

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
OCTOBER 5, 2023

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

I. Roll Call

Present: Darnell Brown
Ronald Sulik
Timothy DeGeeter
Jack Bacci
Sharon Dumas
Samuel Alai
Marjorie Chambers

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to approve the Minutes of the September 21, 2023 Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

Ms. Dreyfuss-Wells advised that Diane Calta would address the Board regarding Resolution No. 271-23, related to the Doan Brook Restoration near Horseshoe Lake Park project. Ms. Calta provided the following statement:

“Thank you. My name is Diane Calta. I’m here today on behalf of Friends of Horseshoe Lake. I’m an attorney with Mansour Gavin. My address is on the sign-in sheet, and I will be brief.

I think you’ve heard of the Friends of Horseshoe Lake. We’re here specifically to speak about Resolutions 271-23 and then also the related Resolution 273-23. Those have to do with the stormwater and project agreement with Cleveland Heights and Shaker Heights and the amended professional services agreement with AECOM and Stimson, and they are related to the design of park amenities at Horseshoe Lake.

We’re still here, Friends of Horseshoe Lake. We still want to be heard, and we want to implore you to consider our plan. And not forget that we have a viable plan that will serve everyone’s interests, not just the stormwater interests of the Sewer District. Not to say that those aren’t important, but

we believe that we can satisfy historic preservation, stormwater, amenities for the community, and the aesthetic features that have been in existence for over 170 years. Thank you.”

President Brown thanked Ms. Calta for her comments and stated that the Board would continue to take those concerns under advisement, as they have throughout the process. President Brown noted that several Board members have a long history with the Doan Brook watershed. He is currently a resident in the upstream community and resided in the downstream community for 18 years. The Board will continue to pay close attention to the process and outcomes of the project.

IV. Chief Executive Officer’s Report

Kyle Dreyfuss-Wells, Chief Executive Officer, advised the Board that on September 23, NEORSD welcomed over 2,200 people to its 15th annual Clean Water Fest, which was a great success thanks to the hard work of staff and partners. NEORSD was joined by 38 external vendors and had representation from every department. The Women and Wastewater Panel was a huge success, as each panel member provided an overview of their work, explained how they came to their current roles at NEORSD, and answered questions from the audience. The Sewer Divers meet and greet was also very successful, with the show’s stars handing out autographed trading cards. There were similar opportunities for community engagement throughout the day. Next year’s event will be held on September 21, 2024.

On September 27, NEORSD held its annual service awards, with over 170 honorees and guests. NEORSD recognized active employees with service time spans from 5 to 40 years, as well as retirees whose service time averaged 22 years of service. Robert Johnson, Jr., Plant Maintenance Manager at the Southerly WWTC received the Lifetime Achievement Award for his work exemplifying NEORSD’s values over his 35-years and continuing career. Ms. Dreyfuss-Wells thanked Angela Smith, HR Specialist Initiatives, and the Service Awards Committee for their efforts in coordinating the event.

This week was the annual Water Environment Federation’s Technical Exhibition and Conference (WEFTEC). The event brings together utilities, vendors, consultants, and regulators world-wide. Several NEORSD staff traveled to Chicago to attend the event, including Jim Bunsey, Chief Operating Officer, who served as a panelist addressing U.S. trade opportunities sponsored by the Canadian Trade Commission and convened by the Cleveland Water Alliance. Ms. Dreyfuss-Wells and Mr. Bunsey met with delegates of Singapore’s National Water Agency at their request to discuss the maintenance of deep tunnels. Ms. Dreyfuss-Wells participated in a Water Environment Federation convening of sector leaders to discuss the impacts of climate change, workforce, innovation, and community management.

Marie Fechik-Kirk, Manager of Sustainability and Special Projects, presented a workshop regarding measuring and reducing greenhouse gas emissions. Nicholas Merchant-Wells, Process Engineer, co-chaired a workshop regarding PFAS and discussed NEORSD’s experience at the Renewable

Energy Facility. Kathryn Crestani, Enterprise Biosolids & Residuals Superintendent, and Lita Laven, Project Manager, participated in multiple committees and led workshops.

