

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
SEPTEMBER 18, 2008

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:31 p.m. by Mr. Brown.

I. Roll Call

PRESENT: D. Brown  
T. Longo  
G. Starr  
R. Sulik  
S. Kelly  
A. Liberatore

*Mayor DePiero was absent.*

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

II. Approval of Minutes

**MOTION** – Ms. Kelly moved and Mr. Liberatore seconded that the minutes of the September 4, 2008 Board meeting be approved. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia advised the Board that Mr. Richard Jones registered to speak on the topic of fraud, and Mr. Norman Edwards registered to speak on the hiring of diversity personnel and misquotes. Mr. Brown asked Executive Director Ciaccia if these topics were specific to agenda items. Executive Director Ciaccia advised that there are no agenda items related to fraud, and that the agenda does not include topics specific to the hiring of diversity personnel and misquotes. Executive Director Ciaccia advised that one (1) agenda item pertains to the District's Diversity Inclusion Program. Mr. Brown granted the request for Mr. Jones and Mr. Edwards to speak at the first Public Session even though each topic was not related to any specific agenda items. Mr. Brown advised Mr. Jones and Mr. Edwards that each had five (5) minutes to address the Board.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 2 of 26

Mr. Edwards indicated that he needed to “go over a couple of items.” He stated that the District hired Adrian Maldonado and Tiffany Jordan regardless of his request to not hire these two (2) individuals. A letter was sent out pertaining to Adrian Maldonado and his company Logik which was affiliated with another company called New Era Construction owned by Joe Lopez. Mr. Edwards advised that Mr. Lopez’s wife is the vice president for Logik Construction. Mr. Edwards stated that “there was a quote by Mr. Bucci that stated that Adrian had not done any work prior to certain dates...and this was from September 4<sup>th</sup> ...that he was unable to determine...he said that the school district...I made a quote when I was here that Adrian Maldonado was doing \$20 million worth of work with Logik. If you factor in New Era Construction—Logik Construction, New Era Construction, they’re all in the same building in Willoughby Hills...and same part of the entity.” Mr. Edwards asked why the District would hire a diversity consultant that does work for himself and does not “give minorities contracts with Cuyahoga County,” and he indicated that he had a “severe problem with that.”

Mr. Edwards stated he had a quote from Deputy Director F. Michael Bucci, whom he stated he did not know. According to Mr. Edwards, Mr. Bucci indicated that he “determined that Adrian Maldonado did have a contract with the Cleveland public schools for eight thousand dollars and change, and prior to the date of 2007, Adrian Maldonado had not done any work.” Mr. Edwards advised that he had in his possession a contract signed by Mr. Maldonado with the school board prior to December...June 2007.” Mr. Edwards stated that they are “only getting half of the story...half of what Executive Director Ciaccia wants to be known here.”

Mr. Edwards alleged that the “fraud continues” and questioned why the District would hire “with our tax dollars...” He asked Mr. Brown if the Board approved the hiring of Adrian Maldonado and Tiffany Jordan. Mr. Brown stated that a resolution was approved by the Board to authorizing the District to enter into contract with Adrian Maldonado. Mr. Edwards stated that “we asked for that not to go through, and this was not taken into consideration...with all that is going on over in the County now and the FBI investigation.” Mr. Edwards advised that he “wrote to the U.S. Attorney General and they have seized records from the OEO office.” He stated that his name is “Norman K. Edwards, the “K” is in the middle, and you can call over to William Edwards, U.S. attorney’s office and they will confirm it.” He turned to Executive Director Ciaccia and stated that “you like taking notes and doing research, research that.” Mr. Brown inquired as to which OEO office. Mr. Edwards stated “for the County...let me go back a little bit...let me go back just a little bit.”

Mr. Edwards stated that the County had set guidelines for \$28.5 million and that was a “check for small business enterprises” (hereinafter “SBE”), and he advised that he had a copy of this agreement in his possession. Furthermore, Mr. Edwards indicated that he had a copy of Dominic Ozanne’s tax records going back to 2000. He alleged that Ozanne

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 3 of 26

Construction is one of the largest minority contractors in the U.S., averaging \$70 million to \$80 million annually in construction projects "over the past 10 years." Mr. Edwards indicated that he had documents from Mr. Maldonado and Ms. Jordan that falsified Dominic Ozanne's information so he could obtain SBE certification with the County. He alleged that Mr. Maldonado and Ms. Jordan misrepresented Ozanne Construction as earning \$4.1 million in construction projects and "each one of these years he did over \$60 million, and I have confirmation and it's all legitimate." Mr. Edwards asked Executive Director Ciaccia if he was taking notes and stated that he knows how "you like to do research." Mr. Brown requested that Mr. Edwards address his comments to the Board.

Mr. Edwards stated that "it is very sad that we brought the fraud and corruption from the City of Cleveland" to the District, "and then you hire someone, they're not diversity specialists...I've been out fighting for five (5) years. I've been fighting Adrian Maldonado. Why would you hire somebody that was doing work as an SBE with the County? Then you bring in his protégé, Tiffany Jordan, that worked under him and they're being investigated by the U.S. government." Mr. Edwards inquired if any Board members checked into the allegations, or are they implying that "Norm Edwards is cuckoo...because I'm not." Mr. Edwards stated that this should not "reflect back on the tax payers for the mistakes that are still being made here. They should not be hired here. They are not qualified here. You don't need a company...you're doing business as an SBE and not giving black and minority companies business...and you got a company that you're doing work under?" Mr. Edwards alleged that Mr. Maldonado is "pushing work for New Era and his wife is the vice president! This makes no sense at all! As a black man, as an African-American, tax-paying citizen, this is totally absurd!" Mr. Edwards exclaimed that they are "not qualified to work here! There is a big investigation going on with the County...what was the need to hire them, right away?" Mr. Edwards stated that he would give the District "free advice on how to get it right." He indicated that he is not looking for money and that the District needs a solution and "they're not the solution."

Mr. Brown asked Mr. Edwards if he would be willing to share copies of the documents to which he was referring with the Board. Mr. Edwards stated that he will share them with his lawyer because everything "gets twisted." Mr. Edwards indicated that he would attend a meeting with his attorney and a Board representative and this way it will be "fair and will not be lost or get twisted." He does not want the documents to become "misconstrued." Mr. Brown requested clarification as to whether Mr. Edwards will provide the Board with a copy of the documents and Mr. Edwards stated "yes".

Mr. Edwards stated that he had documents from the MBEA in Chicago about its inclusion, and they have a Metropolitan Business and Exposition Authority (MBEA) which established a 25% goal. Mr. Edwards claimed that he discussed this with Executive Director Ciaccia and Director of Administration and External Affairs, Constance Haqq. Mr. Edwards stated to Ms. Haqq, "shame on you, you know better,

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 4 of 26

shame on...the same people that sat down...you just threw away some more of our tax money for nothing! There is going to be no changes!"

