there are no guarantees they will meet the target, but he wanted to stress the importance that the District hold them to the commitment in the agreement because this is also a public relations issue for them as well.

CEO Dreyfuss-Wells added that she completely agrees with Mr. Ciaccia, but it is a fact that our stormwater projects are significantly delayed because of the nature of property acquisitions, which is something we are somewhat able to control, and permits which we are trying to control through this process.

Mayor Stefanik asked if there is a chance that other municipalities or government agencies could piggyback on this contract. CEO Dreyfuss-Wells added that this is not something that has been discussed but that the District would be happy to have that conversation internally.

Mr. Sulik asked if this is a new employee they are going to be adding or if this is an employee that is already working. Ms. Halperin responded that, based on conversations with the Buffalo District of the USACE, it is likely an employee who is already there. She also mentioned that one of the struggles is that they do not have enough funding to keep employees in the office on projects, so they get deployed on different assignments for multiple months which impacts the ability to actually process these permits. Since the agreement will be funding a person, then that person will stay in the office and is committed to the permit process. Ms. Halperin stated that the District can terminate the agreement at any time and that conversations with the Buffalo District office have been very encouraging and they are excited about this opportunity as well. Ms. Halperin added that ODOT has an agreement like this one, though with a different USACE District.

Mr. Brown stated that the options are to go back to the end of the line again and go through the process; at this time, this seems to be the only door remaining available to expedite permits. CEO Dreyfuss-Wells said that there is every indication that the Buffalo District is very interested in making this work because they have a lack of funding. We believe this agreement will be productive; if it does not provide what we need, we will end the contract.

Mr. Sulik asked if there are other municipalities using this process. Ms. Halperin responded that around the country there are others using the process, including in Ohio, although not with the Buffalo District. Our agreement will be modeled from an agreement between a wastewater authority elsewhere in the country and their respective USACE District. Ms. Halperin said that almost every state department of transportation has one of these agreements and many pay for more than one full-time employee – some of them have 2 full-time employees dedicated to their work.

Mr. Brown requested a further explanation on Resolution No. 65-19 regarding ODNR for an issue related to the facility in East Cleveland.

Mr. Greenland presented the Board with slides, the first depicting a dam along Dugway Brook in Forest Hills Park in East Cleveland showing the brook going into a closed culvert. There is a dam inlet, grate and an overspill. When the culvert surcharges, flows can spill into Forest Hills Park where there is storage and then eventually they return to the culvert. Mr. Greenland indicated that this is a classified ODNR dam which means communities have certain inspection, maintenance and repair responsibilities.

Mr. Brown asked if this was another example of the District continuing to expand its role and relationship as it relates to regional stormwater. Mr. Greenland affirmed. He added that the District wants to maintain conveyance capabilities to the best of its ability through existing inspection and maintenance programs. In this situation, we look to the master plan to see if this dam really functions, provides good functional benefit, and if it does not, then the District may recommend

getting rid of the dam. The District wants to get the dam back into compliance from an inspection and maintenance standpoint.

Mr. Ciaccia asked if there is a CSO at this location and Mr. Greenland responded that there was not.

MOTION – Mr. Sulik moved and Ms. Dumas seconded to adopt Resolution No. 68-19. Without objection, by roll call vote, the motion carried with all present members voting yes and refusal from discussion and voting abstention by Mr. Ciaccia.

Authorization to Amend Resolution

Resolution No. 69-19

Authorization to Amend Resolution No. 232-18 to approve the District's operating and capital budget for the fiscal year ending December 31, 2019, as presented.

Resolution No. 50a-19

Authorization to amend Resolution No. 50-19 for the District to acquire one parcel in fee simple located at 8300 Wiese Road, in the City of Brecksville, known as PPN 602-08-003, to correct the amount of the purchase price from \$220,000.00 to \$240,000.00.

MOTION – Ms. Dumas moved and Mr. Sulik seconded to adopt Resolution No. 69-19 and 50a-19. After the following discussion, without objection, the motion carried unanimously.

