

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
DECEMBER 3, 2020

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 Darnell Brown.

President Brown opened the meeting by addressing the COVID-19 pandemic, and read the following statement:

Due to the COVID emergency, we are again conducting our board meeting via live stream videoconference using the Zoom Video Communications tool and pursuant to continuing authority of House Bill 404.

Members of the public may observe and hear the meeting using the Zoom login link found on the top of the District website, and those who wish to address the board were able to make that request through the Zoom system prior to the start of the meeting.

I. Roll Call

PRESENT: Darnell Brown
Ronald Sulik
Samuel Alai
Terence Joyce
Jack Bacci
Timothy DeGeeter
Sharon Dumas

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to approve the Minutes of the November 19, 2020, 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, began her report by providing an update regarding the District's ongoing COVID-19 pandemic response. Ms. Dreyfuss-Wells informed the Board that as of December 3, 2020, the District has a total of forty employees with confirmed diagnoses, of whom eighteen have recovered and returned to work, fourteen have recovered and are in various stages of the return-to-work process, and eight are convalescing. There are eight additional employees who are symptomatic and awaiting test results. The District wishes them a full and speedy recovery.

There are four District employees with no COVID-like symptoms who are remaining at home because a member of their household has tested positive for COVID-19. This represents a change to the District's COVID-19 policy. Per CDC guidance, critical infrastructure workers may continue to report to work if a member of their household has tested positive for the virus as long as the employee remains asymptomatic and follows masking, social distancing, and sanitation requirements. The District has followed this CDC guidance up to this point. In an abundance of caution, however, the District will now require that such employees do not report to a District facility. This approach will be monitored and adjusted if necessary, should staffing concerns arise.

Ms. Dreyfuss-Wells advised the Board that there would be a presentation for their consideration of the proposed modification of the Consent Decree governing Project Clean Lake, the District's 25-year program to address combined sewer overflows. Ms. Dreyfuss-Wells noted that the proposed modification includes changes made to the Consent Decree as it pertains to the Southerly WWTP, Westerly WWTP, and several collection systems projects. The District hopes to eventually present proposed modifications for the Easterly WWTP to the Board.

Ms. Dreyfuss-Wells presented a list of District staff who worked on the amendment and continue to work on the modification request for the Easterly WWTP. Ms. Dreyfuss-Wells added that these employees have been working on the modification process since 2018 and thanked them for their efforts. Ms. Dreyfuss-Wells acknowledged the District's outside counsel who were in attendance, Sam Brown of Hunton Andrews Kurth and Lou McMahon of McMahon DeGulis, and thanked them for their assistance and guidance throughout the processes.

In closing, Ms. Dreyfuss-Wells informed the Board that through its work with the state and county, the District secured \$2 million in county assistance to customers who are unable to pay utility bills and invited Constance Haqq, Chief Administrative Officer, to discuss the program further.

Ms. Haqq reminded the Board that the District has launched its Help is Here campaign to offer outreach to customers with delinquent accounts, encouraging them to contact the District to chart a path to bring their accounts up to date. Letters were sent directly to customers' homes and over 15,000 postcards were given to community organizations, churches, food banks, and social service organizations to be distributed to people seeking assistance.

The District has been working closely with CHN Housing Partners and the Council for Economic Opportunities in Greater Cleveland (CEOGC), the organizations processing applications and

disseminating CARES Act funds, which may be used to pay water and sewer bills. The District has sent emails to 17,000 customers who may qualify for the program and followed up with robocalls and outreach to media outlets to ensure District customers are aware that the funds are available. The District's customer service staff is assisting CHN Housing Partners by confirming the balances of applicants' accounts and is calling customers who have started but not completed the application process to offer assistance with completing the application processes. CHN Housing Partners reported that as of December 2, 2020, 875 customers have been approved for water and sewer support and \$575,000 of the \$2 million has been allocated. There are an additional 604 applicants awaiting approval. The District is hopeful that it will meet the December 31, 2020 deadline and will continue its efforts in this regard until then.

Ms. Haqq introduced Chris Patton, Senior Manager of Human Resources Services, who joined the District three months ago. His responsibilities include talent management, HR information systems, and benefits. Mr. Patton has 25 years of HR experience, including while serving in the United States Marine Corps, and brings leadership experience from the insurance, banking, and retail industries. Ms. Haqq added that since joining the District, Mr. Patton has focused on providing best in class human resources services to all District departments and invited him to address the Board.

