

**STREET COMMITTEE MEETING
PAW PAW LAKE ROAD
JULY 1, 2020 8:00 A.M.**

Present: Mayor, Councilman Carroll, Councilman Porter, Street Commissioner Alder, Engineer Haibach,

Visitors: Paw Paw Lake residents Heidi Baumgart, Virginia Dix, and Kent Kristensen; "Gary," Contractor with N.E.S. Corporation

Porter called the meeting to order. He acknowledged receiving the Paw Paw Lake proposal, and invited Kent Kristensen to address the committee. Kristensen stated that the contractor from N.E.S. Corporation was expected and would bring a copy of the quote requested by the Village.

Dix stated that the United Postal Service (UPS) uses Paw Paw Lake Drive and considers it a public road. This was her final statement and she said everything else is in the notes.

Baumgart stated her last comment is that she is starting to count how many meetings she had attended and stated that she had been doing this for over a year and has seen nothing but invitations for more meetings. She asked if there could be some sort of progress.

Porter asked the Engineer to comment on the proposal submitted by Paw Paw Lake. The Engineer stated that Paw Paw Lake is proposing a 20-foot-wide roadway, which is four feet narrower than the standard South Russell Village roadways. However, there had been discussion between the Village and the Paw Paw Lake community about the character of the neighborhood supporting a 20-foot-wide roadway better than a full 24-foot-wide roadway, and stated there could be flexibility to accommodate this. Paw Paw Lake has stated that they have a 30-foot-wide property which would become right of way where the roadway is currently located. Per South Russell Village standards, dedicated roadways shall have a 60-foot right of way. The Engineer would not recommend deviating from this, stating that this is a standard throughout the State. Paw Paw Lake Association is proposing cul-de-sacs. The diameter of the standard cul-de-sac in the Village is 100 feet, and Paw Paw Lake is proposing a 60-foot diameter cul-de-sac. The Engineer explained that the 100-foot diameter is necessary for large oversized vehicles like snowplows, school busses, and emergency vehicles to turn around. He added that there are smaller cul-de-sacs in the Village, like Forest, Anglers, and Cascades that are on older streets, and they have presented difficulties for emergency vehicles and snowplows. Carroll asked the Street Commissioner about difficulties on these streets with the snowplows, and the Street Commissioner verified it requires maneuvering.

The contractor stated that they would attempt cul-de-sacs with 80-foot diameter. He thought it would be possible with the one of the three. He explained that he did not know this was an issue and could research it.

Porter asked about the water lines, and the Engineer stated they would have to be located outside the new pavement and in the dedicated right of way. Kristensen stated the water line is predominantly to the east of the main road going north to south. He stated it is located right at

the 30-foot property line or on the private properties. It also goes underneath the road to the homes on the other side. Carroll asked if the main line is in the right of way on both sides of the street or under the road. Kristensen stated that water and gas is within the 30-foot property. Kristensen said the utilities would not be impacted by the road. Carroll clarified that the waterline would not be under the proposed 20-foot road other than the branches to the houses. Kristensen stated this was correct. Kristensen stated that he has the specs and a drawing of the waterline.

Porter asked the Engineer if the utilities would have to be relocated, and the Engineer stated it depended on the full plan which would identify the location of the road, existing underground utilities, above ground utilities, and how they work together. He stated that the Village would need to have this and have an engineered plan set for the construction.

In an effort to get some definitive answers, Carroll proposed identifying what sections of the road could be turned over to the Village if certain criteria were met. Specifically, this would mean that in the north south section, Paw Paw Lake would provide a 20-foot roadway approved by Council, a minimum of an 80-foot turn around at the end, and no utilities underneath the road other than branches that feed the homes. He asked the Engineer if this were something Council could consider. The Engineer stated absolutely. Carroll thought that it would be best to break the proposed project down into sections to present to Council. He asked the Street Commissioner if he had any issues with it, and the Street Commissioner stated he did not.

