

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JULY 6, 2023

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

I. Roll Call

Present: Darnell Brown
Ronald Sulik
Timothy DeGeeter
Samuel Alai
Sharon Dumas
Marjorie Chambers

Absent: Jack Bacci

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

II. Approval of Minutes

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to approve the Minutes of the June 15, 2023 Board Meeting. Without objection, the motion carried unanimously.

III. Election and Installation of Officers

Mr. Brown asked for the report on the election of officers for the 2023/2024 term.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to appoint Mr. Brown as Board President, Mr. Sulik as Vice President, and Mayor DeGeeter as Secretary of the Board of Trustees. Without objection, the motion carried unanimously.

President Brown invited Eric Luckage, Chief Legal Officer, to administer the Oath of Office to the Board officers. Mr. Luckage administered the Oath of Office to Mr. Brown, Mr. Sulik and Mayor DeGeeter.

President Brown expressed his appreciation to the Board officers and members for their continued dedication and support in their roles and to NEORS. President Brown added that while much has been accomplished, there is still much work to be done under the Consent Decree and to ensure that rates are equitable and affordable, while providing a level of service that meets the needs and expectations of the Greater Cleveland community.

IV. Public Session

There were no items.

V. Chief Executive Officer's Report

Kyle Dreyfuss-Wells, Chief Executive Officer, advised the Board that NEORSD is a NorthCoast 99 winner again this year. The award is presented to the best workplaces for top talent in Northeast Ohio and is a great tool for retention and recruitment. Ms. Dreyfuss-Wells and President Brown offered their appreciation and congratulations to NEORSD staff.

On June 2, NEORSD hosted the graduation ceremony for Cohort 8 of the Good Neighbor Ambassador (GNA) program. The GNAs serve communities that are affected by District projects through resident involvement and work opportunities such as site cleanup, weeding and mowing, and general project assistance.

The GNA program also provides career development opportunities for program participants to secure full-time, family sustaining employment. There were six GNAs that graduated in Cohort 8, four of whom successfully obtained full-time positions with NEORSD, and two obtained full-time employment elsewhere.

Shareasa Morris, Billing and Revenue Analyst in the District's Finance Department, is a former GNA who provided remarks at the graduation ceremony, along with each of the graduating GNAs. The GNAs received certificates of the credentials they received through the program, including a National Green Infrastructure Certification.

Ms. Dreyfuss-Wells and President Brown offered congratulations to Constance Haqq, Chief Administrative Officer, and her team, as well as the GNAs for their accomplishments.

Beginning June 7 and continuing through July 27, NEORSD is hosting employee-only tours of its projects and facilities. Ms. Dreyfuss-Wells provided photographs from the tours which allow NEORSD staff from all departments to tour the Shoreline Storage Tunnel, Easterly Tunnel Dewatering Pump Station, and the Fairhill/Martin Luther King, Jr. Boulevard Green Infrastructure site.

This is the second year for site tours, and they have been very popular, as they provide staff an opportunity to see sites that they would not otherwise visit, and for staff to have discussions with members of other departments regarding their work.

Authorization to Advertise

Resolution No. 172-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the Southerly Sludge Storage Tank #9 Modification and Cleaning project with an anticipated expenditure of \$300,000.00.

Resolution No. 173-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the purchase of fifteen Hewlett Packard Enterprise Gen10 Plus servers for the business and control networks.

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 172-23 through 173-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 174-23 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for professional services for the Network Infrastructure Edge Upgrade project.

Resolution No. 175-23 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for software and professional services for the In-House Cost-Savings Management Program project.

MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 174-23 through 175-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Qualifications (RFQ)

Resolution No. 176-23 Authorization to issue an RFQ, in accordance with Ohio Revised Code Chapter 6119, for Stormwater Model Data Management and Supporting Services 2.

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution No. 176-23. Without objection, the motion carried unanimously.