Mr. Edwards declared that you had a "form, a sign-in sheet from the City of Cleveland, and your name is on there...from 2005, and it has there the minority contractors...you signed there Mr. Brown, Executive Director Ciaccia's name is in there, you can have somebody come here to verify it now...and this was in 2005..." Mr. Brown requested that Mr. Edwards state his claim. Mr. Edwards indicated that they requested a meeting with Mayor Campbell, the Port Authority, the County and other entities to discuss diversity and inclusion. There were approximately 20 representatives in the meeting. Mr. Edwards inquired if Mr. Brown recalled this meeting wherein Mr. Brown indicated that he did. Mr. Edwards stated that at this meeting he asked for African-American and minority inclusion. Mr. Edwards indicated that he asked Executive Director Ciaccia, during his tenure with the City of Cleveland, "how do I get some of my people on the jobs that they had with the same people getting the utility contracts and not putting any black workers...and the subcontracting...we are at a disadvantage with the bonding that is very, very true, but we have tons of capable workers and subcontractors that are still being denied the opportunity. And Executive Director Ciaccia is well aware of this."

Mr. Edwards stated that he had one (1) more item for discussion. In 2005, he wrote "a letter...allegations were made that I didn't do this, that, or the other. I have another letter from the Director, at that time, back from January 27, 2005, from William Schatz, General Counsel, saying pass-throughs and fronts. Ms. Haqq, right there, was at that meeting. I hate to be ostracized and made into an idiot because I am not. I'm not going to fall. I'm not going to go away. I demand the changes. If the Board has to resign, let them resign. Executive Director Ciaccia is not the person, nor is Ms. Haqq, nor is Adrian Maldonado, and nor is Tiffany Jordan." Mr. Edwards questioned "why would you hire somebody in the midst of a FBI investigation, and they have seized records from his office? Why was it so imperative to hire him? Who made Adrian Maldonado the most qualified? How does Executive Director Ciaccia know who is the most qualified, and Ms. Haqq, when they assisted Mr. Schatz? They assisted Mr. Schatz in the fraud and the corruption! You were right there!" Mr. Brown questioned if Mr. Edwards was finished and informed him that he exceeded the five (5) minutes allotted to him for discussion. Mr. Edwards stated that he likes to discuss these issues "on the record."

Mr. Edwards requested more time to discuss one (1) more item, which was granted to him by Mr. Brown. Mr. Edwards stated that Board member, Mr. Sulik, "is an accountant, and his expertise is as an accountant – public and private, budgeting, cost analysis, and financial planning. How is this being used to assess? Does the Board have any say-so or do we have Hitler as a dictator running the show here? Somebody help me because I'm on the slow bus! I only went to the third grade. There is a definite problem here. Executive Director Ciaccia is not the solution! Adrian Maldonado is not the solution!

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 5 of 26

Tiffany Jordan is not...if we want a change, you can sit down with me. I'll give you all the information for free on how to change it, and how to put black and minorities to work, but they don't want that. They don't want that." Mr. Brown interjected, "thank you, Mr. Edwards, for your comments."

Mr. Brown again requested that Mr. Edwards share his documents with the Board. Mr. Edwards advised that there is "lawsuit that is coming on behalf of the Black Contractors Group" so the District will receive the records.

Mr. Edwards shared with the Board that he had in his possession the lawsuit that Executive Director Ciaccia advised was not pending in federal court pertaining to the Project Labor Agreement (hereinafter "PLA") at the County and Metro Hospital. There was some mediation on this issue. Mr. Edwards stated that he was just at the County's meeting prior to coming to the District's Board meeting. Mr. Edwards informed the Board that the County no longer uses PLAs, and "they took the collective bargaining agreements out, you cannot have them in there now. You can have a single job meaning that you sign just for that one (1) job. We came to an agreement in federal court to remove it because we were satisfied that our guys would not have to stay in the union, if they didn't want to, so it is on a per job agreement. Executive Director Ciaccia made it seem like it was dismissed...it was this, it was that, it was reached at an amicable agreement with the attorneys." Mr. Edwards advised that he came to the meeting to "tell the other half of the story."

Mr. Edwards advised that he had 16 boxes of documents pertaining to the District. He stated that Mr. Brown and the Board members are intelligent. He asked if somebody could help him understand "why it was that imperative to hire Adrian Maldonado that was doing business with a company, that is now retired from the County, and Tiffany Jordan with no experience at all. I mean I have been used as a puppet, and I'm gone and I appreciate your time." He stated that the District is still "giving money away."

Mr. Brown reiterated that if Mr. Edwards was in possession of documentation that corroborates his statements from this meeting, then this Board is desirous of obtaining a copy of said information. Mr. Brown stated that Mr. Edwards claims he is in possession of documentation that the Board "has no knowledge of." Mr. Edwards stated he will not provide the Board with certain documents due to the pending lawsuit, but will allow the Board to view the documents and exclaimed that Ms. Haqq has the documents because she was in the meeting with himself and Mr. Schatz.

Mr. Brown again requested that Mr. Edwards provide the Board with any documents that support Mr. Edwards' allegations so the Board may be able to conduct its own due diligence. The Board can only make decisions on issues that they have knowledge of. Mr. Brown indicated that if Mr. Edwards possesses documents that could form or shape

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 6 of 26

the Board's opinion or serves the interest of this Board and District, then the Board is interested in reviewing this information. Mr. Edwards stated that he does not "trust the Board." Mr. Brown stated that he is requesting a "copy" of the documents, not the originals.

Mr. Edwards stated that Mr. Brown has been "going back and forth with the City of Cleveland on diversity issues," and that he is "totally stumped" to be here and that this is even being discussed today. Mr. Edwards claimed that he advised the District that he was willing to help the District go in the right direction and that these people are not going to help them get there.

Mr. Brown stated that he does not have any documentation or evidence, but Mr. Edwards claims to have information supporting his claims. He again requested that Mr. Edwards provide the Board with a copy of said documentation. Mr. Edwards explained that this will need to be handled with attorneys present, on neutral turf. Mr. Edwards stated that he will allow the Board to view the documents under these circumstances; therefore, they cannot be misconstrued. Furthermore, Mr. Edwards declared that this matter was going to be filed in court; therefore, the District will be receiving a copy of it as well.

At this point, Mr. Richard Jones addressed the Board. Mr. Jones informed Board members that he was present at a Board meeting approximately four (4) weeks ago wherein Mayor Starr requested he provide the Board with documentation. Mr. Jones stated that he unfortunately had some auto issues and was unable to attend the September 4, 2008 Board meeting. Mr. Jones advised that he wanted to give a brief overview of the documentation he will be turning over to Mayor Starr.