Regarding the east west portion of the road, Carroll asked if a 60-foot turnaround might be the largest possible. The contractor agreed and said a lot of tree removal would be involved. Kristensen stated that the spillway presented limitations in this area and proposed a modified turnaround where vehicles would back in and drive out again. Carroll asked if there was enough area to do a turn around before the dam, and Kristensen stated that would require property acquisition from individual property owners.

Kristensen stated that if a turnaround were needed on the east west section, the Paw Paw Lake Home Company owns land around the east side before the bridge and causeway. Carroll clarified that a 60-foot turnaround would be possible on the east west section of the road before the bridge, and Kristensen concurred.

Carroll asked the Engineer whether Council could consider taking on the east west section of the road, assuming it is a 20-foot-wide roadway with a turn around, and the specs meet Village requirements. The Engineer stated absolutely.

Carroll then asked the Engineer what the challenges were with the bridge. The Engineer stated that since the bridge has always been on a private road in a private subdivision, he had not seen a bridge structural evaluation report. He had no idea of the condition of the bridge as a result. He explained it is a one lane bridge and in its current configuration, it could not support a second lane. Carroll advised that if the Village were to consider accepting the road on the other side of the bridge, the bridge would also have to be brought up to standards. The Engineer stated that the bridge was a big obstacle to overcome. Porter asked if the three homes on the other side of

the bridge would remain as they are in terms of the road that serves them. The Engineer stated yes if the Village was not interested in taking on the bridge and replacing it.

Baumgart stated in previous discussion, it was decided that with the three homes located on the other side of the bridge, a one-way bridge would not be that much of a challenge. She said with the small volume of traffic on the bridge, the community would not have an issue with keeping it one way. Porter verified that the three homes are part of the association, and Baumgart stated they are and that they receive mail and have had emergency services. The Engineer explained that the bridge did not meet any kind of minimum width requirement, not withstanding any structural concerns. It would not be possible to put a road across it. Carroll asked the Engineer what information would be necessary for Council to consider taking on the bridge. He questioned whether this portion of the road should remain private. The Engineer explained that if the Village were to own the road, it would also own the bridge. Porter stated that this would mean the Village would have to bring the bridge up to code, and the Engineer agreed. Porter asked if the residents on this side of the bridge were agreeable to not getting any benefit from what is being proposed. Baumgart stated they have not brought this information to the residents because they do not have specs to bring to them. Porter explained that the three homeowners are paying money to the association and will not get any benefit unless the bridge becomes part of the public roadway and the Village would have to widen it and take care of it to reach the three houses. Kristensen stated that the residents from the three homes expect the road on their side to be widened as well. They have no problem with a one lane bridge or causeway.

Carroll asked Kristensen if he was saying the proposal was all or nothing. Kristensen stated that he has a mandate to come to Council for the entire community. If something different was proposed, they would have to bring it up to the community. Right now, although he did not like the phrasing of 'all or nothing,' he stated that they were there to negotiate on behalf of all the homeowners.

Baumgart stated that 42 homes are paying money for something they are not getting. She stated it comes down to what it will cost the residents and what they are really giving up. Some of the parameters like the 20-foot roadway and the cul-de-sacs are understood and had been presented to the community. Carroll stated that from his perspective, the north south run seems workable. The east west run might be workable, but the bridge and beyond may not. Kristensen stated that the bridge would not be complicated to widen according to one of the contractors with whom he had consulted for the project. Carroll explained that from a private perspective there might be more options than public entities have. For \$50,000 to \$75,000, the contractor stated it would be possible to replace the bridge with a box culvert. The Engineer explained that there would be many factors to consider with this. Carroll added that there is also the issue with the causeway, and the Engineer agreed and said he did not see how a 60-foot right of way would be possible. He added that the 60-foot right of way was his primary consideration for the whole project.

Baumgart asked for an explanation of the 60-foot right of way throughout the community. She stated that when the Engineer marked it, there were random spray paints in the middle of residents' yards. The Engineer explained that the Village has right of way to access this area should it need to effect roadway repairs, storm sewer ditching repairs, etc. It provides 30 feet

from the center line on each side of the road. Baumgart asked if this meant that the Village could dig up the residents' yards if there were an issue. The Engineer stated yes. She asked to what extent the Village would then repair the yards. The Engineer explained that where the right of way is disturbed, it is restored. The Village is not required to replace trees or landscape features.