Authorization to Purchase

- Resolution No. 177-23 Authorization to renew annual software licenses, maintenance, and support services from sole source vendor Carahsoft Technology Corp for the District's Salesforce cloud software for the period August 23, 2023 through August 22, 2024, in an amount not-to-exceed \$154,517.61.
- Resolution No. 178-23 Authorization to renew software maintenance and support services from sole source vendor StarTex Software, LLC for the District's Health and Safety application, EHS Insight, for the period July 21, 2023 through July 20, 2024, in an amount not-to-exceed \$72,885.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 177-23 through 178-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 179-23 Authorization to enter into the *First Restatement of the Louis Stokes Water Resources Management Scholarship Fund Trust Agreement* with PNC Bank, N.A. to secure the continuation of the District's Louis Stokes Water Resources Management Scholarship Fund at Central State University for the benefit of students majoring in its Water Resources curriculum or who are enrolled in the College of Engineering, Science, Technology, and Agriculture, to continue the commemoration of Congressman Louis Stokes' thirty years of dedicated service to Ohio's 11th Congressional District, his commitment to a cleaner environment for Northeast Ohio, and his service to his constituents and the nation.
- Resolution No. 180-23 Authorization to enter into a professional services agreement with DLZ Ohio, Inc. for design and construction administration/resident project representation, under the Southerly Regulators and Relief Sewers project in an amount not-to-exceed \$2,734,715.00.

MOTION – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution Nos. 179-23 through 180-23. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the scholarship program associated with Resolution No. 179-23. Ms. Haqq explained that NEORSD has been involved in the scholarship program for 25 years which allows NEORSD to recognize Congressman Louis Stokes for his commitment to Northeast Ohio and NEORSD. The scholarship was established to provide funds for students at Central State University, a historically Black college in Ohio, to work at NEORSD over the summer months. This year, the students are working in the Operation and Maintenance Department, as well as Environmental Services, and NEORSD provides them a monetary scholarship towards their tuition annually.

The scholarship was originally established at \$75,000 and there is currently \$248,885 in the fund. Central State is the only historically Black college that has a Water Resources Management (BS) program, making this a significant opportunity for NEORSD to support students going into the field.

Ms. Haqq introduced the two scholarship recipients for this year: Jasmine Newsome, a senior from Chicago who is majoring in environmental engineering, in her first summer at NEORSD; and Eric Mitchell, also a senior majoring in environmental engineering, in his third summer at NEORSD.

Mr. Sulik asked if the scholarship will continue for another 25 years. Ms. Haqq explained that it will continue until the funds are exhausted.

President Brown added that the Board recognizes the value of the program and the work that Congressman Stokes did for Northeast Ohio and for NEORSD, making this a befitting scholarship program. President Brown offered congratulations for the program's success.

President Brown requested additional information regarding the professional services agreement associated with Resolution No. 180-23. Devona Marshall, Director of Engineering and Construction, explained that this project is part of Control Measure 21, which is the Southerly Tunnel System, which is one of the larger control measures in terms of overall CSO reduction, at 760 million gallons annually. This project is specific to upstream work as it relates to regulator modifications, new regulator structures, and relief sewers.

The professional services cover 61 months, which includes 24 months for design and bidding the project, followed by a 25-month construction period and 12-month project warranty and close out period. There will be design and construction administration and resident engineering services provided under the contract.

Authorization to Amend Agreement

Resolution No. 181-23 Authorization to amend professional services Agreement No. 22002050 with Tata Consultancy Services Limited for extended support for the Oracle EBS Upgrade project by increasing the agreement amount by \$45,000.00, thereby bringing the total agreement amount not-to-exceed \$712,590.00.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 181-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 182-23 Authorization to enter into a construction contract with Cold Harbor Building Company for the Easterly Stockroom Relocation project in an amount not-to-exceed \$12,774,000.00.

MOTION – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution No. 182-23. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the project associated with Resolution No. 182-23. Ms. Marshall explained that this project is the result of recommendations resulting from an internal audit to centralize the stockroom facilities and efforts at the Easterly plant, while creating a dedicated space for maintenance staff and activities. The project will repurpose an existing decommissioned building.

NEORS was pleased with the bids received for the project, given the current market. The engineer's estimate was \$13 million, and three strong bids were received.

Authorization to Modify Contract

Resolution No. 183-23 Authorizing final adjusting change order for Contract No. 22003912 with Mark Haynes Construction, Inc. for the Picha Lake Dredging project, to decrease the contract amount by \$37,642.76, thereby bringing the total contract amount to \$602,897.24.

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 183-23. Without objection, the motion carried unanimously.