Ms. Dumas mentioned that the Finance Committee met on March 14th to examine the 2019 estimates and noted that a detailed informative presentation and conversation took place, along with a thorough examination of the budget. Ms. Dumas stated the Committee found the budget to be conservative, adequately justified, and reasonable, and that they were comfortable with its approval.

Authorization of Contract Modification

Resolution No. 70-19

Authorizing final adjusting change order for Contract No. 17006836 with Zenith Systems for the Westerly Fiber Replacement project by decreasing the contract amount by \$76,114.46, thereby bringing the total contract amount to \$448,102.54.

Resolution No. 71-19

Authorizing the modification of Contract No. 16003328 with Triad McNally Joint Venture for the East 140th Street Consolidation and

Relief Sewer project to add the out-of-scope work required for emergency repairs to Brookside Culvert, and to ratify the performance of and payment for emergency repairs performed, with no change in contract amount.

MOTION – Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution No. 70-19 and 71-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested further explanation on Resolution No. 71-19. Devona Marshall, Director of Engineering and Construction, introduced Doug Lopata, Program Manager, to discuss the culvert issue and the proposed emergency fix that started earlier in the week. Mr. Lopata noted the culvert is near I-71 and West 130th Street and carries both stormwater from Big Creek and three CSO discharges that discharge to this culvert that was built in the 1930s to allow housing to be put near and around the culvert which is in an arch shape, 22 feet wide by about 7 feet tall, and very close to the homes. It is underneath some of the garages and in the backyards of a lot of the homes and the access points make it difficult to repair. The culvert is inverted and buckling and sticking out of the ground. Mr. Lopata explained that they would like to go in with a temporary fix to stabilize the culvert as its initial function before a large storm comes through and makes the damage worse. Mr. Lopata stated that Triad Construction was asked to go in and stabilize the culvert using existing access manholes and propping up with steel tubing and channels. The Stormwater Inspection and Maintenance (SWIM) team will inspect the culvert more often until the District can do a permanent fix. Mr. Lopata said that because debris might get hung up on the cross-members more often for this 50-foot section that has to be braced, they are going to go in and monitor. The contractor will start next week and is projecting about a two- to three-week process to get all the braces in. Ultimately, the District would run it through a capital planning process to figure out what the true long-term fix would be, which could be an internal lining.

Mr. Brown was concerned that the name of the project is misleading since the Project is called East 140th Street Consolidation but it is located on the west side. CEO Dreyfuss-Wells noted this project is an emergency and Mr. Lopata explained that the contractor has a storage yard right next to the facility and the key to the work is related to the tunneling aspect and safety issues.

Mr. Brown said his second concern is that, typically, culverts belong to the property owner of whose property it goes through; but in this instance, the District is taking on maintenance and a potential capital responsibility.

Mr. Greenland stated that this is an example of many culverts across the stormwater service area. All of them are being inspected. Toward the end of this year, District staff will have a better picture of miles of pipe, where they are located, and whether they are on public or private property. He went on to say that the District is going to look at condition, cost for rehabilitation or replacement and then hold discussions about what role the District should play versus the communities and private property owners when facing structural issues like this and the price tag is going to be

significant. He stated the current process is to inform property owners or communities on the issues and the District has had these conversations with City of Cleveland staff. He went on to say that these are corrugated metal arches or pipes and they are failing and there will be more of this – significant flows in the stretch of Big Creek.

CEO Dreyfuss-Wells stated that another important point is that there is also combined sewage in this culvert, so it is also carrying Combined Sewer Overflows (CSO).

Mr. Ciaccia stated that there is a reason these culverts are in the condition they are in – because no one had a funding source to pay for something like this. He also stated that it is just not practical to think that the homeowners are going to be able to pay for something like this.

CEO Dreyfuss-Wells agreed and said that is exactly what the District is doing through the stormwater master plans and these are the District's customers and they have culverts on their property so the District has to decide how to fix them.

