

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
SEPTEMBER 20, 2018

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown  
R. Sulik  
T. DeGeeter  
J. Bacci  
J. Ciaccia  
S. Dumas  
R. Stefanik

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

II. Approval of Minutes

**MOTION** – Mr. Sulik moved and Ms. Dumas seconded to approve the minutes of the September 6, 2018, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began her report by stating that the District's annual Open House was held on September 15. The event highlights the work, resources and partners it takes to make the District's work possible and helps internal and external customers understand the complexity of stormwater treatment and wastewater management. She thanked staff for participating.

Closing the report, CEO Dreyfuss-Wells advised that the District has been awarded a 2018 Cleveland Foundation Public Service Fellow. Lydia Stump joined the District as one of nine public service fellows funded by the Cleveland Foundation, working with organizations across Cleveland. She will work on the District's sustainability plan.

**MOTION** – Mayor Stefanik moved and Ms. Dumas seconded to adopt a resolution of acknowledgement of Chandra Yadati's employment service with the District. Without objection, the motion carried unanimously.

V. Action Items

Authorization to Advertise

Resolution No. 330-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Shaker Lakes Dam Rehabilitation Phase 1: Green Lake Dam and Lower Shaker Lake Dam Project with an engineer's opinion of probable construction cost of \$4,919,770.72.

Resolution No. 331-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Southerly Renewable Energy Facility (REF) Improvements Project with an engineer's opinion of probable construction cost of \$950,000.00.

Resolution No. 332-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the Westerly WWTC PLC Replacement Project with an engineer's opinion of probable construction cost of \$4,000,000.00.

**MOTION** – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 330-18 through 332-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested an explanation for Resolution No. 330-18. Frank Greenland, Director of Watershed Programs, advised that originally there were three dams in the bid package and there was only one bidder, at around \$8 million. The bid was significantly higher than the Engineer's estimate and was rejected. Staff concluded that the reasons for the high bid was roller compacted concrete, the cost of concrete aggregate and steel, and the risk involved. These are historic dams with many architectural features. Additionally, conditions changed at Horseshoe, which developed sinkholes that changed the nature of the project. Ultimately, staff decided to break the project into two.

The first two, Lower Shaker Lake Dam and Green Lake Dam, included a revised engineer's estimate to account for risk and concrete issues. Work on Horseshoe continues and that project will likely be over \$5 million.

Mr. Ciaccia inquired whether the engineering contracting was performed under one of the original General Engineering Services contracts before the Regional Stormwater Management Program lawsuit. Kim Colich, Manager of Stormwater Design, stated that the original design of the dams was performed before the lawsuit, although it was included in with other jobs.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 333-18

Authorization to issue an RFP for design-build services, in accordance with Ohio Revised Code Chapter 153, for the Westerly WWTP 2018 CEMS Upgrade Project.

Resolution No. 334-18

Authorization to issue an RFP for design-build services, in accordance with Ohio Revised Code Chapter 153, for the Southerly Miscellaneous Disinfection and Solids Handling Improvements Project.

**MOTION** – Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution Nos. 333-18 through 334-18. After the following discussion, without objection, the motion carried unanimously.

Referencing Resolution No. 334-18, Mr. Brown questioned why the work would be "design-build" as opposed to "design-bid-build." Devona Marshall, Director of Engineering & Construction, explained that this is a progressive design-build. Previously staff identified them as a two-step design-build -- referring to the steps in the Board approval process.

Two Board approvals will be required. The first will be the approval of the pre-design and designed to a level of approximately 60%. At that point, staff will proceed with the design-build team to come up with the guaranteed maximum price – after which staff would return to the Board for full approval to complete design and go into construction.

Ms. Marshall explained that the reason staff wants the design-build model was because there is a lot of coordination with ongoing processes at the plant. Staff felt this is the best way to avoid differing site conditions and coordination efforts that could not be predicted during the design phase that would result in additional work orders during construction.

Authorization to Enter into Contract

Resolution No. 335-18

Authorization to enter into a one-year requirement contract, with two one-year District options, with Polydyne, Inc. for the delivery of liquid emulsion polymer solution to all Wastewater Treatment Plants in an annual amount not-to-exceed \$1,794,930.00.

Resolution No. 336-18

Authorization to enter into agreements to fund the thirteen Member Community Infrastructure Program Projects presented for 2019 in the total amount not-to-exceed \$7,923,571.47.

