

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
APRIL 1, 2021

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 p.m. by Darnell Brown.

President Brown opened the meeting by addressing the COVID-19 pandemic, and read the following statement:

Due to the COVID emergency, we are again conducting our board meeting via live stream video conference using the Zoom Video Communications tool and pursuant to continuing authority of House Bill 404.

Members of the public may observe and hear the meeting using the Zoom login link found on the top of the District website, and those who wished to address the Board were able to make that request through the Zoom system prior to the start of the meeting.

I. Roll Call

PRESENT: Darnell Brown
Ronald Sulik
Samuel Alai
Jack Bacci
Timothy DeGeeter
Sharon Dumas
Terence Joyce

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to approve the Minutes of the March 18, 2021, 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, provided an update regarding the District's ongoing COVID-19 pandemic response. Ms. Dreyfuss-Wells informed the Board that as of April 1, 2021, the District staff has five active COVID-19 cases, of whom three have recovered and are in the return-to-work process, and two are convalescing. There are no symptomatic employees awaiting test results. The District wishes them a full and speedy recovery. There has been a total of eighty-two employees with confirmed diagnoses since the beginning of the pandemic, with seventy-seven having recovered and returned to work. There is currently one District employee who is not experiencing COVID-like symptoms remaining at home because a member of their household has tested positive for COVID-19.

The District is continuing its slow and gradual reconstitution across its facilities. On April 5, 50% of staff with single-occupancy offices will return to working onsite with modified schedules. The next phase will begin on May 3, with 100% of staff with single-occupancy offices returning to work onsite full-time. The District continues to review and plan for reconstitution for staff in cubicles and does not have a date for their return to onsite working as there are various issues related to the open space workstations that are being evaluated. The District will continue its safety precautions as it has throughout the pandemic.

There are several updates regarding the District's continued efforts to obtain federal customer assistance and infrastructure funding. Additionally, the District is continuing its work with state and local partners to ensure that the available customer assistance funding is distributed quickly and effectively. The District is focusing on Congress' fiscal year 2022 appropriation bills, specifically, community project earmarks. District staff is working with its House congressional offices to identify eligible projects and is coordinating with the Northeast Ohio Mayors and City Managers Association to support sewer and stormwater projects of their communities, most of which are member communities. To date, the District has submitted projects to Congresswoman Kaptur and is working to complete submissions to Congressmen Joyce and Gonzales.

Regarding the federal infrastructure package, the Senate Environment and Public Works Committee passed their Drinking Water and Wastewater Infrastructure Act of 2021 last week which includes \$35 billion for water resource projects. The House Transportation and Infrastructure Committee is working on the Water Quality Protection and Job Creation Act of 2021, which authorizes \$50 billion for water infrastructure investment over the next five years. Lastly, President Biden previewed his \$2 trillion infrastructure plan which includes \$56 billion for clean water infrastructure and specifically identifies the Great Lakes as an area requiring continued protection and restoration. The aforementioned proposals will need to tie together and pass to be funded. The District will continue its efforts in that regard.

President Brown thanked Ms. Dreyfuss-Wells for the update and added that he anticipates that the Board will continue to receive updates as these measures go from legislation to passage and implementation and that in anticipation of the funding, the District will continue to develop capacity and resources for implementation.

V. Action Items

Authorization to Advertise

Resolution No. 100-21 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for a two-year requirement contract for Closed-Circuit Television (CCTV) Services to assist with culverted stream and separate storm sewer infrastructure inspections.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 100-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 101-21 Authorization to enter into an agreement with the Auditor of the State of Ohio to perform the annual audit of the District's financial condition for 2020 in an amount not-to-exceed \$53,300.00.

Resolution No. 102-21 Authorization to enter into a reimbursement agreement with the Cleveland Museum of Art (CMA) to provide site restoration funding to CMA for the construction portion of site restoration services at the Wade Park site related to the Doan Valley Tunnel (DVT) shaft site MLK-2 in University Circle near Euclid Avenue/Chester Avenue/Martin Luther King Jr. Drive in an amount not-to-exceed \$220,000.00.

