

**RECORD OF PROCEEDINGS
SPECIAL HYBRID COUNCIL MEETING
TUESDAY, MARCH 1, 2022 – 6:30 P.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Bell, Canton, Cavanagh (Virtual), Galicki,

MEMBERS ABSENT: Berger and Porter

OFFICIALS PRESENT: Fiscal Officer Romanowski, Police Chief Rizzo, Engineer Haibach (Virtual)

VISITORS: Jeff Greenleif, Chillicothe Rd.; Jim Thie, Kim Brewster (CRWP), “Samsung”, Bob Royer, Manor Brook Dr.; Nancy Moran, Manor Brook Dr.; John Hitchcock, Manor Brook Dr.; Brian and Mary Monroe, Manor Brook Dr.; Wendy Brooks, Manor Brook Dr.; Val and Gene Seminaro, Manor Brook Dr.; Sam and Betsy Eells; Joe and Fran Walters; Tom Corcoran, Manor Brook Dr.; Mark Hill, Manor Brook Dr.; Lin Cargo,

The Mayor called the meeting to order. The Fiscal Officer took the roll. Porter and Berger were absent. The Mayor stated that the purpose of the meeting was to discuss storm water control with the Central Retention Basin and the Manor Brook projects. The Mayor indicated the Central Retention Basin would be discussed first. He explained the water flow as it relates to the Central Retention Basin, indicating that the basin would be designed to catch the water, hold it, and then slowly release it under Chillicothe Rd. to Chagrin Lakes. He likened the project to the area in front of the Fellowship Church.

VISITORS: A resident asked how the Central Retention Basin was currently functioning, and the Mayor and Galicki explained that it had not yet been installed and that the area is currently scrub with some trees. Brian Monroe asked where it was in relation to the Village Hall Headwater Project and asked how this area would be involved with the project. The Mayor indicated there would be small changes to it. A resident asked how it was currently functioning, and the Mayor said there were four pools in it to catch water. Monroe clarified that the Village would be adding a retention pond, not a sediment pond, and asked how deep it would be, and the Mayor thought it would be six feet deep. Monroe asked how this would be achieved and how it would outlet. The Mayor said it would outlet at the culvert that runs under Chillicothe Rd. next door to Dr. Rosenthal’s office. Monroe asked how the water would be controlled to be released on a slow basis and wondered if it would ever completely empty over time. The Mayor said yes. Monroe asked what the necessary elevation would be to get under the road to make it work. The Mayor explained that the Engineer would answer these questions when he joined the meeting at 7:00 p.m. Monroe wanted to know specifically about the berm around the outside of the retention pond and how the project would look from the street. Monroe verified the area is currently wooded. Galicki indicated that according to the Engineer, most of the vegetation to be removed is scrub, although there are some trees. Monroe did not have a concept of how large the retention basin would be, and the Mayor explained using a diagram. Galicki referred to the diagram and explained the location of the retention basin in relation to the residence at 5249 Chillicothe Rd., which has a garden that encroaches on Village property. Monroe indicated an area that he thought was to be clear cut, and the Mayor concurred. A resident said she did not think this area looked like scrub but rather trees and was confused by the terminology.

The Engineer joined the meeting virtually. He addressed the height of the retention basin in terms of Chillicothe Rd. According to the Engineer, there would be some mounding along Chillicothe Rd. and a low area where the water would be held behind the mound. The elevation of the top of the mound would be around 1190. The portion that would run parallel to Chillicothe Rd. would be close to the roadway surface, or possibly a little below. From the top of the mound to the bottom of the dry basin will be about 6 feet. The Mayor verified there was not much change with the present ditch line. The Engineer said he would be notching into the ditch line because it is a functional ditch, and it should continue to flow as it does now. Monroe verified that it would look like what is in front of Wembley and the churches. The Engineer concurred. Monroe asked if the six-foot depth of the retention basin would be adequate to completely drain and get under the road, and the Engineer said that the bottom of the basin sits at 1184 and the flowline of the culvert that goes under the road is 1183, which is a one-foot fall from the middle of the basin to the existing culvert.

Monroe asked if the purpose of the retention pond was because the original Village Hall Headwater project did not hold all the water and there was still flooding. The Mayor said this was correct. Monroe asked if it would provide all necessary retention to eliminate flooding 100%. The Engineer said this was correct. However, the initial Village Hall Headwater stream restoration project was a habitat biological type of project. He was not consulted in the design of it. It provides a marginal amount of storm water retention just by the fact that it widened out the flood plain a little on either side of the stream site. It was never meant to be a floodwater storage project. The Central Retention Basin is. The size of the basin is calculated to hold a 100-year rain event.

