

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
DECEMBER 15, 2022

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

I. Roll Call

Present: Darnell Brown
Ronald Sulik
Jack Bacci
Sharon Dumas
Samuel Alai

Absent: Timothy DeGeeter
Marjorie Chambers

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 December 1, 2022 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, advised the Board that on December 3 and 4, more than 120 residents joined NEORS staff at the Shaker Heights Public Library for a working session on the design of the Doan Brook Restoration Near Horseshoe Lake Park project. Attendees participated in a hands-on exercise to look at possible stream alignments, sediment management, and wetland placement. Attendees were allotted a limited budget for conductivity and park amenities and prioritized how they would lay out the park. At the end of the two days, the design team had over 47 different park concepts. Some attendees spent nearly two hours completing the exercise.

NEORSD will continue the predesign phase of the project through spring and expects to have its next public meeting in May or June. Ms. Dreyfuss-Wells thanked staff members who participated in the exercise.

On December 7, NEORSD hosted the final Suburban Council of Governments meeting for 2022. NEORSD highlighted the local sewer system evaluation studies (LSSES) and presented data and tools from those studies that are available to the member communities to address their local problems and strengthen their grant applications for programs such as the Member Community Infrastructure Program (MCIP). NEORSD also discussed its findings regarding its own infrastructure projects that allow NEORSD to receive the flow coming into its wastewater treatment plants from the member communities, including an upcoming Mill Creek Interceptor and Tunnel System, and future work on the Cuyahoga Valley Interceptor.

On December 12, NEORSD and the Cleveland Metroparks joined together to celebrate ten years of the Watershed Volunteer Program, which allows interested residents to experience watershed monitoring, restoration, and community outreach. Nearly 2,200 people have participated in the program. It is run out of the Watershed Stewardship Center at West Creek.

On December 14, Ms. Dreyfuss-Wells attended a virtual NACWA press conference, along with other clean water professionals from around the country to highlight the need for ongoing federal low-income customer water assistance. NEORSD has been advocating for permanent federal low-income water assistance for some time.

Ms. Dreyfuss-Wells invited Jean Smith, Director of Administration and External Affairs, to discuss the television show that NEORSD staff participated in making.

Ms. Smith advised that last year, NEORSD was approached by the Discovery Channel Production Company to participate in a series about sewers and what it takes to maintain that infrastructure. NEORSD participated in the series, along with three other entities located on the East Coast.

This year, the Discovery Channel filmed with NEORSD's Sewer System Maintenance and Operation (SSMO) staff over several weeks at different locations to capture that work. The show will be named "Sewer Divers" and will air on January 1, 2023.

Ms. Smith provided a promotional video clip of the program and explained that SSMO staff members Todd Andexler and Josh Jeffi are both featured in the clip. Ms. Smith thanked SSMO staff and Josh Dress in particular, as well the Legal Department for their assistance.

V. Action Items

Authorization to Advertise

Resolution No. 400-22 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a twelve-month requirement contract for ferric chloride solution for all wastewater treatment plants with an anticipated expenditure of \$750,000.00.

Resolution No. 401-22 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for the Stream Restoration Along Unnamed Tributary to the Cuyahoga River at Brookside Road in Independence project with an anticipated expenditure of \$625,000.00.

MOTION – Mayor Alai moved, and Ms. Dumas seconded to adopt Resolution Nos. 400-22 through 401-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 400-22 is for a 12-month contract for \$750,000, and the Resolution Request states that \$236,000 of the current allotment has been expended to date. President Brown requested an explanation regarding the apparent increase.

Frank Foley, Director of Operation and Maintenance, provided a graphic demonstrating the quantity of ferric chloride in the expiring contract, the usage in the 12 months from December 2021 to November 2022, and the quantity in the newly requested contract. Mr. Foley explained that the new contract is for a lower quantity than the expiring contract but slightly more than the amount used in the last 12 months. He also explained that District anticipates a 75% to 100% increase in product cost following discussion with the current vendor.

Authorization to Issue Request for Proposal (RFP)

Resolution No. 402-22 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the REF PLC Replacement project.

Resolution No. 403-22 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the Easterly Tunnel Dewatering Pump Station Improvements project.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 402-22 through 403-22. Without objection, the motion carried unanimously.

Authorization to Enter Into Agreement

Resolution No. 404-22 Authorization to enter into a professional services agreement with Gallagher & Co. to perform a compensation study for District union and non-union employees, in an amount not-to-exceed \$98,800.00.

