

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
NOVEMBER 4, 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  
Sharon Dumas  
Timothy DeGeeter  
Samuel Alai  
Terence Joyce

Absent: Jack Bacci

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

II. Approval of Minutes

**MOTION** – Mr. Sulik moved, and Mayor Alai seconded to approve the Minutes of the October 21, 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 one active COVID-19 case, 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 110 employees with confirmed diagnoses since the beginning of the pandemic, 109 of whom have recovered and returned to work.

Ms. Dreyfuss-Wells advised the Board that the City of Shaker Heights began the emergency-controlled breach of the Horseshoe Lake Dam on November 2, which is expected to take about 30 days, depending on weather. The Cleveland Heights City Council met with their consulting

engineer, Gannett Fleming, on October 25. Gannett Fleming reviewed NEORSD's analysis and hydraulic model and praised the work. The hydraulic model is key to this project, as there are no significant stormwater benefits affirmed with Horseshoe Lake Dam. Ms. Dreyfuss-Wells and Frank Greenland, Director of Watershed Programs, will attend the City Council meeting on November 8 to provide a brief presentation and answer any questions.

Ms. Dreyfuss-Wells advised the Board that the third quarter employee recognition events are taking place November 4, 5, and 8, and offered kudos to the recipients. Staff are nominated by their managers, supervisors, and peers for demonstrating NEORSD's core values and their commitment to internal and external customer services. These events have been modified in response to the COVID-19 pandemic.

V. Action Items

Authorization to Advertise

Resolution No. 345-21                      Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for Liquid Sludge Removal Services with an anticipated expenditure of \$100,000.00.

Resolution No. 346-21                      Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119.10, for Substation Preventative Maintenance and Repair Services with an anticipated expenditure of \$1,200,000.00.

**MOTION** – Ms. Dumas moved, and Mr. Joyce seconded to adopt Resolution Nos. 345-21 through 346-21. Without objection, the motion carried unanimously.

Authorization to Issue Request for Qualifications (RFQ) / Request for Proposals (RFP)

Resolution No. 347-21                      Authorization to issue an RFQ, in accordance with Ohio Revised Code Chapter 153, for Stormwater Model Data Management and Supporting Services.

Resolution No. 348-21                      Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the CSO/Culvert-Outfall Inspection and Repair-1 project.

**MOTION** – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 347-21 through 348-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for clarification as to whether the Resolutions are intended to validate existing project models or to identify new projects areas in the region. Mr. Greenland explained that the services are to address both types of projects.

NEORS D will have completed all of its Regional Stormwater Master Planning by year's end, with the completion of the Lake Erie Tributaries Master Planning Study. NEORS D has developed stormwater models covering all of the watersheds across the service area, which has helped drive the Master Planning solutions and future design and construction efforts. However, Master Planning models become out of date very quickly because significant rainfall events result in changes to the landscape. George Remias, Manager of Stormwater Strategic Support, has extensive modeling experience. It is important to keep these models current going forward for use during advanced planning and detailed design efforts, as well as extending modeling services to local communities to help them solve local issues.

President Brown noted that models are based on several assumptions such as rainfall patterns and other factors that continue to change, resulting in the need to modify or redesign projects. Mr. Greenland agreed and added that as NEORS D goes through advanced planning or detailed design contracts, more detailed information can be attained to alter the projects accordingly. Real-time events can be processed through the rain gauge network and other resources to simulate weather events. This is a very valuable service for NEORS D and its member communities.

Authorization to Purchase

Resolution No. 349-21                      Authorization to purchase Polychem sludge collector parts from sole source supplier Pelton Environmental Products, necessary under the Easterly Primary Settling Tank Rebuild project, in an amount not-to-exceed \$250,000.00.

**MOTION** – Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution No. 349-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 350-21                      Authorization to enter into a professional services agreement with Government Portfolio Advisors for Investment Advisory Services for the period of January 1, 2022 to December 31, 2022, in an amount not-to-exceed \$100,000, with the option to renew the agreement for up to four additional one-year terms, in an annual amount not-to-exceed \$100,000 for option years 1 and 2 and an annual amount not-to-exceed \$110,000 for option years 3 and 4, to be exercised by the Chief Executive Officer at her discretion, for a total agreement amount not-to-exceed \$520,000.00.

