

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
APRIL 5, 2018

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:36 p.m. by Darnell Brown.

I. Roll Call

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

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 15, 2018, 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 while the focus of the consent decree is combined sewer overflow (CSO) control, the District is also required to complete two supplemental environmental projects (SEPs) which are basically penalties under the decree.

The Federal SEP was to develop a special waste convenience center for the collection of household hazardous waste -- which are solvents, fuels and pesticides that can end up on the ground and in surface water if they are not properly disposed. The District handled that through a partnership with the Cuyahoga County Solid Waste Management District. The District is required to spend \$1 million under this federal SEP through a 50/50 matching grant that began in April 2011. This has been a very successful project and the District will continue this partnership with Cuyahoga County beyond the SEP.

The State SEP has been mentioned in the news lately as the Ohio Environmental Protection Agency is removing the Canal Diversion Dam -- also known as the Station Road Dam -- in

Brecksville on the Cuyahoga River. This action is part of a nationwide effort to remove impoundments on rivers to improve water quality and is being paid for through two supplemental environmental projects. The City of Akron is paying for the removal of the dam and the construction of the canal pump station. The District is required to pay for the operation and maintenance of that canal pump station under the State Supplemental Environmental Project in our consent decree. That's 25 years of operation and maintenance.

A pump station is required to keep water in the Ohio and Erie Canal once the dam is removed from the Cuyahoga River. The project is a design/build run by the Friends of the Crooked River. The District estimates that the operations and maintenance will cost between \$450,000 to \$600,000 over 25 years, and the District would be required to pay an \$800,000 penalty under the consent decree if this pump station was not built.

Moving to the next topic, CEO Dreyfuss-Wells stated that the Dugway Storage Tunnel is a success story and is the second tunnel under Project Clean Lake that has been completed successfully. On March 21 the Dugway Storage Tunnel concluded a 14,500-foot journey which started at the Nine Mile site. In combination with Euclid Creek it is a total of 33,000 feet of 24-foot-diameter tunnel, 120 million gallons of storage and expected to be completed by summer 2019. She emphasized how much time, effort and patience it took to complete this large construction project with no significant commercial issues.

She noted that John Gonzalez, Manager of Communications, wrote a blog post called, "Bored to Depth."

Closing the report, CEO Dreyfuss-Wells stated that the Watershed Programs Department held Watershed Advisory Committee meetings this spring with great attendance from member communities, watershed groups, Ohio Department of Transportation, Greater Cleveland Regional Transit Authority and others to get an update on the Regional Stormwater Management Program.

## V. Action Items

### Authorization to Advertise

Resolution No. 95-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the London Road Relief Sewers Project with an engineer's opinion of probable construction costs of \$51,500,000.00.

Resolution No. 96-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Dugway Regulators & Relief Sewers Project with an engineer's opinion of probable construction cost of \$5,400,000.00.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution Nos. 95-18 through 96-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested an elaboration regarding Resolution No. 95-18. Doug Gabriel, Deputy Director of Engineering & Construction, explained that the London Road Relief Sewer Project is 10,600 feet of 66-inch and 72-inch pipe in tunnel with a small open-cut portion at a couple regulators. The project will relieve sewer overflows at four CSO points and convey that flow to the Heights Hilltop Interceptor. The project is on a tight schedule of two years and four months and is required to meet the Control Measurement No. 6 deadline by the end of 2020.

The open-cut portion of the project are two small pieces totaling 700 feet on Green Road and Hillsboro.

Moving to Resolution No. 96-18, Mr. Brown noted structures at Euclid and Superior. Mr. Gabriel stated that this project will update four regulator sites to meet Control Measure No. 6 requirements and will result in 9 million gallons per year of CSO reduction. An open-cut portion of the project will occur near the Superior/Euclid intersection, during which Euclid will be confined to one lane.

Mr. Brown stated that area is a significant intersection for commuting into and out of the City and options for alternate routes will be important. He advised staff to be very clear about the impact to the communities and the duration of the project.

Authorization to Issue Request for Proposals (RFPs)

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|-----------------------|---|
| Resolution No. 97-18  | Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 153, for the Chagrin River/Lake Erie Direct Tributaries Stormwater Master Plan Study.  |
| Resolution No. 98-18  | Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 153, for Gauge Adjusted Radar Rainfall Services.   |
| Resolution No. 99-18  | Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the Shoreline Storage Tunnel Project. |
| Resolution No. 100-18 | Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 153, for the Westerly Wastewater Treatment Center Plant Facilities Plan.   |

Resolution No. 101-18 Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 6119, for Construction Safety and Security Services.

