

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
AUGUST 19, 2021

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
Jack Bacci
Timothy DeGeeter
Sharon Dumas
Samuel Alai

Absent: Terence Joyce

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to approve the Minutes of the August 5, 2021, 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, provided an update regarding NEORS's ongoing COVID-19 pandemic response and informed the Board that NEORS staff has one active COVID-19 case. NEORS wishes them a full and speedy recovery. There has been a total of ninety-four employees with confirmed diagnoses since the beginning of the pandemic, ninety-three of whom have recovered and returned to work.

All NEORS facilities are fully reconstituted. The vaccination leave policies and several other COVID-19-related policies remain in place to ensure that symptomatic staff is able to remain at

home. NEORS D continues to encourage staff to be vaccinated. In accordance with CDC guidance, all NEORS D staff and visitors, regardless of vaccination status, must wear face coverings. NEORS D will continue to evaluate the situation as it has throughout the pandemic and adjust accordingly. All relevant information can be accessed by staff on the intranet.

Ms. Dreyfuss-Wells advised the Board that earlier in August NEORS D received a \$7 million grant from the Great Lakes Restoration Initiative for the West Creek Stabilization project under the Regional Stormwater Management Program. The project area is in Brooklyn Heights and will stabilize 6,500 linear feet of streambank and restore four acres of habitat. NEORS D also has an agreement with the Ohio Department of Transportation (ODOT) under which ODOT will contribute \$2 million to the \$16.2 million estimated total cost of this project. Construction will begin in 2022. Ms. Dreyfuss-Wells offered kudos to Frank Greenland, Director of Watershed Programs, and his team for securing funding for more than half of the total cost of the project. Mayor Alai offered congratulations.

On August 2, NEORS D participated in a meeting organized by Congresswoman Kaptur to share its energy innovations with other Ohio utilities. Marie Fechik-Kirk, Sustainability Program Manager, and Douglas Reichlin, Deputy Chief Operating Officer, shared information regarding NEORS D's sustainability efforts, with a specific focus on the Renewable Energy Facility (REF) at the Southerly Wastewater Treatment Plant (WWTP) and the District-Wide Energy Conservation project. Congresswoman Kaptur toured DC Water's Blue Plains plant and was very interested in their work and it inspired her to organize the meeting. DC Water also participated in the meeting. NEORS D appreciates Congresswoman Kaptur's interest and efforts regarding energy use and production in wastewater.

V. Action Items

Authorization to Advertise

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| Resolution No. 247-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for the Lake View Cemetery Dam Maintenance Repairs project with an anticipated expenditure of \$432,000.00. |
| Resolution No. 248-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for the GJM 2 nd Floor HR Area Office Space Renovation project with an anticipated expenditure of \$575,000.00. |

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 247-21 through 248-21. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFP)

- Resolution No. 249-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for a three-year agreement for occupational health services for District employees and potential employees.
- Resolution No. 250-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for investment advisory services.
- Resolution No. 251-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for the Easterly Stockroom Relocation project.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 249-21 through 251-21. Without objection, the motion carried unanimously.

Authorization to Purchase

- Resolution No. 252-21 Authorization to purchase replacement parts used in Moyno Pipeliner repair at the Easterly, Southerly and Westerly Wastewater Treatment Plants, as-needed, from sole source vendor Schultz Handling Equipment in a total amount not-to-exceed \$200,000.00.
- Resolution No. 253-21 Authorization to purchase office furniture, including installation, from American Interiors under the State of Ohio Cooperative Purchasing Program for the GJM 2nd Floor HR Area Office Space Renovation project in a total amount not-to-exceed \$185,000.00.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution Nos. 252-21 through 253-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 254-21 Authorization to enter into a one-year professional services agreement with ESRI, Inc. for technical support to the GIS Services and Information Technology Department under the ESRI Enterprise Advantage Program in an amount not-to-exceed \$95,400.00.
- Resolution No. 255-21 Authorization to enter into a professional services agreement with GPD Group, Inc. for the Hemlock Creek Bank Stabilization in Seven Hills Phase 1 project in an amount not-to-exceed \$434,608.00.

Resolution No. 256-21 Authorization to enter into an agreement with West Creek Conservancy (WCC) to provide funding toward the acquisition of PPN 446-24-030 and PPN 446-24-026 located in the City of Parma and within the Federal Emergency Management Agency's (FEMA) 100-year floodplain along West Creek with a District contribution in an amount not-to-exceed \$250,000.00 with remainder of the \$400,000.00 total purchase price provided by WCC.

Resolution No. 257-21 Authorization to enter in a one-year joint-funding agreement with the U.S. Geological Survey for the operation and maintenance of 27 stream gages in the District's Regional Stormwater Management Program Service Area in an amount not-to-exceed \$409,500.00.

