

**STORM WATER COMMITTEE MINUTES**  
**JUNE 7, 2022**

The Storm Water Committee meeting was held on June 7, 2022 at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:04 p.m.

**PRESENT: Committee Members:** Chair Linda Barath, John Nickell, Mike Wos; **Council:** Paul Marnecheck, Dawn Carbone-McDonald, Jeremy Dietrich, Joanne Krejci; **Administration:** Mayor Larry Antoskiewicz, City Engineer Justin Haselton, Law Director Tom Kelly, Wastewater Superintendent Mark Smith, Service Director Nick Cinquepalmi; **Other:** Vivian Luther, Vincent Weimer, Simona Turbatu, Joel Spatz, Michael McDonald, Melanie Mason, Joe Pavlik.

**APPROVAL OF MINUTES**

Approval of the May 4, 2022 Committee meeting minutes. Moved by Ms. Barath, seconded by Mr. Nickell. Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Storm Water/Infrastructure Maintenance Monthly Report**

See report. The report includes three of the action forms that have been completed, per Mr. Smith. Ms. Barath noted how pleased the residents have been and she expressed her appreciation.

Ms. Carbon-McDonald advised that some residents from her Ward were here to speak pertaining to ongoing Storm Water issues.

Verbatim

Mrs. Mason: Her address is 9033 Royalton Road. The issue is the creek behind her. Over the last year, it has gotten significantly worse. Her neighbor next door's fence is hanging into the creek, because it undermines the pile on for the post for the fence; we are losing property. The lady here with the children, has a drop ten feet from her house that this erosion created. As you can see, she has small children. She has talked about this before; we have an issue here that needs to be addressed now. We can't wait another year; I don't want to see it kicked down the road. The City was aware of it. The City knew about it. There was no permit pulled for that new driveway. Inaudible/static mic...the elephant seems to be who's liable. We are not. We didn't do anything. Is there a liability to the City? That's what we need to discuss. I've never had anyone from the City call me and say they wanted to meet with the residents. No one. No one has approached me to do that.

Mr. Marnecheck: Just to clarify, I actually did.

Mrs. Mason: You came over yes.

Mr. Marnecheck: I came over and I want to clarify and there was a discussion.

Mrs. Mason: Jeremy came over, Dawn came over.

Mr. Smith: We did come out.

Mrs. Mason: You did come out, but that is not settling the issue. You can come out and look at it, everyone can come out and look at it. We can do that for another year. But the problem is, who is going to fix it and when? I just spent \$3,000 in improvements in my front

yard. I'm a pretty solid resident. I own my home; I take care of my home. And I'm losing my property. The lady here, their little shed is going in the creek any day now.

Ms. Barath: The question I have is, is that private property or is that City property?

Mrs. Mason: It started out as private property, I'm sure it is private property.

Mr. Dietrich: To the engineer, the last time she was here, where we left it...we were going to go out to the property and to determine what was causing the damage. I know there is a neighbor there. It's not that he built it, the previous person built this. I don't know what it is; it diverts the water. That was one of the things you were going to look at last time. Is that what is causing this problem? Do we know what is causing erosion?

Mrs. Mason: When I was here last time, I asked Justin if that contraption, the smaller pipe and the trench, was the cause of this issue. He said yes. That is on the record with all of you. I also had a private engineer come out and they said the exact same thing. So, the issue with the City is not whether it's private property or city property, it's that the City knew about it. It's in violation of your own ordinances.

Mr. Haselton: We did meet out there and we had the sewer district come out and put together a report on the area, and we had a meeting here with the residents when we went over that report; with the sewer district and everybody. I don't think anybody is saying there is one reason for this, there are many reasons for what is going on. We've seen this in many areas of the City. Since then, we've applied for two different grant sources to try and help pay for it; two on those. We are looking at a third option, but that's really what we have been focusing on, finding money.

