

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
APRIL 30, 2009

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 p.m. by Mayor Longo.

I. Roll Call

PRESENT: D. Brown
T. Longo
D. DePiero
S. Kelly
W. O'Malley
R. Sulik

Mayor Starr was absent.

The Secretary informed the President a quorum was in attendance.

Mayor DePiero introduced George, a 6th grade student of North Royalton who shadowed Mayor DePiero on April 30th. George also accompanied Mayor DePiero to the April 30th Cuyahoga County Mayors and City Managers meeting. Mayor DePiero stated that George "is a bright young man, and we are glad to have him."

II. Approval of Minutes

MOTION – Ms. Kelly moved and Mr. O'Malley seconded that the minutes of the April 16, 2009 Board meeting be approved. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia informed the Board that no members from the public registered to speak at Public Session.

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IV. Executive Director's Report

Executive Director Ciaccia advised that the Public Meeting Room was experiencing technical difficulties with its microphones and sound system.

Executive Director Ciaccia informed the Board that three District projects are on the preliminary list to receive \$10 million principle forgiveness funding as part of the federal government's stimulus package. The District is expected to receive an additional \$6.8 million from Ohio Environmental Protection Agency's Water Pollution Control Loan Fund (hereinafter "WPCLF"). Executive Director Ciaccia indicated that overall the District did very well. Executive Director Ciaccia thanked staff members Jim Tubero, Spain James and Darnella Robertson for their efforts in pursuing federal stimulus funding.

Executive Director Ciaccia advised that the District must submit its comments to the Ohio Environmental Protection Agency (hereinafter "EPA") pertaining to the stimulus funding by Friday, May 8th. Furthermore, District representatives will attend a meeting scheduled for Thursday, May 7th in Columbus, Ohio, to assure the District receives this funding. According to Executive Director Ciaccia, stimulus funding should not be taken for granted and there are more hurdles to overcome.

Bids were already taken on two of the projects selected because the District was unaware of the timeframe of receiving the federal funding. Since federal stimulus funding will be used on those two projects, the District must comply with federal contracting requirements and incorporate the Davis-Bacon federal wage standards, the Disadvantaged Business Program participation goals, as well as the buy-American provision into those contracts. Executive Director Ciaccia advised that the District should not encounter any problems complying with the federal government's requirements; however, this may necessitate a change order or contract modification on the two projects that were already bid.

Executive Director Ciaccia commented that staff is pleased with the potential outcome of the stimulus funding distribution and that overall Cuyahoga County did well totaling approximately \$20 million in sewer-related projects.

Executive Director Ciaccia reminded the Board that District representatives will attend the National Association of Clean Water Agencies (hereinafter "NACWA") conference in Washington D.C. the week of May 3rd. District representatives will be meeting with the federal government representatives in Washington D.C to continue the Combined Sewer Overflow Long Term Control Plan (hereinafter "CSO LTCP") negotiations.

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The District received 14 proposals in response to the District's request for proposals (hereinafter "RFP") for advocacy services. Staff will bring its recommendation to award contracts to the Board after reviewing those proposals.

V. Consent Agenda

There were no Consent Agenda items.

VI. Action Items

Authorization to Adopt a Small Business Enterprise Program

Resolution No. 86-09

Adopting a Small Business Enterprise Program and rescinding Resolution No. 245-98, which adopted the District's current Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) program.

Ms. Kelly requested an overview of the Small Business Enterprise (hereinafter "SBE") program wherein Executive Director Ciaccia indicated that Ms. Tiffany Jordan, Contract Compliance Manager, was prepared to provide the Board with a full presentation on the District's proposed SBE program.

Mr. Brown entered the meeting.

Ms. Jordan thanked the entire SBE Committee for their efforts in designing the program and especially appreciated the assistance of Executive Director Ciaccia and Deputy Executive Director, F. Michael Bucci, to keep the SBE Committee on task.

Ms. Jordan indicated that at a previous meeting, the Board was advised of the District's next steps. Since the last SBE presentation, the SBE Committee accomplished the following: defined SBE size standards, defined SBE location requirements, launched the SBE website, completed the SBE application form, implemented software, and conducted and planned outreach events.

Ms. Jordan indicated that the SBE program's implementation date is June 1, 2009. The SBE program is designed to be race- and gender-neutral, legally enforceable, provide a local benefit, and be cost effective. Participation goals will be established on a project-by-project basis with stringent good faith effort requirements.

