

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
OCTOBER 7, 2021

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
Jack Bacci
Timothy DeGeeter
Samuel Alai
Terence Joyce

Absent: Sharon Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to approve the Minutes of the September 16, 2021, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer’s Report

Kyle Dreyfuss-Wells, Chief Executive Officer, provided an update regarding NEORS’s ongoing COVID-19 pandemic response and informed the Board that NEORS staff has no active COVID-19 cases, and no employees with COVID-19-like symptoms awaiting test results. There are currently no employees remaining at home because a member of their household tested positive. There has been a total of one hundred employees with confirmed diagnoses since the beginning of the pandemic, all of whom have recovered and returned to work.

Ms. Dreyfuss-Wells advised that NEORSD will begin its opt-in policy for employees interested in a voluntary exception to the face covering policy. This will allow employees who provide proof of vaccination to Human Resources to receive a card which can be worn with their employee badge allowing them to move about NEORSD facilities without a face covering, beginning October 18, 2021. All employees are welcome to continue to wear face coverings if that is their preference. An informational video regarding the policy was emailed to NEORSD staff today. NEORSD will continue to monitor cases locally and nationally and hopes to see a continued decline.

On September 23, Ohio EPA recognized NEORSD with a Silver Encouraging Excellence award. The award recognizes an organization's achievements in environmental stewardship. There were fifteen organizations recognized state-wide, with NEORSD being acknowledged for its efforts to increase efficiency, reduce waste, procure renewable electricity, and beneficially reuse products such as ash and river rock. Examples include NEORSD's efforts in 2018 that reduced 14 million kilowatt-hours electricity use compared to its 2014 baseline through efficiency and conservation efforts; reusing incinerator ash in topsoil mixtures for a 75% reduction of landfill waste; and recycling efforts in 2020 that diverted 500 tons of waste from landfills. Ms. Dreyfuss-Wells offered kudos to NEORSD staff and President Brown offered congratulations.

Regarding Horseshoe Lake Dam, NEORSD is continuing its work with the Cities of Shaker Heights and Cleveland Heights. NEORSD issued the Request for Proposals (RFP) for landscape architecture and engineering services for the Doan Brook Stream Restoration at Horseshoe Lake Park project on September 24. Proposals are due November 12 and both cities have appointed two of their staff members to sit on the review committee with NEORSD staff. The City of Shaker Heights voted in concurrence with NEORSD's recommendation on September 27. The City of Cleveland Heights has retained the firm Gannett Fleming to review the recommendation and NEORSD has requested that Cleveland Heights City Council consider its concurrence by November 8.

Ms. Dreyfuss-Wells advised the Board that they were provided with a copy of NEORSD's People & Progress newsletter, which highlights its 2021 service awards, recognizing years of service and hard work from NEORSD staff. Ms. Dreyfuss-Wells congratulated the recognized staff members and in particular, Frank Greenland, Director of Watershed Programs, who received the Lifetime Achievement Award. Ms. Dreyfuss-Wells thanked the NEORSD staff members who worked to make the second virtual event a success and recognize staff accomplishments and milestones during the COVID-19 pandemic.

President Brown asked for clarification regarding the statement that NEORSD issued a Request for Proposals from landscape architecture firms for the Doan Brook Stream Restoration at Horseshoe Lake Park project and asked if that is unusual for a Watershed Programs project. Mr. Greenland explained that although the project will be led by a landscape architect, it will heavily rely upon civil engineering. The project will involve bringing down the dam, restoring the streams, and dealing with a lot of sediment. A landscape architect is necessary to ensure that the amenities of

Horseshoe Park, with the desires of the community, work in concert with NEORSD's regional stormwater project within the park setting. President Brown commented that it gives him pause for the emphasis to be less on civil engineering because it is a dam structure. Mr. Greenland explained that the emphasis is not less, the landscape architect will be the lead contractor, however there is a heavy civil engineering component. NEORSD will control the predesign activities to ensure that the landscape architecture and civil engineering are well represented. Ms. Dreyfuss-Wells added that the project is structured in such a way that the two specialties work together. The interplay between the way that the site is laid out, sediment is dealt with, and stream is restored, has a strong landscape architecture component. Civil engineering is essential in terms of ensuring that the dam structure and stream routing is managed appropriately. President Brown added that he would expect to see a joint venture rather than lead in that scenario.