Jeff Greenleif, 5249 Chillicothe Rd., referred to the diagrams, and said the Engineer changed the design to be 50 feet from his property instead of 13 feet. Greenleif explained that he owns the property most effected by the project. Part of the reason he bought his property was that it was back from the road and there were a lot of trees that blocked the view of Chillicothe Road. He estimated that the original plan would have eliminated 95% of the vegetation, but the Engineer made some changes, and it was reduced to 90% and a berm was added. However, Greenleif proposed a crescent shape for the retention basin that would go higher and cost a little more money, but he had not heard whether that option had been fully evaluated. He asked the Engineer if his firm had other proposals prepared. The Engineer explained that the current plan was the best-case scenario that pushed the project farther away from Greenleif's property line. A change in design to make it a crescent shape would eliminate the southwest corner of the pond and cause it to impinge on existing wetlands. This would require excessive permitting and would increase the overall cost of the project by 34%. It was not worth it to gain another 20 feet away from Chillicothe Rd. Greenleif countered that as the owner of the property, if his property depreciated in value, the money the Village did not spend on the project would come directly out of his pocket. He hoped to find a compromise where the Village would get the retention pond and his property values would not be impacted. He did not think he had time to recover from a \$50,000 to \$100,000 loss in property value. The Engineer said the property value issue was a tough problem. However, if the Village did not own the property or had sold the parcel, very likely there would be a developer that bought it and put up three to four houses, clearing the whole parcel. Likewise, if a neighboring homeowner painted his house a bright pink, there would also be a strong argument for hurting property values. An individual has very little legal recourse to say what a neighbor can or cannot do with their property. The Engineer offered the project was a passive use of the parcel and would be a dry basin that would be green and mowed. Greenleif appreciated the Engineer's efforts but realized his job was to do the project as cheaply as possible.

Greenleif did not find the Engineer's example of a subdivision being put on the parcel plausible but appreciated the example of the pink house. He still thought the Village should consider what could be

done to push the retention pond further away even if it cost \$15,000 to \$20,000 more. The Engineer interjected that the cost would be more like \$160,000 more, not \$15,000 to \$20,000. What was currently being done to accommodate Greenleif's property was costing \$40,000 more than what was initially proposed. Pushing the project further east means more excavation which drives up the cost. As far as screening, simply increasing the distance between the edge of the work area and property line from 13-feet to 50-feet will allow enormous potential for a landscape screen along the south end of the pond, obscuring the view of Chillicothe Rd. from Greenleif's house.

Greenleif referenced another plan for landscape architecture and/or more berms to hide the retention pond and traffic on Chillicothe Rd. He added that his neighbors would also be affected. The Mayor indicated that the screening would be up to the Village, not the Engineer, and said it would be on the north side of the property. Greenleif said this would be his request and added that the Engineer had made an adaption of a two-foot berm that would extend from the raised area in front of his property and go down towards Village Hall. He requested evergreens be planted there as well to block the view of traffic. The Mayor stated that normally, the construction would be done and then the screening would be assessed afterwards. The Mayor thought it would be normal decent behavior by the Village to screen it off. The Engineer thought it was fair that Council agreed to allow him to spend more design money to shape the retention pond to make it more palatable for the neighbors. He reiterated that the 50-foot buffer between the property line and basin would allow for a substantial landscape screening and Council was agreeable in allowing the additional landscaping on completion of the project.

Canton introduced himself and thanked the residents for being present for the meeting. He relayed his own experience and assured Greenleif as well as the residents of Manor Brook that he would be pushing hard for relandscaping. Canton said that the biggest challenge in South Russell is storm water and there are residents with significant flooding issues who are demanding the Village address the problem. Whatever the Village does could affect someone else. There is a constant balancing act. This is what good government is all about. He told Greenleif that he heard him.

Cavanagh informed Greenleif that she was on Council from 1995 until 2000. During this period, the project property was purchased by the Village, possibly in 1998, for a forward purpose. She realized what it was like to live on a busy road. She assured Greenleif that Council did its best with the Engineer to make this palatable while solving some problems. She did not recall when his house was built, and Greenleif said 1999. Cavanagh said everything happened quickly at the time where South Russell purchased the property in 1998 and Greenleif's home and a second home were built. She explained that Council did not want miserable neighbors but must come to some agreement. They do not want Greenleif to lose value and are willing to give him a buffer. The retention pond will not be anything that causes noise, and she credited former Mayor Bill Young for having the foresight to buy this property and other property in the Village. There had been a proposal to put an office building there. Through the decades, a lot of time and thought had gone into these matters, and she hoped this would continue.

