

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
JULY 18, 2024

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

Absent: Timothy DeGeeter
Samuel Alai
Marjorie Chambers

The Acting 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 June 20, 2024, Board Meeting. Without objection, the motion carried unanimously.

III. Election and Installation of Officers

Mr. Brown asked for the report on the election of officers for the 2024/2025 term.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to reappoint Mr. Brown as Board President, Mr. Sulik as Vice President, and Mayor DeGeeter as Secretary of the Board of Trustees. Without objection, the motion carried unanimously.

President Brown invited Eric Luckage, Chief Legal Officer, to administer the Oath of Office to the Board officers. Mr. Luckage administered the Oath of Office to Mr. Brown and Mr. Sulik.

President Brown expressed his appreciation to the Board officers and members for their continued dedication and support in their roles and to NEORS. President Brown also thanked Ms. Dreyfuss-Wells and senior staff for their work over the years, and noted that locally and nationwide, people are discussing Project Clean Lake and other programming offered by NEORS, such as Utility Assistance Resource Fairs and the Good Neighbor Ambassador Program, which go beyond what is required of the organization to positively impact the community and ratepayers. There is still work

to be done, which will be achieved through collaboration with NEORSD's leadership and staff to benefit Northeast Ohio.

IV. Public Session

There were no items.

V. Chief Executive Officer's Report

Kyle Dreyfuss-Wells, Chief Executive Officer, advised the Board that on June 17th and 18th NEORSD hosted a Business Opportunity Program (BOP) event entitled "How to do business with NEORSD: Project Preview", which was organized by Tiffany Jordan, Manager of Contract Compliance, and her team. It was a successful two-day event focused on existing BOP certified firms to provide them the opportunity to meet with NEORSD staff and discuss, in a granular way, how to best position themselves to access work with NEORSD. There were 122 guests over the course of two evenings, with some attending one evening or both. On the 17th, staff from the Engineering and Construction, Operation and Maintenance, Watershed Programs, and Internal Audit departments were present. On the 18th, staff from the Human Resources, Administration and External Affairs, Government and Customer Relations, and Information Technology departments attended. Both sessions provided an overview of the work performed within each of those departments as well as the BOP and NEORSD's procurement process. Ms. Dreyfuss-Wells expressed appreciation to staff that supported and participated in the event.

NEORSD's laboratory holds accreditations from the National Environmental Laboratory Accreditation Program, Ohio EPA's Drinking Water Certification Program, and CDC's Environmental Legionella Isolation Technique's Evaluation or ELITE Program. Additionally, the laboratory must comply with NPDES permits and meet the performance standards of the Ohio EPA's Discharge Monitoring Report Quality Assurance Program. Specifically, NEORSD is required to complete 10 performance tests annually with 138 different parameters.

In June, NEORSD learned that it again scored 100% on the most recent performance tests, marking the 4th consecutive perfect score. This demonstrates the expertise of the laboratory staff, which is recognized by the Ohio EPA which routinely refers other laboratories to NEORSD for consultation and support. Ms. Dreyfuss-Wells congratulated Cheryl Soltis-Muth, Manager of Analytical Services, and her team for this significant achievement.

On July 15th and 16th, NEORSD hosted two forums on the 30% design for the Doan Brook Restoration Near Horseshoe Lake project. On the 15th, 70 people attended the virtual forum and on the 16th, another 70 residents attended morning and afternoon in-person sessions. Attendees had an opportunity to see the design and discuss the design status with NEORSD staff and project partners from the Cities of Shaker Heights and Cleveland Heights. NEORSD will host another public

forum in early 2025 and hopes to obtain bids for the project in late fall of 2025, followed by construction in 2026.

President Brown asked if there is a timeline in which Shaker Heights and Cleveland Heights have to determine which enhancements or amenities they would like to complete in conjunction with NEORSD’s larger project. Ms. Dreyfuss-Wells explained that NEORSD has requested the two cities make these decisions by the time the project reaches 60% design completion. President Brown asked whether this is the same timeline for the Lower Lake area. Robin Halperin, Deputy Director of Watershed Programs, explained that the Lower Lake project is in the pre-design phase and is approximately one year behind the Horseshoe Lake project. President Brown noted that the Lower Lake project has the greater impact on the downstream community in terms of flood control. Ms. Halperin agreed and added that NEORSD will continue its ongoing discussions in that regard with the Cities of Cleveland, Cleveland Heights and Shaker Heights.

