

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
DECEMBER 5, 2019

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.

I. Roll Call

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

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

II. Approval of Minutes

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to approve the Minutes of the November 21, 2019, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells informed the Board that on November 20 the Southerly plant staff completed a full plant power outage drill for the first time in 10 years. Seven emergency generators at Southerly and EMSC came online after the power was turned off and fully restored power to the plant.

This exercise verified that the generators can power the facility during dry weather conditions and provided an opportunity to identify and correct some systems issues and improve operator training to respond to an outage.

President Brown asked whether the District has an arrangement like that of the Cleveland Division of Water (CWD), wherein they generate revenue by periodically going off the grid. Frank Foley, Director of Operation and Maintenance, explained that while the District does not currently have such an arrangement, it should by midyear 2020.

President Brown expressed his support of the effort and asked whether the District is in a priority status for fuel to run generators during down periods. Mr. Foley indicated that the District's fuel contracts do have a priority status to get fuel in an emergency.

Ms. Dreyfuss-Wells continued her report and advised that on November 22, the District hosted the Suburban Council of Governments (SCOG) meeting at EMSC. At that meeting, Mayor Ward of Lyndhurst presided over the election of Mayor Alai of Broadview Heights to fill the unexpired term of the West Community Seat on the Board.

The Board also discussed the Community Cost-Share Program, the Member Community Infrastructure Program, and the District's affordability efforts. There was great attendance at the SCOG meeting with 29 members represented and good conversation. The next SCOG meeting will be in April 2020.

On December 3, the District received five Cleveland Rocks awards from the Public Relations Society of America, which recognizes best work in public relations campaigns and tactics in northeast Ohio. There were three gold awards for the Clean Water Fest. Local media coverage related to River Reborn, and then the text and visuals related to a keynote speech that Matt Scharver, Deputy Director of Watershed Programs, gave at the 25th annual Pacific Northwest pretreatment workshop. Additionally, there was a bronze award for the River Reborn Campaign as well as a Judge's Choice award for the Clean Water Fest.

V. Action Items

Authorization to Advertise

Resolution No. 324-19 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code 6119, for the Cuyahoga Valley Interceptor Walton Hills Trunk Sewer Repair project with an anticipated expenditure of \$220,000.00.

MOTION – Mr. Ciaccia moved, and Mayor Bacci seconded to adopt Resolution No. 324-19. Without objection, the motion carried unanimously.

Authorization to Enter into Agreement

Resolution No. 325-19 Authorization to enter into agreement with the City of Cleveland to contribute \$500,000.00 to the City for certain site restoration and improvements in Forest Hills Park in lieu of the planned \$100,000.00 site restoration related to the District's Forest Hills Park Restoration project, and to accept certain easements from the City necessary for the District's Shoreline Storage Tunnel project and valued at approximately \$400,000.00.

MOTION – Mayor Stefanik moved, and Mr. Sulik seconded to adopt Resolution No. 325-19, without objection, by roll call vote, the motion carried with all present members voting yes and refusal from discussion and voting abstention by President Brown and Ms. Dumas.

Authorization to Amend Agreement

Resolution No. 326-19 Authorization to Amend Agreement No. 18001244 with Governmental Policy Group, Inc. for State Advocacy Services to exercise the option to extend the term of the agreement for a one-year period through 2020 in an additional amount of \$72,000.00, thereby bringing the revised total agreement amount not-to-exceed \$216,000.00.

Resolution No. 327-19 Authorization to amend design-build Agreement No. 19005267 with Cold Harbor Building Company for the Southerly Miscellaneous Disinfection and Solids Handling Improvements project for the procurement of disinfection chemical storage tanks, in an additional amount of \$500,000.00, thereby bringing the revised total agreement amount not-to-exceed \$914,208.00.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 326-19 through 327-19. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for information regarding the value received as a result of the advocacy engagements at a state and/or federal level.

Eric Luckage, Chief Legal Officer, stated that the District issued an RFP for state advocacy services two years ago and entered into a contract with Governmental Policy Group (GPG) as the highest-rated firm. Over the past two years, the firm has worked with Danielle Giannantonio, Legislative Affairs Manager, to increase the visibility of the District and the District’s mission around the State House.

Mr. Luckage added that GPG helped the District achieve three amendments to ORC Chapter 6119 during the state budget process. Those amendments broadened the District’s ability to collaborate on projects with non-governmental entities and also clarify that affordability program may be offered to qualifying customers of any age. GPG has worked with the District to advocate on several other bills as well.

