

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
SEPTEMBER 2, 2021

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District (NEORSD) 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
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 19, 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 NEORSD's ongoing COVID-19 pandemic response and informed the Board that NEORSD staff has one active COVID-19 case. NEORSD wishes them a full and speedy recovery. There has been a total of ninety-five employees with confirmed diagnoses since the beginning of the pandemic, ninety-four of whom have recovered and returned to work.

NEORSD is a 2021 NorthCoast 99 Award winner. NorthCoast 99 is an annual recognition program that honors 99 Northeast Ohio workplaces for top talent. This is a recognition of how well NEORSD compares to other Northeast Ohio workplaces in terms of attracting, developing, and retaining top performers. Organizations are evaluated on responses to questions about policies and practices for attracting and retaining staff, as well as rating from NEORSD employees. Ms. Dreyfuss-Wells

offered kudos to Elizabeth Brooks, Director of Human Resources, and District staff for this award. President Brown offered congratulations.

NEORSD was awarded the 26th Annual Achievement of Excellence in Procurement for 2021 from the National Procurement Institute, which is an award earned by public and non-profit agencies that demonstrate a commitment to procurement excellence. NEORSD is the only agency in the state and the only special district to win the award. NEORSD has won the award every year since 2015, with the exception of 2017. Ms. Dreyfuss-Wells congratulated Ken Duplay, Chief Financial Officer, Jacqueline Williams, Procurement Services Manager, and their teams for this accomplishment.

NEORSD received the Auditor of State Award with Distinction. The Auditor's Office presents the Award to local governments and school districts upon completion of a financial audit. Entities receive the award when they meet the criteria for a clean audit report, including a report that does not contain findings for recovery, material citations, material weaknesses, significant deficiencies, or findings of questioned costs. NEORSD is proud to receive this award in recognition of its strong financial policies and practices. In the last five years, NEORSD received this award for 2016, 2017, 2019, and 2020. Ms. Dreyfuss-Wells acknowledged NEORSD staff for this accomplishment. President Brown offered congratulations.

Ms. Dreyfuss-Wells provided an update regarding the Ohio Wastewater Infrastructure Grant Program which provides for \$250 million statewide from the American Rescue Plan Act. NEORSD submitted six applications to the Cuyahoga County Engineer and the State of Ohio for their consideration under this program. The County released its list of ten priority projects which includes the Brookside Culvert Repair, a \$12 million project. This will then go to the Ohio Department of Development and the Ohio EPA for their selections statewide. Ms. Dreyfuss-Wells provided the list of ten priority projects that the Cuyahoga County Engineer submitted for review at the state level and explained that there is significant crossover between that list and the Member Community Infrastructure Program (MCIP).

Ms. Dreyfuss-Wells provided additional information in follow-up to President Brown's question from the August 19, 2021, Board of Trustees meeting, wherein he inquired as to the impact of the completion of the Doan Valley Tunnel to the Doan Brook. In conjunction with other upstream improvements, it is anticipated that the Tunnel will prevent 360 million gallons of combined sewer overflow (CSO) from entering the Doan Brook annually. This will result in an immediate improvement in water quality with less bacteriological and pathogen loading during wet weather.

Following the completion of the Mill Creek Tunnel, which prevents 500 million gallons of CSO annually from entering Mill Creek, the Watershed Programs Department studied the health of the fish and macroinvertebrate community in Mill Creek and found that they had improved to the point of meeting Ohio EPA Biological Water Quality Criteria, as a direct result of the CSO reduction.

Similar to Mill Creek, Doan Brook has a range of problems including channelization, long culverted sections, high impervious area throughout the watershed, and barriers such as the Horseshoe Lake dam. The removal of the 360 million gallons of CSO is a significant improvement but work still remains. Future projects will include local infrastructure improvements through the MCIP, stream restoration and habitat improvement.