Mr. Greenland added that a temporary fix was needed – there was an emergency situation.

Mr. Brown stated he was concerned with the issue of risk and how that risk can be mitigated.

Mr. Greenland replied that the good news is the master plans are doing a comprehensive assessment to look at structural issues that exist, and the risk profile on those structural issues, and then the District must decide the role it will play.

Mr. Brown asked how long until this is completed. Mr. Greenland stated that the District has the results for Cuyahoga North. In Cuyahoga South there are minimal culverts, and work in Rocky River is ongoing. The biggest issue is the newest master plan that was launched on the Lake Erie tributaries that include Dugway Brook, Nine Mile, Shaw, Doan, big streams with big culverted stretches.

Mr. Ciaccia asked how the decision was made to employ Triad in this instance.

Ms. Marshall responded that usually three quotes are received when it is not an emergency condition, but given the urgency of the situation and under the emergency policy, the District can proceed without three quotes with Board authorization verbally, which was done because the estimate was over \$75,000.00. Under the District's Emergency Contracting Policy, the District has various options it can employ depending on the type of situation. Ms. Marshall explained that the reason this contractor was chosen was two-fold: the type of work is work Triad can do and their facility is nearby so they are able to mobilize quickly onto the site and have crews available.

Mr. Ciaccia stated that he is raising this issue because as future emergencies come up, he feels the three quote system is still a good, viable system that should be utilized from time to time. Ms. Marshall agreed and said in this situation it was staff opinion that it was better just to get this contractor in there, given the condition and not having a clear understanding of the required repair to obtain comparable quotes.

CEO Dreyfuss-Wells added that the District appreciates the concerns with this culverted stream situation and realizes it is a big potential exposure for the District and needs to be handled in a very deliberate fashion.

Authorization to Assign Agreement

Resolution No. 72-19

Authorize the assignment of District Contract No. 14002954 with H.J. Umbaugh & Associates, for financial advisory services, to Baker Tilly Municipal Advisors with all terms and conditions of the Agreement to remain unchanged.

MOTION – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution No. 72-19. Without objection, the motion carried unanimously.

Authorization to Implement Program

Resolution No. 73-19

Authorization to implement the 2020 Member Community Infrastructure Program and to issue a Request for Proposals for project selection.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution No. 73-19. Without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 74-19

Authorization to adopt the findings of the Hearing Officer with regard to the sanitary sewer account of Mr. Justin Gale, Sewer District Hearing No. 19-002, that the customer's request be denied.

MOTION- Ms. Dumas moved and Mr. Sulik seconded to adopt Resolution No. 74-19. Without objection, the motion carried unanimously.

Authorization to Adopt Plan

Resolution No. 75-19

Authorization to adopt the Cuyahoga County 2017-2022 All-Hazards Mitigation Plan.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution No. 75-19. Without objection, the motion carried unanimously.

Property Related Transaction
Resolution No. 76-19

Authorization to acquire one parcel in fee simple located at 7950 Abbey Road, in the City of North Royalton, and known as PPN 481-02-033, owned by William S. Bloomhuff, necessary for flood and erosion mitigation along Baldwin Creek, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with consideration of \$240,000.00 plus closing costs.

Resolution No. 77-19

Authorize the District to declare its intent to appropriate one permanent sewer easement and one temporary easement located at 9855 Kingsbury Boulevard, in the City of Cleveland, and known as a part of PPN 127-17-109, owned by Laura L. Banks, necessary for the construction of the Kingsbury Run Preliminary Engineering project with total consideration of \$15,350.00.

Resolution No. 78-19

Authorize the District to acquire one parcel in fee simple located at 4278 Cricket Lane, in the City of Warrensville Heights, and known as PPN 761-16-004, owned by Shawanna Anekwe and Sanchez Starks, necessary for the construction and maintenance of the Mill Creek Bank Stabilization project, to enter into a lease agreement with Shawanna Anekwe and Sanchez Starks, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$68,000.00 plus closing costs.

