

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
APRIL 15, 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 Ronald Sulik.

Vice President Sulik 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: Ronald Sulik  
Samuel Alai  
Jack Bacci  
Timothy DeGeeter  
Sharon Dumas  
Terence Joyce

ABSENT: Darnell Brown

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved, and Mr. Joyce seconded to approve the Minutes of the April 1, 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 15, 2021, the District staff has five active COVID-19 cases, of whom one has recovered and is in the return-to-work process, and four are convalescing. There are two symptomatic employees awaiting test results. The District wishes them a full and speedy recovery. There has been a total of eighty-six employees with confirmed diagnoses since the beginning of the pandemic, with eighty-one having recovered and returned to work. There are currently two District employees who are not experiencing COVID-like symptoms remaining at home because a member of their household has tested positive for COVID-19.

The District has partnered with Rite Aid Pharmacy to offer onsite COVID-19 vaccinations to interested District employees and their families. Rite Aid will be providing Pfizer vaccines at EMSC, with first doses being administered on April 23, and second doses being administered on May 14. Registration is open through Tuesday. Interested employees should watch their email for additional information and, as always, may email [community@neorsd.org](mailto:community@neorsd.org) with any questions.

The District is continuing its slow and gradual reconstitution across District facilities. As was discussed at the April 1 Board meeting, on April 5, 50% of staff with single occupancy offices returned to working onsite with modified schedules and on May 3, 100% of staff with single occupancy offices will return to working onsite full-time. The discussion regarding cubicle reconstitution is ongoing and a plan has not yet been announced.

Regarding the ongoing rate study for the 2022 to 2026 rate schedule, the District has had several meetings with interested parties. On April 7, following the Board of Trustees working meeting, Ms. Dreyfuss-Wells, Ken Duplay, Chief Financial Officer, Jacqueline Muhammad, Senior Manager of Government and Customer Relations, and Mayor DeGeeter, met with County Executive Budish and Director of Public Works, Mike Dever, to review the proposed rates. It was a productive discussion, and the District is appreciative of the County Executives' time.

On April 13, Mr. Duplay and Frank Greenland, Director of Watershed Programs, presented the proposed rates to the Suburban Council of Governments (SCOG). There were 26 member communities represented. Mr. Greenland specifically focused on the implications on the Regional Stormwater Management Program, the Community Cost Share Program, and the Member Community Infrastructure Program.

Also on April 13, Mr. Duplay, Mr. Greenland, Scott Broski, Environmental Services Superintendent, and Doug Reichlin, Deputy Chief Operating Officer, met with Miceli Dairy as part of the District's ongoing work with them. Ms. Dreyfuss-Wells invited Mr. Greenland to provide a summary of the meeting.

Mr. Greenland advised the Board that District staff went to Miceli's headquarters and met with their President, John Miceli, Maria Miceli, who recently addressed the Board, their consultant who produced the report that was given to the Board and a couple other staff members, including their

engineer that works with the District on the surcharge program. Mr. Reichlin gave the bulk of the presentation, which focused on cost of service, allocation of residential versus industrial customers, and how the District arrives at its surcharge numbers. The District provided information regarding the history of rates over the past 20 years, as well as the ten-year projection for rates going forward, which is more favorable in terms of percent of increase and the equity balance between residential and industrial customers.

Mr. Greenland advised that it was a productive conversation with questions answered by both parties. Mr. Miceli indicated that he has a better understanding of the issues following the meeting. The District provided Miceli Dairy with the March 31, 2021, outside counsel letter prepared at the request of Eric Luckage, Chief Legal Officer, and briefly discussed the contents. During the meeting, they also discussed Miceli Dairy's potential ability to pretreat, flow allocations and surcharge sampling, and information regarding billing calculations. The District provided Miceli Dairy with the upcoming Board dates and indicated an openness to future discussion.

Mr. Sulik inquired as to whether there was feedback from the meetings with the County Executive and the SCOG. Ms. Dreyfuss-Wells indicated that the meeting with the County Executive was productive and invited Mayor DeGeeter to offer comment. Mayor DeGeeter stated that it was an informative and positive meeting.

Ms. Dreyfuss-Wells invited Mayor Bacci and Mayor Alai to respond to Mr. Sulik's question regarding the SCOG meeting. Mayor Bacci advised that, from conversations that he has had, members appreciated the District's due diligence and although the rates may not be as low as some would like, they understand that it is the lowest that the District is able to go and that because the majority of it lends to debt service, there is not room for movement.