Resolution No. 102-18 Authorization to issue a RFP, in accordance with Ohio Revised Code Chapter 153, for Design-Build services for the Southerly Building Heat Boiler Systems Upgrades Project.

Resolution No. 103-18 Authorization to issue a RFP for software and professional services for the Information Technology Service Management System Project.

**MOTION** – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 97-18 through 103-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown expressed concern regarding the alignment of the project in Resolution No. 99-18. Mr. Gabriel explained that this is consent order Control Measure Number 7. The project will cross the raw water tunnel at the Kirtland pump station that feeds the Baldwin Water Treatment Plant. Staff has begun coordination efforts with the Cleveland Water Department.

Mr. Brown stated that the alignment will result in green space being out of commission in some communities for a period of time and there will be discussion about what is left behind. Mr. Gabriel stated that those conversations have started and once the project is complete, staff will go through the restoration efforts in coordination with the City.

Mr. Gabriel stated that the engineering fees on this project is \$20 million and the total cost of the project is \$223 million.

Mr. Brown stated that he was not as confident that the District would not encounter unforeseen site conditions along the Lake shoreline. CEO Dreyfuss-Wells assured the Board that Engineering & Construction staff will keep them updated through its monthly reports.

Moving to Resolution No. 102-18, Mr. Brown questioned whether something has exceeded its useful life. Mr. Gabriel affirmed and explained that this project is to replace the existing boilers at Southerly. They were used for heating purposes and the Zimpro process, which has been decommissioned. The boilers themselves are well past their useful lives and the building's future is being evaluated, including demolition.

Referencing Resolution No. 103-18, Mr. Brown questioned if there would be any staff impact as a result of doing the IT Service Management System project. Chandra Yadati, Director of Information Technology, advised that there would be no staffing impact. The software system allows staff to manage Help Desk tickets, requests for changes and keeping an audit on the software, computers and devices provided to employees.

Authorization to Purchase

Resolution No. 104-18 Authorize the purchase of spare parts used on an as needed basis from the manufacturer and sole source vendor Schwing Bioset, Inc. to repair and maintain Schwing Bioset material handling equipment for the Southerly and Westerly Wastewater Treatment Plants with an anticipated expenditure of \$130,000.00.

Resolution No. 105-18 Authorization to procure 2018 training with Cuyahoga Community College Workforce & Economic Development Program for the Spring, Summer and Fall semesters inclusive of tuition, books and institutional fees with an estimated cost of \$61,628.92.

**MOTION** – Ms. Dumas moved and Mayor Bacci seconded to adopt Resolution Nos. 104-18 through 105-18. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No. 106-18 Authorization to enter into a contract with Evoqua Water Technologies, LLC for the Renewable Energy Facility (REF) Water Purification System Lease and Maintenance Services in the amount of \$229,515.00.

Resolution No. 107-18 Authorization to enter into a contract with Green State Recycling, LLC for Industrial Cleaning Services at all District Facilities in the amount of \$409,449.88.

Resolution No. 108-18 Authorization to enter into contract with Evans, Mechwart, Hableton and Tilton, Inc. (EMH&T); and EnviroScience, Inc., for \$500,000.00 each, for the provision of professional ecological services and a total award amount of \$1,000,000.00.

Resolution No. 109-18 Authorization to enter into contract with ABC Piping Company for the Easterly Grease Handling Improvements Project in the amount of \$1,969,500.00.

Resolution No. 110-18

Authorization to enter into a contract with Oracle Corporation for annual software maintenance and support for the District's Oracle applications and databases in the amount of \$703,125.89.

**MOTION** – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 106-18 and 106-18 through 110-18. After the following discussion, without objection, the motion carried unanimously.

Referencing Resolution No. 107-18, Mr. Ciaccia noted that a vendor submitted two bids – one of which was deemed non-responsive – and inquired whether that is permitted. Frank Foley, Director of Operations & Maintenance, explained that the bidder realized that their bid lacked a number of documents and submitted a second bid that included them. District specifications for this type of contract do not preclude the submission of two bids.

Mr. Ciaccia posed a scenario in which a bidder could submit two bids with different prices that were the first- and second-low bids; that bidder then withdraws the lower bid. He questioned what staff's response would be. Jackie Williams, Manager of Procurement Services, advised that staff would look at the reason for the withdrawal to determine whether the law allows them to do so at that time.