The Mayor summarized that clearing will occur in March, and in late September or October the Village would meet with Greenleif to figure out what would be needed to screen the area. He explained that the funding for the retention basin was coming from the American Relief Plan Act (ARPA), but that the screening would be financed by taxpayer dollars. The Mayor announced a two-minute break followed by discussion of the Manor Brook 319 project.

The Mayor stated that he was going to talk and then Kim Brewster, Chagrin River Watershed Partners (CRWP), would discuss the grant, and the Engineer would talk about the construction. Then, everyone would have a chance to speak for five minutes. Monroe reminded the Mayor that he had sent the Mayor

a note explaining that the Manor Brook residents were not interested in a presentation of the project since they had already had this several times. They had questions that they wanted answered and they wanted to get right to them. The Mayor indicated that Monroe could speak for five minutes. Monroe acknowledged that phase one of the project was going forward and it was doing so without Manor Brook's approval. They understood that the property is owned by Whitetail, and they have every right to do the project. They were not trying to stop the project but hoped to have input and avoid mistakes due to incomplete information of their drainage system. He did not believe CT Consultants had this information. Their hope was to have the best chance for success with the project for all South Russell residents.

Drainage, as he expressed several times to members of Council, is a huge issue. Manor Brook residents will be impacted by the changes the Village is making. Those issues have not been addressed and need to be. The solution is there and can be addressed, but to date, Monroe had been ignored. The Mayor suggested letting the other participants have their five minutes before addressing Monroe's questions, but the other residents deferred to Monroe. Monroe explained that the questions concerned drainage and landscaping. Monroe addressed the Engineer and stated that when they were first brought the proposal in October 2019, there was a small design, and Manor Brook agreed to it. He asked the Engineer to explain what changed on each revision since that point and asked whether those changes were shared with Manor Brook and/or Whitetail. Nancy Moran showed the 2019 plan and explained that the project was to follow the existing drainage ditch. The Engineer disagreed and said that was never the plan. The plan always included a main drainage channel that diverged from the main straight line drainage ditch and had a higher degree of velocity and a wider flood plain. Monroe went on record to state that Manor Brook was asked by Whitetail to approve this plan, which it did.

Monroe asked how many changes there had been from this 2019 sketch. The Engineer said there had been three substantial changes from the inception of the project. The first change was the extension of the project farther to the northwest to take more of the incoming secondary channel. The second change was made in response to discussions with Monroe about the pond and not having a good outlet. There was interest in having it included in the project to allow the pond free draining capability into the new drainage channel. The third substantive change was lopping off the whole southern half of the project because the Village did not have permission to build it. Monroe clarified that the first change was in the overall width of the project with Phase II included that was shared with Manor Brook. The final plan reflected the separation of Phase I and Phase II. The Engineer reiterated the changes. Monroe asked if Whitetail or Manor Brook had any say or approval of the second and third iterations of the plan. The Engineer stated that Council ultimately got Whitetail's approval. Monroe said that Manor Brook was told they would be involved in those communications, and it was clear that they were not involved in either one of those conversations. He acknowledged that Whitetail had the right to do it on their parcel, but in Phase II, they did not have the right but thought they did because they thought they owned the property. Monroe verified that the third and final plans had been approved by Whitetail, and the Mayor and Engineer concurred. Monroe further verified that there was no approval or desire to get Manor Brook to approve it, and the Mayor said this was correct. Monroe verified that the final plan was the one that would be going out to bid, and the Mayor said it was. The Engineer explained that there is a more detailed version which he had sent to John Hitchcock. Hitchcock said he had not received it. The Engineer said he would send it again.

Monroe stated that there were substantial changes between plans, the biggest of which was the addition of a check dam. He asked the Engineer to explain the purpose of a check dam and whether it was temporary. The Engineer said a check dam is usually made of larger diameter stones that run across and adjacent to the main drainage channel to slow the velocity of the water as it moves through the channel.

