

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
NOVEMBER 15, 2018

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 Ronald Sulik.

I. Roll Call

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

ABSENT: D. Brown

II. Approval of Minutes

MOTION – Moved by Mr. Ciaccia and Mayor Bacci seconded to approve the minutes of the November 1, 2018, Board Meeting. Without objections, minutes are approved.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began by sharing with the Board that the District has a new Director of Information Technology, Mohan Kurup, who started on November 5th and will be introduced to the Board by Kenneth Duplay, Chief Financial Officer.

Mr. Duplay took a moment to recognize Satish Krishnan before introducing Mohan Kurup. Mr. Duplay noted that Satish has been serving in the interim role in the IT department and has been helping everyone keep things moving in the interim period.

Mr. Mohan Kurup, Director of Information Technology, introduced himself by giving a brief description on his background which led him to the District. Mr. Kurup shared with the Board that he was born and raised in Brecksville. He graduated from Case Western Reserve University and has worked for various Northeast Ohio companies in an IT capacity for the last 22 years and is looking forward to working with the District.

CEO Dreyfuss-Wells discussed the election last week starting with the state level events. Governor-Elect DeWine is anticipated to continue to address the topic of nutrient run-off relating to phosphorous in Lake Erie. Preliminary work by Ohio EPA has been going on over the last year on a potential large river eutrophication rule which could establish lower phosphorous limits for discharges to large rivers such as the Cuyahoga. The State is likely to move forward on these rules and there is concern for potential cost of compliance with any specific phosphorus limit for large

rivers. The concerns are specifically at Southerly where there is almost \$400 million in compliance cost if the State were to pass this rule. Fortunately, the State is in its early stakeholder outreach stage and they are taking comments which have been provided by the District as well as, the City of Columbus and the Ohio Manufacturers Association. The efforts to do the watersheds in distress is currently on hold with the Ohio Soil and Water Conservation Commission.

At the federal level, early indications are that Congresswoman Kaptur and Congressman Ryan may chair two of the 12 subcommittees in the House Appropriations Committee and infrastructure is a big topic for the new Congress. Congresswoman Kaptur indicated she is very interested in promoting the infrastructure conversation. CEO Dreyfuss-Wells concluded by noting that the District will continue to monitor these issues.

Mr. Ciaccia requested information on the October financials regarding the numbers for debt service payments through October and what is projected for year-to-date.

Kenneth Duplay, Chief Financial Officer, explained the budget for debt service for this year was \$95.8 million and there is one final payment the District will be making shortly to OWDA. The District's projected total for the year is going to be \$97.8 million. There is some fluctuation but the difference being the variability in the timing of the closeout of loans and the bond debt service didn't change from the budget.

Mr. Duplay addressed Mr. Ciaccia's concern regarding the debt service summary not being on the monthly report and it was agreed to have the summary on the monthly report moving forward.

V. Action Items

Authorization to Reject and Re-Bid

Resolution No. 384-18

Authorize the District to reject bids and re-bid the Southerly WWTC REF Improvements project with an engineer's opinion of probable construction cost of \$1,050,000.00.

MOTION – Moved by Mayor Stefanik and seconded by Mayor Bacci to adopt Resolution No. 384-18. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 385-18

Authorize the expenditure of up to \$150,000.00 for the direct purchase, from sole source vendor Schultz Fluid Handling Equipment, of replacement parts, on an as-needed basis, used in Moyno pipe liners repair, at the Easterly, Southerly, and Westerly Wastewater Treatment Plants.

Resolution No. 386-18

Authorize the expenditure of up to \$100,000.00 for the direct purchase, from the sole source

original equipment manufacturer, Sierra Monitor Corporation, of spare parts used on an as-needed basis to repair and maintain gas detection and monitoring equipment for the Southerly, Easterly and Westerly WWTPs and the EMSC Facility.

MOTION – Moved by Mr. Ciaccia and seconded by Mayor Bacci to adopt Resolution Nos. 385-18 and 386-18. Without objection, the motion carried unanimously.

Authorization to Enter into Contract

Resolution No. 387-18

Authorization to enter into a project agreement with Doan Brook Watershed Partnership for the Debris Rack Design and Construction in Doan Brook project, including a District contribution not-to-exceed \$377,545.80.