Porter asked if Paw Paw Lake had a fund dedicated to road maintenance and had done assessments to add to the fund. He asked how much was in the fund. Kristensen stated possibly \$40,000. Baumgart stated that because of the spillway and the watershed management issues they have been paying for, it was nothing they earmarked that way. Porter asked if it was used for general maintenance rather than road maintenance. Baumgart stated yes and added that they have an annual budget that does road maintenance, snow plowing, etc.

Kristensen asked if he heard it correctly that the Village did not want to have anything to do with the utilities, whether that was the water line or gas line. The Engineer stated that was correct, that the Village did not own them. Kristensen stated that they are in what they call the five foot right of way. With the additional footage required by the Village, Kristensen asked how the utilities that belong to Paw Paw Lake would be managed. The Engineer stated that all right of way is like this, much like the Village does not own the First Energy or Dominion lines, etc. The right of way is there for roadway access and maintenance and a place to put all the public utilities. Kristensen asked if the Village planned to move the utilities, or for what purpose the extra space was required. He wanted a straight answer and wanted to know what the Engineer was trying to accomplish with the 60 feet. Kristensen stated he was not saying the Village could not have it, and he could go back to the community to ask for it.

The Engineer explained that the 60 feet is a State standard for a public roadway, and that is simply what it is. Kristensen stated he called it bureaucracy and red tape and asked for what purpose the Village needs it. Carroll stated it is an access issue and a requirement. Porter stated that more correctly the Village would not be liable for trespass when doing roadwork, etc. The contractor asked if there was a way for each homeowner to give an easement for utilities rather than giving away 10 feet of their property. The Engineer pointed out that the right of way is an easement. The contractor agreed but said a right of way involved buying property from each homeowner, where an easement was just an agreement. It would have to be part of the deed restriction. Porter stated that typically every deed states that the homeowner owns the land subject to existing easements for utilities, water, gas, etc. Porter reiterated that as the Engineer indicated, the Village must have 60 feet of right of way. The Engineer added that development opportunities had been denied in the past for a developer that could not maintain or support the right of way. Kristensen felt that it was possible to resolve the 60-foot right of way issue with the Paw Paw Lake residents.

Porter stated that if Paw Paw Lake was looking for the Village to pay everything to make it a public road and then have the Village take the road over, he did not see any appetite in Council for this. He thought if Paw Paw made the road conform to the standards of which the Engineer referred; the Village might be interested in accepting the road from that point on. Kristensen stated exactly. Porter said he was not speaking for Council, but questioned whether Council would authorize spending \$1.5 million to make the Paw Paw Lake road conform to Village

standards with no real financial contribution from Paw Paw Lake. He did not see this at all. He did think Council would be interested in accepting a road if it had been made and conformed to Village standards. Once it conformed to public standards, it was something the Village could do. To expect, ask, or demand that the Village do this after 100 years or so of private ownership seemed like a stretch.

Baumgart stated that the community had to make a lot of big noises with this government considering that they had had major watershed issues with the gas line issue. She reiterated that the installation of the gas line filled up the silt pond because of modifications to the ditch along Bell Rd. The water is pouring in worse than ever into Paw Paw Lake and across the roads, damaging the roads. She stated that they have been dealing with things for 99 years and the damage is too great. The right of way has gone through the entire Paw Paw Lake property.

Carroll stated that to move forward, the committee would go to the full Council for consideration of the north south stretch, the east west stretch, but not past the bridge and beyond. He did not think Council would consider this part. Carroll addressed ditching, and the Engineer stated there would be a ditch on both sides of the road. Carroll asked if this was part of the engineering process, and the Engineer stated it is. He advised that looking at the main north south road, all the water on the east side of the road has to make it across to the west side of the road so there would have to be ditches, inlets, collection points, and culverts that come underneath because water goes from east to west.