In this project it was being used to slow the water down and cause it to build up and utilize the flood plain so that it could provide storage and a slower release of the water. Monroe asked if it would be a porous dam that would allow water through it at a slower rate and the Engineer said that was correct. Monroe asked for the top elevation of the dam and at what point it would overflow. The Engineer said it would be just under three feet. Monroe asked what would happen if the water built up over the 3-foot level, and the Engineer said it would go over the check dam and proceed down the existing drainage channel to the south. Monroe asked why it was added because none of the previous plans had it and they were told there would be no dams in the project. The Engineer said it was added for functionality because without it, it would not be able to retain much water in the flood plain. Monroe acknowledged this and said it would allow the water that comes over from Chillicothe Rd. to back up the stream to hold it. He reiterated that this was not in any of the designs previously. Again, they were told that there would be no actual dams in the project. The Engineer referred to plans displayed in Council chambers and said that there was a temporary check dam noted to keep silt and mud out of the existing channel during clearing. Monroe asked when it would be removed, and the Engineer explained it would stay there for a long time during construction because it is basically an erosion control feature. Monroe again asked what temporary meant, and asked when 'temporary' became 'gone'. The Engineer said it would be gone when the restoration for the project was complete and the site was stabilized.

Monroe asked how the water would be backed up from east of Chillicothe Rd. to keep it in the flood plain. The Engineer said a grade control structure would be used.

John Hitchcock referred to the installation of a 30-inch culvert under Chillicothe Rd. that enters the Phase I area where the check dam is. Without a check dam, the 30-inch culvert would discharge unabated into the stream as it exists now. The Engineer concurred and said that a ripple detail will be used to slow the water and a gravel ripple, which consists of 24-inch boulders, will be placed in the flow line of the stream to slow the water. Hitchcock stated that the 30-inch culvert has a small distance to travel before it winds up in the existing stream. The Engineer concurred. Hitchcock continued and said the additional water will increase the flow downstream unless it is detained with a dam. The Engineer said he saw where Hitchcock was going and said it was more of a balance. Even after the Village replaces the culvert, the majority of the water will come through the big elliptical culvert to the north. The water will be slowed down much more than now for a net gain of storage. Hitchcock suggested that if this does not occur, a dam could be installed making it a retention basin. The Engineer said that the boulders could be adjusted, or a restrictor plate could be installed on the upstream end of the new culvert to help throttle the water that crosses the road. Hitchcock verified there was a contingency plan and the Engineer concurred. Hitchcock said he was envisioning this as having to be more of a retention basin without the added area of Phase II. The Engineer explained that there was enough low flood plain to balance the water that currently impounds to the east of Chillicothe Rd. Hitchcock verified that there was nothing in the plan that would run counter to the terms of the 319 grant, and the Engineer said no. If the Village were to build a concrete structure with a restrictor orifice across the stream, this would run counter to the 319 grant rules. Using the ripple and boulder details allows the Engineer to achieve the same effect while providing habitat and increasing the quality of the stormwater output.

Hitchcock addressed the Manor Brook pond and said it does not appear to be working as it was originally designed. The surface elevation is at the overflow elevation, and it has ceased to act as a retention facility. The Engineer concurred. Monroe said this was not correct and said it is still acting as a retention basin but is not functioning to its full capacity. Hitchcock asked if this additional flow was in the Engineer's calculations. The Engineer said no. He did not take into account any additional retention that could be gained from the west. If more retention could be gained to the west via making improvements to the pond so it functions to its fullest potential, that would be a net gain for the project.

Monroe thought it was running at less than 50% of what it was designed to do. Correcting it would add 50% of what is being sent into it. The Engineer said if this estimate is correct, it would be huge.

The Engineer asked who came up with the old plans, and Monroe explained they were as-built drawings that are with the county and Nancy Moran (Manor Brook Board) secured them from the original architect. Monroe had more of these to share with the Engineer and said he had been desperately trying to get someone to listen to him for a while and he wanted to help. The Engineer said these were very helpful and the Village would be adding the 8-inch outlet on the current plan set so that any excavation contractor would be aware of it. Monroe said it will be impacted and needs to be dealt with. It is currently exposed in the stream and has been for months.

Monroe reiterated that they could help make this the best project possible if they were given a place at the table. Unfortunately, they had been ignored by the Engineer and Mayor.

