

The January 13, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

**Councilmembers:** Joe Harten  
Mark Kobasuk  
Cheryl McConnell  
Chuck Short  
Curt Tiettmeyer  
Daryl Zornes  
Solicitor: Doug Miller  
Fiscal Officer: Keri Everett

2014 Annual WinterFest in the Village (Reported by Mayor Cosby)  
It is estimated that 3500 to 4000 guests attended WinterFest.

2015 Council Committees

The only changes to the Council Committee structure is Joe Harten and Cheryl McConnell have agreed to switch head assignments for 2015. Mr. Harten is now chair of the Parks Committee and the Board of Zoning Appeals. Mr. Harten is also a member of the Public Safety Committee. Mrs. McConnell will serve on the Planning Commission.

2015 Lenten Fish Fry – (Fridays - February 20 – April 3)

The annual Fish Fry will take place at the Fire House located at 7036 Main Street on Fridays (Feb. 20 – April 3) from 5 to 7pm. The Fish Fry is sponsored by the Newtown Civic League and Little Miami Fire and Rescue.

2015 President Pro Tempore (Mayor Pro Tem/Vice Mayor) Nomination

Mayor Cosby said Mr. Zornes would like to serve as Vice Mayor again.

**Mr. Harten made a motion to appoint Daryl Zornes as the 2015 President Pro Tempore of Newtown Village Council. Mr. Short seconded the motion. All Aye. Motion Carried.**

Miami Valley Christian Academy / Short Park Agreement (Reported by Mr. Harten)

A meeting will be held Friday, January 16<sup>th</sup> at 8am at the Municipal Center to discuss potential environmental issues. Solicitor Miller, Mark Kobasuk, Mayor Cosby, Tim Hoffman with Dinsmore & Shohl will be present. Mr. Harten and MVCA's attorney will be included in the discussion via conference call. Mr. Tiettmeyer asked Mr. Harten if he knew when MVCA would be taking responsibility of maintenance at Short Park. Mr. Harten thinks this year will be more of planning a planning year, and MVCA maintenance at the park will begin this spring. Full scale construction may begin late this year.

Lake Barber Project Update (Reported by Joe Harten)

Meeting notes from Chris Manning, landscape architect and representative with Human Nature Inc. were presented to Council. The meeting notes are from December 9<sup>th</sup>, 10<sup>th</sup> and 15<sup>th</sup> meetings that took place with local Newtown businesses. Mr. Harten, Mrs. McConnell and Mark Gillespie attended most of the meetings. The process was very valuable with a lot of community input from business owners and others.

Mrs. McConnell was impressed at how eager some of the businesses are to partner with the Village and invest some time and funds into improving Lake Barber.

2015 LMFD Fire Board Appointments

**Mr. Harten made a motion for Mark Kobasuk to continue serving as the 2015 Council-appointed designee to the Little Miami Fire District Fire Board. Mr. Short seconded the motion. All Aye. Motion Carried.**

**Mr. Harten made a motion for Curt Tiettmeyer to continue serving as the alternate to the 2015 Fire Board, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to reappoint Terry Fairley, resident-at-large, to the 2015 Little Miami Fire Board. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

Short Park and Moundview Field Use Agreements

The contract with Cincinnati United Soccer Club and Anderson Township Little League is up for renewal. Mr. Harten has notified both organizations of potential construction at Short Park. Both organizations are understanding and supportive and looking forward to working with MVCA. The following agreements with Cincinnati United Soccer Club and Anderson Township Little League have been constructed as one-year agreements, due to the possibility of construction early 2016.

Resolution, Field Use Agreement with Cincinnati United Soccer Club

**Mr. Harten made a motion to suspend the rules, seconded by Mrs. McConnell. All Aye. Motion Carried.**

**Mr. Harten made a motion to adopt RESOLUTION NO. 01-2015 A RESOLUTION APPROVING A FIELD USE AGREEMENT FOR ATHLETIC FIELDS, AND DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Field Use Agreement with Anderson Township Little League

**Mr. Harten made a motion to suspend the rules, seconded by Mrs. McConnell. All Aye. Motion Carried.**

**Mr. Harten made a motion to adopt RESOLUTION NO. 02-2015 A RESOLUTION APPROVING A FIELD USE AGREEMENT FOR ATHLETIC FIELDS, AND DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Contract with Michael R. Spry

**Mr. Harten made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Harten made a motion to adopt RESOLUTION NO. 03-2015 A RESOLUTION APPROVING A CONTRACT WITH MICHAEL R. SPRY FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Parks Committee Meeting

Parks Committee Members: Mr. Harten, Chairman, Mr. Short and Mrs. McConnell. The committee will meet on Wednesday, January 21<sup>st</sup> at 7:30am at the Municipal Center. Mark Gillespie will also attend this meeting to discuss 2015 budget items.

