

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
APRIL 7, 2022

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
Jack Bacci
Timothy DeGeeter
Sharon Dumas
Marjorie Chambers
Samuel Alai

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 17, 2022 Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

President Brown asked whether anyone had signed up to speak during the public session portion of the agenda on a specific topic. Ms. Dreyfuss-Wells advised that two people had, Anthony Coyne, to discuss Resolution No. 118-22, and Cindy Kline to discuss stormwater repair.

Anthony Coyne provided a statement to the Board as follows:

“Thank you, Chairman Brown. Thank you, members of the Board. I am here to address Resolution 118-22. While I’ve appeared before public bodies before, I’ve never appeared before this one in this building.

And my mentor, Mike Gavin, was mentored by George McMonagle, so I could go a long way back on his practice in the field of eminent domain law, actually, which is interesting because the reason these lakes have been so well preserved is because communities got together, against the government at the time, to potentially remove these lakes by eminent domain in the '60s.

But I'm here today for a very different reason. I represent the Committee to Save Horseshoe Lake, and I can tell you in all candor, I'm here in a collaborative, not adversarial, capacity.

I'd like to address Resolution 118-22. We've met with several of your consultants and your engineering team on this project related to the Doan Brook restoration and the work that's being proposed for Horseshoe Lake. We've been doing it as thoughtfully as possible. We've retained a very good engineering firm to give us the opportunity to present some alternatives so that the lake will not be removed, and the dam will not be removed thereby eliminating the lake.

We've addressed with some additional planning stormwater management. We've done so with, we think, a way that could actually be done under alternative, too, potentially less expensively and we think we've presented a concept that would be environmentally more responsible so that the 100,000 yards of dredge material that would need to be removed through trucking and have you wouldn't happen, and you wouldn't need to fill up more enclosed disposal facilities in Lake Erie.

And we believe that Horseshoe Lake itself is not one of the problems related to the flooding issues that have occurred downstream, closer to University Circle.

So, we'd like to do more work and address more modeling to hopefully provide the alternative that could, in fact, save Horseshoe Lake. We believe that preserving this aesthetic, valuable asset to Shaker Heights and Cleveland Heights is really important. It's an important passive recreation area for the region and, in fact, is on the historic registry of landmark places in our community. And I say that from a regional perspective, but obviously it's most important to Cleveland Heights and Shaker Heights.

So, my purpose here given Resolution 118-22 is simply this: Please keep in mind that any predesign alternatives and the work you're doing include efforts to save and preserve historic Horseshoe Lake. That's what we're asking for. It could be done. Costs are often the issue, but we believe costs aren't the only issue. And when I say I represent the Committee to Save Horseshoe Lake, it's well over 200 families in the two communities of Shaker Heights and Cleveland Heights.

I participated in a meeting just the other day. I told Mr. Luckage, your counsel somewhere here, we had 52 residents of the community participate and they're active, they're interested, they're not going away. So, we have to figure out how to go back, work together with the community, the two municipalities, and the Sewer District, which is doing a lot of wonderful things for the environment of Northeast Ohio.

So, I'm here to say just please keep in mind as you proceed down this journey, we're going to ask you to give full consideration to keeping the alternatives available to preserve and protect Horseshoe Lake.

If you have any questions, I'd be glad to answer them, but that's what I wanted to make sure you were aware of."

President Brown thanked Mr. Coyne for his comments and noted that they have worked together on many projects over the years, and the Horseshoe Lake dam is yet another of those important issues in the community. This process has been very transparent, held publicly between the community, stakeholders, and NEORSD.

President Brown expressed his confidence that the result of the project will meet the water quality and habitat improvement requirements, flood control requirements, and safety requirements with respect to the dam. The project is in the pre-design phase and open dialog will continue as the project progresses. This issue is not only important to the Cities of Cleveland Heights and Shaker Heights, but also to the City of Cleveland, which is downhill from the area.

Mr. Coyne expressed his appreciation and willingness to work together moving forward.

Cindy Kline then addressed the Board:

Ms. Kline stated that some of the Board may know her. She indicated that she's been disappointed because her flooding issue has not been addressed. She stated that she worked for FEMA during the initial flooding in her yard, and worked with FEMA, NWSSC and WSSC. She has been damaged by flooding.