With the original plan, Manor Brook was very concerned about holding water and were told that water would never be in that floodplain area for more than an eight-hour period. Monroe asked if this were still a true statement. The Engineer said eight hours was tight, but it would be within a day. Monroe said his concern was that the intent was to hold water there. The Engineer said the intent during a normal rain event, was to have water flow right through the new stream channel unabated. Monroe asked about a hundred-year event, and the Engineer said all bets would be off. Available storage would be maxed out and would likely pile up on the east side of Chillicothe Rd., just not as badly as it had before. During a big rain event, a portion of the lawns by the road would still get water in them, but water would not surround the houses. Monroe asked if the entire design was based on a 100-year rain plan and questioned whether that would not have been best practice. The Engineer said the 30-inch culvert size is. He did not think the stream was or would be capable of passing that water. Standard practice was to design a culvert crossing a roadway for a 25-year flood. Monroe clarified that a flood pond and an emergency run-off should be based on a 100-year flood, and the Engineer said no. Monroe said this was different information than what he had been told. The Engineer said this was not what he would shoot for, but it was possible to capture a 100-year flood. New construction shoots for a 100-year storm event. This is working with an existing stream channel. If the Village were to increase the ditch line on the Phase I portion of the project, it would likely not do much good because everything south of there does not have the capacity to handle it either. There are limits due to the environment of the project.

Monroe asked what the southern downstream area was capable of handling, and the Engineer thought more than a 50-year event but less than 100. Monroe asked calculations the Engineer used for the project, and the Engineer explained he based the total amount of storage it provided in the floodplain excavation to balance out the amount of water that currently piles up with the biggest storms on the east side of Chillicothe Rd. It was not based on a storm recurrence event. Monroe suggested that there could be a 25-year storm that overruns the system, and the Engineer said that the 25-year events are not what is causing the water to pile up on the east side of Chillicothe Rd. The Engineer explained that it was difficult to put a number on this.

Monroe said he provided as-built drawings for the retention pond west of the Village's project that shows an emergency run-off area. The drawings clearly state that it should not be disturbed. This area is in the middle of the Village's project. Monroe asked the Engineer to clarify what it meant 'not to be disturbed.' The Engineer thought it was likely noted because the pond was probably built as a storm water retention feature and a combo sedimentation pond during construction of the condominiums/cluster homes in Manor Brook. The Engineer speculated that it was over dug and

allowed silt in to catch the sediment before it got into the drainage channel. The emergency overflow was not dug all the way to the drainage channel likely to avoid wetland disruption. Monroe said it was designed in such a way that if the pond overflowed, it had a runoff area and then it had an unimpeded path to the creek. The Engineer said this was correct but was not normal for an emergency runoff. A defined runoff channel from the pond connected directly to the creek/ditch would be more of a standard approach. He speculated there was a wetland issue that the developer encountered and adjusted accordingly. The Engineer thought this would explain the note not to disturb this area during construction.

Monroe stated that the retention pond filters all the rainwater for the entire Manor Brook properties and some of Whitetail on the north side of Manor Brook, and the emergency runoff serves this purpose. He asked if it were possible to have the same designated area for the emergency runoff for two different watersheds. This did not make sense to him. The Engineer said if they were both flowing to the same pond, then yes. Monroe said they were not flowing and that there is an emergency watershed issue coming from the east side of Chillicothe Rd. that will now be using the same area used by the west side as the same emergency flood plain. The Engineer explained that the elevation of the pond is 1175.5. The top end of the stormwater retention is around 1173.5 to 1174, so the water surface elevation of that pond at capacity is 1175.5 which is over a foot above what it is capable of holding if the floodplain completely backed up. It will still be able to discharge into the floodplain.

Monroe asked if it were common practice to make sure it is unimpeded to the original stream to which it was meant to dump. The Engineer said yes. Monroe continued to say that if the project allowed their emergency overflow to dump into the floodplain, that was not unimpeded to the original stream. He asked if that was a problem. The Engineer said it provided an outflow of the pond that is above the full level of the floodplain. Monroe reiterated that it was not unimpeded because of the check dam. The Engineer said this was correct, but the maximum build-up of water will be a foot lower than the full elevation of the pond. If the pond overflows the eight-inch standpipe, it will engage the emergency overflow and still flow down into a floodplain whether the floodplain is full or not. Monroe reiterated that it is not unimpeded and best practice is for it to be unimpeded. He questioned whether it would make more sense to make sure it gets downstream of the check valve so it is unimpeded to the creek as originally designed. The Engineer explained that when the floodplain is full, the water flows downstream unimpeded. The water can only build up so high and the maximum floodplain elevation is lower than the surface of the pond, so in effect, it does flow unimpeded to the stream because the stream is now wide, and the pond still sits above the full stream and can empty out into the stream. It will not back up into the pond. Monroe argued that the flow has already been impeded and they have no outlet, and a potential backup issue will be created. Part of an overflow emergency runoff is to have the runoff be unimpeded to the creek so that there would be no possibility of it backing up to the homes. He asked if the system could be redesigned to change the emergency overflow so that it is unimpeded to the creek and not allow the emergency runoff into the floodplain. The Engineer said yes, but it would be on Manor Brook property. A new overflow could be provided to the pond to the south and come in upstream of the triple culverts that go under Manor Brook. This would discharge to a point downstream of the floodplain. Monroe would like this to be considered to take away any issue of impeding the current system. Their system is not working as designed and is not currently putting the water into the intended creek. If the Engineer has not allowed for this calculation, it should be examined to ensure everything has been done to minimize the effect of the people downstream. This is his concern. This action would go a long way to solving and correcting a major concern of the residents with disruption of the current drainage system.

