

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
NOVEMBER 17, 2011

Meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 p.m. by Darnell Brown.

I. Roll Call

PRESENT: D. Brown
R. Sulik
J. Bacci
S. Kelly
W. O'Malley

ABSENT: G. Starr, D. DePiero

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

II. Approval of Minutes

MOTION – Mayor Bacci moved and Mr. O'Malley seconded that the minutes of the November 3, 2011, Board Meeting be approved. Without objection, the motion carried unanimously.

III. Public Session

Executive Director Ciaccia informed the Board that no members of the public registered to speak during Public Session.

IV. Executive Director's Report

Executive Director Ciaccia advised that staff has been primarily focused on the ongoing Stormwater Management Program (hereinafter "SMP") litigation case.

The trial is in its third week and is going very well. Executive Director Ciaccia believes District staff has made its points and its attorney has done a fantastic job with the cross-examination of the opposition's witnesses.

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The opposition's witnesses have all testified with the exception of Strongsville Mayor Perciak. The trial is now in hiatus and will resume on December 14 and 15, at which point Mayor Perciak is scheduled to testify. Closing arguments will take place at that time and the case will then rest with Judge Pokorny for a determination.

Executive Director Ciaccia explained that at the conclusion of the hearing yesterday Judge Pokorny asked the attorneys to meet in his chambers at 2:00 p.m. this afternoon and make another attempt to settle the case. Judge Pokorny asked that Executive Director Ciaccia be in attendance and for the opposition to have their clients available by phone.

Executive Director Ciaccia stated that Judge Pokorny does not anticipate the parties would reach a settlement today but he may be trying to put together a framework. He does not want to read much into the gesture but feels confident in the case the District has presented.

Moving to another topic, Executive Director Ciaccia stated that a mailing had been conducted to all District customers recently regarding various affordability programs. He indicated that the mailing generated a surprisingly large number of phone calls. He asked Constance Haqq, Director of Administration & External Affairs, to report what took place.

Ms. Haqq advised that the District's Customer Service Department typically receives about 100 calls per day. She stated that 611 calls were received on Monday followed by 638 on Tuesday and 884 calls on Wednesday.

The substantially increased call volume prompted the Information Technology Department to configure the telephones so the communications staff could add seven employees to the seven customer service representatives. Wait times have been reduced to under a minute and all calls have been answered. She stated that most callers have been very pleasant.

Executive Director Ciaccia asked Ms. Haqq to elaborate on the Outreach Program.

Ms. Haqq explained that for the last several months staff has attended both ward meetings and council meetings through the government affairs function.

The Outreach Program has extended to senior citizen centers and Congresswoman Fudge's ministerial meeting on Monday, when posters were distributed to ministers, rabbis and imams to display in their places of worship. The information has been promulgated so District customers will be aware of the opportunities to save money on their sewer bills.

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Capitalized During Construction of the Substation and the Tunnel Dewatering Pump Station.

Resolution No. 268-11

Contract with the Apostolos Group Inc., DBA Thomarios for the Southerly Wastewater Treatment Center Gravity Thickener Domes, Paint and Maintenance Repair (PMR-2) Project. Contract Amount: \$584,533.00.

Resolution No. 269-11

Contract with Brown and Caldwell for Professional Design Services for the CSO 049 and 050 Relocation (C49/50R) Project. Contract Amount: \$698,844.00.

Resolution No. 270-11

Contract with CDM for Professional Design Services for the Gravity Thickening Improvements (SPF-36-1) Project. Contract Amount: \$1,545,415.00.

Resolution No. 271-11

Contract with Walsh-Atkinson Joint Venture for the Easterly Tunnel Dewatering Pump Station Project. Contract Amount: \$69,740,474.20.

Resolution No. 271-11 was withdrawn.

Mr. Sulik inquired why the contract duration for Resolution No. 267-11 was for ten years. Dave McNeeley, Director of Operations & Maintenance, advised that Cleveland Public Power does not offer a shorter term.

Mr. Brown requested a roll call for Resolution No. 267-11.

MOTION – After discussion, Mr. O'Malley moved and Ms. Kelly seconded to adopt Resolution No. 267-11. The motion carried with one abstention by Mr. Brown.

MOTION – After discussion, Mr. O'Malley moved and Ms. Kelly seconded to adopt Resolution Nos. 268-11 through 270-11. Without objection, the motion carried

unanimously.

Authorization to Amend Resolution

Resolution No. 137a-11

Amend Resolution No. 137-11 to Pay an Additional Premium for Excess Worker's Compensation for 2010-2011. Cost: An Additional Premium of \$10,162.00 Bringing the Total Premium to \$48,078.00 for the Period 7/1/10-6/30/11.

MOTION – After discussion, Mr. Sulik moved and Mayor Bacci seconded to adopt Resolution No. 137a-11. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 272-11

Final Adjustment Deduct Order for Contract No. 10000035 with Marous Brothers Construction for the Mill Creek Interceptor – Main Branch (MCI-MB) Project. Cost: A Decrease in the Amount of \$1,434,864.54 Bringing the Total Contract Price to \$5,499,850.46.

Resolution No. 273-11

Final Adjustment Deduct Order for Contract No. 10000629 with Marous Brothers Construction for the Combined Sewer Overflow Rehabilitation Contract Early Action Project (CSORC-EAP). Cost: A Decrease in the Amount of \$238,420.37 Bringing the Total Contract Price to \$2,556,574.63.

Resolution No. 274-11

Final Adjustment Deduct Order for Contract No. 10002096 with Super Excavator for the Walworth Run Interceptor Relocation Project. Cost: A Decrease in the Amount of \$872,961.26 Bringing the Total Contract Price to \$6,011,960.54.

Resolution No. 275-11

Final Adjustment Deduct Order for Contract No. 11001375 with Shook Inc. for the Easterly Final Clarifier Rehabilitation (FCR-6) Project. Cost: A Decrease in the Amount of \$151,940.00 Bringing the Total Contract Price to \$1,031,400.00.

MOTION – After discussion, Ms. Kelly moved and Mr. O’Malley seconded to adopt Resolution Nos. 272-11 through 275-11. Without objection, the motion carried unanimously.

Mr. Brown stated that it was good to see deduct orders and cost savings associated with these projects. He requested a review of how the contracts continue to come in under cost to determine whether there is a trend or information that sheds light on why there are so many deduct orders. He was uncertain whether items were not being performed or if different means and methods were driving the deduct orders.

Kellie Rotunno, Director of Engineering & Construction, stated that she and staff would be happy to provide additional information – perhaps during the next monthly update. She explained that the final page of each resolution indicates the project closing out as its percent of the target KPI and the percent of the bid. Three of the four closed within KPI, or less than 5%. One project closed without any general allowance usage.

VI. Information Items

There were no information items.

VII. Public Session (any subject matter)

No members from the public registered to speak at Public Session.

VIII. Open Session

There were no items for discussion.

IX. Executive Session

Mr. Brown stated that there were no matters for discussion in Executive Session.

X. Adjournment


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MOTION – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Mr. O'Malley moved and Mayor Bacci seconded the motion to adjourn at 12:46 p.m. Without objection, the motion carried unanimously.



Dean E. DeFiero, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District



Darnell Brown, President
Board of Trustees
Northeast Ohio Regional Sewer District