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Ms. Jordan advised that four minimum eligibility standards must be met in order to be considered for the SBE program including location, size, ownership and a one year business operation requirement. Businesses must be located within Cuyahoga, Lake, Lorain and Summit Counties.

The SBE program's size standard caps for businesses will be consistent with Small Business Administration (hereinafter "SBA") requirements, with a few exceptions. Ms. Jordan advised that a complete listing of the District's size standards can be found on the District's SBE homepage. The size standards are based on a three year average of annual income and at the top is "construction" with \$33.5 million, while at the lower end is "goods" at \$3.5 million.

Executive Director Ciaccia interposed that according to federal SBA guidelines, plumbing and electrical income levels are typically \$14 million. The District decided to increase the plumbing and electrical size standards for the reason that those are significant subcomponents on District projects. The District deviated from the SBA size standards for engineering due to the significant amount of engineering involved on District projects. Executive Director Ciaccia indicated that if the District lowered its threshold in those instances, then this would result in the elimination of some Minority Business Enterprises (hereinafter "MBE") and Women Business Enterprises (hereinafter "WBE") that currently conduct business with the District.

Mayor Longo inquired whether these were minimums or maximums, wherein Executive Director Ciaccia indicated that those are the maximum requirements.

Ms. Kelly inquired as to the engineering cap wherein Executive Director Ciaccia replied that the federal SBA engineering amount is \$10 million.

Ms. Jordan moved discussion to the ownership and control eligibility standard. The firm must be in business for at least one year and the owner must demonstrate day-to-day control in the areas of managerial control and operational control. Managerial control is the ability to make independent and unilateral business decisions whereas operational control constitutes having some experience or knowledge within their specific industry.

Ms. Jordan stated that there are two types of SBE applications; vendor registration and the SBE application. All new or existing vendors are required to complete the online vendor registration form. The vendor registration form doubles as a short form for SBEs desirous of District certification in the area of goods and services and additional data will be collected for the vendor registration. Ms. Jordan advised that this information is currently available online.

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Ms. Jordan stated that SBE applications for construction and engineering are available online and consist of a short form and a long form. The short form can be completed by firms currently certified with the District's MBE/WBE program, or programs of the City of Cleveland, Cuyahoga County, State of Ohio (EDGE Program), or others. Firms must submit with the short form applications, a complete vendor registration, a copy of their current certification, the past three (3) years of company tax information and a letter seeking certification for the SBE program.

Ms. Jordan stated that the companies not currently certified with an agency must complete the long form application and provide the company's information, past three (3) years of business tax information, an equipment list, relevant licenses and all other required documents. On-site visits will be conducted by a Contract Compliance Officer to ensure that the company meets eligibility standards as well as conducts the services in which they are seeking certifications.

Certifications will be valid for at least one year, and the firm must reapply for certification 45 days prior to their anniversary date. Firms are required to apply at least seven days prior to a bid opening on a particular project of interest. The District will not accept applications for participation in a specific contract if the applications are not received seven days prior to the particular bid opening.

Mayor Longo inquired as to the timeframe allotted for the District to check and verify the operation of a company after it submits its application. Ms. Jordan replied that if the applicant provides the District with the required information during the initial application process, typically it takes two to three weeks, and is also contingent upon the work volume in the Office of Contract Compliance (hereinafter "OCC").

Mayor Longo inquired if a contractor that may be interested in bidding on a District project is required to apply for certification from the District at least seven days prior to the bid opening. Ms. Jordan affirmed.

Mayor Longo inquired if a company is awaiting District certification, will this "jeopardize them being able to bid?" Ms. Jordan clarified that a company seeking SBE certification should be certified with the District before they are allowed to be used as a certified contractor on a bid. If a subcontractor desires SBE certification and submits their application to the District, then the District may grant a provisional certification.

Mayor Longo commented that there is some flexibility, and he questioned whether the contractor is still required to submit its "application in seven days before they can even try to be certified." Ms. Jordan affirmed and stated that if a bidding opportunity presents itself and the contractor wishes to use a subcontractor for that particular bid, then the application may be considered as a "provision of certification."

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Ms. Jordan advised that SBE goals will be established on a project-by-project basis and determined by examining projects from start to finish at the 30%, 60% and 90% design intervals. Subcontracting opportunities will be based on the District's SBE certification list, and a contractor only receives credit for using an SBE if the subcontractor is certified with the District.

