

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES
JUNE 21, 2007

The meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 P.M. on the above date by President Sulik.

A. Roll Call

PRESENT: D. Brown
D. DePiero
S. Kelly
A. Liberatore
T. Longo
R. Sulik

ABSENT: G. Starr

The Secretary informed the President a quorum was in attendance. Executive Director Odeal stated Mayor Starr had a previous business commitment and was unable to attend today's meeting.

B. Special Board Work Session

The Secretary reported that the Board met in a Special Board Work Session on this date beginning at 10:30 A.M. The Board discussed in detail the items on the Special Board Work Session agenda. See the Special Board Work Session Summary for the June 21, 2007 Board of Trustees Special Work Session (Attachment "1"). The Special Board Work Session adjourned at 12:05 P.M.

C. Working Session

The Secretary reported that the Board met in Working Session on this date beginning

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 2

at 12:31 P.M. The Board discussed in detail the items on the Working Session agenda. See the Working Session Summary for the June 21, 2007 Board of Trustees meeting (Attachment "2").

The Working Session adjourned at 1:13 P.M.

D. Executive Session

Moved by Mr. Liberatore and seconded by Mr. Brown that the Board meet in Executive Session to discuss one personnel matter and one litigation matter. Without objection CARRIED UNANIMOUSLY. Thereafter the Board met in Executive Session from 1:14 P.M. until 1:48 P.M. The Business Session began at 1:49 P.M.

E. Approval of Minutes

Item 1 – May 17, 2007; June 7, 2007

Moved by Mr. Brown and seconded by Mayor Longo that the Minutes of May 17 and June 7, 2007, be approved as circulated. Without objection CARRIED UNANIMOUSLY.

F. Major Projects

1. Southerly Improvement Program

Item a – Authorizing the taking of bids for Roof Renovations at the Southerly Wastewater Treatment Plant, the Pump Stations and the Environmental and Maintenance Services Center – Contract RRN-4. Estimated cost: \$1,804,500.00.

Executive Director Odeal indicated adoption of this resolution would authorize the taking of bids for Roof Renovations at the Southerly Wastewater Treatment Plant, the Pump Stations and the Environmental and Maintenance Services Center – Contract RRN-4. Upon receipt of bids, a recommendation will be made to the Board for award to the lowest, responsive,

responsible bidder.

MOTION - Moved by Ms. Kelly and seconded by Mr. Brown that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 150-07.

2. Easterly Improvement Program

Executive Director Odeal suggested the next two (2) resolutions be considered together. Without objection SO ORDERED.

Item a - Authorizing and approving Easterly Contract ACP-1 Change Order No. 1, Northeast Ohio Regional Sewer District Contract No. 3338. Cost An increase in the total contract price in an amount of \$150,000.00.

Executive Director Odeal stated due to the removal of unanticipated asbestos containing materials, additional concrete repairs and replacement of existing corroded air piping it is necessary to add \$150,000.00 to General Allowance Bid Item No. 16. Approval of this change order has been recommended by the District's staff.

Item b – Authorizing and approving Easterly Contract FCR-2 Change Order No. 5, Northeast Ohio Regional Sewer District Contract No. 3264. Cost: A decrease in the total contract price in an amount of \$196,590.34.

Executive Director Odeal noted Bid Item Nos. 4, 7.B, 8.C, 11, 13.A, 13.B, 13.C, 13.D, 13.E, 13.G, 14.A, 15.B, 15.C, 18, 22.C, 22.E, 22.F, 22.G, 22.S-1, 22.S-2, 22T, 82, Change Order No. 3 and Change Order No. 4 were either partially or totally non-performed, thereby entitling the District to a credit. Approval of this change order has been recommended by the District's staff.

MOTION - Moved by Mayor Longo and seconded by Mr. Liberatore that the foregoing two (2) resolutions be adopted. Without objection CARRIED UNANIMOUSLY. Resolution Nos. 151-07 and 152-07, respectively.

3. Combined Sewer Overflow Improvement Program

Item a - Authorizing and approving Shaw Brook Improvement Project Change Order No. 1, Northeast Ohio Regional Sewer District Contract No. 3331. Cost: An increase in the total contract price in an amount of \$53,815.00.

Executive Director Odeal explained in accordance with the CSX Transportation construction agreement, not included in the bid specifications, the contractor was required to purchase additional liability insurance and to install a redesigned steel sheeting support adjacent to the interceptor. Approval of this change order has been recommended by the District's staff and by Metcalf & Eddy of Ohio, Inc., the consulting engineer.

