

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
MAY 21, 2020

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 Darnell Brown.

President Brown opened the meeting by addressing the COVID-19 pandemic, and read the following statement:

The COVID-19 pandemic continues to be a matter of serious concern and remains a state of emergency. As such, the District is again conducting its Board meeting via live stream videoconference using the Zoom video communications tool and pursuant to House Bill 197. Members of the public may have access to the meeting using the Zoom login link found on the top of the District's website, www.neorsd.org, to watch the Board's discussions and deliberations through the videoconference.

The District issued a public notice that regularly scheduled meetings will be held electronically until the emergency ends, and with specific login instructions for the public posted on the District's website. The notice and login also informed members of the public who wished to address the Board to make such request known to the Chief Executive Officer through the Zoom system prior to the start of the meeting.

I. Roll Call

PRESENT: Darnell Brown
Ronald Sulik
Samuel Alai
Terence Joyce
Jack Bacci
Timothy DeGeeter
Sharon Dumas

The Secretary informed the 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 May 7, 2020, 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, began her report by providing an update regarding the District's response to the COVID-19 pandemic.

In cooperation with the Ohio Water and Wastewater Agency Response Network (WARN), the District serves as a point of distribution of personal protective equipment (PPE) to other agencies. The Federal Emergency Management Agency (FEMA), the Centers for Disease Control and Prevention (CDC), and the U.S. Environmental Protection Agency (USEPA) have made 105,000 face coverings available to Ohio water and wastewater agencies. Over the past two weeks, the District has facilitated the distribution of 16,500 of those face coverings to agencies in Northeast Ohio. Additionally, the District received disposable gloves, face shields, and hooded coveralls from the Cuyahoga County Office of Emergency Management at no cost.

In terms of state funding, the District participated in a call on May 18 with State Senator Dolan to discuss Senate Bill 310. This bill allocates a portion of Ohio's COVID-19 Relief Fund received from the Federal CARES Act. The way that distribution is currently set up under Senate Bill 310, Ohio Revised Code Chapter 6119 entities like the District are not eligible. The District had a productive discussion with Senator Dolan regarding its eligibility for COVID-19 related expenses, which currently total \$930,000.00.

At the federal level, the House of Representatives passed a \$3 trillion economic stimulus package on May 15. That Bill includes revenue loss assistance for local governments, support to low income residents with utility payments, and a program to allow states to provide funds to households to assist with eviction prevention, mortgage delinquency, and payment of utility bills. It is not likely to pass the Senate in its current state, however, the District continues to monitor its progress.

On May 15, the District and several partners hosted a seminar via Zoom to launch the District's Water Equity Roadmap. Ms. Dreyfuss-Wells reminded the Board that Constance Haqq, Chief Administrative Officer, previewed the seminar when she provided an update on the District's national water equity work with the U.S. Water Alliance and the participating cities. There were 80 participants in the seminar, and they discussed water workforce development, affordability, and engagement in climate change. The District received a lot of great content and recommendations regarding its ongoing equity and affordability programs.

Ms. Dreyfuss-Wells then invited Frank Greenland, Director of Watershed Programs, to address Friday's rainfall and associated flooding events.

Mr. Greenland advised the Board that there was a significant rain event on May 15, with most of the service area seeing 2 to 3 inches of precipitation. North Olmsted, Olmsted Falls, Brook Park and Parma had 3 inches of rain in a short period of time, resulting in basement flooding, and to a lesser degree, street flooding.

In evaluating the recorded rainfall data from Cleveland Hopkins International Airport, the area has had 6.75 inches above average rainfall, currently totaling over 20 inches for the year. There have been wetter than normal conditions from March through May.

The Big Creek Stream Gauge registered a major flood level for the second time in two months, which is not good for its watershed area. The District's stormwater maintenance crews mobilized to perform cleanup in certain areas, including debris racks and culverts. Although it was not as severe a rain event as the event the month prior, it may have resulted in more basement flooding.

The District is responding to calls from residents and working with communities to address these issues. Mr. Greenland noted that although this problem is pervasive and will likely continue, especially with intense, short-duration events, the District is finding solutions in some areas and continues its work to solve these problems.