Mr. Dietrich: If that is the case, then are we assuming responsibility for this? Because otherwise, you haven't determined what the problem is. If the City is liable or not. Otherwise, it doesn't matter whether it comes out of a grant or out of the General Fund etc., if we are at fault, we need to pay for it. Not if we get a grant we will pay for it. But we don't know what's at fault. You said it can be a multitude of things. She's saying on record you said it was the item next door that is redirecting the water. What is causing this erosion, because it's serious.

Mr. Haselton: Yes, I said that was part of the issue. But when talking to the Sewer District, and others, they wouldn't blame the City or that specific issue for that problem. So, to the question of liability, I don't think it would be the City's liability. I think we are trying to be helpful here and trying to come up with a solution for them, but I think we wouldn't say it's the City's responsibility. It's a residential issue.

Ms. Barath: When did we come up with a solution and what is that?

Mr. Haselton: The Sewer District put together a report with ideas, solutions, things we could do, we had a cost for that of over \$300,000.00. He thinks it was for the solution, so that's what we are trying to get funding for. But yeah, a lot of the solutions of grading back, having softer slopes, not being a steep, having as much erosion, but people don't really like that because it takes away from their land to have a bigger flood plain. Generally, it's not a popular solution but that's kind of the solution.

Mrs. Mason: The City placed riprap just down the street from me on Akins, seems to be helping their erosion.

- Mr. Haselton: Yes, I did ask Nick about that. The city took their part, in the right of way, but all the rest of that, the resident who lives closest to North Akins fixed their slope. The resident did the rest.
- Mrs. Mason: Can I ask what the cost was to protect their property?
- Mr. Cinquepalmi: The City installed, we rebuilt the flood structure that goes under the road, we rebuilt that to allow the water to pass through, through the condos, past beyond Speedway, to get to the Rocky River. Then we installed gabion baskets on both sides within the City right of way. The owner of the apartment building wanted to do beyond that alongside his property, so we recommended a company that does it. He called him and he had it done.
- Mrs. Mason: Well, here's another issue. In 2015, the owner of that house wanted to fix it. And I have all the material from that. And whoever was in charge in Building gave him such a hard time that he couldn't do it. They wanted things, they were not helpful at all; they didn't work with him. So, he said hell with it. That was the end of it. So, the City was aware of this in 2015 and the problem is, to say that there's no liability is a little disingenuous.
- Mr. Dietrich: Law Director, she mentioned a couple of things about ordinances being broken. I don't know how this works when a previous owner of the home does something and then maybe it's been, there's a new owner there, are they liable still? If those things were never done correctly, or no? We can't hold anybody accountable for things like that. We can't tell them to take it out?
- Mr. Kelly: No. Generally speaking, the violation of the Building Code in that area amounts to nothing more than a slap on the wrist. We only have limited authority to do anything and certainly on private property we barely know, this cooperation, the City has no liability for things that happen on private property.
- Mrs. Mason: So, you're saying Counselor, that any home owner can put something that can turn into a dangerous situation and that is against all ordinances regarding creeks and streams, and that's ok?
- Mr. Kelly: No, I'm not saying that.
- Ms. Barath: They do it. I have one in my Ward right now, nothing to do with creeks and streams, but the resident caught it and called me and we made sure that they got a permit.
- Mrs. Mason: But unfortunately, the City knew about it all the way back to 2015 and could have stopped all this damage back then. All they had to do was take that out. I know Dan tried to do everything with the City and they wouldn't work with him. They wouldn't do anything with them. He even told them cite me, because he could have sued the person that they bought the house from for the damage there. Nobody ever cited him, not at all.
- Ms. Carbone-McDonald: Can this be a joint project between our City, Northeast Ohio Sewer District and the West Creek Conservancy? Can we try and come together? And maybe you know...
- Ms. Barath: I think, and the Mayor can correct me if I'm wrong, the Sewer District determined what areas they cover, and I don't know enough about this to know if they would even cover your area at all.

