

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
MAY 21, 2009

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

I. Roll Call

PRESENT: D. Brown
T. Longo
D. DePiero
W. O'Malley
G. Starr
R. Sulik

Ms. Kelly was absent.

The Secretary informed the President a quorum was in attendance.

II. Approval of Minutes

MOTION – Mr. Sulik moved and Mayor Longo seconded that the minutes of the April 30, 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.

IV. Executive Director's Report

Executive Director Ciaccia provided the Board an update on the ongoing discussions between the U.S. Attorney's office, United States Environmental Protection Agency (hereinafter "USEPA"), State of Ohio EPA (hereinafter "OEPA") and the District regarding the Combined Sewer Overflow Long Term Control Plan (hereinafter "CSO LTCP"). At a meeting held in Washington D.C. on May 5th, the aforementioned negotiating parties discussed extensively the Financial Capability Assessment (hereinafter "FCA"), or the ability for the District's customers to pay their sewer bills.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 2 of 16

The FCA benchmark is 2% of the median household income. If the sewer bills of the local communities served by the District exceed 2%, then the District is considered a high-burdened community, which directly impacts the required level of controls as well as the timeframe allowed for the District to carry out its CSO LTCP. The government's position is that the District is a medium-burdened community; however, the District provided the government with its own assessment which supports the District's position that it is a high-burdened community. Executive Director Ciaccia advised that the District received a follow-up telephone call from the government after the meeting in which the government indicated that the parties are at an impasse on said issue, and that the government is interested in moving forward with discussions regarding the aspects and levels of control for the CSO LTCP.

Executive Director Ciaccia advised that a conference call was held on May 19th between the legal representatives, and the government plans to present its proposed version of the CSO LTCP to the District at a meeting scheduled for June 23rd. Executive Director Ciaccia indicated that this is part of the negotiation process. The negotiations are cordial and necessary in order to resolve differences between the District and the government. Executive Director Ciaccia stated that District staff would provide the Board with the details of the negotiations in an Executive Session after the June 23rd meeting.

Mayor Longo inquired as to the meaning of "impasse" from an EPA or legal standpoint. Marlene Sundheimer, Director of Law, replied that the government does not necessarily agree with the District's position and are not prepared to engage in any further "give and take" negotiations, more specifically, this is a polite way of postponing further deliberations on that particular issue and to move forward with discussions pertaining to other aspects of the case, or in this situation, the CSO LTCP. The government desires moving forward and wants to present its version of the CSO LTCP to the District.

Mayor Longo inquired if the District can exercise the same protocol as the government and identify a particular issue to be at an "impasse" in order to move forward with other discussions. Executive Director Ciaccia advised that staff ultimately wants to discuss its strategy and position with the Board in an Executive Session. Subsequent to the June 23rd meeting, the District will have a better understanding as to the government's position.

Mr. Brown inquired if the government wishes to hold discussions regarding the program's components in an effort to reach a consensus with the District, and that future discussions will include the costs associated with the program, the timeframe allotted for program completion, and who is required to pay for the CSO LTCP. Executive Director Ciaccia affirmed.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 3 of 16

Executive Director Ciaccia advised that on a positive note, the OEPA submitted letters for the District to move forward with the Euclid Creek Tunnel (hereinafter "ECT"), Dugway Storage Tunnel (hereinafter "DST"), and the Tunnel Dewatering Pump Station (hereinafter "TDPS") projects. The ECT is in its design phase. Staff will make recommendation for Board authorization to issue a Request for Proposals (hereinafter "RFP") at its June 4th meeting for the TDPS, and the DST RFPs are forthcoming as well. Executive Director Ciaccia advised that the aforementioned projects are significant for the reason that they are each located in the Easterly watershed which has a substantial amount of CSOs. The District plans to move forward with the ECT, DST, and TDPS projects notwithstanding the final outcome of the government negotiations. Although the District has not yet received Permits to Install (hereinafter "PTI") from the government, receipt of those positive letters is an indication that we are moving in the right direction.

Mr. Brown inquired which EPA representatives the District met with. Executive Director Ciaccia advised that this process is controlled by the United States Department of Justice (hereinafter "USDOJ"), the enforcement branch of the EPA. Also involved with the negotiations are Region 5 attorneys, federal EPA representatives, the State of Ohio Attorney General's office, OEPA, federal and state legal counsel and their respective consultants.