President Brown thanked Ms. Dreyfuss-Wells for the overview of WEFTEC and advised that he has been a member for the Water Environment Federation for years and has attended every conference since 1988 to increase his technical knowledge.

Mr. Brown explained that a highlight of this year's conference was meeting Ted Henifin, the interim third-party manager appointed to oversee the Jackson, Mississippi Water System, which has been in a state of disrepair for years and requires immediate attention.

Mr. Brown expressed his interest in learning about how the industry can aid underserved communities and communities of color that have faced water challenges around the country and the world because it is important to serve communities other than one's own when the opportunity arises.

President Brown further advised that he discussed with other public officials at WEFTEC the fact that the utilities in Northeast Ohio are different than many others around the country inasmuch as the City of Cleveland, Division of Water has invested over \$1.5 billion over the last couple of decades to improve their system, and Northeast Ohio has redundancy in its four plants and a water system here different than in other places. Additionally, NEORSD is in the midst of its \$3 billion Consent Decree which will span 25 years. NEORSD was among the first to obtain a 25-year Consent Decree, due in large part to NEORSD's involvement in WEFTEC and speaking with USEPA about why NEORSD should be eligible for a similar consideration as Kansas City.

There are several things that NEORSD does to address water quality and quantity issues such as flooding and other issues that are occurring worldwide. NEORSD has invested wisely, and the Board performs due diligence in ensuring that only necessary work is performed in order to maintain affordability for ratepayers.

President Brown noted that at times, difficult decisions are made to do what best serves the Northeast Ohio community and further noted the importance of learning from and sharing knowledge with other communities and entities. President Brown thanked Ms. Dreyfuss-Wells and NEORSD staff for their efforts in obtaining and utilizing knowledge to best achieve environmental justice and equity within the rate structure.

V. Action Items

Authorization to Advertise

- Resolution No. 267-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a twelve-month requirement contract for sodium bisulfite solution at all Wastewater Treatment Plants with an estimated probable cost of \$415,000.00.
- Resolution No. 268-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a two-year public improvement requirement contract for Refractory Inspection and Repair Services with an estimated probable cost of \$200,000.00.
- Resolution No. 269-23 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the Southerly Sludge Storage Tank #9 Dome Modifications public improvement project with an estimated probable cost of \$150,000.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 267-23 through 269-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Qualifications

- Resolution No. 270-23 Authorization to issue an RFQ, in accordance with Ohio Revised Code Chapter 153, for Stormwater General Professional Services 3, including technical assistance and support to member communities and customers, and stormwater management program fee billing and credit analysis, all under the Regional Stormwater Management Program.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution No. 270-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that this appears to provide technical assistance to member communities as well as address fee billing and credit analysis and requested an explanation as to what this Resolution is intended to achieve.

Frank Greenland, Director of Watershed Programs, answered affirmatively and explained that this is the third iteration of this type of professional services contract to review things under Titles IV and V. NEORS D reviews numerous stormwater management plan protocols for development and these professional services are primarily for the industrial and larger parcels that are more complex

to determine the appropriate credit. The services are also occasionally used when trying to obtain FEMA funding to provide support and cost benefit analysis. This request is for a three-year contract.

Authorization to Enter Into Agreement

Resolution No. 271-23 Authorization to enter into a Stormwater Project Agreement with the Cities of Cleveland Heights and Shaker Heights for the Doan Brook Restoration Near Horseshoe Lake Park project, including the incorporation within the District's project design agreement with AECOM-Stimson Doan Brook Joint Venture for the design of certain City park amenities outside the scope of the District's project, in an amount not-to-exceed \$480,926.76, the cost of which will be reimbursed by the Cities to the District in accordance with the terms of the agreement.

Resolution No. 272-23 Authorization to enter into a professional services agreement with HDR Engineering, Inc for the REF PLC Replacement project in an amount not-to-exceed \$14,634,214.00.

MOTION –Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution Nos. 271-23 through 272-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted, regarding Resolution No. 271-23, that there has been much discussion about the design efforts performed for the stormwater aspect of the project, as well as the efforts to collaborate with the affected communities to attempt to incorporate their desired amenities, and how to leverage resources in an effective way. President Brown requested additional discussion regarding the community outreach aspect of the project.

