

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
AUGUST 17, 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  
Jack Bacci  
Sharon Dumas  
Samuel Alai  
Marjorie Chambers

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 August 3, 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 on August 3, NEORS hosted Congressman Max Miller for a tour of stormwater projects in his district. Each of the project sites visited are in a different stage of construction, providing an array of the Regional Stormwater Management Program (RSMP). Frank Greenland, Director of Watershed Programs, as well as staff from the Watershed Programs and Government Affairs Departments met the Congressman and his staff at the site of the currently in-design Baldwin Creek Dell Haven Basin near York Road project and the under-construction site of the Upper Ridgewood Basin project, both located in Parma. The Upper Ridgewood Basin project was awarded \$1 million in earmark funding, and the Dell Haven Basin project is under consideration for 2024 earmark funding. Ms. Dreyfuss-Wells noted that Mayor DeGeeter was also present and thanked him for attending. Following the site visits in Parma, was the completed Stickney Creek at Ridge Road Stream Relocation and Utility Repair in Brooklyn

project site, where Recreation Commissioner Jack Abbruzzese also joined the site tour. Ms. Dreyfuss-Wells thanked NEORSD staff who organized the visits.

On August 5, NEORSD hosted a booth at the City of Parma's Picnic in the Park at Veterans Memorial Park. The event provided NEORSD staff the opportunity to talk with residents regarding the West Creek Veterans Basin Improvements in Parma stormwater project, the Upper Ridgewood Basin project, and NEORSD's cost-savings programs.

On August 8 and 9, the Water Finance Conference was held in Cleveland. This is an annual event which focuses on water, wastewater, and stormwater utility finance, with attendees representing cities, utilities, and consulting firms from around the country. The City of Cleveland, Division of Water hosted a tour of the Garrett Morgan Water Treatment Plant and NEORSD hosted a tour of the Superior Avenue Pump Station. Ms. Dreyfuss-Wells presented about the importance of effective utility management and relationships in rate setting. Danielle Giannantonio, Manager of Legislative Affairs, served on a panel discussing federal funding and other legislative issues.

On August 9, NEORSD hosted an open house for the Mill Creek Restoration near Cricket Lane project in Warrensville Heights. The project is at 50% design and involves the purchase of 19 properties surrounding the stream, and will help restore floodplain, protect from erosion, and protect the Mill Creek Interceptor, which crosses the stream. There was a day and an evening session, with approximately 40 total attendees, including Mayor Sellers and members of council. Ms. Dreyfuss-Wells thanked the staff that assisted with the event.

#### V. Action Items

##### Authorization to Advertise

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| Resolution No. 215-23 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for up to three (3) six-month requirement contracts for Snow Removal Services 2023-2024 with a total anticipated expenditure of \$115,000.00. |
| Resolution No. 216-23 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the West Park CSO Improvements project with an anticipated expenditure of \$2,250,000.00.   |

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 215-23 through 216-22. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the scope of work involved in the project associated with Resolution No. 216-23. Doug Gabriel, Deputy Director of Engineering and

Construction, explained that the project is the result of a finding from the Mill Creek Local Sewer System Evaluation Study (LSSES), wherein CSOs 64 and 68 were found to not meet their required level of control. Under the General Engineering Services (GES) contract, the consultant found that throughout this area along Rocky River Drive, there are a number of regulators that require structural repair and improvements, and in doing so, flows will be redirected and CSOs 64 and 68 will be converted to stormwater only.

Authorization to Purchase

Resolution No. 217-23            Authorization of \$225,000.00 to purchase as-needed replacement parts used in Moyno pipe liners repair, at all wastewater treatment plants, from sole source vendor Schultz Fluid Handling Equipment.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 217-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 218-23            Authorization to enter into a project agreement with West Creek Conservancy to provide funding in an amount not-to-exceed \$150,000.00 for the acquisition of PPN 456-26-027, located in the City of Parma and within the Federal Emergency Management Agency's 100-year floodplain inundation area of Baldwin Creek, necessary for the operation and maintenance of the Regional Stormwater System.

**MOTION** – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 218-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 219-23            Authorization to enter into a construction contract with Synergy, LLC for the Westerly Wastewater Treatment Plant Administration Building Boiler Flue Replacement project in an amount not-to-exceed \$129,800.00.

Resolution No. 220-23            Authorization to enter into a construction contract with Tucson, Inc. for the Hemlock Creek Bank Stabilization in Seven Hills Phase 1 project in an amount not-to-exceed \$3,180,470.00.

**MOTION** – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 219-23 through 220-23. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding the project associated with Resolution No. 220-23. Mr. Greenland explained that the project area is in Seven Hills and Hemlock Creek contains multiple 90-degree bends and culverts. The project will realign and re-meander the stream, as well as create floodplain to allow the stream to flow as it should. There is significant property acquisition in the area to allow for the project to be completed. Additionally, there are two street crossings and two culverts that will be upsized under the project. It is anticipated that the project will raise the level of service to a 100-year level of protection.