Mr. Brown inquired if this "approach to life" is similar to the previous types of responses received, or is this reflective of "a new administration and a different type of an engagement?" Executive Director Ciaccia stated that he cannot assess whether a different approach was taken due to the turnover in the federal administration. Mr. Brown commented that he "wouldn't want them to be out of step" with Washington D.C.'s initiative and the "importance of urban centers." Executive Director Ciaccia advised that this is a bridge they will have to cross, and that the District's current engagement with the government does not substantively differ from prior discussions. Furthermore, Senators Voinovich and Brown tacked a condition onto the SRF bill which requires the EPA to review their guidance documents as it relates to affordability.

Mr. Brown indicated that this is instructive and provides the Board a better understanding as to which individuals are involved with the negotiations and of the District's strategy. Executive Director Ciaccia advised that staff will have greater understanding and capability to provide the Board with more detailed information after the June 23rd meeting.

Executive Director Ciaccia indicated that the CSO LTCP outreach measures will intensify, and he requested Constance Haqq, Director of Administration and External Affairs, to increase outreach efforts on the CSO LTCP in an effort to educate the public as to the CSO impacts.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 4 of 16

Executive Director Ciaccia moved to the next report item regarding the Stormwater Management Program (hereinafter "SMP"). The District is working with its outside billing agents in an effort to determine how the stormwater fee will be incorporated into the customer's bills that are sent out on behalf of the District. The Cleveland Division of Water (hereinafter "CWD") is in the process of implementing its new billing system and has engaged IBM to assist with this endeavor. District staff will make recommendations to the Board for the engagement of IBM as well in an effort to further our billing needs.

Executive Director Ciaccia advised that there are some communities questioning the District's legal authority to implement a SMP, and that Ms. Sundheimer and the Law Department are drafting a legal opinion in response to those inquiries.

Executive Director Ciaccia referred to a photographic image of the Lakeview Cemetery Dam and described this as a significant example of a stormwater facility. In 1972, a resolution was passed by the Board which authorized "the acting director to take the necessary steps to carry forward the Lakeview Cemetery Retention Basin project as part of the District's Sewer Regulator and Stormwater Program," which supported the claim that the District was granted the authority to undertake stormwater management from the very creation of the District. Although the District did not always exercise its authority, this does not take away the authority that was given to the District at its inception. Executive Director Ciaccia advised that the Lakeview Dam was designed for the purpose of controlling stormwater.

Executive Director Ciaccia advised that the District is entering into its third round of discussions with the member communities.

Mayor Starr questioned which communities raised the issue about the District's legal authority to implement the SMP. Ms. Sundheimer advised that a handful of communities through their law directors inquired about the District's authority. She perceived these inquiries to be more informational as opposed to adversarial. The City of Mayfield Heights, the Village of Mayfield and Summit County Prosecutor questioned the District's authority. The City of Cleveland Heights has also engaged the District on various aspects related to the SMP.

Mayor Starr inquired if the District received any written communication from the communities. Ms. Sundheimer advised that Summit County made a formal public records request, and that questions usually arise subsequent to the District making its SMP presentation. Mayors or council members initiated discussion with their respective law directors regarding specific authority, and officials have requested copies of the District's court orders. Ms. Sundheimer prepared a legal fact sheet that gets distributed at the community meetings. This fact sheet provides the basis of the District's authority and

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 5 of 16

describes the framework of the District's position, which usually prompts additional questions from the law directors that get directed to Ms. Sundheimer.

Mayor Starr inquired if the District spoke with the Cuyahoga County Law Director's Association wherein Ms. Sundheimer affirmed. Mayor Starr indicated that this is "when the issue was raised by several, and at least we have advanced notice and information ahead of time." Ms. Sundheimer stated that she spoke to the Cuyahoga County Law Director's Association in September of 2008, and the Law Department intends to mail a formal comprehensive legal opinion to all member community law directors. Furthermore, the District is considering hosting a forum at some point.