Mr. Luckage further advised that the District is evaluating the possibility of bringing the federal advocacy services in-house through Ms. Giannantonio.

Mr. Ciaccia asked what the major issues are that apply to the District at the federal level. Mr. Luckage explained that in the last year, the major issue would be integrated planning as it relates

to the Consent Decree and modification efforts. An additional issue in the future will include the PFAS discussion.

Ms. Dreyfuss-Wells added that the affordability question and the Low-Income Home Energy Assistance Program (LIHEAP)-like issues for wastewater affordability are additional issues. Additionally, NOACA has increased their legislative services and what is important to the District is closely aligned with what is important at the industry level on the federal side.

President Brown encouraged the District, as a part of the upcoming rate study, to focus on equity and affordability. He urged the District to continue its work with Cleveland Water and other cities around that the country to address these issues and implement solutions particularly for those that need financial support.

Mr. Ciaccia stated that the District should focus on trying to get the bill that was previously stalled through the House in 2020, although it may not make it through the Senate next year. He noted that the District has good bipartisan support and it is a good bill. Energy companies have similar programs and wastewater utilities should too.

Ms. Dreyfuss-Wells introduced Constance Haqq, Director of Administration and External Affairs, to address President Brown's concerns regarding affordability.

Ms. Haqq informed the Board that the program referenced by President Brown is the U.S. Water Alliances' Water Equity Task Force. Seven cities, including Cleveland, were identified to receive funds and support to create a community task force. The District has been working on this project for two years with CWD, Drink Local Drink Tap, partner community development corporations, and other organizations within the community to address water equity in Northeast Ohio.

The District is publishing a road map outlining the demographics of the community and some key issues the Task Force identified, which will be presented to the Board in January. The District will host a seminar in March to discuss its recommendations based on those findings.

Additionally, the District assembled an internal affordability task force, which has had four meetings. The task force analyzed the District's rates, hearing process, and issues surrounding renters, met with representatives of CWD, Cleveland City Council, including Councilman Brancatelli, and the Cleveland Housing Department. The task force has invited additional people to discuss these issues and will present its findings to the Board in the first quarter of 2020.

President Brown requested that Ms. Haqq keep the Board informed of upcoming meetings in case members would like to attend.

Mr. Ciaccia complimented the task force's efforts and indicated that the District is fortunate that the U.S. Water Alliance has taken the issue on.

Mr. Ciaccia urged the District to be cautious in evaluating rates for renters versus homeowners. He noted that there are several complicated issues to consider as renters in poverty and

homeowners in poverty often have different circumstances. If the District provides rate reductions for renters, there is no way to guarantee that that property owner will pass on those savings to the renters.

Ms. Dreyfuss-Wells indicated that the District is focused on answering this and other questions about renters and who it can and cannot provide affordability programs to and why.

Mr. Ciaccia pointed out that a segment of the population is living in subsidized housing and that should be factored into the equation.

Ms. Dumas added that frequently, even for CMHA renters, the subsidy that they receive to put towards whatever utility they have been granted is very meager and does not cover the cost of the utility. The consideration should be to ensure that whatever affordability program the District has, has the appropriate impact and does not turn out to be an unneeded subsidy to a homeowner who simply does not want to pay the utility bill. There is conversation around reversing the current utility subsidy program and giving the subsidies that are not covering the utilities back to CMHA.

President Brown noted that the discussion shows some of the complexity of the issues and though the District will be very thoughtful of the issues and concerns moving forward, there is no silver bullet or panacea. To the extent that the District can pilot some initiatives to study and understand impacts, those are the opportunities to take a good hard look.

It is particularly important, in terms of environmental impacts, that the District evaluates how best to address ratepayers that fall through the safety net. The District needs to evaluate what can be done about disconnection policies or the amounts to restore service, as these are options that the District can control.

President Brown additionally noted there have been a lot of discussions but there need to be decisions and recommendations made to see if changes have the impact needed. If one were to overlay the impacts of the District's rates, rate structures and service disconnections, that same footprint is descriptive of a lot of other socioeconomic ills in the community. The data is available, the question of what to do with it becomes the challenge.

Ms. Dreyfuss-Wells thanked President Brown and indicated that these are exactly the conversations that Ms. Haqq is taking the District through.