Resolution No. 388-18

Authorization to enter into a professional services contract with Stantec Consulting Services, Inc. for the Easterly Aeration Tank Rehabilitation Improvements project in an amount not-to-exceed \$2,625,900.00.

MOTION – Moved by Mayor Stefanik and seconded by Ms. Dumas to adopt Resolution Nos. 387-18 and 388-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested an explanation for Resolution Nos. 387.18 and 388-18. Frank Greenland, Director of Watershed Programs, explained that the Doan Brook Watershed Partners received a grant to remove this trash rack which is located along Doan Brook. Internal discussions were had with the City of Cleveland and the Division of Water Pollution Control. The trash rack is upstream of a long stretch of the Doan Brook culvert which has a lot of woody debris and other materials. The partnership with Doan Brook Watershed will allow the District to contribute funds and take part in the design and construction process along with the City of Cleveland.

Mr. Sulik inquired on the cost of the new racks. Mr. Greenland explained the construction of the new racks are in the \$300,000.00 range and the rest is some design service.

Next, Devona Marshall, Director of Engineering and Construction, explained the professional service contract for the aeration tank project. Ms. Marshall stated that the project is to upgrade the second stage aeration system at the Easterly plant. The upgrades include the replacement of the diffusers in the eight tanks, installing a floor flushing system which will help the cleaning of the tanks, and some blower improvements. The existing blowers are old and over designed. The

installation of two smaller blowers under this project will make the operation more effective and efficient thus resulting in savings. Ms. Marshall also discussed the issue of sinkholes at the plant which are due to structural damage in the main drainage conduit. This issue will also be evaluated and addressed under this project.

Authorization to Pay Fees

Resolution No. 389-18

Authorize payment to the Treasurer, State of Ohio for the Ohio Environmental Protection Agency's 2018 Annual Discharge Fees for the Easterly, Southerly, and Westerly Wastewater Treatment Plants in the amount of \$129,400.00.

MOTION – Moved by Mayor Bacci and seconded by Mr. Ciaccia to adopt Resolution No. 389-18. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 390-18

Authorization to modify Professional Services Contract No. 17004657 with Stantec Consulting Services, Inc. for the Rocky River Stormwater Master Plan project to provide additional scope with an increase in the contract amount of \$428,687.00, thereby bringing the revised not-to-exceed contract amount to \$4,882,709.00.

Resolution No. 391-18

Authorization to modify construction Contract No. 18003201 with Tucson, Inc. for the Doan Brook Streambank Stabilization project with a six-month time extension and an increase in the contract amount of \$200,000.00, thereby bringing the revised not-to-exceed contact amount to \$2,658,853.20.

Resolution No. 392-18

Authorization to Modify Contract No. 13002173 with Trust-For-Public-Land for Green Infrastructure Program Implementation Support to extend the contract for 5 years and reduce the total amount of the contract by \$1,300,000.00, thereby bringing the total amount of the contract to \$1,200,000.00.

Resolution No. 393-18

Authorize the final adjusting change order of Contract No. 18001191 with North Bay Construction for the Easterly Bar Rake

Reconditioning project by decreasing the amount by \$147,228.00, thereby bringing the total contract amount to \$550,423.00.

MOTION – Moved by Mayor Stefanik and seconded by Ms. Dumas to adopt Resolution Nos. 390-18 through 393-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Sulik requested an explanation on Resolution No. 390-18. Frank Greenland, Director of Watershed Programs, presented the Board with a series of slides. The slides illustrated how much of the participating township is in the regional stormwater system. The Rocky River Master Plan showed 50 percent phase to which the District has completed a lot of the system inspections and are moving into modeling and alternative analysis.

Mr. Greenland explained that Olmsted Township is half in the stormwater service area and half outside of the District's stormwater service area. To the north there are 300-acre and greater streams which flow outside of Olmsted Township and much of the wastewater flow goes to North Olmsted's system. The agreement between Olmsted Township and the District is to study the northern half which is around \$75,000.00.

Mr. Greenland added that as the District got into the details of the system, they determined that there are 300 acres and more within the Black River Watershed that met regional drainage standards. Most of the current understanding of the 300-acre drainage came from the RIDE studies of the early 2000s and thus additional study is necessary to update this information.