Mr. Jones stated that on behalf of Reverend Al Sharpton, National Action Network, and himself he was present to discuss the topic of fraud and this does relate to the Board meeting agenda, more specifically Resolution No. 226-08, authorization to award a contract to Kenmore Construction. Mr. Jones stated that Kenmore Construction was "involved in the Nate Gray fiasco." He questioned "why are companies involved, with shady characters, who have decimated this community, getting contracts to do work with taxpayers money?"

Mr. Jones stated two (2) weeks prior he addressed the company Camp Dresser McKee (hereinafter "CDM"). Mr. Jones indicated that he had a "background of all their shady dealings, and 90% of these dealings involved minority companies. This was a concerted effort to seek out urban environments and to rip them off."

In response to allegations made by Executive Director Ciaccia, Mr. Jones stated that he "sat down with the federal prosecutor" and included in Mayor Starr's packet is the testimony of Ronnie Joel who testified that when he came to Cleveland, among other

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 7 of 26

things, he was told by Executive Director Ciaccia to hire Nate Gray. Mr. Jones advised that he and his organization's attorney spoke to Mr. Joel on the telephone. Mr. Jones stated that the chief question asked was "are you sure he mentioned the name Nate Gray?" Mr. Joel indicated that he 'never heard of Nate Gray.' Mr. Jones stated that the second question asked of Mr. Joel was "did Executive Director Ciaccia sue you?" According to Mr. Jones, Mr. Joel stated "No" and that to date "he had not been sued by Executive Director Ciaccia."

Mr. Jones alleged that the federal government provided him with information that Indians tickets and "other things were given to Executive Director Ciaccia by Nate Gray. That information and testimony is also included in this packet."

Mr. Jones stated that "we spoke about Mississippi and the bribery of the government of Mississippi for Katrina contracts." Mr. Brown requested Mr. Jones define "we" wherein Mr. Jones stated "we" is the National Action Network. Mr. Jones continued and stated that included in the packet "is some information regarding Mississippi and the bribery of the governor of Mississippi. There is also an administrative order from the state of Florida regarding the bribery of the mayor of Kissimmee, Florida." Mr. Brown requested Mr. Jones elaborate on the information. Mr. Jones stated that "there was an investigation done by the state of Florida regarding the mayor of Kissimmee, Florida and certain things he received from CDM employees which led to a contract."

Mr. Brown referred to the previous comment made by Mr. Jones regarding the governor of Mississippi. Mr. Jones stated that "the governor of Mississippi...a republican lobbying firm, within days of huge amounts of money being transferred to this fund, they received contracts, CDM did, in the hurricane region of Katrina. They subsequently received contracts in Afghanistan and Iraq."

Mr. Brown inquired if these are ongoing investigations. Mr. Jones stated that "most of these investigations have been terminated or they are finished, but there are CDM employees involved in each and every one of these allegations."

Mr. Brown asked Mr. Jones to elaborate on the outcome of the aforementioned investigations. Mr. Jones stated that "most of the time it was prison for these allegations, but they all involved CDM and CDM's employees." Mr. Jones stated that "we don't believe this company should be receiving taxpayer's dollars anymore, certainly not Kenmore. I don't understand how Kenmore was able to slip in there."

Mr. Jones stated that he reviewed the minutes from the September 4, 2008 Board meeting, and incorporated into the meeting minutes was that Mr. Maldonado had "a company and got it registered in December." Mr. Jones stated that he went to the school board and obtained proof indicating that "Mr. Maldonado was receiving and billing the

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 8 of 26

city and the school district for work in July 2007.” Mr. Brown asked “the city?” Mr. Jones stated that the “city controls the schools, Mayor Jackson controls the schools” and National Action Network considers that as “being one in the same.” Mr. Brown advised Mr. Jones that Mr. Maldonado would not be billing the city for this work.” Mr. Jones made the correction and stated that “he was billing the schools, but the point is that it is a clear conflict of interest.”

Mr. Jones stated that he had a meeting with Executive Director Ciaccia and Ms. Haqq. As a result from the meeting’s discussions, Mr. Jones was under the impression that “what happened in the past was a part of the past,” and that the District “wanted to move forward and correct the problems of the past in an ethical manner.” Mr. Jones stated that a few days later the Board allowed Executive Director Ciaccia and George Forbes to “declare war on our organization.” Mr. Jones stated that they “are very offended” and plan to “fight that every step of the way.” Mr. Brown stated that he did not understand what Mr. Jones was referring to. Mr. Jones stated that Executive Director Ciaccia and George Forbes “attacked our integrity.” Mr. Jones stated that he met with Executive Director Ciaccia and Ms. Haqq and “was attacked for 45 minutes.”

Mr. Brown requested Mr. Jones clarify the connection between the District and George Forbes. Mr. Jones stated that Executive Director Ciaccia spoke with George Forbes to obtain his opinion of the allegations made by the National Action Network. Mr. Jones accused Mr. Forbes as being the “biggest crook in the City.” Mr. Jones stated that National Action Network did not “like what he did to us and Ms. Haqq...these people have been employed here for years. These same problems have continued for years and years. Now you bring in more crooks.”

Mr. Jones stressed that Reverend Sharpton wanted him to discuss Executive Director Ciaccia’s position of authority with the Cleveland Water Department going back to the Kucinich administration. Mr. Jones questioned “how is it possible that two (2) associates of the Gambino crime family...one of them controlled a Cleveland water plant...and the other one was doing business with the City of Cleveland. This is the same man who helped his brother bootleg the “Deep Throat” porno film in 1972. Both of these individuals are in federal prison for dealings with the City of Cleveland...Gambino crime family associates.”

Mr. Jones added that when Executive Director Ciaccia “was alleged to be taking bribes from Nate Gray, his lawyer was a mob lawyer. The mafia boss of Cleveland, his son, his law partner defended Executive Director Ciaccia. Mr. Jones declared that he wanted an answer from the Board to this question, if Executive Director Ciaccia was in charge, “how was it possible that two (2) associates of the Gambino crime family were able to get in charge of Cleveland Water assets?”



BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 9 of 26

Mr. Jones informed Mayor Starr that he “brought the copies of the documentation” in which he promised, and Mayor Starr thanked Mr. Jones.

Mr. Brown inquired if any members of the Board or District staff had questions for either Mr. Jones or Mr. Edwards.

Mayor Starr asked Executive Director Ciaccia why the District needed to hire Tiffany Jordan and Adrian Maldonado. Executive Director Ciaccia stated that the District was reviewing its existing Minority Business Enterprise (hereinafter “MBE”) and Women’s Business Enterprise (hereinafter “WBE”) program with the Ethics Committee. It was determined that the District implement a SBE program model. The County had previously established an SBE program under Mr. Maldonado, and staff determined that Mr. Maldonado and others familiar with the SBE program model would be a good resource for the District because of their experience.