Mayor Alai offered that he felt that the SCOG presentation went well and put the issues into context for the member community representatives.

Ms. Dreyfuss-Wells added that the draft report of the rate study will be provided to the Board the week of April 19, as it is under final review. There are public outreach sessions scheduled for April 23, April 24, and May 3. The second industrial meeting is scheduled for April 26. There will be another Board of Trustees working session on May 3. The hope is to receive Board approval of the proposed rates at the May 6 meeting and send them to member communities for the 30-day notice. After the final date, there will be a resolution request to modify the sewer rates and stormwater rates under Titles I and V.

Mayor Alai asked if there is a target date for the passage of the new rates. Ms. Dreyfuss-Wells explained that if the rates are approved to be sent to the member communities at the time of the May 6 Board of Trustees meeting, there will be a 30-day notice period, then the hope is to achieve Board approval at the June 17, 2021 Board meeting.

Ms. Dreyfuss-Wells further advised the Board that Cathy Glisic, Superintendent of the Southerly Wastewater Treatment Plant (WWTP), recently received her Class IV Wastewater Operating Certification. This is the highest certification for a wastewater plant operator in the State of Ohio.

It is required for Operators of Record at large wastewater treatment plants such as the District's. With Ms. Glisic's certification, the District has 13 Class IV Certified Operators on staff. Ms. Dreyfuss-Wells offered kudos to Ms. Glisic and added that it is a very rigorous program and a significant achievement.

Mr. Sulik congratulated Ms. Glisic on behalf of the Board.

Ms. Glisic stated that achieving certification was a lot of hard work and she is excited to help other District staff achieve Class IV licensing.

## V. Action Items

### Authorization to Advertise

Resolution No. 111-21                      Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for sludge cake removal services for the Southerly and Westerly Wastewater Treatment Plants with an anticipated expenditure of \$4,181,177.00.

**MOTION** – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution No. 111-21. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik inquired as to whether this service is necessary because the biosolids pump station and force main will not be functioning until sometime in the future. Frank Foley, Director of Operation and Maintenance, explained that is correct, the District initiated a pilot project wherein solids will be hauled from the Westerly WWTP to landfill pending the completion of the pump station and force main in a few years, when there will no longer be incinerators at the Westerly WWTP. Upon completion of the pump station and force main, the sludge will be sent from the Westerly WWTP to the Southerly WWTP to be incinerated there.

The project is in the design phase. Beginning late last year, the District has faced staffing shortages of incinerator operators at both plants and saw the opportunity to move operators from Westerly to Southerly now rather than several years from now and potentially have to face layoffs.

Mr. Foley indicated that costs were evaluated before initiating the pilot and provided a slide demonstrating cost differentials and explained that although there will be an increase in hauling costs, there will be reductions in costs for labor, non-labor maintenance, utilities, ash disposal, and stack testing. The costs of hauling versus incinerating are comparable.

Mr. Foley noted that the cost estimates are dependent on the amount of sludge produced and the dryer the sludge can be made, the less it will cost to haul.

If for some reason the costs were higher than expected, the District would consider rejecting the plan and returning to incinerating at the Westerly WWTP, however, that is not the preference.

Authorization to Purchase

Resolution No. 112-21            Authorization to purchase WEMCO pump replacement parts from sole source vendor Sullivan Environmental Technologies, on an as-needed basis, necessary for WEMCO pumps and equipment repair at the Easterly, Southerly and Westerly Wastewater Treatment Plants, in a total amount not-to-exceed \$90,000.00.

**MOTION** – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 112-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 113-21            Authorization to enter into a three-year requirement contract with Buckeye Power Sales Co., Inc. for stand-by generator maintenance and repair services in an amount not-to-exceed \$59,378.20.

Resolution No. 114-21            Authorization to enter into a three-year requirement contract with sole source vendor Ohio Machinery Co. doing business as Ohio CAT, in an amount not-to-exceed \$1,018,753.00 and a three-year requirement contract with Russelectric, A Siemens Business, in an amount not-to-exceed \$51,752.88, both for stand-by generator maintenance and repair services, for a total combined amount not-to-exceed \$1,070,505.88.

**MOTION** – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 113-21 through 114-21. After the following discussion, without objection, the motion carried unanimously.

