

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
APRIL 6, 2017

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:33 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 Mr. Sulik seconded to approve the minutes of the March 16, 2017, 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 advising that employee information sessions have begun. These are semi-annual opportunities to update employees on District projects, priorities and activities.

Letters went out to all employees impacted by the W-2 phishing scheme regarding the credit monitoring services and call center, beginning on March 8. She encouraged all employees to take advantage of the free credit-monitoring service. Staff will also include training on identifying phishing scams in the employee information sessions.

Moving discussion to Project Clean Lake, CEO Dreyfuss-Wells advised that she and Darnella Robertson, Andy Futay, and Mr. Ciaccia participated in the National Association of Clean Water Agency's (NACWA) advocacy fly-in on March 22. They met with senior staff from the offices of Senator Brown and Congressman Joyce as well as meeting with Senator Portman and Congresswoman Kaptur.

The conversations focused on Project Clean Lake and the need for increased flexibility to take advantage of engineering efficiencies and cost savings across its implementation.

Resolution of Acknowledgement

Resolution No. 127-17

Resolution of Acknowledgement presented to Jennifer Demmerle in recognition of her more than eleven (11) years of outstanding service and noteworthy contributions to the Northeast Ohio Regional Sewer District.

**MOTION** – Mr. Ciaccia moved and Ms. Dumas seconded to adopt Resolution No. 127-17. Without objection, the motion carried unanimously.

Resolution No. 128-17

Resolution of Acknowledgement presented to Kellie Rotunno in recognition of her eight (8) years of outstanding service and noteworthy contributions to the Northeast Ohio Regional Sewer District.

**MOTION** – Mr. Ciaccia moved and Ms. Dumas seconded to adopt Resolution No. 128-17. Without objection, the motion carried unanimously.

V. Action Items

Authorization to Advertise

Resolution No. 104-17

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Easterly Service and Security Buildings Rehabilitation project with an engineer's opinion of probable construction cost of \$4,700,000.00.

Resolution No. 105-17

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Lockout/Tagout Equipment Upgrade project at all District facilities with an anticipated expenditure of \$65,000.00.

**MOTION** – Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution Nos. 104-17 through 105-17. After the following discussion and without objection, the motion carried unanimously.

Mr. Brown asked for an elaboration regarding Resolution No. 104-17. James Bunsey, Director of Engineering & Construction, stated that the project encompasses much more than a building. The existing building is 40 years old and the District has outgrown it. The building is the hub for the

Easterly fire control system and video cameras and monitors.

The Easterly facility exterior was not maintained on many structures since the 1930s and there is a lot of architectural rehabilitation needed. Additionally, there are code and safety improvements for operator safety.

Authorization to Issue Request for Proposals (RFPs)

- |                       |  |
|-----------------------|--|
| Resolution No. 106-17 | Authorization to issue RFPs, in accordance with Ohio Revised Code Chapter 153, for Stormwater Testing and Construction Inspection Services from 2017 through 2021. |
| Resolution No. 107-17 | Authorization to issue RFPs for Stormwater General Right of Way Services from May 2017 through May 2019.   |
| Resolution No. 126-17 | Authorization to issue RFPs for General Right of Way Services from May 2017 through May 2019.  |

**MOTION** – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution Nos. 106-17, 107-17 and 126-17. After the following discussion and without objection, the motion carried unanimously.

Mr. Brown inquired about the price difference between the two General Right-of-Way RFPs. Eric Luckage, Chief Legal Officer & General Counsel, explained that they are companion resolutions that do essentially the same thing. One is for stormwater services, including title work, property acquisition and consultants; the other includes the same services for sewers.

CEO Dreyfuss-Wells indicated that staff may combine the services in the future.

Authorization to Enter Into Agreement

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|-----------------------|--|
| Resolution No. 108-17 | Authorize a two-year project agreement with the City of Macedonia for the design and construction of the Sioux Lane Culvert Replacement project in the amount of \$300,000.00. |
| Resolution No. 109-17 | Authorize a cooperative agreement with the U.S. Geological Survey for the installation, operation and maintenance of stream gauges in an amount not-to-exceed \$245,200.00.    |

**MOTION** – Ms. Dumas moved and Mayor Bacci seconded to adopt Resolution Nos. 108-17 through 109-17. After the following discussion and without objection, the motion carried

unanimously.

Authorization to Re-Assign Agreements

Resolution No. 110-17

Authorization to re-assign District agreements with MWH Americas, Inc. for six projects and one project for Hawksley Consulting Inc. to Stantec Consulting Services, Inc. due to a name change effective January 1, 2017.