With regards to Contract Compliance Manager, Tiffany Jordan, Executive Director Ciaccia explained that it was the District’s intent to hire a Contract Compliance Manager to monitor the District’s subcontracting program. The District advertised for the position and many applicants applied. An interview panel and process was established. The candidates were interviewed, and the panel recommended Ms. Jordan as the most qualified candidate for the position. Executive Director Ciaccia authorized hiring Ms. Jordan.

Mayor Starr inquired if the Board approved the hiring of Ms. Jordan wherein Executive Director Ciaccia advised that the Board does not approve the hiring of the aforementioned position; rather it is under the purview of the Executive Director.

Mayor Starr inquired as to the amount of Mr. Maldonado’s contract with the District in which Executive Director Ciaccia indicated that his contract is on a “task basis” not to exceed \$72,000, and the District was unsure as to how often the District will be utilizing Mr. Maldonado’s services.

Mayor Starr inquired as to the number of consulting firms that submitted Requests for Proposal (hereinafter “RFP”) or were solicited by the District for this project. Director of Law, Marlene Sundheimer, informed Mayor Starr that the District looked into several consulting firms, and the District was desirous of obtaining a consulting firm that would assist with the administration of its disparity study. Mr. Maldonado was hired for his advice, expertise and experience with the county and for his knowledge pertaining to disparity studies.

Mayor Starr inquired as to the number of firms that submitted RFPs for this project. He questioned if there were five (5), or ten (10), and wanted to know how many RFPs the

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 10 of 26

District received in addition to Mr. Maldonado's proposal. Ms. Sundheimer stated that staff reviewed two (2) additional proposals from consultants. Mayor Starr requested these firms be identified. Ms. Sundheimer replied that the District looked at proposals from Charles Burkett and the Urban League to determine whether their services could assist the District.

Mayor Starr questioned if staff was desirous of responding, for the record, to the allegations made previously at the meeting by Mr. Edwards. Executive Director Ciaccia responded that Mr. Bucci's memorandum to the Board was self-explanatory, and that the staff finds no credibility to Mr. Edwards' allegations. Mr. Brown stated that the Board will hear things "back and forth" and staff has been asked to conduct due diligence against certain allegations. After staff reports its findings to the Board, a counterpoint is then presented in contradiction to staff's response. Mr. Brown emphasized that if there is supporting evidence which contradicts the staff's findings, then a copy of this information must be turned over to the Board so an investigation into these matters can be conducted. This will enable the Board to be better equipped to ask questions specific to these allegations.

Mr. Edwards stated that he wished the Board would "take a look at what Mr. Bucci said that Adrian Maldonado had not done anything prior to December of 2007. We have a contract from the city of Cleveland schools from June of 2007. So that is a direct contrast of what is on Mr. Bucci's letter." Mr. Brown requested to see the letter Mr. Edwards was referring to.

Executive Director Ciaccia stated that the District found no evidence of Adrian Maldonado being a party to the New Era Company...Mayor Starr interjected and requested Executive Director Ciaccia hold off on his comments until Mr. Edwards was finished showing his document to the Board.

Mr. Brown reviewed Mr. Edwards' document and stated "but it's for \$8,000." Mr. Edwards stated that "there are other contracts that went through with New Era. This thing is bigger than what Executive Director Ciaccia wants you to believe. They should have never been hired. You have one item here and it shows you that Mr. Bucci says that he did no work prior to December of 2007. Is that correct? That was in that letter." Mr. Brown stated "this says June 12<sup>th</sup> of 2007." Mr. Edwards questioned, "What's in Mr. Bucci's letter down at the bottom? What does he say?" Mr. Brown reviewed the letter. Mr. Brown advised that the letter stated that "the school district has indicated Logik has completed a small contract in the summer of 2007...approximately \$8,000 with the [school] district's trade department. We are unable to determine if Mr. Maldonado had any participation in this contract, but the work was performed prior to his stated purchase date of December 2007." Mr. Edwards reiterated "prior to his purchase date...he signed

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 11 of 26

it in June.” Mr. Brown stated “I see that, sir.” Mr. Edwards stated “that is not correct...Mr. Bucci’s letter.”

Mr. Edwards stated “please hear me out. I have boxes of documents. Executive Director Ciaccia has been lying all along. He’s a liar...a certified...” Mr. Brown interjected and requested Mr. Edwards conduct himself appropriately. Mr. Edwards alleged that Executive Director Ciaccia “tells everyone that he is an idiot.” Mr. Edwards stated that “it is sad for me as a black man for this man to spit on me the same way he did at the City of Cleveland! It’s the same thing, Mr. Brown. It’s the same thing.”

Mayor Longo interjected and requested Mike Bucci be given a chance to respond. Mr. Bucci stated that in his letter it stated that the District “had no indication that he participated” prior to the purchase date, provided by Mr. Maldonado, as December 12<sup>th</sup>. Mr. Brown questioned if that was what Mr. Maldonado told Mr. Bucci. Mr. Bucci affirmed and reiterated that the District had no indication. Furthermore, the District did disclose that there was an \$8,000 contract in the summer of 2007. From the audience, Mr. Edwards questioned if the District disclosed that “he was working with New Era.” Mr. Brown stated that the District now possesses documentation which suggests that Mr. Maldonado may not have been “totally forthcoming.” Mr. Edwards stated that “you can hire him...I just ask that a thorough investigation be done” prior to hiring Tiffany Jordan and Adrian Maldonado.

Mayor Starr requested Executive Director Ciaccia finish his comments before he was interrupted. Executive Director Ciaccia stated that he is not going to respond any further.

Mr. Brown requested that Mr. Edwards provide the Board with copies of any documentation that supports his claims so that the Board can perform its due diligence to obtain resolution on these outstanding issues.

Mayor Starr stated that the Board awards contracts to consultants and contractors, and issues were raised today about Kenmore Construction and CDM. He questioned how the Board and staff plan to respond to these concerns. Executive Director Ciaccia stated that he stands by his response given at a previous Board meeting concerning the allegations raised about CDM. With regard to Kenmore Construction being involved with the Nate Gray case, Executive Director Ciaccia stated that this is the first time he has heard this claim. Mr. Jones supposedly included this information in the binder he provided to Mayor Starr, and the District will review this information. If there is any evidence, then it will be revealed. Mayor Starr requested that copies be made of the information provided by Mr. Jones for the Board.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 12 of 26

Executive Director Ciaccia stated that Kenmore Construction was the lowest bidder and these discussions will be held later in the meeting. Furthermore, nothing was reported in the newspaper with regards to the government's investigation of Kenmore Construction.