Memorandum of Understanding with the Newtown Veterans Association (Reported by Cheryl McConnell)

Discussions regarding an agreement have continued since the 12.2.2014 Council Meeting. While the document is not final at this time, it is a working document and is being implemented as it stands today. The memorial is now covered in the Village's insurance policy. The Veterans Association is aware of this and supports the idea of coming to Village Council for approval for any additions to the memorial. Moving forward, Mr. Harten, Chairman of Parks, will continue the dialogue with Mr. Lynn Burger, Commander of the Veterans Association, once he returns from Florida in about six to eight weeks. Mrs. McConnell said she is happy to assist in any way.

Mr. Tiettmeyer asked if the two statues talked about at the 12.9.2014 Council meeting had been ordered. Mr. Short said the statues have been ordered with the assumption they would be able to be placed at the memorial. Mr. Tiettmeyer said the items that have been ordered should be presented to Council for approval. Mrs. McConnell said she believed that is the plan; the two statues are around 4 feet high with plans to place half way down the path on both sides of the memorial. Council will have an opportunity to view the plans for approval. Mr. Short said the plan for these items will be brought to Council for approval at the 1.27.2015 Council Meeting.

Mr. Harten asked Mr. Short, with the approval from the Veterans Association, to potentially hold off until Mr. Burger returns to discuss long-term vision for the Memorial at Moundview Park.

LMFD Fire Board Update (Reported by Mark Kobasuk)

In December, the Fire Board signed a new collective bargaining agreement with the Little Miami Professional Firefighters Local 4380 Union. A three-year contract was negotiated with no pay increases. The recent salary analysis reflects the LMFD firefighters are paid very well. By changing healthcare plans, there will be a savings, which will be used to pay 100% of the employee's healthcare deductible. Mr. Harten thanked Mr. Kobasuk for his efforts. In an effort to reduce the current 12 mill levy or the possibility of another tax levy, efforts are being made to expand the fire district.

October, 28, 2014, Village Council adopted Resolution No. 2014-28, a resolution requesting the Hamilton County Treasurer designate the proper taxing authorities on Village of Newtown Real Estate Tax Bills. This request will provide more clarity to Village taxpayers if individual property tax bills disclose the amount of taxes being paid specifically for the Little Miami Joint Fire & Rescue District. As of today, the tax bill still shows the Little Miami Fire and Rescue levy reporting as a "Township" tax, not a fire district tax. When it says "Township" on the tax bill for Newtown residents, it really means "Little Miami Fire and Rescue District."

Hamilton County Treasurer Designate Proper Taxing Authorities

Mr. Tiettmeyer asked Mayor Cosby if he had received a response to his letter sent to Hamilton County Treasurer Robert A. Goering, November 5, 2014. Mayor Cosby said he will make a phone call since a response has not been received to date. Mr. Tiettmeyer asked Solicitor Miller to follow-up with his contact also.

Ordinance, Setting Date, Time and Place for Village Council Meetings (Reported by Mark Kobasuk)

This ordinance is adopted annually by Village Council. Regular meetings of the Council of the Village of Newtown shall be held on the second and fourth Tuesday of each month at 7:00pm at the Newtown Municipal Center, 3537 Church Street, Newtown, Ohio 45244. The date and time of a regular meeting may be changed or cancelled, and the place of a regular meeting may be changed, by a majority vote of Village Council.

**Mr. Kobasuk made a motion to suspend the rules, seconded by Mr. Harten. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to adopt ORDINANCE NO. 01-2015 AN ORDINANCE SETTING THE DATE, TIME AND PLACE OF VILLAGE COUNCIL MEETINGS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Ordinance, Employment and Compensation of Legal Counsel (Reported by Mark Kobasuk)

**Mr. Kobasuk made a motion suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to adopt ORDINANCE NO. 02-2015 AN ORDINANCE PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL COUNSEL, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mr. Kobasuk asked Solicitor Miller if the hourly rate of \$180/hr would remain the same for 2015.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Solicitor Miller thanked Council.

Mayor's Court Computer Maintenance Agreement (Reported by Mark Kobasuk)

**Mr. Kobasuk made a motion to approve \$3,593.95 for the Mayor's Court Computer Maintenance Agreement, seconded by Mr. Zornes.**

Discussion

Mr. Short asked what the agreement provides. Chief Synan said the agreement helps with software updates for the INTERBADge system that maintains the records. Mr. Kobasuk said it is also a support agreement.