Mr. Brown appreciated Mayor Starr's question, and he indicated that this information is helpful for the reason that the Board members are also community advocates and will most likely be asked specific questions about the SMP. Mr. Brown requested that the Board be provided with a copy of the Ms. Sundheimer's legal fact sheet.

Executive Director Ciaccia advised that staff continues to craft the SMP policies and educate the public through outreach measures including meeting with various church organizations. Staff will make its recommendation to the Board at its June 4th meeting with regards to the SMP's billing system. Executive Director Ciaccia anticipates that staff will request Board authorization for the SMP fees late 2009 or early 2010.

Executive Director Ciaccia moved to the next report item regarding Program Management (hereinafter "PM"). There has been a lot of activity involved with the District's program managers, CH2M-Hill, and Executive Director Ciaccia turned discussion over to Kellie Rotunno, Director of Engineering and Construction, to present the Board with a status update on PM.

Ms. Rotunno stated that after seven weeks, the District is making good progress. Commencing in June, a status report will be provided to Executive Director Ciaccia and the Board on a monthly basis which includes an executive summary, backup documentation, project summary, and the project's financial components. The monthly status report will apprise the Board of contractor compliance with the Minority Business Enterprise (hereinafter "MBE") and Women Business Enterprise (hereinafter "WBE") participation goals for projects under the District's current MBE/WBE program, or if the Small Business Enterprise (hereinafter "SBE") participation goals were reached under the future SBE program.

Ms. Rotunno stated that the District has the Capital Improvement Program (hereinafter "CIP") schedule and cash flow information, and this is the "first time the District's entire CIP is captured in one file and with about 8,000 activities, we have the monthly cash flow projections for each of those projects projected out 30 years with a high degree of

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 6 of 16

competence in a 5-year window.” The 5-year CIP will be published and presented as an information item to the Board in June. Staff desires publishing the 5-year CIP on the website for public viewing, and for contractors, SBEs, and design professionals interested in pursuing District work for the 5-year CIP.

Ms. Rotunno stated that the PM is working on construction cost estimating standards and a construction procedures manual. The PM, in conjunction with the Law Department, is revising the front-end bidding documents and contract provisions. PM is working on enterprise contract management which includes the management of all paperwork associated with the CIP. The management information system is a program tool to be used for organizing the CIP projects, and this information will be readily accessible to various levels throughout the District. Ms. Rotunno stated that PM will collect workforce data through the contractors’ monthly certified payroll submittals. Ms. Rotunno indicated that the Board can anticipate seeing PM deliverables in June.

Executive Director Ciaccia moved to the next report item regarding government relations, and indicated that the District anticipates receiving \$10 million in stimulus funding. Since this is federal funding, the District needs to comply with federal standards including Buy American, Disadvantaged Business Enterprise participation goals and the Davis-Bacon wage provisions.

Executive Director Ciaccia stated that the District representatives met with Senator Voinovich and Congressman Kucinich while in Washington, D.C. on May 5th wherein they expressed their concerns about the CSO LTCP. District representatives were provided the opportunity to speak with Senator Voinovich regarding his financial capability bill. The District also met with representatives from the offices of Senators Brown and LaTourette and Congresswomen Fudge and Sutton. Executive Director Ciaccia stated that he felt the meetings went very well, and he was especially appreciative of Senator Voinovich and Congressman Kucinich allowing time to personally meet with District staff.

Mr. Brown inquired as to the reactions, responses, comments and concerns Executive Director Ciaccia observed from those meetings. Executive Director Ciaccia stated that Senator Voinovich has worked on this issue for quite some time and that he believed the federal government needed to step up. Senator Voinovich was realistic as to the federal government’s ability to address those issues, and he inquired as to what type of information the District could provide. Senator Voinovich focused on the FCA which was important to the District as well as other utilities located throughout the United States. Senator Voinovich requested that the District assisted with the development of the questions to be used for the selection of a USEPA Water Administrator.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 7 of 16

Congressman Kucinich has not been as heavily involved on this issue on a national level and focused more on educating himself as to the District's commitments to the CSO LTCP and how this will impact the region and affect the ratepayers. Congressman Kucinich was particularly concerned as to the effects the CSO LTCP will have on his constituents. He requested financial documentation from the District in order to make an assessment as to where the District stands at this point. Executive Director Ciaccia advised that he is unsure as to how this information will be used by Congressman Kucinich in Washington D.C., but the District intends to follow-up with him on those issues.