#### IV. Executive Director's Report

Executive Director Ciaccia began his report and informed the Board that the District is not doing much work on the Doan Brook project presently. Should this project go forward, a memorandum of understanding (hereinafter "MOU") between the District and the City of Cleveland was drafted indicating that the District would handle the project management. The District is waiting for final findings and order from the Ohio Environmental Protection Agency (hereinafter "EPA"), and the Board's approval will be needed for the MOU and prior to said agreement being fully executed. Executive Director Ciaccia advised that a meeting is scheduled with Ohio EPA for September 18<sup>th</sup> pertaining to the re-scoping of said project. The District will have a better understanding after this meeting as to what the EPA's position will be. Executive Director Ciaccia advised that the District is assisting the City with its application to apply for Issue 1 funding, which was previously Issue 2, and that the project is being held until further notice from the EPA.

Executive Director Ciaccia moved to his next report item regarding the Big Creek Interceptor 3-D (hereinafter BCI-3D) project dispute and the failed polyurea system. The District declared the contractor for the project, KM & M Joint Venture, to be in default. Surety Travellers indicated that they will not pick up with remediation work; therefore, plans and specifications are needed to complete this project. Executive Director Ciaccia advised that this will impact how the District prosecutes its litigation pertaining to this matter. Furthermore, the design consultant for BCI-3D indicated that they will complete the re-design work at no cost to the District, and the District is working out the details with them.

Mr. Brown questioned if the monies regarding the costs associated with completing the required work comes from the bonding company. Executive Director Ciaccia advised that the bonding company is taking no responsibility, and that the money will come from the District. Executive Director Ciaccia stressed that the associated costs will be added to the District's complaint, and is hopeful that through successful litigation these costs will be recouped.

Executive Director Ciaccia moved to his next report item and stated that the District attended the Suburban Law Director's Association meeting to discuss the legal issues as it pertains to the District's Stormwater Management Program (hereinafter "SMP"). There has been discussion between the staff and the Board as it pertains to the fees being charged by the District for SMP. Executive Director Ciaccia advised that staff will be

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 13 of 26

presenting this information to the Board soon. The District is also working with the City of Cleveland who will handle the billing for the SMP. Cleveland is updating its billing system and has encountered some delays, but according to Executive Director Ciaccia, this will allow the District more time to finalize its SMP. Executive Director Ciaccia stated that there are a lot of positive developments with the SMP at this time.

Executive Director Ciaccia moved to his next report item regarding Combined Sewer Overflow (hereinafter "CSO") Long-Term Control Plan (hereinafter "LTCP"). The District met with the federal government and the Ohio EPA to discuss the CSO LTCP, more specifically, no feasible alternatives for bypasses at the Southerly and Easterly plants. Executive Director Ciaccia stated that a timetable has been incorporated which may save the District money for the extent of this program. Executive Director Ciaccia advised that a full presentation of the information provided to the government will be presented to the Board at the October 2<sup>nd</sup> Board meeting.

Executive Director Ciaccia advised that the government was interested in the District requesting the permits to install for the Euclid Creek CSO storage tunnel and dewatering pump station. The District sent a letter advising the government of the District's intent to request the permits to install for these two projects in order to move forward with the CSO LTCP and to mitigate pollutants in the environment.

Executive Director Ciaccia advised that critical discussions are forthcoming as it pertains to the dewatering pump station and its location. Executive Director Ciaccia explained that there are three (3) possible options: 1) the property owned by the District at White City Beach in Bratenahl; 2) Lakeshore Boulevard – in front of the Easterly plant; and 3) property owned by the District at its Nine Mile Creek site.

Executive Director Ciaccia stated that he expects the District will receive the permits to install from the federal government on these two projects. The District will move forward with the design completion on the Euclid Creek Storage Tunnel (hereinafter "ECT") which is currently suspended, and move forward with design for the CSO tunnel dewatering pump station.

Executive Director Ciaccia stated that the District continues to assess the CSO LTCP pay options through its negotiations. This is problematic because Cleveland Water does not distinguish between its residential and commercial customers' usage and is strictly based on meter size. Residential use will need to be identified in order to determine the ability to pay. Furthermore, a discussion involving level of control and how many overflows are allowed at each location is being reviewed. Executive Director Ciaccia advised that the District continues to make progress.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 14 of 26

Executive Director Ciaccia moved to the next report item and informed Board members that the District received over 250 guests at its open house held on Saturday, September 13<sup>th</sup> at the Southerly plant. Executive Director Ciaccia complimented the staff on its first open house and stated that the District will continue holding these types of educational events. It is important to provide customers with background on the District so they have a better understanding of District operations. Executive Director Ciaccia indicated that there was an article accompanied by photographs in the September 18<sup>th</sup> *Sun News* regarding the open house.

Executive Director Ciaccia moved to the next report item regarding contract compliance and the District's SBE program. The RFP to obtain proposals for the disparity study is ready and the District will move forward with this program component. Ms. Jordan drafted a policies and procedures manual which is currently being reviewed. Executive Director Ciaccia commended Ms. Jordan on the manual. The IT Department is developing software to support the program's monitoring components. The District continues to work with its Program Manager, CH2MHill, to incorporate the SBE program into the Capital Improvement Program. Executive Director Ciaccia anticipated that SBE program will be ready by January 1, 2009, and staff will be updating the Board on its developments.

Mr. Brown questioned if staff is currently monitoring contractors for subcontractor verification as well as conducting job site visits, or if this will be implemented by January 1<sup>st</sup>. Executive Director Ciaccia stressed that this will definitely be implemented with the unveiling of the District's SBE program on January 1<sup>st</sup> and the District is trying to implement this presently, however, it is difficult for Ms. Jordan to fulfill the program's responsibilities alone. The District recently advertised for the hiring of two (2) Contract Compliance Officers to assist Ms. Jordan, and will receive additional resources from the District's PM consultant. In addition, reports generated from the software currently being developed by IT will be an instrumental tool. Executive Director Ciaccia stressed that the ability to properly monitor this program is necessary for its success.

Executive Director Ciaccia stated that staff is currently monitoring its MBE/WBE program on an ad hoc basis. Ms. Jordan, Ms. Rotunno and Executive Director Ciaccia are reviewing pay estimates, as they are submitted, to verify that MBE/WBE contractors are being utilized as originally submitted in bid proposals. Contracts authorized under the previous system are being reviewed to the best of staff's ability.

Mr. Brown inquired as to the timeline established for the hiring of the two (2) Contract Compliance Officers. Director of Finance, Jennifer Demmerle anticipated that interviews will be conducted by the middle of October and that the positions will be filled by the beginning of November.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 15 of 26

Mayor Starr inquired if the Contract Compliance Office will be fully operating by January 1<sup>st</sup>. Executive Director Ciaccia stated that is the intent, however, the SBE program will require a new certification process. Additional support from external consulting resources will be beneficial to the District in an effort to meet the District's timelines. Executive Director Ciaccia reminded the Board that the disparity study will take several months to complete, and the program will be modified as needed in order to accommodate the study's findings. An outreach program component will also be integrated into the SBE program, to include feedback from consultants including Charles Burkett, the Urban League and the Commission for Economic Inclusion. The core aspects of the SBE program will commence January 1<sup>st</sup>.