MOTION – Mr. Sulik moved, and Mayor Alai seconded to adopt Resolution No. 404-22. After the following discussion, without objection, the motion carried unanimously.

President Brown asked what the Total Rewards Team is that is referenced in the request. Constance Haqq, Chief Administrative Officer, explained that it refers to the benefits and compensation team members of the Human Resources Department.

Ms. Dumas asked if such a study has been performed previously. Ms. Haqq explained that there has been but a comprehensive deep dive into the compensation of union and non-union employees has not been performed for some time.

President Brown added that in light of inflation and other issues, this is a good time to perform such a study in order to ensure that NEORSD is competitive to attract and retain staff. Although the request is for one year, it may be necessary to continue for a couple of years, until the industry stabilizes.

Authorization to Enter Into Contract

Resolution No. 405-22 Authorization to enter into a three-year requirement contract with AirGas USA, LLC for industrial gases at all District facilities in an amount not-to-exceed \$166,819.50.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 405-22. Without objection, the motion carried unanimously.

Authorization to Amend Agreement

Resolution No. 406-22 Authorization to amend Agreement No. 22000742 with Coldwater Consulting, LLC for the Mill Creek Restoration near Cricket Lane in Warrensville Heights project to include work scope for additional design services necessary to realign and replace three existing Mill Creek Interceptor crossings, and to increase the agreement amount by \$121,227.00, thereby bringing the total agreement not-to-exceed \$852,513.00.

Resolution No. 407-22 Authorizing final adjusting change order for Design-Build Agreement No. 19005602A with Nerone & Sons, Inc. for the Dille Road/Barberton Creek Pump Stations Upgrades project by decreasing the agreement amount by \$272,386.16, thereby bringing the total agreement amount to \$3,090,051.65.

Resolution No. 408-22 Authorizing final adjusting change order for Design-Build Agreement No. 20005102 with Building Controls Integrators, LLC for the District Wide HVAC Building Automation Systems Upgrades project by decreasing the agreement amount by \$333,255.33, thereby bringing the total agreement amount to \$2,114,188.87.

MOTION – Mayor Alai moved, and Mr. Sulik seconded to adopt Resolution Nos. 406-22 through 408-22. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 409-22 Authorization to modify Contract No. 3831 with the County of Cuyahoga, Department of Public Works, for the county's disposal of grit at the Southerly Wastewater Treatment Center to extend the term of the contract by one year through December 31, 2023, and to increase the disposal rate paid to the District from \$134.00 per ton of grit to \$140.15 per ton of grit during the extended period, and to increase the contract amount by \$490,000.00, thereby bringing the total contract amount not-to-exceed \$1,562,000.00.

Resolution No. 410-22 Authorizing final adjusting change order for Contract No. 21005113 with Tucson, Inc. for the Rocky River Stream Stabilization & Sewer Protection in North Royalton project by decreasing the contract amount by \$123,016.86, thereby bringing the total contract amount to \$588,518.14.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 409-22 through 410-22. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 409-22 Authorization to modify Contract No. 3831 with the County of Cuyahoga, Department of Public Works, for the county's disposal of grit at the Southerly Wastewater Treatment Center to extend the term of the contract by one year through December 31, 2023, and to increase the disposal rate paid to the District from \$134.00 per ton of grit to

\$140.15 per ton of grit during the extended period, and to increase the contract amount by \$490,000.00, thereby bringing the total contract amount not-to-exceed \$1,562,000.00.

Resolution No. 410-22 Authorizing final adjusting change order for Contract No. 21005113 with Tucson, Inc. for the Rocky River Stream Stabilization & Sewer Protection in North Royalton project by decreasing the contract amount by \$123,016.86, thereby bringing the total contract amount to \$588,518.14.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 409-22 through 410-22. Without objection, the motion carried unanimously.

Property Related Transactions

Resolution No. 411-22 Authorization to acquire one parcel in fee simple known as PPN 761-16-015, located at 20009 Butternut Lane, in the City of Warrensville Heights, owned by What A Lovely Home, LLC, necessary for the construction and maintenance of the Mill Creek Restoration Near Cricket Lane in Warrensville Heights project, and to allow for the entirety of the payment to be disbursed to Innovative Title and Escrow Services, LLC, with total consideration of \$125,000.00 plus closing costs.

Resolution No. 412-22 Authorization to acquire one temporary easement at the property known as PPN 531-28-014, located at 1100 Resource Drive, in the Village of Brooklyn Heights, owned by Fogg – Brooklyn Heights 1 & 2, LLC, necessary for the construction of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$26,500.00.

