

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
OCTOBER 19, 2017

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 Ron Sulik.

I. Roll Call

PRESENT: R. Sulik  
T. DeGeeter  
J. Bacci  
J. Ciaccia  
R. Stefanik

ABSENT: D. Brown  
S. Dumas

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved and Mayor Stefanik seconded to approve the minutes of the September 21, 2017, 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 announcing that on Saturday, October 7, she and Jean Smith made a presentation to the Board of Directors of the Alliance for the Great Lakes. The Alliance is a citizen environmental organization headquartered in Chicago, focused on Great Lakes issues and they held their Board Meeting in Cleveland. The presentation was on Project Clean Lake, the Regional Stormwater Management Program and District efforts to help local communities with the Member Community Infrastructure Program. The Alliance has historically focused on combined sewer overflow with their national advocacy but has shifted towards nutrient runoff.

On October 12, Ohio Environmental Protection Agency (EPA) Director Craig Butler, his staff and Northeast Ohio District EPA Chief, Kurt Princic, visited the Nine Mile site and were provided with an update on Project Clean Lake. They were very impressed with the scale and sophistication of the work.

CEO Dreyfuss-Wells stated that under Information Items are the District's comments on Ohio's draft Domestic Action Plan, which is Ohio's plan to meet the State's 40% phosphorous reduction target for Lake Erie by 2025.

The District's comments discuss the work the District has done over the last 40 years to improve water quality, its commitment to Lake Erie and nutrient management, and strongly emphasized that it is an agricultural runoff issue -- not a CSO issue -- and we are very willing to be part of the conversation, but don't want that 40% reduction target to focus on CSO control.

CEO Dreyfuss-Wells congratulated Westerly Assistant Superintendent Debbie Klosz for obtaining her Class 4 Wastewater Certification. This is Ohio EPA's highest level of certification for wastewater treatment plant operators, and is required to be the operator of record for any District plant. The District has 11 employees with this certification and Ms. Klosz is the first woman in District history to obtain it.

V. Action Items

Authorization to Issue Request for Proposals (RFPs)

- |                       |   |
|-----------------------|---|
| Resolution No. 298-17 | Authorize the issuance of RFP, in accordance with Ohio Revised Code Chapter 6119, for the Stormwater Conservation Planning and Property Acquisition Services project. |
| Resolution No. 299-17 | Authorize the issuance of RFP, in accordance with Ohio Revised Code Chapter 6119, for State Advocacy Services.  |
| Resolution No. 300-17 | Authorize the issuance of RFP, in accordance with Ohio Revised Code Chapter 6119, for Federal Advocacy Services.  |

**MOTION** – Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution Nos. 298-17 through 300-17. After the following discussion and without objection, the motion carried unanimously.

Referencing Resolution No. 298-17, Janet Popielski, Stormwater Design & Construction Program Manager, advised that the RFP is targeted for projects in which the goal is to restore or preserve functioning riparian corridors and floodplains that provide flood attenuation and water quality benefits for the Regional Stormwater System.

The three areas critical to achieve these goals that are the focus of the RFP are conservation planning, voluntary land acquisition and land preservation.

Conservation planning services will be utilized to consider alternatives in stormwater master plans to determine if there are strategic parcels that will have additional benefits to the project, and to evaluate the benefits of the parcels.

All acquisitions are typically intended to be voluntary, subject to system needs review. Land preservation expertise will help property owners understand what the District is trying to achieve by voluntarily selling their properties.

Land preservation piece comes into play with master planning alternatives. There will be undeveloped areas and the preservation of those areas will provide a benefit to the Regional Stormwater System to maintain its functionality over time.

The District has current projects targeting these services as well.

The Board previously approved a contract for property services to the stormwater program and in April 2017 the District issued an RFP for stormwater right-of-way services. However, staff subsequently notified the proposers that they would not move forward at that time with awarding a contract.

Moving to Resolution Nos. 299-17 and 300-17, Constance Haqq, Director of Administration & External Affairs, explained that the District last issued RFPs for advocacy services in 2011. The current providers have done a very good job but staff thinks it is appropriate to provide an opportunity for others to provide these services.