Mr. Brown stated that technically if a vendor submitted a compliant bid and decided to withdraw it, the District has the ability to challenge that.

Mr. Ciaccia did not have an issue with a bidder correcting their bid before the opening but did suggest that there should only be one bid per vendor. Eric Luckage, Chief Legal Officer & General Counsel, stated that the District prefers not to have that situation and will look at whether multiple bids should ever be allowed, keeping in mind that all bids can be rejected and re-bid if irregularities warrant.

#### Authorization to Amend Resolution

Resolution No. 111-18

Authorization to amend Resolution No. 5-15 and the Green Infrastructure Grant Agreement with Tremont West Development Corporation for the West 19<sup>th</sup> Place Green Alley Project to add the City of Cleveland as a signatory party.

**MOTION** – Mr. Sulik moved and Mr. Ciaccia seconded to adopt Resolution No. 111-18. Without objection, the motion carried with abstentions by Mr. Brown and Ms. Dumas.

#### Authorization of Contract Modifications

Resolution No. 112-18

Modify Contract No. 17001463 with RiverReach Construction Company for the Beecher's Brook,

Pepper Creek, and Baldwin Creek Bank Stabilization Project to include the Guaranteed Maximum Price of \$1,406,042.56 for the Beecher's Brook portion of the Project with no change in the total contract price.

Resolution No. 113-18

Authorize the final adjustment modification of Contract No. 15004372 with The Great Lakes Construction Company for the Mary Street Pump Station Project by decreasing the contract amount by \$112,124.40 bringing the total contract price to \$9,884,675.60.

**MOTION** – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 112-18 through 113-18. Without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 114-18

Authorization to adopt the findings of the Hearing Officer with regard to sewer charges on the account of Ms. Anna L. Roth, Sewer District Case No. 18-001, that the customer's request be denied.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 114-18. Without objection, the motion carried unanimously.

Property-Related Transactions

Resolution No. 115-18

Authorize the District to deposit an additional \$62,470.63 with Cuyahoga County Probate Court as settlement of the appropriation action to acquire the entirety of Cuyahoga County PPN 127-17-109 at 9855 Kingsbury Blvd. in the City of Cleveland owned by Laura L. Banks aka Laura Banks necessary for the Kingsbury Run Preliminary Engineering Project and to authorize relocation assistance in the form of rent supplement to the owner in an amount not to exceed \$33,342.96, all contingent upon certain conditions being completed by the owner by June 30, 2018.

Resolution No. 116-18

Authorize the District to deposit an additional \$12,600.00 with Cuyahoga County Probate Court as settlement of the appropriation action to acquire the entirety of PPN 110-31-043 at 11511 Carolina

Rd. in Cleveland and owned by DRF Enterprises LLC and necessary for the Doan Valley Tunnel Project.

Resolution No. 117-18

Authorize the appropriation of one permanent subterranean easement located at 744 East 165th Street in the City of Cleveland, owned by Touching Lives We Care and Maria Maddalena Marcogliese, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$300.00 with the Cuyahoga County Probate Court.

Resolution No. 118-18

Authorize the appropriation of one permanent subterranean easement located at 872 Wayside Road in the City of Cleveland, owned by Bridgette M. Miles, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$300.00 with the Cuyahoga County Probate Court.

Resolution No. 119-18

Authorization to Authorize the appropriation of one permanent subterranean easement located at 965 Wayside Road in the City of Cleveland, owned by Guy and Elise Oriani, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$1,200.00 with the Cuyahoga County Probate Court.

Resolution No. 120-18

Authorize the appropriation of one permanent subterranean easement located at 18126 Euclid Avenue in the City of Cleveland, owned by Ohio Franchise Management Corporation, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$1,700.00 with the Cuyahoga County Probate Court.

Resolution No. 121-18

Authorize the appropriation of one permanent subterranean easement located at 17800 Euclid Avenue in the City of Cleveland, owned by the State of Ohio, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$800.00 with the Cuyahoga County Probate Court.



Resolution No. 122-18

Authorize the appropriation of one permanent subterranean easement located at 1636 Cliffview Road in the City of Cleveland, owned by James E. Bantum, Jr. (deceased) and Betty L. Smith-Bantum aka Betty Leah Smith-Bantum, necessary for the construction of the London Road Relief Sewer Project and to deposit the fair market value of \$300.00 with the Cuyahoga County Probate Court.

