

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JULY 20, 2017

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.

I. Roll Call

PRESENT: D. Brown
R. Sulik
T. DeGeeter
J. Bacci
J. Ciaccia
S. Dumas
R. Stefanik

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

II. Approval of Minutes

MOTION – Mr. Ciaccia moved and Mayor Bacci seconded to approve the minutes of the July 6, 2017, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

Resolution of Acknowledgement

Resolution No. 228-17

Resolution of Acknowledgement Presented to
Ronald B. Czerski in Recognition of his more than
Thirty-One (31) Years of Outstanding Services and
Noteworthy Contributions to the Northeast Ohio
Regional Sewer District.

MOTION – Mr. Ciaccia moved and Mayor Stefanik seconded to adopt Resolution No. 228-17. Without objection, the motion carried unanimously.

CEO Dreyfuss-Wells began her report by announcing that the District held the first Camp Clean Water pilot program from June 26 to June 30 with 11 students participating in an effort to educate all angles of the service area. Because this was a pilot, the participants were children of District

employees and the curriculum included a field trip to the Watersheds Stewardship Center, tours of the Cuyahoga River, the District's lab and Westerly, and a visit to the Edgewater overflow point. Staff was pleased with the pilot and the next stage will take place next year.

On July 13, Darnella Robertson and CEO Dreyfuss-Wells participated in a convening with Ohio State Senator Matt Dolan at the Western Reserve Land Conservancy with the Cleveland Metroparks, Cleveland Port Authority, the Lake Carriers Association and other groups dealing with Lake Erie issues from across the basin, the western basin and central basin. She advised that Senator Dolan is very interested in learning about things the State can do to better manage Lake Erie issues. The consensus was that the nutrient load is coming from agricultural run-off and that was the first time she had heard that level of consensus.

A good article appeared in *The Plain Dealer* last Sunday about Project Clean Lake and the relationship built over time to foster understanding of Project Clean Lake.

Concluding the report, CEO Dreyfuss-Wells reminded all employees that the District is offering two free years of Equifax credit monitoring through August 1 and encouraged everyone to sign up. So far 369 of the 897 people impacted by the 2016 W-2 phishing incident have opted in.

V. Action Items

Authorization to Advertise

Resolution No. 213-17

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Euclid Creek Flood Control Shoaling Removal project with an engineer's opinion of probable construction cost of \$790,000.00.

Resolution No. 214-17

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for a 24-month requirement contract for skimmings hauling and disposal at all wastewater treatment plants with an anticipated expenditure of \$60,000.00.

Resolution No. 215-17

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for confined space rescue services at all District facilities with an anticipated expenditure of \$80,000.00.

MOTION – Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution Nos. 213-17 through 215-17. After the following discussion and without objection, the motion carried unanimously.

Referencing Resolution No. 213-17, Mr. Brown stated that this has been a long-term process for an outcome and requested an overview. Frank Greenland, Director of Watershed Programs, advised that along Euclid Creek a flood control project was built by the U.S. Army Corps of Engineers in the early 1980s with an operation and maintenance requirement of the City of Cleveland.

The Corps and the Ohio EPA were at odds over the removal of shoaling to Euclid Creek. The District became involved and reached a compromise to allow some of the shoaling to remain while removing enough to satisfy their intent that the amount of sediment and rocks in the stream would not compromise flood control. The Corps settled on allowing 24 inches on the concrete channel.

After this project is completed the Stormwater Inspection & Maintenance group will monitor it over time to look at the rate of re-accumulation and rerun the models under the Lake Erie Tributary Master Plan to see what happens during a 100-year storm event on Euclid Creek to see if there is potential to allow shoaling to remain long-term.

Mr. Brown inquired whether there was a beneficial reuse potential when the material is moved. Paul Kovalchik, Stormwater Projects Specialist, explained that staff is hopeful that the bids will consider reuse of the material, but staff identified some petroleum-contaminated material in the channel that will be removed and disposed.

Authorization to Issue Request for Proposals (RFPs)

Resolution No. 216-17

Authorization to issue RFPs, in accordance with Ohio Revised Code Chapter 153, for design-build services for the Stickney Creek at Ridge Road – Stream Relocation and Utility Repair project.

MOTION – Mayor Bacci moved and Ms. Dumas seconded to adopt Resolution No. 216-17. Without objection, the motion carried unanimously.

Mr. Greenland explained that a District sewer along Stickney Creek is threatened by erosion and this project will arrest that erosion to protect District facilities.

Mr. Brown was concerned about the reaction because hardening one of the sides or both sides of the stream usually moves scouring downstream. Mr. Greenland advised that is staff's job to make sure energy is not transferred upstream or downstream.

Mr. Ciaccia asked who performed the initial engineering on the project. Vicky McCauley, Manager of Design, advised that staff presented goals and objectives and did so with a similar project.