Mr. Greenland advised that during the preliminary design phase, which is now complete, there was robust community engagement wherein residents were asked to offer their ideas of what amenities they might like to see in a restructured park on 60 acres of land. NEORSD outlined what its project would entail.

The two cities' administrations and councils discussed the proposed amenities and made their own selections of which amenities they wanted to move into the design phase. In terms of design of the amenities, the cost is approximately \$481,000 for all amenities outside of the direct scope of NEORSD's project.

Mr. Greenland provided a graphic demonstration of the park and explained that NEORSD's project includes removal of the dam, restoration and realignment of Doan Brook, incorporation of the municipal amenity design, continuation of the stakeholder process, removal of sediment, and

replanting of the riparian corridor. It will also be necessary to move the stream away from Lee Road because of the threats of erosion. This is a 15-month schedule for the detailed design phase.

Community amenities will include ADA accessible all-purpose paths, which have been chosen by the communities, as well as a series of boardwalks, overlooks, play areas, and observation decks, all of which came from community recommendations.

At the conclusion of the design phase there will be another decision point, and further discussion with the communities once more is known about the cost of construction.

President Brown asked who will be responsible for the maintenance of the park amenities. Mr. Greenland explained that NEORS D will be responsible for stormwater infrastructure and the communities will be responsible for the parkland amenities. As the design phase nears completion, there will be a clearer idea of where amenities will be located, and discussions will be held with the communities to make those determinations.

President Brown clarified that there will be approximately 18 months of design and at the end of the design process, there will be a construction cost estimate for NEORS D's portion of the costs and the communities. Mr. Greenland answered affirmatively and reiterated that the pre-design phase was just completed. There is a cost estimate with a significant contingency now due to unknowns. As the detailed design phase unfolds, the cost estimates will solidify.

Mayor DeGeeter asked what the public process was to determine what amenities the communities would like to have. Mr. Greenland explained that there were three public forums, one at Doan Brook and two in libraries, to discuss possibilities with residents. Tabletop exercises were performed, wherein residents were invited to structure what they might like to see in the park using a map. NEORS D conducted a survey. The information gathered was provided to and discussed with the administrations of the communities.

There was very robust community involvement. Both cities' councils have affirmed and passed legislation for the funding and design of their park amenities, as well as this agreement.

President Brown requested additional information regarding the project associated with Resolution No. 272-23.

Devona Marshall, Director of Engineering & Construction, explained that this is the fifth and final PLC replacement project under the automation program management effort. This project is focused on the Renewable Energy Facility (REF) at the Southerly WWTC. In total, there are 64 PLCs that will be addressed under this project. This project will cost \$14.6 million, and the consultant will be responsible for designing and programming the new PLCs upon installation.

The project benefits will be similar to the other PLC replacement projects. It will provide more reliable equipment by replacing obsolete equipment, as well as improve operator equipment as it

relates to transmitting data more quickly and efficiently. The improved data collection will improve maintenance processes.

President Brown asked if, as the completion of the long-term control program nears and the storage tunnels are activated, sending more flows to the plant for treatment, would the wear on the instruments increase significantly. Ms. Marshall explained that once the systems are in place, the PC&A group under Operation and Maintenance will be responsible for maintaining the systems. NEORS D will be remote operating the dewatering of the storage tunnels and the PLC equipment will play a significant role in the process.

Authorization to Amend Agreement

Resolution No. 273-23 Authorization to amend professional services Agreement No. 22003790 with AECOM-Stimson Doan Brook Joint Venture for the Doan Brook Restoration Near Horseshoe Lake Park project to include design, bidding, construction administration/ resident engineer, and closeout services, and to increase the total agreement amount by \$4,206,480.71, thereby bringing the total agreement amount not-to-exceed \$5,687,049.83.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 273-23. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional information regarding this agreement. Mr. Greenland explained that when NEORS D sought approval from the Board for the pre-design award, there was an option once the pre-design was completed, to either continue on with the same consulting team or to issue a Request for Proposals. The work performed by the consulting team has been excellent and accordingly, NEORS D would like to continue with the effort. NEORS D has negotiated the price for the detailed design, construction, and closeout process. The estimated construction cost currently is \$20 million absent contingencies.