So that Paw Paw Lake could get good estimates, Carroll advised that they should get estimates for 20-foot-wide roads with a 60-foot right of way with a ditch on both sides. Utilities must be outside the roadway. He emphasized Paw Paw Lake should be provided with list so that they could get specific pricing done with the understanding that Paw Paw Lake would have to provide engineered specs that would be reviewed and approved by the Engineer. It would not be a simple asphalt overlay and extension, but whatever the Engineer specified for the design. The Engineer added that if the community were considering keeping portions of the existing road, they would need to provide pave and cores to make sure there is sufficient thickness and structure. The Village would need to know that the road would meet the desired standards of a public roadway.

Carroll asked if this gave the residents enough information to move forward. Baumgart stated she would like this in writing. Carroll explained that the committee still needed to present this to Council. He added that it would take time for the community and committee to consider the issues with the cul-de-sacs. Carroll reiterated that the committee could present the concept of taking on the road if it were brought up to the Village's standards, and the Engineer added that after Council's level of agreement was determined, then he would provide specifications to Paw Paw Lake for development of plans. If Council were to decline the suggestion, it would save the community the cost of obtaining these plans.

Kristensen stated that Paw Paw Lake had made a proposal to the Village, and obtained a quote that was cost competitive. He was not sure how long the quote would be honored and urged that something had to be done. Carroll stated that this was what he was trying to do, and Kristensen

claimed that Carroll was adding to it and delaying the process. Kristensen stated they would have to come back again and they were about done.

Porter stated that the likelihood that Council would adopt an ordinance taking Paw Paw Lake Drive as a public road is probably close to zero at this point. Kristensen stated that the committee should take their proposal to Council to see. Porter stated the community could do this, but that Council would want a recommendation from Streets Committee as to whether to take it on as a public road. At this point, his take was no. Kristensen stated the Street Committee needed to get going, because this matter had been discussed for two years. Carroll stated he would have no issues taking over the road, the north south and east west run up to the bridge, if it met the Villages specs. However, Council must approve this. He wanted to get to the point of identifying the specific parts of the road and the mandatory elements like the 60 - foot right of way. If this were not possible, the matter would be finished. Carroll agreed that the matter had been discussed for a long time, and his goal was to give the community some direction. He said the committee would bring to Council for consideration a north south, east west road up to the bridge, with 20-foot roads, 60-foot right of ways and ditches on either side of the road, and a determination of the size of the cul-de-sacs. The next Council meeting would be July 13th, where this would be presented. It may be that Council only accepts part of the plan, but this would at least be part of the road Paw Paw Lake would no longer have to maintain, which may be worth it to the community. Porter clarified that Carroll was not suggesting the Village pay for Paw Paw Lake to bring the road up to Village Standards, and Carroll stated he was not. Porter reiterated that if Paw Paw Lake brought their road up to Village specification, then Council might be inclined to take the road so Paw Paw Lake would not have the maintenance requirements after this point. Carroll agreed and added that how the road was funded was another discussion.

Kristensen asked if the Engineer had a document he could provide to their contractor with the specs. The Engineer stated he had already provided it but would certainly provide it again. Kristensen stated he understood what the general spec was, but now they would be looking at a 20-foot road and asked what the specs were for that particular piece of road. Dix added that if there were asphalt there, the depth would need to be determined and tested because the Village would want to know what it is inheriting. Carroll stated that the specs would be the same, it would just be narrowed to a 20-foot road. The Engineer stated that if Paw Paw Lake planned to keep any of the existing roadway, the Village would need to know what that is, and have a cross section that shows how much they would be keeping, where it would be cut off, and the fitness and composition of the existing pavement along the edges and in the centerline, as verified by core samples. The contractor verified he had the document that described this requirement.

The Mayor stated that there will be culverts running under the road to get water from east to west. In anticipation of potential sewers, he also asked if something would go in, and the Engineer stated no, that this was the purpose of the right of way. The Mayor verified it would be the water lines going to the houses west of the road and some culverts. He verified that the water lines were not currently under the road. The Engineer stated he would like to see drawings with the existing roadway. Porter clarified that the main water line is not under the current road, and Dix stated it is buried. Porter asked if the road were to be expanded, would the main water line

then be under the road? Kristensen stated there was a place where the main goes underneath the road and then across again. The Engineer stated this was fine. He explained that the concern was about a longitudinal water main that was under the pavement. Porter asked Kristensen to send the diagram of the water line to the Engineer.