Resolution No. 258-21 Authorization to enter into a professional services agreement with Paladin Protective Systems, Inc. for the Westerly Security Camera Implementation project at the Westerly Wastewater Treatment Plant in an amount not-to-exceed \$181,493.45.

MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 254-21 through 258-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 256-21, it appears that NEORSD partnered with West Creek Conservancy to perform work in a floodplain area and asked for additional information regarding this partnership.

Mr. Greenland explained that NEORSD has worked collaboratively with West Creek Conservancy and other groups on strategic land acquisition. West Creek Conservancy has been assembling land along West Creek for some time. These two parcels fit within the context of the Regional Stormwater Management Program objectives. The purchase of these properties will allow NEORSD to protect and potentially expand that floodplain. It aligns with master planning associated with the Cuyahoga North Master Plan findings as there are project recommendations in and around this area. NEORSD will cover \$250,000 of the purchase price and West Creek Conservancy will pay the rest.

Mayor DeGeeter commented that West Creek Conservancy is a great partner in NEORSD's quest to prevent basement flooding and expand the floodplain.

Authorization to Enter Into Contract

Resolution No. 259-21 Authorization to enter into a construction contract with Nerone & Sons, Inc., for Eastside stream sediment and debris removal services in an amount not-to-exceed \$1,287,955.17.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 259-21. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 260-21 Authorization to amend Project Agreement No. 19000276 with Doan Brook Watershed Partnership to include as-built drawings and vegetative maintenance services under the Debris Rack Design and Construction in Doan Brook project with no additional cost to the District.

Resolution No. 261-21 Authorization to amend Memorandum of Agreement No. 19005014 with the U.S. Army Corps of Engineers, Buffalo District, for Section 214 Funding to extend the term of the agreement for an additional five-year period, or until funds are exhausted, whichever should occur first, with no additional cost to the District.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 260-21. Without objection, by roll call vote, the motion carried with all present members voting yes and recusal from discussion and abstention from voting by President Brown.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 261-21. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 262-21 Authorization to modify Contract No. 20007017 with sole source vendor Essix Resources for the purchase of olivine sand for the Renewable Energy Facility (REF) Incinerators by increasing the contract amount by \$6,825.00, thereby bringing the total contract amount not-to-exceed \$65,995.00.

Resolution No. 263-21 Authorizing final adjusting change order for Contract No. 20006779 with Nerone & Sons, Inc. for the Doan Brook Culvert Debris Removal project by decreasing the contract amount by \$93,384.16, thereby bringing the total contract amount to \$650,515.84.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 262-21 through 263-21. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 191a-21 Authorization to amend Resolution No. 191-21, adopted June 17, 2021, authorizing the District to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for the Southerly Boiler Feedwater Pumps Replacement project, to increase the anticipated expenditure from \$200,000.00 to \$305,000.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 191a-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional explanation as to why Resolution 191-21 needs to be amended.

Mr. Gabriel, Deputy Director of Engineering and Construction, explained that the design was moving rapidly when the Resolution was approved by the Board in June. NEORS D conducted a final review of the documents, and it was determined that there were quality assurance/quality control enhancements that could be added to the scope of the project that would increase the installation time and engineer’s estimate, but improve the project, such as x-raying pipe welds and additional pipe flushing.

Property Related Transaction

Resolution No. 264-21 Authorization to acquire one parcel in fee simple known as PPN 831-34-057, located at 6213 North Woodland Drive, in the Village of Mayfield, owned by Debbi Ann Breeden, also known as Debbi A. Breeden, necessary for the construction and maintenance of the Chagrin River/Lake Erie Direct Tributaries Master Plan – Project Area BE-MF-01, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC with total consideration of \$270,000.00 plus closing costs.

Resolution No. 265-21 Authorization to acquire one parcel in fee simple known as PPN 481-07-021, located at 8205 Abbey Road, in the City of North Royalton, owned by Robert Alan Markiewicz, necessary for the construction and maintenance of the Baldwin Creek Stabilization Near Abbey Road project, to enter into a lease agreement with Robert Alan Markiewicz, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$245,000.00 plus closing costs.

Resolution No. 266-21 Authorization to acquire one permanent stormwater easement and one temporary easement at the property known as PPN 481-07-015, located at 8193 Abbey Road, in the City of North Royalton, owned by Daniel P. Taylor, necessary for the construction and maintenance of the Baldwin Creek Stabilization Near Abbey Road project with total consideration of \$11,450.00.