President Brown thanked Ms. Dreyfuss-Wells for the information and added that it provides perspective as to what changes may be expected in the area to improve unpleasant conditions that were common following rain events.

V. Action Items

Authorization to Advertise

Resolution No. 270-21 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for a 2-year requirement contract for sodium hypochlorite solution at all Wastewater Treatment Plants with an anticipated expenditure of \$1,160,000.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 270-21. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 271-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for a one-year maintenance services and support contract with an authorized Honeywell Certified Partner for the District's access control and video surveillance security systems hardware and software at GJM, EMSC, and all Wastewater Treatment Plants.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 271-21. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 272-21 Authorization to purchase internet access services for GJM, EMSC, and all Wastewater Treatment Plants from AT&T Corporation for a three-year term beginning September 2021 in an amount not-to-exceed \$128,203.20.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 272-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 273-21 Authorization to enter into agreements with Member Communities to fund the respective eighteen Member Community Infrastructure Program projects presented for the 2022 round of funding, in the total amount not-to-exceed \$15,000,000.00.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution No. 273-21. Without objection, after the following discussion, by roll call vote, the motion carried with all present members voting yes and recusal from discussion and abstention from voting by President Brown, Ms. Dumas, and Mayor DeGeeter.

President Brown noted that this relates to the \$15 million that was designated for MCIP projects. Frank Greenland, Director of Watershed Programs, explained that these are the 2022 MCIP awards and \$15 million was authorized in the rate study. Some of the projects are for design and construction services and some are design only to get the member communities prepared for the construction phase to follow.

Mr. Greenland provided graphics demonstrating the various design and construction awards and explained that there are different types of projects, including SSO control, septic removals, and other types of sewer enhancements, totaling almost \$14 million in awards.

Mr. Greenland then provided a graphic demonstrating the projects that are design only awards and explained that Warrensville Heights is new to the program. Following completion of the design phase, they will potentially be able to receive grants for the construction funding. The design projects total approximately \$1 million and are spread across the service area.

Authorization to Enter Into Contract

Resolution No. 274-21 Authorization to enter into a two-year requirement contract with Ohio Bulk Transfer Co. for grit and screenings removal services at all Wastewater Treatment Plants in an amount not-to-exceed \$967,791.16.

Resolution No. 275-21 Authorization to enter into a five-year print management services contract with Meritech, through the OMNIA Partners cooperative purchasing program, to provide printing services, multifunctional copier leases, equipment maintenance, and repairs and supplies

necessary to support business functions at all District facilities in an amount not-to-exceed \$594,925.80.

Resolution No. 276-21 Authorization to enter into a construction contract with S.E.T., Inc. for the Chippewa Creek Bank Stabilization at Route 21 in Brecksville project in an amount not-to-exceed \$1,439,365.00.

Resolution No. 277-21 Authorization to enter into a one-year requirement contract with Polydyne, Inc. for the delivery of up to 719,000 pounds of liquid emulsion polymer solution to all Wastewater Treatment Plants and including two one-year District options to renew the contract, in an amount not-to-exceed \$2,046,274.00 in year one.

MOTION – Mr. Joyce moved, and Ms. Dumas seconded to adopt Resolution Nos. 274-21 through 277-21. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 278-21 Authorization to amend Agreement No. 21001201 with Blackline Safety Corp. for the Portable Gas Meter Replacement and Implementation Project by extending the term of the agreement for an additional one-year period and increasing the agreement amount by \$250,000.00, thereby bringing the total agreement amount not-to-exceed \$600,000.00.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 278-21. Without objection, the motion carried unanimously.

