

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
NOVEMBER 2, 2023

A Regular Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District (NEORS D) 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 October 19, 2023 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, advised the Board that from October 23 through October 27, NEORS D held its quarterly employee recognition awards. Each quarter, staff nominates their colleagues for individual and spirit awards. Ms. Dreyfuss-Wells provided photos from the events and explained that staff were recognized for their work including during the August 23 and 24 rain events at the Westerly WWTC, managing power outages at the Easterly WWTP, the Who's Who in Black Cleveland and the Cozad-Bates House Tour event, managing EPA compliance visits, and handling multiple Renewable Energy Facility (REF) issues at the Southerly WWTC. Ms. Dreyfuss-Wells thanked staff for another successful quarter.

On October 25, NEORSD joined Ohio EPA, U.S. EPA, the City of Akron, Summit Metroparks, and FirstEnergy at the Gorge Metroparks in Cuyahoga Falls to announce the signing of the Gorge Dam removal project agreement. This is an important project as part of the restoration of the Cuyahoga River. This \$100 million project will remove 900,000 cubic yards of sediment from behind the dam, which must occur prior to the dam removal. The dam removal will begin in 2026. NEORSD, through the Regional Stormwater Management Program, is contributing approximately \$8.3 million in in-kind projects along the Cuyahoga River.

NEORSD has again received multiple National Association of Clean Water Agencies (NACWA) Peak Performance Awards. Ms. Dreyfus-Wells invited Frank Foley, Director of Operation and Maintenance (O&M), to introduce the WWTP superintendents and discuss the awards.

Mr. Foley advised that each year, NACWA recognizes member agency facilities with Peak Performance Awards for excellence in permit compliance. There are three levels to the awards: Silver Awards are issued to facilities that have no more than five excursions from their NPDES permits per year; Gold Awards are issued to facilities that have zero excursions in one year; and Platinum Awards are issued to facilities that have five years of perfect permit compliance.

For 2022, NEORSD received a Silver Award for the Southerly WWTC and Gold Awards for the Easterly WWTP and Westerly WWTC.

Mr. Foley introduced Plant Superintendents Terry Robinson for the Southerly WWTC, Bob Bonnett for the Easterly WWTP, and CarrieAnne McConnell, for the Westerly WWTC. Mr. Foley explained that achieving these results is no small feat as the plants operate 24/7 and effluent is monitored 24/7. These awards are due to the dedicated staff in O&M and support from other District departments, District leadership and the Board of Trustees.

Mr. Foley congratulated staff for this honor and the Superintendents took a photo with President Brown.

President Brown offered congratulations for the receipt of the NACWA Awards and added that the Board does not take these recognitions for granted. President Brown reminded Ms. Dreyfuss-Wells of a discussion that they had about the difference between utilities in Northeast Ohio and other parts of the country. Much of it comes down to the investments and the operation of NEORSD assets and its people that differentiate NEORSD from others. President Brown offered appreciation on behalf of the Board to staff for ensuring that the WWTPs operate as they should.

V. Action Items

Authorization to Advertise

- Resolution No. 296-23 Authorization to publish notice calling for bids on a public improvement contract, in accordance with Ohio Revised Code Section 6119.10, for the George J. McMonagle Administration Building South Entrance Stairs Masonry Repairs project with an estimated probable cost of \$105,000.00.
- Resolution No. 297-23 Authorization to publish notice calling for bids on a public improvement contract, in accordance with Ohio Revised Code Section 6119.10, for Paving Improvements at the Southerly and Easterly Wastewater Treatment Plants project with an estimated probable cost of \$270,000.00.
- Resolution No. 298-23 Authorization to publish notice calling for bids on a public improvement contract, in accordance with Ohio Revised Code Section 6119.10, for the George J. McMonagle Administration Building Wing Wall Masonry Repairs project with an estimated probable cost of \$180,000.00.