Darnella Robertson, Manager of Government Affairs, explained that the District began utilizing formal advocates in 2009 to monitor environmental laws and regulations, garner opportunities for funding and to assist with applications and Congressional visits.

Vorys Advisors, LLC and Andrew J. Futey & Associates assist with issues including stormwater litigation, specific areas related to laws and regulations and assisted with director-level outreach.

#### Authorization to Enter into Contract(s)

Resolution No. 301-17

Authorization to enter into a two-year contract with JCI Jones Chemicals, Inc. for the delivery of 1,565,000 gallons of liquid sodium hypochlorite solution to all Wastewater Treatment Plants in the amount of \$1,048,550.00.

Resolution No. 302-17

Authorization to enter into a Design-Build Contract with Independence Excavating, Inc. for the Stickney Creek at Ridge Road Stream Relocation and Utility Repair Project and to authorize an initial

amount of \$225,000.00 for the design/preconstruction portion of the contract.

Resolution No. 303-17

Authorization to enter into six month contracts for snow plowing services with H&M Landscaping in the amount of \$27,849.62 and Robins Nest Landscape in the amount of \$36,432.48.

**MOTION** – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 301-17 through 303-17. After the following discussion and without objection, the motion carried unanimously.

Referencing Resolution No. 302-17, Ms. Popielski stated that this project is to protect the Ridge Road intercommunity sewer, which is exposed by erosion in Stickney Creek, and to improve the natural stream function of the creek. This resolution is for the predesign and design portion of the contract. When design is 60% complete staff will negotiate the guaranteed maximum price with the contractor and a contract modification for construction costs will be brought to the Board for consideration.

Mr. Ciaccia clarified that this approval is for \$225,000 for the design phase of the contract and the entire project, including construction will have a total budget of \$1.26 million, which Ms. Popielski confirmed.

Authorization to Pay

Resolution No. 304-17

Authorize the District to pay the Treasurer, State of Ohio for the Ohio Environmental Protection Agency Annual Discharge Fees for all Wastewater Treatment Plants in the amount of \$129,400.00.

**MOTION** – Mr. Ciaccia moved and Mayor Bacci seconded to adopt Resolution No. 304-17. Without objection, the motion carried unanimously.

Property-Related Transactions

Resolution No. 305-17

Authorize a relocation payment of \$5,670.00 to Donald Evans with relation to the District's acquisition of property 1288 E. 115<sup>th</sup> St. in the City of Cleveland necessary for the construction of the Doan Valley Tunnel Project.

Resolution No. 306-17

Authorize the District to enter into an Assignment, Assumption and Amendment Agreement with Norfolk Southern Railroad (NSRR) through its agents, Railroad Management Company, LLC, and Strong Capital X LLC for two District facilities located on NSRR property and to authorize the initial \$1,00.00 Licensing Fee and subsequent annual licensing fees pursuant to the Agreement.

Resolution No. 307-17

Authorize the District to acquire two parcels from the City of Cleveland necessary for access to the Heights-Hilltop Interceptor for a total consideration, for both parcels, of \$7,625.00.

**MOTION** – Mayor Stefanik moved and Mr. Ciaccia seconded to adopt Resolution Nos. 305-17 through 307-17. Without objection, the motion carried with one abstention by Ms. Dumas.

VI. Information Items

1. Regional Stormwater Management Program Update

Frank Greenland, Director of Watershed Programs, advised that inspection activities across the Regional Stormwater System are spread broadly. Inspection totals have increased 45% over last year and maintenance projects increased by 49%. Staff will monitor these totals to establish a baseline.

Corrugated metal pipe is a big issue across the service area. Staff is in the field looking at issues on private and public property. They immediately notify property owners and continue to watch these pipes through the inspection program and analyzing them through the master plans. Inquiries are assessed and addressed within two weeks 99% of the time.

Staff inspects all culverts in the Regional Stormwater System to understand long-term operations and maintenance and potential capital needs. There are many concrete-lined channels across the service area and primarily along highways. Maintenance activities include removing some trees from streams.

