

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
AUGUST 16, 2018

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:34 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
R. Sulik
T. DeGeeter
J. Bacci
J. Ciaccia
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 Mr. Sulik seconded to approve the minutes of the August 2, 2018, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began her report by advising that staff is working through the District's consent decree modification request with the Ohio EPA and US EPA. The approach is taking three different tracks simultaneously.

The District is updating key external partners about the modification request, so they know what the District is requesting and to ensure the District can benefit from any feedback these partners may provide. The conversations have helped staff understand that it is better to put the modification request within the context of overall Project Clean Lake progress instead of focusing on the modification request alone.

The second track is that District staff and outside counsel will begin a series of meetings with the agencies to specifically discuss the modification request and resolve any questions so they can move quickly through to the end of the year. Next week the District will host US EPA Region 5

Administrator Cathy Stepp, Ohio EPA Director Craig Butler and their staffs for a tour of Southerly, Easterly and the collection system.

Moving to Irishtown Bend, CEO Dreyfuss-Wells provided an update on work with the Port Authority and the City of Cleveland. The Westerly Low-Level Interceptor runs along the hillside. Crews continue to monitor it on a regular basis and have seen no additional movement or impact to the interceptor.

The Port Authority was unsuccessful with its grant application, in which they were seeking Infrastructure for Rebuilding America funding from the US Department of Transportation. However, working with NOACA, they applied for additional funding from US DOT and should know whether they are successful later during the year. The Port Authority is moving forward with an RFP for the slope stabilization and the District is on that selection committee.

Closing the report, CEO Dreyfuss-Wells advised that the District's annual Open House will be held on September 15 at EMSC.

V. Action Items

Authorization to Advertise

Resolution No. 287-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for snowplowing services with an anticipated expenditure of \$70,000.00.

Resolution No. 288-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for Stormwater Maintenance Program Eastside Stream Debris and Sediment Removal maintenance services with an anticipated expenditure of \$2,200,000.00.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 287-18 through 288-18. After the following discussion, without objection, the motion carried unanimously.

Referencing Resolution No. 288-18, Mr. Brown noted that the District had contracts for maintenance on the east and west sides of the river. He sought to understand how this new contract would work. Frank Greenland, Director of Watershed Programs, explained that this action is to bid the east-side maintenance for a two-year duration. Staff modified the bid structure to improve the unit pricing structure. Staff is becoming familiar with known problem areas and can prioritize sites because of their natures. Crews are seeing less debris and they are maximizing the conveyance of the regional system when a storm occurs.

Mr. Brown expressed concern that locations that require frequent maintenance might suggest that they require a capital improvement to mitigate the need on the maintenance side. Mr. Greenland stated that is already happening and there will be more with the master planning and inspection efforts. He explained that staff either executes a short-term capital project to mitigate issues because of urgency or puts them into a master planning bucket for a longer-term fix.

Mr. Ciaccia questioned whether the new contract is strictly maintenance, which Mr. Greenland confirmed. He further stated that the contract is primarily debris removal from bridges and culverts. Dredging activities are separate and will be bid accordingly.

Authorization to Enter into Contract

Resolution No. 289-18

Authorization to enter into a construction contract with lowest and best bidder Mark Haynes Construction, Inc., for the West Creek Temporary Bank Stabilization at Resource Drive Project in an amount not-to-exceed \$96,520.00, including a general allowance in excess of ten percent of the base contract bid, excluding specific allowances.

Resolution No. 290-18

Authorization to enter into a construction contract with lowest and best bidder Ward & Burke Tunneling, Inc. for the Dugway Regulators & Relief Sewers Project in an amount not-to-exceed \$4,770,100.00.

Resolution No. 291-18

Authorization to enter into design-build contract with Brewer-Garrett Company for the District-Wide Conservation and Management Project in an amount not-to-exceed \$3,439,625.20.