Resolution No. 351-21 Authorization to enter into agreements with the Cleveland Foundation, East End Neighborhood House, Providence House, McGregor Independent Living L.P., City of Shaker Heights, West Creek Conservancy, East Cleveland Farmers' Market Preservation Society, Menlo Park Academy, Montessori Development Partnerships, St. Casimir Church, and Metro West CDC to implement projects under the 2022 Green Infrastructure Grants for the Combined Sewer Area Program, as presented, in the total combined amount not-to-exceed \$1,500,000.00.

Resolution No. 352-21 Authorization to enter into a one-year maintenance agreement with Paladin Protective Services, Inc. for the Security Systems Maintenance Renewal project in an amount not-to-exceed \$116,210.61.

**MOTION** – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution Nos. 350-21 through 352-21. Without objection, the motion carried unanimously.

Authorization to Enter Into Contract

Resolution No. 353-21 Authorization to enter into a two-year requirement contract with Bonded Chemicals, Inc. for the delivery of up to 15,303,000 wet pounds of Sodium Hypochlorite solution to all Wastewater Treatment Plants in an amount not-to-exceed \$1,981,738.50.

**MOTION** – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 353-21. Without objection, the motion carried unanimously.

Authorization to Revoke Resolution

Resolution No. 276a-21 Revoking Resolution No. 276-21, adopted September 2, 2021, which authorized the District to enter into a construction contract with S.E.T., Inc. for the Chippewa Creek Bank Stabilization at Route 21 in Brecksville project in an amount not-to-exceed \$1,439,365.00.

**MOTION** – Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution No. 276a-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for an explanation as to why this contract is not being signed. Mr. Greenland explained that the project was approved at a prior Board meeting under reasonable assurances from Dominion Energy that a major gas line would be relocated in advance of the construction project. Following the award, Dominion Energy advised NEORSD that the gas main relocation

would be delayed by a minimum of six months, as it is risky to relocate gas lines during winter months.

NEORS D discussed the issue with S.E.T., Inc. and given the extended delay and uncertainty around the actual relocation date, the decision was made to rebid the project after Dominion has relocated the gas line. This delay may result in the project being more costly, however, the gas line must be relocated before the project can be completed.

#### Authorization of Contract Modification

Resolution No. 354-21            Authorizing final adjusting change order for Contract No. 20007281 with Marks Construction, Inc. for the Ridge Road Repair and Rocky River Tributary Stabilization and Re-Alignment project by decreasing the contract amount by \$48,759.83, thereby bringing the total contract amount to \$389,711.27.

Resolution No. 355-21            Authorizing final adjusting change order for Contract No. 18007367 with Shook Construction Company for the Southerly Electrical Infrastructure Improvements project by decreasing the contract amount by \$783,126.12, thereby bringing the total contract amount to \$17,619,398.36.

**MOTION** –Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 354-21 through 355-21. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for additional information regarding the reduction of the contract amount associated with Resolution No. 355-21. Devona Marshall, Director of Engineering and Construction, explained that in addition to portions of the specific allowances and the general allowance that were returned, there was some base scope of the contract non-performed as a result of planned work under the demolition project at the Southerly Wastewater Treatment Plant (WWTP). In coordination with that project, it was determined that some aspects were no longer necessary. Additionally, it was decided that the gravity belt thickeners would be decommissioned, rendering some associated upgrades unnecessary and contributing to additional return of funds.

#### Property Related Transactions

Resolution No. 356-21            Authorization to acquire one parcel in fee simple known as PPN 489-14-033, located at 4770 Oakridge Drive, in the City of North Royalton, owned by Michael A. Norwalk, Jr. and Christine Marie Norwalk, 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 Norwalks, to enter into an

Assignment and Assumption Agreement with the Western Reserve Land Conservancy, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC, with total consideration of \$315,000.00 plus closing costs.

Resolution No. 357-21 Authorization to appropriate one permanent sewer easement at the property known as PPN 009-08-021, located at 4010 Jennings Road, in the City of Cleveland, owned by Timothy E. Hyatt, Jr., necessary for the construction and maintenance of the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project and to deposit the fair market value of \$560.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 358-21 Authorization to appropriate one temporary easement at the property known as PPN 009-08-009, located at 3980 Jennings Road, in the City of Cleveland, owned by RJ Fish Development, LLC, necessary for the construction of the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project and to deposit the fair market value of \$6,370.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 359-21 Authorization to appropriate one permanent sewer easement and one temporary easement at the property known as PPN 009-08-020, located at 3750 Valley Road, in the City of Cleveland, owned by Legacy Realty Group, LLC, necessary for the construction and maintenance of the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project and to deposit the fair market value of \$1,710.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 360-21 Authorization to acquire two permanent sewer easements and one temporary easement at the property known as PPN 009-08-001, located at 4002 Jennings Road, in the City of Cleveland, owned by ICB 1, Inc., necessary for the construction and maintenance of the Pearl and Jennings Road Storage Tanks and Pump Station Upgrades project with total consideration of \$150,000.00.