The Engineer explained that this would not be possible as part of the current project because it falls outside of what the 319 grant allows. It would have to be a separate project funded by the Village or the residents or a combination of both. Monroe was not sure how the Engineer could tell him that he was going to disrupt their current drainage system without correcting it. It had to be addressed in the Village's construction. The change must be made before the Village impedes the drainage. The Engineer reiterated that it cannot be funded through the grant project. Monroe expressed concern about not correcting the current system, and worried that a 100-year rain event would result in water flowing into the homes because the drainage system was affected. The Engineer explained the improvements being made and explained that presently, the emergency overflow over the pond is so cut off from the existing drainage channel that water cannot get out of the pond and ends up backing up to Manor Brook to the south. The Village's project will allow for this not to happen. The fullest water surface of the pond sits over a foot above the fullest water surface of the floodplain so there is a downhill discharge. This does not exist with current conditions. He considered the project a net improvement for the outlet of the pond because currently it does not have an emergency overflow outlet because it is so choked and silted that it must wind its way through the woods to get to the creek. This will no longer be the case.

Monroe acknowledged that it is not working as designed and explained that the residents hired someone to help change this. He thought to do it correctly it would be best for it to be unimpeded and in front of the check dam. The Engineer disagreed and said the drainage pond would be able to flow unimpeded into the watershed of the creek whether the creek is at a flood stage or not. The pond is above it and will have a direct connection to it. The Engineer was struggling with Monroe's request for unimpeded flow. The Village would not be putting up obstructions in the connection to the pond. It would flow better than it does now. Monroe did not disagree with this but reiterated his concern with the flow being unimpeded to the original creek. He argued that the design would instead be putting it into a floodplain in a new creek. Monroe was not willing to accept the Engineer's position. He wanted further conversation on the matter.

Hitchcock referred to what he thought the Engineer said about making corrections to the Manor Brook Pond to bring it back to its original design as part of the 319 project. The Engineer explained that the Village could not make corrections to the pond because this was outside the scope of the project and not fundable through the grant. Hitchcock thought it was a matter of installing a new swale to restore it, which would be peanuts in the larger scheme of things. The Engineer agreed that it should be done but explained that it would mean building a new outlet swale to connect to the pond, which would be outside the scope of the project. Hitchcock explained he was referring to the emergency overflow, not the standpipe. The Engineer said the project would be providing a much clearer emergency overflow to connect to the pond than what is there now. Hitchcock clarified that he was asking if the emergency overflow elevation was higher than it should be, would it be a matter of scratching a new swale in there to restore it to where it should be. The Engineer explained again the fall from the pond to the flowline of the creek. He clarified that the elevation of the pond is 1175.5 and the bottom of the stream channel is 1169 or 1170. Monroe indicated that if the Engineer used the current pond level, this would be one to two feet higher than it should be. The Engineer and Monroe agreed this was better. With fixing the pipe properly, it would have retention capabilities that could be a big plus to the whole project. He recommended working together to maximize the retention capability. He thought that getting it working properly would push water more quickly to the stream. The Engineer said that if it worked correctly, it would actually slow the water going into the stream. Monroe replied this is not the case as it is currently. The Engineer explained that as it currently is, without the freeboard fluctuation where the water level can rise up and then slowly dissipate after a rain event, this actually buffers the flow into the stream channel. When there is so much rain that it reaches the emergency overflow elevation, it would

just flow through unabated. Monroe asked the Engineer to consider having more conversation on the subject and the check dam issue. The Engineer agreed.