**MOTION** – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution No. 110-17. Without objection, the motion carried unanimously.

Authorization to Pay Dues

Resolution No. 111-17

Authorize the 2017 renewal of the District's Water Environment & Reuse Foundation subscription in the amount of \$96,140.00.

**MOTION** – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution No. 111-17. Without objection, the motion carried unanimously.

Property-Related Transactions

Resolution No. 112-17

Authorization to acquire one temporary easement from New Community Place LP necessary for construction of the Kingsbury Run Culvert Repair project with a consideration of \$1,200.00.

Resolution No. 113-17

Authorization to acquire one temporary easement from and grant one permanent easement to J.J White Products, Inc. necessary for construction of the Union/Buckeye Green Infrastructure project with a consideration of \$0.00.

Resolution No. 114-17

Authorization to acquire one permanent easement from the Catholic Cemeteries Association of the Diocese of Cleveland, fka Catholic Cemeteries Association, necessary for construction of the Kingsbury Run Culvert Repair project with a consideration of \$300.00.

Resolution No. 115-17

Authorize a relocation payment to Maryland Estates, Inc. associated with the District's permanent acquisition of property in the City of

Cleveland necessary for construction of the Union/Buckeye Green Infrastructure project with a consideration of \$13,550.00.

Resolution No. 116-17

Authorize a relocation payment to Archie P. Stewart, Jr. associated with the District's acquisition of property in the City of East Cleveland necessary for construction of the East 140<sup>th</sup> Street Consolidation and Relief Sewer project with a consideration of \$2,700.00.

Resolution No. 117-17

Authorize the District to enter into a license agreement with the City of Cleveland for the temporary use of one parcel necessary for construction of the Westerly Low Level Relief Sewer project with a consideration of \$1.00.

Resolution No. 118-17

Authorize the District to enter into a license agreement with the City of Cleveland for the temporary use of multiple parcels necessary for construction of the Woodland Central Green Infrastructure project with a consideration of \$800.00.

**MOTION** – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution Nos. 112-17 through 118-17. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 119-17

Authorization to enter into design-build contract with Industrial Furnace Company, Inc. for the Westerly Incinerator Improvements project in the amount of \$2,704,066.33.

Resolution No. 120-17

Authorization to enter into design-build contract with Turn-Key Tunneling, Inc. for the Emerald Parkway Culvert Repair project for an initial contract authorization of \$795,000.00.

Resolution No. 121-17

Authorize a one-year construction contract with Tucson, Inc. for the Cuyahoga River at Towpath Bank Stabilization project in the amount of \$1,614,921.81.

- Resolution No. 122-17                      Authorize a construction contract with McNally/Kiewit DVT Joint Venture for the Doan Valley Storage Tunnel project in the amount of \$142,320,000.00.
- Resolution No. 123-17                      Authorization to amend resolution 89-17 to replace the withdrawn bid of D. Peterman Landscaping for Group 1 grounds maintenance services at certain District facilities, and to enter into a one-year contract with Henderson Contracting, LLC for said services in the amount of \$27,106.80.
- Resolution No. 124-17                      Authorize a three-year contract with Magnitude Software, Inc. for the licenses and implementation of Noetix Global Views (Finance, HR, Purchasing, Order Management, and Inventory) in the amount of \$120,800.00.

**MOTION** – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 119-17 through 124-17. After the following discussion and without objection, the motion carried unanimously.

Mr. Brown requested an elaboration regarding Resolution Nos. 119-17 and 120-17. Mr. Bunsey stated that staff utilizes design-build services when the scope is a moving target, there is an emergency situation or there is insufficient information for a 100% design.

The Westerly Incinerator Improvement project (Resolution No. 119-17) is a little bit of both. This is a maintenance project that is too great for Operations staff to perform. Multiple hearth furnaces are no longer significantly operating and there are not many firms that perform this work. Only one proposal was received and the previous four contracts were completed by another company that chose not to propose on this job. Staff was diligent in reducing the scope of work to the bare minimum needed to keep the incinerator functional for a four- or five-year period.

Mr. Bunsey indicated that design-build is being utilized because staff does not know what needs repair inside the incinerator until they get in. The incinerator is shut down very infrequently and it is important to fix it very quickly while shut down.

Moving to the Emerald Parkway Culvert Repair project (Resolution No. 120-17), Mr. Bunsey indicate that the project total would be about \$5.5 million; staff is requesting authorization of \$795,000 which includes the complete design under this phase and the final phase.