MOTION - Moved by Mr. Liberatore and seconded by Mr. Brown that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 153-07.

4. Easements

Item a – Authorizing the District to accept one (1) permanent easement (MCI-VB-1P) and one (1) temporary easement (MCI-VB-1T) from The Cleveland Electric Illuminating Company, necessary for construction of the Vista Sewer Branch Emergency Repair Project. Consideration: \$1.00.

Executive Director Odeal requested that this item be withdrawn. Without objection SO ORDERED.

5. Plant Automation

Item a - Authorizing the Executive Director to modify Northeast Ohio Regional Sewer District Contract No. 2984, as previously modified, with Malcolm Pirnie, Inc., to provide additional construction administration and resident engineering services in conjunction with the Plant Automation Contract PA-3. Cost: Not to exceed \$38,063.00.

Executive Director Odeal indicated it is necessary to provide additional construction administration and resident engineering services in conjunction with the Plant Automation Contract PA-3.

MOTION - Moved by Mr. Brown and seconded by Ms. Kelly that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 154-07.

G. Operations

Executive Director Odeal suggested the next four (4) resolutions be considered together. Without objection SO ORDERED.

Item 1 - Emergency resolution ratifying and approving the emergency in-progress design services in conjunction with the Westerly Low Level Sewer Repair Project and authorizing the ninth partial payment for services expended in said emergency to NTH Consultant, Ltd., 820 W. Superior Avenue, Suite 320, Cleveland, Ohio 44113. Cost: \$25,882.09.

Executive Director Odeal stated an emergency existed in that it was necessary to immediately provide for emergency in-progress design services in conjunction with the Westerly Low Level Sewer Repair Project. NTH Consultant, Ltd., has performed the necessary services with a portion of the cost being \$25,882.09.

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 6

Item 2 – Authorizing the taking of bids for a one (1) year requirement contract for the purchase of 120,000 pounds of liquid polymer for use at the Southerly Wastewater Treatment Plant. Estimated cost: \$240,000.00.

Executive Director Odeal explained adoption of this resolution would authorize the taking of bids for a one year requirement contract for the purchase of 120,000 pounds of liquid polymer for use at the Southerly Wastewater Treatment Plant. Upon receipt of bids, a recommendation will be made to the Board for award to the lowest, responsive, responsible bidder.

Item 3 - Authorizing the taking of bids for a two (2) year requirement contract for the installation and repair of fencing at all District facilities. Estimated cost: \$440,000.00.

Executive Director Odeal noted adoption of this resolution would authorize the taking of bids for a two year requirement contract for the installation and repair of fencing at all District facilities. Upon receipt of bids, a recommendation will be made to the Board for award to the lowest, responsive, responsible bidder.

Item 4 – Awarding a two (2) year requirement contract, with a two (2) year option and an additional one (1) year option to renew, to Ohio Bulk Transfer Company, 3203 Harvard Avenue, Newburgh Heights, Ohio 44105, for sludge cake removal, hauling and disposal for the Southerly and Westerly Wastewater Treatment Plants. Cost: \$2,420,051.60.

Executive Director Odeal indicated bids were received and opened on June 5, 2007. Twenty-four (24) invitations to bid were distributed and two (2) bid packages, including one (1) no bid, were returned. Upon evaluation by the Operations Department it was determined the bid

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 7

submitted by Ohio Bulk Transfer Company was the lowest, responsive, responsible bid to meet specifications. The Legal Department has determined the bid meets all legal requirements, and the District's Equal Employment Opportunity Policy, Guidelines and Procedures.

MOTION - Moved by Mr. Liberatore and seconded by Mr. Brown that the foregoing four (4) resolutions be adopted. Without objection CARRIED UNANIMOUSLY. Resolution Nos. 155-07 through 158-07, respectively.

H. Administration

Executive Director Odeal suggested the next seven (7) resolutions be considered together. Without objection SO ORDERED.

Item 1 – Adopting the recommendation of the Executive Director regarding the application for Billing Errors/Adjustments of the Destination Building, 26380 Curtis Wright Parkway, Richmond Heights, Ohio 44143, Account Number 68-418-807-001. Adjustment: \$2,832.94.

Executive Director Odeal stated he has reviewed said application, has determined it meets the requirements of the Sewer Use Code, and recommends its acceptance.

Item 2 – Adopting the operating budget of the Northeast Ohio Regional Sewer District for fiscal 2008.