- Mr. Haselton: It's not the Sewer District.
- Mayor Antoskiewicz: The Sewer District doesn't cover that.
- Ms. Barath: There's certain streams and rivers that they cover.
- Mayor Antoskiewicz: I know that in the past we've had a little bit of success with Cuyahoga Soil and Water, but I don't know if they've got anything going.
- Mr. Haselton: I've been out there with them as well. I walked the site with them. We talked about funding with them as well, but their thoughts were, it's unfortunate this is a smaller area that doesn't affect as many homes. The funding that they are used to affects a larger number of homes; that usually does better on the funding applications; that's what they told me.
- Mrs. Mason: Well, here's an issue. If it's against ordinance, if it's against everything that Justin knows about creeks and sewers, why is it still there?
- Ms. Haselton: A previous resident I think had dealt with the Army Corp, but I don't know the exact details of that, I think they would have to get permit through them but I think it's up to the homeowner. It's not for us, it's private property.
- Mr. Marncheck: To the City Engineer, can you clarify why the Army Corp of Engineers were involved?
- Mr. Haselton: I think because of the type of stream.
- Mr. Marncheck: So that's not a North Royalton ordinance or requirement or rule, that's something that all municipalities have to abide by?
- Mr. Haselton: Correct.
- Mrs. Mason: So, what's the answer? You're not doing anything and we can't do anything. So, do I just get a lawn chair and sit outside and watch my property fall off? Does that woman over there have to keep a rope on her kids so they don't even go over there because at that point, where her house is, that's about 12-foot drop. About 10 feet from the house, it's about a 12-foot drop.
- Ms. Luther: Her address is 10901 Akins Road. I'm between their house and Melanie's house. Their house was probably sold five times within the last few years. Because every owner finds out that nothing is being done. Recently it's probably just a few feet away from their corner and that's the creek. My shed is half way outside in the creek. I have to build a new one on a different side of the back yard. The trees, the roots, outside. Last year I've been here, I've said about the trees that they're going to be in the winter time very snowy, very heavy, falling down on the property. I had to pay as well, a few thousand dollars to come cut all the trees. That's probably the City's responsibility to maintain the trees in the area there.
- Ms. Barath: These trees along the creek?
- Ms. Luther: Yes, yes. And obviously I couldn't cut them all or anything because they keep the walls. Last year they came with idea to lift the bottom of the creek so it's not going to

be. It's the walls are extremely wide right now. I don't know how wider supposed to be.

Mr. Dietrich: You said that that City wasn't doing anything and you can't do anything. But what do you mean you can't?

Mrs. Mason: We can't do anything.

Mr. Dietrich: Why not?

Mrs. Mason: Because we would have to get the Army Corp of Engineers involved. We'd have to get all these studies. Do you know how much that would cost? We can't get a permit to do it without all that, because Dan couldn't.

Mr. Dietrich: Could the City assist and maybe help them get the Army Corp of Engineers out?

Mr. Haselton: I would be happy to assist in those ways, yeah.

Ms. Barath: You've been working with your current Council person?

Mrs. Mason: Yes, I've worked with Dawn.

Ms. Barath: Could you continue to work with your Council person and with the City Engineer to kind of work. I mean I understand what you're saying right now. But I'm not sure that we can help in this setting.

Mayor Antoskiewicz: One of the things that we've tried to do, because we understand the complexity of it being on private property, is we continue to try to find ways to help or to fund that. That we can do without using City funds for private property. We were trying to continue to find avenues because we know there, there is money out there, we are trying to find ways to get somebody that would be interested in helping us with this project so that it would find a way to fund it. So, it's not like we're not doing anything. We are trying to find other ways to do this to help, okay. That's what we are trying to do. Because we can't just go and all of the sudden say the problem is private property because we have a lot of different issues in the City where people have similar, not as catastrophic, but similar issues.

Mr. Dietrich: I just paid \$10,000 to have drainage in my back yard, multiple pipes, it was insane what I had to have done.

Mrs. Mason: I understand that.

Mayor Antoskiewicz: What we are trying to do though is, we're trying to find some other avenues that can help. So far, as Justin said, we are still trying. He's going to go with a different one, we are going to continue to try to find ways to fund it because we know what that cost is.

