

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
AUGUST 3, 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
Jack Bacci
Marjorie Chambers

Absent: Sharon Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to approve the Minutes of the July 20, 2023 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, advised the Board that several NEORS staff were featured in the 15th Edition of Who's Who in Black Cleveland, recognizing the significant accomplishments of Black professionals across Northeast Ohio and that their contributions to the community have improved the quality of life for all of us. NEORS staff recognized includes Constance Haqq, Chief Administrative Officer; Tracy Phelps, Deputy Director of Operation & Maintenance; Terry Robinson, Superintendent of Plants; Jacqueline Muhammad, Sr. Manager Government & Customer Relations; John Boyd, Plant Maintenance Manager; Crystal Davis, Government Affairs Program Manager; Tiffany Jordan, Manager of Contract Compliance; Sabrina Winkfield, Shift Manager; Raquel Gregory, Customer Service Specialist; and Valencia White, Contract Administration Lead. Ms. Dreyfuss-Wells and the Board offered congratulations to those staff members.

NEORSD was honored with two recent awards from the Government Finance Officers Association (GFOA). The first is the Distinguished Budget Presentation Award for the fiscal year ending January 1, 2022, recognizing governmental units for publishing a budget document, fiscal plan, and operations guide. It is the highest recognition in government budgeting. Ms. Dreyfuss-Wells congratulated Shola Ojo, Manager of Finance and Compliance, and the budget team for the accomplishment, and added that they regularly receive the award.

Additionally, NEORSD was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its Annual Comprehensive Financial Report for the year ending December 31, 2021. Like the budget award, this is the highest recognition in governmental accounting and financial reporting. The award highlights NEORSD's commitment to transparency and disclosure. Ms. Dreyfuss-Wells congratulated Majlina Marku, Manager of Accounting and Reporting, and the Finance team for this achievement.

NEORSD also received the 28th Annual Achievement of Excellence in Procurement for 2023 from the National Procurement Institute, which is given to non-profit agencies that demonstrate a commitment to procurement excellence. NEORSD is one of two award winners in Ohio, and one of 25 special districts nationwide. NEORSD has won the award every year since 2015, with the exception of 2017. Ms. Dreyfuss-Wells congratulated Jacqueline Williams, Manager of Procurement Services, for the achievement.

On July 20, Rick Vincent, CSO Collection System Design Manager, had the opportunity to present on CSO storage tunnel design and construction to the entire staff of Ohio EPA's Northeast office in Twinsburg. The new Chief of the Northeast District Office, David Emerman, invited Mr. Vincent to address their staff, which was 170 staff plus additional virtual attendees. Mr. Vincent discussed how NEORSD designs and builds tunnels and interacts with the public on various issues and Project Clean Lake.

V. Action Items

Authorization to Advertise

Resolution No. 201-23

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the REF Sludge Storage Bin #1 Restoration project with an anticipated expenditure of \$80,000.00.

Resolution No. 202-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a two-year requirement contract for grit and screenings removal services at all District wastewater treatment plants with an anticipated expenditure of \$880,000.00.

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 201-23 through 202-22. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 203-23 Authorization to enter into agreements with member communities to fund seventeen (17) Member Community Infrastructure Program projects for the 2024 round of funding, as presented, in the total amount not-to-exceed \$14,900,964.98.

Resolution No. 204-23 Authorization to enter into a professional services agreement with CT Consultants, Inc. for design services under the IJJA-Funded Member Community Sewer Improvements project, which includes the Blossom & Sutherland Avenues Sewer Improvements project in in the City of Parma Heights and the Sewer Capacity Improvements project in the City of Richmond Heights, in a total amount not-to-exceed \$1,900,000.00, which expenditures will be reimbursed to the District from the respective communities with IJJA principal forgiveness funding.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 203-23. After the following discussion, without objection, by roll-call vote, with all present members voting yes, and recusal from discussion and abstention from voting by Mayor DeGeeter, the motion carried.

Regarding Resolution No. 203-23, President Brown requested an explanation of the two funding categories of the Member Community Infrastructure Program (MCIP). Frank Greenland, Director of Watershed Programs, explained that the equity investment focus area with fiscal distress has different match requirements, as NEORS has adjusted the program to make it more equitable.

Equity Investment Focus Area Communities include Maple Heights, East Cleveland, Newburgh Heights, Cleveland, Brook Park, and Garfield Heights. The projects for these communities, at a total cost of \$7.2 million, include sewer replacement, septic abatement, sanitary sewer overflow relief, and basement flooding relief projects.

The standard projects are spread across the region and involve sanitary and combined sewer issues including overflows and failing septic systems, with a total cost of \$7.7 million.

NEORSD is leveraging approximately \$15 million in funding, with at least that much in local match funds.