Executive Director Odeal explained the District is required by law to adopt an operating budget for the succeeding fiscal year by July 15th of the prior year.

Item 3 – Amending Resolution No. 399-06, adopted by the Board of Trustees on December 7, 2006, by deleting one (1) classification and adding one (1) classification.

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 8

Executive Director Odeal noted it is necessary to delete one (1) classification and add one (1) classification to the established classifications and levels of compensation for non-collective bargaining unit employees of the District.

Item 4 - Authorizing the purchase of additional licenses and a software license maintenance agreement for all Novell licensed products throughout the District from Novell, 1800 South Novell Place, Provo, Utah 84606, for the period July 1, 2007 through June 30, 2008. Cost: Not to exceed \$44,732.50.

Executive Director Odeal explained it is necessary to purchase additional licenses and a software license maintenance agreement for all Novell licensed products throughout the District for the period July 1, 2007 through June 30, 2008.

Item 5 – Authorizing a service, support and preventative maintenance agreement for the audio/visual systems throughout the District from SmartAV, 2013 Marlindale, Cleveland Heights, Ohio 44118, for the period June, 2007 to June, 2008. Cost: Not to exceed \$65,295.00.

Executive Director Odeal noted it is necessary to provide for a service, support and preventative maintenance agreement for the audio/visual systems throughout the District for the period June, 2007 to June, 2008.

Item 6 – Amending Resolution No. 144-03, adopted by the Board of Trustees on May 1, 2003, to change the retention period for Board Meeting Audiotapes.

Executive Director Odeal indicated the District desires to formally change the records retention schedule for District Administration with regard to Board Meeting Audiotapes to now be maintained as follows: On-site retention: 1 year; Off-site retention: Permanent; Total

Retention: Permanent.

Item 7 – Designating F. Michael Bucci as Hearing Officer for appeal of Administrative determinations to the Board of Trustees of the Northeast Ohio Regional Sewer District pursuant to Section 1.0303 of the Code of Regulations of the Northeast Ohio Regional Sewer District, Title I – Sewer Use Code.

Executive Director Odeal stated adoption of this resolution would designate F. Michael Bucci to serve as hearing officer for matters which may properly come before this Board pursuant to the Code of Regulations of the Northeast Ohio Regional Sewer District, Title I – Sewer Use Code, Title II – Pretreatment Regulations and Title III – Separate Sanitary Sewer Code, or which relate to the adjustment of accounts.

MOTION - Moved by Mr. Liberatore and seconded by Mayor Longo that the foregoing seven (7) resolutions be adopted. Without objection CARRIED UNANIMOUSLY. Resolution Nos. 159-07 through 165-07, respectively.

I. Take from the Table Resolution

Item 1 – Awarding a contract to Nerone & Sons, Inc., 19501 South Miles Road, Warrensville Heights, Ohio 44128, for the rehabilitation of the Second Stage Aeration Tanks at the Southerly Wastewater Treatment Plant – Contract ATR-2. Cost: \$5,953,000.00.

Executive Director Odeal noted bids were received and opened on May 22, 2007. Thirty-four (34) bid packages were distributed and four (4) bid packages were returned. Upon evaluation by the Engineering Department it was determined that the bid submitted by Nerone & Sons, Inc., was the lowest, responsive, responsible bid to meet specifications. The Legal

Department has determined the bid meets all legal requirements, and the District's Equal Employment Opportunity Policy, Guidelines and Procedures.

MOTION – Moved by Mr. Liberatore and seconded by Mayor Longo that the resolution be adopted. President Sulik requested a roll call vote. Roll Call Vote: YEAS: Brown, Kelly, Liberatore, Longo, Sulik. NAYS: DePiero. ABSTENTIONS: None. RESOLUTION PASSED. Resolution No. 166-07.

J. Other Matters as May Properly Come Before the Board of Trustees

Executive Director Odeal stated there were four (4) additional items to be considered by the Board. Without objection SO ORDERED.

Item 1 – Authorizing the Executive Director to enter into a long-term partnership agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District for the West Creek Reservation Watershed Stewardship Center. Cost: \$3,000,000.00 to support construction and approximately \$250,000.00 annually for a permanent staff and creation of educational programming.

Executive Director Odeal explained it has been determined that it is in the best interest of the District to participate as a partner with the Cleveland Metroparks for the West Creek Reservation Watershed Stewardship Center.