President Brown asked for additional information regarding work being done by the District to attempt to respond to the issues of increasing rainfall and elevated water levels in the Lake and streams, as there is great concern about how that will affect communities in terms of basement and street flooding. President Brown asked how the District is looking at these issues through modeling and what levels of protection may be achieved.

Mr. Greenland explained that the District is in the modeling and analysis phase of stormwater master planning. It is inputting live event data into its models to understand the responses in sewers.

Regarding sanitary and combined sewers, there are systems that were designed over 100 years ago in many locations. They were not designed to manage this level of growth, are old and have leaks, causing infiltration and inflow to enter the sewers. That component is severe. The recommendation is to retool the system and create separate systems to replace the common trench sewers. Through the District's CSO program, it has been able to assess the CSO capture rates. The performance data is dependent on weather conditions; however, the District is achieving its goal.

As for stormwater, the District is assessing how to achieve a 100-year level of protection and has rainfall events that it can simulate. In certain areas, the District will not be able to achieve that level, however, is working diligently to achieve the best level of protection it can.

Mr. Greenland noted that the District is learning more about the interrelationship between high rivers and streams and the ability of a local storm sewer to discharge into streams. One issue is that at times the capacity of the storm sewer network is not enough, and sometimes even when it is enough, if the stream is too high, the flows can get blocked, effectively damming the flows. The District continues to assess how to address the issue.

Mr. Greenland additionally noted that there are compounding factors to the flooding problem. There has been heavy rainfall this year and Lake Erie is at a record high level, which impacts

surrounding streams. It is predicted that there will be some downturn, but the Great Lakes Basin has taken on a lot of water in recent months. The District will continue to monitor the situation.

President Brown requested that the District continue to update the Board in order to focus on these potential problems as they escalate.

V. Action Items

Authorization to Advertise

Resolution No. 150-20 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Streambank Stabilization along Chippewa Creek at the Chippewa Creek Condominiums project with an anticipated expenditure of \$1,419,100.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 150-20. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 151-20 Authorizing the purchase of spare parts as needed to repair and maintain Schwing Bioset material handling equipment from sole source manufacturer Schwing Bioset in a total amount not-to-exceed \$250,000.00.

Resolution No. 152-20 Authorizing the purchase of software licensing, maintenance and support for the District's Process Data Management System application for a one-year period from sole source vendor OSIssoft, LLC in an amount not-to-exceed \$58,500.00.

MOTION – Mayor Bacci moved, and Mayor Alai seconded to adopt Resolution Nos. 151-20 through 152-20. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 153-20 Authorization to enter into a professional services agreement with Baker Tilly Municipal Advisors, LLC for financial advisory services for a one-year term with the District's option to renew the agreement for up to four additional one-year terms in a total amount not-to-exceed \$400,000.00.

Resolution No. 154-20 Authorization to enter into a professional services agreement with Stantec Consulting Services, Inc. for pre-design services for the Big Creek Stream Restoration Upstream and Downstream of Ridge Road in Parma project in an amount not-to-exceed \$632,000.00.

MOTION – Mr. Joyce moved, and Mr. Sulik seconded to adopt Resolution Nos. 153-20 through 154-20. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 155-20 Authorization to amend Design-Build Agreement No. 19005267 with Cold Harbor Building Company for the Southerly Miscellaneous Disinfection and Solids Handling Improvements project to incorporate a Guaranteed Maximum Price of \$4,488,242.13 necessary for the construction portion of the project, thereby bringing the revised total agreement amount to \$5,402,450.13.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 155-20. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for an explanation of how the budget for this project has evolved. Devona Marshall, Director of Engineering and Construction, explained that this is a design-build project, meaning that it is a two-step project. Initially, through the RFQ and RFP process, the District contracts with the vendor and negotiates a 60% design. The District then seeks Board authorization to award a contract for the design services component of the project. At the 60% design level, the District negotiates the construction component of the project and comes back to the Board for an approval of the guaranteed maximum price (GMP) amendment for full construction, which is what is being requested with Resolution No. 155-20. This project was different in that the District sought additional Board authorization between the original request for design services and the GMP because there was a need for lead time on the purchase of the disinfection tanks to ensure that they would be received and installed prior to disinfection season. The purchase of the disinfection tanks resulted in a \$500,000 modification from the original request amount.