Mrs. Mason: With all due respect Mayor, I understand and I'm not blaming you or anyone here in Council for this. But you accepted the position of Mayor and everyone here is a Council person, and you get the good with the bad. Bad things happen, the City will neglect certain things and things happen. So unfortunately, it's kind of on your door step, and we can't do anything. My husband and I can't do anything. We just sit there and watch our land pull away. And grant it, it's been a year. And two grants were applied for and

nothing happened. And yet, it's getting worse. My neighbor's fence is falling in there. So, every year that we procrastinate, something else is falling in the creek and that again, we can do nothing. If you said, go put some boulders up by your property where it is falling off, fine, but I can't do anything. And now the cost to do anything is \$100,000, roughly dollars. So, what are we supposed to do? Sell our house? Come here and complain when you knew about it and did nothing? Counselor, what do we do?

Mr. Kelly: Ma'am, the suggestion you're making is that somehow the failure on the part of a prior Administration, the suggestion is that the failure on the part of the prior Building Commissioner or City Engineer, to prosecute somebody for an improper culvert or what it is...somehow or another, you've focused on that one aspect of this grant erosion issue. From what I gather, from what I've been told, from what I hear, you've got a terrible erosion problem. That usually is the making or the end product of multiple factors. It generally isn't just one thing that brought this erosion into play. Add to that the fact that it is a fundamental principal of municipal law that the corporation may not spend tax payer money for improvements on private property; may not. Shall not.

Mrs. Mason: Well, I have to disagree with you on one portion of what you said, that there are multiple issues with erosion. There is always erosion when you have a stream or a creek etc., because up the street, the stream runs, there's not a lot of erosion. But our erosion is so dramatic that it is caused from a certain thing; one thing. If you've been there when it rains and you see the water fall, you understand what is going on here, with the force of the water. So, it's not a natural course.

Mr. Kelly: Mrs. Mason, I heard our engineer say that he was there with the Cuyahoga Soil and Water there, with the Sewer District. Those are the experts and they're taking the position that it is a multiple issue problem; that it isn't just one issue. That it isn't just the one pipe or the one outlet that's causing the problem. I'm sure that Mr. Haselton would be pleased to share with you the report from the Sewer District.

Mrs. Mason: I have it.

Ms. Barath: May I suggest that you meet with Mr. Haselton and the Mayor, sit down and figure out what's going on rather than being here, because I'm not sure that the rest of us can help this situation; and your Council person.

Mrs. Mason: That would be lovely, because that's never happened.

Mr. Dietrich: Is there cost associated or is it something that they would help municipalities, the Corp of Engineers, is there a cost? I never heard that answer.

Mr. Haselton: No, I think just to get their guidance on what needs to be done.

Mr. Dietrich: Can we work with her to set up. I trust that a little bit more than the other people that were out. I think the more the better. That's something that has to be done anyway, if there's no cost associated with it, and if they can't do anything until that's done, let's do that right now. Let us figure it out.

Ms. Barath: Let's let them get together. What I am hearing, this is private property, we don't want to spend City money on it because once we do it, we set a precedent. And we have other issues in the area in the City that might have needs. But if we can continue to look for these grants and things, something will come along. Probably not in a time frame that you'd like to see but.