Property Related Transaction

- Resolution No. 184-23 Authorization to appropriate two parcels in fee simple known as PPNs 113-11-082 and 113-12-046, located on East 179th Street, in the City of Cleveland, owned by the Northwood Homeowners Association, necessary for the construction and maintenance of the Chagrin Lake Erie Direct Tributaries Stormwater Master Plan – Euclid Creek Problem Area #2 project, and to deposit \$23,500.00 with the Cuyahoga County Probate Court as consideration for the same.
- Resolution No. 185-23 Authorization to acquire two parcels in fee simple known as PPNs 019-19-057 and 019-19-059, located on Wanda Avenue, in the City of Cleveland, from the Cuyahoga County Land Reutilization Corporation, necessary for ongoing maintenance of the Big Creek West Branch Floodplain project with total consideration of \$2.00.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 184-23 through 185-23. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

- Resolution No. 186-23 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Willie Redd ending in 0002, Sewer District Hearing No. 23-003, that no adjustments be made.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 186-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the time period in question was during the COVID-19 pandemic, when there were a number of funding sources in place that may have been appropriate to provide some relief to the customer, who contacted the Cleveland Department of Public Utilities and was instructed to make payments on the account to keep it active. President Brown noted that the advice the customer received was not entirely accurate and asked whether resources were applied for by any of the parties involved.

Ms. Haqq explained that NEORSD performed an extensive review of the customer account. Mr. Redd is the property owner of this rental property, and he has not applied for any cost savings programs. During the pandemic, City of Cleveland, Division of Water had a moratorium on shutoffs and money was available. NEORSD spent a great deal of time advertising to customers that they should not wait to get enrolled in a payment plan if they had difficulty paying their bills. Mr. Redd was on a payment plan, however, he defaulted on it. Every opportunity to assist this customer was provided to him.

Authorization to Enter Into Grant Agreement

Resolution No. 187-23 Authorization to enter into a grant agreement with the Ohio Department of Development to be reimbursed an amount up to \$5,000,000.00 for the District's Brookside Culvert Repair project from the Ohio BUILDS water infrastructure grant program.

MOTION – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution No. 187-23. After the following discussion, without objection, the motion carried unanimously.

President Brown offered congratulations for securing grant funding of up to \$5 million of this approximately \$10 million project and asked what eligibility issues there may be that would cause NEORSD to receive less than the potential full amount of \$5 million. Ms. Dreyfuss-Wells explained that repairs to the culvert were urgent, as deficiencies in the culvert were causing a significant public safety risk. Accordingly, NEORSD began construction while the application process was ongoing and the Legal and Engineering & Construction Departments are working diligently to maximize reimbursement.

Ms. Marshall explained that the project is going smoothly and is ahead of schedule, and the schedule may decrease the amount of the reimbursement because under the grant program, potentially, NEORSD can only be reimbursed for work performed in the calendar year 2023. It may be that only \$3.5 to \$4 million is reimbursable under the grant requirements.

President Brown offered kudos to staff for a job well done in project development and delivery, given the urgency of the project, and added that any reimbursement is a savings to ratepayers.

VI. Information Items

Frank Greenland, Director of Watershed Programs, provided the Regional Stormwater Management Program update, beginning with inspection and maintenance. There has been above average total rainfall this year, with only one very significant localized rain event on the east side. The steady rain that has been received in the region does not tend to move much debris into waterways. Accordingly, there have been fewer maintenance projects than last year, and the dredging and debris removal has been primarily from bridges and culverts.

NEORSD received a call about ravine, driveway, and basement flooding along Terrace Road in East Cleveland. NEORSD identified catch basins along Nine Mile Creek that were full of debris and in need of attention. Staff is working to clear the debris and installed flow monitors in order to fully assess what happens in the area during different levels of rainfall and determine how best to reduce flooding in the area.

Regarding technical support, advanced stormwater planning activities are ongoing in a number of areas. Flow monitoring and modeling of the Puritas Basin is complete and staff is in the process of analyzing alternatives and benefits. This area has been a longstanding issue and NEORSD is on the cusp of developing alternatives to maximize benefits for the residents of Cleveland and Brook Park.

President Brown asked if this is the basin which was constructed to accommodate the freeway. Mr. Greenland answered affirmatively and added that there are potential environmental concerns at the bottom of the basin that need to be evaluated.

The Chevrolet branch of Big Creek has a long history of flooding, including significant flooding in residential areas near West 130th Street, causing safety risks. Now that flow modeling and monitoring is complete, NEORSD is looking for ways to improve the level of service in the area.