Mr. Patton thanked Ms. Haqq for the introduction and advised the Board that he is enthusiastic about joining the team. His first three months at the District have been positive and he is looking forward to future successes. President Brown welcomed Mr. Patton to the District on behalf of the Board.

President Brown added that he shares Ms. Haqq's concerns regarding the limited time left to secure CARES Act funding and emphasized the importance of meeting the December 31 deadline. President Brown expressed his appreciation for the outreach efforts, in particular the efforts to assist customers in completing the application process and noted that there are many delinquent account holders that could benefit from the program. As the District continues its outreach efforts, it is important to realize that paying utility bills presents a significant challenge to many people in the service area making it important to take advantage of this one-time resource for as many of those community members as possible. President Brown encouraged the District to continue their efforts to find opportunities to connect people to these resources.

V. Action Items

Authorization to Advertise

Resolution No. 337-20

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for elevator maintenance and repair services at all District facilities with an anticipated expenditure of \$190,000.00.

Resolution No. 338-20 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for a three-year requirement contract for steam turbine process system support services at the District's Renewable Energy Facility with an anticipated expenditure of \$100,000.00.

Resolution No. 339-20 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for ferric chloride solution at all wastewater treatment plants with an anticipated expenditure of \$500,000.00.

Resolution No. 340-20 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for Avaya software support and maintenance services for a one-year period with an anticipated expenditure of \$70,000.00.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 337-20 through 340-20. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 341-20 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for the Biosolids Incinerator Ash Management Program to implement a management program for the biosolids incinerator ash generated by the Southerly and Westerly wastewater treatment centers, including viable beneficial use options that result in cost savings to the District.

MOTION – Mr. Sulik moved, and Mr. Joyce seconded to adopt Resolution No. 341-20. Without objection, the motion carried unanimously.

Authorization to Purchase

Resolution No. 342-20 Authorization to enter into a one-year agreement with Emergent, reseller for Adobe Systems, Inc., under the NASPO Cooperative Purchasing Program for the renewal of the Adobe Enterprise Term License Agreement in an initial amount not-to-exceed \$48,543.50 with two additional one-year options to renew the agreement to be exercised by the Chief Executive Officer at her discretion for an additional amount not-to-exceed \$49,962.50 for year two, and \$51,459.00 for year three, for a total agreement amount not-to-exceed \$149,965.00.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 342-20. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

- Resolution No. 343-20 Authorization to enter into a professional services agreement with Kahua, Inc. to implement the Kahua software package for the Project Lifecycle Management System project in an amount not-to-exceed \$1,337,297.00.
- Resolution No. 344-20 Authorization to enter into a professional services agreement with Arcadis U.S., Inc. for Environmental, Health, and Safety Consulting Services in an amount not-to-exceed \$1,000,000.00.
- Resolution No. 345-20 Authorization to enter into a project agreement with Doan Brook Watershed Partnership to provide local match funding and technical support for the planning, design, and construction phases of the Doan Brook Sowinski Park Restoration project in an amount not-to-exceed \$510,000.00.
- Resolution No. 346-20 Authorization to sponsor projects under the Ohio Environmental Protection Agency's Water Resource Restoration Sponsor Program and enter into sponsorship agreements with Lake County Stormwater Management Department, Cleveland Museum of Natural History, Lorain County Metro Parks, Natural Areas Land Conservancy, The Nature Conservancy, and Trust for Public Land for the 2020 funding cycle, as presented.
- Resolution No. 347-20 Authorization to enter into a professional services agreement with Wade Trim for the CSO Consent Decree and National Pollutant Discharge Elimination System Performance Compliance Phase 2 project in an amount not-to-exceed \$8,500,357.29.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 343-20 through 344-20 and 346-20 through 347-20. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that, regarding Resolution No. 343-20, it appears that the District has custom software that was developed internally that is being replaced with an off-the-shelf product as it relates to the Project Lifecycle Management System (PLMS) and requested additional information. Jim Bunsey, Chief Operating Officer, explained that the District's current PLMS was custom coded on the SharePoint platform eight years ago and has been maintained and improved by the Technical Services Group (TSG). The data resides on an external hosting system costing \$100,000 per year. The version of SharePoint that the PLMS was built on will no longer support the PLMS once it is replaced by the new version of SharePoint and the custom coding will not transfer to the updated platform. After performing a cost/benefit analysis of potentially recoding the PLMS to the updated SharePoint platform versus off-the-shelf products that are customizable, it was determined that the Kahua software provides the best solution from a cost and functionality

standpoint. Additionally, the \$100,000 annual hosting cost will no longer be needed as it is included in the Kahua maintenance fees. Mr. Bunsey invited Melissa Keen, Manager of Technical Services, to provide additional detail.