Vice President Sulik asked why Ohio Machinery or Russelectric did not bid on Resolution No. 113-21. Mr. Foley explained that Russelectric maintains switchgears and is not qualified to bid on the contract. Ohio CAT indicated that they received the bid package but elected not to put together a bid for the contract. Mr. Foley indicated that he suspects that this is due to the smaller dollar amount associated with the contract.

Authorization to Enter Into Agreement

Resolution No. 115-21            Authorization to enter into a reimbursement agreement with the City of North Royalton whereby the District includes concrete encasement of a City sanitary sewer line within the scope of the District's Rocky River Stream Stabilization and Sewer Protection project in North Royalton and providing for the City's reimbursement to the District for such work in an initial amount not-to-exceed \$139,400.00 without further City Council approval.

Resolution No. 116-21            Authorization to enter into a one-year partnership agreement with the Cuyahoga County Solid Waste District for its Cuyahoga County Household Hazardous Waste Program (HHW) to assist in the cost to collect and transport household hazardous waste in the total amount of \$75,000.00.

**MOTION** – Ms. Dumas moved, and Mr. Joyce seconded to adopt Resolution Nos. 115-21 through 116-21. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 117-21            Authorizing final adjusting change order for Contract No. 20003996 with Nerone & Sons, Inc. for the West Creek Bank Stabilization at Sandpiper Drive in Parma project by decreasing the contract amount by \$222,480.61, thereby bringing the total contract amount to \$1,072,609.39.

Resolution No. 118-21            Authorizing final adjusting change order for Contract No. 19000140 with Lake Erie Electric, Inc. for the Westerly Wastewater Treatment Center Programable Logic Controllers (PLC) Replacement project by decreasing the contract amount by \$213,601.03, thereby bringing the total contract amount to \$4,125,069.97.

Resolution No. 119-21            Authorization to modify Construction Contract No. 18002218 with Jay Dee Obayashi Joint Venture for the Westerly Storage Tunnel project for a time extension of 308 Calendar Days with no change in the total contract price.

**MOTION** – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 117-21 through 119-21. Without objection, the motion carried unanimously.

Authorization to Assign Contract

Resolution No. 120-21            Authorization to assign District Contract Nos. 18002222, 21001838, and 21001839 with ThyssenKrupp Elevator Corporation to TK Elevator Corporation for elevator maintenance and repair services at all District facilities, effective February 25, 2021, due to a company name change, with all current terms and conditions of the contracts to remain unchanged under the assignment.

**MOTION** – Mr. Joyce moved, and Ms. Dumas seconded to adopt Resolution No. 120-21. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 67a-21            Authorization to Amend Resolution No. 67-21, adopted by the Board on February 18, 2021, authorizing a professional services agreement with Cerdant, Inc. for the SIEM System Implementation Project, to reflect the company name change to Cerdant, LLC.

**MOTION** – Mayor Bacci moved, and Mayor Alai seconded to adopt Resolution No. 67a-21. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 121-21            Authorization to acquire one permanent stormwater easement and one temporary easement for a period of six months at the property known as PPN 573-11-027, located at 12685 Brockway Drive, in the Village of Valley View, owned by Steven M. and Leanne M. Candow, necessary for the construction and maintenance of the Valley View Unnamed Tributary to the Cuyahoga River Stream Stabilization and Headwall Project with total consideration of \$1.00.

Resolution No. 122-21            Authorization to acquire one permanent stormwater easement at the property known as PPN 344-25-193, located at 6585 Smith Road, in the City of Brook Park, owned by Rise Properties, LLC, necessary for the construction and maintenance of the Debris Racks and Access Road Improvements at Various Locations project with total consideration of \$3,500.00.

Resolution No. 123-21            Authorization to acquire one permanent stormwater easement at the property known as PPN 531-27-071, located on Lancaster Road, in the Village of Brooklyn Heights, owned by the Village of Brooklyn Heights, necessary for the construction and maintenance of the Debris Racks and Access Road Improvements at Various Locations project with total consideration of \$1.00.

**MOTION** – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 121-21 through 123-21. Without objection, the motion carried unanimously.