Resolution No. 79-19

Authorize the District to acquire one parcel in fee simple located at 4258 Cricket Lane, in the City of Warrensville Heights, known as PPN 761-16-008, owned by Victoria F. Dorsey, necessary for the construction and maintenance of the Mill Creek Bank Stabilization project, to enter into a lease agreement with Victoria F. Dorsey, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$65,000.00 plus closing costs.

Resolution No. 80-19

Authorize the District to acquire one parcel in fee simple located at 6988 Donna Rae Drive, in the City of Seven Hills, and known as PPN 552-11-051, owned by Donna M. Faber, necessary for the construction and maintenance of the Hemlock Creek Bank Stabilization-Seven Hills project, to enter into a lease agreement with Donna M. Faber, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$255,000.00 plus closing costs.

Resolution No. 81-19

Authorize the District to acquire one permanent stormwater easement and two temporary easements on property located at 28825 Shaker Boulevard, in the City of Pepper Pike, and known as part of PPN 871-30-020, owned by William Sopko III, necessary for the construction and maintenance of the Pepper Creek Bank Stabilization project with total consideration of \$32,720.00.

MOTION- Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution Nos. 76-19 through 81-19. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested further explanation on Resolution No. 78-19 regarding Mill Creek and acquiring properties that are at or adjacent to some stream bank structure. Mr. Greenland noted that the properties being acquired are homes that are in harm's way and as the District evaluates

alternatives to solve the stormwater problems, acquisition is always a good alternative for controlling the ability to improve stream flow functionality. Next, Mr. Greenland introduced Matt Scharver, Deputy Director of Watershed Program, to explain more in detail. Mr. Scharver presented the Board with a map to explain the work being done. He noted that there are some systemic issues along Mill Creek. The residential and detached garage structures are adjacent to the stream. The objective of this project is to remove the homes from harm's way in terms of erosion along Mill Creek and then protect that existing sanitary sewer infrastructure which happens to be a District interceptor sewer and then gain floodplain. Mr. Scharver explained that because Mill Creek has no floodplain, this is an opportunity to improve flow by acquiring the property to gain floodplain that is desperately needed along Mill Creek to stabilize erosion and the underlying issues – including protecting the failed gabion baskets that the District is protecting at the Longbrook Road crossing.

Mr. Scharver further discussed the expansion of the 100-year floodplain that District staff would like to capture. There are about 15 residential properties involved in this project all through voluntary acquisition.

Mr. Brown questioned the requirement from the state to examine the District's floodplain areas and the role of the City of Warrensville Heights as it relates to zoning and other matters. Mr. Scharver explained that there are several tools that could be used to ensure that there is not future development in specific floodplain areas – maintaining that floodplain the District created.

CEO Dreyfuss-Wells also noted that because the District purchases the land, the District will ensure it is not redeveloped.

VI. Information Items

Devona Marshall, Director of Engineering and Construction, presented the capital program update for February 2019. She stated that for the end of February, cash flow was at 67 percent of planned – up from last month where it was at 60 percent. Regarding actual dollars, for the end of February, the District paid out approximately \$11 million and year-to-date \$21 million.

Moving on to design level KPIs, the District completed the design of the Westerly CSOTF boiler replacement which had an estimated construction cost of \$440,000.00. The design was completed within 60 days, meeting the KPI. Moving on to construction, substantial completion was achieved on the GJM Building Interior Renovation project, a \$1.1 million design/build contract; however, substantial completion was not completed within the given KPI. The reason for that is towards the end of the project there was a decision to add two additional offices through the general allowance as well as a delay in receiving the furniture associated with those two offices.