MOTION – Mayor Alai moved, and Ms. Chambers seconded to adopt Resolution Nos. 296-23 through 298-23. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposal (RFP)

- Resolution No. 299-23 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for Investment Custodial Services.
- Resolution No. 300-23 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for software and professional services for the Stormwater Billing Support and Upgrade agreement.
- Resolution No. 301-23 Authorization to issue an RFP for design and construction administration services, in accordance with Ohio Revised Code Chapter 153, for the Southerly Solids Handling Improvements project

MOTION – Ms. Chambers moved, and Mr. Sulik seconded to adopt Resolution Nos. 299-23 through 301-23. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 300-23, NEORSD has had its current stormwater billing support contract for some time and is renewing its contractual support for the services, and asked whether there is any feedback on the current level of service engagement and if there is something additional that NEORSD would like to achieve under the agreement.

Frank Greenland, Director of Watershed Programs, explained that the Watershed Programs and Finance Departments are happy with the current agreement. NEORSD has a stormwater fee tool set that was developed to allow NEORSD to collect revenue by collaborating with IT, the GIS Group, and Finance to generate billing. Though most of the work is performed in-house, there are support services, which NEORSD is looking to obtain through this resolution, for a three-year period, at a cost of \$200,000 per year. A primary component of this is the technology platform, which requires an upgrade during the project.

President Brown noted that when software is purchased off the shelf but requires customization, which was presumably the case in this instance, it can become more challenging operationally and financially. Mr. Greenland explained that NEORSD has addressed those concerns. Given the size of NEORSD's Watershed Programs, any software will require customization. Stormwater billing is based on impervious cover and calculated by utilizing satellite imagery. There are multiple complexities related to credits, larger parcel billing, and condominiums requiring customized software.

Authorization to Reject and Re-Bid

Resolution No. 302-23
WITHDRAWN

Authorization to reject all bids and re-bid, in accordance with Ohio Revised Code Section 6119.10, for the REF Steam Sample Panel Replacement project, with an estimated probable cost of \$650,000.00.

Authorization to Enter Into Agreement

Resolution No. 303-23

Authorization to enter into a 22-month agreement with the County of Cuyahoga for the County's disposal of grit generated through its sewer cleaning activities, including from the catch basins and sewers of the Cleveland Metropolitan Park District, at the Southerly Wastewater Treatment Center with District revenue not-to-exceed \$2,000,000.00.

MOTION – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution No. 303-23. Without objection, the motion carried unanimously.

Authorization to Assign Agreement

Resolution No. 304-23 Authorization to assign requirement contract no. 21001551 with Direct Energy Business Marketing LLC, Inc. to NRG Business Marketing LLC for natural gas supply with all current terms and conditions of the agreement to remain unchanged under the assignment.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 304-23. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 305-23 Authorizing the final adjusting change order to close out Contract No. 21006826 with C.D. Whitfield Co., LLC for the Southerly Boiler Feedwater Pumps Replacement project, to extend the term of the contract by 155 non-compensable calendar days, and to decrease the contract amount by \$28,397.97, thereby bringing the total contract amount to \$159,260.23.

MOTION – Mayor Bacci moved, and Ms. Chambers seconded to adopt Resolution No. 305-23. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 306-23 Authorization to acquire one parcel in fee simple known as PPN 281-14-022, located at 26780 Bagley Road in the City of Olmsted Falls, owned by Daniel E. Gibel, necessary for the construction and maintenance of the Rocky River West Branch Subwatershed Masterplan – WBPA_05 Bagley Road project, to enter into a six-month lease agreement with Daniel E. Gibel, and to allow for the entirety of the payment plus closing costs to be disbursed to Northstar Title Services, LLC. with total consideration of \$300,000.00 plus closing costs.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 306-23. After the following discussion, without objection, the motion carried unanimously.

President Brown requested information as to why the associated project requires daylighting and how that fits into the RSMP plan in the area.

Mr. Greenland explained that this area is one of the biggest problem areas in the Rocky River Stormwater Master Planning area. There is significant flooding in the area. Some parcels in the

area have already been acquired by NEORS D for construction. This particular parcel is near a culverted section of Minnie Creek, which is a natural stream that goes in and out of culverts. There is the potential to daylight the creek and that decision will have to be made during the detailed design portion of the project.

