

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
MARCH 21, 2024

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  
Samuel Alai  
Marjorie Chambers

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved, and Ms. Chambers seconded to approve the Minutes of the March 21, 2024, 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 that NEORS received two awards from the Government Finance Officers Association (GFOA) of the U.S. and Canada. The first award is GFOA's Distinguished Budget Presentation Award received for NEORS's budget for the fiscal year beginning January 1, 2023. To receive this award, which is the highest recognition in governmental budgeting, a governmental entity must publish a budget document that serves as a policy document, a financial plan, an operations guide, and a communications tool.

The second award was GFOA's Certificate of Achievement for Excellence in Financial Reporting for NEORS's annual Comprehensive Financial Report for the year ending December 31, 2022. This is the highest form of recognition in governmental accounting and financial reporting. It recognizes entities that go beyond generally accepted accounting principles with a commitment to transparency and full disclosure.

Ms. Dreyfuss-Wells offered kudos to Ken Duplay, Chief Financial Officer; Shola Ojo, Manager of Finance and Compliance; and his team, as well as Majlinda Marku, Manager of Accounting and Reporting, and her team for these accomplishments.

NEORSD will receive \$2 million in federal grant funding for the Baldwin Creek Dell Haven Detention Basin project in Parma. The overall cost of the project is estimated to be \$5.5 million, and it is anticipated that construction will begin in January 2025. The project will reduce repetitive flooding of homes and roads surrounding the West Pleasant Valley and York Road areas of the Baldwin Creek subwatershed. NEORSD is appreciative of Congressman Miller and Senator Brown for their support in obtaining the funding. Ms. Dreyfuss-Wells added that, as discussed at the recent Finance Committee meeting, this is an example of NEORSD's efforts to obtain as much federal funding as possible to complete projects and support member communities.

Ms. Dreyfuss-Wells thanked Mayor DeGeeter for connecting NEORSD with Effective Leadership Academy and explained that Effective Leadership Academy is a longstanding local organization which partners with communities to provide leadership training and opportunities for young adults by connecting students with their communities, providing opportunities for professional development, and introducing local career fields.

NEORSD partnered with Effective Leadership Academy for its first joint event on March 5<sup>th</sup>, which was attended by Parma City School students, Mayor DeGeeter, State Representative Sean Brennan, and NEORSD staff Nicole Velez, Watershed Team Leader; Jessica Cotton, Grant Programs Administrator; and Kevin Harrison, Sustainability and Special Projects Specialist, and included a tour of the Watershed Stewardship Center at West Creek and discussions regarding NEORSD career opportunities.

NEORSD continued its events partnering with Effective Leadership Academy with a visit from Warrensville Heights High School students on March 12<sup>th</sup>, for a tour of the Southerly Wastewater Treatment Center with Warrensville Heights alum C'yona Edwards, Process Specialist, and Kelley Valek, Process Specialist, followed by a discussion with John McGinnis, Plant Operations Lead Instructor, about NEORSD career opportunities.

On March 14<sup>th</sup>, NEORSD hosted Mayfield Heights High School students at the Easterly Wastewater Treatment Plant, where they learned from Ben Tedrick, Assistant Superintendent; Cliff Fletcher, Unit Process Manager; and Maintenance Managers Lamont Murph and John Boyd.

Lastly, Westshore Young Leaders students toured the Westerly Wastewater Treatment Center with Travis Pitts, Plant Superintendent, and his team.

President Brown thanked Ms. Dreyfuss-Wells and noted the importance of connecting young people with career paths of which they may not otherwise be aware.

V. Action Items

Authorization to Advertise

Resolution No. 69-24                      Authorization to publish notice calling for bids for a public improvement contract for the Kingsbury Branch A Repair project, in accordance with Ohio Revised Code Section 6119.10, with an estimate of probable construction costs of \$5,670,000.00.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 69-24. After the following discussion, without objection, the motion carried unanimously.

President Brown recalled visiting the Kingsbury Interceptor while it was being constructed and asked what is involved in this repair project.

Devona Marshall, Director of Engineering and Construction, explained that this necessary repair was identified as part of a larger project, the Kingsbury Asset Renewal project, which is evaluating the entire Kingsbury tributary system. The project began with inspection as part of the design process and repairs will follow.