Authorization to Enter Into Agreement/Contract

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| Resolution No. 217-17 | Authorization to enter into a project agreement with the City of Cleveland for the Euclid Creek Flood Control Shoaling Removal project. |
| Resolution No. 218-17 | Authorization to enter into a construction contract with Cold Harbor Building Co. for the Easterly Service and Security Buildings Rehabilitation project in the amount of \$5,661,900.00. |
| Resolution No. 219-17 | Authorization to enter into a two-year professional services contract with O.R. Colan Associates, Inc. and TranSystems Real Estate Consulting, Inc. for General Right of Way Services in the amount of \$2,000,000.00. |

MOTION – Mr. Ciaccia moved and Mr. Sulik seconded to adopt Resolution No. 217-17. The motion carried with abstentions by Mr. Brown and Ms. Dumas.

MOTION – Mr. Ciaccia moved and Mr. Sulik seconded to adopt Resolution Nos. 218-17 through 219-17. Without objection, the motion carried unanimously.

Mr. Brown requested an explanation for Resolution No. 218-17. Devona Marshall, Director of Engineering & Construction, stated that this project includes the construction of a new security building at Easterly, to rehabilitate buildings at the plant and to make electrical upgrades and lighting improvements at the plant.

The previous engineer's estimate was based on the aggressive bidding market the District has been experiencing for more traditional projects. The vertical construction climate was found to be more saturated resulting in bids much higher compared to the estimate. Staff re-evaluated, revising the estimate to put it in-line with the upper range of the engineer's original estimate presented by the design consultant. The new estimate was published at \$5.8 million and the lowest bid came in at \$5.6 million, meeting the requirement of within 10% of the engineer's estimate.

Authorization of Contract Modification

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| Resolution No. 220-17
WITHDRAWN | Authorize the modification of Contract No. 13002509 with Stantec Consulting Services for the Stream Restoration and Bank Stabilization General Engineering Services project by increasing the contract amount by \$350,000.00 bringing the total contract price to \$2,475,000.00. |
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Resolution No. 221-17

Authorize the final adjusting modification of Contract No. 15003258 with Nerone and Sons, Inc. for the Collection System Asset Renewal Phase 1 project by decreasing the contract amount by \$151,718.74 bringing the total contract price to \$5,967,981.26.

Resolution No. 222-17

Authorize the final adjusting modification of Contract No. 16002680 with ABC Piping Company for the EMSC Fire Protection and Fire Alarm Improvements project by decreasing the contract amount by \$681.40 bringing the total contract price to \$284,518.60.

Resolution No. 223-17

Authorize the final adjusting modification of Contract No. 16005945 with Herbst Electric for the Westerly Scrubber Sump Pump VFD Replacement project by decreasing the contract amount by \$37,490.95 bringing the total contract price to \$158,727.55.

MOTION – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution Nos. 221-17 through 223-17. The motion carried unanimously.

Sewer Use Code Matters

Resolution No. 224-17

Authorization to adopt the findings of the Hearing Examiner with regard to the sewer account of Mr. Thomas Cullen, Sewer District Case No. 17-004, that the customer's request be denied.

Resolution No. 225-17

Authorization to adopt the findings of the Hearing Examiner with regard to the sewer account of Apostolic Church of God/Benevolent Love Ministries, Inc., Sewer District Case No. 17-007, that the customer's request be denied.

MOTION – Mr. Sulik moved and Ms. Dumas seconded to adopt Resolution Nos. 224-17 through 225-17. The motion carried unanimously.

Authorization to Purchase

Resolution No. 226-17

Authorization to purchase ten Bobcat utility carts; through the Ohio Department of Administrative Services, State of Ohio Procurement Program; in an amount not to exceed \$170,000.00.

MOTION – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution No. 226-17. The motion carried unanimously.

Authorization to Ratify Expenditure

Resolution No. 227-17

Authorization to ratify an emergency construction contract with Nerone & Sons, Inc. for the Twin Lakes Dam Emergency Draw Down project in an amount not-to-exceed \$49,200.00.

MOTION – Mr. Sulik moved and Ms. Dumas seconded to adopt Resolution No. 227-17. Following the following discussion, the motion carried unanimously.

Mr. Greenland explained that Twin Lakes is in Parma and Big Creek is part of the Regional Stormwater System that runs through these lakes. Staff observed that a sinkhole was developing on the outlet end. The dam structure was not a regulated dam by the Ohio Department of Natural Resources (ODNR). Staff consulted with ODNR to determine the proper course of action, including working with the City and property owners to determine ownership and wherewithal to make repairs.

The District was compelled to take action due to the potential for the dam structure to rupture and cause a downstream impact. The first step is to draw down the lake to assess the outlet structure and follow with design-build services to make the necessary repairs.