Item 2 – Ratifying and approving a change to the scope of work authorized pursuant to Resolution No. 137-07 which engaged Calfee, Halter & Griswold LLP, to provide legal and professional services to the Northeast Ohio Regional Sewer District.

Executive Director Odeal indicated adoption of this resolution would ratify a change to

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 11

the scope of work authorized pursuant to Resolution No. 137-07 which engaged Calfee, Halter & Griswold LLP to provide legal and professional services to the District to include new tasks.

Item 3 – Authorizing the engagement of Porter Wright Morris & Arthur, LLP, 925 Euclid Avenue, Suite 1700, Cleveland, Ohio 44114, to provide legal and professional services to the Northeast Ohio Regional Sewer District. Cost: Not to exceed \$10,000.00.

Executive Director Odeal stated adoption of this resolution would authorize the District to engage Porter Wright Morris & Arthur, LLP, to provide legal and professional services to the District.

Item 4 – Authorizing and approving the development and implementation of a regional Stormwater Program.

Executive Director Odeal explained it has been determined that it is in the District's best interest to approve the development and implementation of a regional Stormwater Program.

MOTION – Moved by Mr. Brown and seconded by Mayor Longo that the foregoing four (4) resolutions be added and adopted. Without objection CARRIED UNANIMOUSLY. Resolution Nos. 167-07 through 170-07, respectively.

Stated business having been concluded, President Sulik adjourned the Business Meeting at 1:52 P.M. The July 5 and July 19, 2007 Board Meetings have been canceled. The next Regular Meeting is scheduled for July 12, 2007, with a Special Board Work Session

BOARD OF TRUSTEES

Regular Meeting

June 21, 2007

Page 12

commencing at 10:00 A.M. The Business Session will begin at 12:30 P.M.

Signature on File

Thomas J. Longo, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

Signature on File

Ronald D. Sulik, President
Board of Trustees
Northeast Ohio Regional Sewer District

ATTACHMENT "1"

**NEORSD Board of Trustees Special Work Session Summary
June 21, 2007**

Ms. Sondra Smalley explained to the Board that the purpose of the Special Board Working Session was to discuss the establishment of a stormwater program for the Northeast Ohio Regional Sewer District. Executive Director Erwin Odeal explained the origination of the idea of stormwater management and expressed that there is a need in the community for a solution to flooding and sanitary problems associated with stormwater.

Mr. Julius Ciaccia pointed out that water quality in the region is a problem that could be improved by the District's proactive leadership in establishing a regional stormwater program.

Mr. F. Michael Bucci listed four reasons for the Board to move forward with the stormwater program:

- 1) Problems with both the stormwater and stream system have more than doubled between 1978 and 1990, necessitating prompt action.
- 2) Regional waterways, including Lake Erie, are assets that need to be protected.
- 3) The District has successfully performed in the role of regional integrator before.
- 4) A wet weather charge that includes both imperviousness and a charge based on water consumption would improve the match between cost and benefit.

Mayor Thomas J. Longo stated that the potential for economic development was another reason to move forward with a stormwater program. Mr. Anthony Liberatore, Jr. raised the need for public awareness of the services the District is providing as an issue.

Mr. Darnell Brown expressed that in the past the leadership, initiative, and collaborative ability of the District has been a deciding factor on whether a job was or was not done. The District is the best entity able to collaborate on a regional basis. Ms. Sheila Kelly stated that the District has an obligation to the community to move forward with this program.

Mr. Frank Greenland discussed the proposed stormwater program and stated some of the core roles the District could perform as stream system manager:

- 1) The District would be in charge of planning, designing, and implementing capital improvements on the regional level.
- 2) Functions the District already performs, such as water quality surveillance, would be increased in scope.
- 3) The District would collaborate with communities and watershed groups to provide information and technical assistance.

- 4) The District would partner with groups, such as the Metroparks, to deal with issues such as floodplain management and recreational opportunities.

Mr. Greenland also listed key points that define a second core role, that of regional and watershed integrator, that the District could perform in addition to that of stream system manager:

- 1) Provide regional consistency in areas such as public education and awareness, design standards, technical assistance, and materials.
- 2) Provide customer service to field inquiries and emergency responses to flooding issues.
- 3) Provide and coordinate lobbying efforts at the local, state and federal levels, identifying potential funding, and making sure regulations are appropriate for the region.

Mr. Brown raised the issue of the need for approval from the Environmental Protection Agency on land use and development requirements. Another issue was that of mitigating financial factors due to construction through state and federal involvement, and assisting communities in implementing infrastructure to accommodate or offset the costs of the program.