Resolution No. 103-21 Authorization to enter into a professional services agreement with Osborn Engineering for the Southerly Chemically Enhanced High-Rate Treatment Upgrades project in an amount not-to-exceed \$3,173,653.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 101-21 and 103-21. Without objection, the motion carried unanimously.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 102-21. Without objection, by roll call vote, the motion carried with all present members voting yes and refusal from discussion and abstention from voting by Mr. Brown and Ms. Dumas.

Authorization to Enter Into Contract

Resolution No. 104-21 Authorization to enter into contract with Oracle America, Inc. for annual software maintenance and support for the various District Oracle applications and databases in support of District business operations for the term of June 1, 2021 through May 31, 2022 in a total amount not-to-exceed \$796,849.20.

Resolution No. 105-21 Authorization to enter into a construction contract with Cold Harbor Building Company for the Southerly Wastewater Treatment Center Tunnel Structural Repairs project in an amount not-to-exceed \$1,343,021.00.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 104-21 through 105-21. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 106-21 Authorization to enter into a two-year lease agreement with the City of Cleveland for the temporary use of the entire property known as PPNs 105-12-003, 105-12-004, 105-12-005 and 105-12-006, located on Addison Road, in the City of Cleveland, necessary for the construction of the Shoreline Storage Tunnel Project with total consideration of \$9,950.00.

Resolution No. 107-21 Authorization to acquire one permanent sewer easement at the property known as PPN 108-05-092, located at 594 East 99th Street, in the City of Cleveland, owned by CHN Housing Partners formerly known as Cleveland Housing Network, Inc., necessary for the construction and maintenance of the Shoreline Storage Tunnel Project with total consideration of \$400.00.

Resolution No. 108-21 Authorization to enter into a right of entry agreement and a consent agreement with The Cleveland Electric Illuminating Company, for temporary access at the property known as PPN 133-31-005, located on Aetna Road, in the City of Cleveland, necessary for the construction of the Morgana Burke Systems Improvement Project with total consideration of \$1.00.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 106-21. Without objection, by roll call vote, the motion carried with all present members voting yes and recusal from discussion and abstention from voting by Mr. Brown and Ms. Dumas.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 107-21 through 108-21. Without objection, the motion carried unanimously.

Authorization to Grant Credit

Resolution No. 109-21 Authorizing the District to issue a credit adjustment in the total amount of \$52,531.06 against sewer charges on the NEORS Account ending in 0110 for AIC Income Fund 12850 Darice, LLC at 12850 Darice Parkway, Strongsville.

MOTION – Mr. Joyce moved, and Ms. Dumas seconded to adopt Resolution No. 109-21. Without objection, the motion carried unanimously.

Authorization to Adopt

Resolution No. 110-21 Adopting revisions to Title V of the Code of Regulations (Stormwater Management Code), as presented.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 110-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that there are criteria being added to the Code of Regulations for an eligible use of funds and asked for an explanation of the proposed changes.

Frank Greenland, Director of Watershed Programs, explained that there are two minor proposed modifications, the first of which addresses eligible expenses for use of Community Cost-Share funds, to include design. The original Title V Code of Regulations did not include design, rather only construction, operation, and maintenance. Secondly, the period for which communities need to apply to use their year-one funds has been extended from 4.5 years to a full 5 years. If communities do not apply to use their year-one funds by the end of the fifth year, they risk potentially losing those funds. This has not happened to date and is not expected to happen this year.

VI. Information Items

President Brown noted that there are two information items: the Industrial Pretreatment Program Legal Notice, and the Regional Stormwater Management Program Update. President Brown asked if there were any issues to address regarding the Industrial Pretreatment Program Legal Notice.

Mr. Greenland explained that the District is required to prepare the Industrial Pretreatment Program Legal Notice annually, pursuant to pretreatment regulations. There are some of the same companies that have been identified in years past and some new. The District has been very successful with industrial pretreatment and the industrial users have done their part. The District is required to report any issues with its significant industrial users and the Legal Notice will be published in The Plain Dealer.

President Brown inquired as to whether there are continued bad actors that may require additional action to be taken. Kevin Roff, Water Quality and Industrial Surveillance (WQIS) Enforcement

Supervisor, explained that there are a few companies that are repeat offenders. One of the companies is closed and out of business and another that the District is working with the U.S. EPA, Ohio EPA, and the City of Cleveland to resolve the issues. President Brown thanked Mr. Roff for the explanation and asked to move on to the Regional Stormwater Management Program Update.