She displayed photos of her yard during the flooding in July of 2019. Ms. Kline stated that she believes the District has no intention of helping even though she has been talking to the District since before Mr. Greenland even had the department ready and the funding.

She showed photos of her house and described how there was no development off of State Road or Sprague Road. She stated that she believed the city built these water retention basins in the wrong places. Her yard has been severely damaged.

Ms. Kline provided photographs demonstrating the way that the creek used to look and that initially there was just some damage with debris from where they built the old culvert, but a car crashed in there.

A month after Ms. Kline started working for FEMA, she had what she called fault lines. The ground was just breaking away and falling off. The city, county, state, and utilities promised to fix it. If they had applied for FEMA funds, according to Ms. Kline, FEMA would have paid 80% of the damage with matching funds.

Ms. Kline provided additional photos and stated that the city accused her of dumping debris in the old Ridge Road culvert.

Ms. Kline stated that she would watch repairs being performed at Doan Brook, York and Sprague, York and Pearl, in the City of Cleveland where they built small culverts. She stated that the District brought a real estate person to her property, offered to purchase her house, and let her live in it for a year. That “We’re going to buy your house and that’s it. No repair. No fixes. No water retention. No building up or stabilization of the bank. Nothing... How nice of you. You’ll let me live in my own house.”

Ms. Kline stated that for sixteen years, NEORSD has been promising to fix this and now is telling her that it will do nothing to repair it. She said that the District has brought people to her house and told her nothing is going to be done to fix it.

She stated that there are people across the creek that have been told that they will lose more than half of their backyards and stated that she thinks the District is going to put a pipe in there to bring more water through the area.

Ms. Kline invited the Board to her house and look at the property, pictures before and after, the water retention issues, the headwall that used to be the old box culvert from Ridge Road before they built Hidden Valley in 1985 and she says is now 1/8 of what it used to be because it keeps falling into the creek. She stated that it has caused damming, mosquitoes, and problems. Ms. Kline stated that her neighbors have been impacted, as has she, and that the water has come to her front door. She stated that some people have had it in the house, but most of them don’t have their yards just totally disappear.

She stated that she and her 80-year-old dad cannot cut their lawn because they cannot get near the edge because many places there is trees, there is ground, there is nothing underneath it.

Ms. Kline stated that there are exposed gas mains and if debris hits the exposed gas main, then Ridge Road, her home, and several other houses will blow up and all of the gas feeds south of Parma will be destroyed, too.

President Brown asked Ms. Kline to leave copies of the materials that she was referencing and asked Ms. Dreyfuss-Wells to review the information with the Watershed Programs team and provide the Board with a briefing of the situation.

IV. Chief Executive Officer’s Report

Kyle Dreyfuss-Wells, Chief Executive Officer, provided an update regarding NEORSD’s ongoing COVID-19 pandemic response and informed the Board that NEORSD staff has one active COVID-19 case, and one employee with COVID-19-like symptoms awaiting test results. There are no employees remaining at home because a member of their household tested positive. There has

been a total of 209 employees with confirmed diagnoses since the beginning of the pandemic, 208 of whom have recovered and returned to work.

Ms. Dreyfuss-Wells introduced Denise Rice-Ali, NEORSD's new Director of Human Resources. Ms. Rice-Ali was previously with the YMCA of Greater Cleveland, where she served as the Vice President of Human Resources, with twenty years of experience in both HR and diversity at the leadership level. Ms. Dreyfuss-Wells acknowledged Constance Haqq, Chief Administrative Officer, for her leadership in the search and during the transition as she managed both the HR and Administration and External Affairs departments.

President Brown thanked Ms. Haqq for all of her hard work and welcomed Ms. Rice-Ali to NEORSD, adding that he looks forward to hearing her perspectives.

Ms. Dreyfuss-Wells offered congratulations to Ben Tedrick, Unit Process Manager, Southerly Wastewater Treatment Plant (WWTP), for receiving his Class IV wastewater operator certification from the State of Ohio. Mr. Tedrick has been with NEORSD since 2004. Class IV is the highest attainable certification level for wastewater in the State of Ohio. It is very difficult to achieve this certification, particularly in a WWTP such as Southerly, which is the largest WWTP in the state.