Mr. Brown inquired whether the District was taking a public safety responsibility even though the District did not construct the structure and it was on private property because of the potential impact to the Regional Stormwater System. CEO Dreyfuss-Wells affirmed and explained that the focus was on what the project does rather than where it is located. Big Creek is a part of the Regional Stormwater System and there are examples of negative impacts with poorly-designed culverts close to a residential space along the regional system. Similar projects will be on a case-by-case basis across the service area.

CEO Dreyfuss-Wells advised that whatever long-term solution is put in place would control redevelopment of the space so the same problem does not occur again.

VI. Information Items

1. Program Management Status Report and Update – May 2017

Ms. Marshall, Director of Engineering & Construction, advised that cash flow remains consistent at 87%.

The District has 98 active contracts valued at over \$1.1 billion. There have been 15 new contracts so far in 2017 and 19 closed out.

The Westerly Scrubber Sump Pump VFD Replacement Project reached substantial completion in June and met the Key Performance Indicator of reaching substantial completion within 90 days finishing 22 days early.

The District has 34 active projects associated with Project Clean Lake. The District has either spent or awarded to date \$1.2 billion (2009 dollars) towards the \$3 billion initially anticipated to be spent. Staff has identified at least \$730 million in savings from that figure with \$330 million realized and \$400 million projected.

Ms. Marshall advised that three projects are expected to close out by the end of the year, providing an additional 500 million gallons of combined sewer overflow (CSO) control. The Dugway West Relief Sewer Project accounts for 110 million gallons of CSO control and the Mary Street Pump Station Upgrade Project will result in 2 million gallons of CSO control. The Euclid Creek Tunnel will also provide 365 million gallons of CSO control.

The Dugway West Project is in full operation and staff is finishing site work. This project included the District's first micro-tunnel curve and the first in the Midwest.

Ms. Marshall showed the Board examples of site restorations for the Dugway West Project. The District always strives to leave sites better than before a project, with expanding green space or providing connectivity whenever possible.

The Mary Street Pump Station Project is scheduled to come into full operation by the end of September. The project is one of the pump stations the District assumed from the City of Cleveland because it is very important to controlling the associated CSO.

The Euclid Creek Tunnel is expected to come online by the end of the year and Tunnel Dewatering Pump Station plays a major role in that and the Dugway Storage Tunnel and the future Shoreline Tunnel.

Ms. Marshall stated that the Tunnel Dewatering Pump Station manufacturer is still working through potential solutions to the vibration issue, and staff plans to discuss that further with the manufacturer and contractor.

The Easterly Secondary System Improvements Project is anticipated to be fully operational by the end of the year. Staff finished the chemical feed facilities that were critical to achieve 400mgd capacity and meet permit limits. This project was the control measure that missed its milestone date at the end of last year.

Mr. Ciaccia inquired whether the road was restored at the site. Ms. Marshall affirmed but noted that the District is maintaining most of it for long-term use and some planned construction at the plant.

The Dugway Storage Project is advancing nicely. The contractor has assumed an extremely aggressive tunnel mining schedule and based on that schedule mining will be done as early as January 2018.

Ms. Marshall advised that staff issued two RFPs and awarded one professional contract for the Chemically-Enhanced High-Rate Treatment Facility in the second quarter of 2017. Five construction contracts were also awarded, including the Doan Valley Tunnel which is the third tunnel to be constructed under Project Clean Lake. Four construction projects were closed during the second quarter.

The District is meeting its KPI in terms of cash flow by delivering at least 85% of the Capital Improvement Program. Through June the District has closed six projects in 2017 at 16.3% Business Opportunity Program (BOP) participation falling short of the planned 17.9% goal for those 6 projects. It is anticipated that the overall year end goal will be met due to other projects closing above the planned BOP goals. The District is tracking on 2017 Consent Decree requirements having met 4 of the 8 consent decree requirements to date.

Ms. Marshall explained that staff is completing designs within the 60-day KPI. To date in 2017 only \$250,000 of value engineering has been identified with a goal of \$23.6 million but anticipate meeting the goal by end of year.

Staff met its KPI in terms of the engineer's estimate being within 10% of the three lowest bids. Construction contracts have been awarded at an average of 73 days late, which does not meet the goal of awarding within 60 days of planned. The goal of substantial completion within 90 days of planned was met averaging 23 days late.

The District continues to trend work orders by change category to give a better idea of where we're spending unplanned money. The percentage of work orders compared to the total contract expenditure is at 8.8% which is a little higher than previous years; the percentage was 5.3% in 2016. 4.9% of the 8.8% is due to time extensions or owner-requested changes which are mainly the result of emergency work including the previous mentioned Shaw Brook Project.

VII. Open Session

CEO Dreyfuss-Wells noted that the Board received the Comprehensive Annual Financial Report with the completed audit.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session


There were no items.

X. Approval of Items from Executive Session


There were no items.

XI. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor DeGeeter moved and Mayor Stefanik seconded the motion to adjourn at 1:57 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