As for the overall scope of the project, its focus is equipment and asset repair at the Southerly WWTP related to disinfection and solids handling, to repair and replace failing and out-of-date equipment including the disinfection tanks, sludge storage tanks, and gravity thickeners. Additionally, there are repairs to the roof and some pipes as well as new access platforms being installed for the O&M staff.

Authorization to Enter Into Contract

Resolution No. 156-20 Authorization to enter into a construction contract with DiGioia-Suburban Excavating, LLC for the Miscellaneous CSO Improvements project in an amount not-to-exceed \$2,090,483.03.

Resolution No. 157-20 Authorization to enter into a construction contract with Marra Services, Inc. for the Westerly Grating and CSOTF Washdown Replacement project in an amount not-to-exceed \$1,086,396.40.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 156-20 through 157-20. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 158-20 Authorizing the District to acquire one parcel in fee simple located on property known as PPN 761-16-085, located at 19902 Longbrook Road, in the City of Warrensville Heights, owned by Paul2X, LLC, necessary for the construction and maintenance of the Mill Creek Bank Stabilization project, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$74,000.00 plus closing costs.

Resolution No. 159-20 Authorizing the District to acquire one permanent stormwater easement on property known as part of PPN 601-29-001, located on Old Royalton Road, in the City of Brecksville, owned by Chippewa Creek Condominiums, necessary for the construction and maintenance of the Chippewa Creek Bank Stabilization near the Chippewa Creek Condominiums project with total consideration of \$1.00.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution Nos. 158-20 through 159-20. Without objection, the motion carried unanimously.

Authorization to Revoke Resolution and Grant Authority

Resolution No. 160-20 Authorization to revoke Resolution No. 69-16, and grant amended standing authority to the Chief Financial Officer (CFO) to certify delinquent sewer and stormwater accounts either semi-annually or in accordance with any other schedule deemed necessary and proper by the CFO and acceptable to the applicable county fiscal office, and to further grant the CFO standing authority to certify individual accounts at any time, as deemed necessary and proper by the CFO.

MOTION – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution No. 160-20. After the following discussion, without objection, the motion carried unanimously.

President Brown requested an explanation of the intention and scope of Resolution No. 160-20, including what authority it will grant and if there is a particular account class targeted. Ken Duplay, Chief Financial Officer, explained that the request is to modify the existing standing

authority granted to the CFO by the Board in 2016. That resolution authorized the semiannual certifications in March and September. The current request would modify that authority to permit more frequent certifications to allow the District to react to evolving situations, primarily with commercial transactions, where the District has a financial interest, when an outstanding balance exists and a potential sale of the property becomes known. This authority would allow the District to act in a timelier manner with certifications on a one-off basis. The District would still notify the Board via information item as it has in the past for the semiannual process. This request would allow the District to nimbly react to situations on the commercial side when necessary to maintain its financial interests.

President Brown thanked Mr. Duplay for the explanation and added that given the current financial environment with so many residents struggling to pay their bills and the federal government attempting to supply aide to those individuals and families, he is relieved to see that this applies primarily to commercial properties, and the District will receive notice to get in position to potentially collect assets available to satisfy debts.

Ms. Dumas asked for clarification as to whether the authority is restricted to commercial properties. Mr. Duplay confirmed that the focus is on commercial properties, but residential properties are not excluded, and certifications related to those accounts may occur.

Sewer Use Code Matters

Resolution No. 161-20 Adopting the findings of the Hearing Officer with regard to the sewer charges on the account of Massimo Soriano, Sewer District Hearing No. 20-006, that the customer's request be denied.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution No. 161-20. Without objection, the motion carried unanimously.

VI. Information Items

Ms. Marshall provided the monthly update on the Capital Improvement Program, beginning with cash flow, followed by the project level of key performance indicators (KPIs) for April 2020.

Regarding cash flow, the month of April ended at 80% planned, which is in line with March. The District paid out \$16.5 million, for a year-to-date total of \$60.8 million.

Ms. Marshall noted that April is the first month that the District was able to potentially see impacts of the COVID-19 pandemic on its construction program. The only notable discrepancy in cashflow was on the Westerly Storage Tunnel project which was also the only project to shut down construction activity. The planned spend for that project was \$5.1 million compared to the actual spend of \$1.4 million in April.