In terms of the components, it is dam removal, stream restoration, removal of sediment, and continuing public engagement. There will be incorporation of landscape integration and the amenities discussed earlier in the meeting.

Authorization to Assign Agreement

Resolution No. 274-23 Authorization to assign professional services Agreement No. 22008886 with Sunera Technologies, Inc. to Sutherland Digital Services for database admin support services with all current terms and conditions of the agreement to remain unchanged under the assignment.

MOTION –Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 274-23. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 275-23 Authorization to enter into a three-year contract with Blue Technologies Smart Solutions, LLC, for software licensing and OnBase application maintenance under the State of Ohio’s cooperative purchasing program, in an amount not-to-exceed \$138,708.18.

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 275-23. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 276-23 Authorization to modify Contract No. 3831 with the County of Cuyahoga for the County’s disposal of grit at the District’s Southerly Wastewater Treatment Center to increase the contract scope to include the disposal of wastewater grit from Cleveland Metropolitan Park District catch basins and sewers with no change in the contract’s not-to-exceed amount.

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution No. 276-23. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 277-23 Authorization to acquire one parcel in fee simple known as PPN 457-30-002, located at 11501 Pleasant Valley Road in the City of Parma, owned by Garrick Adams, Stephanie Adams, and Kathryn B. Heffernan, necessary for the construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, and to allow for the entirety of the payment to be disbursed to Infinity Title Solutions with total consideration of \$245,000.00 plus closing costs.

Resolution No. 278-23 Authorization to acquire one parcel in fee simple known as PPN 457-33-002, located at 11309 West Pleasant Valley Road in the City of Parma, owned by Andrew L. Huttman, necessary for construction and maintenance of the SWMP Project Area 6 – Flood and Erosion Reduction Near York and Pleasant Valley Roads project, to enter into

a six-month no cost lease agreement with Mr. Huttman, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC with total consideration of \$220,000.00 plus closing costs.

Resolution No. 279-23 Authorization to acquire one temporary easement at the property known as PPN 457-28-048, located at 10981 Baron Drive, in the City of Parma, owned by Terry G. Behrens and Barbara L. Behrens, Trustees of the TB Behrens Joint Trust created December 2, 2021, necessary for construction of the Baldwin Creek Bonny Banks Basin Improvements project with total consideration of \$3,150.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 277-23 through 279-23. Without objection, the motion carried unanimously.

Authorization to Pay Dues

Resolution No. 280-23 Authorization to renew the District’s Water Research Foundation subscription for 2023-2024 and to pay dues in the amount of \$114,537.00.

MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution No. 280-23. Without objection, the motion carried unanimously.

Authorization to Grant Credit

Resolution No. 281-23 Authorizing the District to issue a credit adjustment in the total amount of \$43,837.54 against sewer charges on the account ending in 0001 to Triangle Machine Products, 6055 Hillcrest Drive, Valley View.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 281-23. After the following discussion, without objection, the motion carried unanimously.

President Brown asked whether the City of Cleveland, Division of Water had also issued a credit. Ken Duplay, Chief Financial Officer, answered affirmatively.

Hearing Officer Findings and Recommendations

Resolution No. 282-23 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of Pamela Crawford ending in 5074, Sewer District Hearing No. 23-008, that no adjustments be made.

MOTION – Mr. Sulik moved, and Ms. Chambers seconded to adopt Resolution No. 282-23. Without objection, the motion carried unanimously.

VI. Information Items

Mr. Greenland provided the Regional Stormwater Management Program Update, beginning with Stormwater Inspection and Maintenance (SWIM). So far this year, there have been nearly 1,000 inspections performed across the service area. There will be an anticipated 1,300 inspections by year's end, primarily to look for timber obstructing bridges or culverts, and depending on the number of large storms.