Resolution No. 413-22 Authorization to acquire one permanent stormwater easement and two temporary easements at the property known as PPN 531-28-012, located at 990 Resource Drive, in the Village of Brooklyn Heights, owned by Resource Dr. Associates, now known as Resource Drive Associates, LLC, necessary for the construction and maintenance of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$39,600.00.

Resolution No. 414-22 Authorization to acquire one temporary easement at the property known as PPN 531-23-018, located at 800 Resource Drive, in the Village of Brooklyn Heights, owned by Resource Centre Associates,

LLC, necessary for the construction of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$13,100.00.

Resolution No. 415-22 Authorization to acquire one permanent stormwater easement and two temporary easements at the property known as PPN 531-28-015, located at 1200 Resource Drive, in the Village of Brooklyn Heights, owned by Fogg – Brooklyn Heights 3, LLC, necessary for the construction and maintenance of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$136,500.00.

Resolution No. 416-22 Authorization to acquire one temporary easement at the property known as PPN 531-24-010, located at 850 Resource Drive, in the Village of Brooklyn Heights, owned by Fogg Resource, LLC, necessary for the construction of the West Creek Stabilization in Brooklyn Heights project with total consideration of \$7,200.00.

Resolution No. 417-22 Authorization to acquire one parcel in fee simple at the property known as PPN 489-16-036, located at 4740 Bunker Road, in the City of North Royalton, owned by Gus and Daniela Kofinas, necessary for the construction and maintenance of the Big Creek Flood Mitigation Near Oakridge Drive project, to enter into an Assignment and Assumption Agreement with the Western Reserve Land Conservancy, to enter into a lease agreement with Gus and Daniela Kofinas, and to allow for the entirety of the payment to be disbursed to Ohio Real Title Agency, LLC with total consideration of \$385,000 plus closing costs.

MOTION – Mayor Bacci, and Mr. Sulik seconded to adopt Resolution Nos. 411-22 through 417-22. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that there appears to be a consolidation of lots, upward of \$200,000 for the properties and asked whether this will be all of the required properties in a project area or if there are more to acquire.

Frank Greenland, Director of Watershed Programs, explained that these properties are related to the West Creek Stabilization project, which will be the largest stormwater project completed by NEORS D to date. NEORS D intends to open bids for the project in January and the current estimated cost is approximately \$16 million.

Mr. Greenland provided a graphic of the project area and explained that 18 easements across 18 parcels are required for the projects and although there are a few easements left to acquire,

agreements are in place for those parcels. NEORSD received \$7 million in federal funding for the project under the Great Lakes Restoration Initiative.

President Brown asked what types of improvements will be made. Mr. Greenland explained that the project will address high velocities, utility issues, conveyance, flooding, and floodplain. There is an adjacent landfill on which NEORSD acquired an easement. The project will address 6,000 feet of stream restoration.

President Brown noted that Resolution No. 417-22 appears to involve a partnership with Western Reserve Land Conservancy, wherein they will act as an agent for NEORSD to acquire the property for \$385,000 and allow them to use it until July 2023. Mr. Greenland answered affirmatively and explained that NEORSD is assembling easements for this project which will involve resizing a culvert, realigning the stream, reclaiming floodplain, and addressing erosion.

Hearing Officer Findings and Recommendations

Resolution No. 418-22 Authorization to adopt the findings and recommendations of the Hearing Officer with regard to the sewer account of William Martin ending in 5573, Sewer District Hearing No. 22-017, that no further adjustments be made.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution No. 418-22. Without objection, the motion carried unanimously.

Authorization to Adopt

Resolution No. 419-22 Authorization to repeal the existing Titles III and IV of the District's *Code of Regulations* in their entirety, and authorization to adopt the revised Titles III and IV, including various changes, and to adopt the revised Title V, all as presented.

MOTION – Mayor Bacci moved, and Mr. Sulik seconded to adopt Resolution No. 419-22. After the following discussion, without objection, the motion carried unanimously.

President Brown asked for an explanation of the significant changes being made under Resolution No. 419-22. Mr. Greenland explained that Title III was developed in the mid-1980s and was required as a condition of the construction grants received for the early construction of the Southwest and Heights/Hilltop interceptors. Title III and the Community District Improvement Program have resulted in a significant reduction of sanitary sewer overflows.

Title IV was developed in the mid-1990s after the federal government came out with their CSO control policy, and because NEORSD does not own the entire combined system, it allows communities to help NEORSD achieve the nine minimum controls required under the policy.