Mr. Brown inquired if the design engineer is expected to examine the project at the 30%, 60% and 90% design intervals in order to determine various subcontracting opportunities. Mr. Bucci affirmed and indicated that staff intends working in conjunction with the OCC and Department of Engineering and Construction in making these determinations.

Ms. Kelly questioned if subcontracting goals will be based on the number of SBEs certified with the District. Ms. Jordan affirmed. Ms. Kelly questioned if this is how the process will be determined. Executive Director Ciaccia responded that "it will match up hopefully through the 30%, 60% and 90% design phases." Staff intends increasing subcontracting opportunities through its bid specifications. Executive Director Ciaccia reminded the Board that subcontracting participation goals must be realistic and are determined by the number of District certified SBEs specializing in those particular services or areas of expertise.

Ms. Kelly referred to Mayor Longo's prior inquiry regarding SBEs awaiting District certification, and she questioned how this situation will affect SBEs that endured the certification process but are awaiting certification because the District is conducting its due diligence and verifying the SBE's application information. Mr. Bucci advised that the 30% design phase takes place well in advance of the bid opening. Mayor Longo's proposed situation was based on SBEs being "up against the clock" because the bid opening takes place within seven days, and that increased participation is expected when starting at the 30% design phase through utilization of the outreach methods. Mr. Brown inquired if this is an internal process whereas the other was external wherein Mr. Bucci affirmed.

Ms. Jordan moved discussion to explain the process if certified SBEs wish to bid on District projects as a prime contractor. The certified SBE will receive a 20% credit toward the SBE goals; however, the SBE must utilize additional certified SBEs in order to meet the remaining balance of the SBE participation goal.

Ms. Jordan referred to a slide depicting an example of an SBE bidding as a prime contractor on a project with a 15% SBE participation goal. In the example, ABC Company (hereinafter "ABC") is a certified SBE choosing to bid as a prime contractor. ABC's total bid is \$1,000,000, therefore, the SBE goal is \$150,000, or 15% of the total contract amount. The SBE prime credit is \$30,000 which is 20% of the goal. ABC must

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select other certified SBEs to meet the remaining balance of the SBE goals which is set at 15%.

Ms. Jordan moved discussion to the requirements of prime contractors under the SBE program. Prime contractors must complete all required forms and list all certified subcontractors at the time of the bid submittal. Both prime contractors and subcontractors are required to sign and date the subcontractor participation forms. The prime contractor is obligated to report any changes in subcontractors as well as identify good faith efforts made to secure SBEs on the project.

Mayor Longo inquired about the example provided by Ms. Jordan regarding an SBE wishing to bid as a prime contractor on a District project, specifically, if the SBE is awarded the bid, why will the SBE be required to meet the 15% SBE participation goal? Mayor Longo stated that if the SBE is capable of completing the work on the project, requiring additional SBE participation could potentially penalize the company or inhibit their ability to deliver the project at a lower cost. Ms. Jordan advised that by requiring SBEs acting as prime contractors on District projects to meet the SBE participation goals, there will be increased utilization of certified SBEs on the particular project which benefits the economy.

Executive Director Ciaccia stated that the SBE program is no different than what should have been a program component of the District's MBE/WBE program as it pertains to participation goals. If MBE or WBE firms act as prime contractors on District projects, they are not exempt from meeting the subcontracting goals. Furthermore, since the District is moving towards the federal SBA guidelines, contractors grossing \$23 million are bigger contractors but qualify as an SBE. The District wishes to provide as many subcontracting opportunities as possible.

Mayor Longo suggested that the District consider the scope and size of the project when determining SBE participation goals. If an SBE is the successful bidder, acts as a prime contractor on a District project and is capable of completing the project itself, "why not just let them run with it if it's a smaller project?"

Executive Director Ciaccia replied that these are goals and not necessarily the basis for winning or losing a job, and it is the District's intent to maximize the amount of subcontracting opportunities.

Mr. Brown commented that the ultimate goal is to grow small companies into large companies, so they "should reach back and support small companies and take on roles that are historically taken on by subcontractors."

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Mr. Bucci advised that subcontracting goals will be determined on a project-by-project basis, and for smaller projects, staff will adjust the goals accordingly.

Mr. Brown commented that there is a big pond and little pond but no middle pond, and "we need to get more towards the middle." Mr. Brown stated that the "goal at the end of the program is to get more flow into the mainstream."

Ms. Jordan referred to the mentor-protégé component and she indicated that the spirit of the SBE program is to encourage as much participation from local contractors as possible.