As for maintenance, there have been 165 maintenance projects across the service area this year, with approximately 190 anticipated by the end of the year, similar to last year.

The SWIM group is also involved in smaller projects such as dredging the Chevy Branch of Big Creek and other targeted dredging activities to reestablish freeboard under culverts. President Brown asked how often NEORS D performs such activities. Mr. Greenland explained that this is new to NEORS D. President Brown asked whether there is an expectation that the dredging will improve conveyance. Mr. Greenland explained that while it will help to increase the level of service, it will not increase it exponentially. Mr. Greenland provided photos of sediment buildup in a culvert near the Erwin and Milligan area of the Chevy branch and explained that the dredging provided a minimal but open crossing to improve conveyance.

While there are large culvert projects in excess of \$1 million, the SWIM group is performing smaller projects which help to reduce maintenance and inspection frequencies and delay urgent projects.

Regarding technical support, the Master Planning is complete and advanced stormwater planning is underway. One such area is the Puritas Basin, wherein the modeling and flow monitoring are complete. The basin will likely have some environmental concerns which are being assessed along with what can be done to minimize upstream and downstream impacts holistically.

The advanced planning effort has been expanded to include the entirety of the Chevy branch, as the July and August storms led to significant flooding across the area. NEORS D built a basin along the Chevy branch years ago, which did increase the level of service but not to a 100-year level.

Mr. Greenland provided photos of an ODOT basin along I-480 where NEORS D is planning short-term measures in terms of dredging to reestablish a flow path and long-term measures to reestablish storage capacity. The basin is full of sediment and invasive species, reducing storage capacity and the ability to convey flows through the basin.

Advanced planning is underway for the Millcreek/Broadway Avenue area. Alternatives evaluation for the area will begin next year. This will likely be a large, complex project and may require phasing.

The Big Creek West Branch has had significant flooding. There is a project underway to understand how the regional and local system interacts. This will be a large, phased project utilizing information and models built during the Master Plan.

As for property acquisition, there has been approximately \$1 million in acquisitions in the last quarter. A significant achievement is the acquisition of property needed for the Baldwin Creek Dell Haven Basin project, which will allow the project to move forward.

Mr. Greenland provided a stormwater design and construction highlight of the Pepper Luce at Gates Mills Boulevard project. The project was performed to address numerous problems including issues with the culverted stretch and the culvert itself, inlets, outlets, an undersized basin in the median at Gates Mills Boulevard, and issues relating to the streambanks. There is a history of significant flooding along Gates Mills Boulevard and adjacent properties.

The proposed design of the project was to rehabilitate the culvert, expand the stormwater detention basin, realign some of the inlets and outlets for improved flow transfer, and stabilize the streambanks downstream. The area had approximately a 10-year level of service and is anticipated to reach a 100-year level of service, which is rare. Typically, residential areas are designed to have a 10-year level of service, however, the culvert and basin were problematic.

Mr. Greenland provided photographs of before, during and after the project, as well as after the August 23 rain event. The photograph after the rain event showed no water in the street and no flooding, demonstrating that the basin performed as intended.

Regarding grant programs, the Community Cost-Share program account balance is \$38 million, \$10 million of which is under executed contracts with communities, \$5.5 million is in negotiations, \$10 million is in allocation agreements wherein the funds will be used for large projects, and \$12 million is currently unassigned. No community has ever lost their funding because of inactivity for more than five years and no community is in danger of losing its funds. So far this year, \$7.4 million has been utilized, and \$9 million is projected to be utilized by year's end. Since the program's inception, a total of \$45.5 million has been utilized for local stormwater projects.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(1), (G)(3), and (G)(4), moved, and Mayor DeGeeter seconded, to enter an executive session to consider the appointment and employment of a public employee; to consult with the District's legal counsel concerning disputes involving the District that are subject to or are pending and imminent court action; and to prepare for and review bargaining sessions with the public employees concerning their compensation and other terms of employment. By roll call vote, the Board voted unanimously to enter into executive session at 1:30 p.m.

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

X. Approval of Items from Executive Session

There were no items.

XI. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 2:14 p.m. Without objection, the motion carried unanimously.



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



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