- Mrs. Mason: Well sure, if it was your property, I don't think you'd be happy about it. Knowing that this pipe and this trench is causing a lot of it.
- Ms. Barath: I've lived here for 39 years and I'm going to tell you, I called my Council person twice. So that would tell you that I probably would just rectify it myself and not even bother. And I'm not suggesting that you do that. I just want you to know I take care of it on my own.
- Ms. Carbone-McDonald: Much respect, because I've seen pictures. I went there and I've seen it. If it was my property, I don't want to put the blame on anybody or anything, I want to move forward and I want to see what we can do to help these residents. I would love to work with you Justin, let's work on this, this is what it's about, this is what I'm representing ward 5 for, and I want to move forward and I want to find solutions. I want to find money. The City can't pay for it, but we have to respect the residents because this is their property. I went to their house, I feel bad. I don't fully understand stuff, but I have heart and I am willing to work to find a solution for these residents. And we can find money. I want it done for these people. It's disgusting that they are losing their property, fences are hanging. I had pictures. Fences are hanging in the creek there, it's so bad. I've worked with Melanie. I hear the passion. It's not just affecting Melanie, it's affecting them, these kid's house. We as a City can come forward and work together to make a difference for these residents. Justin, I'll be calling you okay. Let's call all the residents affected by this and come together. Mayor, I have reached out to you about that already, let's do it.
- Mr. Nickell: Your issue is nothing unusual, especially in Ward 1, we've got creeks and now they are bigger. So, we are not going to solve your problem tonight in the committee meeting but you're better to get together with the Mayor, and whatever happened in the past in my opinion, is the past. Because the Army Corp of Engineers that rarely comes into play, which Justin can verify. If it's 250-350 feet or less, they usually don't get involved. Some of the information may not be accurate, we aren't going to solve the problem right now debating it. We all agree with you. I would suggest, the meeting.
- Mayor Antoskiewicz: I will call you. Justin and I will come out, we'll see what else we can do. We'll come up with another plan of attack. Continue to file for money, let's see if we can come up with another plan of attack to help. Because I can tell you, in the time I've been here, I've got plenty of documentation, is all the different issues that we have attacked and we've fixed when we can. That's what we've done, that's what we try to do. Fixing problems wherever we can. We are going to continue to do that wherever we can and however we can. But this one is not a simple one but we will work on it and see what we can do.
- Mrs. Mason: Thank you.
- Mr. Weimer: His address is 19190 Tanglewood Drive. There are some things that have been said on record that I have to clear, because they are not accurate. And while I feel for every one of these residents behind me, we have to make sure we are dealing with facts. The facts are the first time that I became aware as council person of this issue, was in the spring of 2021. When I brought it forward to the Mayor, and went down and we looked at it together and we saw exactly what's been described. It's awful, don't disagree with that at all. We brought Justin out, he looked at it, got everyone involved. A plan was put together. We had a meeting here in Council Chambers, where the Mayor, myself, and Justin met with many of the residents that are behind me. We laid out a plan. We

talked about how the property was private property. And now as Mr. Kelly has pointed out that we cannot use City funds to pay for the repairs that need to be made. The City stepped forward and said, we are going to try and find funding for you. Which Justin started doing in the fall of 2021. So, I want to be clear because there were things said on record that 2 years ago, and more than 2 years, and while the issue may have been there, that issue was not raised and addressed here in this chamber until that spring of 2021. In addition, there were statements made that nobody has ever been out there or nobody has ever done this or that, I feel compelled, from my record to make sure it is stated here that there were multiple people from the previous Council, myself included and the Mayor, that went out. This is not an issue that isn't cared for, this is an issue that has been in the works. The Mayor has been doing a wonderful job working with Justin to try and address. It takes time, and I feel for every one of the residents behind me. I know, I've been up there and seen it myself. But there are things that as home owners, we have to deal with and they are hard some times. This is a hard one, but it's private property and the City is trying to do it's best to try to help them. I do want to make sure that it's clear that this was not something that was neglected. We've been working together on it as a City for quite some time.

Mr. Dietrich: He wants to finish up with this. I'm no expert. But I understand erosion, I have a lot common sense. There is natural and there is unnatural. The way that this is eroding, I've been to the property several times. The way this is eroding to me, this is very unnatural. I feel there are, there could be a multitude of things that are causing it and I appreciate that we went out and looked at the property, we have engineers on it. And I know your firm has experts in this. Did we have them come out as well? Yes. But I'm really interested, to move forward, we will hopefully, the Army Corp of Engineers will get involved. As I am very interested to see what they say. Again, not being an expert, not pushing blame, but as Melanie pointed out, there's this thing next door and who did it, and I asked about holding people accountable. You buy a house, you are responsible for it, it is there and it is wrong, it shouldn't be there. It holds the water back, it redirects the water, holds onto it, and then just bursts out to this big waterfall, and it is huge. That kind of force will speed up erosion and that is an unnatural thing that is happening and it is common sense. I am very interested to see what the Army Corp of Engineers says because seeing that, that is common sense to me. I'm not putting blame on that homeowner, I'm just saying that me, personally, I feel very strongly that that is an issue.