With Mr. Tedrick's certification, NEORSD now has 14 Class IV operators. It is a requirement to have a Class IV operator as the Operator of Record at WWTP such as the District's under Ohio EPA regulations.

Ms. Dreyfuss-Wells introduced Peter Gravatt, CEO of the Water Research Foundation (WRF), the nation's largest research organization devoted to advancing the science of water, to discuss the WRF research that supports a range of topics that are important to NEORSD. Ms. Dreyfuss-Wells advised the Board that Mr. Gravatt is a native Clevelander and was spending his day meeting with representatives of Cleveland Water and NEORSD and touring NEORSD facilities.

Mr. Gravatt thanked Ms. Dreyfuss-Wells and the Board for welcoming him and stated that NEORSD is one of the most important subscribers of the WRF.

Mr. Gravatt advised the Board that there are many WRF subscribers across the State of Ohio, and Cleveland is well represented in the organization's leadership with Ms. Dreyfuss-Wells serving as the Chair of the Research and Innovation Strategy Committee, and Alex Margevicius, Commissioner of Cleveland Water, serving as the Chair of the Audit Committee. WRF's Research and Innovation Strategy Committee is crucial in crafting the metrics that demonstrate the effectiveness of delivering on the promise of WRF.

Mr. Gravatt provided a graphic demonstrating that WRF is investing \$82 million of research funding across more than 260 active projects.

WRF has approximately 1,200 subscribers worldwide, over 1,000 of whom are utility subscribers, and most of which are located in North America. There are approximately 80 consultant subscribers, and 60 manufacturer subscribers.

The organization's focus is to provide the research most needed by its subscribers to advance the work being performed in the communities they serve. As evidenced by its 2021 audit, \$0.84 of every dollar that comes into the WRF goes directly to support its research program services.

Mr. Grevatt provided a graphic depicting WRF's holistic approach to supporting every aspect of drinking water, wastewater management, stormwater management, and water reuse operations in an integrative fashion. The organization is working to address challenges in Lake Erie, along with challenges across the state and around the world, to protect the environment. Mr. Grevatt added that before he joined WRF, he had a 30-year career at the U.S. EPA, and during the last six of which, he led the National Drinking Water Program. He is well aware of the issues that Cleveland is facing in terms of lead service line replacement, management of the distribution system, and combined sewer overflows (CSO).

Mr. Grevatt indicated that WRF appreciates the support of NEORSD and is always available to provide support and assistance as needed.

V. Action Items

Authorization to Advertise

Resolution No. 114-22 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the purchase and installation of utility beds for three 1-ton trucks with an anticipated expenditure of \$60,500.00.

Resolution No. 115-22 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for construction of the Picha Lake Dredging project with an anticipated expenditure of \$953,000.00.

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution Nos. 114-22 through 115-22. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 116-22 Authorization to purchase three 1-ton class truck cabs and chassis, one vehicle service truck, one skid loader with attachments, and one 8-ton class hydraulic excavator through various cooperative

purchasing programs, in an amount not-to-exceed \$403,300.00, and to purchase any necessary aftermarket items for said vehicles and equipment through the District's quoting process in an additional amount not-to-exceed \$50,000.00, for a total amount not-to-exceed \$453,300.00.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 116-22. After the following discussion, without objection, the motion carried unanimously.

President Brown stated that there will presumably be additional requests to procure vehicles during the course of the year and noted that the average useful life for most of the vehicles is 19 years. President Brown asked if this is longer than the expected useful life. Frank Foley, Director of Operation and Maintenance, answered affirmatively and explained that while NEORS D maintains its vehicles and equipment for as long as possible, there comes a point that they must be replaced.

Mayor DeGeeter asked if there has been difficulty finding available vehicles. Mr. Foley explained that availability is a concern. NEORS D hopes to purchase them through cooperative purchasing agreements, though there is some uncertainty and bidding for vehicles may be even more challenging.

Ms. Chambers asked whether they are American made vehicles. Mr. Foley stated that he believes that all are American made with the possible exception of the skid loader. It was agreed that the issue would be investigated and reported back to the Board following the meeting.