President Brown asked whether the culvert upsizing is for stormwater. Mr. Greenland answered affirmatively and explained that the stream flows underneath two streets and the undersized culverts lead to flooding during peak storms. Phase 2 of the project will be upstream where there is a stormwater detention basin. The project is currently in the property assembly phase.

#### Authorization to Modify Contract

Resolution No. 221-23      Authorizing final adjusting change order for Contract No. 20000730 with A.W. Farrell & Son Roofing for the District-Wide Roof Improvements project to decrease the contract amount by \$539,349.34, thereby bringing the total contract amount to \$3,869,054.78.

**MOTION** – Ms. Chambers moved, and Mayor Bacci seconded to adopt Resolution No. 221-23. Without objection, the motion carried unanimously.

#### Authorization of Emergency Contract Modification

Resolution No. 222-23      Authorization of an emergency modification of construction Contract No. 22000474 with Building Integrated Services for the District-Wide Electrical Repair and Easterly Service Improvements project to increase the contract scope to include time-critical HVAC and electrical equipment replacements due to supply chain issues, to include a 270 day time extension, and to increase the contract amount by \$400,000.00, including a General Allowance in excess of ten percent of the base contract price bid, excluding specific allowances, thereby bringing the total contract amount not-to-exceed \$4,902,000.00, and to declare such modification to be a real and present emergency awarded without formal bidding or advertising.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 222-23. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding service-level impacts as a result of the time extension. Mr. Gabriel explained that the Easterly Tunnel Dewatering Pump Station has two large air handling units on the roof, and one of the units suffered a catastrophic failure this past spring when a variable frequency drive caught fire, causing extensive damage to the control panel and the unit. There has only been one working unit since.

The contractor is familiar with the pump station and is able to fabricate a new control panel at his shop, making this the most expeditious way to conduct the repair. This is necessary because if the working air handling unit suddenly fails, the cavern below will not be occupiable. President Brown asked if this was the same concern when NEORSD was initially awarding the contract for this project. Mr. Gabriel confirmed that it is the same unit and Mr. Bunsey and Ms. Dreyfuss-Wells added that the previous air handling issues revolved around the maintenance and cost of operation of the units, as they are large and consume a tremendous amount of electricity.

Mr. Gabriel added that as part of the improvements, the control panels which are currently outdoors, are being moved indoors to the electrical room, which should add to the longevity and increase reliability of the air handling units.

#### Authorization to Retain Legal Counsel

Resolution No. 223-23

Authorizing the Chief Legal Officer to retain McMahon DeGulis, LLP. to provide legal services and representation on environmental law and regulatory matters, including compliance with the federal CSO Consent Decree, under terms and conditions acceptable to the Chief Legal Officer, and to execute all documents necessary to effectuate the same.

**MOTION** – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 223-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that NEORSD has been working with McMahon DeGulis since entering into the Consent Decree and asked what the purpose of the Resolution is. Katarina Waag, Assistant General Counsel, explained that NEORSD has had an engagement with the firm since 2014, which has been billed at the same rate since. The way that the original resolution is drafted did not provide the flexibility to increase the rate without returning to the Board for approval. Resolution No. 223-23 is intended to provide the flexibility to allow the Chief Legal Officer to make periodic adjustments to the engagement over time, should he find it reasonable.

Property Related Transaction

- Resolution No. 224-23      Authorization to enter into a right-of-entry agreement with the United States Geological Survey (USGS) to allow USGS access to certain District Appendix 3 Green Infrastructure Sites necessary for the collection of data on soil infiltration, at no cost.
- Resolution No. 225-23      Authorization to acquire one parcel in fee simple known as PPN 457-33-006, located at 11109 West Pleasant Valley Road, in the City of Parma, owned by James A. and Jennifer L. Humphrey, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads (BDPA06) project, to enter into a six-month lease agreement with the Humphreys, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC, with total consideration of \$180,000.00 plus closing costs.
- Resolution No. 226-23      Authorization to acquire one parcel in fee simple known as PPN 761-16-097, located at 19817 Cherrywood Lane, in the City of Warrensville Heights, owned by Allimet Properties, LLC, necessary for the construction and maintenance of the Mill Creek Restoration Near Cricket Lane in Warrensville Heights project, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC, with total consideration of \$110,000.00 plus closing costs.
- Resolution No. 227-23      Authorization to acquire two permanent sewer easements and one temporary easement on a portion of the property known as PPN 105-02-001, located at 6800 South Marginal Avenue, in the City of Cleveland, owned by Energy Harbor Generation, LLC, necessary for the construction and maintenance of the Shoreline Storage Tunnel project, with total consideration of \$145,300.00.

**MOTION** – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 224-23 through 227-23. Without objection, the motion carried unanimously.