V. Action Items

Authorization to Advertise

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| Resolution No. 298-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for a one-year requirement contract for Sodium Bisulfite Solution at all Wastewater Treatment Plants and including two one-year District renewal options, with an anticipated expenditure of \$256,000.00 for the first year. |
| Resolution No. 299-21 | Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for the Shoreline Consolidation Sewer project with an anticipated expenditure of \$51,500,000.00. |

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution Nos. 298-21 through 299-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 299-21, this is the final phase of the project, and it will involve a number of combined sewer overflow (CSO) structures in terms of reducing several million gallons each year and requested additional information about the alignment impact to areas south of the Shoreway, Kirtland Pump Station, and Baldwin Water Treatment Plant, ensuring that there is coordination of the impacts of the project.

Devona Marshall, Director of Engineering and Construction, explained that the Shoreline Consolidation Sewer project is the final component of Control Measure 7 of the Consent Decree and once it is complete, it will discharge to the Shoreline Tunnel, which is currently under construction.

Under this project specifically, NEORSD is constructing approximately 5,000 feet of 6-foot diameter consolidation tunnel. In addition to discharging to the Shoreline Tunnel, there will be

four large shafts constructed along with multiple regulator modifications in the system and new regulators that will be constructed. This project will control six CSOs that directly discharge to Lake Erie. The location of the new consolidation sewer is just south of the East Shoreway between East 40th and East 55th Street.

Ms. Marshall provided an image of the Kirtland Pump Station and the 48-inch water mains associated with it and explained that the tunnel will run approximately 90 feet below those water mains. NEORSD coordinated with the Cleveland Division of Water in completing its design plans and will continue to monitor the project in the construction phase to ensure that there is no potential for damage to the water mains.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 300-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for an accredited education provider to support the development of technical trades under the Maintenance Training Program.

Resolution No. 301-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for Stormwater Testing and Construction Inspection Services for the period 2022-2026.

Resolution No. 302-21 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for software and professional services under the Oracle EBS Upgrade project.

MOTION – Mayor Bacci moved, and Mayor Alai seconded to adopt Resolution Nos. 300-21 through 302-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked, regarding Resolution No. 300-21, what technical trades will be included in the training. Elizabeth Brooks, Director of Human Resources, explained that the Resolution is specifically related to the Maintenance Training Program. The focus is on NEORSD’s maintenance craft trades, which include Plant Utility Maintenance Person, Plant Maintenance Instrumentation Technician, Plant Maintenance Electrician, and Systems Utility Maintenance Person. Ms. Brooks provided a graphic demonstrating that the RFP is to select an outside partner to assist with the 15 courses that support the completion of the four-year training program.

Ms. Dreyfuss-Wells clarified that the terms “skilled trades” and “technical trades” are being used interchangeably in the Resolution Request.

Authorization to Enter Into Agreement

Resolution No. 303-21 Authorization to enter into a project agreement with the Cuyahoga Soil and Water Conservation District (CSWCD) to provide local match funding for the West Branch of Euclid Creek, Mayfield Campus Stream Restoration Project Phase 1 in the City of Lyndhurst with a District contribution toward project costs in an amount not-to-exceed \$59,463.00, and a CSWCD contribution toward the remaining costs of the project, currently estimated to be \$300,000.00, from the Ohio EPA Section 319(h) grant program.

Resolution No. 304-21 Authorization to enter into a project agreement with the Cuyahoga Soil and Water Conservation District (CSWCD) to provide local match funding for the Greenbriar Valley Floodplain Restoration project in the City of North Royalton with a District contribution toward project costs in an amount not-to-exceed \$115,000.00 and a CSWCD contribution toward the remaining costs of the project, currently estimated to be \$300,000.00, from the Ohio EPA Section 319(h) grant program.