Mr. Greenland provided slides demonstrating project areas and statistics and explained that since the program's inception in 2017, \$77.4 million of NEORSD funding has resulted in \$174 million in sewer improvements locally. NEORSD, through the MCIP program, has been able to facilitate the rehabilitation or construction of new collection systems in many areas.

President Brown added that in Cleveland and many inner ring suburbs, the challenges such as basement flooding are more prevalent than in other communities. President Brown further noted that it has been a very successful program, providing overdue relief to many residents in the area.

Mr. Greenland added that the original sewers in the Greater Cleveland area were combined sewers that are over 100 years old. Some of the areas only had 1-to-2-year levels of service, making basement flooding particularly problematic.

MOTION – Ms. Chambers moved, and Mayor Bacci seconded to adopt Resolution No. 204-23. Without objection, the motion carried unanimously.

President Brown noted that the resolution request indicates that the project will be performed at no cost to the District and requested an explanation.

Devona Marshall, Director of Engineering and Construction, explained that NEORSD continues to seek out opportunities to help member communities in implementing projects, especially as it relates to projects that came out of the Local Sewer System Evaluation Studies.

These projects are the result of NEORSD working with the communities to leverage available IJA funding. In 2022, NEORSD assisted member communities in submitting nine projects for funding. Three projects received funding in the way of principal forgiveness, meaning that all costs will be reimbursed through IJA funding.

President Brown asked if communities are able to submit projects for funding without NEORSD assistance. Ms. Marshall answered affirmatively and provided an example of East Cleveland doing so.

Authorization to Amend Agreement and Ratify Expenditures

Resolution No. 205-23 Authorization to enter into a fourth amendment to Agreement No. 17003660 with Improve Consulting and Training to authorize additional consulting and training services in an amount not-to-exceed \$67,500.00 for continuation of coaching services for senior leadership, consulting/coaching services for the Human Resources Department, and to ratify additional expenditures in the amount of \$13,218.75 that were incurred above the current not-to-exceed agreement amount, for a total amended agreement amount not-to-exceed \$170,218.75.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 205-23. Without objection, the motion carried unanimously.

Authorization to Assign and Amend Agreement

Resolution No. 206-23 Authorization to assign professional services Agreement No. 18003429 with HORIZON Lab System, LLC to CliniSys, Inc. for the Laboratory Information Management Systems Solution and Implementation project, and authorization to amend said agreement to increase the total agreement amount by \$7,258.00 for increased maintenance and support costs over the remaining two-year period of the Agreement term, thereby bringing the total agreement amount not-to-exceed \$671,189.00, with all other current terms and conditions of the Agreement to remain unchanged under the assignment.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 206-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 207-23 Authorization to enter into a contract with sole source supplier Buckeye Pumps, Inc. for the rebuild of a Flygt emergency drainage pump at the Cuyahoga Valley Interceptor lift station located at the Southerly Wastewater Treatment Center in an amount not-to-exceed \$55,882.00.

Resolution No. 208-23 Authorization to enter into a one-year requirement contract with Polydyne, Inc. for the delivery of up to 644,050 pounds of liquid emulsion polymer solution to all wastewater treatment plants in an amount not-to-exceed \$1,945,031.00.

MOTION – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution Nos. 207-23 through 208-23. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 209-23 Authorization to grant a temporary easement to Dominion Energy Ohio for the temporary use of District-owned property known as part of PPN 671-12-021, located at 13905 Mayfair Avenue, in the City of East Cleveland, necessary for Dominion’s pipeline replacement project, with total consideration of \$500.00 paid to the District.

Resolution No. 210-23 Authorization to acquire one parcel in fee simple known as PPN 457-09-002, located at 12505 West Pleasant Valley Road, in the City of Parma, owned by Jack and Donna Holstein, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, to enter into a lease agreement with Jack and Donna Holstein, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC. with total consideration of \$310,000.00 plus closing costs.

Resolution No. 211-23 Authorization to acquire one parcel in fee simple known as PPN 457-29-021, located at 11713 West Pleasant Valley Road, in the City of Parma, owned by Barbara and Thomas Bussy, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, to enter into a lease agreement with Barbara and Thomas Bussy, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC. with total consideration of \$158,000.00 plus closing costs.

Resolution No. 212-23 Authorization to acquire one parcel in fee simple known as PPN 020-14-142, located at 12032 Carrington Avenue, in the City of Cleveland, owned by Nathan Payne, necessary for the construction and maintenance of the Big Creek West Branch Problem Area 10 project, to enter into an assignment and assumption agreement with the Western Reserve Land Conservancy, to enter into a lease agreement with Nathan Payne, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC. with total consideration of \$96,000.00 plus closing costs.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 209-23 through 212-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the cost associated with Resolution No. 210-23 is \$310,000 and includes a six-month lease period, allowing the seller to remain in the home for that time, and requested an explanation.