Regarding Resolution No. 327-19, President Brown asked for clarification regarding the not-to-exceed amount of \$914,000 versus the capital number of \$3 million. Devona Marshall, Director of Engineering and Construction, explained that this is a design-build contract that is in phase one. The Board approved step one in June which was preconstruction design services and would take the project through 60 percent design. Typically, with this two-step design-build, the District would come back to the Board at 60 percent design with a guarantee maximum price (GMP) which would then include the full amount of the construction, estimated at \$3 million. However, in this first step, it was realized that there is a long lead time on the procurement of the disinfection tanks. Accordingly, the District is addressing it with the Board prior to the GMP to request additional

funding to proceed with purchasing the tanks so that they can be installed prior to the 2020 disinfection season.

Mr. Ciaccia asked for clarification regarding how this pre-purchase will affect the economics of the program and be factored into the GMP. Ms. Marshall explained that the process here is no different than what would have happened during the GMP. The cost would have been put into the overall GMP estimate and the District would get hard quotes from different subcontractors and manufacturers, then most likely go with the lowest bid. The District would be negotiating GMP at 60 percent design. The District is scheduled to come back to the Board in January, but the tanks have a 12- to 16-week lead time and need to be installed prior to disinfection season, which begins in May. The District will not pay any more than what it would have if the tanks were purchased post-GMP.

Authorization of Contract Modification

Resolution No. 328-19 Authorization to modify the contract with Unifirst Corporation for uniform rental and cleaning services at all District facilities with an increase in the contract amount of \$20,000.00, thereby bringing the revised total contract amount not-to-exceed \$409,058.89.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 328-19. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 329-19 Authorizing the District to acquire one permanent stormwater easement on property known as PPN-771-09-050, located at 4635 Northfield Road, in the Village of North Randall, owned by GHR Northfield Property, LLC, necessary for the construction and maintenance of the Bear Creek Streambank and Headwall Repair project with total consideration of \$1.00.

Resolution No. 330-19 Authorizing the District to acquire one permanent stormwater easement on property known as part of PPN 662-22-030, located at 444 Richmond Road, in the City of Richmond Heights, owned by Dean E. D’Aquila, necessary for the construction and maintenance of the Claribel Creek Bank Stabilization Richmond Road project with total consideration of \$1.00.

Resolution No. 331-19 Authorizing the District to acquire one permanent stormwater easement on property known as part of PPN 662-24-013, located at 27625 Highland Road, in the City of Richmond Heights, owned by Frank and Kathleen Lentine, necessary for the construction and

maintenance of the Claribel Creek Bank Stabilization Highland Road project with total consideration of \$1.00.

Resolution No. 332-19 Authorizing the District to acquire one permanent stormwater easement on property known as part of PPN 662-24-014, located at 27635 Highland Road, in the City of Richmond Heights, owned by James Lentine, Frank Lentine, and Louis Lentine, necessary for the construction and maintenance of the Claribel Creek Bank Stabilization Highland Road project with total consideration of \$1.00.

MOTION – Mayor Stefanik moved, and Mr. Ciaccia seconded to adopt Resolution Nos. 329-19 through 332-19. Without objection, the motion carried unanimously.

Authorization to Reject and Re-bid

Resolution No. 333-19 Authorization to reject bids and re-bid the CSO Outfall Repairs and Improvements project, with an anticipated expenditure of \$2,900,000.00.

MOTION – Mr. Ciaccia moved, and Mayor Bacci seconded to adopt Resolution No. 333-19. Without objection, the motion carried unanimously.

VI. Information Items

1. Regional Stormwater Management Program Update

Frank Greenland, Director of Watershed Programs, provided an update regarding the regional stormwater management program (RSMP). He noted that the District has had a very good year in terms of cash flow and project execution and provided some highlights.

There was a very large debris mat along the Cuyahoga River adjacent to where the river burned fifty years ago. The Stormwater Inspection and Maintenance (SWIM) group did a great job of working with the contractors to remove much of the debris. It was a big and very successful undertaking.

Mr. Greenland presented information regarding various culverted streams or crossings. Typically, a road is over top of a stream and depending on the length of the roads, communities, counties, ODOT or the Ohio Turnpike Commission have statutory requirements on inspection and repair of culverts.

Because the District is active on the streams and doing Master Plans, it is supplying information to the communities of what is observed on the streams and at times, will partner with the community to affect the repair.

Mr. Greenland provided a photo of a short stretch of culvert in the City of Independence. The corrugated metal was collapsing and there were trees and debris in the culvert. The Board recently approved the cost sharing arrangement with Independence to resolve the situation. If left unchecked, it would have resulted in flooding.

The SWIM group is also involved in some smaller scale projects. Mr. Greenland provided before, during and after construction photographs of an area of erosion that was moving toward a stormwater detention basin. The District became involved once it was potentially threatening a structure.