The Mayor addressed the gas line issue and said there were two different issues. One issue was the gas line that was east of Baumgart's property. The swale was no longer there which was sending water west. The other issue was the 2016 gas line installed on the south side of Bell Rd. that is affecting the silt pond on the north side. Carroll stated that there was some current concern on Council about this matter. He referenced the former Street Commissioner and said Council was advised that the current swale/ditch would be used because it was deep enough for the gas line, and Council was assured it would not cause issues with water runoff. Now it sounded as if filling in part of the ditch caused an issue. Baumgart stated that her point was that she acknowledged it might sound eccentric to say that Paw Paw Lake wanted \$1.5 million dollars because they pay taxes. It occurred to her that they incurred damages. They could live the way they had for 99 years until the things that are happening in this community impacted it so much that they are now coming to the Village. Now they have spent time in all the meetings, and although she understood the roadway and cul-de-sacs, at the end of the day so much time and energy was being spent talking about the steps, Village requirements, and now comments about the concept being hard for the Village to stomach. She added that change is hard for any resident to stomach even if wanted. She wanted the road and planned to live in her house the rest of her life. Going back four years, they would not be in this position if they did not have the damages to their current road. This was their main problem. According to Baumgart, there is massive damage and it will cost everyone including the Village and Paw Paw Lake residents to fix it. Instead, she felt they were getting stone walling and comments about what the Council can stomach. She understood but emphasized Paw Paw Lake had major damage to their beautiful private community and it is their job to address unsafe damaged roads. She stated it was necessary to stop screwing around with the right of way and the other requirement and the vote. They needed an agreement to get funding, not just requirements. She appreciated Carroll helping to push this along and getting the necessary requirements, but the next big problem to happen quickly was that Paw Paw Lake needed dollars and cents for the damages incurred that the Village, gas line, water, and all the things in the community where there was negligence, whether it was the Council four years ago or whomever it was. She did not live in Paw Paw Lake at the time, but she wanted dollars and cents for the damage on her roads.

The contractor stated that regarding the spec of the road rim currently, he could get cores taken. The Engineer agreed and said that cores are relatively inexpensive.

Porter asked if there were any further questions, and having none, concluded the Paw Paw Lake portion of the Street Committee meeting.

The Mayor asked if anything would be scheduled with Paw Paw Lake before the Council meeting, and Porter stated no and that he thought it could be addressed at the July 13th meeting.

Carroll reiterated what would be presented to Council. Kristensen stated that Baumgart stated it well, and that he was there representing 42 homeowners. The majority of them are following the

line of conversation. He clarified that what he was saying was that the Village should wake up to the reality that this is what is happening. They cannot keep going like this. Dix stated that if there is another winter like last winter, there would be no asphalt left on half the road. She stated that this was not something they created. Kristensen stated that there was a presentation to Council after the gas line was installed. It was not like they had not been addressing the matter with Council. Kristensen concluded it was time to wake up and be responsible.

Porter addressed the Sugarbush proposal. The Mayor stated it would be \$13,000 to clean out their silt pond. Porter asked why the Village should pay for this. The Engineer stated that Sugarbush had always had a silt pond immediately upstream of their main pond to capture and settle out silt from stormwater runoff as it enters the pond. The Village had several construction projects, Bell Road West being one, in that area. It is the Sugarbush residents' contention that their silt pond has filled more rapidly because of this construction. The Engineer did not disagree with this. The Manor Brook Stream Restoration project would involve a creek that leads to the tributary to the Sugarbush pond. During the construction phase of the project, there will be a lot of exposed earth, which will generate silt, which will migrate downstream before the vegetation has become established. Although they will recognize the noticeable benefit in the velocity the water that will come downstream to them since the flood planes will be widened, the residents are worried because their silt pond is already full. The Engineer stated this is a legitimate concern, and believed if the silt pond were cleaned prior to the construction and got a bathymetric survey, the Village could determine how much silt would result from the Manor Brook restoration project and could then remove that silt.