Mr. Greenland explained that the associated project is a multi-stage project, which is currently in the land assembly phase. Big Creek is one of the highest percentage impervious streams in the service area, with many projects along it. NEORSD is assembling the land to eventually construct a large project. The cost of the acquisition is the fair market value.

Eric Luckage, Chief Legal Officer, explained that a lease agreement is typically standard in these circumstances, when NEORSD approaches property owners looking to purchase their homes, as it allows them time to transition to a new location.

Mr. Greenland added that because the project is in the first of four phases, there is plenty of time for the six-month lease to conclude without impacting the project schedule.

Hearing Officer Findings and Recommendations

Resolution No. 213-23 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Girma Felleke ending in 0003, Sewer District Hearing No. 22-020, that no adjustments be made.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 213-23. Without objection, the motion carried unanimously.

VI. Information Items

President Brown noted that the Financial Report and Advisor Performance Report for a six-month period ending June 30, 2023, was contained in the meeting materials and any questions should be directed to Ken Duplay, Chief Financial Officer.

Frank Foley, Director of Operation and Maintenance (O&M), provided the Operation and Maintenance Quarterly Board Update for the Second Quarter of 2023, beginning with lost or restricted workdays. For the first half of the year, there were 15 lost workdays and 46 restricted workdays across the organization, due to one slip/fall, one cut, and two strains. Two of the injuries were within O&M and two were in other departments. The DART rate, which is the number of incidents per 200,000 work hours or 100 employees that result in lost or restricted workdays, is at 1.3 District-wide and 0.99 for O&M. This is below the internal target limit of 2.

Regarding effluent quality, all three plants were below the limits for suspended solids for the second quarter. As for carbonaceous biochemical oxygen demand (CBOD), there were two limit lines on the chart for the Southerly WWTC because there is a lower limit that takes effect from May through October, but results were still below the limits. Phosphorous and *E. coli* were also below limits at all WWTPs.

As for maintenance costs for the most critical assets during the first two quarters, approximately \$2.5 million was spent, the majority of which was at the Southerly WWTC, which is the largest and most complex plant. In the collection system, the majority of the costs are for preventative maintenance. The Easterly WWTP has a balance between corrective and preventative maintenance costs, and the Westerly and Southerly WWTCs had higher corrective than preventative costs.

In the collection system, there were three dry weather overflows in the second quarter and none in the first quarter. They were all due to debris in the system downstream of regulators. There was a total of only four dry weather overflows for 2022, the lowest number ever. The automated collection system equipment was available 100% of the time during wet weather.

There were two CSO overflows at Edgewater Park (CSO 069), on July 20 and again on July 29. The July 20 event discharged approximately 200,000 gallons over the course of approximately 25 minutes. The July 29 event discharged approximately 200 gallons over the course of 5 minutes. The July 20 event was a greater than 25-year level storm across much of the service area, with more than an inch of rainfall in 15 minutes and greater than 2 inches in an hour in many locations. The July 29 event was a much different event with approximately 0.5 inches of rain in 15 minutes. There are two level indicators at CSO 069, a primary level indicator, which is a bubbler system, and a backup which is a float. In this instance, the overflow was triggered by the backup level sensor. As flow and air came down into the system splashing around, it moved the backup level sensor,

causing the overflow. While NEORSD will likely be unable to eliminate overflows from the large 25-year level storms, staff is working to eliminate the small overflow events, such as that of July 29.

Regarding budget performance, the total budget for the 10 O&M budget centers for the year is \$66.1 million, and approximately \$31.6 million was spent in the first half of the year. This is up from \$27.8 million spent at this point last year, primarily due to increased utility costs and staff wages and benefits. Anticipated spending for the year is approximately 95% of budget.

Mr. Foley invited CarrieAnne McConnell, Superintendent of the Westerly WWTC to provide an update regarding the Chemically Enhanced High-Rate Treatment (CEHRT) improvements.

Ms. McConnell reminded the Board that the Westerly WWTC is the oldest treatment plant in Cleveland, constructed in 1922, and located next to Edgewater Beach. The Westerly WWTC is able to treat up to 100 million gallons per day (MGD) and serves approximately 103,000 residents on the city's west side.

The treatment process includes multiple steps, from screening and de-gritting, through settling, and an activated sludge process, before going through chemical disinfection and dichlorination processes, with the final effluent discharge and the discharge from CSOTF through CSO 002.

Ms. McConnell provided photographs and diagrams of the Westerly WWTC and the treatment process and explained that the CEHRT is a Project Clean Lake project that will retrofit the plant's Combined Sewer Overflow Treatment Facility (CSOTF), which also receives flow from the Northwest Interceptor during wet weather. High-rate disinfection tanks will be a new process for the Westerly WWTC and will provide disinfection to all flows treated through CEHRT. Additionally, a new control building with sampling and analysis, polymer feed equipment, solids dewatering pumps and tank drainage pumps is being constructed. When plant flows are less than 100 MGD, operators will initiate the dewatering process, sending flow back through the plant, with addition new machinery facilitating a significantly improved cleaning process. The new facility will increase treatment capacity from 300 MGD through the current CSOTF process to 411 MGD, as well as result in a significant reduction in total suspended solids and *E. coli* counts.