Mr. Greenland invited Jeff Jowett, Community Discharge Permit Program Manager, to discuss the substantive changes to the Code of Regulations.

Mr. Jowett explained that the intent of the revision and replacement of Titles III and IV is to improve usability for the member communities and NEORSD staff. Under the authority of Ohio Revised Code 6119.08, NEORSD is changing the document structure for improved ease of use. All of the definitions were reviewed to ensure accuracy and that they were being used correctly.

The primary change in Title III is the creation of the Water Quality Technical Support Program, which offers support to member communities to address issues that are regulated by other bodies, such as basement backups and storm sewer overflows. Participation in the program will be voluntary and will provide access to the MCIP.

The community discharge permit requires communities to control excessive inflow and infiltration, maintain and update local sewer data, implement collection systems best management practices, and create a community compliance plan outlining how permit compliance is achieved. Communities are already doing this under Title III.

Title IV underwent a similar review and restructuring process to improve usability and there was language added regarding connections and disconnections from the combined sewer system, to protect the investment through Project Clean Lake in addressing CSOs.

The updates to Titles III and IV will combine what has been two respective permits to just one permit under both Titles going forward. Additionally, NEORSD will improve the use of its resources and programs by leveraging the data obtained through the LSSES and provide funding through the MCIP to assist member communities in improving local infrastructure.

Title V underwent minor changes to update the definitions associated with impervious surface area and to provide additional access to customers to receive credits to reduce their stormwater fee.

President Brown added that there is much discussion around the Consent Decree and the \$3 billion required investment, but in the background, there is still much to be done to address SSOs, common trench sewers and related infrastructure. President Brown asked how NEORSD intends to facilitate assisting member communities with prioritizing repairs and accessing funding from programs like the MCIP.

Mr. Greenland explained that NEORSD has provided the member communities with the reports from the LSSES as well as repair recommendations to assist in prioritizing the repairs. The

communities are very aggressive in submitting their applications for MCIP grants and utilizing the information provided to their advantage.

The changes to Titles III and IV will require administrative efforts with new permits to address maintenance procedures.

President Brown noted that new permitting procedures will result in expectations for compliance, which will likely come down to the communities' ability to comply. Mr. Greenland explained that because repairs are so expensive, the communities have to prioritize their spending and repairs. Ms. Dreyfuss-Wells added that NEORSD is working to obtain funding through the Infrastructure Investment and Jobs Act (IIJA) which provides \$50 million per year for five years to disadvantaged communities. NEORSD is still awaiting final notification as to whether the eight community projects applied for will receive grant funding. The communities have worked diligently in applying for the new federal funding that is only available to disadvantaged communities and for MCIP funding. Mr. Greenland added that the Stormwater Program helps as well, as at times, the stormwater issue that is being addressed has a sanitary issue in the same proximity that is alleviated at the same time.

Mayor Alai asked how communities will be made aware of available credits for partial repairs to the retention and detention system. Mr. Greenland explained that NEORSD will work with its member communities to ensure they are aware of the final changes, which will also be posted online.

President Brown stated that in many respects, NEORSD has a leg up, as it has performed due diligence to complete studies and create design plans. The willingness to pilot programs that are low or no cost to underserved communities could provide opportunities to address some of these infrastructure concerns. Ms. Dreyfuss-Wells agreed and added that the Ohio EPA Division of Environmental Finance, which will administer the IIJA grant funds, has expressed appreciation for NEORSD's thoroughness in preparing project applications.

Authorization of Appointment

Resolution No. 420-22 Reappointing Kenneth Koncilja to a two-year term of the Board of Trustees Audit Committee, commencing February 1, 2023 and concluding January 31, 2025.

MOTION – Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution No. 420-22. Without objection, the motion carried unanimously.

VI. Information Items

President Brown advised the Board that the Report of Settlement and Release Agreements for the period July through December 2022 was included in the meeting materials and any questions or concerns should be directed to Eric Luckage, Chief Legal Officer.

Devona Marshall, Director of Engineering and Construction, provided the monthly Capital Improvement Program update for November 2022, beginning with cashflow, which ended at 76% of planned, down from the four prior months, and below the Key Performance Indicator (KPI) goal of 85%. This is due to projects that began later in the year than planned, projects that closed under the contract amount, and supply chain delays. As for dollars spent, approximately \$13 million was paid out in November for a year-to-date total of approximately \$165 million.

Regarding KPIs, the design of the Collections PLC Replacement Project, which has an engineer's estimate of \$11 million was completed, but missed the complete the design within 60 days of planned KPI by two days.