BOARD OF TRUSTEES

Regular Meeting

September 20, 2018

Page 4 of 8

Resolution No. 337-18

Authorization to enter into a two-year professional services contract with Nearmap US, Inc. for aerial imagery services in an amount not-to-exceed \$240,000.00.

Resolution No. 338-18

Authorization to enter into construction contract with Pirc Company Landscaping & Snowplowing, LLC for the Site Restoration Services Project in an amount not-to-exceed \$219,131.72.

**MOTION** – Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution Nos. 335-18 and 337-18 through 338-18. Without objection, the motion carried unanimously.

**MOTION** – Mr. Sulik moved and Mayor DeGeeter seconded to adopt Resolution No. 336-18. After the following discussion, without objection, the motion carried with recusal from discussion and voting abstentions by Mayor Bacci and Mayor DeGeeter.

Referencing Resolution No. 336-18, Mr. Brown requested an explanation in terms of how the funding process works for this. Mr. Greenland stated that staff awards projects and asks communities for their schedules for the projects, the amount requested from the District and their local match. Some projects are completed within a calendar year. Staff allocates awards based on no more than \$7 million of cash flow in 2019, which means some projects will stretch into 2020.

Authorization to Approve Collective Bargaining Agreement

Resolution No. 339-18

Authorization to enter into a three-year labor contract agreement between Local 18-S, International Union of Operating Engineers, A, B, & C, AFL-CIO and the District, in accordance with the terms presented, for the period of January 1, 2018, through December 31, 2020.

**MOTION** – Ms. Dumas moved and Mayor Bacci seconded to adopt Resolution No. 339-18. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 169a-18

Authorization to Amend Resolution No. 169-18 authorizing the District to participate in the Ohio Department of Transportation's (ODOT) Winter Contract for Road Salt to increase the authorized amount by \$3,233.72, thereby bringing the revised not-to-exceed total to \$19,233.72.

**MOTION** – Mr. Sulik moved and Mr. Ciaccia seconded to adopt Resolution No. 169a-18. After

the following discussion and without objection, the motion carried unanimously.

Mr. Brown inquired about the per-ton cost versus last year. Frank Foley, Director of Operations & Maintenance, informed the Board that the price for this year is \$64.76 per ton and the price last year was \$29.12 per ton.

Authorization to Modify

Resolution No. 340-18

Authorization to modify the Member Community Infrastructure Program (MCIP) Policy, Process, and Procedures as presented.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 340-18. Without objection, the motion carried unanimously.

VI. Information Items

1. Program Management Status Report and update – August 2018

Ms. Marshall advised that cash flow ended August at 82% of planned and the District paid out approximately \$14 million in construction. The year-to-date total is approximately \$137 million.

The District achieved additional value-engineering savings towards the 2018 goal of \$20 million. Those savings occurred on the S-75 and S-76 Stormwater Outlet Replacement Project. This outlet failed around Arcelor Mittal Company's property, which directly impacted them. This project had been scheduled later in the Long-Term Control Plan, but staff advanced that project due to the collapse which also resulted in a \$800,000 financial commitment from Arcelor.

An alignment change during the design process allowed to go from plan tunneling construction to open cut construction, which is less costly. The overall estimated savings related to value engineering on this project was \$3.7 million, bringing the year-to-date total to \$15.5 million.

Staff also awarded the construction of the Dugway Regulators and Relief Sewer Project. The estimated construction cost was \$5.4 million. However, it was not awarded within 60 days of planned due to being rebid. The KPI was met in terms of the average of the three lowest bids coming in within 10% of the engineer's estimate.

The Southerly First Stage Settling Improvements Project was a \$38.5 million project. Substantial completion was over 500 days late due to the contractor being unable to get its equipment from the vendor.

Ms. Marshall advised that the EMSC Building Interior Renovation Project was a \$700,000 project that did not meet the KPI of closing within 95% due to owner-requested changes. The Business Opportunity Program goal was 15% while the projected actual is 11.78%.

The Dugway South Relief and Consolidation Sewer Project is a \$26 million project which installed approximately 5,400 feet of 42-inch or 90-inch-diameter sewer through tunneling construction with five major shaft sites. The project will achieve direct control of 92 million gallons of CSO and will be the future dewatering pipe for the Doan Valley Tunnel, which is also in construction. Substantial completion is anticipated by the end of this month.