Resolution No. 305-21 Authorization to enter into a project agreement with the West Creek Conservancy (WCC) to provide local match funding for the Ridge and Stream Restoration at the Padua Soccer Fields project in the City of Parma with a District contribution toward project costs in an amount not-to-exceed \$100,000.00 and a WCC contribution toward the remaining costs of the project, currently estimated to be \$350,000.00, including \$300,000.00 from the Ohio EPA Section 319(h) grant program and \$50,000.00 from WCC.

MOTION – Mr. Joyce moved, and Mr. Sulik seconded to adopt Resolution Nos. 303-21 through 305-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 306-21 Authorization to enter into a one-year requirement contract with sole source supplier Essix Resources for the purchase of up to 220 tons of olivine sand for use at the Renewable Energy Facility in an amount not-to-exceed \$71,500.00.

Resolution No. 307-21 Authorization to enter into a two-year requirement contract with Great Lakes Petroleum for Fuel Management and Monitoring Services at all District facilities in an amount not-to-exceed \$611,388.42.

Resolution No. 308-21 Authorization to enter into a nine-month requirement contract with Nerone & Sons, Inc. for Odor Control Facilities Media Replacement Services in an amount not-to-exceed \$556,346.00.

Resolution No. 309-21 Authorization to enter into a construction contract with Suburban Maintenance & Construction, Inc. for Lake View Cemetery Dam Maintenance Repairs in an amount not-to-exceed \$458,117.85.

Resolution No. 310-21 Authorization to enter into a construction contract with The C.D. Whitfield Co., LLC for the Southerly Boiler Feedwater Pumps Replacement project in an amount not-to-exceed \$187,658.20.

Resolution No. 311-21 Authorization to enter into a construction contract with Synergy, LLC for the District Wide HVAC Equipment and Systems Upgrades project in an amount not-to-exceed \$7,070,000.00.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 306-21 through 311-21. Without objection, the motion carried unanimously.

Authorization to Pay Dues

Resolution No. 312-21 Authorization to renew the District’s National Association of Clean Water Agencies (NACWA) Fiscal Year 2022 subscription for the period October 1, 2021 through September 30, 2022 in the amount of \$50,130.00.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 312-21. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 313-21 Authorization to acquire one permanent sewer easement at the property known as PPNs 105-04-019 and 105-04-020, located at 5466 Lake Court, in the City of Cleveland, owned by SCN Services, LLC, necessary for the construction and maintenance of the Shoreline Consolidation Sewer Project with total consideration of \$1,800.00.

Resolution No. 314-21 Authorization to acquire one permanent stormwater easement at the property known as PPN 029-05-006, located at 20445 Emerald Parkway Drive, in the City of Cleveland, owned by Emerald Research Park, Ltd. and to enter into a right of entry agreement for the said

property, and to acquire one parcel in fee simple, to be split from the property known as PPN 029-06-008, located at Emerald Ct., in the City of Cleveland, owned by Emerald Research Park, Ltd., necessary for the construction and maintenance of the Debris Racks & Access Road Improvements at Various Locations project, and to allow for the closing costs to be disbursed to Northstar Title Services, LLC, with total consideration of \$1.00 plus closing costs.

Resolution No. 315-21

Authorization to deposit an additional \$10,000.00 with the Cuyahoga County Probate Court as consideration for a court settlement for the appropriation of two permanent sewer easements at the property known as PPNs 108-10-001 and 108-10-002, located at 488 East 105th Street and 10201 Elk Avenue, in the City of Cleveland, owned by Randell Ware, necessary for the construction and maintenance of the Shoreline Storage Tunnel project, for a total settlement amount of \$19,450.00.

Resolution No. 316-21

Authorization to enter into a right of entry agreement for use of the property known as PPN 831-38-082, located at 6828 Bonnieview Drive, in the Village of Mayfield, owned by Keith Campbell and Elizabeth Rothman, necessary for the maintenance of the Cranbrook/Bonnieview Intercommunity Relief Sewer project with total consideration of \$1.00.