Culverts in natural stream segments can cause restrictions at times. If NEORS D can assemble enough land to allow a natural floodplain to occur, that is preferable. This is a complex project, as the creek has been straightened and turned, resulting in 90-degree bends.

Mr. Greenland provided a flood map demonstrating significant flooding in the area, where this parcel is located within the map, and explained that there are culverts upstream of this parcel. NEORS D is assembling the property needed to reconstruct the stream to create floodplain and slow the flow of the creek to reduce flooding.

President Brown asked if this would help upstream as well. Mr. Greenland explained that that is the hope and more will be known from the detailed design phase. The total project cost is approximately \$7 million.

VI. Information Items

President Brown informed the Board that the Financial Report and Investment Advisor Performance Report for the nine-month period ending September 30, 2023, was included in the meeting materials and any questions or concerns should be directed to the Finance Department.

Mr. Foley provided the Quarterly Board Update for the Third Quarter of 2023, beginning with safety. There have been 38 lost and 46 restricted workdays throughout the year. The five events that led to the lost or restricted workdays are fairly evenly distributed between slips and falls, cuts, strains, and a chemical splash.

The internal threshold for the DART rate is 2.0 for O&M and District-Wide, and NEORS D is well within that range for the third quarter at just under 1.0.

Mr. Foley provided a slide demonstrating effluent quality and explained that each facility is well below limits for total suspended solids, carbonaceous biochemical oxygen demand (CBOD), and phosphorus for all three quarters. In September, phosphorus at the Westerly WWTC was elevated but was still below the acceptable limit. Staff believe this may have been due to dry weather experienced in September.

As for *E. coli*, levels were within acceptable limits during the quarter, and the monitoring season ended at midnight on October 31.

NEORS D received a notice of violation from the Cleveland Division of Air Quality for the REF at the Southerly WWTC. Required stack testing was performed on incinerators in July, and the results

which were received in September showed that both Incinerators No. 1 and 3 were above limits for mercury; Incinerator No. 1 was above the limit for particulate matter; and fugitive emissions from the ash handling system were elevated. In response to these findings, NEORS is repairing leaks in the ash handling system to address the elevated particulate matter. Incinerator No. 3 underwent immediate repairs, including replacement of several layers of the mercury absorbing modules in the mercury scrubber. Follow-up stack testing has shown these repairs to be successful.

Incinerator No. 1 was not operating when the results were received in September. It is still not operating, as it is undergoing long-term maintenance, which may take up to four months to complete. As was done with incinerator No. 3, the staff is planning to replace mercury scrubber modules. The incinerator will not be running again until a thorough inspection and retesting confirms that the problems have been corrected.

Mr. Foley provided a slide outlining maintenance cost across all facilities and explained that almost 60% of all maintenance costs for critical assets is spent at the Southerly WWTC. In the collection system, the maintenance tends to be more heavily weighted toward preventative maintenance. The spending is more balanced at the Easterly WWTP and more toward corrective maintenance at the Southerly and Westerly WWTCs.

In the collection system, there were no dry weather overflows during the third quarter, and a total of three year-to-date, all of which were due to debris in the system. Last year, there was a total of four dry weather overflows, which was the least yet. The automated collection system equipment has been available nearly 100% of the time, with the exception of a wet weather event in August when a pump at the Jennings Road Pump Station went down briefly.

As for budget, all 10 O&M budget centers are on track at approximately \$3 million below budget through the third quarter. Approximately 80% of the budget variance is attributable to electricity, chemicals, and hourly wages for maintenance. The below-budget gap will be reduced by approximately \$1 million in the fourth quarter, as FirstEnergy experienced problems with its electricity meters, causing delays in billing. Spending was approximately 9% higher through the third quarter at \$46.7 million than for the same period in 2022. Spending through 2023 is projected to be approximately 95% of the budget.

Mr. Foley invited Matt Gaugler, Superintendent of Maintenance Services, to discuss the Process Control Dashboard.