Resolution No. 267-21 Authorization to appropriate two permanent sewer easements and one temporary easement on property known as PPN 009-08-001, located at 4002 Jennings Road, in the City of Cleveland, owned by ICB 1, Inc., necessary for the construction and maintenance of the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project, and to deposit \$106,800.00 with the Cuyahoga County Probate Court as consideration for the same.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 264-21 through 267-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution Nos. 264-21 and 265-21 appear to be for the purchase of houses and asked for additional information regarding the purchases and the lease agreement.

Mr. Greenland explained that, regarding Resolution No. 264-21, this property sits in a floodplain with repetitive flooding along Beechers Brook in Mayfield Village. The project was recommended to address erosion and flooding issues in the Lake Erie Tributaries Master Plan. The Village of Mayfield decided to advance the project and NEORSD agreed to purchase the property, which is essential for creation of floodplain, moving the stream, and modifying the culvert.

President Brown asked whether the house was built on a floodplain. Mr. Greenland explained that it is flooding repeatedly with 5-year storm events triggering flooding and significant flooding with a 100-year storm event.

Regarding Resolution No. 265-21, Mr. Greenland provided a graphic demonstrating property that NEORSD has acquired along Baldwin Creek to alleviate erosion, flooding and culvert issues and invited Eric Luckage, Chief Legal Officer, to explain the lease agreement.

Mr. Luckage explained that the property is being acquired in fee simple, meaning that NEORSD will acquire the whole property outright. The lease agreement will allow the property owner to stay in the home for a specified period of time after NEORSD acquires it. This is sometimes the case when homeowners were not anticipating the request to purchase their property, to allow them time to find a new home. In this particular instance, it became a point of negotiation because the owner's asking price was more than the NEORSD offer. NEORSD negotiated a lease agreement wherein the

property owner will stay in the property for only two months, as opposed to the six months frequently negotiated, and will pay \$500 in rent to NEORS D for each of those two months.

President Brown asked whether there will be additional property acquisitions required to complete either of the projects. Mr. Greenland indicated that there will not be.

Authorization to Designate District Holiday

Resolution No. 268-21 Designating Juneteenth National Independence Day, celebrating the end of slavery in the United States, as an additional holiday to be observed by all District employees.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 268-21. Without objection, the motion carried unanimously.

Authorization to Renew

Resolution No. 269-21 Authorization to renew annual software license, maintenance, and support services from Carahsoft Technology Corp. for the District's Salesforce Cloud Software for a term beginning August 23, 2021 through August 22, 2022 in an amount not-to-exceed \$95,054.72.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 269-21. Without objection, the motion carried unanimously.

VI. Information Items

Mr. Gabriel provided the Capital Improvement Program update for July 2021.

Cashflow is starting to increase and should continue to increase through the end of the year with the Shoreline Storage Tunnel in construction.

The Key Performance Indicator (KPI) for completing design within 60 days of planned was met for both the District-wide HVAC Equipment and Systems Upgrades project-Phase 2 and the Pearl/Jennings Road Storage Tanks and Pump Station Upgrade project.

The Easterly and Westerly Low Voltage Equipment Replacement Design-Build project achieved substantial completion within 90 days of planned, meeting that KPI.

The Westerly Grating and Combined Sewer Overflow Treatment Facility (CSOTF) Washdown Replacement project was closed out within 95% of the original contract amount without any change orders and exceeded the KPI for Business Opportunity Program goals.

As for active construction, the Westerly Storage Tunnel (WST) is a 9,600-foot long, 25-foot diameter tunnel. The main mining shaft was on Scranton Road underneath the Abbey Road Bridge. The tunnel transverses to a shaft site by the new Garrett Morgan High School and terminates near the base of the Soapbox Derby track adjacent to the Garrett Morgan Water Treatment Plant. The mining activity was completed in January and the tunnel boring machine has been removed. The contractor will complete cast-in-place final lining at the termination points at Shafts 1 and 3. Currently, the primary focus of the construction has been excavating the diversion structure on Scranton Road at the WST Shaft 3. Mr. Gabriel provided a photograph of the construction and explained that it is a very deep excavation at 60 feet. The excavation is currently 85% complete, once excavation is complete, the concrete subcontractor will cast the structure.

At the WST Shaft 1 site near the Garrett Morgan Water Treatment Plant, the Westerly Tunnel Dewatering Pump Station project is progressing as expected and on schedule. The benefits of the WST include 285 million gallons of CSO reduction.

The contract for the Shoreline Storage Tunnel (SST) was awarded to McNally-Kiewit Joint Venture on May 20, for \$201 million. The Notice to Proceed was issued on July 19. The project includes 14,100 feet of 23-foot soft ground tunnel, three shafts, and associated control structures. The primary mining site is in Forrest Hills Park. Mr. Gabriel provided photographs from the construction site and explained that this is a very large shaft at 66 feet in diameter. There is a specialty subcontractor who will begin working to install slurry walls as the support of earth for this structure, with the goal of getting the walls in place before winter.