Mr. Greenland began his presentation with an update regarding inspection and maintenance, explaining that in addition to clearing debris from culvert openings, the team is engaged in the reinspection of culverts across the regional network to identify the areas in need of immediate attention and which to watch for potential problems. President Brown inquired as to repair options available when a culvert appears to be cracking and settling. Mr. Greenland explained that the repair options are dependent on what is causing a particular deformation, and each of these culverts are unique.

Stormwater Inspection & Maintenance (SWIM) is involved in small scale stormwater projects. Mr. Greenland provided before and after project photos explaining that projects are usually completed for \$50,000 or less, to correct or arrest problems in the region. Additionally, SWIM is now overseeing demolition contracts as property acquisition is very important in stormwater management.

A new position was recently created and was filled by George Remias, to serve as Manager of Stormwater Strategic Support. As the Watershed Programs Department moves away from Master Planning and into execution of Master Plan projects, it must be strategic in its approach. Large storm events can quickly change the scope of a Master Plan Project. Mr. Remias' role is to prioritize and phase projects while helping the team to understand changes in the system and how to address them. Mr. Remias has significant experience with stormwater modeling, which the team will rely upon to work with local communities to address stormwater issues. The District's models are flexible and can be extended to the local level, where there will be continued discussions with communities about partnering on analysis to execute local gains.

Mr. Greenland provided a graph demonstrating the population growth in Ohio over time and explained that stormwater regulations were not implemented until 1980, creating problems. More recently, although there has not been significant population growth, construction has continued to expand and increase impervious surfaces. While newer regulations help, they do not solve all of the problems, meaning that the District must be strategic in how it reclaims losses suffered over time. It is an important role for the District to identify new problems as they arise and determine how to respond to them.

Regarding technical support, three of the four Master Plans are essentially complete. The Lake Erie Tributaries will be complete in September. The estimated cost of the Master Plans combined to achieve 100-year flood protection, which is not possible in all areas, is currently more than \$1 billion and will increase with the completion of the Lake Erie Tributaries Master Plan. There are significant problems with significant costs, requiring strategic planning. The flood control project along Big Creek's main branch has an estimated cost of \$36 million, however, the revenue for stormwater is not \$36 million per year for projects. This requires careful evaluation and planning

by District staff to determine how to stage the project, where value engineering can be achieved to reduce costs, update modeling, and execute projects in stages.

As for property acquisitions, the District has acquired 46 properties and several easements to allow for construction projects and has had several successful partnerships with other entities providing funding for acquisitions. Last year, the District had almost \$4 million in property acquisitions and expects similar amounts each year going forward.

Regarding Key Performance Indicators (KPI), the KPI for construction spending was intentionally less than 85% of planned in order to take a conservative approach to the financial unknowns of the COVID-19 pandemic.

The KPI for engineer's estimates being within 10% of the average bids was minus 13.7%. The bidding environment continues to be good.

Mr. Greenland provided a graphic demonstrating Business Opportunity Program (BOP) goals and explained that BOP spending exceeded goals for 2020. In terms of total spend for closed and ongoing projects, it was 71% prime and 29% BOP.

Mr. Greenland provided a brochure that was produced by District staff to explain stream restoration when the District requests voluntary property acquisitions to explain the process simply and provide examples of restoration projects before and after.

Mr. Greenland provided photos from the Pepper Luce restoration project, wherein the District widened channels, reclaimed floodplain, and flattened slopes in the most natural manner possible, such as utilizing live planting material to stabilize streambanks.

The Chippewa Creek project, which has condos twelve feet from the eroding streambank, required a hard-armor approach to arrest erosion. Another example of a more natural approach is the North Royalton Ridge Road project wherein a branch of Rocky River is eroding into Ridge Road, requiring the District to re-meander the river away from the road.

Regarding environmental compliance, the most common causes of delays historically are permits and easements and acquisitions. Since the District executed an agreement with the U.S. Army Corp of Engineers in 2019, the timelines have significantly improved. The agency target for review is 45 days, which allows the delays to be diminished. The contract itself has been streamlined and money is still available. The District has been pleased with the investment.