VI. Action Items

Authorization to Advertise

Resolution No. 170-24 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for a twelve-month requirement contract for the delivery of up to 7,350,000 wet pounds of sodium hypochlorite solution to all District wastewater treatment plants, with an estimated probable cost of \$1,300,000.00.

Resolution No. 171-24 Authorization to publish notice calling for bids, in accordance with Ohio Revised Code Section 6119.10, for up to three (3) six-month requirement contracts for Snow Removal Services 2024-2025 with a total estimated probable cost of \$115,000.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 170-24 through 171-24. Without objection, the motion carried unanimously.

Authorization to Issue Request for Proposals (RFP)

Resolution No. 172-24 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 6119, for the HR Business Process Analysis and Improvements project.

Resolution No. 173-24 Authorization to issue an RFP, in accordance with Ohio Revised Code Chapter 153, for design and construction administration/resident project representation services for the District-Wide HVAC Equipment and Systems Upgrades project.

MOTION –Mr. Sulik moved, and Ms. Dumas seconded to adopt Resolution Nos. 172-24 through 173-24. Without objection, the motion carried unanimously.

Authorization to Purchase

- Resolution No. 174-24 Authorization to purchase laboratory chemicals and supplies from sole source vendor Idexx Laboratories, Inc. necessary for E. coli analysis, in an amount not-to-exceed \$200,000.00.
- Resolution No. 175-24 Authorization to purchase as-needed replacement parts used in Moyno Pipeliner repair at all District wastewater treatment plants, from sole source vendor Schultz Fluid Handling Equipment, in a total amount not-to-exceed \$250,000.00.
- Resolution No. 176-24 Authorization to purchase two 1-ton enclosed utility trucks; one 1-ton 4x4 open utility box truck; one ½-ton pick-up truck; one passenger van; one 1-ton pick-up truck with plow and liftgate; one 2-ton stake bed pick-up truck; one cargo van; seven 4x4 utility carts; two forklifts; two backhoes and one SUV, all under the State of Ohio Cooperative Purchasing Program and the Sourcewell Cooperative Purchasing Program, in a total amount for all vehicles not-to-exceed \$1,236,000.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 174-24 through 176-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that Resolution No. 174-24 appears to be a direct award and requested an explanation. Ken Duplay, Chief Financial Officer, explained that these materials are used by the laboratory for *E. coli* analysis using a proprietary method that specifically requires these sole-source vendor supplied materials.

Authorization to Enter Into Agreement

- Resolution No. 177-24 Authorization to enter into a professional services agreement with Hazen and Sawyer for the Westerly Trickling Filters and Solids Contact Tanks Aeration Improvements project for design and construction administration/resident project representation services in an amount not-to-exceed \$6,031,618.00.

Resolution No. 178-24 Authorization to enter into a project agreement with the Nature Center at Shaker Lakes (NCSL) to provide local match funding, in an amount not-to-exceed \$186,000.00, to stabilize a segment of Doan Brook within the Regional Stormwater System under the NCSL's Nature Center at Shaker Lakes Stream and Wetland Restoration project, combined with \$290,000.00 in grant funding from Ohio EPA's Section 319(h) Grant Program, for a total project cost not-to-exceed \$476,000.00.

Resolution No. 179-24 Authorization to enter into a project agreement with the City of Seven Hills to provide local match funding, in an amount not-to-exceed \$250,000.00, to construct a stormwater wetland basin under the City's Hickory Lane Stormwater Wetland Basin project, combined with \$275,000.00 in grant funding from Ohio EPA's Section 319(h) Grant Program, \$350,000.00 from the City's Community Cost-Share fund, and \$30,050.00 from the City's storm sewer fund, for a total project cost not-to-exceed \$905,050.00.

Resolution No. 180-24 Authorization to enter into a professional services agreement with Brown and Caldwell, Inc. for a PFAS Pretreatment Study using Infrastructure Investment & Jobs Act Principal Forgiveness funding in an amount not-to-exceed \$487,869.00.

Resolution No. 181-24 Authorization to enter into a professional services agreement with Moss Adams, LLP to facilitate the development of the District's Strategic Plan 2025-2027 in an amount not-to-exceed \$125,000.00.

MOTION – Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution Nos. 177-24 through 181-24. After the following discussion, without objection, the motion carried unanimously.

