

MINUTES  
NORTHEAST OHIO REGIONAL SEWER DISTRICT  
BOARD OF TRUSTEES MEETING  
December 6, 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 Darnell Brown.

I. Roll Call

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

ABSENT: T. DeGeeter  
J. Ciaccia

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

II. Approval of Minutes

**MOTION** – Mayor Bacci moved and Ms. Dumas seconded to approve the minutes of the November 15, 2018, Board Meeting. Without objection, the motion carried unanimously.

III. Public Session

There were no items.

IV. Chief Executive Officer's Report

CEO Dreyfuss-Wells began by giving an update on the water line break that occurred at the Environmental and Maintenance Services Center, EMSC on December 5, 2018. CEO Dreyfuss-Wells introduced Thomas Madej, Deputy Director of Operation & Maintenance, to provide the members of the Board with an update.

Mr. Madej presented the Board with photographs that showed a timeline of the sequence of events along with the damage that happened during the water line break. The water main break was isolated in the northwest corner of the EMSC Facility. The water damage that occurred was mostly at the lower levels of the building which are all concrete surfaces. The water line coming into the building from the northwest corner had to be isolated and because of that, the whole complex was shut down without water. It took about two hours to isolate the water coming into the building. The EMSC staff was unsure which line to isolate since there is also a parallel line that supplies fire protection in that same complex. There were also some valve vaults full of water which needed to

be dewatered before getting to the valve. Mr. Madej explained that an Incident Command Team was created consisting of a planning person, operations person, logistics person, and an incident commander. Through this Incident Command team and the District Administration team, communication was given to President Brown per the District's bylaws.

There was bottled water available for EMSC staff as well as portable restrooms and hand sanitizing locations. There was also a shuttle available to Southerly for employees that wanted to shower or use the restrooms there. Mr. Madej explained that after speaking with senior staff, the decision was made to send non-essential staff home. During that time the emergency work authorization was approved for Shook Construction to mobilize as well as clean up services through SERVPRO.

Mr. Brown thanked Mr. Madej for his briefing but expressed concerns on being more efficient if an incident like this happens again and how to address any electrical issues that may arise. As well as how to ensure that "unsafe" water is not being used.

Mr. Madej explained that there were some electrical issues that came up like the two conduits that had water coming through them but assured that those electrical issues have been resolved. CEO Dreyfuss-Wells noted that the drinking water will be tested before it's once again potable so there will be bottled water until Monday for the employees at EMSC and introduced Scott Broski, Superintendent of Environmental Services to speak more on how to ensure the water is properly tested. Mr. Broski explained that there will be a number of samples collected that will be tested for chlorine residual and coliform bacteria, which is a 24-hour test. There are signs posted and there is really no water pressure when trying to use a drinking fountain but once the test comes back, the water will be at full potable consumption usage.

Next, CEO Dreyfuss-Wells spoke on the Clean Water Works Journal. The edition covers the history of the Cuyahoga and the formation of the Sewer District, and the 50<sup>th</sup> anniversary of the last time the river burned. This technical journal has a lot on the District's projects which was put together by Mike Uva and its one of the many resources of the River Reborn campaign. CEO Dreyfuss-Wells closed by announcing the Cleveland Rocks Award received by the CCR Department from the Public Relations Society of America.

## V. Action Items

### Authorization to Advertise

Resolution No. 398-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for the purchase of the Renewable Energy Facility Wet Scrubber System for the Southerly Wastewater Treatment Center with an anticipated expenditure of \$115,000.00.

Resolution No. 399-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for Grit and Screenings Removal services at all wastewater treatment plants with an anticipated expenditure of \$1,300,000.00.

Resolution No. 400-18

Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Chapter 6119, for Grounds Maintenance Services at District facilities with an anticipated expenditure of \$150,000.00.

**MOTION** –Mayor Stefanik moved and Ms. Dumas seconded to adopt Resolution Nos. 398-18 through 400-18. Without objection, the motion carried unanimously.

Authorization to Reject and Re-bid

Resolution No. 401-18

Authorize the District to reject all bids and re-bid the Eastside Regional Stormwater System Debris and Sediment Removal project with additional necessary contractual requirements added to the bidding documents.

**MOTION** –Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 401-18. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFPs)

Resolution No. 402-18

Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for the Fuel Credit Card Program.

Resolution No. 403-18

Authorization to issue a progressive design-build RFQ and subsequent RFP for design and construction services, in accordance with Ohio Revised Code Chapter 153, for the Dille Avenue/Barberton Creek Pump Stations Upgrades project.

**MOTION** – Moved by Mayor Stefanik and Mayor Bacci seconded to adopt Resolution Nos. 402-18 and 403-18. After the following discussion, without objection, the motion carried unanimously.

The Board requested an explanation for Resolution No. 403-18. Devona Marshall, Director of Engineering and Construction, explained that as part of this project the District will be replacing

equipment much of which was installed in the 1970s and addressing safety issues within the two pump stations. Ms. Marshall explained that the progressive design-build delivery was selected for the project because the means and methods of the contractor will drive design and construction especially with the replacement of the MCCs.