Ms. Jordan moved discussion and advised that prime contractors must complete good faith effort requirements by documenting all contact responses to SBEs and demonstrating that sufficient time was allotted to SBEs for their response to the solicitation. Prime contractors are required to submit three documents of solicitation, or to contact the OCC if they are experiencing difficulty in identifying an SBE.

Ms. Kelly inquired if the District will provide the prime contractors with a definition or parameters as to what constitutes a good faith effort. Ms. Jordan affirmed and stated that prime contractors will choose from the District's list of good faith efforts. A form will be included with the front-end documents, which is the bid book, and contractors will select the good faith efforts used in order to meet the subcontracting goals for a particular project. Mr. Bucci advised that staff is finalizing the good faith efforts list and Ms. Kelly indicated that she would like to view the list upon completion.

Ms. Jordan moved discussion and advised that the District is developing a new methodology for bid evaluations. In order to incorporate the lowest and best bid evaluation, the bidder must first be responsive, and the District will assign points or criteria under the lowest and best bid evaluation. Ms. Jordan referred to a slide identifying that "best" includes but is not limited to local participation, SBE participation, safety record, and project specific items.

Mr. Brown requested that local participation be defined. Executive Director Ciaccia stated that local participation indicates that the company is locally based, and the District will create criteria for "what is best, so it is not based strictly on the lowest price." The District is aware that on behalf of its customers, it must select the lowest and best bid. District staff including Jacqueline Williams, Purchasing Manager, and Kellie Rotunno, Director of Engineering and Construction, are developing an evaluation process which will be presented to the Board upon completion.

Ms. Jordan moved discussion and advised the Board that subsequent to a bid becoming a contract, the project manager from the Department of Engineering and Construction will

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provide a subcontractor utilization report and certified payroll report to the OCC. The OCC will analyze the information obtained from the project manager who is at the construction site daily. The Contract Compliance Officer will conduct random office visits to the subcontractor as well as monitor the payments.

Ms. Jordan advised that if any of the SBE policies are violated, the prime contractor's sanctions may include suspension for two years, liquidated damages, withholding payments, cancellation of contract, and permanent debarment for repeat offenders. Subcontractors may be disbarred from the program for at least one year.

Mayor DePiero inquired if the one year debarment applies if a "willful fraudulent type situation" is discovered. Ms. Jordan affirmed. Mayor DePiero commented that by allowing the subcontractor to reapply for District SBE certification only after one year of debarment seemed like a "soft" consequence for a subcontractor willing to establish itself as a front company. Marlene Sundheimer, Director of Law replied that if this type of situation were to occur, then the District will consider conducting a criminal investigation. Contractors will be authorized to sign and certify that all information provided to the District is correct to the best of their knowledge, and if they willfully misrepresent, that could lead to debarment and the pursuit of criminal charges, if warranted. Executive Director Ciaccia added that Mayor DePiero's point is well-taken, and the District will clarify the ramifications should that type of situation present itself.

Mayor Longo inquired if the District is comfortable with implementing the SBE program and whether a "shake-out period" or "test run" will be allowed in order to determine if any program components need adjusting or modification. Executive Director stated that the District is putting forth what is determined to be its best program, and in the event modifications are necessary, staff will make its recommendation to the Board, if necessary. Executive Director Ciaccia plans to keep the Board apprised of the SBE program development through his director's report. Furthermore, subsequent to completion of the disparity study, staff anticipates modifying the SBE program based on the study's results.

Ms. Jordan moved discussion and informed the Board that to effectively communicate changes to the District's subcontracting program, staff conducted a community leaders briefing which included COSE, the Commission on Economic Inclusion, the Construction Employees Association, Hard-Hatted Women, the US SBA, and the Urban League. The second event was held on April 22nd wherein the District conducted its first certification workshop and participants included the City of Cleveland, Greater Cleveland Regional Transit Authority and Cuyahoga County. The objective of the certification workshops was to provide SBE certification information. Forty-five attendees were present at the workshop, and 85% of the attendees surveyed indicated that they desired becoming certified with the District. Additional workshops are scheduled for May 6th

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and May 20th. The District will conduct a prime contractor meeting in May, prior to launching the SBE program, and the objective is to inform contractors of the forthcoming changes regarding the District's subcontracting program.