Mr. Greenland discussed the agreement to study Olmsted Township and to handle some of the Black River drainage that was developed and the number of terminus extensions for the regional stormwater system, that need more evaluation.

Mr. Ciaccia requested to know how much of Olmsted Township is in the regional stormwater system based on the map presented and why the Township is using funds from the District if they are downstream thus not causing a problem to our system.

Mr. Greenland explained that those regional streams to the North eventually flow into the District's system. The District has an agreement to utilize their cost-share component. The agreement between the District and Olmsted Township to pay for the study of that area was out of their cost-share allocation. The stormwater service agreement is with the Township and the decision to use the cost-share funds for this effort belongs to them. The 25 percent that Olmsted Township gets back they use to fund their part of the study because they want to understand what's going on in the larger drainage areas.

CEO Dreyfuss-Wells explained to the Board that Olmsted Township has spoken to the District about bringing the entire Township into the Regional Stormwater Management Program and the decision on how the community uses their cost-share dollars is at the township level.

Katie Waag, Acting Chief Legal Officer, indicated that the District's stormwater service agreement is directly with the Township and since the Township is seriously looking to bring their entire area into the District, part of the arrangement is that they are going to pay for the study with their community cost-share funds through the District's standard community cost-share agreement. If the Township does come all in to the District, the District has agreed to start paying from that point forward under this agreement for the stormwater master plan study in the entire Township.

Next, Mr. Sulik requested more explanation on the Trust for Public Land and what to look forward to in the next five years.

Devona Marshall, Director of Engineering and Construction, explained that under this contract the District is asking for an extension of the time and for a decrease in the amount. The levels of support of Trust for Public Land or TPL that were needed for this project were unclear in the beginning of the project. The contract amount reflects the original understanding that TPL would take the lead in land acquisition and the consent decree Appendix 3 Green Infrastructure requirements for community engagement. The relationship with TPL has been beneficial in finding partnerships especially when it comes to public art. Ms. Marshall noted that going forward it's critical to look at leave-behinds on our shaft locations and we'll work with TPL on these efforts.

Next, Constance Haqq, Director of Administrative & External Affairs, spoke about TPL as well. Ms. Haqq added that TPL has been very instrumental for the District's leave-behinds related to public art. Ms. Haqq referenced the presentation given a few months ago from Mike Uva on public art.

Authorization to Grant Credit

Resolution No. 394-18

Authorize a stormwater fee credit in the amount of \$103,398.89 for NEORSD Account number ending in 0005 for the Cuyahoga County Airport at 355 Richmond Road, Richmond Heights.

MOTION – Moved by Mayor Stefanik and seconded by Mr. Ciaccia to adopt Resolution No. 394-18. Without objection, the motion carried unanimously.

Authorization to Assign Agreement

Resolution No. 395-18

Authorization for the assignment of the Agreement between the District and OccuCenters (District Contract No. 18000547) to Concentra due to the acquisition of

OccuCenters by Concentra, effective on or around November 12, 2018. All current terms and conditions of the Agreement will remain unchanged under the assignment.

MOTION – Moved by Mayor Stefanik and seconded by Ms. Dumas to adopt Resolution No. 395-18. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 396-18

To determine that PPNs 472-02-015 and 472-02-016 are no longer necessary or needed for the operations or purposes of the District and to authorize the transfer of the entirety of PPNs 472-02-015 and 472-02-016 to the City of Parma Heights for the total consideration of \$1.00.

Resolution No. 397-18

Authorize the District to acquire one permanent subterranean easement located at 1616 W. 25th Street in the City of Cleveland, on a portion of PPN 003-28-024, owned by Ojala Properties LLC, necessary for the construction of the Westerly Storage Tunnel project with a consideration of \$400.00.

MOTION – Moved by Mayor Bacci and seconded by Mr. Ciaccia to adopt Resolution 396-18 and 397-18. After the following discussion, without objection, the motion carried unanimously.

Ms. Devona Marshall, Director of Engineering and Construction, presented the Board with a monthly update on the Capital Improvement Program for the month of October 2018, looking at cash flow followed by a report at the project level for KPIs that occurred in the month of October. Ms. Marshall stated that there will be a presentation by Bob Auber who is the Construction Manager on the large tunnel projects for the District and Karrie Buxton who is the Senior Construction Supervisor on the Doan Valley Tunnel project.