Ms. Marshall also explained that the one step or the fixed price design-build delivery, which only requires the project to be presented to the Board once and awards both the design and construction, is appropriate where little to no design is required.

Authorization to Enter into Agreement

Resolution No. 404-18

Authorization to enter into agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority to accept Water Pollution Control Loan Fund monies for construction costs related to the Southerly Electrical Infrastructure Improvements project for a total amount not-to-exceed \$18,402,524.48.

Resolution No.405-18

Authorization to enter into Sponsorship Agreements with Cleveland Museum of Natural History to sponsor its East Branch Cuyahoga River Wetlands Reserve Project, Trust for Public Land to sponsor its Springfield Bog Expansion Project, and Black Swamp Conservancy to sponsor its St. Joseph River Protection Project, all under the Ohio Environmental Protection Agency's Water Resource Restoration Sponsor Program (WRRSP) at no cost to the District.

Resolution No. 406-18

Authorization to enter into agreements with Cuyahoga Soil and Water Conservation District and interested Member Communities to provide services in support of member community compliance with Ohio EPA's National Pollutant Discharge Elimination Systems General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed \$264,000.00.

Resolution No. 407-18

Authorization to enter into agreement with the Village of Valley View in support of the Village's Ohio Emergency Management

Agency's Flood Mitigation Assistance Program Fiscal Year 2017 funding award in an amount not-to-exceed \$316,053.00.

Resolution No. 408-18

Authorization to enter into agreement with the Lorain County Stormwater Management District for services in support of member community compliance with Ohio EPA's National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed \$23,939.64.

Resolution No. 409-18

Authorization to enter into agreement with the Summit Soil and Water Conservation District and interested Member Communities for services in support of member community compliance with the Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed \$19,975.00.

Resolution No. 410-18

Authorization to enter into agreement with the Cuyahoga County Board of Health for services in support of member community compliance with Ohio EPA National Pollutant Discharge Elimination System General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed \$333,317.00 in 2019, \$341,433.00 in 2020 and \$358,995.00 in 2021.

Resolution No. 411-18

Authorization to enter into agreement with the Summit County Combined General Health District for services in support of member community compliance with the Ohio EPA National Pollutant Discharge Elimination Systems General Permit for Municipal Separate Storm Sewer Systems in an amount not-to-exceed \$45,205.60.

Resolution No.413-18

Authorization to enter into agreements with nine watershed organizations for the 2019 Watershed Partners Service Agreement Program, as presented, in the total amount not-

to-exceed \$350,000.00

**MOTION** –Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution Nos. 404-18 through 411-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested an explanation for Resolution No. 404-18. Kenneth Duplay, Chief Financial Officer, explained that this will be the first loan of 2019 awarded by OWDA in January. The interest rate would be in the mid 2 percent range versus 3 to 4 percent on the bonds. The dollar savings will be presented in total in the year-end-review summary of the 2018 loan activity which will allow for a comparison of what it would have looked like if it would have been done via a bond issue instead.

Resolution No. 412-18 was withdrawn.

**MOTION** - Mr. Sulik moved and Mayor Bacci seconded to adopt Resolution No. 413-18. Without objection, by roll call vote, the motion carried will all present members voting yes and recusal from discussion and voting abstention by Mr. Brown.

Authorization to Enter into Contract

Resolution No. 414-18	Authorization to enter into contract with PNC Institutional Investments for investment custodial services in an amount no-to-exceed \$200,000.00.
Resolution No. 416-18	Authorization to enter into a 12-month contract with PVS Technologies, Inc. for Sodium Bisulfite Solution at all wastewater treatment plants in an amount not-to-exceed \$285,384.00.
Resolution No. 417-18	Authorization to enter into construction contract with Lake Erie Electric, Inc. for the Westerly Wastewater Treatment Center Programmable Logic Controller Replacement project in an amount not-to-exceed \$4,338,671.00.
Resolution No. 418-18	Authorization to enter into a progressive design-build contract with Kokosing Industrial, Inc. for Phase 1 of the Easterly Bar Screen Conveyor Belt Rehabilitation project in an amount not-to-exceed \$197,000.00.

Resolution No. 419-18

Authorization to enter into contract with the Operator Training Committee of Ohio for the District's Wastewater Training Program in an amount not-to-exceed \$57,750.00.

Resolution No. 420-18

Authorization to enter into contract with Cuyahoga Community College for the Districts' Maintenance Training Program for apprentice employees in an amount not-to-exceed \$51,379.94.

**MOTION** –Mayor Stefanik moved and Mayor Bacci seconded to adopt Resolution Nos. 414-18, 416-18 through 420-18. Without objection, the motion carried with unanimously.

Resolution No. 415-18 was withdrawn.

Authorization to Amend Resolution

Resolution No. 327a-18

Authorization to amend Resolution No. 327-18 authorizing the District to acquire two parcels in fee simple located at 9175 Avery Road in the City of Broadview Heights, known as PPNs 583-14-002 and 583-14-015, to correct the name of the owner to Nelida R. Enrique, Trustee for The Nelida R. Enrique Trust dated October 25, 2001, and to allow for the entirety of the payment of \$460,000 to be disbursed to Innovative Title and Escrow Services, LLC.