Authorization to Enter Into Agreement

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| Resolution No. 117-22 | Authorization to sponsor projects under the Ohio EPA's Water Resource Restoration Sponsor Program (WRRSP) and to enter into Sponsorship Agreements with West Creek Conservancy, The Nature Conservancy, the City of Ravenna, Columbus and Franklin County Metro Parks, and the City of Warren for the 2021-2022 funding cycle, as presented, for a total of \$5,229,546.00 awarded by Ohio EPA under the WRRSP at no cost to the District. |
| Resolution No. 118-22 | Authorization to enter into a professional services agreement with AECOM – Stimson Doan Brook Joint Venture for pre-design services under the Doan Brook Restoration near Horseshoe Lake Park project in an amount not-to-exceed \$1,480,569.12. |

Resolution No. 119-22 Authorization to enter into an agreement with the U.S. EPA and Cleveland-Cuyahoga County Port Authority to provide in-kind credit as part of a 35% non-Federal sponsor match for the total cost of the Feasibility Study and Remedial Design under the Cuyahoga River Old Channel project with an in-kind contribution of habitat restoration projects separately authorized under the Regional Stormwater Management Program in the estimated amount of \$1,122,000.00.

MOTION –Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 117-22 through 119-22. After the following discussion, without objection, the motion carried unanimously.

Regarding Resolution No. 117-22, President Brown noted that he is always interested in the Water Resource Restoration Sponsorship Program (WRRSP) grants and particularly the locations of the watersheds. He expressed concern as to whether there may be other areas or projects closer to, or within, the service area and what measures are taken to ensure that local grants are secured when available. Frank Greenland, Director of Watershed Programs, explained that these are NEORSD’s recommended projects to sponsor this year. In exchange, NEORSD receives one tenth of a percent reduction of interest on its State Revolving Fund (SRF) loans, benefiting the District financially.

This is a highly competitive process with the EPA wherein they select and prioritize projects for funding. The Tier I goal is to get a project in the service area, but there are none this year. The Tier II goal is to fund projects that manage stormwater and systems that come through the District, such as the Ravenna project, which involves the Cuyahoga River. The Tier III goal is to sponsor projects that improve Lake Erie. Tier IV is anything outside of the Lake Erie Drainage Basin, and those sponsorships are rare. Mr. Greenland advised that there would be additional information about the projects in his presentation.

Going forward, now that the Stormwater Master Planning is complete and NEORSD has a better picture of opportunities for WRRSP, NEORSD could apply for a WRRSP project as an implementer. NEORSD works closely with the watershed groups that it supports and is discussing partnership opportunities with those organizations to identify projects in the service area.

President Brown noted that, regarding Resolution No. 118-22, there was previous discussion about the involvement of a landscape architect in the project. It now appears that there is a joint venture in which a landscape architect is partnering with a traditional civil engineering firm to address the complicated matter of the dam’s removal and its effect on the hydraulic model of the stream and the impact to the upper lake, lower lake, and culverts, into the City of Cleveland. President Brown asked if, because this is a complex project and the outcomes of the predesign will dictate the project design, will NEORSD plan on moving forward with the project with the same entity.

Mr. Greenland explained that the purpose of the predesign phase is to collect information to firm up the project recommendations, the integration of stormwater management and stream restoration components with the surrounding park and prepare it for a detailed design effort.

Stimson is the lead consultant on this project, which involves a 50 to 60-acre site, the Horseshoe Lake footprint, and surrounding parklands. As the previous lake footprint is transformed into a stream network, there will significant functional landscape integration required.