**All Aye. Motion.**

Checklist

**Mr. Tiettmeyer made a motion to approve the 12.31.2014 Year-end Checklist for \$164,348.91, seconded by Mr. Harten. All Aye. Motion Carried.**

Resolution, 2015 Temporary Appropriations

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 04-2015 A RESOLUTION APPROVING THE VILLAGE TEMPORARY APPROPRIATIONS FOR 2015, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mr. Tiettmeyer explained that appropriations are in a calendar year and when we get to the end of the year, the appropriations we were operating under drop so there is no real approval to spend money, unless the Temporary Appropriations are adopted until the final budget for the year is completed.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

2015 Budget Wish Lists

Mr. Short asked Mr. Tiettmeyer when the 2015 Budget Wish List for each department is due. Mr. Tiettmeyer said it would have been helpful to have the information now. A preliminary budget will be completed by February 3, 2015, so all requests need to be turned in within the next ten days. The information will then be sent to Council and everyone's feedback is due by February 6<sup>th</sup> to Mr. Tiettmeyer. The First Reading will take place at the February 10<sup>th</sup> Council Meeting. The Second Reading should take place on the 24<sup>th</sup> with the Final Reading on the 2015 Budget at the March 10<sup>th</sup> meeting.

Resolution, Contract w/ Brandstetter Carroll

The Council of the Village of Newtown wishes to approve a contract with Brandstetter Carroll, Inc. as Engineers for the Village.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Harten. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 05-2015 A RESOLUTION APPROVING A CONTRACT WITH BRANDSTETTER CARROLL INC. FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Solicitor Miller did not hear back from BCI as to if there would be any changes to the contract. Mayor Cosby suggested passing the resolution.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Contract w/Richard A. Weber

The Council of the Village of Newtown wishes to approve a contract with Richard A. Weber as Property Maintenance Inspector of the Village.

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 06-2015 A RESOLUTION APPROVING A CONTRACT WITH RICHARD A. WEBER FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Resolution, Advance Payments of Real Estate Taxes

**Mr. Tiettmeyer made a motion to suspend the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 07-2015 A RESOLUTION AUTHORIZING ADVANCE PAYMENTS OF REAL ESTATE TAXES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

Discussion

Mr. Kobasuk asked about the benefit of this resolution. Solicitor Miller said the Village would receive their money sooner from the county. Mr. Kobasuk said the LMFDFire Board discussed this and thought it sent the wrong message to ask for the money early. Solicitor Miller said everyone does this – why let the county use the Village's money? Payments typically do not start coming to the Village until May.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Municipal Center Odor Issue (Reported by Curt Tiettmeyer)

There has been a foul odor in the building since the Open House November 2013. The odor was discussed at the 10.28.2014 and 12.09.2014 Council meetings. The odor continues to be an issue. The maintenance department has checked for moisture under the floor in the copy room. It appears to be more related to bats in the hose tower and not a sewer gas problem. Permakil has handled the bat problem to date and rendered an opinion of a solution. Proactive Consulting Services has done environmental testing on the hose tower and made recommendations. We are in the

process of securing an estimate for reducing the height of the tower, which will eliminate the area that appears to be an ideal root site for bats. A meeting will take place to discuss the property way to deal with this ongoing issue.

Mr. Kobasuk asked if the odor was coming from bat feces. Mr. Tiettmeyer said, yes and it is believed that feces and urine are going down into the wall of the concrete blocks, which is what was used to construct the tower. This has probably been going on since the hose tower was built. The tower is also not properly vented. Cost will be taken into consideration while coming up with a solution to eradicate the source of the problem.

Mr. Kobasuk asked if the problem was remediated during construction. Ms. Everett said an entire bat colony was removed during construction and the tower was scrubbed down twice. Additional bats have made their way back into the hose tower for this past year. Permakil inspected the tower and believes bat guano and urine is inside the brick walls. Bats desire high places to roost and can fit into very small places. Mr. Tiettmeyer said it is a concern that the bats will come back if we just try to seal the tower. Mr. Tiettmeyer assured Council an effort will be made to resolve this odor issue. Ms. Estimates have been obtained from a roofing company and a structural company. We are waiting to hear back from an environmental cleaning company.