Resolution No. 123-18

Authorize the acquisition of one temporary easement located at 5889 Twin Lakes Drive in the City of Parma, owned by Wendy L. Moro, necessary for the construction of the Lower Twin Lakes Dam Repair Project with a total consideration of \$1.00.

Resolution No. 124-18

Authorize the acquisition of one temporary easement located at 6328 Pearl Road in the City of Parma Heights, owned by Chong Huang Lin, necessary for the construction of the Colombo Park Stream Restoration Project with a total consideration of \$7,000.00.

Resolution No. 125-18

Authorize the acquisition of one temporary easement located at 15303 Holmes Avenue in the City of Cleveland, owned by Regina Evans aka Regina Turner, necessary for the construction of the London Road Relief Sewer Project with a total consideration of \$600.00.

Resolution No. 126-18

Authorize the acquisition of one permanent subterranean easement located at 10744 Superior Avenue in the City of Cleveland, owned by The Church of Faith, necessary for the construction of the Doan Valley Relief & Consolidation Sewer Project with a total consideration of \$300.00.

Resolution No. 127-18

Authorize the appropriation of one permanent easement, two permanent subterranean easements and four temporary easements located at 10450 Superior Avenue in the City of Cleveland, owned by the Cleveland Business League Development, necessary for the construction of the Doan Valley Relief & Consolidation Sewer Project and to

deposit the fair market value of \$154,702.00 with the Cuyahoga County Probate Court.

**MOTION** – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 115-18 through 127-18. Without objection, the motion carried unanimously.

Ms. Dumas questioned why there had been such a large number of property transactions on the agenda the past two Board Meetings. Mr. Luckage explained that it was a coincidence and that most of them deal with the London Road Project. The timing of the projects and the status of negotiations with property owners has occurred in such a way that it was necessary to accelerate acquisitions to meet these project schedules. Property needs are increasing Project Clean Lake needs and various storm water project needs.

## VI. Information Items

### 1. Industrial Pretreatment Program Legal Notice

Kevin Roff, Supervisor of Enforcement, stated that he oversees the District's Industrial Pretreatment Program, which is a requirement of the NPDES permits created under the Clean Water Act. The responsibility of the Program is to protect wastewater treatment plants by reducing the amount of toxic pollutants discharged by industrial users into the collection system and protect the quality of the receiving waters to which our wastewater treatment plants discharge. The District does that by conducting inspections at industrial facilities, sampling and requiring industries that are considered significant to perform self-monitoring on a regular basis and provide that data.

Last year there were only eight sampling violations and five companies in noncompliance for consecutive years -- two for procedural violations and three for sampling.

Mr. Roff explained that the District has an escalated enforcement response plan based on the frequency of violations or the magnitude of the violations. Staff works with companies and place them on a compliance schedule as necessary.

Mr. Brown questioned what happens if violations continue beyond a compliance schedule. Mr. Roff stated that the District can request a show-cause hearing request during which the company is required to show a hearing examiner why they do not need their sewer service terminated and can administer penalties, including sewer service shutoff. The inability to have sewer service also means no water service.

## VII. Open Session

There were no items.

## VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

**MOTION** – Mr. Sulik moved to go into Executive Session pursuant to Ohio Revised Code Section 121.22(g)(3) to consult with the District’s legal counsel concerning disputes involving the District that are the subject of imminent court action. After discussion and without objection, the motion carried unanimously by roll call vote.

The Board met in Executive Session from 1:19 p.m. to 1:45 p.m.

X. Approval of Items from Executive Session


Resolution No. 67-18

Authorization to enter into a one-year contract for grounds maintenance services with Henderson Contracting Company, LLC for Groups 1 and 5; AC Lawn Care and Landscaping for Group 2; Zscape, LLC for Group 3; and Top Designer Landscaping, LLC for Group 6, for grounds maintenance services at all district facilities in the amount of \$55,371,86, \$8,293.25, \$21,134.00, and \$22,760 respectively, in the total amount of \$107,559.11 and to reject all Group 4 bids and to republish notice calling for bids in accordance with Ohio Revised Code Section 6119.10 for a one-year contract for Bid Group 4 Grounds Maintenance Services at outlying facilities - eastside and property acquisition sites.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 67-18. Without objection, the motion carried unanimously.

XI. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Mr. Ciaccia seconded the motion to adjourn at 1:47 p.m. Without objection, the motion carried unanimously.

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



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