The area was once a stream network which was dammed between 1850 and 1890 to create a lake. The objective of the project is to return it to its original format, which is a very challenging prospect. Following predesign to determine the best possible design, the design parameters will be established, and the project will move into detailed design then subsequent construction. The District can elect to continue with the predesign consultant team during the detailed design phase or elect to separately issue another request for proposals for detailed design. There will be a determination of what opportunities there are to maximize the benefits of the project for the community in terms of amenities such as walking trails

Ms. Dumas asked Mr. Greenland to discuss flooding considerations for the downstream area, which would be University Circle in Cleveland. Mr. Greenland explained that it was part of the decision-making process. NEORS will restore the Lower Lake dam because it will provide tangible stormwater management flood control benefit downstream. There are other areas that will be addressed in time. A significant issue in University Circle is culvert capacity, as the area previously only had a two-year level of flood protection. NEORS has increased that to a ten-year level of protection, however, additional planning is needed to further increase the level of service. Once water leaves the culvert, it causes flooding in the area of Martin Luther King, Jr. Boulevard. There are recommendations for improvements in that area as well. There will be additional projects performed along Doan Brook with the intention of balancing projects to raise the level of service and fund projects that provide measurable flood reduction benefits.

President Brown asked for clarification that this specifically relates to stormwater, as CSO in the area has already been addressed. Mr. Greenland answered affirmatively and stated that this is the next step in the Doan Brook Watershed.

President Brown added that there is a very strong team working on this project including GPD, Roy Larick, KS Associates, EnviroScience, and River Reach, and they are the standard in this part of the country. Mr. Greenland noted that the selection process was different for this project inasmuch as there were scoring members from the communities who observed the interviews and participated in the selection process.

President Brown requested additional information regarding Resolution No. 119-22. Mr. Greenland explained that the Cuyahoga River is 1 of 43 Areas of Concern nationally that have been designated as having the worst environmental problem areas across the Great Lakes system.

Within the Areas of Concern, there are beneficial use impairments: things like fish, bugs, sediment, algae, and bacteria, that are removed through good action. The Cuyahoga River has been a national success story because of the recovery of fish and bugs, but still has problems that NEORSD and others are working to remedy. One such area is the Cuyahoga River Old Channel. Mr. Greenland provided an image of the area and explained that once water goes into this area, it does not get out, creating a legacy sediment buildup in the area.

The U.S. Army Corps of Engineers is leading the project to remediate the contaminated sediment, which is currently in the design phase. The project funding is 65% federal and 35% local. The local funding can be match funds from stormwater management projects that the District is already conducting because they involve habitat restoration, so, this agreement is using projects that NEORSD is already doing to satisfy the local match for the design phase. There will be an amendment at some point to take the project from design to construction.

Authorization to Enter Into Contract

Resolution No. 120-22 Authorization to enter into a three-year requirement contract with Konecranes, Inc. for crane inspection, maintenance, and repair services at the Easterly, Southerly, and Westerly WWTPs and pump stations, in an amount not-to-exceed \$126,343.00.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 120-22. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 121-22 Authorizing final adjusting change order for Contract No. 2000099 with Shook Construction Co. for the Easterly Aeration Tanks Rehabilitation project by decreasing the contract amount by \$691,628.23, thereby bringing the total contract amount to \$9,696,104.40.

Resolution No. 122-22 Authorizing a modification to Construction Contract No. 20003771 with DiGioia-Suburban Excavating, LLC for the Miscellaneous CSO Improvements project to extend the contract term by 60 non-compensable calendar days, and to reallocate to the General Allowance all unused funds from both the Specific Allowance for Utility Relocations and the Specific Allowance for Contaminated/Hazardous Materials, and to authorize the resulting General Allowance in excess of ten percent of the base contract price

bid, excluding specific allowances, with no change in the total contract amount.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 121-22 through 122-22. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 21a-22 Authorization to amend Resolution No. 21-22, adopted January 6, 2022, which granted a stormwater account adjustment in the total amount of \$59,441.13 against the stormwater charges on the NEORS Account ending in 5162 for Stopper Family, Corp., doing business as Maria Gardens at 8334 North Marks Road, Columbia Station, to change the amount of the adjustment to \$57,277.78 based on a recalculation of the account’s impervious area eligible for retroactive stormwater fee credits.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 21a-22. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 123-22 Authorization to acquire two permanent stormwater easements at the properties known as PPN 449-22-044, located on Keltonshire Road, in the City of Parma, and PPN 449-24-029, located at 7620 West Ridgewood Drive, in the City of Parma, both owned by the City of Parma, necessary for the construction and maintenance of the Big Creek Phase 1 SWMP Project Area 7 – Ridgewood Basins in Parma project with total consideration of \$1.00.