Authorization to Assist Member Communities

Resolution No. 228-23      Authorization to assist member communities in nominating projects to the Ohio EPA (OEPA) for Infrastructure Investment and Jobs Act (IIJA) funding, as presented, and authorization to enter into project agreements with those member communities selected by OEPA to receive IIJA funding to allow one or more District engineering consulting firms to perform the design services for such projects, with no cost to the District.

**MOTION** – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 228-23. 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.

President Brown noted that a similar resolution request had recently been approved and requested additional information. Ken Duplay, Chief Financial Officer, explained that this is a request to continue to assist member communities in obtaining the principal forgiveness portion of the IIJA funding through the Water Pollution Control Loan Fund (WPCLF). It is an annual process, and this specific request is to begin the 2024 process, as the project nominations are due at the end of August in order to obtain funding in next year's cycle.

President Brown asked whether this Resolution is giving NEORS D authority to use its resources to perform the design work for the communities. Mr. Duplay explained that communities may choose to have NEORS D handle that portion or perform the work themselves. Ms. Dreyfuss-Wells added that there are projects listed on the resolution request because NEORS D has been communicating with member communities about their interest in applying for 2024 projects.

Appointment of Committee Members

Resolution No. 229-23      Appointing Darnell Brown, Mayor Jack Bacci, and Mayor Timothy DeGeeter to the Board of Trustees Governance Committee and naming Mr. Brown the Committee Chair.

**MOTION** – Ms. Chambers moved, and Mayor Alai seconded to adopt Resolution No. 228-23. Without objection, the motion carried unanimously.

VI. Information Items

Mr. Gabriel provided the Capital Improvement Program (CIP) update for July 2023, beginning with cashflow. The 6 planned construction awards for the year to-date include the following projects: Southerly FST 7-11 Launder Support Concrete Repair project budgeted at \$750,000 and awarded at \$449,886; Easterly Stockroom Relocation project budgeted at \$13,000,000 and awarded at

\$12,774,000; Collections PLC Replacement project budgeted at \$11,000,000 and awarded at \$13,281,500; Southerly Effluent Filter Bypass Improvements project budgeted at \$2,000,000 and awarded at \$1,511,400; and the Southerly Second Stage Aeration Improvements project which was budgeted at \$33,000,000 and at the next Board meeting will be requested to be awarded at \$38,324,400. The discrepancy in pricing for the Southerly Second Stage Aeration Improvements project is due to significant amounts of sludge and grit that will need to be removed from the tanks.

Regarding Key Performance Indicators (KPIs) for design, both the Southerly Skimmings Decant Storage Facility Air Handling Unit Replacement project and the West Park CSO Improvements project completed design within 60 days of planned, meeting the KPIs. While the Easterly Stock Room Relocation project's engineer's estimate was within 10% of the bids meeting that KPI, the construction contract was not awarded within 60 days of planned, therefore not meeting that KPI.

Mr. Gabriel invited Greg Blatnik, Manager of Construction, to provide an update regarding the Southerly Building Demolition project.

Mr. Blatnik advised that the contractor for the project was Shook Construction Company, and the project was overseen by Harry Shaposka, Project Manager, and Paul Hicks, Construction Supervisor. The contract award amount was \$17,243,000, with a notice to proceed issued in April of 2021, and a substantial completion date of September 2, 2023. There will be a request for a final adjusting change order presented to the Board before the end of 2023.

Mr. Blatnik provided a graphic demonstrating the scope of the project which included complete or partial demolition of ten buildings across the Southerly WWTC, relocation of process piping and electrical systems, upgrades to the plant automation system, and site restoration.

Another focus of the project was radiation scanning, as NEORS was required to scan all of the demolition material for Cobalt-60. There were 978 truckloads of material scanned with zero contamination detected. This is significant because the data allowed NEORS to get a partial release of some of the permit requirements from the Ohio Department of Health.

Mr. Blatnik explained that, as with all WWTP projects, there are compact site conditions to contend with. The project was able to be completed without impacting plant operations.

In accordance with NEORS's sustainability efforts, 1,000,000 pounds of scrap including structural steel, stainless steel, conduit, wiring, and pipe was recycled. Additionally, dirt that was brought in by the contractor to facilitate construction was able to be reused for backfill.

Mr. Blatnik provided several photographs of the project areas before, during, and after demolition, demonstrating proximity to operations, the scrap materials, and site restoration resulting in easy to maintain greenspace.



VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(6) and (G)(3), moved, and Mayor DeGeeter seconded, to enter an executive session to discuss details relative to the District's security agreements and emergency response protocols, disclosure of which could reasonably be expected to jeopardize District security and to consult with the District's legal counsel concerning disputes involving the District that are subject to or are pending and imminent court action. By roll call vote, the Board voted unanimously to enter into executive session at 1:12 p.m.


The Board returned to open session at 1:58 p.m.

X. Approval of Items from Executive Session

There were no items.


XI. Adjournment

**MOTION** – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 1:59 p.m. Without objection, the motion carried unanimously.



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



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