Resolution No. 361-21 Authorization to appropriate two permanent sewer easements and three temporary easements at the property known as PPNs 009-08-004 and 009-08-010, located at 3680 Valley Road, in the City of Cleveland, owned by Phillip M. Gardner, Jr., necessary for the construction and maintenance of the Pearl and Jennings Road

Storage Tanks and Pump Station Upgrades project and to deposit the fair market value of \$2,055.00 with the Cuyahoga County Probate Court as consideration for the same.

**MOTION** – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution Nos. 356-21 through 361-21. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that the Property Related Transactions appear to be related to one large project and in particular, Resolution No. 356-21 appears to involve a residence due to the cost and the proposed lease agreement. President Brown asked whether there is flooding in the area.

Mr. Greenland provided an image of the area and explained that this is related to the Big Creek Main Branch, which experiences significant roadway and yard flooding at a one-year or less storm event level. There are two 90-degree bends in the stream before each of its two culverts. The culverts are undersized, resulting in flooding. Mr. Greenland demonstrated the properties that NEORSD has already purchased, properties under acquisition, and the property referenced in the request. NEORSD is acquiring property in the project area to ultimately reroute the stream, upsize the culverts, and expand floodplain storage to reduce flooding in the area.

President Brown voiced his concern regarding the potential for flooding to move downstream of the project area. Mr. Greenland explained that this is the value of modeling. The model will demonstrate what happens downstream.

Mayor DeGeeter noted that Parma is downstream of the project area. Mr. Greenland explained that large impervious surface area, flooding, and erosion issues are prevalent along Big Creek. There are several projects planned upstream and downstream to mitigate these issues and improve the level of service in the area.

President Brown noted that Big Creek is shallow and narrow and experiences capacity issues in several communities and asked whether there is a comprehensive plan to address the entire channel. Mr. Greenland explained that NEORSD is assessing the entire system. The goal is always to reach a 100-year storm event level of service, although this is not possible in all areas. Currently, the level of service in the area is less than one year. NEORSD continues to incrementally raise the level of service as high as it can. In some areas the level of service cannot exceed a 10-year or 25-year storm level of service, however, the intent is to increase the level of service across the area in a comprehensive manner.

#### Sewer Use Code Matters

19. Resolution No. 362-21 Adopting the findings of the Hearing Officer with regard to the sewer account of Kevin Tate, Sewer District Hearing No. 21-006, that the customer's request be denied.



**MOTION** – Ms. Dumas moved, and Mr. Sulik seconded to adopt Resolution No. 362-21. Without objection, the motion carried unanimously.

VI. Information Items

President Brown advised that the Financial Report and Investment Advisor’s Report for the first nine months of the year was included in the Board Packet and suggested that any questions or comments could be directed to Ken Duplay, Chief Financial Officer, at any point.

Frank Foley, Director of Operation and Maintenance (O&M), provided the Operation and Maintenance Quarterly Report for the third quarter of 2021, beginning with safety. Through the third quarter, there have been 65 total lost workdays and 136 restricted workdays. This is an improvement from the last couple of years. This lost time was the result of two strains, one arc flash incident, and one laceration. There was a slip incident wherein a ladder kicked out at the Westerly WWTP which accounted for more than half of the lost and restricted workdays. These incidents are District-wide, not just within O&M.

Ms. Dumas asked for clarification regarding the ladder kickout incident. Mr. Foley explained that a ladder slipped out from underneath an employee who was standing on it.

The DART rate is the number of incidents per 200,000 person hours or 100 full-time employees that results in lost or restricted workdays. NEORSD has set an internal DART limit of 2.0 and currently is just over 1.0 for O&M and a bit lower for the rest of NEORSD. Mr. Foley provided a graphic demonstrating NEORSD’s DART rate alongside other industry and explained that NEORSD is performing comparably.