Mayor Starr inquired as to the anticipated number of employees for the Contract Compliance Department. Executive Director Ciaccia replied that there will be three (3) employees as well as resources provided by the Program Manager.

Mayor Starr asked Executive Director Ciaccia if he had prior experience with the City of Cleveland more specifically monitoring and implementing a subcontracting program. Executive Director Ciaccia stated that he did, and Mayor Starr stated that this will benefit the District. Executive Director Ciaccia advised the Board that it is his intent to ensure that the District's SBE subcontracting program will be the "the most accountable, the most transparent and the most successful program in the state."

Mr. Liberatore questioned if staff received any applications from individuals interested in the Contract Compliance Officers positions. Ms. Demmerle advised that the District recently posted the position and is receiving resumes. The posting period has not ended, and she is unaware of the total number resumes received thus far. Mr. Dykes advised that the District received approximately ten (10) resumes, and the District will need to verify the qualifications of each applicant to confirm whether the applicants fulfill the minimum position requirements.

Ms. Kelly inquired about the process being used by the District to attract Contract Compliance Officers, and she requested a brief overview of the position's qualifications. Mr. Dykes indicated that the candidate must have a Bachelor's degree and four (4) years of prior experience with similar compliance work.

Ms. Kelly questioned what the Contract Compliance Officers will be required to do in order to determine contractors are in compliance. Ms. Demmerle explained that the compliance officers will monitor the SBE program, conduct site visits and field audits, verify subcontractors, certify payroll to ensure the subcontractors are receiving the proper payment, certification and re-certification of contractors, and will work within the database to track the progress of each project. Mr. Brown stated that he is hopeful the compliance officers will also review invoices for materials. Ms. Demmerle affirmed.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 16 of 26

Ms. Kelly asked where the District advertised for the Contract Compliance Officers positions. Mr. Dykes stated that the position was posted with various agencies including local colleges and universities, the Urban League and the state posting board. The District intends to advertise in the newspaper, and has notified individual contacts such as RTA and the City of Akron. Mr. Dykes advised that overall, the District posted in 10 to 12 locations.

Mr. Brown inquired if the District could post the position with national organizations in which compliance officers are associated, and Mr. Dykes indicated that he was unsure if there is a compliance specialty, and that the OEO and compliance duties commonly fall within the same department. Mr. Dykes advised that the position was posted with the National Society of Human Resources Professionals because OEO typically falls within Human Resources.

Executive Director Ciaccia moved to the last report item and stated that the revenue projections to the end of the year are slightly outpacing the District's total budget for revenue, and the expenses are slightly under budget. At the 67% benchmark, the District spent approximately 59.19% of its budget.

Mr. Brown moved discussion back to the contract compliance issues and stated that Executive Director Ciaccia and staff understand the level of concern the Board has with respect to the potential Contract Compliance Officers. He stated that the potential Contract Compliance Officers will hold a critical position within the District. Contract compliance provides the District the ability to set participation goals, monitor for compliance, report on findings, and provide validity to the District's SBE program. Mr. Brown stressed that the prospective candidates must have the expertise and experience for they will be the foundation in which the District builds its program, and that the most qualified candidates must be hired.

Executive Director Ciaccia stated that when he joined the District, the subcontracting program was a priority and he placed it in the middle of his performance plan to elevate it. He stated that staff is aware of the importance of this program not only to the District but also to Executive Director Ciaccia. Executive Director Ciaccia assured the Board that he would hire no one less than the most imminently qualified candidates for these positions, and stated that he is aware that his future with the District is contingent upon the success of the subcontracting program. He reiterated that the SBE program will be "the top program in the state of Ohio."





**MOTION** – Mr. Liberatore moved and Mayor Starr seconded to adopt Resolution No. 221-08. Without objection, the motion carried unanimously.

Authorization to Re-bid

No discussion ensued on Resolution No. 102-08a.

**Resolution No. 102-08a**

**Requirement contract to replace the Biofilter Media and perform any required maintenance on one (1) odor control facility and the southwest inceptor inside the Southerly Wastewater Treatment Plant. Cost estimate is \$180,000.00.**

**MOTION** – Mayor Longo moved and Mr. Sulik seconded to adopt Resolution No. 102-08a. Without objection, the motion carried unanimously.

**Resolution No. 185-08a**

**Spring and Jennings Roads Storm Water Outlet Replacement – Contract SJSWOR. Engineer’s estimate is \$785,000.00.**

Mr. Brown stated that he presumed the project scope will be changed, and questioned if staff was confident that proposals will be more consistent with the engineer’s estimate if this project were re-bid. Mr. Brown inquired if variables including pricing on materials and high flows in the winter will be considered. Executive Director Ciaccia stated that the initial engineer’s estimate was not valid, and the contractors exceeded the 10% threshold allowed by the state. Thus, the District is required to re-bid this project. The scope and engineer’s estimate will need to be re-adjusted to account for the rise in prices for steel, concrete and fuel.

**MOTION** – Mr. Liberatore moved and Mayor Starr seconded to adopt Resolution No. 185-08a. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals

**Resolution No. 224-08**

**Diversity and Inclusion Survey. Cost estimate is \$75,000.00.**

Mayor Starr requested clarification as to what the diversity and inclusion survey will entail. Executive Director Ciaccia stated that as the District moves forward with its external diversity program regarding contracting and subcontracting, it is desirous of reviewing diversity internally as well. He deferred Mayor Starr’s inquiry to Ms. Haqq for further explanation.

BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 19 of 26

Ms. Haqq stated that the diversity and inclusion team met and identified ten (10) recommendations and objectives. Ms. Haqq advised that one objective was to train all staff including managers and hiring managers to establish a baseline in order to measure and evaluate the District's progress which will identify the District's diversity strengths and needs for improvement. Ms. Haqq explained that the District intends to conduct the same survey next year to measure its progress.

Ms. Haqq stated that she wanted to recognize staff members who worked on the subcommittee: Ed Haller, Assistant Superintendent; Karen Gilliam, Organizational Employee Development Manager; Kim Jones, Communications and Community Relations Manager; Don McGhee, Union President; Elizabeth Toot-Levy, Investigator for Water Quality; and Humberto Sanchez, Director of Information Technology.

Ms. Haqq thanked all parties and especially the union for its participation in this matter.

Mayor Starr questioned if the diversity will apply to union and non-union employees. Ms. Haqq affirmed.

Mayor Starr stated that the request specifically stated to "design program elements," and he questioned if what Ms. Haqq previously explained included the "program elements". Ms. Haqq affirmed.

Mayor Starr inquired if the District will be looking into numbers as well. Ms. Haqq stated "no" and that this program is specific to attitude and behavior to include race, gender and inclusion and whether the District provides for new ideas or different work styles.