Mr. Greenland provided status updates on the remaining four Master Plan projects as follows:

Cuyahoga River South:

The Cuyahoga River South study is complete. Mr. Greenland provided some images of Cuyahoga River South that outlined the problem areas that were studied. The District has recommendations in those areas and is beginning to incorporate those recommendations into its nomination process.

Overall project costs were an estimated \$195 million. When the District was in litigation over the stormwater program, the project cost estimate was \$228 million. The \$195 million reflects all project recommendations taking levels of service up to a 100-year storm. The District is not going to get to the 100-year storm everywhere, so the number will come down, but is highly indicative of when the District went into court with a need. That need was there and is even greater today. The Cuyahoga North Master Plan will add significantly to the total.

Mr. Ciaccia asked for additional clarification regarding the \$228 million versus \$195 million. Mr. Greenland confirmed that the \$228 million was for the District-wide study and this Master Plan is at \$195 million, assuming it is taken all the way to the 100-year storm level. Mr. Greenland pointed out that there is significant stormwater need across the service area.

Cuyahoga River North:

The Cuyahoga River North study is nearing completion and again the District is in discussions with the local communities. The District studied 70 problem areas and has nominated a few to design and construction plan and the project will be completed next year.

Rocky River:

The Rocky River study is scheduled to be completed mid-year 2020. The data collection and modeling processes are almost complete. The District is in the process of evaluating alternatives in the problem areas.

One area in the Rocky River study area is Big Creek Parkway. There are acute flooding problems in the City of Middleburg Heights. The District is working cooperatively with city officials on an early action project in this area and is studying what types of alternatives there are. Flooding

occurs routinely and the level of service is very low. The District has identified some areas to put detention facilities and is working with Middleburg Heights to reach some sort of cost sharing arrangement to raise the level of service.

Chagrin River and Lake Erie:

Chagrin River and Lake Erie tributaries is the last Master Plan. This project is complex and will not be completed until 2021.

A lot of the work on this project has been focused on investigations along the stream and televising the culverts, most of which is done. Upcoming there will be more data collection and field activities, but it is really the modeling, identification of problem areas, developing alternatives, and then solutions.

Mr. Greenland then moved on to the stormwater design and construction program area. He noted that most KPIs are being met. However, there are two that will not be. One is the Master Plan. Two Master Plans were to have been completed by the end of 2019, but Cuyahoga North is running about two months behind schedule. Additionally, the District received a very low bid on one project, which pushed down the average of bids within 10 percent of the engineer's opinion of probable cost.

As for cash flow, it is currently tracking at 87 percent, which is on target. Mr. Greenland attributes that to the design and construction teams.

Mr. Greenland then provided some examples of projects that were completed this year.

Stickney Creek in Brooklyn had a District interceptor that was compromised, as it was starting to be exposed by the creek. There were photos demonstrating what the creek looked like before and after the repair. The District was able to bury and get the sanitary sewer out of the streambed to protect it. Additionally, the creek was opened up, creating more floodplain and reducing energy and erosion.

The District purchased some property along Pepper Creek in the City of Pepper Pike. The streambank was highly compromised, a structure was threatened, and previous attempts at repair had failed. Mr. Greenland showed photographs demonstrating that the stream had been widened, reclaiming some floodplain and reducing energy. It will require monitoring to ensure that the District's goals to minimize erosion were accomplished, however, it appears to have been a highly successful project.

Columbo Park had a District manhole on the left bank, significant erosion, and a lot of debris in the water. There were photographs demonstrating the creek's condition. The District had to hard armor one of the banks. There is a soldier pile wall on one side, but the stream was opened on the other side. The manhole was protected. It was a successful partnership with the City of Parma Heights.

Mr. Greenland then moved his presentation to discuss culverted streams. As part of the Master Plans, the District has inspected the majority of the culverted streams across the regional stormwater district. To simplify, a culverted stream is essentially a stream in a pipe. In many areas, it goes from open stream to underground culvert, to open stream.

The District inspected 78 miles of culverts in the Master Plan by televising then reviewing the videos to assess condition, maintenance needs, debris, and structural needs. There are a few culverts that have yet to be inspected but they will be soon. The District has developed planning level costs to ascertain what is needed in terms of repair and renewal. The culverted streams are as important to maintain as open streams.

Mr. Greenland provided a graphic demonstrating certain culverts have only separate stormwater drainage and are up away from the City of Cleveland and the inner ring suburbs. There are certain culverts that carry combined sewer flow, such as Big Creek, Mill Creek and Doan Brook.