**MOTION** –Mayor Bacci moved and Ms. Dumas seconded to adopt Resolution No. 327a-18. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 421-18

Authorizing the final adjustment modification of Contract No. 17002218 with Industrial Furnace Company, Inc. for the Westerly Incinerator Improvements project by decreasing the contract amount by \$26,287.94, bringing the total revised contract amount to \$2,677,778.39.

Resolution No. 422-18

Authorizing the final adjustment modification of Contract No. 17001685 with Marra

Services, Inc. for the Kingsbury Run Preliminary Engineering project by decreasing the contract amount by \$304,451.92, bringing the total revised contract amount to \$4,469,923.08.

Resolution No. 423-18

Authorizing the final adjustment modification of Contract No. 16005283 with Shook Construction Company for the Westerly Wet Weather Facility Improvements project by decreasing the contract amount by \$223,966.68, bringing the total revised contract amount to \$3,313,833.32.

Resolution No. 424-18

Authorization to modify design-build Contract No. 18004521 with Brewer-Garrett Company for the Southerly Building Heat Boiler System Upgrades project to incorporate a Guaranteed Maximum Price amendment necessary for the construction portion of the project with an increase in the amount of \$8,341,216.00, bringing the total revised contract amount to \$8,833,396.00.

**MOTION** –Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution Nos. 421-18 through 424-18. After the following explanation, without objection, the motion carried unanimously.

Mr. Brown requested an explanation for Resolution No. 424-18. Devona Marshall, Director of Engineering and Construction, explained that the project is a two-step process which first includes Board authorization of the pre-design and sixty percent design services to develop a guaranteed maximum price for the full construction which is then authorized as a modification to the original authorization. Ms. Marshall also explained that a third-party estimate was performed to validate the guaranteed maximum price.

Sewer Use Code Matters

Resolution No. 425-18

Authorization to adopt the findings of the Hearing Officer with regard to the sewer account ending in 2093 of Ms. Earline Fisher, Sewer District Case No. 18-019, that the customer's request be granted in part for a credit adjustment for one-half of the excess charges in the amount of \$1,901.79 for 30.6 MCF and to remove the lien of Ms. Fisher's



property once payment arrangements have been made for the remaining balance of her bill.

**MOTION** –Mayor Bacci moved and Ms. Dumas seconded to adopt Resolution No. 425-18. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 426-18

Authorization to Amend Contract No. 16005934 with Government Portfolio Advisors for Investment Advisory Services to exercise the one-year option to renew the agreement for the period of January 1, 2019 to December 31, 2019 in an amount no-to-exceed \$95,000.00.

**MOTION** –Mayor Stefanik moved and Mr. Sulik seconded to adopt Resolution No. 426-18. Without objection, the motion carried unanimously.

Authorization to Modify

Resolution No. 427-18

Authorization to modify a memorandum of agreement with the United States Army Corps of Engineers and Ohio's State Historic Preservation Office for mitigation of adverse effects on historic properties impacted by the Doan Brook Streambank Stabilization project.

**MOTION** –Mayor Bacci moved and Mr. Sulik seconded to adopt Resolution No. 427-18. After the following discussion, without objection, the motion carried unanimously.

Mr. Brown requested an explanation for Resolution No. 427-18. Frank Greenland, Director of Watershed Programs, explained that during the project an artifact from the 1900s was found. Where the foundation is now there used to be a Cleveland Roque Club and roque courts and the agreement was for the District to take a piece of that for it to be documented in a museum.

Property Related Transaction

Resolution No. 428-18

Authorization to enter into a settlement agreement with Scranton-Averell, Inc. for acquisition of a temporary easement located on Train Avenue in the City of Cleveland, and known as part of PPN 004-25-003, a temporary easement located on Scranton Road in the City

of Cleveland, and known as part of PPN 004-25-006, and one subterranean easement located on Scranton Road in the City of Cleveland, and known as part of PPN 004-26-004, necessary for the Westerly Storage Tunnel project, with a total consideration of \$82,408.49.

Resolution No. 429-19

Authorization to acquire one parcel in fee simple located on Chestnut Hills Drive in the City of Parma, and known as PPN 449-02-051, owned by the Cuyahoga County Land Reutilization Corp., necessary for District purposes, with a total consideration of \$1.00.

**MOTION** –Mr. Sulik moved and Mayor Stefanik seconded to adopt Resolution Nos. 428-18 and 429-18. Without objection, the motion carried unanimously.

VI. Information Items

There were no items.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

**MOTION** – Mayor Bacci moved pursuant to Ohio Revised Code Section 121.22(G)3 to go into Executive Session to consult with the District’s legal counsel concerning disputes involving the District that are the subject of pending imminent court action. Second by Ms. Dumas. Roll call vote: all yes.

Following executive session, the Board returned to regular session at 1:56 p.m.

X. Adjournment

**MOTION** – Mr. Brown stated business having been concluded, he would entertain a motion to adjourn. Ms. Dumas moved and Mr. Sulik seconded the motion to adjourn at 1:57 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