Mr. Andrew J. Reese of AMEC, the District's consultant, stated that the District's role should be less of a regulator and more of a provider of information, good resources, and facilitating skills that would result in prompt and positive decisions. While the District's primary roles would not include being an operator, this role should not be ruled out completely since at some point it may happen that the District is called upon to do so.

Mr. Liberatore raised a question about the extent of staffing the stormwater program would require from the District. Mr. Greenland responded that the staffing, as well as equipment needs, would depend on the final program.

Mr. Ronald Sulik asked for clarification on who the EPA would hold responsible if communities did not comply with the program requirements. Mr. Reese stated that in all the instances he has seen the various holders of a permit have specific responsibilities and each is individually responsible for fulfilling its duties.

Ms. Betsy Yingling described two potential optional, roles the District could fill:

- 1) Regulatory compliance supporter.
- 2) Local service partner.

Ms. Yingling stated that the first role has already been alluded to, as the communities will have to comply with the National Permit Discharge Elimination System (NPDES) Phase Two Stormwater Rules. The second optional role could include matching grant money as a type of "carrot - stick" approach.

Mr. Greenland addressed costs from a long-term program perspective. After various calculations the annual cost is estimated to be \$48 million. Mr. Reese discussed a monthly user fee, based on a tiered rate. Mr. Liberatore asked about credits and Mr. Reese said that credits could be applied for if there are mitigating factors to consider.

Mayor Longo raised the point that communities already pay a fee on their property tax for services the Cuyahoga County Sanitary Engineer provides. Executive Director Odeal stated that the reason for the District to have core services and optional services is so that people have options. Mr. Greenland stated that understanding and collaborating with others who provide similar or smaller-scale services would be key in the District's way forward.

Mr. Reese presented five phases of activity that are involved with the stormwater program:

- 1) Public track
- 2) Multi-entity track
- 3) Program track
- 4) Funding track
- 5) Data track

Mr. Reese stated that is the District is currently in the Blue Phase, which is primarily concerned with testing concepts and program ideas with local governments to get feedback.

Mr. Reese asked the Board for permission to begin one-on-one meetings with the communities to discuss the stormwater program. Mayor DePiero suggested the District interact with local communities to have special meetings with city councils, especially when presenting issues such as funding.

Comments about launching the program were heard from Ms. Kelly, Mr. Liberatore, and Mr. Sulik. The Board was advised that a resolution supporting moving forward with the stormwater management program would be provided for the Board meeting later in the afternoon. The Special Work Session of the Board was adjourned at 12:05 p.m.

ATTACHMENT "2"

**NEORSD Board of Trustees Working Session Summary
June 21, 2007**

Item 1 – Public Participation

Mr. Leroy Johnston of Johnston Trucking and Salvage addressed the Board regarding his claim for payment relating to mobilization on University Avenue in 1991. Mr. Johnston indicated that he had repeatedly contacted the Board and the Legal Department at one time or another in regards to his concerns without result.

Board President Ronald Sulik stated that Mr. Johnston's concerns had been noted at the previous Board Meeting, and that the District's Accounting and Legal staff were reviewing the matter.

Item 2 – Report on West Creek Reservation Stewardship Center Partnership Agreement

Executive Director Odeal introduced the speakers for the West Creek Preserve Community Public Partnership. Linda Mayer-Mack from the District's Communication and Community Relations Department described progress being made with the West Creek Preserve. The primary focus of the Preserve is to encourage a healthy community by pursuing the ecological restoration of area watersheds. Construction of a Watershed Stewardship Center on the Preserve would cost the District \$3 million in construction costs, plus \$250,000, and one full-time staff member annually. The District would also receive naming rights. Ms. Mayer-Mack concluded the presentation with a request for permission from the Board to enter into a partnership with the Cleveland Metroparks and the West Creek Stewardship Center. Board Member Thomas Longo recognized Mr. Vern Hartenburg, Executive Director of Cleveland Metroparks, for additional comments.

Mr. Hartenburg stated that the Watershed Stewardship Center would be a demonstration model for the region in the areas of watersheds and watershed management. The project, once completed, will be an educational resource and a facility at which the District can look with pride. Estimated cost of the total project is \$12 million.

Mr. Neal Hess of the West Creek Preservation Committee thanked the Board for their partnership and support.