The CSOTF shutdown began in June, with the entire facility being turned over to the contractors on August 4. Substantial completion is expected in January of 2025 with operational optimization and testing scheduled in February 2025.

During the construction period, the upstream level of service will not be impacted. The primary change will be that significantly more flow will be directed through the excess flow conduit. NEORSD staff are working on installing a floating containment boom for collection of floatable materials and will continue inspections and cleaning throughout the process.

Sharon Smith, HR Manager of Training, provided an update regarding NEORSD's maintenance technical training and apprenticeship program.

There was a version of the Maintenance Training Program going back to 1998, and NEORSD received approval for its apprenticeship program in October 2018, through the Ohio State Apprenticeship Council (OSAC) for three occupations: maintenance electrician, instrument technician, and industrial maintenance mechanic. Since that time, NEORSD has had 30 apprentices achieve certification, comprised of 16 industrial maintenance mechanics, 8 maintenance electricians, and 6 instrument technicians.

As with all apprenticeship programs, there are several program requirements, including 8,000 hours of training over the course of 4 years, 14 courses for each of the trades, 8 hands-on proficiency assessments, periodic progress evaluations, and NEORSD rotates the trainees through all three WWTPs. NEORSD is audited every other year to ensure compliance.

NEORSD currently has 11 apprentices enrolled in OSAC, with 5 instrument technicians, 3 maintenance mechanics, and 3 industrial maintenance mechanics. This number will be increasing with the incoming cohort. Employees can enter into the program either via the Maintenance Training Program, or if they are a full craft employee that is not certified. NEORSD's retention rate with this program is very high, at 89%.

The coursework costs approximately \$11,000 per employee. Accordingly, NEORSD has submitted applications for grant funding through Ohio TechCred and Apprentice Ohio and has received \$61,420 approved to date and \$35,797 in grant funds.

NEORSD will continue to work to remove any entrance barriers to the program, continue hosting showcases for the training programs to the workforce, and apply for any applicable available funding to offset program costs.

President Brown stated that it seems like a very good program and asked whether automation at facilities has an impact on the number of needed technicians and how it affects the program. Mr. Foley explained that one of the biggest impacts of the program is the number of instrument technicians needed. NEORSD is working to get hands-on learning, however, it is a position that NEORSD has been struggling to fill. President Brown asked if there have been any efforts to engage high schools to develop a pipeline for potential employees. Mr. Foley answered affirmatively and explained that NEORSD has been working with John F. Kennedy High School from the Cleveland Metropolitan School District to help develop such a pipeline.

VII. Open Session

President Brown noted that there are some legislative changes at the state level which will impact some of NEORSD's operating or business limitations, necessitating that the District reconvene the Governance Committee. President Brown stated that he will chair the Committee and requested that Mayor Bacci and Mayor DeGeeter also serve.

Mr. Luckage explained that there are two changes specifically that the General Assembly made in the budget bill, one of which will definitely affect NEORSD's Bylaws, while staff is recommending another change resulting from the second ORC change. There are a few other sections that we are recommending for clean-up. The meeting(s) will likely be held in August 2023.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(3) and (G)(4), moved, and Mayor DeGeeter seconded, to enter an executive session to consult with the District's legal counsel concerning disputes involving the District that are subject to or are pending and imminent court action and to prepare for bargaining sessions with the public employees concerning their compensation and other terms and conditions of their employment. By roll call vote, the Board voted unanimously to enter into executive session at 1:30 p.m.

The Board returned to open session at 2:22 p.m.

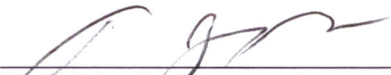
X. Approval of Items from Executive Session

Resolution No. 214-23	Authorizing the Chief Legal Officer to retain McDonald Hopkins, LLC as outside legal counsel to advise and represent the District in the pending legal matter, <i>Friends of Horseshoe Lake, Inc. et al. v. Northeast Ohio Regional Sewer District, et al.</i>
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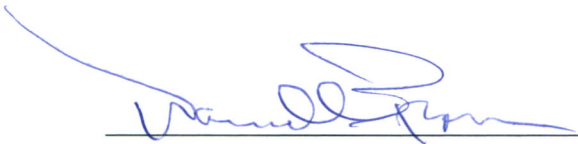
MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 214-23. Without objection, the motion carried unanimously.

XI. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Chambers seconded the motion to adjourn at 2:24 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