Ms. Jordan advised that the SBE program is still in its development phase and not finalized, and the SBE program's objective is to create a curriculum assisting small businesses as well as a mentor/protégé program. The SBE program will be tweaked and modified in order to coincide with any changes stemming from the results of the disparity study as well as any other necessary modifications.

Mr. Brown indicated that the SBE outreach component is vital because the District needs to create opportunities; however, based on the District's past practices, there may be some reluctance as to whether the District is truly searching for new opportunities and not conducting "business as usual." Mr. Brown stressed the importance of attracting new companies to conduct business with the District, and as a facilitator, the District should ensure that those companies understand what is necessary in order to conduct business with the District including having a good business plan, financial standing, and access to capital. Mr. Brown stated that the litmus test is determining whether "new faces actually end up with opportunities to do some things differently as we continue doing business."

Mr. Brown suggested that a matchmaker event be held at the conclusion of this process in an effort to introduce seasoned contractors to the newly certified SBEs, and to inform prime contractors of the legitimate SBEs that completed the certification process and possess the qualifications needed in order to conduct business with the District. Mr. Brown commented that the District needs to "connect those dots in the process, so we do not end up with just a nice program." Ms. Jordan replied that the District is striving to implement an SBE program which incorporates Mr. Brown's aforementioned suggestions as well as developing a mentor-protégé program.

Mr. Brown suggested that the Board be provided with a quarterly SBE status report. Mr. Brown recommended that large projects be unbundled to increase subcontracting opportunities and that there be "some type of qualification for some of the smaller companies" and establishing thresholds on certain projects. The prequalification pool will consist of SBEs capable of completing the project, and the District can select the top three; therefore, the process remains competitive but allows them to see the proposals. Mr. Brown explained that a number of agencies use this approach and also unbundle larger project so smaller companies qualify for larger work.

Mr. Brown stated that there are tools the District can use to help contractors "not only get in the door," but once the door is open, obtain access to District work so they do not always have to be a subcontractor. Mr. Brown indicated that he is more interested in

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creating a process that results in more subcontractors growing and becoming established as prime contractors.

Executive Director Ciaccia responded that staff is weighing those options as well. Prequalification was considered, but the District is governed by state law, which provides certain limitations. Staff continues to research Ohio Revised Code §6119 in order to determine which changes are necessary in order to create more flexibility on how the District packages its contracts. That discussion is ongoing and was a component incorporated into the District's recent RFP for advocacy services.

Mr. Brown appreciated Executive Director Ciaccia's comments and he indicated that sometimes the law is effective in helping us achieve our desired outcomes and at times there are unintended consequences of the law. Laws can be rewritten, and new laws put in place. Mr. Brown stated that just because something is a law, doesn't mean the District should be stopped from putting something better in place.

Executive Director Ciaccia corroborated Mr. Brown's comments and advised that the District is desirous of pursuing this matter. Governor Strickland is in the process of reviewing the laws governing construction within the State of Ohio, thereby, the District intends weighing in on any potential changes from the Governor's office.

MOTION – Mayor DePiero moved and Mr. O'Malley seconded to adopt Resolution No. 86-09. Without objection, the motion carried unanimously.

Authorization to Advertise

No discussion ensued on Resolution Nos. 87-09 through 89-09.

Resolution No. 87-09

One (1) year requirement contract for 150,000 pounds of liquid polymer for use at the Southerly Wastewater Treatment Plant. Anticipated expenditure is \$320,000.00.

Resolution No. 88-09

Southerly Wastewater Treatment Center Roof Renovations – Contract RRN-5. Engineer's estimate is \$850,000.00.

Resolution No. 89-09

Southerly Wastewater Treatment Center Electrical Repair Project – Contract SERP. Engineer's estimate is \$600,000.00.

MOTION – Mayor Longo moved and Mr. Sulik seconded to adopt Resolution Nos. 87-09 through 89-09. Without objection, the motion carried unanimously.

Authorization to Enter into Agreement

No discussion ensued on Resolution No. 90-09.

Resolution No. 90-09

Agreement with the City of Cleveland in order to acquire ownership and responsibility of the Barberton Creek Pump Station.

MOTION – Ms. Kelly moved and Mayor Longo seconded to adopt Resolution No. 90-09. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No. 79-09

One (1) year requirement contract with S.A.W., Inc. for lawn maintenance services at all District locations. Cost not to exceed \$48,709.92.

Resolution No. 91-09

Two (2) year requirement contract with Dominion Retail for the supply of natural gas for use at all District facilities. Cost not to exceed \$10,002,555.00.