Mr. Ciaccia inquired whether there is any market for woody debris. Mr. Greenland stated that the contractors are responsible for disposal and he would look into what is done with any debris.

The Green Infrastructure property management contract is in month five of a two-year contract and \$68,000 has been spent to date. Staff assessed all green infrastructure sites and made short-term improvements through landscaping, minor structural improvements or cleaning.

Three of the three master plans underway: Cuyahoga North and South and Rocky River. The Chagrin River and Lake Erie tributaries is scheduled for the third quarter. These studies are

fundamental to the development of the long-term construction program, help modify the maintenance program and will result in policy recommendations to further the Regional Stormwater Management Program.

Mr. Greenland summarized the progress of the stormwater master plans and stated that staff will soon begin to evaluate alternatives and potential projects to remediate the issues identified.

The professional and contractual services related to design and construction and master planning were lagging early in the year at under \$1 million per month. That has more than doubled and a lot of projects are moving to construction.

Mr. Greenland expects to encounter situations in which large sewer, gas, water infrastructure or electric utilities are threatened by stream issues.

Moving to the Community Cost-Share Program, Mr. Greenland advised that there are 46 approved projects and 31 participating communities. However, a lot of money remains uncommitted. Staff will continue efforts to make community officials aware that funds are available to them for stormwater-related projects.

The District grants either residential or commercial/industrial credits. Commercial/industrial credits tend to be water quantity or quality-based.

District staff has held two Watershed Advisory Committee meetings that were well attended.

Mr. Greenland stated that the District has brought in over \$57 million to the region through their involvement in the Water Resource Restoration Sponsorship Program (WRRSP). 42 projects have been executed -- 31 of which are preservation of wetlands or floodplains, and 11 involve restoration of damaged streams. That totals 38 miles of stream with 4.7 miles restored.

Mr. Sulik stated that half the communities are not participating in the Community Cost-Share Program. He agreed that the District should focus on increasing their involvement. Mr. Greenland stated that he delivered a very strong message to these groups and will send letters to mayors so they understand money available to them.

CEO Dreyfuss-Wells noted that under Title V, year one community funds revert into the Stormwater General Fund after five years and that communities should be reminded of this fact.

## 2. Program Management Status Report and Update – September 2017

Devona Marshall, Director of Engineering & Construction, stated that the Westerly Storage Tunnel is the fourth tunnel that will be constructed under Project Clean Lake. At the next Board Meeting, the District will be seeking authorization to bid that contract, which is estimated at \$155,000,000.

Ms. Marshall advised that there are 98 active contracts valued at over \$1.1 billion and covers 77 active projects. Most of the money is in construction at \$823 million and design at \$267 million. Planning consists of \$21 million.

The District has had 21 new contracts and 25 closed contracts in 2017.

Ms. Marshall explained that most of the spending is for collection system projects, which is not surprising with Project Clean Lake. The District has \$864 million dedicated to collections and \$247 million dedicated to the plants.

During the third quarter of 2017, the Board authorized the issuance of two RFPs. Three professional services contracts at a total value of \$4.2 million were awarded. Additionally, there were three construction awards valued at \$15.6 million and four construction closeouts.

Ms. Marshall stated that of the 77 active projects, 34 are dedicated to Project Clean Lake. The Project Clean Lake overall spending or commitment to date is \$1.21 billion. Ms. Marshall further noted that this is in 2009 dollars for purposes of comparing it to the estimated \$3 billion to be spent.

To date, \$760 million of savings against that \$3 billion has been identified. \$340 million have already been realized and its projected the District will save another \$420 million.

Moving to cash flow, Ms. Marshall stated that the District is exceeding its delivery goal by closing out the third quarter at 90% of planned.

Baseline professional services and contract management costs are meeting its Key Performance Indicator (KPI) and the Business Opportunity Program exceeded its goal.

The District has achieved 7 of 8 consent decree compliance reporting performance milestone requirements for 2017 and the one remaining is expected to be achieved by the end of the year.

Ms. Marshall advised that the annual Capital Improvement planning process validation was completed in September. The next phase will be the prioritization of projects.

During the third quarter, the District achieved all design KPIs by completing designs within 60 days of the average and identified value engineering savings of \$45 million.