President Brown requested additional information regarding Resolution No. 177-24. Devona Marshall, Director of Engineering and Construction, explained that the equipment that is being repaired or replaced under this project was installed in the 1990s and has reached the end of its useful life. A facilities plan completed in 2020 recommended the rehabilitation and replacement of this equipment and these processes. The project will extend the life of the assets and improve operating efficiency.

President Brown requested additional information regarding the project related to Resolution No. 178-24. Ms. Halperin explained that the project will restore approximately 1,500 linear feet of Doan Brook around the Shaker Lakes Nature Center. The Nature Center was awarded Ohio EPA

319 grant funding and is seeking \$186,000 in matching funds from NEORS. The project area is downstream from the Horseshoe Lake Dam.

Authorization to Enter Into Contract

Resolution No. 182-24 Authorization to enter into a public improvement contract with Nerone & Sons, Inc. for construction of the CSO/Culvert-Outfall Inspection and Repair-1 project, in an amount not-to-exceed \$11,115,000.00.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 182-24. After the following discussion, without objection, the motion carried unanimously.

President Brown noted that this is an \$11 million project with at least 30 project locations, resulting from culvert outfall inspections. Ms. Marshall answered affirmatively and explained that the 30 project areas require spot repairs and realigning and were identified as failing or near failing.

President Brown noted that the project references “Repair-1” and asked if that means there will be similar projects to follow. Ms. Marshall answered affirmatively and explained that there will be more projects performed under the Capital Improvement Plan over the next 10 years based on inspections and condition assessments. Also under this project, NEORS looked at assets that had not been inspected previously for the purpose of future projects.

Authorization to Amend Agreement

Resolution No. 183-24 Authorization to amend professional services Agreement No. 22000543 with Ciuni & Panichi, Inc. for the performance of the annual audit of the District’s financial condition for five years, to increase the total agreement amount by \$8,880.00 for additional unforeseen hours required to complete the audit for the fiscal year ending December 31, 2023, thereby bringing the total agreement amount not-to-exceed \$371,970.00.

Resolution No. 184-24 Authorization to amend Agreement No. 23003826 with Ask Reply, Inc. for B2Gnow software application services to increase the agreement amount by \$10,000.00 for additional services and other unforeseen modifications, thereby bringing the total agreement amount not-to-exceed \$129,953.00.

MOTION – Ms. Dumas moved, and Mayor Bacci seconded to adopt Resolution Nos. 183-24 through 184-24. Without objection, the motion carried unanimously.

Authorization of Contract Modification

Resolution No. 185-24 Authorization to modify public improvement Contract No. 22000474 with Building Integrated Services for the Districtwide Electrical Repair and Easterly Service Improvements project to extend the term of the contract by an additional 90 days with no change in the total contract amount.

MOTION – Mr. Sulik moved, and Mayor Bacci seconded to adopt Resolution No. 185-24. Without objection, the motion carried unanimously.

Authorization to Amend Resolution

Resolution No. 151a-24 Authorization to amend Resolution No. 151-24, adopted June 6, 2024, to acquire one parcel in fee simple known as PPN 473-24-078, located at 6887 Maplewood Road, in the City of Parma Heights, owned by Frank Kuznik and Alice Kuznik, necessary for the construction and maintenance of the Big Creek SWMP Problem Area 5 – Detention Basin and Conveyance Improvements Near Pearl Road project with total consideration of \$250,000.00 plus closing costs to be disbursed to Stewart Title Company, and to approve relocation assistance for the Kuzniks in the form of a replacement housing payment in an amount not-to-exceed \$17,000.00, to include further authorization to enter into a six-month no cost lease with the Kuzniks.

MOTION - Mayor Bacci moved, and Ms. Dumas seconded to adopt Resolution No. 151a-24. Without objection, the motion carried unanimously.

Hearing Officer Findings and Recommendations

Resolution No. 186-24 Authorization to adopt the findings and recommendations of the
WITHDRAWN Hearing Officer regarding the sewer account of Mark A. and Andrea B. Hoberecht ending in 7759, Sewer District Hearing No. 24-009, that no further adjustments be made.