Mr. Bunsey further explained that staff is requesting an allowance to drop a shaft into the location where the culvert has failed. The overall culvert has three specific sections: one underneath the ODOT right-of-way, which is in good shape.

The design-build is complete design services and money to construct the shaft and Phase II would be the rehabilitation of the downstream section and a reinstallation of the upstream section. It is likely that the culvert upstream collapsed due to additional load placed on it post-construction.

Mr. Brown was concerned that other facilities may encounter similar problems in the future in terms of the ability to restrict load on these structures so they do not fail.

Mr. Greenland stated that staff is inventorying under the stormwater program and master planning projects all the culvert locations for internal inspection. A discussion will take place regarding whether to restrict loads above culverts.

CEO Dreyfuss-Wells advised that under this project staff will explore that to make sure the District's investment is protected. She noted that there are pipes which have unknown locations and can make themselves known in dramatic ways.

Mr. Brown requested an explanation of Resolution No. 122-17. Mr. Bunsey stated that the engineer's opinion of construction is \$145 million. This project will have a tremendous community impact. Staff recommends awarding to what they consider the lowest and best bidder which would be the second-lowest bidder. The lowest bidder significantly did not meet the qualifications for the tunnel, their personnel experience did not meet the District's requirements, and there were means and methods that staff knows are not appropriate.

The lowest and best bidder is the same team that performed the Euclid Creek Tunnel, which was the most successful tunnel so far.

The team that was the apparent low bid tendered bids on a handful of projects and they were very competitive. Staff will work with them to make sure that at the next opportunity their bid package can meet District requirements.

#### Authorization to Retain Counsel

Resolution No. 125-17

Authorization to retain the law firm of Zashin & Rich Co., LPA as special counsel for labor negotiations and labor and employment matters.

**MOTION** – Ms. Dumas moved and Mayor Bacci seconded to adopt Resolution No. 125-17. Without objection, the motion carried unanimously.

#### VI. Information Items

##### 1. Industrial Pretreatment Program Legal Notice

Mr. Greenland stated that the District is required to report annually any entities that have had compliance issues related to the pretreatment program.

Kevin Roff, Supervisor of Enforcement, stated that there were eight repeat offenders. Staff expects all of them to come into compliance in the future based on formal or informal schedules. None of the offenders were threats to the District's plants.

## 2. Regional Stormwater Management Program Update Presentation

Mr. Greenland advised that finding blockages and remediating them is a major part of the program. Staff monitors the rate of erosion and when it threatens a structure staff takes action.

Mr. Ciaccia asked when a project moves from maintenance to construction. Mr. Greenland explained that staff ranks and nominates projects for construction and urgency is a primary factor.

Moving to master planning, Mr. Greenland explained that the stormwater service area is divided into four major watershed areas and three studies are about to commence.

The master planning will assess structural conditions and simulates what happens in the streams when it rains. Gauges will be installed to help monitoring and modeling. Staff also interacts with communities to become cognizant of any problems and utilize asset management principles to prioritize activities.

Mr. Greenland advised that staff is using radar capabilities with gauges to pinpoint how much rain fell in a small area and offering the service to the communities. This service will be beneficial long-term to understand erosion patterns.

11 projects are moving to construction and 27 others are in design. When you look, there's about 27 projects in the que right now.

The District has nearly \$10 million under the Community Cost Share Program. He explained that there is over \$3 million in approved projects so the cash flow at the community level will increase. The District will allow communities through an agreement to use out-year cost share accounts to perform bigger projects.

Mr. Greenland advised that the District offers credits to residential and industrial/commercial customers.

The District entered into agreements with all service-area communities except two for Phase II services. Each member community holds a permit from the Ohio EPA. Phase II is stormwater permit in which they must employ six minimum controls to comply.

The Watershed Advisory Committee meet twice a year with member communities and other stakeholders.

Mayor Bacci thanked David Ritter, Manager of Watershed Technical Support, for attending his business breakfast last Friday; he reassured them that credits are available and this will positively impact the region.



VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

**MOTION** – Mayor Bacci moved to go into Executive Session pursuant to Ohio Revised Code Section 121.22(g)(1) to consider the appointment and employment of a public employee. After discussion and without objection, the motion carried unanimously by roll call vote.

The Board met in Executive Session from 1:38 p.m. to 1:53 p.m.

X. Approval of Items from Executive Session

There were no items.

XI. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Mayor DeGeeter seconded the motion to adjourn at 1:53 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