Mr. Haselton: Yes. Just to follow up, we did apply for funding in the fall. When that didn't work out, we applied again in the spring of this year. I've been in contact with Mrs. Mason over the last year, with phone calls just giving her updates etc.

Mr. Mason: His address is 9033 Royalton Road, husband to Melanie. The small thing I would like to clarify is, earlier Justin had mentioned they are seeking grants here and they're to help pay for the repairs or reconstruction; whatever it takes to stop this erosion. My question is to help who pay, to help the City pay, or help the owners pay?

Mr. Haselton: To help the home owners pay for it.

Mr. Mason: We hear a lot tonight about how the City can't help financing projects on private property, even though it is the private property owners who are supporting the City with their taxes. Now to move on to what Mr. Dietrich said, that is exactly what I had on my mind when I first raised my hand. Those pipes under the driveway reduce the volume and raise the pressure and it comes out at horrific velocity. And it also creates whirl pools. I stood out there by the creek, when there was no high volume of water coming and watched whirl pools up against the north bank of that creek. So, when there is a



high volume, I would think, I would think that that would only increase the erosion capacity. Everybody is talking about what was done, but I don't think anybody has mentioned that when those pipes were put in, that they were put in without permits. It could probably be traced back to find out who the contractor was and who dropped the ball. They either dropped the ball or looked the other way. And we're paying for all this. We need to have something done before it all goes in the drink.

Mrs. Mason: The real estate people are telling people with those homes, the lady sitting here with the children, the real estate lady told her if the City will pay for half the cost if you want to fix that. They are new home owners. They have no idea about the cost to fix it and that's because of the mixed signals that everybody got. Now I don't know what they told the other person in the house with this pipe.

Mayor Antoskiewicz: Again, I don't think you should take the advice of a real estate agent who's trying to sell you a house, as to what we would or would not do. The next thing would be to make a call to the City and ask them what their position is. I don't want to bash the Real Estate, I know a lot of them and a lot of them are really good, very ethical and do things the right way. But again, if an agent said the city would pay for half, then they are not saying or doing the right thing.

Mrs. Mason: You're right. I agree, they didn't.

Mr. Nickell: I am a Real Estate agent. So, if they were doing false statements, you can file a complaint with the state of Ohio Real Estate Commission and they will have a hearing. Your agents are not allowed to, they are supposed to stay in their real house.

Mrs. Mason: I know.

Mr. Nickell: We have no control over people that tell mis-truths.

Mrs. Mason: I understand, but you know what's going to happen. They are going to get a slap on the wrist and go their own way.

Mr. Nickell: But...

Ms. Barath: I don't want to belittle, I understand, but I think some of this stuff can be resolved if you guys get together as a group and sit down and figure out what's going on.

Mr. Dietrich: Can I wrap this up.

Ms. Barath: I have someone else standing there. Is this something new you are going to add to the conversation?

Mr. Dietrich: I'll wait.

Mr. McDonald: His address is 14599 Bennett Road. Whether the City is liable or not is highly debatable. Public records need to be requested, looked at, edited. There have been buildings and developments that have been built above or next to these properties and possibly caused additional flow of water to be redirected the way that it currently is so, before anyone says they've done a lot of research, they haven't until they request these records. Go back as far as they have to. The City is required to keep records on buildings, permits, and any modifications, without purging them. So that may tell if a

permit was not obtained and the City did nothing about it and the City knew about it, the City is definitely liable.

Mr. Kelly: The City is not liable. I got to tell you Mr. McDonald, I've had it up to here. Your encouragement for people to abuse the public records law in order to obtain records that you think might be helpful. Anybody in the world has the right to exercise their opportunity to take advantage of the public records act, not a problem. Your spouse, the Ward 5 Councilwoman, doesn't even need to have a public records request. She can just ask for records and get them. So, this public display that's intended to demonstrate everybody's great interest in this experience falls a little short, okay. The question of liability is determined in a Court of Law, not by whoever happens to have the podium.