Resolution No. 317-21

Authorization to enter into a right of entry agreement for use of the property known as PPN 831-40-001, located at 943 Wilson Mills Road, in the Village of Mayfield, owned by the Village of Mayfield, necessary for the maintenance of the Cranbrook/Bonnieview Intercommunity Relief Sewer project with total consideration of \$1.00.

Resolution No. 318-21

Authorization to acquire one parcel in fee simple known as PPN 392-19-102, located at 11111 Blodgett Creek Trail, in the City of Strongsville, owned by Carol V. Koenig, necessary for the construction and maintenance of the Blodgett Creek SWMP Problem Area 5 project, to enter into a lease agreement with Carol V. Koenig, to enter into an Assignment and Assumption Agreement with the Western Reserve Land Conservancy, and to allow for the entirety of the payment closing costs to be disbursed to Ohio Real Title Agency, LLC, with total consideration of \$250,000.00 plus closing costs.

- Resolution No. 319-21 Authorization to acquire one permanent stormwater easement and one temporary easement at the property known as PPN 581-21-016, located on Broadview Road, in the City of Broadview Heights, owned by Marius G. Marita and Elena Adela Marita, necessary for the construction and maintenance of the Chippewa Creek Stream Stabilization Near Broadview Road project with total consideration of \$1.00.
- Resolution No. 320-21 Authorization to extinguish and release one permanent stormwater easement and one temporary easement at the property known as PPN 871-28-020, located at 30076 Gates Mills Blvd., in the City of Pepper Pike, owned by Barbara M. Baker, Trustee under the Barbara M. Baker Family Living Trust Agreement, acquired for the construction and maintenance of the Pepper Luce Creek Culvert Rehabilitation at Gates Mills project with total consideration to the District of \$6,400.00.
- Resolution No. 321-21 Authorization to acquire one permanent easement and two temporary easements at the property known as PPN 003-02-002, located at 5400 Whiskey Island Drive, in the City of Cleveland, owned by the Cleveland-Cuyahoga County Port Authority, necessary for the construction and maintenance of the Westerly Chemically Enhanced High-Rate Treatment project with total consideration of \$150,250.00.
- Resolution No. 322-21 Authorization to acquire one parcel in fee simple known as PPN 761-16-084, located at 19906 Longbrook Road, in the City of Warrensville Heights, owned by the Cuyahoga County Land Reutilization Corporation, necessary for the construction and maintenance of the Mill Creek Bank Stabilization Warrensville Heights project with total consideration of \$68,276.69.
- Resolution No. 323-21 Authorization to acquire one parcel in fee simple known as PPN 489-14-035, located at 4856 Oakridge Drive, in the City of North Royalton, owned by Michael P. and Jennifer D. Hurley, necessary for the construction and maintenance of the Big Creek Main Branch – Master Plan Project Area BC-NR-02 project, to enter into a lease agreement with the Hurleys, and to allow for the entirety of the payment plus closing costs to be disbursed to Ohio Real Title Agency, LLC, with total consideration of \$290,000.00 plus closing costs.

MOTION – Mr. Joyce moved, and Mayor Bacci seconded to adopt Resolution Nos. 313-21 through 323-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional information regarding Resolution No. 323-21, specifically, whether the property is in a floodplain and what is to be accomplished through this acquisition.

Mr. Greenland provided a photograph of a parcel that has already been acquired, the parcel to be acquired, and other parcels of interest. He explained that it is in an area that experiences roadway floodway during one-to two-year storm events. This is near Big Creek main branch, which has two 90-degree bends in very close proximity, which is not good for streams. This will become a project area under the Regional Stormwater Management Program to address culvert issues, reclaim floodplain, and improve conveyance to prevent street flooding in the area. This is a fair market purchase price in North Royalton.

VI. Information Items

President Brown noted that there were two items for discussion, certification of delinquent sewer accounts to the Cuyahoga County Fiscal Officer for 2021 second half final certification, and certification of direct bill delinquent sewer and stormwater accounts to Cuyahoga County and Lorain County Fiscal Officers. President Brown requested an explanation of what time period the billings are from and what makes them unique in terms of why this action is being taken now.