Carroll asked if it would make more sense to dredge the silt pond when the project was done and was afraid the Village would have to do it twice. The Engineer stated that likely the Village would. He stated that nothing would settle in the silt pond, but rather go directly into the lake. Porter asked how much of the silt build up was the result of runoff from Village water. The Engineer stated all of it. This is what streams do. They cut channels and pick up silt and the silt migrates downstream. This is a natural process. Moving water transfers silt. Carroll asked how this would be different than when the Chagrin Lakes neighborhood came to the Village because of silt build up. The Engineer explained that after completion of the Bell Road West project, the Village had the contractor take two dump truck loads of silt out of the pond. Porter explained that the Sugarbush silt pond is meant to collect silt before it gets into the pond. It had built up over time, and the last time they dredged was 2008. He understood the concern but was not sure the Village should pay for all of it. Perhaps the Village should pay for half of it. Carroll added that he thought they were planning to dredge the silt pond but waited until completion of the Bell Road West project. Regardless, it seemed they did not do it when they were supposed to do it. The Engineer agreed. Carroll said his concern involved the Village having to clean the pond twice. He said after the Bell Road West project, the Village should have done it then, but did not. Carroll stated it was a Pandora's Box because of Chagrin Lakes with the Lantern project. The Engineer stated that with this project, there was no way to prove or quantify how much if any silt was deposited. There was no base line. Carroll stated this was the same situation with Sugarbush. The Engineer agreed and said that it would be possible to quantify it before and after the project. Carroll advised that thinking ahead, when the Village does Bell Road East, Paw Paw

Lake's silt pond is right off the road. The Engineer stated it would depend on what is done with Bell Road East. Bell Road West was widened, and a couple of big culverts were replaced. There was a lot of exposed earth. He did not see the Bell Road East project as being as involved.

Porter reiterated that Sugarbush residents wanted their silt pond dredged and have the Engineer's estimate for \$13,000. If it is done now, there would be a baseline to measure silt deposits from the Manor Brook project. Porter asked what would happen if it were not done now. The Engineer stated there would be no baseline, and all the silt would end up in the lake. Carroll questioned whether the Village should wait until the completion of the project to clean out the pond. The Engineer stated if the Village waited, then all the silt would be in the big lake, which would be more difficult to clean out.

Porter thought it was fair to pay for half. Carroll said it sounded fair but was worried about the Pandora's Box effect with Paw Paw Lake with Bell Road East construction. Porter suggested that when the time came, the Village might dredge their silt pond too. Porter viewed the situation as not wanting to further complicate stormwater issues because the Sugarbush silt pond was full. In an effort to address stormwater issues, the Village would pay half the cost of the Engineer's estimate to dredge the silt pond. The Engineer thought this was fair. Carroll agreed. The Engineer added that maintenance of the silt pond is the residents' responsibility, and it had been lacking. Porter agreed and said they should have cleaned it awhile ago. Carroll stated he struggled with it, but half was reasonable and would help with downstream stormwater issues.

The Mayor stated that the Village only caused two problems, Paw Paw Lake and Sugarbush. Porter acknowledged this and stated that when the Village fixes a road or has a project, and there are problems because of it, the Village should address them. The Mayor stated that Sugarbush should be notified that Council will be considering covering half the cost. He would convey to them that they had not cleaned their silt pond since 2008 and the Village did some of it in 2014, so the Village was willing to split half and half.

The Mayor asked if there was anything new with Lake Louise. The Engineer stated that plans are being finalized for Lake Louise Bridge and getting ready for bid.

The Street Commissioner stated that he received a call from a resident on Daisy Lane about a dead ash tree that it is very close to the edge of the right of way and in the power lines. He thought the Village should take it down. Carroll stated if it is in the right of way, he is fine with it. The Street Commissioner would remeasure it and make sure it is in the right of way. He would require funding, and Carroll stated that the budget would have to be amended.

Porter adjourned the meeting at 9:28.



Michael Carroll