Mayor DePiero inquired whether during Executive Director Ciaccia's meetings if the issue regarding the District's federal lawsuit pertaining to the CSO LTCP was discussed. He inquired whether political suggestions could be made to the EPA regarding how the ratepayers will be impacted based on the program's timeframe to carry out the CSO LTCP of either 20, 25 or 30 years. Executive Director Ciaccia indicated that they discussed those issues but "certainly not how they might influence the process." They were informed of the process and the issues the District is experiencing and drew their own conclusions from those discussions.

Mr. Brown stated that the issue is not the amount to be paid but who actually pays, and the ability to mitigate impact will be based on whether federal funding is received.

Mayor Longo stated that "at some point we are going to have to go to our congressional delegation and ask them where they stand on that issue because if they don't have any particular feel for one way or the other, we're not going anywhere." Executive Director Ciaccia advised that Senator Voinovich supports the District receiving more time to carry out its CSO LTCP, and Mayor Longo indicated that Senator Voinovich "articulated that quite well." Mayor Longo stated that although this may not be the best time to do it, it is very important for the District to inquire from our federal delegation as to where they stand on that particular issue because "later on you don't want to get down the road so far that there is no saving the position of the District in a legal process that we cannot defend."

Mr. Brown stated that "even beyond that, when the question gets called, we should be challenged on the issue of why are the rates so high to the ratepayers when we've had all this time up front to conduct due diligence in order to mitigate that impact, and that impact gets mitigated through the work of our delegation." Mr. Brown indicated that this has been an ongoing issue for the past couple of years and he shares in the concern of asking the question, but it must be understood that we expect our Washington representatives to have a good understanding of the issues and to work collaboratively on those efforts because this region will experience the impacts. The District is doing its

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 8 of 16

part, and Mr. Brown indicated that he does not want the District to be in the boat by itself.

Mayor Longo suggested that it be taken one step further and that state representatives and senators, county officials and congressional delegations be on board with the District and what it is trying to accomplish in order to ease the burden on the taxpayers. "If we do not do this and push comes to shove, then we are out there by ourselves" and the District does not obtain the support needed or a reasonable approach to deal with the forthcoming rates. Mayor Longo stated that "normally agencies do not do what he suggested, but you have to ask them what's your position on this and can we count on your support?"

Mr. Brown commented that "nobody has cover."

Executive Director Ciaccia appreciated the discussion held with the Board, and he indicated that those issues needed to be addressed on the record. Furthermore, the District's government relations effort will be a vital initiative going forward. Staff will bring its recommendation to the Board regarding the advocacy services for which they recently authorized the issuance of RFPs, and the District must become active in this arena. Executive Director Ciaccia corroborated with the Board's comments regarding the District having to push the envelope as far as possible on behalf of the customers.

Mayor Longo stressed that bringing the delegation on board and gaining their support on this issue is absolutely critical. When faced with tough decisions, similar organizations have chosen softer and more comfortable approaches at the expense of the ratepayers. Mayor Longo advised that if the District is serious and due to the current economic conditions, "there's going to come a time when we can't be soft." Mayor Longo stated that "the government functions this way at all levels except when you have to listen to these people when they get that sewer bill and there's no mercy." The ratepayers "have problems making ends meet and are tired of people putting their hands in their pocket." Mayor Longo stressed that "this cannot be the normal bureaucratic agency type approach that has existed since 1972 or earlier and we have to start firming things up." Mayor Longo commented that the "EPA does not have to answer to the constituents," and he corroborated Mr. Brown's comment about whether the District has done everything possible. Executive Director Ciaccia replied that staff is responsible to "convince the Board that we are going to do everything possible, and we are going to do that."

Mayor Starr stated that 10 or 20 years ago, there were more congressional districts and long-term tenure resulting in more clout. He commented that the District presently serves approximately four or five congressional districts, and some of the standing congressmen have low seniority and are not on the important committees. The District will need to use a careful approach. Mayor Starr suggested the District provide its 61 member

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 9 of 16

communities with sample resolutions for the reason that a city speaks through its resolutions.