Ken Duplay, Chief Financial Officer, advised the Board that there are two separate lists of accounts that NEORSD certified for the second half of 2021. This is the first certification process since the second half of 2019, as certification was paused as a result of the pandemic. The current certification is for account balances dating back to December 31, 2019, and prior, meaning that these are balances due that predate the pandemic. There is likely federal funding that will be available for many customers in response to COVID-19 impacts, and these balances would not be impacted by those funds.

This is also the first time that NEORSD has done a full certification of outstanding stormwater balances. There is approximately \$800,000 in total stormwater balances included in the certification dating back to December 31, 2019, and prior.

Mr. Sulik asked whether NEORSD verifies that the properties are inhabited and still active. Mr. Duplay explained that part of the process is to ensure that the current owner is still in place. There is a systematic process to remove properties that have transferred or are no longer occupied from the list. Customers who are on active payment plans are excluded as well. There is a very systematic approach to ensure that the account holder is the same owner in the county's records and that it is a valid charge.

Ms. Dreyfuss-Wells invited Mr. Duplay to discuss the automation of the certification process to remove potential for human bias and Constance Haqq, Chief Administrative Officer, to discuss NEORSD's customer outreach efforts.

Mr. Duplay explained that NEORSD's Finance, Customer Service, and IT departments worked for several years to implement a billing data warehouse. One of its primary uses is to implement automation in place of what was previously a very manual process. This tool allows for the review of hundreds of thousands of account records to identify, based on balances due and the criteria within the certification policy, to ensure that NEORSD is fairly and appropriately identifying accounts to be certified.

President Brown asked whether taking this action results in the foreclosure of property. Eric Luckage, Chief Legal Officer, explained that NEORSD has had conversations with the attorney at the county who handles the foreclosure process. They have assured NEORSD that if the only liens on the property are delinquent water and sewer charges, and there are not delinquent property taxes, the NEORSD certification alone will not lead to foreclosure on that property. If a mistake is made and the foreclosure process has erroneously begun, they will halt the foreclosure process.

Mr. Luckage added that the foreclosure process is quite protracted. It is typically three to five years from the time that a person becomes delinquent in their taxes and is nonresponsive to outreach from the county before the foreclosure process is initiated. It is quite clear that the act of certifying the sewer charges and placing a lien on the property does not immediately, or necessarily, result in foreclosure.

Ms. Haqq advised the Board that while NEORSD has always done outreach to customers precertification, the efforts have become much more aggressive during the pandemic, contacting customers directly through a number of means to encourage them to get on payment plans, and to contact NEORSD if they have special needs. NEORSD has also engaged with a number of organizations in the community, including the Greater Cleveland Food Bank, churches, and other organizations, to try to reach people who need assistance. These efforts are continuing.

NEORSD has had some success in getting customers involved, but the accountholders that are being certified were unresponsive.

President Brown added that he also chairs the Board of Trustees for the Greater Cleveland Food Bank, and they have a major capital expansion project underway. They are adding additional services to address related socioeconomic issues onsite. It may be helpful to have a discussion with them regarding utility services and utility bills, to possibly provide some sort of counselling to people utilizing the Food Bank's services. Ms. Haqq indicated that she would follow up on the matter.

President Brown thanked everyone for the presentation and added that it provided context to the task of attempting to resolve these billing issues dating back to 2019 and earlier.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22(G)(1), moved, and Mr. Sulik seconded to enter into Executive Session to consider the compensation of public employees. By roll call vote, the Board voted unanimously to enter into executive session at 1:10 p.m.

The Board returned to open session at 1:53 p.m.

IX. Approval of Items from Executive Session


Authorization of Compensation

Resolution No. 324-21	Authorizing funding for year 2021 Pay for Performance, including base pay increases for non-union employees up to four percent (4%), effective the first pay of 2022, and a budgeted amount not-to-exceed \$650,000.00 for merit pay to eligible non-union employees to be distributed in January 2022, all as determined by the Chief Executive Officer.
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President Brown indicated that following Executive Session, the Board has follow-up questions for staff. The Board deferred action on Resolution No. 324-21 pending further review.

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mr. Sulik seconded the motion to adjourn at 1:54 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