Ms. Marshall explained that the Westerly Storage Tunnel design adjusted one shaft location and re-routed a dry weather outlet pipe which resulted in savings of \$2.5 million and \$688,000, respectively.

The Morgana Run Relief Sewer Project was a consent decree control measure identified during early planning that was to be a new relief sewer to relieve the flooding in the area, but preliminary design flow monitoring showed that that was not the case -- eliminating the need for this relief sewer at \$40 million of savings.

Staff completed the design of the Southerly Optimized Parallel Treatment Facility within 60 days of planned. Bids for the EMSC interior renovation came in within the 10% of the engineer's estimate goal and was awarded within 60 days of the planned date.

In September, the District reached substantial completion on the Southerly Low-Voltage Replacement Project but did not meet the 90 days of planned on that job.

Moving to the Westerly storage tunnel, Rick Vincent, Manager of Design, noted that the project is at the end of the design, estimated to be \$155 million and is the District's largest tunnel to date. He pointed out that there are three shaft sites -- two of which take flow -- and the third is the tunnel dewatering pump station that will be built inside that shaft under a different contract. Almost 300 million worth of combined sewer overflow will be achieved when the project is completed.

Shaft 1 is where the pump station will be and is east of the Westerly Wastewater Treatment plant. Staff plans to fill the site with 10 feet of fill for the future pump station building preparation and because the hydraulics for the tunnel require the shaft to be at that height. A tunnel contractor will build a permanent road that eventually will support the pump station. The District had to coordinate with the Soap Box Derby because it is going through their area.

Mr. Ciaccia questioned if that site is going to be accessed through the Cleveland Garrett Morgan water plant entrance. Mr. Vincent stated that it will not be through their entrance; Crescent Avenue is a former right-of-way and is opening for access. A gate will be at the top of the hill on Crescent where the Soap Box Derby currently goes in and the District will share that gate.

Mr. Ciaccia further inquired as to if the District will be part of the security within their facility or if the District will have to build our own. Mr. Vincent stated that the latter is correct and further went on to note that there will be two locked gates, a locked gate at the top of the hill that will be shared with the Soap Box Derby, and another gate down at the pump station, which only the District will have access to.

Mr. Ciaccia questioned where the security will be along the Shoreway. Mr. Vincent replied that there will be a separate security building and separate access to the Garret Morgan plant; unrelated to the District's work.

Mr. Ciaccia inquired as to if the District's site will be fenced in from the Shoreway and the Soap Box Derby. Mr. Vincent confirmed that this is correct.

Mr. Vincent advised that Shaft 2 is on Tillman Avenue and West 45th Street. The District will have two structures to build to intercept the sewer and a small tunnel to get to the main tunnel that runs under the Shoreway. Staff has been coordinating overlapping construction schedules in the area with CMSD who is building the adjacent West Side High School.

Mr. Ciaccia stated that there is a certain architecture in that area and suggested close coordination with the architect; the last thing the District would want is to construct something undesirable in terms of architecture. It is a sensitive area. Mr. Vincent acknowledged that staff is aware it is a



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sensitive area. The design team hired an architect and considered the adjacent buildings to gather that architectural feature. The rendered Pump Station Building has been presented to Cleveland Planning Commission who complimented the architecture and had no comments.

Mr. Vincent stated that staff is working to acquire and prepare the mining site now and will soon demolish the buildings to make space for the mining operation. CSO 80 is near the river and experiences combined sewer overflow about once per week. When the project is complete, it will overflow around once per year.

The resolution requesting going out for bids is expected within the next month.

Although the pump station construction bid advertisement was intentionally delayed by about a year to prepare the site and remove the tunnel boring machine, it is still expected to finish almost two years ahead of the Control Measure #14 requirement.

3. Comments on the Draft Domestic Action Plan

Mr. Sulik stated that the letter CEO Dreyfuss-Wells noted earlier had been provided.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)


There were no items.

IX. Executive Session

There were no items.

XI. Adjournment

**MOTION** – Mr. Sulik stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved and Mr. Ciaccia seconded the motion to adjourn at 1:35 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