Mayor Longo commented that "it's a matter of timing on this, and stuff like that has to be done." Mayor Starr suggested that "we should start the ball rolling."

Mayor Longo indicated that when you present resolutions to a congressman, they tend to get overlooked. He suggested that these discussions should probably be held in an executive session.

Mayor Longo stated that "we need to have direct accountability" and learn from the private sector because they are not afraid to ask for the vote or the support from their delegation. Mayor Longo advised against being at an impasse on this issue.

Executive Director Ciaccia indicated that he understood and reminded the Board of the District's limitations as a governmental agency. Executive Director Ciaccia assured that that the District will do everything within its power to reach out to its delegation.

Mayor Longo stated that the District has its Council of Governments, which has never been used in this capacity. There are options, and we have to be smart enough to ask and time it accordingly, which can be extremely effective.

Mr. Brown referred to his previous comment regarding nobody having coverage, and he explained that we need to ensure that everyone is knowledgeable of these issues, and that each municipality, and county and state representative have done everything possible because all of our constituents will be impacted by whatever action is taken. This is about being accountable and nobody should have the opportunity to claim that they were not aware of the situation. Executive Director Ciaccia indicated that staff understood the Board's stand on this issue and that the District will certainly be aggressive in that regard.

Executive Director Ciaccia moved to the next report item and advised the Board that CWD is continuing to work on its new billing system and that the proposed changeover is expected to occur on August 3rd or August 30th. Mr. Brown commented that he believed the date was August 30th.

Executive Director Ciaccia moved to the next report item regarding the Small Business Enterprise (hereinafter "SBE") program and he turned discussion over to Tiffany Jordan, Contract Compliance Manger, to provide the Board with a brief update on the SBE program.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 10 of 16

Ms. Jordan advised that the Office of Contract Compliance (hereinafter "OCC") received 99 SBE applications in the areas of construction, engineering and special trades, and the District receives five to eight SBE applications daily.

Mayor Longo inquired of the 99 SBE applications received, how many of the applicants are existing MBE or WBE firms registered with the District? Ms. Jordan replied 29.

Ms. Jordan advised that 269 new companies submitted or completed the online vendor registration, and of those 269 companies, 165 qualified to be SBE certified with the District in the area of goods and services. Under the District's existing MBE/WBE program, there are a total of 207 certified MBEs and WBEs. Of those 207 certified MBE/WBE subcontractors, 29 submitted applications for SBE certification leaving about 178 MBEs and WBEs to complete the SBE certification.

Ms. Jordan advised that by way of outreach, she contacted MBEs and WBEs to inform them of the SBE process and that Ms. Haqq and the Department of Administration and External Affairs advertised with the Council of Smaller Enterprises (hereinafter "COSE"), Consortium of African American Organizations (hereinafter "CAAO"), *The Call and Post*, and radio station 93.1 WZAK. The SBE application along with reminder correspondence was mailed to the vendors on the District's MBE/WBE registry. Furthermore, 1,500 post cards and emails were sent by means of the National Association of the Advancement of Colored People (hereinafter "NAACP"), CAAO, Northern Ohio Business Development, Organization of Chinese Americans, the Hispanic Business Administration, Minority Business Solution, Minority Council, Contractors Assistant Program, which is affiliated with the Akron Urban League, the President's Counsel and Shore Bank. Ms. Jordan indicated that the District is desirous of ensuring that both MBEs and WBEs are included in the SBE program, which commences on June 1st.

A meeting was held in early May to inform the prime contractors of the general terms, conditions, and changes with the SBE program. A total of 35 companies were invited and 21 attended.

The OCC in conjunction with the Department of Administration and External Affairs (hereinafter "DAEA") held certification workshops to inform small business owners located in Lorain, Lake, Cuyahoga and Summit County of the District's SBE program. A total of three sessions were held on April 22nd, May 6th and May 20th, and 151 companies attended those certification workshops. Ms. Jordan advised that the workshops were extremely successful. Of the companies surveyed, 85% indicated that the workshop met their expectations, and 87% of the companies desired becoming certified SBEs with the District. The District intends holding those workshops in other counties, and Lorain County will host the first of those sessions.