Resolution No. 92-09

One (1) year requirement contract with H. H. Barnum Company for the purchase of forty-three (43) data recording devices. Cost is \$43,481.60

Resolution No. 93-09

One (1) year requirement contract with Valley National Gases, LLC for the supply of industrial gases for use at all Wastewater Treatment Plants and the Environmental Maintenance Services Center. Cost is \$19,163.85.

Resolution No. 94-09

Contract with Marra Constructors, Inc. for the West 117th Street CSO-071 Outfall Culvert Repair Construction. Cost not to exceed \$383,362.50.

Resolution No. 95-09

Contract with Stevens Painton Corporation for construction of the Train Avenue Relief Sewer – Contract TARS. Cost not to exceed \$1,875,220.00.

Resolution No. 96-09

Contract with LABlynx, Inc. for functional enhancements to the Laboratory and Pretreatment Information System. Cost not to exceed \$48,225.00.

Ms. Kelly referred to Resolution No. 79-09 for lawn maintenance services at all District locations, and she inquired as to why the contract was not being awarded to the lowest bidder. Executive Director Ciaccia explained that the bid was comprised of three components and the requested lawn maintenance services at all District locations included the east side, west side and south side. Thomas Brothers Landscaping, which appeared to be the lowest bidder, only bid on the east side portion, and in actuality, was the highest of three bidders.

MOTION – Mayor Longo moved and Mr. Sulik seconded to adopt Resolution Nos. 79-09, 91-09 through 96-09. Without objection, the motion carried with one abstention vote from Mayor DePiero on Resolution No. 94-09.

Sewer Use Code Matter

No discussion ensued on Resolution No. 97-09.

Resolution No. 97-09

Settlement Agreement with Eunetta Brimage, Northeast Ohio Regional Sewer District Case No. 09-003.

MOTION – Mr. Sulik moved and Mr. O'Malley seconded to adopt Resolution No. 97-09. Without objection, the motion carried unanimously.

VII. Information Items

1. Billing and Collection Fees, City of Cleveland.

Jennifer Demmerle, Director of Finance, advised that the District entered into a billing agreement with the City of Cleveland Water Department (hereinafter "CWD") to bill for approximately 285,000 District accounts. CWD charges the District on a per bill basis

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and is increasing its rates from 2003 from \$4.31 to \$4.82 per bill. Ms. Demmerle advised that staff determined CWD's annual rate increase to be reasonable.

Mayor Longo inquired as to the total cost incurred by the District for outside billing services. Ms. Demmerle advised that the District has four billing agents including the City of Cleveland, North Royalton, Berea and Cleveland Heights, which costs the District approximately \$5.5 million annually.

2. Northeast Ohio Regional Sewer District Financial Report and Investment Advisor Performance Report for the Three (3) Month Period Ending March 31, 2009.

Ms. Demmerle advised that included in the Board packets was the First Quarter Financial Investment Advisor Report, which provided a detailed account of the information presented to the Board in Executive Director Ciaccia's monthly report.

VIII. Open Session

There were no items for discussion.

IX. Public Session (any subject matter)

No members from the public registered to speak at Public Session.

X. Executive Session

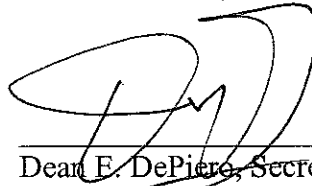
Mr. Brown stated that there were matters for discussion in Executive Session.

MOTION – Mayor Longo moved and Mr. Sulik seconded the motion to enter into Executive Session and that all matters discussed in Executive Session be protected from public disclosure pursuant to the Ohio Public Records Act and attorney client privilege, and to specifically designate that discussions in Executive Session regarding the labor negotiations and non-union wage issues be kept confidential pursuant to Ohio Revised Code §121.22(g)(3) and as attorney-client privileged communications. A roll call vote was taken and without objection, the motion carried unanimously.

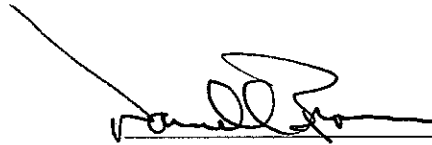
The Board met in Executive Session from 1:22 p.m. to 1:45 p.m.

XI. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. Sulik moved and Ms. Kelly seconded the motion to adjourn at 1:45 p.m. Without objection, the motion carried unanimously.



Dean E. DePiero, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District



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