There were four construction projects closed in December. The Morgana & Burke System Improvements Project was a \$6.37 million construction project to rehabilitate approximately 15,000 linear feet of culvert, including 10,000 feet of spot repairs, 2,600 feet of realigning and 2,300 feet of invert pipe replacement. Ms. Marshall provided a photograph of the project site and explained that the improvements maintain the structural integrity of the culverts and improved the flow conveyance to the Southerly tunnel system, consistent with the CSO Consent Decree.

The Dille Road Barberton Creek Station Upgrades was a \$3.1 million design-build contract to address safety and electrical concerns and improve overall system performance and reliability. Improvements to the Dille Road Pump Station included upgrades to the power distribution and lighting systems, as well as the flow control valves, and flow metering associated with the pumping system. The pump station has a capacity of 6.5 million gallons per day (MGD). Ms. Marshall provided a photograph of the new motor control center and some other clean-up and painting that was performed.

The Barberton Creek Pump Station, a small station with 0.6 MGD capacity, was fully replaced with a pre-packaged pump station in order to improve overall system performance and reliability. Ms. Marshall provided photographs of the new pre-packaged pump station from the project site.

The West 3rd Quigley/Westerly Miscellaneous CSO Control Project was a \$9.49 million construction project comprised of Consent Decree and non-Consent Decree components. The project included two new relief sewers, one on Seymore Avenue and one on Castle Avenue, both on the west side; a sewer separation near West 3rd Street, eliminating a CSO location; 4,000 linear feet of sewer lining; and improvements to the existing Northwest Interceptor and Westerly Interceptor to address surging. The Consent Decree portion of the project reduced two CSO locations to one or less activations in a typical year and 7.8 million gallons of CSO reduction annually.

The District-Wide HVAC Building Automation Systems Upgrades was a \$2.11 million design-build contract to replace the existing proprietary HVAC control systems at all three WWTPs with an open-source control system, that will allow NEORS D to perform its own maintenance, as well as improving the system performance and reliability.

Lita Laven, Project Manager, Engineering and Construction, provided an update regarding the Capital Improvement Program (CIP) planning process, which was developed when NEORS D entered into the Consent Decree to provide a program to manage the large CSO long-term control plan and other capital improvement projects. This process coordinates with various O&M budget centers regarding potential capital projects and with the Finance Department to ensure that project planning is in alignment with rate structure budgeting.

The CIP planning process takes approximately six months to complete, beginning with project nomination and validation to score the projects with the budget centers. The draft budgets are due to the Finance Department in mid-December, then the CIP is finalized in January and documented in February.

Of the 33 new project nominations from Operation and Maintenance, 11 new projects were added to the CIP, as stand-alone projects or combined into a project. Other nominations were added to existing projects or future projects, recommended to be implemented by O&M through their minor capital program, and others deferred or recommended for General Engineering Services evaluation.

Key projects for 2023 include the Mill Creek Interceptor Evaluation Optimization Study, Easterly Tunnel Dewatering Pump Station Improvements project, Southerly Solids Handling Improvements projects, Secondary Effluent Capacity Improvements project, CSO-249 Separation project, and Westerly Gravity Thickener Repairs project.

Ms. Laven provided graphics demonstrating maximum planned and actual spending for 2022 and explained the actual spending is projected to be \$185 million. For next year, maximum planned CIP budget is anticipated to be approximately \$225 million. The program also looks ahead ten years and coordinates closely with the Finance Department.

An improvement to the process this year was the addition of a GIS mapping program to educate the public about projects and provide contact information should they have questions. It is also helpful to consultants and contractors to inform them of upcoming work. Ms. Laven acknowledged Christina Toth, GIS Application Analyst, for her role in developing the tool and assisting in the process to ensure that the information projected is accurate.

Some recommendations that came out of the planning process are going back to O&M for implementation of the Minor Capital Program and provide support to ensure that they are completed.

VII. Open Session

There were no items.

VIII. Public Session (any subject matter)

There were no items.

IX. Executive Session

Mayor Bacci, pursuant to Ohio Revised Code Section 121.22 (G)(1), moved, and Mr. Sulik seconded, to enter an executive session to consider the compensation of public employees. By roll call vote, the Board voted unanimously to enter into executive session at 1:37 p.m.


The Board returned to open session at 2:15 p.m.

X. Approval of Items from Executive Session


There were no items.

XI. Adjournment

MOTION – President Brown stated business having been concluded, he would entertain a motion to adjourn. Mayor Bacci moved, and Ms. Dumas seconded the motion to adjourn at 2:20 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