The Superior Stones Canal CSO Improvements Project is an \$18.1 million contract. This project will replace or upgrade two pump stations the District took over from the City of Cleveland that are necessary to control the CSOs in the area. This project will control approximately 13 million gallons of CSO and address three of 25 control measures under the consent decree. The project is scheduled to achieve substantial completion in November.

The East 140<sup>th</sup> Consolidation and CSO Relief Sewer Project, is a \$69.4 million project. This project will install approximately 14,000 feet of 60- to 84-inch sewer through tunneling. This project also includes green infrastructure and is one of nine Green Infrastructure projects under Appendix 3 of the consent decree. The project will be the largest input to the Dugway Storage Tunnel which will control 376 million gallons of CSO annually. The three green infrastructure basins will contribute another 6 million of CSO control. Two of the three green infrastructure basins are scheduled to come online by the end of October and substantial completion is scheduled for August 2020.

Mr. Brown noted that the Euclid Creek Tunnel Pump Station has been online since mid-July and it has been very quiet in that area. It seems that project has had more of an impact than the hydraulic model might have suggested. He suggested understanding why that was possible, given that there are other projects that need to come online that affect that system. Ms. Marshall stated that staff conducted post-construction flow monitoring in the past few months and are in the process of recalibrating the model.

Lita Laven stated that she was the Project Manager for the Heights Hilltop Local Sewer System Evaluation Study (LSSSES), which began in the first quarter of 2016. She stated that the Heights Hilltop Interceptor has adequate capacity under existing conditions for that system. However, the local system is a different story.

Ms. Laven explained that prior to the study staff met with communities to get an idea of where their chronic, significant problems existed. Problem areas were documented in the study area but not every community was forthcoming with their problem areas. Staff then needed a process by which to develop feasible solutions to make sure solutions were adaptable for all study areas.

The Heights Hilltop system had adequate capacity for the existing conditions. As a high-level screening solution, Ms. Laven advised that staff looked into what would happen if the local sewers were upsized to get those flows to the Heights Hilltop system and whether that would alleviate basement backups and sanitary sewer overflows. The conclusion was that it would solve those problems, but staff wanted to look at it from a smaller scale to optimize solutions to control problems and protect existing infrastructure cost-effectively.

Ms. Laven stated that staff needs to have internal and external advisory committees to review and prioritize the findings. Staff plans to meet with the communities for feedback on the findings of the study, finalize reports and use the information. The study will yield a lot of data to support the community discharge permit program, and staff's intent is to update those permits over the next five years District-wide.

Staff has been coordinating with other study areas to make sure the approaches make sense for all the studies and the information is consistent.

The Heights Hilltop LSES is the first study and will conclude later this year. The combined Mill Creek area is the next study to be completed. The Southwest and CVI studies started earlier this year. The Southwest had two phases of monitoring, and we have just wrapped up our first phase of monitoring.

Mr. Brown noted the affects to the community discharge permits. He continued to state that a lot of infrastructure is exceeding its useful life and there needs to be a replacement program. Many of these issues intersect into the necessity of the Member Community Infrastructure Program and how it helps in terms of discussions with the federal government with how this might help our consent decree efforts. It lays a good foundation for making that case, by holding people accountable and giving them direction and funding to deal with problems that have a lot of history.

Mr. Ciaccia stated that the District needs to think about what creatively is out there from a funding perspective. He suggested looking into the federal government which has established this WIFIA Fund, which is a very attractive loan program.

CEO Dreyfuss-Wells stated that staff is dealing with those issues and trying to get all the technical information clear so they are not being overly dramatic about the issues that must be addressed and helping communities through the most pressing issues. The funding is the biggest issue because some of the numbers are much higher than communities can deal with.

#### VII. Open Session

There were no items.

#### VIII. Public Session (any subject matter)

There were no items.

#### IX. Executive Session

**MOTION** – Mayor Bacci moved and Mayor Stefanik seconded to go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(3) to consult with the District's legal counsel concerning disputes involving the District that are subject to pending litigation and imminent court action. Without objection, the motion carried unanimously by roll call vote.


The Board met in Executive Session from 1:17 p.m. to 1:58 p.m. then returned to open session.

X. Approval of Items from Executive Session

There were no items.


XI. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Ms. Dumas seconded the motion to adjourn at 1:58 p.m. Without objection, the motion carried unanimously.



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



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