Mr. Gaugler began by acknowledging the project team which includes Mitch Falatach, Unit Process Manager for the Westerly WWTC, Catherine Perciado, Unit Process Manager for the Southerly WWTC, Ben Coyle, Technical Solutions Function Lead, and Ben Tedrick, Assistant Superintendent for the Easterly WWTP, who will be taking over as the lead on this project as Mr. Gaugler transitions into his new role.

Mr. Gaugler explained that the dashboard groups the key NPDES parameters for each WWTP into one location in order to provide staff with data at an operational level to make good data-driven decisions. The dashboards are standardized across the three WWTPs, which allows staff to rotate between facilities more easily.

Mr. Gaugler provided a visual demonstration of the dashboard to the Board and explained that the results are pulled directly from all of the technological platforms. When Analytical Services enters a test result, it is automatically pulled into the dashboard and calculations are performed in the background to provide the data needed for permit limitations, which can be monthly, weekly, and instantaneously, depending on the parameters.

There are process control parameters which are essentially a forecasting mathematical equation to guide staff at the WWTPs in adjusting wasting rates, which is a critical component to the activated sludge process.

During the development process, the team decided that it was best to build a risk assessment matrix into the dashboard, which means that the dashboard is constantly performing a risk assessment related to permit excursion risks. Ben Coyle developed an automatic email function at cascade levels that are dependent on the risk assessment for the permit excursion risk level. This allows the WWTP operations staff to adjust quickly and avoid excursions.

The dashboard pulls real-time information from multiple sources including the E-Logger software, the process data management system (PDMS), and the supervisory control and data acquisition (SCADA) system to act as a bridge between the equipment and the operator.

The dashboard has improved the data communication flow to plant personnel and has stabilized the waste activated sludge flow rates. Mr. Gaugler provided a graph demonstrating the decreased variability in wasting at the Easterly WWTP and explained that improved stability in the biological process results in cleaner effluent.

Mr. Gaugler provided a graph demonstrating the five-year trends and explained that the total suspended solids at the Easterly WWTP have decreased dramatically with the implementation of the dashboard.

President Brown voiced appreciation for the dashboard and the ability to monitor and react to conditions in real-time. President Brown congratulated the team for a job well done.

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 into executive session to consider the compensation of public employees; to consult with the District's legal counsel concerning disputes involving the District that are the subject of pending and imminent court action; and to prepare for and review bargaining sessions with public employees concerning their compensation and other terms and conditions of employment. By roll call vote, the Board voted unanimously to enter into executive session at 1:16 p.m.

The Board returned to open session at 2:00 p.m.

X. Approval of Items from Executive Session

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| Resolution No. 307-23 | Approval of the District's adjusted salary ranges of all classifications of non-union salaried employees and the hourly wage ranges for all classifications of non-union hourly employees to reflect a five percent (5%) increase, as presented. |
| Resolution No. 308-23 | Authorizing funding for year 2023 Pay for Performance, including base pay increases for non-union employees of up to three and one-half percent (3.5%), effective the first pay of 2024, and a budgeted amount not-to-exceed \$703,000.00 for merit pay to eligible non-union employees to be distributed in January 2024, all as determined by the Chief Executive Officer. |
| Resolution No. 309-23 | Authorization to enter into a three-year labor agreement with Ohio Council 8 and Local Union 2798, American Federation of State, County and Municipal Employees, AFL-CIO, effective January 1, 2024 through December 31, 2026, including those substantive terms and conditions set forth in the Tentative Agreements presented, and any other mutually agreeable terms and conditions. |

Resolution No. 310-23

Authorization to enter into a three-year labor agreement with the International Union of Operating Engineers, Local 18-S, AFL-CIO, effective January 1, 2024 through December 31, 2026, including those substantive terms and conditions set forth in the Tentative Agreements presented, and any other mutually agreeable terms and conditions.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution Nos. 307-23 through 310-23. Without objection, the motion carried unanimously.

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 2:05 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