Ms. Marshall moved on to discuss the three construction projects that closed in February. The first being the Southerly Grit Receiving Station project, a \$1.1 million design/build contract – meeting the KPIs for the Business Opportunity Program goal and closing the contract below 95 percent of the original contract amount. Ms. Marshall explained that there was only one work order for this project, and it was an owner requested change at 2.89 percent of the total contract amount. The

total dollar amount associated with this work order was \$32,700.00. Under the work order, a push wall was installed around the drying pad for purposes of containing grit and making it easier to load the grit into containers for off-site disposal. The second project that closed in February was the Easterly Service and Security Building project, a \$5.1 million construction contract – meeting the KPIs for the Business Opportunity Program goal and closing the contract within the 95 percent goal. Ms. Marshall noted the total work orders came in just under 2 percent at 1.98 percent, with a total dollar amount of just over \$102,000.00. Finally, Ms. Marshall explained that the Kingsbury Run Culvert Repair project which was a \$9.7 million construction contract was also closed. This project did not close within 95 percent of the original contract amount and therefore did not meet the associated KPI. However, the KPI for the Business Opportunity Program goal was met. The District's goal was set at 14 percent with a projected actual at approximately 16 percent. The total work orders for this project were a little higher at 8.22 percent with an associated dollar amount of just under \$799,000.00. The majority of those again fell to differing and unforeseen site conditions at 6.81 percent and a majority of those were associated with hazardous soil that was found during construction of the project.

Moving on to the Site Restoration Services project, a \$219,000.00 construction contract. Ms. Marshall explained that the focus of the site restoration services project is eight shaft sites associated with two recently completed CSO control collection system projects and under this project, both landscaping and hardscaping features will be installed at those shaft sites – completion for this project is scheduled for June of this year. Ms. Marshall noted that two of the shaft sites are associated with the Dugway South Relief and Consolidation Sewer Project, a \$26 million construction contract located in the cities of Cleveland and East Cleveland and includes 5,400 feet of new sewer through tunneling construction and 2,250 feet of new sewer through open cut construction. Ms. Marshall noted that along with the shafts, five flow control structures were installed and some regulation modification was also made. This project will serve as the future dewatering pipe for the Doan Valley Tunnel, which is currently in construction and will control 348 million gallons of CSO upon its completion. The environmental benefits of this project in addition to serving as the future dewatering pipe for the Doan Valley Tunnel is this project directly controls 92 million gallons of CSO from two CSO locations tributary to Dugway Brook. The community benefits of this project include street restoration in the area of construction and the landscaping and hardscaping at two shaft sites as part of the Site Restoration Services project. The other six shaft sites being restored as part of the Site Restoration Services project are mainly located along Linn Drive and are associated with the Dugway West Interceptor and Relief Sewer project. Planned restoration at the six sites includes 167 trees and shrubs and 14 planter beds, and two of those sites will include hardscape features. Ms. Marshall concluded her report by noting that the restoration is scheduled for completion by June of this year and noted that Andrea Remias, Planning Manager, will be presenting the Quarterly Update on the Local Sewer System Evaluation Studies (LSSES).

Ms. Remias began her report by presenting the Board with a map and noted there are currently four ongoing LSSES studies that will be completed in the next three years. Ms. Remias explained that these are planning level studies to identify problems such as inflows and infiltration (“I&I”), SSOs, and basement backups using the traditional SSES tools, including dye testing, smoke testing, flow monitoring and modeling. These projects will confirm reported problems, identify

new problems and project future problems. Out of these projects will come capital project solutions and maintenance recommendations. Each community will receive a report and the findings will be presented to each of them in individual community meetings. The Heights Hilltop interceptor area Local Sewer System Evaluation was the first study and basically laid the groundwork for the other three. In the final few months of this 3 ½ year project, it is currently in report production mode. Watersheds is setting up meetings for April and May with communities with service directors, mayors and engineers where the final community report with the findings will be presented to them for the opportunity to ask questions and discuss the findings with the District.