Authorization to Assign Agreement

Resolution No. 279-21 Authorization to assign Agreement No. 17006785 with CH2M Hill Engineers, Inc. to Jacobs Engineering Group, Inc. for engineering professional services in support of the Regional Stormwater Management Program's Stormwater Construction Plan under the Stormwater General Engineering Services 2 agreement, due to a company acquisition, with all current terms and conditions of the agreement to remain unchanged under the assignment.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 279-21. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 280-21 Authorization to acquire one permanent sewer easement and one temporary easement at the property known as PPN 009-32-001, located at 4160 Jennings Road, in the City of Cleveland, owned by Anatoliy Stepanovich Dzhigun, necessary for the construction and maintenance of the Pearl Road and Jennings Road Storage Tanks project with total consideration of \$493.00.

Resolution No. 281-21 Authorization to acquire one permanent stormwater easement at the property known as PPN 581-31-005, located at 8663 Broadview Road, in the City of Broadview Heights, owned by Mary T. Pinchak, necessary for the construction and maintenance of the Chippewa Creek Stream Stabilization Near Broadview Road project with total consideration of \$5,000.00.

Resolution No. 282-21 Authorization to acquire three parcels in fee simple known as PPNs 281-24-001, 281-24-002, and 281-24-003, located at 26855 Bagley Road, in the City of Olmsted Falls, owned by Donald F. Bartz, Successor Trustee of the Carl F. Bartz, Jr. Revocable Trust Under Declaration of Trust dated March 29, 1995, necessary for the construction and maintenance of the Bagley Road project, to enter into an Assignment and Assumption Agreement with the Western Reserve Land Conservancy, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC. with total consideration of \$550,000.00 plus closing costs.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 280-21 through 282-21. Without objection, the motion carried unanimously.

Authorization to Pay Dues

Resolution No. 283-21 Authorization to renew the District’s Water Research Foundation (WRF) subscription for 2021-2022 in the amount of \$111,201.20.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 283-21. Without objection, the motion carried unanimously.

VI. Information Items

Mr. Greenland provided an update regarding the Regional Stormwater Management Program (RSMP), beginning with the Stormwater Inspection and Maintenance (SWIM) Group.

The SWIM Group spends significant amounts of time in the field attempting to identify and avert problems across the service area before storms occur, such as failing culverts and gross erosion threatening infrastructure.

Mr. Greenland provided a graphic demonstrating the 124 projects performed to date. Most of the maintenance involves removal of woody timber and debris from culverts, and sometimes removal of sediment.

Mr. Greenland advised that rainfall is down slightly from last year, with less pervasive rain events compared to last year.

Regarding technical support, the remaining areas of the Master Plan, the Chagrin River and Lake Erie Tributary Master Plans are nearing completion. The estimated costs are unknown at this point but expected to be significant, likely more than the Cuyahoga River South and Rocky River, yet less than Cuyahoga River North, possibly in the \$300 to \$400 million range. The field work and modeling has been performed, problem areas and recommended solutions have been identified, and the reports are being drafted. NEORSR will continue working with its outside consultant to continue to manage the models for all of the Master Planning areas for a period of time, then will take control of that function.

The next steps from Master Planning can either be detailed design or advanced planning. For example, Big Creek is a \$36 million project, meaning that there is significant information needed to better understand the project, how construction will occur, and how to best phase construction.

There will be requests to the Board to approve advanced planning once all of the Master Plans are complete. There are very large project recommendations in some areas, which will need to be appropriately phased.

President Brown asked whether the phasing is based on achieving the greatest impact on the facility in the project. Mr. Greenland explained that the phasing is twofold, achieving impact and having cashflow to fund the project. For example, NEORSR does not have the \$36 million required for the Big Creek project in a single year budget, rather, there is approximately \$20 million available, so construction will have to be phased.

Several of the large projects take time to reach completion, requiring planning in incremental steps. For example, cleaning the culvert at Doan Brook increased service from a two-year storm to a ten-year storm level of service. These types of opportunities are sought out when phasing a project.

Property acquisitions have been going well this year overall. There have been some delays due to COVID-19, and there are occasional difficulties in obtaining easements and properties. Nearly

every project requires easements or property acquisitions in order to be completed. Mr. Greenland expressed appreciation to NEORSD staff working on those issues.