Ms. Marshall explained that the cash flow ended the month of October at 89 percent of planned which was up from last month where it closed at 88 percent. After a very slow start to the year, the cash flow is up and one of the reasons is the construction of the Westerly Storage Tunnel which over the past two months the billings have come in more than originally planned. In the month of October, the District paid out approximately \$19 million in construction and through year-to-date for 2018 paid out approximately \$182 million in construction.

Next, Ms. Marshall explained the KPIs and the completion on the Kingsbury Run Early Action Project which is a 4.8-million-dollar contract. The KPI for substantial completion was not met on this project due to the project not being completed within 90 days of planned. There are capacity issues in the Kingsbury Run culvert and with the improvements made under this project the District was able to provide some relief to the culvert and the surrounding areas. The Easterly Bar Rake Reconditioning Project, which was a \$698,000.00 one-step design-build project, achieved substantial completion within 90 days of planned meeting the KPI.

The substantial completion of the Emerald Parkway Culvert Repair project, which was a 4.7-million-dollar project, was not achieved within 90 days of planned. However, going into the project there were a lot of unknowns due to the collapsed culvert on the regional system which caused extreme flooding upstream and resulted in a lot of differing site conditions that pushed the completion date to 130 days past the original substantial completion date.

Ms. Marshall explained that the Doan Valley Tunnel (DVT) is the third of the four large tunnels that will be constructed in the Easterly district and it is a \$142.3-million construction contract. This project is 15 months into construction and once completed it will control approximately 348 million gallons of annual CSO control.

Next, Mr. Auber and Ms. Buxton presented the Board with a series of construction photos to provide a brief explanation of the chronology of work that was done at the MLK-1 diversion structure on Stearns Road just North of Carnegie Avenue which is part of the Doan Valley Tunnel run. The photos and presentation allowed the Board to experience the construction of a diversion structure from beginning to end.

Ms. Buxton gave a brief summary on the DVT project explaining that there are three major tunnel segments: the 18-ft diameter mainline tunnel, the 8.5-ft diameter Woodland Conveyance Tunnel (WCT), and the 8.5-ft diameter MLK Conveyance Tunnel. There is approximately 19,000 linear feet of total tunnel length between the three segments. The DVT is the only storage tunnel that will outlet by gravity flow with no need for a pump station to dewater the tunnel. Mr. Auber noted that the MLK Consolidation Tunnel is 3,000 foot in length, eight-and-a-half-foot finished diameter and it starts over at Ambler Park in the South and continues North to end at Euclid Avenue and MLK. It is at depths of 45 to 95 feet and has two pick-up points at two site locations, one at Euclid Avenue and the other at the MLK-1 site.

Ms. Buxton continued by going back to August 20, 2018 which was Day 1 of the work at the MLK-1 site. Working with the City of Cleveland the installation of traffic controls took place. Day 2 when the traffic was maintained and under control, the existing pavement was saw cut and removed and a brick base with asphalt was added defining the work area. Day 14 and Day 19, the support of earth (SOE) was installed and the shaft was excavated. Mr. Auber pointed out to the Board using the corresponding photo that on Day 30 the contractor put up the form work and installed reinforcements in preparation to place the shaft walls but due to the rain work was put on

hold. The next photo presented showed the Board Day 46 and the miscellaneous things that needed to be done like cleaning the bottom of the structure and paling the flow invert so dry-weather flow can go through the structure itself.

Ms. Buxton noted the weather played a major part throughout the construction of the MLK-1 structure. The fill-it concrete was in place on Day 48 as well as the ladder runs and stop slab placement but once again had to be put on hold due to the rain. On Day 52, work at the MLK-1 site wrapped up with the removal of the traffic restrictions.

Ms. Buxton and Mr. Auber concluded by noting that the MLK-1 structure construction is completed however there will be things that have to be done in the future at the site, like removal of the bulkhead once tunnel construction is completed.

Mr. Sulik expressed gratitude to Mr. Auber and Ms. Buxton for a very good presentation.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session


There were no items.

X. Approval of Items from Executive Session


There were no items.

XI. Adjournment

MOTION - Mr. Sulik stated business having been concluded, he would entertain a motion to adjourn. Moved by Mr. Bacci and seconded by Mr. Ciaccia the motion to adjourn at 1:30 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