Ms. Keen advised the Board that the PLMS is a repository for all project-related documents for the Capital Improvement and Stormwater Programs. It helps facilitate the approval routing for key business processes and utilizes custom workflows. It uses flat files such as Word and Excel documents wherein the data stays in those files and they have to be opened to extract data. The current system has been instrumental in standardizing the process and procedures for the Capital Improvement and Stormwater Programs, moving them from a paper-based system with hard copy approval routing to a digital system with easier access to the project records and streamlined the workflows.

Moving forward, the new system will increase efficiencies with electronic forms for data collection and will allow for real-time dashboard reporting and informed decision making. The data will be stored in a database format allowing for improved data mining and reporting functionality, as opposed to the current manual extraction of information from flat files.

Additionally, the software will integrate with the District's financial system, its P6 scheduling software, and the new computerized maintenance management software which will support a single source data model, meaning there will be one source for data and documentation. There will be no need for manual entry of data into other systems, eliminating human error. Documents will only need to be updated in one location and the changes will be reflected across the integrated systems.

Regarding workflow configurability, Kahua has a tool called K-Builder that allows for faster delivery of new and improved workflow processes. It will eliminate the need for custom code development which currently can take months to deploy.

As for mobility, Kahua will allow for improved access from mobile devices, as K-Builder provides applications and electronic forms that will be mobile ready for use by field staff, contractors, and consultants.

Overall, the Kahua system will provide access to the latest tools and technologies available for management of the Capital Improvement and Stormwater Programs.

President Brown added that the system could provide greater flexibility and improved asset management. Ms. Keen explained that the District is currently implementing the next generation computerized maintenance management system that will manage assets; however, the two systems will be linked, providing a direct connection to that information.

President Brown asked for additional information regarding Resolution No. 347-20, noting that there was one proposal received for Phase 2 of the CSO Consent Decree, at a cost of \$8.5 million over five years, and Phase 1 took a similar amount of time. Devona Marshall, Director of Engineering and Construction, confirmed that there was only one proposal received. This is a

unique project in that it includes mainly hydraulic modeling and flow monitoring services. Not only does this scope of work include very specific skill sets, but the services are also required at a level that exceeds the normal staffing depths of consulting firms in these areas. For that reason, and also because of the successful performance of Wade Trim on the previous contract, other firms made a business decision not to pursue this contract.

This is the second of five Phases. It is anticipated that there will be two or three more such contracts throughout the 25-year total life of the Consent Decree. The efforts performed under these contracts is a key component of demonstrating compliance with the Consent Decree performance requirements.

President Brown expressed his appreciation and added that this relates very closely to the upcoming discussion regarding Consent Decree modification.

MOTION – Mayor Bacci moved, and Mr. Joyce seconded to adopt Resolution No. 345-20. Without objection, by roll call vote, with all present members voting yes and recusal from discussion and abstention from voting by President Brown, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 348-20 Authorization to amend Agreement No. 3785 with the Cuyahoga County Board of Health necessary to provide additional analytical testing services to the Cuyahoga County Board of Health under the District’s current pricing schedule, extending the term of the agreement through March 31, 2021, and increasing the revenue amount by \$50,000.00, thereby bringing the total revenue amount not-to-exceed \$290,000.00.

Resolution No. 349-20 Authorization to amend Agreement No. 18001244 with Governmental Policy Group, Inc. for state advocacy services to exercise the second one-year option to renew the agreement for Year 2021 in an additional amount not-to-exceed \$72,000.00, for a revised total agreement amount not-to-exceed \$288,000.00.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution Nos. 348-20 through 349-20. Without objection, the motion carried unanimously.

Authorization to Amend Consent Decree

Resolution No. 350-20 Authorizing the Chief Executive Officer to execute a *Second Amended Consent Decree* with the United States, the United States Environmental Protection Agency, United States Department of Justice, and the State of Ohio, as presented, and to make a material modification to the District’s Combined Sewer Overflow Consent Decree.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 350-20. After the following discussion, without objection, the motion carried unanimously.

President Brown requested an update on any amendments that were approved, as well as what remains outstanding. Ms. Dreyfuss-Wells introduced Robin Halperin, Regulatory Compliance Manager, to provide an update regarding the proposed modification.