Executive Director Ciaccia clarified that Human Resources produces a report which identifies the District's standings regarding minority and female employees. He advised the Board that he spoke with Mr. Dykes regarding incorporating benchmarks. Executive Director Ciaccia stated that diversity starts from the top and stated that senior staff is diversified including 37.5% minority and 50% female employees. The tone has been set and it is the District's goal to extend diversity throughout the entire organization.

**MOTION** – Mayor Longo moved and Ms. Kelly seconded to adopt Resolution No. 224-08. Without objection, the motion carried unanimously.

Authorization to Award

**Resolution No. 225-08**

**Professional services for construction administration and resident engineering of the Dugway East Interceptor Relief Sewer – Contract DEIRS, to DLZ-Ohio. Cost is \$1,709,421.46.**

Executive Director Ciaccia advised that DLZ-Ohio completed the design and this contract is for resident engineering and construction administration for the Dugway East Interceptor Relief Sewer (hereinafter “DEIRS”) project. The bids were advertised and the District required the aforementioned services from DLZ-Ohio. The contract was negotiated to allow for DLZ-Ohio to manage the contract as well as the design work. Executive Director Ciaccia advised that this is typical of past practice, and that the District will probably be handling these types of contracts differently in the future advertising for the design work and construction administration and resident engineering simultaneously.

Mayor Starr stated that DLZ-Ohio has had a long and successful history working for the District. Since DLZ-Ohio designed the project and will be handling the construction administration and management, he questioned what would happen if there was a dispute between the District and DLZ-Ohio over a design defect. How would this problem get resolved seeing they are the oversight as well as the designer? Executive Director Ciaccia explained that the District is the oversight, not DLZ-Ohio. In the future, the program manager will serve in this capacity. Therefore, it was not permissible for companies desirous of design work on District projects to be included on the program manager’s team.

Director of Engineering and Construction, Kellie Rotunno, stated that construction administration and resident engineering services include review of shop drawing submittals, response to requests for information on behalf of the contractor, and the review of contractor or owner initiated change order requests or the alter of change conditions. Ms. Rotunno stated that having individuals from the design firm representing the owner in the field during construction is ideal because they have the deepest knowledge of that specific design. Ms. Rotunno stated that “when design defects are identified during construction, it becomes an issue of errors and omissions by which we have a professional services contract that we execute with DLZ and other professional services firms and providers and such things would be handled under the conditions of those agreements.”

**MOTION** – Mayor Longo moved and Mr. Liberatore seconded to adopt Resolution No. 225-08. Without objection, the motion carried unanimously.

**Resolution No. 226-08**

**Primary Settling Tanks Rehabilitation –  
Contract PST-2, to Kenmore  
Construction Co., Inc. Cost not to exceed  
\$2,574,380.00.**

**MOTION** – Mayor Longo moved and Mayor Starr seconded to hold Resolution No. 226-08. Without objection, the motion carried unanimously.

Mr. Liberatore inquired if there were any representatives from Kenmore Construction present at the meeting in which there were none.

Mayor Starr stated that he seconded the motion to obtain further information and inquired if any parties were willing to investigate this matter further.

Mr. Brown stated that based on the issues raised earlier, he does not see the urgency to move forward with awarding the contract prior to “clearing the air.”

In order to satisfy the Board’s request, Executive Director Ciaccia requested clarification from the Board as to what he should be looking for as it pertains to Kenmore Construction. Executive Director Ciaccia stated that the District is familiar with the Nate Gray case; however, he questioned whether anyone, aside from Mr. Jones, was aware of the alleged involvement of Kenmore Construction. Furthermore, he questioned where the District would even obtain information confirming whether Kenmore Construction was involved or investigated.

Mayor Longo indicated that he was unsure, and that he has never heard anything negative pertaining to Kenmore Construction. He commented that Kenmore Construction always “did a good job” on District projects. Mayor Longo advised that he would like staff to confirm whether there is validity to what was said at the meeting and this will determine his analysis of comments made to the Board in the future.

Executive Director Ciaccia agreed with Mayor Longo and stated that within the best interest of the Board, he recommends holding Resolution No. 226-08 while he researches the allegations made. He will report his findings to the Board at the October 2<sup>nd</sup> Board meeting. Mayor Starr added that National Action Network has an additional two (2) weeks to provide the District with any further information pertaining to this matter.

Ms. Kelly questioned whether it was an emergency to move forward on the contract immediately in which Executive Director Ciaccia replied that it can wait two (2) weeks.

Mr. Brown stated that Resolution No. 226-08 will be held for a two (2) week period until staff completes its due diligence with regards to the allegations made at the meeting.

Authorization to Purchase

No discussion ensued on Resolution Nos. 227-08 and 228-08.

**Resolution No. 227-08**

**Sole source direct purchase from Horsburgh & Scott for the rebuild of the number one (1) second stage return sludge pump gear reducer at the Southerly Wastewater Treatment Plant. Cost not to exceed \$60,000.00.**

**Resolution No. 228-08**

**Direct purchase of replacement parts from Abel Pumps Corporation, on an as needed basis, for the high pressure pumps in the thermal conditioning unit at the Southerly Wastewater Treatment Plant. Cost not to exceed \$100,000.00.**

**MOTION** – Mayor Longo moved and Mr. Liberatore seconded to adopt Resolution Nos. 227-08 and 228-08. Without objection, the motion carried unanimously.

VII. Information Items

1. Update on Water Resource Restoration Sponsor Program.

Executive Director Ciaccia informed the Board that a brief presentation will be given on the Water Resource Restoration Sponsor Program (hereinafter “WRRSP”). He turned discussion over to the Director of Watershed Programs, Frank Greenland.

Mr. Greenland stated that the District has been involved with the WRRSP for awhile and it helps to bring funds into the region by leveraging District loans to support watershed related efforts. He cited the example of the ongoing West Creek project and advised that there are more prospective projects. As the District moves toward regional stormwater management, this program should be showcased because it brings money into the region and, according to Mr. Greenland, is a good program. Mr. Greenland turned discussion over to the Manager of Environmental Programs, Kyle Dreyfuss-Wells and stated that she will give a program overview to include discussion on policy issues, outreach efforts, potential projects and implications for the regional SMP.

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 23 of 26

Ms. Dreyfuss-Wells stated that the Ohio EPA provides WRRSP to promote water restoration including stream restoration, erosion control and preservation projects throughout the state. The District has been involved with northeast Ohio projects which include stream restoration projects on West Creek in Independence, Parma and Brooklyn Heights and dam removal on Euclid Creek.