Regarding property acquisitions, approximately \$250,000 has been spent in the past couple of months. This will allow NEORSD to begin construction on two large projects, the Big Creek Stream Restoration Project Upstream and Downstream of Ridge Road, and the Hemlock Creek Bank Stabilization in Seven Hills project.

As for construction, Baldwin Creek in Parma is undergoing dredging of the detention basin to increase conveyance with the new culvert. The project will achieve substantial completion later this year, followed by a modification to the basin to reduce flooding.

Construction on the Pepper Luce Creek project is nearing completion. The project was challenging in terms of easement acquisitions. Pepper Luce Creek runs along Gates Mills Boulevard in Pepper Pike and would experience flash flows during wet weather. The project included meandering the stream away from properties, upsizing the basin, and modifying the culvert. It appears to have been successful, as there was no flooding during the last rain event.

As was previously discussed, the Brookside Culvert Repair was an emergency work authorization to rehabilitate culverted stream sections due to the failure of corrugated metal pipe.

Regarding environmental monitoring and illicit discharges, NEORSD received a call from Mayor Licastro of Bratenahl regarding strong odors coming from Nine Mile Creek. WQIS immediately investigated and identified the source as a large grease mat. The grease was getting into a catch basin and going into the creek. Ohio EPA and the Coast Guard were involved as well. The grease was able to be contained and Ohio EPA is working with the contractor. Mayor DeGeeter asked if the culprit was identified. Mr. Greenland explained that Quasar, a company which takes residuals from treatment plants, had a tank overflow without containment. The company reported it to Ohio EPA and is working with them to remediate the issue.

Moving on to the Community Cost-Share Program, the balance of funds seems to remain at approximately \$20 million to \$21 million in funding available to member communities. Some communities have signed up for allocation agreements and others have executed agreements. No community is in danger of losing money by exceeding the five-year period in which to allocate funds. The program has funded almost \$44 million in stormwater-related projects since its inception.

Mr. Greenland invited Janet Popielski, Stormwater Program Manager, to discuss Doan Brook and Horseshoe Lake.

Ms. Popielski advised that NEORSD has put a great deal of investment into the Doan Brook Watershed, with over 25 projects performed relating to stormwater and sanitary sewer, since 2014, at a total cost of approximately \$195 million. Most of those costs are attributed to the Doan Valley Tunnel, with \$40 million spread across the remaining projects.

Recent stormwater projects include the Doan Brook Restoration near the Cleveland Museum of Art, the removal of debris within the Doan Brook Culvert, and the stabilization project at the Shaker Heights Country Club to reduce the amount of erosion in the stream, which is nearing completion.

Ms. Popielski provided a map of the area of Doan Brook that she would be discussing which includes the Upper Shaker Lake (aka Horseshoe Lake) and Lower Shaker Lake, which is further downstream. Both of these areas were studied under the Stormwater Master Plan, to determine their benefit to the regional system.

Lower Shaker Lake, being further down in the watershed and receiving more drainage, was found to have a stormwater benefit. Accordingly, NEORSD will be reconstructing its dam. Whereas Horseshoe Lake and the dam associated with it, being higher up and receiving less flow, does not provide benefit, which is why NEORSD is removing that dam and reconstructing and restoring Doan Brook within that area to a more naturalized state. Farther downstream is University Circle, which is the reason that these are both Class 1 high hazard dams. If they were to fail, they would result in probable loss of life.

The Doan Brook Restoration Project Near Horseshoe Lake Park will remove the Horseshoe Lake Dam, which was originally built in the 1850s by the Shakers when they dammed up the north and the middle branch of Doan Brook in order to power a woolen mill.

The Horseshoe Lake Dam is approximately 30 feet tall and 630 feet in length. A primary problem is the masonry spillway structure where water is infiltrating through the joints in the masonry causing sinkholes. It was also not built in compliance with modern standards. The problems became so persistent that in 2018, the Ohio Department of Natural Resources (ODNR) required the dam to be lowered, and in 2019 to be completely drained. The problem persisted because it was still impounding water and voids continued to develop.

NEORSD partnered with the City of Shaker Heights to do a partial breach of the dam. Ms. Popielski provided photos of the area and explained that it is still classified as a Class 1 dam per ODNR standards, which is why the removal of the structure is still going forward.

Ms. Popielski reminded the Board that they granted authorization for NEORSD to enter into a contract with the design team, led by the landscape architect firm Stimson, approximately one year ago. This was followed by the discovery phase of collecting field data, and three public forums.