Mr. Gabriel invited Bob Auber, Construction Manager, and Karrie Buxton, Construction Supervisor, to provide an overview of the Doan Valley Tunnel (DVT) flow activation, which is now complete.

Ms. Buxton provided a brief summary of the DVT project, explaining that the construction cost was \$145 million. There is over 19,000 linear feet of rock tunnel, three tunnel segments ranging in diameter from 18 feet finished diameter to 8.5 feet finished diameter, and six shaft sites. It is the only gravity-fed storage tunnel in the NEORSD system, meaning there is no deep-water pump station. The main mining site was just outside of the University Circle downtown area.

Mr. Auber noted that NEORSD is ahead of the curve on the major milestones of the flow activation date of September 7. The DVT, Martin Luther King, Jr. Drive (MLK) Conveyance Tunnel, and the Woodhill Conveyance Tunnel (WCT) are completely lined and cleaned of debris. Mr. Auber explained how the tunnel segments connect, demonstrating the DTV-1 and -2, MLK-1 and -2, WCT-3, and the Dugway South Relief Consolidation Sewer Shaft System, which is the downstream terminus of the project where it connects into Dugway South, then migrates north to the Easterly Wastewater Treatment Plant (WWTP). All surface infrastructures are completed and cleaned of debris. All equipment and systems startup, testing, and commissioning are fully completed.

Ms. Buxton provided images from the Giddings Brook Culvert, which is a diversion structure at Ambler Park. It has an 84-inch diameter, and the flow rate is 395 million gallons of CSO per day.

Mr. Auber explained that it is the largest pickup point of the project. The second pickup point is the Woodhill Conveyance Tunnel 2 site diversion structure on Woodhill Road near Baldwin Road. Mr. Auber provided photographs of the project site and explained that the contractor exposed the existing sewer and carefully installed a temporary flume pipe to maintain flow while the structure is being excavated and lined.

Mr. Auber provided photos of the construction site for the Number 11 sewer on Woodhill Road and explained some of the construction process. This pickup point controls 93 million gallons of CSO per day.

Ms. Buxton advised that the Martin Luther King Diversion Structure Number 2 is the third major pickup point. It is located at the intersection of Martin Luther King, Jr. Drive and Euclid Avenue, across from Wade Pond in University Circle. It was an existing 30-inch sewer, similar to the Number 11 sewer. Flow activation at this point was activated on June 16, 2021, and the site collects 88 million gallons of CSO per day. Ms. Buxton provided videos demonstrating dry weather and wet weather flows at this location.

President Brown asked whether there is, in effect, no more CSO overflow to Doan Brook. Ms. Buxton explained that it is anticipated that this design will reduce the CSO overflow events from five major storm events per year to less than one.

Ms. Dreyfuss-Wells clarified that less than one is the anticipated for a typical year. If there is a major storm event, there will still be some CSO overflow.

President Brown noted that the project is a significant investment and asked what it means for the health of the Doan Brook.

Mr. Greenland explained that CSO overflows contain significant amounts of *E. coli*, and this project has essentially eliminated most CSO discharges. Additionally, there is significant reduction in floatable materials and trash ending up in the Doan Brook.

President Brown asked if the project would result in everything going to the WWTP during dry weather and eliminate odors coming from the brook during low-flow conditions. Mr. Greenland explained that there should be a reduction in odors, as odors can come from a number of sources. However, reduction of CSO should have an impact.

Ms. Dreyfuss-Wells added that there are many other local infrastructure issues including sanitary sewer overflows and inflow and infiltration issues, which NEORSD is working to address through its Member Community Infrastructure Program (MCIP).

Mr. Greenland added that in removing the residual flows and combined sewer discharge, the odor issues will be largely alleviated. President Brown added that NEORS D is working through other programs to address those issues.

Ms. Dreyfuss-Wells noted that although NEORS D staff made it look easy, this project was a massive undertaking and offered kudos to NEORS D staff for handling the project and its difficulties remarkably well.

President Brown offered the Board's appreciation and noted that understanding what the outcome and end goal was, this was a great project with significant benefit to the community and added that any time there is that level of construction, there will be challenges. NEORS D was responsive and worked collaboratively with the other agencies and communities to address concerns.

President Brown added it will be interesting to see the impact of the project in the community and he would like to see some community outreach to the community to inform them of the project being completed and how it should help to address residents' concerns.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

There were no items.

IX. Approval of Items from Executive Session

There were no items.

X. 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 1:16 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