Authorization to Accept Application to Include Territory

Resolution No. 124-21            Authorization to accept the application of the Village of Glenwillow for inclusion within the District of certain additional territory, pursuant to Section 6119.05 of the Ohio Revised Code; and further authorization to enter into a First Amendment to the “*Service Agreement No. 2223 By and Between the Northeast Ohio Regional Sewer District and the Village of Glenwillow Providing for the Inclusion of the Village of Glenwillow into the Northeast Ohio Regional Sewer District*” to add certain territory covered under said sanitary sewer service agreement; and further authorization to enter into a First Amendment to the “*Regional Stormwater Management Program Service Agreement No. 3705 By and Between the Northeast Ohio Regional Sewer District and the Village of Glenwillow*” to add certain territory under said stormwater service agreement.

**MOTION** – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 124-21. After the following discussion, without objection, the motion carried unanimously.

Vice President Sulik asked for additional explanation regarding Resolution No. 124-21 and whether there is an advantage to the District including the territory in its service area.

Eric Luckage, Chief Legal Officer, explained that it is not so much an issue of advantage or disadvantage to the District, but more a matter of administrative correction. Mr. Luckage presented maps demonstrating the area in question. First, he showed the original Village of Glenwillow (the “Village”) territory added to the District in 1992, but never serviced by the District. That territory will technically remain in the District. In 2007, the Village adopted an ordinance requesting that the District add an area to the south of the existing territory to the District territory. That territory was never formally accepted by the District, rather a letter was provided by the District to the Village in 2007, agreeing to provide sewer service to the area.

Mr. Luckage provided additional visual aids identifying the boundaries of the area being formally accepted into the District’s territory per O.R.C. 6119.05. The District will also amend the Sewer Service Agreement to match that territory and reflect where the District provides sewer service in the Village. Lastly, he clarified that one of those parcels was not included in the 2016 stormwater service agreement, which will be amended to include it.

Mr. Greenland added that there is no real advantage, as the District is already providing the majority of the customers in the area with sanitary sewer and stormwater services.

Ms. Dumas asked what precipitated the amendment. Mr. Luckage explained that the Village was exploring the option of requesting that the entirety of the Village be added to the stormwater program which led to the discovery of the inconsistencies. Although the Village did not choose to make that request, it was determined that the requested administrative correction was appropriate.



Authorization to Ratify

Resolution No. 125-21                      Ratification of an emergency purchase of a boiler feed pump for the Renewable Energy Facility (REF) from Schultz Fluid Handling in an amount not-to-exceed \$80,893.50.

**MOTION** – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 125-21. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik inquired as to how it came to be that two pumps failed in a short period of time. Mr. Foley explained that the Renewable Energy Facility (REF) requires a boiler feed pump to operate the incinerators. While the District has three, it operates one at a time, with the remaining two pumps to serve as backups.

Two of the pumps recently failed within one week of each other. The third pump which is currently operational, was just returned to service after being rebuilt and quickly began leaking. The majority of the repairs to these pumps are performed by an outside service and the pumps' returns have a long lead time. Accordingly, the District is requesting to ratify this purchase to get another pump, which will take eight weeks to receive. The repairs of the two nonfunctioning pumps are estimated to take a minimum of four weeks and four months, respectively.

If the currently operating pump were to fail, the District would need to shut down the incinerators and haul sludge from Southerly at the cost of approximately \$32,000 per day.

Mr. Sulik asked if the District is considering purchasing from a different pump supplier, given the frequent failures. Mr. Foley explained that the District is purchasing a different pump which was identified through analysis by the Engineering and Construction department. Engineering and Construction as well as Operation and Maintenance are investigating potential long-term solutions. Additionally, Operation and Maintenance is evaluating the District's maintenance of the pumps to determine if something could be done differently to prevent failures in the future.

VI. Information Items

Devona Marshall, Director of Engineering and Construction, provided the monthly update of the Capital Improvement Program for March 2021.

Beginning with cashflow, similar to February, March closed at 65% of planned in part due to untimely invoice submissions. Had the submissions been timely, cashflow would have been 75% of planned but still tracking below the Key Performance Indicator (KPI) of 85%.

Regarding total dollars paid, \$9.7 million was paid in March with a year-to-date total of \$24.7 million.

The construction contract for the Easterly Tunnel System Improvements Project was awarded in March within 60 days of planned, meeting that KPI, however, the engineer's estimate did not meet

the KPI as it was more than 10% above the average of the three lowest bids. The engineer's estimate was \$506,000 and the contract was awarded to the lowest bidder at \$522,000.

The development of the guaranteed maximum price (GMP) of the District-wide HVAC Building Automation Systems Upgrade Project was completed in March. This is a design-build contract and the GMP was completed within 45 days of planned, meeting the KPI.