Resolution No. 124-22 Authorization to acquire one parcel in fee simple known as PPN 761-16-081, located at 19912 Longbrook Road, in the City of Warrensville Heights, owned by the Cuyahoga County Land Reutilization Corporation, necessary for the construction and maintenance of the Mill Creek Restoration Near Cricket Lane in Warrensville Heights project with total consideration of \$51,411.90.

Resolution No. 125-22 Authorization to appropriate one property in fee simple known as PPN 455-27-001, located on Sierra Oval, in the City of Parma, owned by The Dogwood Development Corporation, also known as Dogwood Development Corporation, necessary for the construction and maintenance of the Big Creek Stream Restoration Upstream and

Downstream of Ridge Road in Parma project, and to deposit \$4,100.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 126-22 Authorization to appropriate one temporary easement at the property known as PPN 531-22-013, located at 600 Resource Drive, in the Village of Brooklyn Heights, owned by Brooklyn Heights Business Park, LLC, necessary for the construction and maintenance of the West Creek Stabilization in Brooklyn Heights project, and to deposit \$38,300.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 127-22 Authorization to appropriate two temporary easements at the property known as PPN 531-22-018, located at 650 West Resource Drive, in the Village of Brooklyn Heights, owned by Brooklyn Heights Business Park, LLC, necessary for the construction and maintenance of the West Creek Stabilization in Brooklyn Heights project, and to deposit \$42,950.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 128-22 Authorization to acquire one permanent stormwater easement and one temporary easement at the property known as PPN 771-10-002, located at 4749 Derbyshire Drive, in the Village of North Randall, owned by S.K.M. Builders, LLC, necessary for the construction and maintenance of the Bear Creek Culvert Improvements project with total consideration of \$17,275.00.

Resolution No. 129-22 Authorization to acquire one permanent sewer easement and one temporary easement at the property known at PPN 009-08-020, located at 3750 Valley Road, in the City of Cleveland, owned by Legacy Realty Group, LLC, necessary for the construction and maintenance of the Pearl Road and Jennings Road Storage Tanks project with total consideration of \$5,000.00.

Resolution No. 130-22 Authorization to acquire one temporary easement at the property known as PPN 009-08-009, located at 3980 Jennings Road, in the City of Cleveland, owned by RJ Fish Development, LLC, necessary for the construction of the Pearl Road and Jennings Road Storage Tanks project with total consideration of \$12,000.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 123-22. Without objection, by roll-call vote, with all present members voting yes, and recusal from discussion and abstention from voting by Mayor DeGeeter, the motion carried.

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 124-22 through 130-22. Without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 131-22 Adopting the findings of the Hearing Officer with regard to the sewer account of Brenda Smith, Sewer District Hearing No. 22-001, that the customer’s request be denied.

MOTION – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution No. 131-22. Without objection, the motion carried unanimously.

Authorization to Implement

Resolution No. 132-22 Authorization to implement the 2023 Member Community
WITHDRAWN Infrastructure Program (MCIP) through the release of the 2023 MCIP
Request for Proposals.

VI. Information Items

President Brown invited Ken Duplay, Chief Financial Officer, to provide an update regarding the certification of delinquent sewer and stormwater accounts to the Cuyahoga County Fiscal Officer for the first half of 2022.

Mr. Duplay advised the Board that this is a semiannual process that NEORSD utilizes to collect on delinquent accounts. Beginning in March 2020, in response to the COVID-19 pandemic, the District suspended the process and did not certify any accounts until the second half of 2021, at which time it certified accounts with balances due prior to December 31, 2019. This certification for the first half of 2022 will be the first full certification performed since the fall of 2019.

NEORSD utilizes a policy with a very thorough process to identify eligible accounts. The primary threshold is accounts with a combined sewer and stormwater balance of over \$500 (\$100 for stormwater only accounts) that is over 180 days old. The initial list is filtered to remove accounts that are not eligible for certification because they are already on a payment plan or have outstanding issues such as meter reads under review. The list is filtered further by customer service outreach.

Mr. Duplay invited Constance Haqq, Chief Administrative Officer, to discuss the customer outreach process.

