

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
MAY 4, 2023

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District (NEORS D) was called to order at 12:30 p.m. by Darnell Brown.

I. Roll Call

Present: Darnell Brown
Ronald Sulik
Timothy DeGeeter
Jack Bacci
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. Chambers seconded to approve the Minutes of the April 20, 2023 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, advised the Board that last week was Water Week in Washington, D.C., wherein clean water professionals from around the country gathered to discuss legislative and regulatory priorities and meet with folks on Capitol Hill. Ms. Dreyfuss-Wells and Danielle Giannantonio, Manager of Legislative Affairs, met with Congressman Miller, Congresswoman Joyce, and Congresswoman Sykes, as well as staff from Senators Brown and Vance's offices, to provide an overview of NEORS D for the new members and to discuss its work to bring Infrastructure Investment and Jobs Act (IIJA) funding to member communities. There was also much discussion regarding the need for reasonable regulations relating to PFAS for publicly owned treatment work, and the need for continued funding for the Low-Income Household Water Affordability program (LIHWAP), which was piloted this year, but does not have additional funding once the pilot has concluded. The meetings went well and NEORS D hopes to host members and their staff for tours in the coming months.

On April 20, Jessica Shutty, Community Relations Specialist; Shanay Craig, Early Talent Program Specialist; Nicole Harvel, Communications Specialist; and Lydia Stump-Hartman, Diversity, Equity, and Inclusion Specialist, participated in the Women's Summit. The Women's Summit was an all-day event consisting of panel discussions and breakout sessions focusing on empowering women and discussing challenges in the workplace and at home. NEORSD had a table with information about NEORSD job opportunities and its Diversity, Equity, and Inclusion (DE&I) initiatives.

On April 28, NEORSD Customer Service staff attended the Spring 2023 Seniors and Caregivers Expo at the Thea Bowman Center. There were more than 30 vendors and 175 seniors in attendance. Raquel Gregory, Customer Service Specialist, educated attendees about NEORSD cost savings programs. Ms. Gregory and NEORSD were recognized with a Certificate of Appreciation for the continued support of the senior programs at the Center.

Ms. Dreyfuss-Wells offered congratulations to Clifton Fletcher, Unit Process Manager, for obtaining his Class IV Wastewater Certification, which is the highest level of certification for wastewater plant operators in the State of Ohio and is difficult to obtain. With Mr. Fletcher's certification, NEORSD now has 13 Class IV Certified Operators.

V. Action Items

Authorization to Advertise

Resolution No. 121-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a 12-month requirement contract for liquid emulsion polymer solution at all wastewater treatment plants with an anticipated expenditure of \$2,200,000.00.

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 121-23. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 122-23 Authorization to purchase through the State of Ohio Cooperative Purchasing Program, one skid steer loader; two 1-ton pick-up trucks with snowplows and salt spreaders; one 1-ton pick-up truck with snowplow, salt spreader and dump insert; three 1-ton pick-up trucks with utility cap inserts; one ¾-ton pickup truck with utility cap insert; and one 1-ton pick-up truck with utility cap insert and winch in a total amount for all vehicles not-to-exceed \$813,000.00.

Resolution No. 123-23 Authorization to purchase annual software licenses, maintenance, and support services from sole source vendor NEXGEN Asset Management for the District's NEXGEN AM software for the period July 1, 2023 through June 30, 2024, in an amount not-to-exceed \$166,950.00.

Resolution No. 124-23 Authorization to purchase software licensing and support services from sole source vendor Ask Reply, Inc. for the District's B2GNow software, for the period May 18, 2023 through May 17, 2026, at a cost of \$38,695.00 in year one, \$40,629.00 in year two, and \$40,629.00 in year three, for a total amount not-to-exceed \$119,953.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 122-23 through 124-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, Regarding Resolution No. 124-23, the B2Gnow software monitors NEORSD's procurement outcomes and trends. The Board would like an overview of the program's performance over the past few years and where it is headed.

Ken Duplay, Chief Financial Officer, explained that Tiffany Jordan, Manager of Contract Compliance, would provide a detailed update to the Board at the next meeting.

Authorization to Enter Into Agreement

Resolution No. 125-23 Authorization to enter into four (4) four-year professional services agreements with West Creek Conservancy, Western Reserve Land Conservancy, O.R. Colan Associates, LLC and MS Consultants, Inc. for Conservation Planning and Property Acquisition services associated with stormwater-related property acquisition and management in a total amount not-to-exceed of \$3,000,000.00 for all agreements combined.

