

**Record of Proceedings  
Village of Peninsula Council  
Special Council Meeting**

**Held: February 5, 2019**

**CALL TO ORDER:** The Village of Peninsula Council convened from 6:05 p.m. to 6:57 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the roll call. The following members were present.

**COUNCIL MEMBERS:**

Michael Matusz	ABSENT	Douglas Mayer, Mayor	PRESENT
Mary Booth	ABSENT	Chris Weigand	PRESENT
Michael J. Kaplan	PRESENT	Daniel Schneider	PRESENT
Diane Holody	PRESENT		

**OTHERS PRESENT:** Solicitor Brad Bryan and Administrative Clerk Marty Kuboff

A discussion took place about the letter received from the Department of the Army, Buffalo District, Corps of Engineers, dated January 28, 2019. Subject: Second Notice of Violation – Department of the Army Enforcement No. 2014-00468. This letter is in reference to the discharge of concrete and fill within the channel and below the ordinary high water (OHW) mark of the Cuyahoga River located west of Akron Peninsula Road.

Mr. Bryan suggested the first step in addressing this matter should be to contact Tina Stonemetz of the U. S. Army Corps of Engineers to set up a meeting.

It was decided that further discussions on this matter should take place in executive session.

A motion to go into executive session to discuss this issue, which involves possible litigation, was made by Mr. Kaplan and seconded by Mr. Schneider.

Roll call vote: Mr. Kaplan: yes, Ms. Holody: yes, Mr. Weigand: yes, Mr. Schneider: yes. The motion carried, and Council entered Executive Session at 6:18 p.m.

A motion was made by Mr. Kaplan to come out of executive session that was seconded by Mr. Schneider.

Roll call vote: Mr. Kaplan: yes, Ms. Holody: yes, Mr. Weigand: yes, Mr. Schneider: yes. The motion carried, and Council exited Executive Session at 6:50 p.m.

A motion was made by Mr. Kaplan to appoint a committee of Mr. Schneider, Ms. Holody, and Mr. Kaplan to look into and develop options on how best to respond to the situation relating to Department of Army Enforcement No. 2014-00468. The motion was seconded by Mr. Schneider.

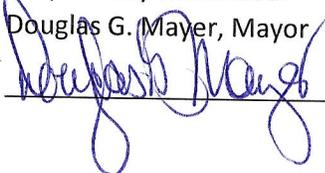
Roll call vote: Mr. Kaplan: yes; Ms. Holody: yes; Mr. Weigand: yes; Mr. Schneider: yes. The motion carried.

Council asked Mr. Bryan to prepare a letter from the Mayor to the Army Corps requesting a meeting between Ms. Stonemetz and the Committee appointed by Council as soon as possible.

**ADJOURNMENT:** A motion to adjourn was made by Mr. Kaplan and seconded by Mr. Weigand. All were in favor of the motion; none were opposed. The meeting was adjourned at 6:57 p.m.

Respectfully submitted:

Douglas G. Mayer, Mayor



Date

4/4/2019



Deborah Wordell

Fiscal Officer

Date 04/12/2019

Certified Mail – Return Receipt Requested



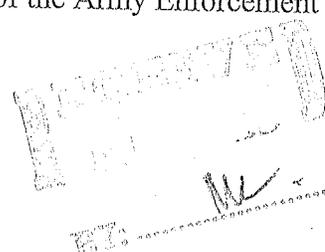
**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

January 28, 2019

REPLY TO  
ATTENTION OF  
Regulatory Branch

SUBJECT: Second Notice of Violation - Department of the Army Enforcement No. 2014-00468

Mayor Douglas G. Mayer  
1582 Main Street  
P.O. Box 83  
Peninsula, OH 44264



Dear Mayor Mayer:

This is in reference to the discharge of concrete and fill within the channel and below the ordinary high water (OHW) mark of the Cuyahoga River that was completed by the Village of Peninsula (Village). The project is located west of Akron Peninsula Road, within the Village of Peninsula, Summit County, Ohio, Latitude: 41.23212 and Longitude: -81.546098 (Sheet 1).

During the August of 2017 meeting with Village council members, they expressed a need for a bank stabilization project; however, as indicated in the Notice of Violation letter dated August 7, 2017, due to the way the material was discharged and the type of material placed, the project cannot be authorized as constructed. Numerous extensions were granted to the Village for submittal of the information required for a Department of the Army after-the-fact (ATF) permit; however, the Village has failed to provide this information.

Therefore, submittal of your ATF permit application, permit application drawings, and plans to remove all concrete and other fill material located below the OHW mark and within the channel of the Cuyahoga River shall occur by **February 28, 2019**.

Failure to provide the required information by **February 28, 2019** will result in the forwarding of your file to my Office of Counsel with a recommendation for issuance of a Removal/Restoration Order.

Should work continue in an area which is within Department of the Army jurisdiction without proper authorization, you may incur additional violations of Federal law. If that happens, your project may be stopped, a full or partial restoration of the jurisdictional area may be required, and/or you may be subject to civil penalties.

Copies of this letter have been sent to Wendy Melgin of the US Environmental Protection Agency, Jeff Boyels of the Ohio Environmental Protection Agency, and Daniel Schneider Village of Peninsula Council President.

Regulatory Branch

SUBJECT: Unauthorized Activity Department of the Army Enforcement No. 2014-00468

Questions pertaining to this matter should be directed to Tina Stonemetz at (330) 923-8197 or (716) 879-4114, by writing to the following address: U.S. Army Corps of Engineers, 1100 Graham Road Circle, Stow, Ohio 44224-2933, or by e-mail at: [tina.p.stonemetz@usace.army.mil](mailto:tina.p.stonemetz@usace.army.mil)

Sincerely,

716 879 4330  
SIGNED

(H.T.K.)

Harold T. Keppner  
Chief, Monitoring & Enforcement Section

Enclosure