At this juncture, NEORSD is moving forward with negotiations with Stimson to enter into a detailed design agreement and will present it to the Board for approval later in the summer. Ms. Popielski provided graphics depicting the preferred alternative that was selected by the design team. NEORSD will be moving the confluence further to the north and removing a large portion of the existing dam. It will no longer be a dam, as it will no longer be impounding any water. NEORSD will incorporate wetland features and stormwater features in order to slow and treat the flow before it enters Doan Brook. Additionally, there will be floodplain restoration within the former lakebed and farther downstream, and Doan Brook will be restored to its original alignment downstream of the dam before Lee Road.

Ms. Popielski provided additional images of the 27 acres of land, demonstrating the pedestrian route between North Park Boulevard and South Park Boulevard, as well as an ADA compliant access path that can be used for maintenance access, as well as by the public.

Ms. Popielski provided various graphics demonstrating what would occur on the floodplain at varying levels of rainfall, the reimagined public use space expanding from 6 acres to over 60 acres, as well as some proposed landscape features and amenities to potentially be included in the project area.

President Brown noted that the community is having dialog about the amenities and asked whether some of them are specifically related to stormwater and therefore, belong to NEORSD; and whether the communities could participate in the funding of building of some of the proposed amenities. Ms. Popielski answered affirmatively and explained that NEORSD is having discussions with the communities regarding how they would fund the proposed amenities, and which they would like incorporated into the project at this time.

Ms. Dreyfuss-Wells added that NEORSD staff has very carefully and clearly explained that the stream restoration required to achieve a functional stream is what NEORSD is paying for. The communities have been provided information as to what will be their financial responsibility and what to expect in terms of cost, timing, and benefits of proposed amenities.

Ms. Popielski advised that the Lower Shaker Lake Dam Reconstruction has just begun the design phase, beginning with pre-design to assess the various alternatives to reconstruct the dam, which was also build by the Shakers in the 1800s. It is approximately 600 feet in length and 17 feet tall, also a Class 1 dam, and a much smaller project footprint than Upper Shaker Lake. The dam was identified by ODNR as deficient, specifically, because the dam only passes 2% of the required 100% probable maximum flood capacity, in order to ensure public safety, making this a very undersized dam. Additionally, if the embankment is not uniform, it allows for a concentration of flow, leading to an overtopping event, which has a much greater chance of breaching during a large rain event. This has happened many times in the past wherein it overtops North Park and Coventry Road, fortunately, without breeching as of yet.

The project involves a great deal of historic and cultural resources, as well as a great deal of park space to be integrated into the project. NEORSD will have a robust public engagement process, similar to that of the Doan Brook Restoration near Horseshoe Lake project.

At the June 15 Board of Trustees meeting, the Board authorized NEORS to enter into an agreement with HDR Engineering and Smith Group to begin the design process, which will take approximately one year. This will be followed by public engagement, and the pre-design process. It is anticipated that construction on the Doan Brook Restoration near Horseshoe Lake will begin in 2025, followed by the Lower Lake in 2026.

President Brown asked whether NEORS will be monitoring the situation in the meantime. Ms. Popielski answered affirmatively and explained that NEORS inspects the dam regularly along with the two communities that own it, as well as ODNR.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Sulik, pursuant to Ohio Revised Code Section 121.22 (G)(3), moved, and Ms. Dumas seconded, to enter an executive session to consult with the District's legal counsel concerning disputes involving the District that are the subject of pending and imminent court action. By roll call vote, the Board voted unanimously to enter into executive session at 1:32 p.m.

The Board returned to open session at 2:33 p.m.

X. Approval of Items from Executive Session

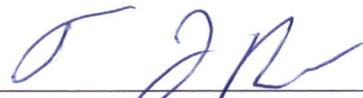
Resolution No. 188-23

Authorizing the Chief Executive Officer and Chief Legal Officer to execute a *Stipulation and Agreed Non-Material Fourth Amendment to Consent Decree* with the United States and the State of Ohio, substantially as presented, approving a non-material modification to the District's Combined Sewer Overflow Consent Decree.

MOTION – Ms. Dumas moved, and Ms. Chambers seconded to adopt Resolution No. 188-23. Without objection, the motion carried unanimously.

XI. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. Sulik moved, and Ms. Dumas seconded the motion to adjourn at 2:33 p.m. Without objection, the motion carried unanimously.



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



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