Mr. Greenland provided a graph demonstrating cashflow budget and actual spending beginning in 2016. Spending increased annually and in 2019, there was a concern that the budget may be exceeded. In 2020, due to COVID-19, \$6 million was removed from the budget because of revenue collection concerns, and 2021 will be similar in terms of projections at the end of the year.

Major factors that impact cash flow include property acquisitions and permit-related issues. If NEORSD is unable to acquire a property or easement, it can delay a project. The loss of a property acquisition can result in lost cashflow and resulted in a \$1 million loss in cashflow this year.

Similarly, COVID-19 caused some permit-related issues for NEORSD and member communities. For example, the inability to obtain bat surveys and permits from the Ohio Department of Natural Resources (ODNR) caused delays on community run projects to which NEORSD is contributing.

Scheduling large projects within the \$20 million to \$21 million annual construction budget is challenging. Now that the Master Plans are complete, NEORSD will seek to authorize a second advanced planning contract and find opportunities to complete the project phases more quickly, to identify good projects that have minimal easement and acquisition needs. The intent is to design projects in such a way to be able to add projects to increase cashflow for a given year and to seek out ways to take corrective measures to overcome permitting and property issues. For example, the property acquisition associated with Resolution No. 282-21 is part of advanced planning and essential to the completion of a future project.

Ms. Dumas asked for additional explanation as to how the loss of an easement could result in the loss of \$1 million. Mr. Greenland explained that there were problems in many communities but in particular, there was a \$2 million to \$2.5 million project that NEORSD was struggling to obtain a permanent and temporary easement in order to complete. NEORSD has since obtained the easements, however, the anticipated project and project costs did not begin, meaning that the anticipated \$500,000 to \$1 million in costs transfers to the next year's budget.

President Brown asked if, in general, the cost to furlough a project to the following year is a 10% to 15% increase in costs for escalation. Mr. Greenland explained that while it is currently a good bidding environment, there can be escalation, whether property costs or other issues, which can cost NEORSD money.

Some construction projects that were delayed are coming to the bid phase and there are projects in the design phase that will be coming to bid, such as the West Creek project with an estimated cost of \$16 million, that has received some grant funding. This will lead to an escalation in construction spending similar to what was seen in 2017, through 2019.

Mr. Greenland offered examples of projects that are currently in the design phase including Bear Creek in North Randall, which has significant culvert issues that are causing constriction. It is expected to begin construction next year at a cost of \$1.1 million. It will require easements on parcels but no land acquisitions. Mill Creek will be the first of a series of projects to address culverted streams in the service area.

Mr. Greenland provided before and after photographs of the Big Creek at Ridge Road project, wherein the stream was moved because it was threatening the roadway. Likewise, Pepper Luce Creek was moved. Both projects required easements and property acquisitions.

The RSMP overlaps with member communities and local stormwater issues. For example, the Kalida Ditch was constructed in Brook Park, in a highly impervious area with common trench sewers and no stormwater control measures. This is common in Northeast Ohio in areas where much of the development took place between 1950 and 1979, as there were not many stormwater regulations in place prior to 1980. The City of Brook Park requested that NEORSD evaluate the issues associated with the Kalida Ditch. George Remias, Manager of Stormwater Strategic Support, is working with the community and NEORSD is extending its regional models to assess these types of areas to assist the communities in remediation through the Community Cost-Share Program.

Regarding environmental monitoring, Justin Telep of WQIS had an idea to translocate fish from the Rocky River drainage area into the Plum Creek drainage area. Plum Creek is a tributary to the Rocky River, and it previously had very poor water quality which negatively impacted the aquatic community. The activation of the Southwest Interceptor led to the improvement of the water quality. The chemistry suggests that the water should now be supportive of the fish population. NEORSD has partnered with the Ohio Division of Wildlife, Ohio EPA, Cleveland Metroparks, and Ohio State University to stage this effort to collect, tag and release fish and assess whether they successfully recolonize the area.