Resolution No. 126-23 Authorization to enter into a professional services agreement with Hazen and Sawyer for design and construction administration/resident project representation services under the Renewal of Culverted Streams II project in an amount not-to-exceed \$1,936,280.00.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 125-23 through 126-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 125-23, there is \$3 million to be awarded between four vendors, on a task-order basis, and asked if there is a plan for the division of labor, as presumably each vendor has its own strong suit and discipline.

Frank Greenland, Director of Watershed Programs, answered affirmatively and explained that this is the next iteration of property acquisition services, with MS Consultants being added as a new vendor. NEORSD has been working with the other three vendors for stormwater property acquisitions.

Each vendor brings a unique skill set and can manage property acquisitions fee simple or easements. For example, O.R. Colan and MS Consultants are very experienced with easements, while West Creek Conservancy and Western Reserve Land Conservancy are more skilled with fee simple purchases and leveraging funds. NEORSD selects the consultant depending on the need.

Authorization to Enter Into Contract

- | | |
|-----------------------|--|
| Resolution No. 127-23 | Authorization to enter into a three-year contract for Renewable Energy Facility mercury scrubber inspection, maintenance, and testing services from sole source manufacturer EnviroCare International, Inc. in an amount not-to-exceed \$181,665.00. |
| Resolution No. 128-23 | Authorization to enter into a construction contract with Mark Haynes Construction, Inc. for the Southerly Wetland Forebay Dredging project in an amount not-to-exceed \$94,917.90. |
| Resolution No. 129-23 | Authorization to enter into a construction contract with Shook Construction Co. for the Southerly Secondary Effluent Capacity Improvements project in an amount not-to-exceed \$1,511,400.01. |

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 127-23 through 129-23. Without objection, the motion carried unanimously.

Authorization to Assign

- | | |
|-----------------------|---|
| Resolution No. 130-23 | Authorization to assign the special counsel engagement for energy-related matters with Bricker & Eckler, LLC to Bricker Graydon, LLP, due to a merger, with all current terms and conditions of the engagement to remain unchanged. |
|-----------------------|---|

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 130-23. Without objection, the motion carried unanimously.

VI. Information Items

President Brown noted that there were three information items on the agenda, beginning with the Industrial Pretreatment Program, the annual look at what he refers to as “bad actors,” whether there are repeat bad actors, and if so, what actions are being taken to achieve compliance.

Mr. Greenland explained that NEORSD is required by federal regulations related to its NPDES permits to publish this list annually. Of the 157 industrial customers under the program, there are 25 bad actors, 9 of which are repeat offenders. The offenses vary in severity, including missing a monitoring date, missing a sampling, and failure to submit a report. Of the 9 repeat offenders, 4 are on compliance schedules because the offenses are more egregious; 3 of the 4 are implementing procedures to cease their discharges going forward.

At the industrial level, the companies experience employee turnover and there is a general lack of training provided to the companies regarding pretreatment. NEORSD staff provides training, specifically Kevin Roff, Supervisor of Enforcement, works with the entities to help them achieve compliance. If companies have violations that are egregious enough, the U.S. EPA Criminal Investigative Division will get involved and NEORSD cooperates with them, and other entities as needed.

President Brown asked, to the extent that the infractions lead to discharges reaching the water supply or a WWTP, whether NEORSD makes any distinction between such matters. Mr. Roff explained that NEORSD has not seen illicit discharge levels reach the point of effecting WWTP operations. NEORSD tests the levels of influent metals to ensure that the flows coming into the plants are treatable.

Mr. Greenland added that many illicit discharges are not subject to federal pretreatment recommendations, rather they are Phase II Stormwater Permit Requirements. Sometimes those illicit discharges, for example, a 55-gallon drum of cyanide that was discovered years ago, lead to criminal charges.

President Brown advised the Board that the Financial Report and Investment Advisor Performance report for the three-month period ending March 31, 2023, was included in the meeting materials and any questions should be directed to Mr. Duplay.

Frank Foley, Director of Operation and Maintenance, provided the Operation and Maintenance (O&M) Quarterly Update for the First Quarter of 2023, beginning with safety. There has been a total of 46 restricted workdays through the first quarter, as a result of one slip/fall, one cut, and one strain. The slip/fall occurred when a WQIS employee was working out in the field. The cut was an inventory control employee at the Westerly WWTC, and the strain was a wastewater plant operator at the Easterly WWTP.