The District has previously made repairs based on a policy of using wastewater revenue for the combined sewer culverts/stormwater revenue for the purely stormwater culverts. Shaw Brook is an example of a previous repair that was wastewater funded. Emerald Parkway had no CSO influence and was stormwater funded. The District intends to keep that policy going forward.

Mr. Greenland provided a graphic that demonstrated costs to date of \$78 to \$79 million. These are not program costs. They are categorized by maintenance, which is low; spot repairs, which may not be needed at this time. The large costs are the relining and replacement projects. There were not many culverts that were identified for immediate replacement. Brookside is an example of one that was in disrepair. The District is monitoring those culverts for potential for failure.

President Brown asked what the major driver is for these issues, whether it is age or something else. Mr. Greenland explained that sometimes it is the age of the infrastructure, and sometimes the corrugated metal culvert is up against concrete and creating problems. There is also potential for a surcharge to blow something apart, though that has not been seen.

President Brown commented that his understanding, particularly with corrugated pipe, is that it depends on the load on top of it and whether there is deflection or collapse, and that cannot be predicted. Mr. Greenland agreed and stated that the District is working to develop sound monitoring and reinspection strategies for these structures, as they are unpredictable.

Mayor Stefanik asked whether for the relining, the projects will be bid out. Mr. Greenland confirmed that they will, as design and construction projects. Mayor Stefanik asked whether cities are able to piggyback on District contracts, like a subsidy agreement with each city for standard relining that cities would do as part of regular maintenance. Ms. Dreyfuss-Wells and Mr. Greenland responded that that is something that the District could further discuss and investigate.

Mr. Greenland further explained that these costs are separated by master planning area. There are not many culverts in the Cuyahoga River South area, but there are in the Cuyahoga River Valley North and the Chagrin and Lake Erie tributaries areas. The District evaluated it from a standpoint

of program area. Most of the costs are in the RSMP area. That is the distinction between program areas and how things are paid for. Mr. Greenland noted that it is often very difficult to identify the true owner of a pipe, as most owners do not come forth.

The District's strategy has always been to seek out the owner for a contribution or collaboration and will continue to do so, however, there are critical projects that need to move forward and the District will start programming activities for the most critical into the stormwater budget and in some respects, the combined sewer budget. However, some areas are privately owned and some public. ODOT has been a good partner when their pipes are in need of repair. Mr. Greenland noted that cooperation can mean many things, including monetary contributions, land, easements, and execution of projects.

President Brown noted that the state laws addressing responsibility for conducting repairs on private property may be problematic in the future. Mr. Greenland agreed and noted that the District will adjust and forge ahead. The culverts are very important because if there is a collapsed culvert in a community carrying a stream like Dugway Brook, it would be a problem.

Regarding the Watershed Program, the District has had a very good year for property acquisition, with the Watershed Programs and Legal Departments driving the efforts. The RSMP and CSO program have also been accelerating property acquisitions. GIS has created great tools to track property, offers to homeowners, acquisition, demolition needs, maintenance needs, and easement identification, keeping everyone on the same page.

Regarding plan review, Mr. Greenland presented slides demonstrating how the District tracks and protects assets. There were slides shown that demonstrated tracking for Titles III, IV and V, the District's Separate Sanitary Sewer Code, Combined Sewer Code, and Stormwater Management Code. Each title has its own plan review component. The District is doing a good job of tracking these things.

Open Session

There were no items.

VII. Public Session (any subject matter)

There were no items.

VIII. Executive Session

MOTION - Mayor Bacci moved pursuant to Ohio Revised Code Section 121.22(G)(1), to enter into Executive Session to consider the employment and compensation of a public employee. Roll call vote: all yes, entered into Executive Session at 1:30 p.m.

IX. Approval of Items from Executive Session

Action Following Executive Session

Following executive session, the Board returned to regular session at 1:59 p.m. to consider Resolution No. 334-19.

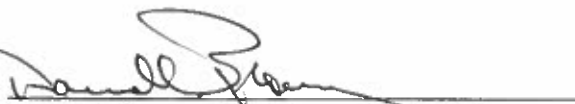
MOTION – Mr. Ciaccia moved and Mayor Bacci seconded to approve a second amendment to the employment contract dated January 4, 2018 between Kyle Dreyfuss-Wells and the District. Without objection, the motion carried unanimously.

X. Adjournment

MOTION – Mr. 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 2:00 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