Video inspection of the Kingsbury Culvert identified a portion in very poor condition and nearing collapse. NEORS D advanced design for this section of the culvert which spans approximately 350 feet in length. This project will involve the permanent repair of approximately 350 feet of culvert in a manner similar to that of the Brookside Culvert, utilizing Shotcrete repair. The damage was caused by some loading by the previous property owner on the top of the culvert. NEORS D is looking to obtain an easement from the property owner to prevent this in the future.

Authorization to Reject and Bid

Resolution No. 70-24                      Authorization to reject all bids and re-bid, in accordance with Ohio Revised Code Section 6119.10, for a two-year requirement contract for elevator maintenance and repair services at all District facilities with estimated probable costs of \$120,000.00.

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 70-24. Without objection, the motion carried unanimously.

Authorization to Implement

Resolution No. 71-24                      Authorization to implement the 2025 Member Community Infrastructure Program (MCIP) and to issue a Request for Proposals for project applicants.

**MOTION** –Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 71-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the Member Community Infrastructure Program (MCIP) has been very successful and requested additional information.

Matt Scharver, Director of Watershed Programs, explained that this is the annual request to implement the MCIP, which is entering its ninth year, in the amount of \$25 million.

Over the course of program, NEORS D has invested \$77.5 million toward over 107 publicly owned infrastructure projects. The member communities have leveraged an additional \$97 million, bringing the total regional investments to nearly \$175 million, to date. The program has resulted in the remediation of basement backups in approximately 3,800 properties; the elimination or control of 48 sanitary sewer overflows; the elimination of 1 CSO; the elimination of 3 small treatment plants; the elimination of nearly 1,800 failing home sewage treatment systems, which are now connected to NEORS D treatment facilities; and the creation of over 58 miles of new collection system throughout various member communities.

Authorization to Enter Into Agreement

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| Resolution No. 72-24 | Authorization to enter into a professional services agreement with Wade Trim, Inc. for design and construction administration/resident project representation services for the Big Creek Tunnel project in an amount not-to-exceed \$17,999,596.58.  |
| Resolution No. 73-24 | Authorization to enter into a professional services agreement with Montrose Air Quality Services, LLC for task-order based, as needed, air emissions stack testing and related regulatory and permitting consulting services at District facilities in an amount not-to-exceed \$500,000.00.   |
| Resolution No. 74-24 | Authorization to enter into a Stormwater General Engineering Services IV professional services agreement with Biohabitats, Inc. for task-order based, as-needed, engineering, design, and construction administration/resident project representation services for the Watershed Programs Department, in an amount not-to-exceed \$2,500,000.00. |
| Resolution No. 75-24 | Authorization to enter into a Stormwater General Engineering Services IV professional services agreement with Evans, Mechwart, Hambleton & Tilton for task-order based, as-needed, engineering, design, and construction administration/resident project   |

representation services for the Watershed Programs Department, in an amount not-to-exceed \$2,500,000.00.

**MOTION** – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 72-24 through 75-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 72-24, the contract award is nearly \$18 million for 7.5 years, and related to a deep tunnel project. President Brown requested additional information regarding the project.

Ms. Marshall explained that two proposals were received for this project, as is typical for NEORSD large tunnel projects, as they are teams comprised of national, regional, and local firms, due to the scale of the projects. This is the same consultant team that were awarded the design agreement for the Southerly Storage Tunnel, with a switch of which firm is taking the primary role. The 90-month schedule includes the project design, construction administration/resident project representation services during construction, and a one-year warranty after the conclusion of the construction.

#### Authorization to Enter Into Contract

Resolution No. 76-24                      Authorization to enter into one-year requirement contracts for District grounds maintenance services with ESK Landscaping, LLC for Bid Group 1 in an amount not-to-exceed \$52,351.00, and with Spisak's Outdoor Creations, LLC for Bid Groups 2, 3, and 4 in an amount not-to-exceed \$105,150.00, for a total amount not-to-exceed \$157,501.00 for both contracts combined.

Resolution No. 77-24                      Authorization to enter into a two-year requirement contract with ESK Landscaping, LLC for green infrastructure maintenance services in an amount not-to-exceed \$459,560.20.

**MOTION** – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 76-24 through 77-24. Without objection, the motion carried unanimously.