Mr. McDonald: I'll talk to the property owners.

Mr. Nickell: Madam Chair?

Mr. McDonald: Secondly, I want to respond. I think it's very discouraging that... Inaudible mic interference.

Mr. Nickell: I would like to make a motion to adjourn, there is a motion on the floor.

Mr. McDonald: Inaudible/mic interference.

Ms. Barath: Okay the resolution that we have is that the Mayor, the City Engineer and the Councilwoman will meet. No.

Mr. Dietrich: I've been patiently waiting.

Ms. Barath: I know but..

Mr. Nickell: This has become dramatical theater and it's not really about...

Mr. Dietrich: It's not about theater I just want to...

Mr. Nickell: Madam Chair, I move to adjourn the meeting if we are not going to move to the next topic. I move to adjourn the meeting.

Mrs. Mason: I just have one more question.

Mr. Nickell: You don't have the floor. You need to stop.

Ms. Barath: We are going to move onto the next topic.

Mr. Nickell: Please, sit down you are not recognized. They are going to make a meeting with the Mayor and the City Engineer. If not, we're closing down. We know it's political theater, we know there's an issue. I have miles and miles of streams that are terrible like yours and I agree.

Mrs. Mason: You need to stop John.

Mr. Nickell: No, you need to. You're making political theater.

- Ms. Barath: We're done.
- Ms. Barath: I am moving to the next topic.
- Ms. Carbone-McDonald: Let's move forward in a positive way.
- Ms. Barath: Maintenance Projects.
- Ms. Carbone-McDonald: There is a new topic. Joel wanted to speak regarding an issue.
- Ms. Barath: No. And I let Mrs. Mason speak but that should technically be under New Business. So, they will have to wait until we are done with the Unfinished Business items. Okay?
- Ms. Carbone-McDonald: Okay.
- Ms. Barath: Maintenance Projects please.

## **2. Maintenance Projects**

Mr. Haselton gave a summary on the Sewer District Project that is being done behind the service garage, whereas the plantings are finished. There is a warranty period on those, however the sight looks good and the project is at substantial completion.

## **3. Turnpike Mitigation**

Mr. Haselton advised that we are working on Stage 3 comments from ODOT (Ohio Department of Transportation) right now.

## **4. York Road Property**

No update.

## **5. Cleaning the Mains**

Mr. Smith explained that we are going to continue to clean the mains. We had one of the trucks down the last couple of weeks, but we are starting again next week.

Ms. Barath expressed that Mr. Smith has been doing a great job. Residents have been seeing the trucks out and are happy. Ms. Carbone-McDonald agreed.

Mr. Marnecheck questioned if Mr. Smith had any data base on flow or anything, where one could see results of cleaning the mains. Mr. Smith stated all he has are the phone calls, which is telling us that it is working; there have been no calls. We just had a couple of good rains in the last couple of weeks and received no calls at the plant; therefore, that lets us know something is working.

## **NEW BUSINESS**

### **Verbatim**

- Ms. Luther: Her address is 9021 Royalton Road. My question is, for everything you build you need a permit. Whatever was done a few houses up, supposed to have a permit. If City didn't know about that, that was not as easy job. You have to have a permit and an approval

to build a deck, to have such a big job that they did there it is impossible no one to know about that and no approval to be done from the City.

Ms. Barath: But we're not saying that is not correct, we are saying somebody's done it already. There is not much we can do now.

Mr. Dietrich: Madam Chair, may I please have the floor? May I please speak? On this issue, what I wanted to say before. I am a very simple person. Everything is what, how much, by when; if you want to get something done. What's frustrating, I'm not frustrated with the resident, with the administration, or with anyone. We have to find out the what. What is causing this. As I stated, it is very unnatural, it is very possible it is what I personally think it is, and now I feel that we are finally going to have some answers because we've already had some experts look at it with the Army Corp of Engineers, that's our answer. In order to get anything done, we haven't even done the first step, which is what is causing it because it is to me, it is unnatural, there is no way that is a natural erosion. It is too, it is rapid. As Mrs. Mason pointed out, it's like, so much worse than it was a year ago and she's worried about a year from now so. Erosion doesn't happen like that. It takes a long time, it takes years and that has been there for years and so, the what is going to be determined. I hope we follow up with the engineer thing and we'll figure it out. And then we'll know the how much and by when.

