

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
OCTOBER 1, 2009

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
G. Starr
S. Kelly
T. Longo
W. O'Malley
R. Sulik

Mayor DePiero was absent.

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

II. Approval of Minutes

MOTION – Ms. Kelly moved and Mr. O'Malley seconded that the minutes of the September 17, 2009 Board meeting be approved. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia advised that no members from the public registered to speak at Public Session.

IV. Executive Director's Report

Executive Director Ciaccia advised the Board that he has begun meeting the mayors of the member communities. Over the last two weeks, he met seven mayors and those discussions included the various reforms taking place at the District at the Board and staff levels. Executive Director Ciaccia assured those mayors that "this is not business as it was" at the District, and he informed them of the District's various goals moving forward.

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Executive Director Ciaccia stated that since the District has held its three rounds of community staff meetings he was desirous of meeting with each of the mayors individually in order to further discuss the Stormwater Management Program (hereinafter "SMP"), the Combined Sewer Overflow Long Term Control Plan (hereinafter "CSO LTCP"), and some of the discussions which have transpired between the District and the state and federal governments during the negotiations. Executive Director Ciaccia wanted to personally inform the mayors of the CSO impacts to this region, and the District's plans to mitigate those issues and the costs and potential rate increases associated with that task.

Executive Director Ciaccia advised that he is scheduled to meet with six additional mayors over the next couple of weeks, and that he plans meeting with the mayors throughout the remainder of this year and into the beginning of 2010. According to Executive Director Ciaccia, the District was "well-received and there is a fair amount of confidence" in District operations, and he that this has been a worth-while effort for him. Executive Director Ciaccia indicated that his role at the District does not provide him with many opportunities to interact with the mayors on an individual basis as he experienced during his tenure at City of Cleveland, Division of Water (hereinafter "CWD"), therefore, he was grateful for this opportunity.

Executive Director Ciaccia informed the Board that most of the mayors he had met with agreed that the District should hold public meetings as it pertains to the SMP. District staff is in the process of scheduling five meetings wherein Frank Greenland, Director of Watershed Programs, and his staff will present the SMP in a public forum, which gives the public an opportunity to observe the District's proposed SMP. Two meetings will be held in the City of Cleveland, one in the eastern Cuyahoga County suburbs, one in the western Cuyahoga County suburbs, and one in Summit County. Those meetings will be held in November and early December.

Executive Director Ciaccia moved to the next report item and he advised the Board that the District's Small Business Enterprise Development Program which was scheduled to kick-off on October 1st at 6:00 p.m. at the Environmental Maintenance and Services Center (hereinafter "EMSC") was advertised in *The Plain Dealer*. Executive Director Ciaccia advised that 39 SBEs registered to take advantage of this development opportunity, and five prime contractors including Shook Inc., Kokosing Construction Company, Inc., Independence Excavating, Inc., Davey Tree Service, and Ozanne Construction Company, Inc. will assist the District with this seven-course. Executive Director Ciaccia turned discussion over to Constance Haqq, Director of Administration and External Affairs to provide the Board with an overview of this program.

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Ms. Haqq stated that during the coursework will teach SBEs on how to be successful with the District's contracting process including the pre-contract phase through the contract close-out. Ms. Haqq appreciated the support she received from the Department of Engineering and Construction, Program Management staff including John Barron, Paul Demit and Tim O'Rourke, Communications and Community Relations and the Office of Contract Compliance.

Executive Director Ciaccia moved to the next report item regarding the CWD new billing system. CWD went live with its new billing system and customers began receiving a single bill incorporating utility charges from CWD and the District. Executive Director Ciaccia indicated that the new system is very encouraging and that every bill is reviewed prior to being sent. Of the first 4,000 bills being reviewed, only three errors were detected. Executive Director Ciaccia congratulated the CWD team on their efforts and he described the success of the new billing system to be a major coup for the District and CWD.

Executive Director Ciaccia moved to the next report item regarding the CSO LTCP. The District met with the state and federal governments last week. Mr. Brown received a briefing from District staff as to the status of the CSO LTCP, and he requested that this information be presented to the Board during an Executive Session. David Burchmore from Squire Sanders & Dempsey LLP was present at the meeting and will provide his interpretation of the meeting held with the governments during Executive Session.