Monroe said the current overflow in the pond is not working correctly and will be corrected shortly since it runs at 25% of what it should. Corrected, it will increase the flow by at least 50%. The Engineer said that the pond would not be able to fill up and flood over as high as it does now. Monroe concluded that he was very concerned about the emergency runoff and getting it unimpeded to the creek. He had been told by several engineers that this is a must have if it can be worked into the plan. The Engineer thought this was what was showing on the plan. There is a channel that goes from the pond directly to the creek.

Monroe indicated he wanted to address landscaping, and the Mayor suggested giving other visitors a chance to talk. Two other participants stated they wished to have Monroe speak on their behalf. Monroe referenced the Planning Commission (PC) meeting in which the easement was approved for the project, and there was an add-on for landscaping. Monroe asked if this was a normal practice, or was landscaping incorporated as part of the project. The Mayor said a plan would be wanted for business and buildings. For projects like the Central Retention Basin, it would be better to consider the most beneficial placement of trees. For the 319 grant project, a landscape plan would be provided that can be changed and altered once the exact project can be viewed. Monroe asked what the budget was for the landscaping plan, and the Mayor said there is no budget and that it would be coming out of the Village funds. The Engineer added that landscape screening cannot be funded as part of the grant.

A resident asked if there were a typical criteria or parameter used when a landscape plan is created. It would help if the residents knew this. The Mayor stated that 3-inch caliper trees had been discussed. The Engineer explained that typically, a larger diameter evergreen is used for landscape screening. The Engineer said without being able to examine different vantage points of the completed project, it is difficult to predetermine where the plantings should be. Once the clearing is done, it will become more evident. The Village would also work with the residents on this. The resident asked if the PC landscape criteria included both the east and west side of the project. The Engineer said PC left it open ended and said they wanted a landscape plan to ease the impact of the project on the residents visually who live adjacent to it. There will be a focus on the property to the north, which will be close to the clearing, as well as along the western line and to the east. He wanted it to be more layered than a solid row of pine trees. The resident asked about the south side, and the Engineer said it would not be as necessary since it is so far back off the road from Manor Brook and will not be very visible. Monroe asked what the distance was between Manor Brook Dr. and the project line on the south end. The Engineer thought it was an average of 95 feet. Monroe asked if a group of Manor Brook Board members could be a part of this landscape process. The Engineer said yes and said that PC mandated the landscape plan be developed for the Manor Brook residents.

Canton stated that to clarify, he and Chris Berger were once members of the Master Board and cannot vote on this project. Canton said that if he were not on Council and he was living in Manor Brook Gardens, he would want to be there to put in his two cents. Monroe understood that they were guaranteed a seat at the table to be part of the discussion and final answer. Monroe said this eased his mind.

Mark Hill, 127 Manor Brook Dr., asked what the construction phase of the project was and asked how safety considerations were handled relative to truck traffic on Manor Brook Dr. The Engineer said there would be no trucks coming up Manor Brook Dr. because the Village does not have access to the work area. The access must be off of Chillicothe Rd. He explained that there would be a lot of trucks due to

the amount of excavation. Traffic could be obstructed by traffic coming from the north, however, the contractor will be required to provide a traffic control plan to the Village. Hill asked about the duration, and the Engineer said it depended on the contractor. He thought the excavation would last a couple of months at the most, but this was just a guess.

Valerie Seminaro, 110 Manor Brook, asked for an explanation about the silt line on the drawing relative to the location of her home. The Engineer explained she was looking at the stream channel. Monroe assured her she would not be affected by the project.

A resident questioned who would be responsible to ensure the project worked and continued to function. The Engineer explained that typically, there is a two-year warranty bond on the construction of the project for the contractor. Beyond this, it would be the responsibility of the Village and CT Consultants.

Hitchcock expressed concern about the increase of flow south of the Manor Brook culvert because of the project. The Engineer explained this would be corrected by adjusting the grade control structures and adding boulders to slow the water down more. Hitchcock verified the Engineer could assure the residents downstream of the project that they will not be adversely affected. The Engineer said this would be the goal. Worst case scenario would be that the Village must put a restrictor on the upstream end of the pipe. Hitchcock asked when it would go out to bid, and the Engineer said the clearing quote had been approved by Council on February 28th. The Engineer thought the project would go out to bid by Friday, March 4th. A resident asked what would happen if the contractors came in over bid, and the Engineer explained the Village would rebid. The Engineer explained that the 319-grant funding is 80/20 for the project, so the Village would be exceeding the budget of the grant regardless.