Ms. Barath: Right. Let's have our meeting please, we are not going to figure this out here.

Ms. Carbone-McDonald: Thank you.

Mr. Spatz: He lives at 14060 on Forest Pine Drive. Recently, there was a post on Facebook about the pond out here having an animal that got caught, a goose. I'm more than happy to offer, I work at a steel company in Bedford, anything that can be used to cover the drain as a preventative maintenance issue for that, if anyone needs it. I am happy to offer it.

Mayor Antoskiewicz: We have had this discussion. I know Ms. Carbone-McDonald has been out and, on the post, and talking about it, which she said she's had a lot of residents that have reached out. His answer is simply, one we cannot cover that, it is an overflow. If we cover it, and we get a heavy rain, the chances of that park, or the pond overflowing and flooding the park would be there. Any time you're going to put any kind of a cover, we would also have to, if we did try, we would have to try and maintain it. Which means any time again, I won't know how we would get out there all the time, can't dedicate someone out there to maintain it. Let me just say, we are all, I love the geese, I love the ducks and the fish, I love them all. I use to work for the Recreation Department in 2005. We have never had an incident with a goose as far as he knows. I think it was just an unfortunate situation. The other thing that I do know, is we now the fountain up. The fountain sits by that overflow and the geese do not go by it. They don't like anything to sprinkle on them, that's the sensitivity of what they are and who they are. Every year in the spring, that goes up, Its weather, it's weather contingent. We try to wait until the weather breaks. And we put the fountain and once winter comes again, it's not an issue because it freezes. I do not think it will be a constant problem that we would have to worry about. It was unfortunate, what was even more so, is that we had somebody go out there when they should have just called the Fire Department, who would've gone and taken care of the problem. Because I felt that that along with, the young girl that went there, leaning over that hole halfway with her body, to me that was scary part of the whole thing. People do not belong there, if there is an issue, they need to make that phone call. I know everyone likes to help; but sometimes you have to use a little more. That is an overflow, it's always been and we need that thing to continue to overflow.

It's similar to what we do, Its similar to a catch basin type. If that thing gets covered, we would have to continuously try to monitor that somehow and get a person out there all the time every time it gets covered to clean it.

Mr. Smith: It was unfortunate situation, but when you start talking about covering overflows, and have where you have to maintain them, not only is it, the person that could have gotten severely injured, then we have my person that would have to go out and, who would they get out there, then you look at cost for something, which was unfortunate incident and hope it doesn't happen again. We have to be realistic and look at the close and the liability of what we're doing. Being an overflow, we want that to keep flowing because we definitely don't want that to back up.

Mr. Dietrich: Thank you to the resident for his offer and his heart in it.

Mrs. Mason: I just wanted something on the record. Ya know, I disagreed with Paul over some things when he was out looking at it and we're fine. I've disagreed with Jeremy on a lot of things and we're fine. Dawn, I have disagreed with. I come here honestly, and I come here to argue my truth. So, I'm highly insulted to be called political theater, I have no political ambitions.

Mr. Nickell: Well Mrs. Mason, when you started your comments, you made all kinds of mis statements that weren't true.

Mrs. Mason: Statements about what?

Mr. Nickell: About nobody ever coming out.

Mrs. Mason: No, I did not say that. I did not say that.

Mr. Nickell: Motion to adjourn.

### **ADJOURNMENT**

Moved by Ms. Barath, to adjourn this meeting, seconded by Mr. Nickell **to adjourn the June 7, 2022 meeting.**  
Yeas: 3; Nays: 0. **Motion carried. Meeting adjourned at 6:58 p.m.**