The construction contract for the District-wide Energy Conservation and Management Project was closed. This was a \$3.4 million design-build contract which was not closed within 95% of the original contract amount, not meeting that KPI. However, the KPI for Business Opportunity Program (BOP) goals was exceeded as it was set at 15% MBE/WBE and the projected actual is over 20%. Change categories as a percent of construction as it relates to work orders on the project came in at 7%, which equates to \$238,000, all of which was in the category of owner requested changes.

Ms. Marshall introduced Bob Pintabona, Plants Program Manager of Engineering and Construction, to provide the results of the performance-based contract for the District-wide Energy Conservation and Management Project.

Mr. Pintabona advised the Board that the project was unique inasmuch as it was a design-build project and has a performance guarantee. Performance guarantees are atypical for District projects, however, this project was designed to derive efficiency to the District through improvements to its HVAC and lighting systems. In this instance, the performance guarantee meant that the design-builders were to provide a bond at the onset of the project guaranteeing that the improvements made would result in energy savings throughout the life of the new assets installed.

The District performed a similar project at EMSC approximately 3 years ago. It was a successful project and became the model for this project which included improvements at all three WWTPs and GJM. This project specifically targeted improvements in occupied spaces such as the Administration and Maintenance buildings

The project target three areas of improvement: HVAC equipment, lighting, and HVAC automation controls. Regarding HVAC, three end-of-life, inefficient boilers at the Westerly administration building were found to be servicing not only the administration building but were also over-ventilating the headworks building. Those boilers were replaced with two new efficiency condensing hot water boilers providing more efficient systems and driving costs savings.

There were lighting improvements made to all WWTPs and GJM, including replacing florescent lights with new LED lights to increase energy efficiency.

The rooftop ventilation units at Southerly and Easterly WWTP administration buildings were both replaced with new, more energy efficient units.

Also unique to this project, was the improvements of controls throughout the District at administrative buildings and GJM. Ventilation sensors installed to minimize the amount of outside

air being introduced into the buildings that would require the added energy to heat or cool to maintain temperature.

Mr. Pintabona provided a graph demonstrating the baseline, which is representative of what electricity usage was prior to the upgrades in 2017, the proposal of what could be achieved through the improvements, and the actual usage after the improvements. The graph demonstrated a 25% to 50% reduction in electricity consumption throughout the year. Through this project, the District is saving 2.2 megawatts of electricity annually through the improvements.

Mr. Pintabona provided a similar graph demonstrating natural gas usage and explained that the District is saving 9,089 MCF, which is thousands of cubic feet of natural gas annually.

As for actual dollars saved, the total at the end of the one-year performance period was \$353,000, surpassing the contract guarantee of \$317,000. The payback value for this project is exceeding the target goal of 10 years, at 6.7 years.

Mr. Pintabona further explained that some of the numbers presented are measured and some are modeled. The numbers were reviewed by a third-party auditor and determined to be accurate and reliable.

Because the performance period was from the end of 2019 through November of 2020, the question was raised as to how the pandemic affected the numbers, as the buildings were not staffed as they would normally be. Similarly, the ventilation rates were increased to provide more fresh air into buildings in response to COVID-19. The District required the contractor recalculate the baselines based on those factors and they have been corrected accordingly.

Mr. Sulik thanked Mr. Pintabona for his presentation and asked that the results continue to be monitored as staffing at District facilities increases.

#### Open Session

There were no items.

#### VII. Public Session (any subject matter)

There were no items.

#### VIII. Executive Session

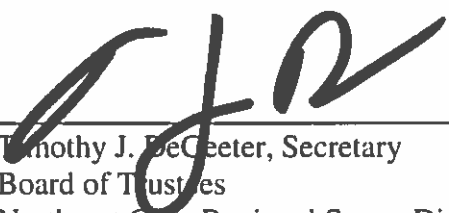
There were no items.

#### IX. Approval of Items from Executive Session

There were no items.

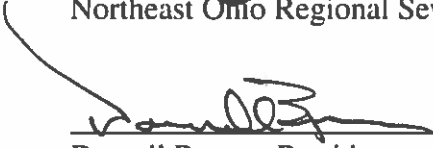
X. Adjournment

**MOTION** – Vice President Sulik stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mayor Alai seconded the motion to adjourn at 1:21 p.m. Without objection, the motion carried unanimously.



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



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