Ms. Halperin informed the Board that this is the second amendment to the District's Combined Sewer Overflow (CSO) Consent Decree, also known as Project Clean Lake. This is a 25-year \$3 billion program to reduce the discharge of untreated wastewater into local waterways from the combined sewer system. After two years of negotiations between the District, its outside counsel and consultants, the U.S. EPA, Ohio EPA, Department of Justice, and the Ohio Attorney General, an agreement has been reached on three major components of the Consent Decree.

Ms. Halperin explained that the District is committed to solving the region's CSO problem in the most efficient and economical way possible, which may not be the same way that it was described when the Consent Decree was established in 2011. The requested changes reflect better solutions as identified by the District through good project management and engineering. The engineering team evaluates all available information for the best ways to implement solutions to maximize the benefits of the projects to water quality and the environment, while achieving cost savings. This amendment reflects three of the four requested areas of change. The team continues to work toward reaching an agreement regarding the Easterly WWTP.

The Consent Decree was entered into in 2011 and contains 24 Control Measures, specific design and performance criteria, and critical milestones. These include the seven major tunnels, numerous relief sewers, storage tanks and plant improvement projects, which were based on planning level assessments at that time. As these projects advance into the design stage, sometimes it does not align with how it is written in the Consent Decree. To that end, the District identified a few projects and Control Measures that warranted changes that would still meet the target control level of 98% capture of CSO District-wide in a more efficient manner. In 2018, the District began working with the governmental entities and attorneys involved with the process to outline the necessary changes to the Consent Decree, followed by a written modification request and numerous meetings, presentations, and discussions to explain the potential impacts and benefits of the requested modifications. The meetings continued throughout 2019 with the exchange of a significant amount of technical information, data requests, and model runs which helped the District to refine its requests. The discussions continued into 2020, and earlier in the year there was a conceptual agreement reached regarding the Westerly WWTP, Southerly WWTP, and Adaptive Management Modifications, leading to significant effort to ensure that the language in the Consent Decree accurately reflected the intended changes prior to review and approval from the governmental entities. The Department of Justice granted preapproval of the amendment on November 16, 2020.

Ms. Halperin provided the main points of the amendment beginning with the Southerly WWTP. The Consent Decree originally called for the District to add infrastructure for parallel treatment, which would have been cumbersome and expensive. Instead, the District intends to increase the

secondary treatment capacity and expand the chemically enhanced high-rate treatment at that plant, resulting in a savings of \$50 million in capital by eliminating the unnecessary infrastructure. Additionally, it will reduce the complexity of the operations and operating costs of the plant while resulting in higher quality of effluent discharge from the plant into the Cuyahoga River.

Regarding the Westerly WWTP, the Consent Decree required expansion of the CSO treatment facility to include a flow diversion structure. Through these discussions and better understanding of how the facility operates, it was determined that the structure is not necessary resulting in \$28 million in savings while achieving same or better-quality effluent from the facility for wet weather discharges into Lake Erie.

The Adaptive Management Modifications refer to minor changes throughout eight Control Measures wherein better solutions have been identified collectively, resulting in \$12.6 million in capital savings through the elimination of unnecessary design requirements. There will be greater reduction in CSO discharges than originally anticipated under the Consent Decree as well as elimination of some CSOs.

In summary, the amendment will result in improved plant operations at the Southerly WWTP, reduce the discharge of pollutions from the District's combined sewer system on an annual basis, improve water quality in local waterways, and save \$90.6 million not including any additional operation and maintenance costs that would be associated with those assets.

The District will issue a press release about the modification later in the week and will promote a public campaign in 2021 to celebrate ten years of implementing Project Clean Lake and the reduction of one billion gallons of CSO discharges into the environment.

Following approval by the Board, the District will execute the second amendment of the Consent Decree. The DOJ will file the amendment with the court, initiating a 30-day period in which the public can issue comments regarding the amendment. The DOJ and EPA are required to respond to any comments received from the public during that period. It is anticipated that the second amendment will be finalized in early 2021.

Discussions regarding modifications to CSO-001 for the Easterly WWTP are ongoing with hopes of presenting a separate modification to the Board in 2021.

President Brown thanked Ms. Halperin for the update and added that although there is still much work to be done, there has been good progress made and the Board is looking forward to the public campaign once approval is achieved.