#### Authorization to Close Out Public Improvement Contract

Resolution No. 78-24                      Authorizing the final adjusting change order to close out Public Improvement Contract No. 22007934 with The Great Lakes Construction Company for the Streambank Stabilization Along Chippewa Creek at Millside Center project, to decrease the contract amount by \$209,516.12, thereby bringing the total contract amount to \$1,379,617.88.

**MOTION** – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution No. 78-24. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 79-24 Authorization to amend professional services agreements with Tri-C Corporate College (Agreement No. 22002313), Eileen Claman, Inc. (Agreement No. 22002315), and United Training Commercial, LLC dba New Horizons (Agreement No. 22002305), collectively referred to as the Suite of Facilitators, to continue providing educational opportunities in a variety of development topics for District staff in an additional amount not-to-exceed \$65,500.00, thereby bringing the total amount not-to-exceed \$175,500.00 for all agreements combined.

Resolution No. 80-24 Authorization to enter into a *“First Amendment to Service Agreement No. 2544 By and Between the Northeast Ohio Regional Sewer District, Olmsted Township, and the County of Cuyahoga Providing for the Inclusion of Olmsted Township into the Northeast Ohio Regional Sewer District”* to amend the District’s sanitary service area in the Township.

Resolution No. 81-24 Authorization to amend professional services Agreement No. 20006415 with Stantec Consulting Services, Inc. for the Westerly Sludge Handling Improvements project to increase the agreement amount by \$960,860.37 for incurred delay costs, increased level of effort, and additional work scope resulting from re-scoping the project, thereby bringing the total agreement amount not-to-exceed \$5,008,196.51.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 79-24 through 81-24. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding Resolution No. 80-24. Mr. Scharver provided a map of the related areas and demonstrated what portions will be included in NEORSD’s sanitary service agreement, including a new sewer along Fitch Road which will be serviced by NEORSD. In 2019, Olmsted Township made application to NEORSD to bring the entirety of the Township into NEORSD’s territory, which has been executed. Mr. Scharver also demonstrated which areas are included in the Regional Stormwater Management Program and receive stormwater billing.

President Brown noted that, regarding Resolution No. 81-24, the amount of the project was previously decreased, is now being increased, and requested additional explanation. Ms. Marshall invited John Jankowski, Project Manager, to provide additional information.

Mr. Jankowski explained that this project originated from the long-term Regional Solids Management Plan, which included several studies performed between 2015 and 2019, to evaluate existing infrastructure at the WWTCs and WWTP.

It was determined that the Westerly WWTC multiple hearth incinerators were too costly to maintain long-term and the antiquated technology would need to be replaced. This led to the Westerly Sludge Force Main and Pump Station project, which was presented to the Board in September of 2020, to enter into a professional services agreement. Approximately 15 months into project design, NEORSO returned to the Board to remove the scope specific to the pump station and force main, as the strategy had changed to hauling the sludge, rather than designing and constructing a 7-mile-long force main through the city due to identified constructability and operational concerns.

In December of 2022, NEORSO identified the risk of potentially delaying the achievement of full operation of the Westerly Chemically Enhanced High-Rate Treatment Facility which is currently under construction onsite and is required under Control Measure 3 of the Consent Decree. This necessitated a temporary halt in the design process to allow the Westerly Chemically Enhanced High-Rate Treatment construction to advance before finalizing the design and commencing construction activities for the Westerly Sludge Handling Improvements project on this already congested site.

The current request is to increase the agreement amount by \$960,860.37 in order to accommodate increasing process controls and program requirements, addressing additional work that has been identified, and escalated costs associated with the project delay.

#### Authorization to Amend Resolution

Resolution No. 82-24	Authorization to amend Resolution No. 169-23 to approve the District's Operating and Capital Budgets for the year ending December 31, 2024, as presented.
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**MOTION** – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 82-24. After the following discussion, without objection, the motion carried unanimously.

President Brown asked if the Finance Committee Chair would like to offer any remarks regarding the budgets.

Mayor Alai advised that the Finance Committee Meeting was held on March 12, 2024, and thanked President Brown, Ms. Dumas, and Ms. Chambers for attending. A detailed presentation was provided, outlining the proposed operating capital budgets for sanitary sewer and stormwater.