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 11 of 16

Ms. Jordan advised that the OCC in conjunction with the DAEA is developing a Small Business Development Program. The program's objective is to work with small businesses during the pre-contract and contract duration phases, and that this process is still in its development stage as staff continues to identify the most suitable concept for the District.

Executive Director Ciaccia stated that the District is concerned with the low percentage of existing MBE and WBE firms that have become certified with the District as an SBE; therefore, he requested that Ms. Jordan continue with the outreach measures in an attempt to attract more MBE and WBE firms in becoming a certified SBE with the District.

Ms. Jordan explained that she contacted many MBE and WBE firms to inform them of the SBE protocol, and the response she received was that those firms are aware of the SBE changeover, have the SBE application in their possession, and are in the process of completing the application. Ms. Jordan stressed to those MBE and WBE firms that as of June 1st they will not receive the maximum opportunities if they are not certified with the District as an SBE.

Mayor Longo questioned the schedule of full implementation of the SBE program and whether the contractors and subcontractors are fully aware of the changeover. Executive Director Ciaccia replied that the SBE program will commence on June 1st and that information will also be incorporated into the bid documents regarding the program's requirements. If a bid package is scheduled for June 3rd, prime contractors will not receive credit for using SBEs that are not certified with the District.

Mayor Longo assumed that the SBE program will undergo housekeeping to ensure that the lists are adequate. He questioned the District's plan for holding future work sessions, and whether they will occur every six months or once a year. Ms. Haqq replied that three work sessions were held in Cuyahoga County and two will be held in Lorain County. Furthermore, the District intends holding work sessions at least once a year in the outlying counties and twice a year in Cuyahoga County.

Mr. Brown stated that the outreach for the SBE program is significant, and he inquired how the District will measure or determine the impact of the SBE program. Mr. Brown was concerned that of the 35 companies invited to the District's meeting, only 21 attended. He questioned if this was not an important issue for the companies who chose not to attend the meeting. Mr. Brown was concerned that the prime contractors do not fully understand the types of competencies and capabilities of the SBEs because they are not engaging with them.

Executive Director Ciaccia responded to Mr. Brown's concern regarding the prime contractors that did not attend the District's meeting and he explained that the state and

BOARD OF TRUSTEES

Regular Meeting

May 21, 2009

Page 12 of 16

county both operate SBE programs similar to the District's proposed SBE program, therefore, they are familiar with the process for that reason. Many of the contractors in attendance at the meeting were major contractors that have conducted business with the District.

Ms. Jordan advised that the Department of Engineering and Construction is using the SBE registry to set goals for District projects commencing after June 1st, and the SBE goals may initially appear low because they will be based on the database which is not heavily populated at this time. Ms. Jordan stressed that it is important to spread the word amongst the small business community to attract those businesses in becoming certified as a SBE with the District.

Mr. Brown referred to discussion held at a previous Board meeting wherein it was indicated that the District will make its capital project list available to ensure that the contractors are aware of the forthcoming projects. Mr. Brown inquired if the subcontracting opportunities identified by the design engineers after unbundling project components will also be made available because educating the SBEs on the types of work available may serve as an incentive to increase the amount of SBEs interested in participating on District work.

Ms. Rotunno stated that District projects are bid based on the engineer's estimate which can vary depending on the firm or project manager. This process is not controlled by the District through standards. Conversely, through PM, the District can set forth its expectations to the design professionals as to the development of the engineer's estimate and to also identify the subcontracting opportunities early on in the design stages. Mr. Brown agreed.

Mr. Brown commented that the District needs some quick wins in order to demonstrate that this is not business as usual and that we are serious about this program, and he suggested that the District not only consider the creation but also the demonstration of the SBE program.

Mayor Longo inquired if staff established benchmarks for the SBE program in order to measure its success, and whether SBE benchmarks can be established to dovetail with the bid projects. Ms. Rotunno replied that the SBE program will have to run its course the first year, but we are on the right track by setting project-specific goals. SBE policies will specifically identify whether labor, one hundred percent of materials or equipment use will count towards SBE participation.