MOTION – Mr. Sulik moved and Mayor Bacci seconded to adopt Resolution Nos. 289-18 through 291-18. After the following discussion, without objection, the motion carried unanimously.

Referencing Resolution No. 290-18, Mr. Brown stated that was a rebid for a project which had unbalanced bids. Devona Marshall, Director of Engineering & Construction, advised that the project was rebid as the received bids were deemed unbalanced or non-responsive. The re-bid results came in about \$200,000 lower as it relates to the lowest bid received.

Moving to Resolution No. 291-18, Mr. Brown requested an elaboration. Ms. Marshall explained that this is the second energy conservation project the District has undertaken; the first was at EMSC and was very successful. This project will be focused on administration buildings at GJM, the three plants and a repurposed portion of the thermal conditioning building.

The contractor team has guaranteed an 8.2 years payback period, which is an annual savings of

over \$317,000. The first contract had post-construction compliance done by the contractor. With this project, staff will engage a third-party to verify that savings are achieved.

Mr. Ciaccia stated that the \$317,000 in annual savings includes \$110,000 of annual operational and avoided capital costs. He inquired whether staff has a baseline on the operational costs. Ms. Marshall stated that the maintenance the District must perform annually on these different assets will be used to formulate that number. Staff has a baseline on the maintenance of the different assets.

Ms. Marshall advised that the contractor has three years to demonstrate compliance. They would pay the District at the end of that three-year period if they do not demonstrate these savings. She further stated that this is the same company that performed the EMSC contract and staff is confident they will be able to achieve the savings.

Authorization to Amend Resolution

Resolution No. 292-18

Authorization to Amend Resolution No. 71-17 to increase by up to \$350,000.00 the District's reimbursement to ArcelorMittal Cleveland LLC (AMC) in accordance with the existing cooperative agreement with AMC for the S-75/S-76 Stormwater Outlet Replacement Project, thereby bringing the total maximum reimbursement to \$3,350,000.00.

MOTION – Mayor Bacci moved and Mr. Ciaccia seconded to adopt Resolution No 292-18. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 293-18

Authorizing final adjustment modification of Contract No. 17006275 with Mark Haynes Construction, Inc. for the Euclid Creek Flood Control Shoaling Removal Project by decreasing the contract amount by \$141,946.44 bringing the total contract price to \$397,736.96.

Resolution No. 294-18

Authorization to modify the previous grant award to the City of Shaker Heights under the 2016 Green Infrastructure Grants in the Combined Sewer Area Program and to modify the associated Green Infrastructure Grant Agreement to include additional funding and work scope for the Kendall and Larchmere Green Infrastructure Parking Lot

Renovation to increase the previous grant award from \$108,000.00 to \$208,000.00.

Resolution No. 295-18

Modify Contract 16001217 with AECOM for the Shaker Lakes Dam Rehabilitation Project to change the scope of work with an increase in the contract amount of \$434,695.00, thereby bringing the revised contract amount to \$933,195.00.

Resolution No. 296-18

Modify Contract No. 17005432 with Sterling Professional Group for the EMSC Building Interior Renovation Project with a decrease in the contract amount of \$756.40, thereby bringing the revised contract amount to \$698,974.10.

Resolution No. 297-18

Modify design-build Contract No. 17002230 with Turnkey Tunneling, Inc. for the Emerald Parkway Culvert Repair Project to reallocate certain existing funds within the current contract's bid items, with no change in the contract price.

MOTION – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 293-18 through 297-18. After the following discussion, without objection, the motion carried unanimously.

Referencing Resolution No. 295-18, Mr. Brown requested an explanation for how the original contract amount got to an additional \$434,695. Mr. Greenland stated that this was originally a rehabilitation project for three dams along Doan Brook. Only one bid was received, which was well over the engineer's estimate. The bid was rejected and staff sought to determine why it came in high.

Sinkholes had developed at Horseshoe Lake. The Ohio Department of Natural Resources ("ODNR") ordered the City of Shaker Heights to lower the lake three feet due to that situation.