The estimated cost to partially remove the hose tower is \$30,000 to \$35,000. Ms. Everett has pictures showing bat guano and urine all over the walls in the hose tower. Glendale Fire Department operates out of an older building and has spent \$38,000 to try to get rid of their bat problem. They have sealed and plugged the building time after time. Mrs. Fairley said she talked to Fire Chief Hardwick and they are looking at a possible levy to build a new building since they have spent all of this money and can't get rid of the bats. Mr. Tiettmeyer said that is certainly one of the arguments as to why we should tear down the tower. The bats would not be as interested in the tower if it was lowered. Mrs. McConnell wondered why the odor comes and goes and why it is stronger in the winter months when the heat system is running. Ms. Everett said Permakil said bat guano and urine gives off the worst odor when it gets moist. Mayor Cosby said there is more moisture in the air in the summer than the winter, but the odor subsides in the summer.

Mr. Kobasuk asked if there were any health hazards from the bat guano and urine. Mr. Tiettmeyer said we would be concerned with health issues sending somebody into the hose tower.

After meeting with the professionals, Mr. Tiettmeyer will bring a conclusion back to Council.

#### Board of Elections Rental Agreement (Reported by Curt Tiettmeyer)

The Village of Newtown allows the Board of Elections to use the Municipal Center for elections. A rental agreement was presented to Council for approval. The last election there were a few issues with the way the council chamber was set up and one of the volunteer's family members were here for a while hanging out. We would like to renew the agreement with the understanding that daily operations continue during the election process and ask that the poll workers respect the space. A letter outlining these issues with the past election will be included with the signed agreement.

**Mr. Tiettmeyer made a motion to approve the rental agreement with The Board of Elections with the stipulations of items discussed. Mr. Harten seconded the motion. All Aye. Motion Carried.**

#### Police Department Renovations (Reported by Curt Tiettmeyer)

In an effort to limit public access to the front of the building, a handicap ramp will be added to the front. A few permit issues have been resolved and changes to the drawings have been made. January 26, 2015 is the target date to go out to bid. Once a bid has been accepted, we will know the timeframe the project will begin.

#### Council Minutes

**Mr. Zornes made a motion to approve the 12.09.2014 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

#### Resolution, Liability Insurance w/The Ohio Plan Risk Management

**Mr. Zornes made a motion to suspend the rules, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

**Mr. Zornes made a motion to adopt RESOLUTION NO. 08-2015 A RESOLUTION APPROVING A CONTRACT FOR LIABILITY INSURANCE WITH THE OHIO PLAN RISK MANAGEMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Short seconded the motion.**

#### Discussion

The Lake Barber insurance was decreased to \$5,600, as opposed to the \$5,993.75 amount. The liability insurance was reduced from \$22,590 to \$20,592.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Ordinance, Street Commission / Cemetery Sexton

Whereas, the ORC Section 735.31 provides that the mayor of a municipal corporation shall appoint a Street Commissioner for the municipal corporation and such Street Commissioner is to be confirmed by the legislative authority.'

That Mark Gillespie is hereby appointed and confirmed as the Street Commissioner/Cemetery Sexton for the Village of Newtown.

**Mr. Short made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.**

**Mr. Short made a motion to adopt ORDINANCE NO. 03-2015 AN ORDINANCE APPOINTING A STREET COMMISSIONER AND CEMETERY SEXTON IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes. Motion Carried.**

Storm Drain Repair – 6778 Main Street (Reported by Chuck Short)

The catch basin has failed and the street is sinking. Several estimates have been received.

**Mr. Short made a motion to approve an amount not to exceed \$1,750 to repair the catch basin located at 6778 Main Street. Mr. Harten seconded the motion.**

Discussion

Mr. Tiettmeyer asked about the catch basin approved at the 12.9.2014 Council Meeting. He asked how many more are in need of repair. Mr. Short said that number is unknown at this time, as this happens sometimes when the street sinks. Mark Gillespie said the maintenance department will do an assessment of the condition of the remaining catch basins. Mr. Tiettmeyer said that will be helpful as we plan the budget.

**All Aye. Motion Carried.**

Salt from Hamilton County

Mayor Cosby said we are already using salt and a sand mix, are we paying a per tonnage price for pure salt? Mr. Gillespie said, no – basically, they are giving the sand for free. The county stores our salt, uses their front loader to load for the Village and gives us calcium chloride if we'd like to have liquid. Mr. Gillespie said when it comes to salt, the Village is able to go out to bid with the county, the city of Cincinnati and others. The contracts for salt are negotiated in June or July each year. Mr. Gillespie stated it is a buying power issue so the more people that get together, the more buying power one has to drive the cost down. Mayor Cosby said he thought it was good to use some sand to stretch the salt.