Regarding effluent quality for the third quarter, total suspended solids, carbonaceous biochemical oxygen demand (CBOD), phosphorus, and *E. coli* were below limits at all three WWTPs. Mr. Foley acknowledged the work of NEORSD staff necessary to maintain these levels.

As for maintenance, there has been one dry weather overflow this quarter bringing the year-to-date total to five. There were eleven total events in 2020. The increased performance is the result of capital improvements that have been made in the system and the hard work of the staff. The dry weather overflows were due to debris in sewers for one incident, downstream blockages in three instances, and a damaged force main at a pump station in one incident.

The automated collection system equipment was available 100% of the time during wet weather in the third quarter.

Previous reports included information on planned versus unplanned maintenance at District facilities. NEORSD implemented a new computerized maintenance management system in June.



This information is not readily available in the new system; accordingly, Mr. Foley will present additional information regarding plant maintenance in the future.

Regarding budget performance, the operating budget for the ten O&M budget centers for 2021 is just below \$62 million with \$41.7 million spent to date. Approximately 79% of the variance between budget and actual expenses is attributable to salaries and wages, utilities, contractual services, and chemicals. Spending is in line with 2020. Since 2019, O&M has been decreasing the gap between its operating budget and expenses.

Mr. Foley invited Lita Laven, Engineering and Construction Project Manager, to discuss NEORSD's Demand Response Program.

Ms. Laven explained that the Demand Response Program is when the backup generators are used to power the WWTPs. The emergency generators were installed in 2004, following the Northeast blackout of 2003. Over the last couple of years, improvements have been made to the backup generators under the Southerly Electrical Infrastructure Improvements Project to improve the reliability of the generators and to simplify the startup process for participation in the Demand Response Program.

NEORSD engaged EnelX as its curtailment service provider and began its pilot program at the Southerly WWTP in 2019, which resulted in using the generators to power the WWTP one time. The program did not have an out-of-pocket cost to NEORSD. By participating in the program, the anticipated savings or rebates would pay for the professional services of EnelX and the emissions upgrade at the backup generators, and also provide permitting support.

NEORSD has since enrolled in additional programs, running the generators twenty times over the summer, and adding the other two WWTPs to the program.

NEORSD has minimal out-of-pocket costs related to the program for fuel costs and overtime. When NEORSD initially enrolled in the program in 2019, engaging only the Southerly WWTP, the anticipated savings were \$1.3 million. By enrolling in the additional programs and including the other two WWTPs, the estimated savings is \$4 million over the course of the contract.

Ms. Laven explained that typically, NEORSD is called to run the generators on very hot days where there is peak electricity demands and sometimes is not able to participate due to various reasons such as the required electrical load for wet weather exceeding the generators' capacity.

At the Southerly WWTP, during the week of August 12, there were very high temperatures and significant wet weather. There was an issue with a control panel on a generator making it unlikely that the plant would be able to participate in the Demand Response Program. The staff was able to not only repair the control panel, but also take strategic actions to shed some load during high

flow times and participate in the Demand Response Program while maintaining treatment operations.

It takes approximately 30 minutes to transfer from utility to the generators and requires coordination between EMSC and the Southerly WWTP management, electrical staff, and Fleet Services. Ms. Laven offered kudos to the staff for performing at such a high level while achieving cost savings.

#### Open Session

There were no items.

#### VII. Public Session (any subject matter)

There were no items.

#### VIII. Executive Session

Mr. Sulik, pursuant to Ohio Revised Code Section 121.22(G)(1), moved, and Ms. Dumas 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 1:15 p.m.

The Board returned to open session at 1:28 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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**MOTION** – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 324-21. After the following discussion, without objection, the motion carried unanimously.

President Brown indicated that there was good discussion between the Board and NEORS D regarding Resolution No. 324-21, which is an important issue for NEORS D and its staff. The Board understands and appreciates the amount of effort that has gone into the process, particularly over the past two years. President Brown added that as there is a mid-year review process included in

the evaluation criteria, the Board would like to reconvene on the issue in approximately six months, to ensure the Board's understanding of the process and address and questions or concerns.

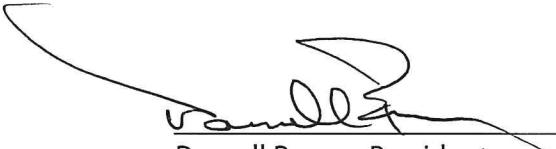
X. Adjournment

**MOTION** – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Alai moved, and Ms. Dumas seconded the motion to adjourn at 1:30 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