Operating revenue projections were presented that support the proposed 6.1% increase in sewer operating expenses and 8.3% decrease in stormwater operating expenses compared to the 2023

budgets. The projections are also in line with the 2022 to 2026 rate study.

NEORS D's total budget for full-time staff is 827 employees for 2024. The new budget, adds 10 full-time equivalents under the sanitary sewer budget, with four of those positions in Operation and Maintenance, bringing that total to 788. Stormwater staffing decreased by 1 to 39 full-time equivalents for 2024.

The capital budget for 2024 is \$210.5 million for sanitary sewer and \$17.4 million for stormwater. Debt service payments for 2024 will be \$107.9 million. As was previously discussed, NEORS D recently obtained \$25.5 million in grant funding.

Mayor Alai thanked Mr. Duplay and his staff for their work in creating the 10-year financial plan presenting a clear and concise budget for 2024.

#### Property Related Transaction

Resolution No. 83-24                      Authorization to acquire one parcel in fee simple known as PPN 457-29-020, located at 11791 West Pleasant Valley Road, in the City of Parma, owned by Kevin J. Morrison and Samantha Marie Morrison, necessary for the construction and maintenance of the SWMP Project Area 6-Flood and Erosion Reduction Near York and Pleasant Valley Roads project, and to enter into a six-month no-cost lease agreement with the Morrises, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$180,000.00 plus closing costs.

**MOTION** – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 83-24. Without objection, the motion carried unanimously.

#### Authorization to Distribute

Resolution No. 84-24                      Authorization to submit to all Member Communities proposed changes to Titles I and V of the District's *Code of Regulations*, as presented.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 84-24. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information as to what the changes are and why the changes are recommended.



Mr. Scharver explained that NEORSD periodically reviews its Title documents for their efficiency and implementation. The requested changes at hand relate to Title I – Sewer Use Code and Title V – Stormwater Management Code. If approved, NEORSD is required to provide the proposed changes to the member communities for 30 days prior to their implementation.

Both Titles I and V reference “wastewater affordability” as the name of the Affordability Program. The proposal is to change it to “Rate Reduction Program”, which more accurately reflects what the program does.

The second item is to grant the CEO the authority to adopt a policy to grant up to 50% when a billing issue is the result of an administrative error on the part of NEORSD, its water provider, or its billing agent, and also when the water provider and billing agent has not provided a 50% reduction.

The third component, related only to Title I, is for the removal of a reference to two years for water leaks, as it is unnecessary to reference a year increment in the Code and can be better addressed through a policy. Any credit greater than \$25,000 would still be presented to the Board for approval.

President Brown asked to what extent there have been issues with the water leak adjustment process. Mr. Scharver invited Scott Broski, Superintendent of Environmental Services, to discuss the issue.

Mr. Broski advised that there has been an increase in the number of leak requests received over the past couple of years, especially during the coldest months. NEORSD adopted a water leak policy some years ago that has been beneficial in resolving billing issues. Previously, it was only a matter of whether the leak was underground and undetectable, and whether the water had returned to the sewer. The policy provides more latitude if there is a leak inside a home to provide a customer credit.

The new policy that is being drafted is to address administrative errors and provide a reduction to the customer when appropriate.

Regarding the nomenclature for Rate Reduction Program versus Wastewater Affordability, President Brown noted that because the program is income dependent, it is not available to all customers and requested an explanation for the name change. Constance Haqq, Chief Administrative Officer, explained that the reason for the change is that there is another affordability program that is operated through City of Cleveland, Division of Water that has different parameters than NEORSD’s program. The intent is to distinguish the sewer program from the water program so as to not create confusion for customers.

Ms. Dumas asked, regarding the new policy for billing errors, if the referenced five-year period is necessary and whether NEORSD would back bill a customer for five years at a higher rate and whether the customer would be legally obligated to pay the bill. Mr. Broski explained that when

there is an error, the primary concern is the ability to look back that far into the past and determine what happened. The proposed policy states that a customer must provide notice to NEORSD within six months of discovering a potential issue, not that it must be resolved in that period.

Ms. Dumas inquired regarding a specific example of a commercial customer being charged at a residential rate, due to a billing error for a five-year period. Mr. Duplay explained that NEORSD has the authority to go back six years for back payment when an issue is discovered. Ms. Dreyfuss-Wells added that the intent of the policy is to ensure flexibility and not be bureaucratic and unreasonable towards customers.