A resident stated that the Village is assuming that Manor Brook will grant permission for Phase II. The Engineer clarified he does not assume this. She clarified that if the Village did not get permission, the current project would go forward and was workable as is. The Engineer concurred. The resident verified then that the Village did not need to do the Phase II project. The Engineer said yes, but explained it would be helpful for residents downstream if the Village were allowed to do it. The resident expressed reluctance in allowing for a Village project based on problematic projects she had observed in the past.

There was a question about whether the Army Corp of Engineers had to approve the project, and the Engineer verified they had.

James Seminaro asked about changes in noise level from Chillicothe Rd. The Engineer did not know whether this was a calculatable number and could not provide any information on it. Monroe said that this was one question asked of the Mayor and Engineer during a walk of the project area. Both Engineer and Mayor said it would not be a bad idea to take a decibel level of noise prior to any construction. Seminaro asked if this could be part of the conversation with the landscape plan. Monroe asked to further discuss this with the landscape plan and board. The Mayor thought there would be such technology to accomplish this, and the Engineer said CT Consultants did not have this capability. Canton asked the Engineer if he knew someone who would do it, and the Engineer said no but he could try to find something. A resident stated the key was to get the baseline down before clearcutting occurred. Hitchcock suggested contacting an engineering firm that did acoustical studies.

According to Monroe, another issue addressed during the walk with the Mayor and Engineer was the water well. All of Manor Brook and Whitetail work off of wells on the property and one well that is not far from the end of the project. There was a concern about water quality and a suggestion to conduct a

baseline study on the wells before the project starts. There are two to three wells on the property. The Engineer said that for the floodplain, the Village would be excavating down about three feet. He did not think this would affect the quality of water in a well. Canton verified with Bob Royer that there was a company that maintained the wells and said he thought they could be asked for this information. Royer agreed. The Mayor stated that the Village would be hiring Bio Solutions to test 25 water samples from throughout the Village in the Spring. A resident stated that this would be too late, and the Engineer recommended the residents utilize their well maintenance company. Furthermore, the company may already have this information. Monroe clarified that the baseline should include not only the drinkability of the water but also the hardness, iron, pH level to see if anything changes. He added that it would be good to know the depths of the wells and the output of the wells per minute. The Engineer reiterated that the company maintaining the wells must know this information to treat the water.


The Mayor stated that there was a lot of frustration in the room from all sides. He tentatively suggested having a meeting on March 9th, at 10:00 a.m., with the Manor Brook Board, Mark Porter, and the Mayor to discuss some of the issues that were addressed in the current meeting so everyone is on the same page.


The Mayor said he had frustrations. On Sunday, January 27, 2019, many Manor Brook residents were present and discussed this project which was presented by the Engineer and Kim Brewster. This was 37 months ago, and he felt ambushed at the eleventh hour with all sorts of issues. He knew there was frustration, but he sent out a letter to the residents because he did not want them waking up to the sound of chainsaws, which would be happening in another week or two. The Mayor did not like having an email sent out where he was called a liar. He did not like being told that he was ignoring them. He spent Saturday morning there. The Mayor concluded there were frustrations both ways, but they could work together and get the problem solved.

Monroe replied that the Mayor just needed to do what the Mayor told Monroe he would do, period. Monroe continued that the Mayor said he would do a lot of things but had not done them. Monroe felt the Mayor got what he deserved, and had now listened. According to Monroe, the Mayor ignored and ignored the residents. Regarding the meeting all those months ago, the Manor Brook residents had for every bit of six or eight months been trying to get the Mayor to sit down and listen to what was just discussed. The Mayor and Whitetail ignored them. Monroe stated he just told it like it was and it was the truth. Nothing he said was a lie and everything was exactly what the Mayor did. The Mayor needed to do what he said he was going to do. When he said he would give Monroe a landscape plan, he should do it. The Mayor did not do it. The Planning Commission forced him to do it. They were all sitting there because Monroe forced the Mayor to have this conversation. The Mayor was not going to have this conversation the way the residents wanted it. He told the Mayor to do his job and then the residents would not be as frustrated.

The Mayor replied that he called the meeting and sent out a letter to them. He thanked the residents for coming.

ADJOURNMENT: Being that there was no further business before Council, the meeting was adjourned at 8:36 p.m.


William G. Koons, Mayor


Danielle Romanowski, Fiscal Officer