VII. Information Items

Ms. Marshall provided the mid-year update for the Capital Improvement Program for 2024, beginning with contract management. There are 71 active contracts with a total value of approximately \$1.15 billion, the majority of which are in the construction phase at \$860 million, and \$291.1 million in the design phase. By location, the focus is on the collection system with

efforts around Project Clean Lake totaling \$845 million; followed by \$237.9 million associated with wastewater treatment plant (WWTP) projects, and \$68.2 million in District-wide repairs and upgrades.

Four professional services contracts have been awarded with a total value of \$24.9 million. Of note, the design contract for the last of the seven tunnels that will be designed and constructed under Project Clean was awarded for approximately \$18 million.

There have been three construction awards with a combined value of \$340 million, including the largest dollar amount NEORSD has ever awarded, for the Southerly Tunnel and Consolidation Sewer project at a cost of greater than \$328 million. There was one construction contract closed for the Southerly Training Center Renovation project at approximately \$640,000.

Ms. Marshall provided a graphic demonstrating the Key Performance Indicators (KPIs) and explained that of the 12 categories, 10 meet or exceed the KPI thresholds. There is no activity around design-build contract KPIs.

The KPI for the BOP was not met at the mid-year point. This is because the goal relates to construction contracts that are closed and only one, the Southerly Training Center Renovation project, has been closed so far this year. The BOP KPI was set at 20% overall, which included a 15% MBE/WBE goal and a 5% SBE goal. At bid and at contract award, the commitment of the contractor was 4.22% MBE/WBE and 0% SBE. The projected actuals are 4.42% MBE/WBE and 3.4% SBE. Of note, the primary contractor on this project was a BOP certified firm.

Regarding Project Clean Lake, since entering into the Consent Decree in 2011, 52 of the 79 planned projects are completed. There are 21 projects that are in some stage of activity and only 6 left to commence. Of the 25 Control Measures identified in the Consent Decree, 13 have achieved full operation and 3 more are expected to achieve full operation by year's end. Related spending is tracking at \$2.31 billion, equating to \$1.79 billion in 2009 dollars for the purpose of comparing it to the estimated cost at the initiation of the Consent Decree, which was \$3 billion.

Since the last Project Clean Lake update, the Westerly Storage Tunnel and Pump Station has entered the operational demonstration phase resulting in 285 million gallons of CSO reduction for an overall reduction of 1.98 billion gallons to date and an additional 25 million gallons anticipated by year's end.

Other highlights include the commencement of the design phase of the Big Creek Storage Tunnel, the last of the storage tunnels. Mining operations for the Shoreline Storage Tunnel are complete and construction of the Southerly Storage Tunnel has commenced.

Ms. Marshall provided photographs of the tunnel boring machine cutter head traveling from the east side of Cleveland at the Shoreline Storage Tunnel site to the mining site for the Southerly Tunnel in Cuyahoga Heights, across from EMSC.

Looking ahead to the second half of 2024, the Kingsbury Run Consolidation Sewer is scheduled to be completed. It will be the main input to the Southerly Tunnel System, which once completed will capture 760 million gallons of CSO annually. Redesign of Control Measure 2, CSO-001 located just outside of the Easterly WWTP, has commenced. NEORSD is moving forward with its recent agreement with the EPA and the Department of Justice on the modification of the Consent Decree involving this control measure, which allows for the construction of a smaller chemically enhanced high-rate treatment facility, in order to take advantage of existing infrastructure, resulting in an estimated \$25 million in savings in capital expenditures.

The completion of the construction Pearl/Jennings Road Pump Station Storage project is on schedule. This project will result in an additional 25 million gallons of CSO control. Combined with the Westerly Storage Tunnel Systems coming online, NEORSD will achieve full operation of two additional Control Measures, 14 and 23, as well as a smaller Control Measure that will achieve operation later in the year.

President Brown noted that NEORSD is at approximately 50% completion of the Consent Decree and asked whether the CSO reduction totals are also tracking at what was anticipated. Ms. Marshall explained that the CSO capture totals are greater than anticipated as NEORSD is always searching for opportunities to effectively optimize these systems.

VIII. Open Session

There were no items.

IX. Public Session (any subject matter)

There were no items.

X. Executive Session

There were no items.

XI. Approval of Items from Executive Session

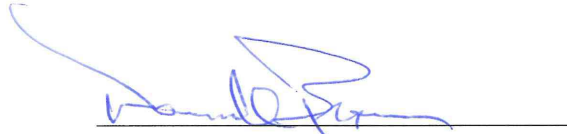
There were no items.

XII. 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 1:13 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