#### VI. Information Items

Ms. Marshall provided the monthly update for the Capital Improvement Program for February 2024, beginning with cashflow. The Capital Improvement Program (CIP) planned cashflow for 2024 is \$192 million, 78% of which is comprised of seven projects that are in construction, including the Southerly Tunnel Consolidation Sewer project which will begin construction at the end of April, with a planned cashflow of \$48.6 million in 2024.

Regarding key performance indicators (KPIs), the construction contract was awarded for the Southerly Consolidation Sewer project within 60 days of planned, meeting that KPI. This project is part of Control Measure 21 of the Consent Decree that controls 760 gallons of CSO annually, controlling three of the largest CSOs to the Cuyahoga River. The KPI as it relates to the engineer's estimate being within 10% of the average of the lowest three bids was met for this project as well. The engineer's estimate was \$347.5 million, and it was awarded to the lowest bidder at \$328 million.

Ms. Marshall advised that the feature presentation is regarding the implementation of the Sustainability Design Checklist, which was developed to aid in identifying, tracking, documenting, and when possible, implementing sustainable design opportunities, with the goal of better guiding efforts around sustainable designs and quantifying those benefits. This checklist is intended to improve and advance existing value engineering and community benefits efforts in design.

The checklist is simplistic by design, with five categories of sustainability including energy conservation, environmental, system resiliency and adaptability, material reuse, and community. Each of those categories contains pre-identified areas of focus. The checklist is implemented during the predesign phase of the contracts and staff identifies the areas of focus as well as any associated opportunities within the areas of focus. Those opportunities are advanced and tracked through the design process, and the benefits are quantified where possible.

Ms. Marshall invited Charles Huse, Project Manager, to discuss how the checklist was utilized in the design of the Southerly Tunnel Consolidation Sewer project.

Mr. Huse began by providing a brief overview of the project, reminding the Board that the Southerly Tunnel Consolidation Sewer will be a soft-ground CSO storage tunnel, approximately 3.5 miles long, and controlling 760 million gallons of CSO annually. Shaft Site 1 is in Cuyahoga Heights near EMSC. This will be the launch site for the tunnel and will house the Southerly Tunnel Dewatering Pump Station.

The design process utilized a phase-gate process that requires optimizing at each step of the design phase. On this project, the team achieved \$18.8 million in value engineering savings, most of which was due to the conversion of Southerly Tunnel Dewatering Pump Station from a dry pit to a submersible configuration, which reduces the shaft size diameter, resulting in significant savings.

The team devised a three-step approach to utilizing the checklist as well as a matrix to track progress at each phase. The team evaluated the environmental impact of design decisions, calculated material reduction between design phases, and then determined the carbon savings that had been achieved. Mr. Huse provided a graphic demonstration of how the team utilized this process in the design phase and explained that sustainability savings is not limited to materials reduction and may include things such as not cutting down trees, light pollution, and other factors that may impact the community.

The submersible configuration for the Southerly Tunnel Dewatering Pump Station saved approximately 2,500 cubic yards of concrete, 63 tons of rebar, and eliminated 14,000 cubic yards of excavation. The total calculated CO2 avoided for the project was approximately 1,700 tons of CO2, equivalent to roughly 178,000 gallons of gasoline.

Engineering and Construction would also like to devise an in-house tool to estimate CO2 reduction and is working with NEORS D Sustainability staff to expand this checklist to include environmental justice considerations.

Ms. Dumas asked if cost is a factor in this work. Ms. Marshall explained that cost is a factor in some of the instances. In this project, the value engineering savings went hand-in-hand with the sustainability design. Another area for consideration is level of service, which is good from a sustainability standpoint because sustainability is more than just carbon reduction. Cost is a consideration in the decision-making process.

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.

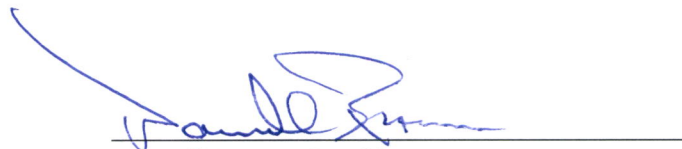
XI. Adjournment

**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 1:30 p.m. 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