Ms. Haqq explained that three months prior to certification, NEORSD staff issues a soft notice letter to all potential certification customers to inform them that their account is delinquent and invite them to contact the District to arrange for a payment plan or, if they feel that the balance is in error, to address the issue. If the soft notice is unsuccessful, thirty days prior to certification, a second letter encouraging the customer to contact NEORSD is issued.

The Customer Service Department works diligently, dividing the entire list among themselves and reviewing each individual account to ensure that it is properly eligible for certification. Customers are removed from the certification list if they have established a payment plan or their soft notice letters were returned meaning that the customer was not properly notified.

During the current process, Customer Service was able to identify 5,300 customer accounts, which accounts for approximately 56% of the delinquent accounts, to be removed from the list. The remaining accounts are those which will be certified.

Ms. Haqq provided a chart demonstrating the initial candidates, final liens, and the dollars to be recouped in the process.

Ms. Haqq emphasized the thoroughness of the process and offered kudos to Customer Service for their diligence to ensure that no customer is on the list that should not be, and their work with customers to get their accounts back into good standing.

Mr. Duplay added that although the \$10 million in certification for the spring is a large number, when combined with the \$4 million from the fall certification, that \$14 million for the two-year period is in line with the \$6 million to \$7 million seen in a typical year. This is better than anticipated and speaks to the dedication of the Customer Service staff. The initial soft notice letter that Ms. Haqq referenced is a new step in the certification process to attempt to provide customers with ample opportunity to avoid certification.

President Brown added that it appears that the effort had a good result and noted that NEORSD has performed its due diligence to get accounts into compliance.

Ms. Dreyfuss-Wells invited Eric Luckage, Chief Legal Officer, to address the issue of assuring that a water or sewer lien alone would not force a property through the foreclosure process.

Mr. Luckage advised the Board that NEORSD has been working on this issue for some time. COVID-19 brought the issue to light with utility affordability questions.

NEORSD reached out to an Assistant Prosecuting Attorney in the Cuyahoga County Prosecutor's Tax Foreclosure Division to discuss what determines which properties enter into the foreclosure process. An important item of note is that the foreclosure process does not begin until the property owner has been unresponsive to the County for a number of years, meaning that typically four to five years pass before the process begins. Additionally, the Prosecutor's office has made clear that they will not initiate the foreclosure process if the only liens against the property are water and sewer delinquency liens. They have committed to the process and indicated that should such a property be incorrectly put into foreclosure, and they are informed of the error, they will correct it and halt the process.

NEORSD has been in ongoing discussions with the Prosecutor's office to understand the process. Occasionally, a customer who has requested a hearing is in the foreclosure process and NEORSD works to understand where they are in the process and will work with the County to assist the customers as much as possible.

Ms. Dreyfuss-Wells invited Mr. Greenland to provide the Regional Stormwater Management Program Update.

Mr. Greenland began his presentation with Stormwater Inspection and Maintenance (SWIM) and reminded the Board that it is one of the key elements of the Stormwater Program, to provide inspections and maintenance in order to prevent and mitigate problems. Mr. Greenland provided a map of the service area demonstrating the inspections that have been performed this year. There were less than usual inspections performed in January and February due to inclement weather. In a typical year, the team will perform 1,300 to 1,400 inspections across the service area. Sometimes these inspections lead to work orders being issued to NEORSD contractors for maintenance. There were 233 such work orders issued in 2021.

Mr. Greenland provided before and after photographs of small-scale maintenance projects and explained that at times, the SWIM group will perform tasks such as streambank erosion control around culverts. These projects are generally under \$50,000. The team is also involved in property demolition in certain areas. Property acquisitions are a significant component of the larger projects.

The SWIM Group monitors project sites large and small, as well as sites where erosion may shift over time. Much of their work is involved in monitoring the success of the project and anticipating future needs.

Regarding technical support, the Master Plans are essentially complete. There is an estimated \$1.36 billion in needs across the service area to achieve a 100-year level of service, which will most likely will not be achievable everywhere. There are additional anticipated expenditures that increase the estimated cost to \$1.5 billion.

