

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JULY 2, 2015

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
R. Sulik
W. O'Malley
J. Bacci
T. DeGeeter
R. Stefanik

ABSENT: S. Dumas

The Secretary informed the President that a quorum was in attendance.

II. Approval of Minutes

MOTION – Mayor Bacci moved and Mayor DeGeeter seconded to approve the minutes of the June 18, 2015, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

Chief Executive Officer (CEO) Ciaccia advised that no one signed up to speak about a specific agenda topic.

IV. Chief Executive Officer's Report

CEO Ciaccia advised that the Northeast Ohio area had been inundated with rain over the past few weeks but the District has handled the flows well. A couple overflows occurred at Edgewater Beach, which prompted a press release. District staff continues to work with the City of Cleveland to address flooding issues in that area.

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A decision still has not been rendered by the Ohio Supreme Court regarding the Stormwater Management Program. CEO Ciaccia noted that the Ohio Attorney General issued an opinion that stormwater fees are not taxes. The opinion was directed to municipalities but may be applicable to the District.

CEO Ciaccia stated that an emergency situation exists in Big Creek by Ridge Road in the Old Brooklyn neighborhood of Cleveland. He asked Ron Czerski, Deputy Director of Operations & Maintenance, to provide an update.

Mr. Czerski advised that on June 24 District personnel found a significant amount of debris inside a regulator. The crews were unable to clean all of the debris, and Triad Engineering was brought to the site on June 25 to perform the work. They will demobilize today. The estimated cost for the work is significantly less than \$100,000. It was a Cuyahoga County problem, and they will be billed for the work.

Mr. Brown inquired what happens in the meantime if there are further storms and whether there is potential for a pipe collapse. Mr. Czerski stated that the County will begin work tomorrow, but District staff will monitor the status of the pipe.

Moving on to the next topic, CEO Ciaccia advised an EPA appropriation bill included a section from an Illinois senator that prohibits any discharges at all into the Great Lakes. The District's consent decree allows up to two per year in some instances. Staff estimates that moving to zero overflows would cost \$16.5 billion in additional investment on top of the \$3 billion associated with the consent decree. The bill also would institute a \$100,000 fine per overflow starting in 2035 if there were continued overflows. That would be about \$18 million a year for the District in penalties.

Under the potential bill it would be cheaper to pay the penalties than to build more infrastructure. The District will push back on this issue through the National Association of Clean Water Agencies (NACWA), and Andy Futey, the District's federal advocate, has spoken with the offices of Senators Portman and Brown regarding the bill's impact on the District.

Closing his report, CEO Ciaccia advised that a tentative agreement had been reached with Local 2798 AFSCME, and they are presenting it to their membership for ratification. Should it be ratified the agreement would have been reached without going to fact-finding, which was a goal the District set for this round of negotiations.

Referencing Mr. Czerski's report, Mr. Brown inquired about the District's relationship with the Cleveland Metroparks -- which is performing the maintenance and operation of the Lakefront Parks system -- particularly in terms of communications.

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An issue arose a few weeks ago regarding beach closings at Euclid Beach driven by finding debris with sharp objects in the water. He questioned whether staff is aware of their strategy to remediate that issue so those with skin in that game are not constantly questioned about unexpected beach closures and communication not being handled in a manner that some think it should be.

CEO Ciaccia advised that staff has been apprised of their communications on that issue. The Metroparks did communicate with the District before issuing the order and staff was able to decide it did not want a role in it given the way the councilman was performing in that situation.

Frank Greenland, Director of Watershed Programs, advised that there is a clear process regarding how to communicate beach closures for bacteria. The process is not as clear when the closure is due to debris in the water. The other concern is with break walls -- it is a little dangerous from a standpoint of depth and currents. Modifications to the process are under consideration and perhaps District staff may need to get more involved in that discussion.

Mr. Brown encouraged that and stated that there are a number of major stakeholders that need to understand the issue and plan for remediation so they do not appear uninformed or giving different information.

V. Action Items

Authorization to Advertise

Resolution No. 150-15

Four Three-Year Requirement Contracts for Maintenance and Repair Services at the Southerly Renewable Energy Facility. Anticipated Expenditure: \$5,600,000.00.

MOTION – Mayor Stefanik moved and Mayor DeGeeter seconded to adopt Resolution No. 150-15. After discussion and without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 151-15

Purchase a Matrix Assisted Laser Desorption/Ionization Time of Flight Mass Spectrometer from Bruker Daltonics, Inc. for Use by the Analytical Services Department in Support of the District's Beach Monitoring Program. Cost: Not-to-Exceed \$319,500.00.

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MOTION – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 151-15. After discussion and without objection, the motion carried unanimously.

Mr. Sulik asked for a brief explanation of the item. Mark Citrighia, Analytical Services Manager, explained that it is an instrument used to look for various types of bacteria on the beach.

Property-Related Transaction

Resolution No. 152-15	Authorize a Permanent Easement Acquisition in the City of Cleveland Necessary for Construction of the Dugway West Interceptor Relief Sewer Project. Consideration: \$3,310.00.
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MOTION – Mayor DeGeeter moved and Mr. O’Malley seconded to adopt Resolution No. 152-15. After discussion and without objection, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 153-15	Authorize a Sewer Account Credit to Adalet Enclosure Systems for an Underground Water Leak. Credit Amount: \$25,115.79.
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Resolution No. 154-15	Authorize a Sewer Account Credit to Burke Lakefront Airport for an Underground Water Leak. Credit Amount: \$560,370.10.
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Resolution No. 155-15	Authorize a Sewer Account Credit to Solomon Temple Church of God for an Underground Water Leak. Credit Amount: \$41,391.90.
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MOTION – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution Nos. 153-15 through 155-15. After discussion and without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 156-15	Professional Services Contract with NTH Consultants, Ltd. for the Westerly Low Level Relief Sewer Project. Contract Amount: \$2,268,262.00.
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Resolution No. 157-15

Design-Build Contract with RiverReach
Construction for the Highland Park Golf Course
Stream Restoration Project. Contract Amount:
\$1,350,000.00.

Resolution No. 158-15

Two-Year Requirement Contract with Simmers
Crane Design for Crane Inspection, Maintenance
and Repair Services at All Wastewater Treatment
Plants and Pump Stations. Cost: \$89,432.00.

MOTION – Mr. O’Malley moved and Mr. Sulik seconded to adopt Resolution Nos. 156-15 through 158-15. After discussion and without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 159-15

Final Adjustment of Contract No. 14002419 with
Nerone & Sons, Inc. for the Westerly Wastewater
Treatment Center Infrastructure Rehabilitation
Project. Cost: A Decrease in the Amount of
\$75,173.01 Bringing the Total Contract Amount to
\$572,857.39.

MOTION – Mayor Bacci moved and Mayor Stefanik seconded to adopt Resolution No. 159-15. After discussion and without objection, the motion carried unanimously.

VI. Information Items

There were no items.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

No members of the public registered to speak during Public Session.

IX. Executive Session

There were no items.

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X. Approval of Items from Executive Session

There were no items.

IX. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Mr. O'Malley seconded the motion to adjourn at 12:56 p.m. Without objection, the motion carried unanimously.



Walter O'Malley, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District



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