As for the Community Cost-Share Program, the account balance is almost \$32 million. Of that, \$7 million is in executed project agreements, \$3 million is in project agreements that are in progress, and \$9 million is in allocation agreements allowing member communities to accumulate funds to complete larger projects over multiple years. There is \$12.5 million that is currently not obligated. NEORSD is continuing to work with member communities to assign those funds to projects. There was a decline in project spending in 2020, however, an uptick is anticipated.

President Brown thanked Mr. Greenland for the information and added that at the onset of the Community Cost-Share Program, it took some time to get up to speed in terms of completing assessments and design work. As more projects are added to the program and some are significant requiring phasing over a span of years, it may become necessary to review the funding level and strategies surrounding the programming, design, and funding of projects in the near term. Many of the projects relate to problems that have been known for as long as 15 to 30 years and communities

have been living with the erosion or storm flooding issues for extended periods of time. It may be helpful to perform a big-picture analysis.

Mr. Greenland explained that NEORSD is taking action and a discussion should be had at some point in the future. At the onset of the RSMP, the intent was to complete the Master Plans to establish the long-term goals of the construction program and NEORSD has done that with the first five-year period completed. The completion of the projects arising from the Master Plans will require an enormous sum of money. The roughly \$20 million construction budget baseline will change from year-to-year dependent on previous year performance, potentially require utilizing funding from reserves, and at times, construction activities will slow.

With the completion of the Master Plans, the professional service charges will decline, providing more funding for construction. Additionally, the rate study provided additional revenue that can be used to advance construction. NEORSD is always looking to utilize grant opportunities.

President Brown noted the importance of seeking out grant opportunities and other methods of funding to have projects prepared to go into construction quickly and to advocate for federal funding dollars, as these are issues of national concern.

Mr. Greenland added that NEORSD is as well positioned as anyone in the nation in terms of Sanitary Sewer Evaluation Survey activities and Regional Stormwater Master Planning and is cognizant of infrastructure bills and other legislation involving wastewater and stormwater funding. NEORSD is well positioned to reap the benefits of construction grant funding and will continue to mine for additional resources.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22(G)(3) and (G)(6), moved, and Mr. Sulik seconded to enter into Executive Session to consult with District legal counsel concerning disputes involving NEORSD that are subject to imminent court action; and to discuss details relative to NEORSD's agreements and emergency response protocols, the disclosure of which would reasonably be expected to jeopardize NEORSD security. By roll call vote, the Board voted unanimously to enter into executive session at 1:20 p.m.

The Board returned to open session at 2:14 p.m.


IX. Approval of Items from Executive Session

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| Resolution No. 284-21 | Authorization to enter into a Stormwater Project Cooperation Agreement with the City of Shaker Heights to contribute District Regional Stormwater Management Program funding toward design and construction costs for the City's emergency partial breach of Horseshoe Lake Dam under the City's Doan Brook Restoration Near Horseshoe Lake Park project in an amount not-to-exceed \$200,000.00. |
| Resolution No. 285-21 | Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for pre-design services for the Doan Brook Restoration near Horseshoe Lake Park project. |
| Resolution No. 286-21 | Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for Security Project Initiative, project #458. |

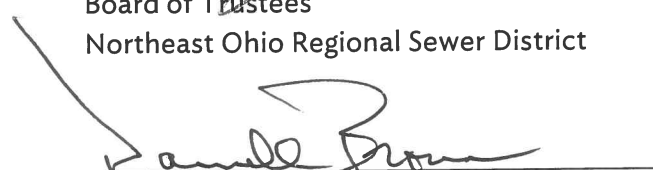
MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution Nos. 284-21 through 286-21. Without objection, the motion carried unanimously.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mayor Alai seconded the motion to adjourn at 2:17 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