The District is in the last year of the 3 ½ -year Mill Creek Interceptor and combined sewer area LSSSES study and in the combined sewer area, the District started out with 55 problems – generally basement flooding and/or street flooding. Of those 55 problem areas, nine of them will be solved with planned District projects, five will be solved through already planned City of Cleveland, Division of Water Pollution Control (“WPC”) projects, and 15 of them were unconfirmed. Ms. Remias explained that “unconfirmed” meant that the problem was likely a model indicated problem where staff went out and did flow monitoring and talked to the communities and were not able to confirm that it was an actual problem, or the problem was a localized debris issue that was cleared. The remaining 26 problems areas will have a problem area report developed and provided to the communities with a feasible solution to help them to solve their problems. Ms. Remias explained that these reports will be available for review this Spring. Ms. Remias also noted on her map that there is an ongoing WPC SSES project in the City of Cleveland. Due to coordination between the District and WPC, the District has realized about \$183,000.00 worth of savings through manhole inspection data and CCTV data that the WPC SSES project provided. Also part of the Mill Creek Interceptor LSSSES study is the MCI separate area, which the District is currently calibrating using 180 flow meters. About 60 percent of this area has common trench sewers. Common trench sewers usually have high I&I, causing basement flooding, SSOs and other water quality issues. Staff is learning that the Mill Creek Interceptor has limited capacity and that fact will guide alternatives to solve these problems. Ms. Remias explained that the solution in this area will likely be I&I reduction as opposed to any conveyance.

Ms. Remias concluded her report by noting that the District is about one year into the Southwest Interceptor LSSSES project and the focus is on data collection at this time – starting with Parma and Parma Heights where there are significant basement flooding complaints, and then moving on to other areas of the southwest system. Since the last LSSSES update in December, staff have been assigned 200 more flow meters, performed 237 more manhole inspections, and found another potential new SSO, bringing the total potential new SSOs to 24, televised another 60,000 feet of sewer and dye tested another 40 homes. Ms. Remias mentioned that the Cuyahoga Valley Interceptor LSSSES is also currently in data collection mode and the CVI LSSSES is about nine months into its two-and-a-half-year study. There are 88 planned field work orders for 2019 and the District is looking into three potential early action areas including flooding in Oakwood Village and Brecksville, and an SSO in Macedonia. Ms. Remias further stated that, ideally, the District would be able to provide information to these communities so that they can address these issues and potentially submit them for Member Community Infrastructure Program (MCIP) funding.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

MOTION- Mayor Bacci moved pursuant to Ohio Revised Code Section 121.22(G)(4) to enter into Executive Session to prepare for and review negotiations and bargaining sessions with District employees concerning their compensation and other terms and conditions of employment. Roll call vote: all yes, entered into executive session at 1:45 p.m.

Following executive session, the Board returned to regular session at 2:01 p.m.

X. Approval of Items from Executive Session


Statement Following Executive Session

In executive session, the Board reviewed the March 18, 2019 Revised Fact-Finding Report and Recommendations of Fact-Finder Jonathan I. Klein in the matter between the District and AFSCME Local 2798. We were also presented with a Revised Summary of Tentative Agreements document, dated March 13, 2019, which includes the findings in the Revised Fact-Finding Report and Recommendations, and we have reviewed such document. The Board now wishes to act.

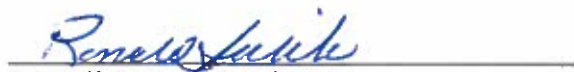
MOTION – Resolution 82-19: Mr. Ciaccia made the motion adopting and accepting the Revised Fact-Finding Report and Recommendations of Jonathan I. Klein, Fact-Finder, in the matter between Northeast Ohio Regional Sewer District and Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO, Local 2798 (“Local 2798”), SERB Case No. 2017-MED-08-0902, and authorizing the District to enter into an agreement with Local 2798 incorporating the Revised Report and in accordance with the March 13, 2019 Summary of Tentative Agreements, as presented. Ms. Dumas seconded to adopt Resolution No. 82-19. Without objection the motion carried unanimously.

XI. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. Sulik moved and Mayor Stefanik seconded the motion to adjourn at 2:02 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