As for Geographic Information Systems (GIS), the group has internally developed a Report a Flood tool which can be used by communities or other entities to report flooding whether it be basement flooding, street flooding, or stream flooding. There are a series of questions allowing for calls received to be recorded. The tool may also be used to survey a community. The goal is to work with communities to better understand flooding and have the ability to track and review the information periodically. The District has discussed the tool with the Watershed Advisory

Committees, and it is gaining traction with several member communities planning to use the application.

The Community Cost-Share Program activities have slowed due to COVID-19 but are anticipated to increase in 2021. There are still significant funds available, \$18 million, however, several member communities have elected to defer smaller projects to save for larger, more long-term projects.

Mr. Greenland provided photographs from the Doan Brook culvert debris removal project and explained that most of Doan Brook is open with 4,500 acres of land upstream of the culvert. Doan Brook has a steep gradient and fast flows when levels are high, which moves rocks along the bottom of the creek with 4,500 acres of drainage running into a culvert for one mile, before coming back out. Debris has collected over the years bringing the level of service down to approximately a two-year level of service, which is problematic considering increased rainfalls. Mr. Greenland introduced Anthony Calvelage, Stormwater Construction Manager, to discuss the project in greater detail.

Mr. Calvelage provided photographs of Doan Brook beginning from the downstream end near the Cleveland Museum of Art and identified the different sections of the stream: Area 1, which is a double-barrel culvert, Area 2 is upstream and under Euclid Avenue, Area 3 is farther upstream near Cedar Avenue and includes a confluence, and Area 4 is at Ambler Park. There is also the Doan Valley Tunnel shaft site, and farthest upstream is an inlet of the culvert. Mr. Calvelage provided additional images of the entire culvert as well as more detailed information regarding the four Areas of the stream, demonstrating the way that the stream flows and the different building materials used throughout the culvert.

Because the project was a priority, the design was done internally by District staff. It was known from the Master Planning efforts the culvert would originally handle a 10-year flow event but had been reduced to a 2-year capacity due to debris blockages. Damon Frantz, Senior Construction Supervisor, managed the planning and specifications to advertise for bids. It took less than four months to complete design and a contractor was selected in August 2020.

Mr. Calvelage provided before and after photographs from Area 1 and Area 2 demonstrating the blockages that have been removed and providing additional detail regarding Area 2, explaining the need to continue monitoring the bridge foundation and abutments in the Area. After removing the blockage, a Telog meter directly upstream of Euclid Avenue showed a 1.5-foot decrease in water surface elevation, meaning that clearing the blockage relieved the culvert of its backwater and increasing flow capacity.

Mr. Calvelage provided images of the blockages in Areas 3 and 4 that occurred during a storm event in September, which required Board authorization for a change order to remove an additional 700 cubic yards of debris.

The District will continue to monitor the situation and inspection and maintenance of the culvert will be performed in August. There are recommendations from the Master Plan in order to improve

conveyance by adding a relief culvert in certain areas. Feasibility will be very important for this project as it is in a busy area. Th District will also evaluate the benefit from improved access for maintenance which may require the addition of a shaft site.

Mr. Greenland added that the Doan Brook project is a great example of how maintenance can improve level of service as the area went from a two-year level of service to a ten-year level of service at a cost of \$700,000.

President Brown noted that there is a severe grade from upstream and inquired as to whether there is a way to catch debris rather than being at the mercy of weather events and waiting for it to accumulate in the culverts. Mr. Greenland explained that first it is necessary to perform inspection and reinspection to understand how quickly debris is accumulating. Additionally, the District is investigating whether there are easier ways to access and clean the culvert. A source control strategy such as that described by President Brown would likely be more difficult, however, there could be opportunities and it will be evaluated.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

There were no items.

IX. Approval of Items from Executive Session

There were no items.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mr. Joyce seconded the motion to adjourn at 1:17 p.m. Without objection, the motion carried unanimously.



Timothy J. DeGeeter, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

A handwritten signature in black ink, appearing to read "Darnell Brown", written over a horizontal line.

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