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Ms. Marshall moved her presentation to KPIs. The District completed the design of the Westerly Steam Grease Handling Boilers within 60 days of planned, meeting the KPI.

The construction contract was awarded for the Doan Valley Regulators and Relief Sewer Project within 60 days of planned, and the engineer's estimate was within 10% of the average of the three lowest bids, thereby meeting the KPIs for both measures.

As for construction KPIs, the construction contract for the Dugway Regulators and Relief Sewer Project was closed. This was a \$4.8 million construction contract, which was not closed within 95% of the original contract amount, missing that KPI. However, it did meet its KPI for the Business Opportunity Program goal. The District goal on this project was set at 20% MBE/WBE. The projected actual was 21.2% for MBE/WBE and 28% for SBE. Ms. Marshall provided a graph demonstrating why the KPI of 95% was missed and indicated that there was 11.67% in total work orders, equaling \$558,000. The majority of those expenses were due to differing or unforeseen site conditions which included undocumented underground facilities, timbers, and a void in the culvert, requiring repair.

The contract for the Woodland Central Green Infrastructure Project, which was completed as part of the Consent Decree. Appendix 3 Green Infrastructure, was closed in April. This was originally a \$10 million construction contract that did not close within the 95% KPI goal and also fell short on the Business Opportunity Program goal. The District goal on this project was 20% MBE/WBE. The projected actual was 18.66% for MBE/WBE and 3% for SBE. The contractor however exceeded his original bid time commitment. As the Board has previously been advised, there were several unforeseen site conditions, including substantial solid waste and PCB contaminated ground water. Overall, it was a great project from a CSO standpoint and an environmental cleanup standpoint.

Regarding construction highlights, Ms. Marshall focused on the London Road Relief Sewer Project, the last remaining project under Control Measure 6 of the Consent Decree.

There are 11 projects that comprise Control Measure 6, including Euclid Creek Tunnel and Dugway Storage Tunnel System. Once complete, it will control 950 million gallons of CSO from 12 different outfalls in the Easterly District and is comprised of 9 miles of large diameter tunnel, 10 miles of consolidation and relief sewer, 70 shaft control and diversion structures, and a large tunnel dewatering pump station. The District will invest \$716 million in design and construction to complete this Control Measure which is scheduled to be fully operational by the end of the year.

The London Road Relief Sewer Project is a \$39.6 million construction contract and includes 11,000 feet of relief sewer. The construction method includes some open cut work but is primarily a two-path tunneling system. The construction on this project includes five shafts, eight diversion structures, seven regulator structures and seven junction chambers.

It is named the London Road project because that is where the alignment was during initial planning. The final design has its main line along Wayside Avenue onto Holmes Avenue to

shorten the length of the project and reduce risks related to contaminated soil, resulting in cost savings.

The last mining operation for this project finished in April. The pipe installation on the main line tunnel was completed and the final set of pipe installation on Rosalind Avenue is nearing completion.

The District recently issued a maintenance of traffic order along Euclid Avenue at Hillsboro to allow for the construction of a diversion structure and junction chamber, through the end of July.

This project is scheduled to achieve substantial completion in July. It is a few months behind schedule but overall running smoothly.

The environmental benefits associated with Control Measure 6 include 950 million gallons of CSO control. The London Road Relief Sewer Project will account for 185 million gallons of that CSO reduction, specifically from five outfalls tributary to Nine Mile Creek and Green Creek, as well as capacity relief along the local system on Holmes, London, and Euclid Avenue. Additional community benefits include road restoration in the areas of construction.

Open Session

There were no items.

VII. Public Session (any subject matter)

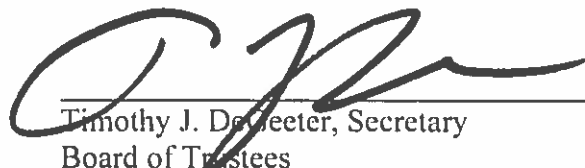
There were no items.

VIII. Executive Session

There were no items.

IX. 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 1:13 p.m. Without objection, the motion carried unanimously.



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



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