Staff recommends breaking the project into two phases. Lower Lake and Green Lake Dam Rehabilitation can commence expeditiously.

The project at Horseshoe has changed due to sinkholes. The project is no longer rehabilitation but to replace the spillway, which requires significant additional design activities and approvals from ODNR.

This modification will allow AECOM to continue the redesign efforts at Horseshoe, Lower and Shaker and to provide more construction administration and resident engineering on these jobs.

Mr. Brown inquired whether the matter that created the sinkholes has been determined and being

designed or fixed as a result of the additional work. Mr. Greenland advised that the theory is that the spillway had cracks that would be rehabilitated by injecting grout in certain locations. Given the severity of this situation, that is not the right approach. The long-term approach is to replace the spillway, which is much more favorable to ODNR and regional stormwater management.

Moving discussion to Resolution No. 294-18, Mr. Ciaccia stated that the District's two grants programs -- Green Infrastructure and the Member Community Infrastructure Program ("MCIP") - contain some sort of criteria that everyone knows about coming back for more money. In this case it appears that a Phase 1 environmental evaluation was not done or was not done properly because they did not know there was a gas station previously on this location. Mr. Greenland stated that it was not performed. Geotechnical borings were performed around that site but missed the contaminated soil.

Mr. Ciaccia stated that a Phase I would have shown that there was a gas station there at one time which would cause extra soil borings. Mr. Ciaccia inquired if the District establishes criteria up front and lets the communities know that there are certain circumstances they will not have money to do because it takes away from other applicants. Mr. Greenland explained that staff will look to see whether the grant programs require any modifications to ensure this is clear to communities. Mr. Greenland explained that requests for additional funding are not an automatic grant; staff makes sure the circumstances are warranted, there is available cash flow for the year and whether it would impede the ability of another grant recipient next in line from receiving grant funds. The MCIP will be revised slightly and staff will assess this issue for the GI grants as well.

CEO Dreyfuss-Wells advised that in this situation the City of Shaker Heights came back to the District with new information. Staff analyzed the new information and if money is available and it is a good project, it can go forward. Staff does as much due diligence as possible.

Mr. Greenland stated that staff will discuss this issue with a revised policy. Shaker Heights is contributing cash to that effort and it is a good partnership.

Mr. Ciaccia stated that this will not necessarily be the last time such an issue arises. The people carrying out these projects might not be as familiar with the range of issues that can impact construction. The District must give them guidance attached to the money so this situation does not occur again.

Sewer Use Code Matters

Resolution No. 298-18

Authorization to adopt the findings of the Hearing Examiner with regard to sewer charges on the account of Ms. Mildred Devontenno, Sewer District Case No. 18-017, that the customer's request be denied.

MOTION – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution No. 298-18. Without objection, the motion carried unanimously.

Authorization to Implement

Resolution No. 299-18

Authorization to implement the 2019 Watershed Partners Service Agreement Program through issuance of a request for proposals, with a total Program authorization amount not-to-exceed \$360,000.00.

MOTION – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution No. 299-18. Without objection, the motion carried unanimously.

Property-Related Transaction

Resolution No. 300-18

Authorization to appropriate one permanent subterranean easement located on a portion of PPN 116-21-011, located at 825 Wayside Road in the City of Cleveland, owned by Lakefront Housing Corp., necessary for the construction of the London Road Relief Sewer Project and to authorize the fair market value of \$300.00 to be deposited with the Cuyahoga County Probate Court.

Resolution No. 301-18

Authorization to acquire one permanent sewer easement and two temporary easements known as part of PPNs 107-23-035 and 107-23-039, located at 1319 East Blvd. and 10301 Churchill Avenue in the City of Cleveland, owned by Famicos Foundation, necessary for the construction of the Doan Valley Relief & Consolidation Sewer Project with a total consideration for all easements of \$23,763.00.

MOTION – Mr. Sulik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 300-18 through 301-18. Without objection, the motion carried unanimously.