WRRSP funding is linked to the District's Water Pollution Control Loan Fund (hereinafter "WPCLF"). The Ohio EPA provides \$15 million each year for the WRRSP and the applicants must have a sponsor. The sponsor is a local or regional government going through the WPCLF fund process, and the District sponsors projects in conjunction with its standard loans. Ms. Dreyfuss-Wells explained that the WRRSP is quite innovative which enables the interest money paid on WPCLF projects to come back into the region.

Ms. Dreyfuss-Wells discussed two (2) WPCLF examples. If the District were to borrow \$1 million for a plant upgrade, the District would repay the loan with interest, and the benefit to the District would be the plant upgrade. If the District participated in the WRRSP and linked a restoration or preservation project to the WPCLF, the District would borrow the \$1 million; enter into a relationship with an applicant such as the Cleveland MetroParks or the West Creek Preservation Committee for a stream restoration or preservation project. The District would pay back the loan with interest, but the benefit to the District would be that the interest from the loan would circulate back into the region for the project. Ms. Dreyfuss-Wells stated that the project is done in lieu of the interest going into the general fund. The stream restoration, flood or erosion control project will be completed within the region, and the sponsor pays the same as the original loan. An extra incentive is that the sponsor receives an interest rate reduction. Ms. Dreyfuss-Wells stated that this sums up the state of Ohio's WRRSP, and the District has been involved with said program for some time.

Ms. Dreyfuss-Wells moved discussion to the WRRSP sponsorship policy. She stated that the District's policy is to give sponsorship preference to organizations and projects within its service area including the 61 communities the District provides service to. If funding is available, the District will consider protection and restoration projects outside of the service area if the project meets the criteria. These projects must directly benefit District member communities and improve regional water quality, have some aquatic habitat preservation, and a stormwater management component. Stormwater management, in this context, includes flood and erosion control, stream restoration and land preservation.

Ms. Dreyfuss-Wells presented the Board with the District service area map and explained that the red lines indicate where the District currently provides wastewater service. The big blue lines represent large streams within the region including Rocky River watershed, Cuyahoga River and its various tributary drainages, small sections of the Chagrin

## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 24 of 26

drainage and Euclid Creek. The District completed restoration projects on the blue lines including Parma, Independence and Brooklyn Heights. Ms. Dreyfuss-Wells stressed that the District would consider projects outlying but actually draining into the service area; however, the project must provide flood and erosion control and water quality benefits to member communities.

Mr. Brown inquired if it should be assumed that everything flows into Lake Erie. Ms. Dreyfuss-Wells affirmed and she directed the Board's attention to the Ohio Lake Erie Watersheds map and stated that everything north of the line drains into Lake Erie including the Rocky River, Cuyahoga River and Chagrin River which all flow through the District's service area.

Ms. Dreyfuss-Wells stated that the District is trying to bring uniformity to the WRRSP projects the District selects and sponsors. Applicants include the Cleveland MetroParks, West Creek Preservation Committee and the Trust for Public Land provided the District with a brief summary of their project, and the District is considering sponsorship of these based on benefits to the member communities. The District would provide a letter of intent to sponsor such projects. An application is made to the Ohio EPA, and the Ohio EPA reviews the application. If successful, the District would then bring a sponsorship agreement to the Board for approval.

Ms. Dreyfuss-Wells explained that the selection criteria includes that the applicant must be within the Rocky River, Cuyahoga or Chagrin River Watersheds, and either in or draining to the District service area. Ms. Dreyfuss-Wells stated that based on the criteria, the District would not consider a project that lies far from the service area such as projects from the Maumee or Sandusky.

Ms. Dreyfuss-Wells informed the Board that the District has received 13 projects from applicants including Cleveland MetroParks, Western Reserve Land Conservancy, and West Creek Preservation Committee. All are seeking the District's sponsorship, and each project is being reviewed based upon the selection criteria. Ms. Dreyfuss-Wells advised that the District worked in the past with the West Creek Preservation Committee.

Executive Director Ciaccia stated that he wanted to update the Board on the WRRSP because the scope was expanded to include locations outside of the service area. He assured that projects located within the service area will take precedence; however, there is a likelihood at times not be enough projects within the service area are being applied for, and the District will consider projects that lie outside of the service area but directly impact the service area.



## BOARD OF TRUSTEES

Regular Meeting

September 18, 2008

Page 25 of 26

Mr. Bucci stated that a key point is that the District is completing a project in lieu of paying interest. The District is receiving the benefit of a project and not paying to the state of Ohio.

Mayor Starr inquired as to whom responsible for the development of this program. Mr. Greenland responded that it was the developed by the state of Ohio. Mayor Starr commented "pretty brilliant."

Mayor Starr questioned if the District has the means to fund all 13 pending projects. Executive Director Ciaccia stated that would be the goal; however, there is \$15 million statewide that can be applied for. The budget would need to be considered because the District would be required to put the money upfront in escrow, and the money will be paid back.

Mayor Starr questioned how many potential watershed projects are in the service area, dozens or hundreds? Ms. Dreyfuss-Wells inquired if he was referring to potential restoration projects. Mayor Starr affirmed. Ms. Dreyfuss-Wells advised that there are more projects than there is WRRSP funding, and this is why the District's SMP will be vital to the service area.

Mayor Starr stated that it is water restoration is important because this is a natural filtering system. He commented providing before project completion photographs of rivers and streams clogged with tires, logs, engines and refrigerators juxtaposed against photographs taken after project completion showing pristine water, vegetation and growth is a good way to inform the public of how their tax dollars are being spent.

Ms. Kelly commented that she is hopeful that the publicity for this program is underway because the District needs to spread positive news. Executive Director Ciaccia assured Ms. Kelly that the District will definitely conduct public outreach. He advised the Board that he met with Public Information Specialist, Jean Chapman, regarding public outreach for the WRRSP program. Prior to moving forward with this plan, Executive Director Ciaccia advised that he wanted to present the information to the Board first prior to dispersing the good news. Furthermore, he did not want the District inundated with applicants immediately.

Mayor Longo inquired if discussions were held regarding the ongoing Mill Creek Watershed project. Ms. Dreyfuss-Wells stated that Mark Link is working on that. She questioned if Mayor Longo was referring to what Elaine Price at the Cuyahoga Planning Commission is doing to which Mayor Longo affirmed. Ms. Dreyfuss-Wells stated that this is why the District wanted to incorporate specific selection criteria to include predictability.

VIII. Open Session (no items on agenda)

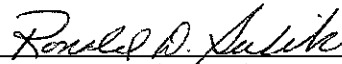
IX. Public Session (no requests from the public)

X. Executive Session

Mr. Brown stated that there were no matters for Executive Session.

XI. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Ms. Kelly moved and Mr. Sulik seconded the motion to adjourn at 2:03 p.m. Without objection, the motion carried unanimously.



---

Ronald D. Sulik, Acting for  
Dean E. DePiero, Secretary  
Board of Trustees  
Northeast Ohio Regional Sewer District



---

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