The DART rate, which is the number of incidents per 200,000 work hours or 100 full-time employees that results in lost or restricted workdays, was 1.56 District-wide and just below 1 for O&M. The internal target is 2. Typically, O&M has a higher DART rate than District-Wide, however, two of the three events that occurred in the first quarter were outside of O&M.

Regarding effluent quality, NEORS was below permit limits at all three WWTPs for suspended solids, carbonaceous biochemical oxygen demand, and phosphorus. There are no *E. coli* results for the first quarter, as disinfection and sampling has not yet begun.

There was one permit excursion at the Southerly WWTC for mercury, with high concentrations detected on February 1 and again February 3. Sampling continued throughout the month and the average was 97.6 nanograms per liter by the end of the month. An investigation was conducted by Regulatory Compliance with help from Analytical Services, WQIS, and O&M. In consultation with Ohio EPA, the February 1 and 3 samples were filtered to determine whether the mercury was soluble or insoluble, as insoluble mercury would settle out and be removed. The mercury in the samples was soluble and therefore, would not settle. Composite samples from other locations in the plant were analyzed and did not show high concentrations of mercury. Construction, maintenance, and cleaning activities were all evaluated. The source of the mercury was not identified and is believed to be an anomaly.

Mr. Foley provided graphs demonstrating maintenance costs and explained that the Southerly WWTC maintenance costs are almost equal to the costs of the Easterly WWTP, Westerly WWTC, and the collection system combined. As for corrective versus preventative maintenance, the collection system received more preventative maintenance; Easterly WWTP and Westerly WWTC both had a balance of preventative and corrective maintenance; and the Southerly WWTC had much more corrective maintenance in the first quarter.

In the collection system, there were no dry weather overflows and the automated collection system equipment worked as needed at 100% performance during wet weather.

There are ten budget centers under O&M and the operating budget for 2023 is approximately \$66.1 million, and through the first quarter, \$15.5 million was spent, which is well within the budget. Variances in spending versus budget are primarily due to hourly wages and chemicals. Two chemicals, sodium hypochlorite and sodium bisulfate, are not used during the winter months. In comparing Q1 2022 actual expenses to Q1 2023, approximately \$1.3 million more has been spent in 2023, primarily due to increased electricity costs.

Mr. Foley invited Bob Meholif, Manager of Process Control and Automation (PC&A), to discuss operational technology (OT).

Mr. Meholif explained that IT supports the technology of the business while OT supports the technology of operations. Mr. Meholif provided some history of automation, explaining that it began with General Motors in 1947.

Automation began for NEORSD in 1992 with the implementation of the programmable logic controller (PLC) and grew exponentially through 2018. As processes have become more automated, NEORSD's reliance on external vendors has decreased with an average reduction of \$1 million annually in professional services costs.

Since 2018, there have been 16 engineers on staff who program the PLCs to perform their primary tasks which are to measure, compare, compute, and correct. Mr. Meholif provided images of the human machine interface (HMI) demonstrating processes and safeguards provided by the automation systems. Information gathered by the automation equipment is shared with IT, O&M, and Engineering and Construction. Automation also maintains the specifications surrounding our instrumentation and controls. By using these standards, OT is able to optimize operations and efficiencies while reducing expenses.

Mr. Meholif provided images of an operational interface terminal (OIT) and explained that while automation makes tasks safer and more efficient, it will not replace the need for human operators. For example, where an operator would have to manually open a valve on a piece of equipment before they are now able to open the same valve by pushing a button.

Mr. Meholif acknowledged the work of the Engineering and Construction Department, through their multiple capital projects to implement automation improvements.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(6), (G)(1) and (G)(3), moved, and Mr. Sulik seconded, to enter an executive session to discuss details relative to District security arrangements and emergency response protocols, the disclosure of which could reasonably be expected to jeopardize District security; to consider the appointment, employment, promotion, and compensation of public employees; and to consult with the District legal counsel concerning disputes involving the District that are subject to or are pending and imminent court action. By roll call vote, the Board voted unanimously to enter into executive session at 1:08 p.m.

The Board returned to open session at 2:04 p.m.


X. Approval of Items from Executive Session

Resolution No. 131-23 Authorization to enter into a professional services agreement with the confidential consultant presented in executive session for managed cybersecurity services, for the period May 1, 2023 through April 30, 2025, in an amount not-to-exceed \$979,364.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 131-23. Without objection, the motion carried unanimously.

XI. 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 2:09 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