In order to address the issues identified in the Master Plan, there are projects ongoing that are in the design phase, advanced planning phase, or construction phase in each of the Master Planning areas. An increase in construction is anticipated this year.

NEORSD partners with watershed groups in the Ohio EPA 319 program. They provide funding that requires a local match and if it is a good project, NEORSD will often provide the local match. Mr. Greenland provided a graphic showing that significant stream restoration and pollution reduction has been completed. Since 2005, NEORSD has also sponsored 58 projects with a value of \$73 million under the WRRSP. As for the region, 10 of those projects were located in the service area, 29 draining through the service area, 15 benefiting Lake Erie, and 4 in the Ohio River Watershed. NEORSD is working to drive more projects within the service area.

The NEORSD property acquisitions are for stormwater management projects, as many require easements and acquisitions. This activity will likely increase as larger projects are implemented. Mr. Greenland commended staff in the Legal and Watershed Departments for their efforts in that regard.

As for strategic support, the Board authorized a contract for stormwater model upkeep and development. NEORSD is using this tool to work with member communities to utilize these models and extend them to a local level and solve problems. The program is available on NEORSD's website and member communities are welcome to reach out to NEORSD for assistance.

Regarding project prioritization, there are 443 projects that were identified in the Master Planning process. The primary element is weighing risk and level of service. There are some areas that see significant and frequent flooding. Mr. Greenland provided a graphic demonstrating those areas and explained that the intention is to increase the level of service in these problem areas and risk is a significant factor. There are also ancillary benefits such as resiliency, meeting program goals and improving emergency routes. Each project has a benefit score.

Mr. Greenland provided a graphic depicting the Puritas Basin and explained that one of the factors is the Probable Annual Risk (PAR) score. The goal is to get the PAR for flooding down to zero, if possible. The Master Plan identified significant risk with several threatened structures in smaller storm events throughout the area. This area has a lot of structures that are being flooded in low level storms. The additional benefits score for the region is 65, for a total score of 589, meaning that this project ranks seventh out of 443 because of the low level of service and multiple parcels affected.

Mr. Greenland explained that the risk/benefit analysis to prioritize projects is performed in conjunction with NEORSD's revenue stream and ability to support design and construction.

The Cuyahoga River North Master Plan has the highest probable annual risk because there is a high percentage of impervious surface area and many streams in the watershed area. NEORSD is addressing hydraulic and structural issues in the area.

The Lake Erie Tributaries Master Plan area will also likely have significant risk, followed by Cuyahoga River South and the Rocky River areas, which have much lower risk.

Regarding design and construction, there will be a number of construction contracts and advertisements for bids. The construction program is ramping up this year and there should be an increase in cashflow. There are many active projects wherein NEORSD is either planning, designing, or constructing a facility.

Mr. Greenland provided images of some upcoming project areas beginning with Hemlock Creek in Seven Hills. The creek has several 90-degree bends that were created to facilitate neighborhoods.

Culverted streams are another significant problem in the service area that NEORSD has analyzed and is prioritizing based primarily on structural risk. Mill Creek will be the first repaired.

The Big Creek flood reduction project has been awarded at \$673,000 and will begin this year.

Chippewa Creek has significant erosion and flooding issues along its entire length. This project is underway with a \$1.6 million award amount.

Moving on to the Community Cost Share Program, the total account balance is \$33 million; \$10 million of that is in contracts that have been executed with communities, and another \$2.5 million in agreements being finalized. That leaves \$20 million available to the member communities. Approximately \$9 million of the available funds are tied up in allocation agreements, wherein the communities are saving up the funds for large projects in the future, and \$11 million to \$12 million is currently unspoken for.

The Watershed staff is working the member communities to spend the money. After five years, if the funds have not been assigned to a project, the community may lose those funds. This has never happened in the history of the program.

There was a decrease in program activity in 2020 due to COVID-19, but the program rebounded in 2021, and hopefully will be even better in 2022.

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

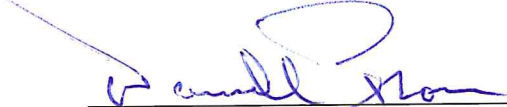
There were no items.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 2:00 p.m. Without objection, the motion carried unanimously.



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



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