Mayor Dean DePiero commended Mr. Hess and Mr. Hartenburg for their leadership. Mayor DePiero also urged the other Board members to approve the project resolution. Mr. Darnell Brown commended the program participants and stated a concern for adequate marketing. Executive Director Odeal requested to add a resolution to the Business Meeting and stated that the Stewardship Center would be not only a local model but a national model as well.

Item 3 – Request to Advertise for Bids on Contract RRN-4

Executive Director Odeal stated that the resolution would involve bidding repairs and replacements for roofs at three pump stations at Southerly as well as the EMSC building. The estimated cost is \$1.8 million. Mr. Brown inquired as to the possibility of environmentally friendly roof replacements. Director of Engineering and Construction Charles Vasulka stated that replacement of roofs could be very limited due to the buildings original design but that Engineering would look at that possibility. Mr. Anthony Liberatore Jr. inquired as to the age of the roofs. Mr. Vasulka stated that some of the roofs were 30 years old.

Item 4 – Change Orders

Executive Director Odeal stated that the first Change Order was for Easterly Contract ACP-1. The District had been unaware of the condition of the diffusers in the channels. Brackets were found to be damaged or missing. The second Change Order was a decrease and the third Change Order an increase for design improvements at a CSO regulator. There were no questions from the Board.

Item 5 – Easement Item - Request to Withdraw a Resolution

Executive Director Odeal stated that the District needed to renegotiate some items with FirstEnergy. There were no questions from the Board.

Item 6 – Proposed Modification of District Contract No. 2984 with Malcolm Pirnie, Inc. for the Plant Automation Program

Executive Director Odeal requested an additional \$38,063 for gas detection systems and the additional work required by Malcolm Pirnie to implement the requirement. There were no questions from the Board.

Item 7 – Proposed Progress Payment No. 9 to NTH Consultants, Inc. for emergency design services relative to the Westerly Low Level Interceptor Emergency Repair Project

Executive Director Odeal stated that this Resolution was a continuing progress payment to NTH Consultants. There were no questions from the Board.

Item 8 – Sewer Use Code Matter

Executive Director Odeal stated the water leak adjustment requested met the requirements for a Sewer Use Code adjustment. There were no questions from the Board.

Item 9 – Proposed Authorization and Approval of the District Operating Budget for year ending December 31, 2008

Executive Director Odeal introduced Acting Finance Director Jennifer Demmerle to cover the topic. Ms. Demmerle stated that Ohio Revised Code requires state and local authorities to file an annual tax budget. The District does not levy taxes so the requirement is fulfilled by filing a preliminary operating budget for the next year. Mr. Sulik confirmed this action had been taken in the past.

Item 10 – Report on Westerly Low Level Interceptor U.S. Army Corps of Engineers Status Update

Executive Director Odeal introduced Sewer Design Manager Richard Switalski to give the Board an overview of the issue. Mr. Switalski stated that the District's Westerly Low Level Interceptor repairs are partly the responsibility of the Army Corps of Engineers. A meeting was tentatively scheduled with the City of Cleveland and the Corps of Engineers to collaborate on the repairs of Section 14 and Section 594. Executive Director Odeal stated that the repair strategy included getting other affected parties together. Mr. Liberatore asked whether this matter would be litigated. Executive Director Odeal stated that the District did not anticipate litigation.

Item 11 – Report on Minutes of Working Sessions

Executive Director Odeal turned the item over to Interim General Counsel Ms. Virginia Benjamin. Ms. Benjamin stated that Executive Director Odeal had requested his staff not be responsible for preparation of working meeting minutes. A court reporter has been engaged to provide the Legal Department transcription services from which minutes could be summarized. The summary will then be provided to the Board for formal adoption. Ms. Benjamin stated that the full transcript would also be available to the Board.

Item 12 – Proposed Award of Contract with Nerone & Sons, Inc. for Southerly Contract ATR-2 - Tabled at June 7, 2007 Business Meeting

Executive Director Odeal requested that the proposed award to Nerone & Sons Southerly Contract ATR-2 be removed from the table. The project is a critical component of the Southerly Wastewater Treatment Plant. Mr. Vasulka stated that after a second bid the price dropped a hundred thousand dollars. Out of seven qualified bidders only two bids were made. Mr. Liberatore moved to remove the tabled item from the table. Mr. Brown seconded the motion.

Item 13 – Open Session

The agenda for the Board of Trustees Special Board Work Session scheduled for July 12th, 2007 at 10:00am, was changed from Capital Program Management-Change Orders to internal issues concerning the Board of Trustees By Laws and operations.