Ms. Rotunno stated that the first year is the learning phase and setting up the program, monitoring and tracking its progress on a project-by-project basis, and reporting this information back to the Board is necessary as we learn and grow with our new SBE

program and “we are off to a really good start.” Executive Director Ciaccia corroborated Ms. Rotunno’s comment.

V. Consent Agenda

There were no Consent Agenda items.

VI. Action Items

Authorization to Advertise

No discussion ensued on Resolution Nos. 98-09 and 103-09.

Resolution No. 98-09

Two (2) year requirement contract for the bearings and seals product class for use at the Environmental Maintenance and Services Center (EMSC) and all Wastewater Treatment Plants. Expected expenditure is \$32,000.00.

Resolution No. 99-09

One (1) year requirement contract for the purchase of 75,000 pounds of liquid polymer for use at the Southerly Wastewater Treatment Plant. Expected Expenditure is \$198,000.00.

Resolution No. 100-09

Two (2) year requirement contract for janitorial services at the Environmental Maintenance and Services Center (EMSC) and George J. McMonagle (GJM) Building. Expected expenditure is \$660,000.00.

Resolution No. 101-09

One (1) year requirement contract to lease all required predictive maintenance equipment and services for use at the Southerly Wastewater Treatment Plant. Expected expenditure is \$70,000.00.

Resolution No. 102-09

Easterly Air Handler Coil Replacement Project. Engineer’s estimate is \$140,000.00.

Resolution No. 103-09

**Southerly Ash Line Replacement Project.
Engineer's estimate is \$835,000.00.**

MOTION – Mayor Longo moved and Mr. O'Malley seconded to adopt Resolution Nos. 98-09 and 103-09. Without objection, the motion carried unanimously.

Authorization to Purchase

No discussion ensued on Resolution No. 104-09.

Resolution No. 104-09

**Procurement of proprietary time and attendance card clocks from Kronos, Inc.
Cost not to exceed \$42,883.00.**

MOTION – Mayor Starr moved and Mr. Sulik seconded to adopt Resolution No. 104-09. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

No discussion ensued on Resolution Nos. 105-09 and 106-09.

Resolution No. 105-09

Two (2) year requirement contract with Robinson Pipe Services, Inc. for industrial cleaning services at all Wastewater Treatment Plants and various collection system sites. Cost is \$163,350.00.

Resolution No. 106-09

Two (2) year requirement contract with Solutient Technologies, LLC for radiation safety consulting services. Cost not to exceed \$100,000.00.

MOTION – Mayor Longo moved and Mayor DePiero seconded to adopt Resolution Nos. 105-09 and 106-09. Without objection, the motion carried unanimously.

Authorization of Contract Modification

No discussion ensued on Resolution Nos. 107-09 and 108-09

Resolution No. 107-09

Final adjusting deduct order and close-out of Contract No. 3494, Division Avenue Pump Station Building Restoration (PS-3), V.I.P. Restoration, Inc. Cost decrease in the amount of \$10,422.54, bringing the total contract amount to \$65,103.46.

Resolution No. 108-09

Final adjusting deduct order and close-out of Contract No. 3509, Southerly Wastewater Treatment Center Dome Removal (28C1), Nerone & Sons, Inc. Cost decrease in the amount of \$26,095.00, bringing the total contract amount to \$422,731.00.

MOTION – Mr. Sulik moved and Mr. O’Malley seconded to adopt Resolution Nos. 107-09 and 108-09. Without objection, the motion carried unanimously.

Sewer Use Code Matter

No discussion ensued on Resolution No. 109-09

Resolution No. 109-09

Settlement Agreement with Burch Hydro, Inc., Northeast Ohio Regional Sewer District Case No. 09-001. Settlement Amount is \$10,000.00.

MOTION – Mayor DePiero moved and Mayor Longo seconded to adopt Resolution No. 109-09. Without objection, the motion carried unanimously.

VII. Information Item

There were no information items on the agenda.

VIII. Open Session

Mr. Brown appointed Mr. Sulik and Ms. Kelly to the Nominating Committee which will nominate the Board president, vice president and secretary. The Board will vote on its officers at the June 4th Board meeting.

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 no matters for discussion in Executive Session.

XI. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Longo moved and Mayor DePiero seconded the motion to adjourn at 1:30 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