VI. Information Items

1. Program Management Status Report and Update – July 2018

Ms. Marshall stated that cash flow ended July at 83% of planned, which is an increase from 81% in June. That figure continues to move towards the overall Key Performance Indicator (“KPI”) of 85%. The District paid out in construction approximately \$18.5 million in July and \$123 million year-to-date.

Ms. Marshall advised that staff submitted a required semiannual consent decree progress report prior to the July 31 deadline to the Ohio EPA, US EPA and Department of Justice. The report is a summary of the work the District has done during the previous six months and projected work in the next six months.

During July, the District achieved substantial completion on the Kingsbury Run Culvert Repair Project, which is a \$9.9 million contract. Substantial completion was achieved over 200 days early, meeting its KPI.

The Dugway Storage Tunnel is a \$153 million project that will construct a 24-foot diameter tunnel and control 376 million gallons of annual CSO. The tunnel will be dewatered by the Tunnel Dewatering Pump Station located at the Nine Mile site and will send flow to Easterly. Substantial completion is scheduled for September 2019; however, this project continues to track 115 days ahead of schedule.

Ms. Marshall advised that the Doan Valley Tunnel is \$142.3 million project that will control approximately 348 million gallons of annual CSO. She anticipates starting the mining of the main line tunnel by the end of the year.

The Woodhill Conveyance Tunnel was under mining when a major flood occurred in April. That operation was suspended while the contractor refurbishes the damage done to the machine by the flooding. Staff anticipates that operation to resume in two to four weeks. The contractor is scheduled to submit their updated schedule later this month. Ms. Marshall explained that the schedule will reflect the impact of the flooding, which will likely be a 120-day impact.

This project was scheduled to achieve substantial completion in July 2021 but will not meet that with the flood. The EPA has been notified of the flooding event and the potential impact to not meeting the consent decree milestone that requires full operation of this tunnel by the end of 2021.

Ms. Marshall stated that the Westerly storage Tunnel is a \$135 million project and is the largest of the tunnels in terms of diameter at 25 feet. This project will control about 300 million gallons of CSO annually and substantial completion is scheduled for January 2021.

Mr. Brown noted that during mid-July the Euclid Creek facility came online and despite having a couple of sizable storms and it has been very quiet. The District should understand the implications and stated that the area will be under a significant enhancement in terms of level of service.

Angela Jones, Senior Government Affairs Specialist, stated that the ACE Mentor Program is a national program with a Cleveland affiliate chapter. This program introduces high school sophomores through seniors to architecture, construction and engineering from local professionals.

The Cleveland affiliate has nine teams and eight high schools within the Cleveland Municipal School District and the inner-ring suburban area and the District is the sponsor for the Collinwood High School team.

ACE Collinwood started in 2013 when former CEO Ciaccia brought the concept to the District to evaluate. At that time the District was developing their MOU with the City of Cleveland and the Community Benefits agreement; this program spoke directly to the essence of future workforce development.

Ms. Jones advised that staff goes to Collinwood High School twice per month from October through April to share their experiences and expertise with the students. Students are taken on field trips to construction sites and provided with college guidance and additional assistance.

District staff assists the students with responding to an RFP put out by the Cleveland affiliate. The students are directed to develop a final project and presentation that is given at the end of the year. Over the past five years over 80 students have been involved with the program. The final presentation was highlighted on Channel 19 by Romona Robinson. Two students received college scholarships.

Ms. Jones stated that the students responded to an RFP to develop a visitor's center in the Cleveland Cultural Gardens. Some of the concepts the students developed are being implemented.

Jesse Mathis, Construction Technician, provided further details of the program and how the students prepared their presentation.

The ACE program goal is not necessarily to push students towards a career in architecture, construction or engineering, but college preparation.

VII. Open Session

There were no items.

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 Bacci moved and Mr. Sulik seconded the motion to adjourn at 1:24 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