Executive Director Ciaccia informed the Board that the District received the 2009 Distinguished Budget Presentation Award from the Government Finance Officers Association (hereinafter "GFOA"). Executive Director Ciaccia congratulated Jennifer Demmerle, Director of Finance, and her staff as well as Ms. Haqq's staff for preparing the documents which were presented to the GFOA. Mr. Brown commented that "this was job well done and we appreciate it."

Executive Director Ciaccia moved to the last report item and encouraged the Board and public to view the poster presentation which was displayed in the Public Meeting Room. This presentation, which will be displayed at the upcoming Water Environment Federation's Annual Technical Exhibition and Conference (hereinafter "WEFTEC") in Orlando, Florida, is a manuscript entitled "From Flames to Fish: Resurrection of the Cuyahoga". This will be presented in poster format at WEFTEC which will cover the improvement of Cuyahoga River's water quality over the past 35 years. Seth Hothem was the lead author and contributing authors included Keith Linn, John Rhoades, Elizabeth Toot-Levy and Thomas Zablony.

V. Action Items

Authorization to Advertise

No discussion ensued on Resolution No. 220-09.

Resolution No. 220-09

**Rehabilitation of Automated Regulators
(RAR-5). Engineer's Estimate:
\$2,600,000.00.**

MOTION – Mr. O'Malley moved and Mr. Sulik seconded to adopt Resolution No. 220-09. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFPs)

No discussion ensued on Resolution Nos. 221-09 and 222-09.

Resolution No. 221-09

**RFPs for laboratory services for a one
(1) year period. Expected Expenditure:
not to exceed \$30,000.00.**

Resolution No. 222-09

**RFPs for the selection of a billing
service provider for Stormwater
Program non-Cleveland Division of
Water Accounts. Estimated Cost:
\$900,000.00.**

MOTION – Mayor Longo moved and Mr. Sulik seconded to adopt Resolution Nos. 221-09 and 222-09. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

No discussion ensued on Resolution Nos. 223-09 through 226-09.

Resolution No. 223-09

**Sole source contract with Burgess and
Niple, Inc. for professional services for
the final design, bidding and limited
construction services for the East
Branch of the Euclid Creek Dam
Removal Project. Cost: \$122,000.00.**

Resolution No. 224-09

Contract with Skyline Steel, LLC for Southerly Wastewater Treatment Center Renewable Energy Facility (REF) procurement of Steel H-Piles, Contract 28G. Cost: \$1,921,000.00.

Resolution No. 225-09

Contract with AdvizeX Technologies, LLC for the Oracle 10G upgrade and configuration of the Oracle e-Business Servers. Cost: not to exceed \$49,500.00.

Resolution No. 226-09

One year service/maintenance contract with American Copy Equipment, from the state term Schedule, for thirty-six (36) Ricoh copiers. Cost: not to exceed \$65,000.00.

MOTION – Ms. Kelly moved and Mr. O’Malley seconded to adopt Resolution Nos. 223-09 through 226-09. Without objection, the motion carried unanimously.

VI. Information Items

There were none.

VII. Open Session

There were no items for discussion.

VIII. Public Session (any subject matter)

No members from the public registered to speak at Public Session.

IX. Executive Session

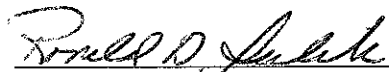
Mr. Brown stated that there were matters for discussion in Executive Session.

MOTION – Mr. Sulik moved and Ms. Kelly seconded to enter into Executive Session to discuss the CSO LTCP and Consent Order negotiations and to specifically designate all matters discussed in Executive Session to be protected from public disclosure in accordance with Ohio Revised Code §121.22(g)(3) and attorney-client privilege. A roll call vote was taken and without objection, the motion carried unanimously.

The Board met in Executive Session from 12:40 p.m. to 1:14 p.m.

X. Adjournment

MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. O'Malley moved and Mr. Sulik seconded the motion to adjourn at 1:14 p.m. Without objection, the motion carried unanimously.



Ronald D. Sulik, Acting Secretary
Board of Trustees
Northeast Ohio Regional Sewer District



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