Authorization to Enter Into Contract

Resolution No. 351-20 Authorization to enter into a construction contract with Star Concrete & Construction Company for the Westside Sediment and Debris Removal project in an amount not-to-exceed \$1,335,188.45.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 351-20. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 352-20 Authorizing final adjusting change order for Contract No. 20003288 with Sterling Professional Group for the GJM Second Floor Technical Services Group Area Renovations project by decreasing the contract amount by \$26,546.64, thereby bringing the total contract amount to \$255,092.86.

Resolution No. 353-20 Authorizing final adjusting change order for Contract No. 18003988 with Triad Engineering and Contracting for the Doan Valley Relief and Consolidation Sewer project by decreasing the contract amount by \$606,711.55, thereby bringing the total contract amount to \$12,917,623.45.

MOTION – Mr. Joyce moved, and Mayor Alai seconded to adopt Resolution Nos. 352-20 through 353-20. Without objection, the motion carried unanimously.

Property Related Transaction

Resolution No. 354-20 Authorizing the District to enter into a license agreement with the City of Cleveland for the temporary use of property known as part of PPNs 132-20-062 and 133-19-088, located at 6920 and 7207 Worley Avenue, in the City of Cleveland, owned by the City of Cleveland, necessary for the construction of the Morgana Burke Systems Improvement Project with total consideration of \$600.00.

Resolution No. 355-20 Authorizing the District to enter into a Right of Entry Agreement with Bonnie M. Mazkalnins and N. Andrew Mazkalnins for the temporary use of property known as PPN 455-22-004, located at 8109 Pleasant Valley Road, in the City of Parma, owned by Bonnie M. Mazkalnins and N. Andrew Mazkalnins, necessary for the construction of the Big Creek Stream Restoration Upstream and Downstream of Ridge Road in Parma Project with total consideration of \$1.00.

Resolution No. 356-20 Authorizing the District to enter into a Right of Entry agreement with Robert H. Jelinek for the temporary use of property known as PPN 455-22-011, located at 8111 Pleasant Valley Road, in the City of Parma, owned by Robert H. Jelinek, necessary for the construction of the Big Creek Stream Restoration Upstream and Downstream of Ridge Road in Parma Project with total consideration of \$1.00.

Resolution No. 357-20 Authorization to appropriate two permanent sewer easements on property known as part of PPNs 108-10-002 and 108-10-001, located at 488 East 105th Street and 10201 Elk Avenue, in the City of Cleveland, owned by Randell Ware, aka Randall Ware, necessary for the construction and maintenance of the Shoreline Storage Tunnel project, and to deposit \$9,450.00 with the Cuyahoga County Probate Court as consideration for the same.

Resolution No. 358-20 Authorizing the District to acquire in fee simple property known as part of PPNs 124-18-028, 124-18-047, 124-18-048, 124-18-049 and 124-18-050, located on Bushnell Avenue, in the City of Cleveland, owned by the City of Cleveland, necessary for the maintenance of the Woodland Central Green Infrastructure Project with total consideration of \$17,700.00.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 355-20 through 357-20. Without objection, the motion carried unanimously.

MOTION – Mayor Alai moved, and Mayor Bacci seconded to adopt Resolution Nos. 354-20 and 358-20. Without objection, by roll call vote, with all present members voting yes and recusal from discussion and abstention from voting by President Brown and Ms. Dumas, the motion carried unanimously.

Sewer Use Code Matters

Resolution No. 359-20 Adopting the findings of the Hearing Officer with regard to the sewer charges on the account of Mr. Thomas Zaffiro, Sewer District Hearing No. 20-014, that the customer’s request be denied.

Resolution No. 360-20 Adopting the findings of the Hearing Officer with regard to the sewer charges on the account of Narkita Talley, Sewer District Hearing No. 20-015, that the customer’s request be denied.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution Nos. 359-20 through 360-20. Without objection, the motion carried unanimously.

VI. Information Items

There were no items.

Open Session

Mr. Sulik asked that a Resolution be prepared for the next Board of Trustees meeting to reappoint Mr. Ken Koncilja to the Audit Committee for another term.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22(G), moved and Mayor Alai seconded to enter executive session to consider the employment and compensation of a public employee. By roll call vote, the Board voted unanimously and entered into executive session from 1:25 p.m. until 1:53 pm., then returned to open session.

IX. Approval of Items from Executive Session

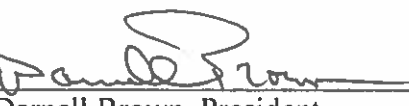
N/A

X. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Mr. Sulik seconded the motion to adjourn at 1:56 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