Mr. Tiettmeyer said he thought 150 tons had to be paid back to the county. Mr. Short said that came out of the first order; the second order has already been delivered. Mr. Gillespie said he received the invoice today for the second order of salt. Mr. Tiettmeyer said, before ordering salt, it should be appropriated. Ms. Everett said this second batch was not appropriated. Mr. Short said the second batch of salt was ordered January 2015, but they delivered it right away. Mr. Gillespie said 170 tons of salt was delivered at \$104/ton. Mr. Short said that is the amount that was given in 2014. Mr. Tiettmeyer said for the salt budget for the 2015 Budget, keep in mind the amount already spent, plus budget the amount for Fall 2015 salt order.

Maintenance Department Update (Reported by Mark Gillespie)

The guys have done a good job with the past few storms. The dump truck is ten years old and in need of repair – two bids were received: 1) Village Auto for \$6,958.64 and 2) Fuller Ford for \$3,724.43. Mayor Cosby approved \$3,724.43 to Fuller Ford since the truck has been out of commission. The following are items to be repaired: sway bar bushings and link pin set, ball joint upper/lower, wheel alignment, front and rear brake lines steel and had rusted out, rear differential pinion seal, burnt out exterior bulbs, engine oil and filter and two new front tires. The truck should be ready tomorrow. These truck issues were in the works on Mr. Gillespie's first day of employment, as maintenance technician Chuck Morgan had red-tagged the truck. The truck had rusted underneath – brake lines had been replaced prior to Mr. Gillespie's arrival. Mr. Gillespie said \$4,000 should cover the repair costs and include rubberizing underneath the truck. Fuller Ford said the dump truck is a good truck with around 12,000. Mr. Gillespie said it is best practice to thoroughly wash the salt off from underneath the truck after each use. It is his goal is to keep the trucks inside or at least under cover and keep them clean.

A Cemetery Plan is being implemented. Cemetery operations are getting better – there have been two recent burials. Mayor Cosby thanked Mr. Gillespie for the weekly reports, as they are helpful to update him and Council as to what is going on.

### Round Bottom Road Storm Failure

Mr. Kobasuk asked where we stand with repairing the storm water drain located on Round Bottom Road in front of Ready Line (One Shot's) driveway. Ben Brandstetter has an agreement that needs a signature to allow access to the property. Solicitor Miller said there are no easements for any of these pipes. Solicitor Miller has not received a return phone call from Ready Line – Mayor Cosby said he hasn't gotten anywhere either. Mayor Cosby said the Village paid to put the pipe in around the mid-90's when there were drainage issues. Engineering was done by Brandstetter Carroll Inc. A camera needs to be run down the pipe to locate the problem. This will be done from Hydro System's property with the approval of an Access and Indemnification Agreement. (At the 6.10.2014 Council Meeting - Ben Brandstetter said the entire pipe run is 250 feet between catch basins. Replacement of full length storm pipe is approx. \$20,000) Mr. Tiettmeyer said we need a good number for this repair so we can budget appropriately.

### Access and Indemnification Agreement

**Mr. Harten made a motion to approve the access and indemnification agreement with Hydro Systems Company. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

### Resolution, Agreement w/Duke Energy Retail Sales, LLC - Electric Aggregation

Governmental Aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electric deregulation through electric rates which they would not otherwise be able to have individually. November 4, 2014, the electorate of the Village of Newtown overwhelmingly approved the establishment of an electric aggregation program for the Village.

Integrus Energy held Public Hearings January 13, 2015 at 2pm and 6:30pm at the Municipal Center for the Natural Gas Aggregation. Integrus Energy said the Village needs to go with Duke Energy Retail LLC. Public Hearings will also take place for the Electric portion of the program.

**Mr. Harten made a motion to suspend the rules. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

**Mr. Harten made a motion to adopt RESOLUTION NO. 09-2015 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A MASTER SERVICE AGREEMENT WITH DUKE ENERGY RETAIL SALES, LLC TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.**

### Discussion

Mr. Harten asked if there is any cost to the Village. The agreement doesn't say there is a charge; Solicitor Miller has asked Duke Energy Retail Sales, LLC to add a statement stating there is not a charge. Duke Energy Retail Sales is the supplier the Village would contract with when we receive the price and set up the public meetings.

**Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Short-Yes (Mr. Tiettmeyer-absent) Motion Carried.**

### Martin Marietta Mining Issue Update (Reported by Solicitor Miller)

Martin Marietta filed an appeal and filed to take the case off of the accelerated docket. The accelerated docket brief is limited to fifteen pages and a reply brief cannot be filed. Solicitor Miller said we filed opposing it and the day after the response was filed, an entry came out saying it was back on the accelerated docket. It is unsure if this was their response of it was placed back on the accelerated docket automatically.

Mr. Kobasuk made a motion to adjourn at 8:11pm, seconded by Mr. Harten. Motion Carried.

Transcribed by Becky Fairley