

The July 14, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Vice Mayor Daryl Zornes, who led the Pledge of Allegiance to the Flag. (Mayor Cosby absent)

Council Members: Joe Harten (absent) Chuck Short (absent)
Mark Kobasuk Curt Tiettmeyer
Cheryl McConnell Daryl Zornes

Solicitor: Doug Miller

6840 School Street Cat Rescue

Sandy Slusarczyk updated Council on the progress that has been made rehabbing and finding homes for many of Mr. Murray's cats. Ms. Slusarczyk (sandyslu@me.com) and Jayde Rogenski (rogocats6@gmail.com) are Cat Trapping, Rescue & Rehoming experts and have had help from several volunteers to achieve a positive outcome for the cats. Show support to **Newtown Cats** and "Like" them on Facebook. The "**Newtown Cats**" is a temporary site/page that was created due to the urgent need of caring for Mr. Murray's cats. Once all of the cats have been cared for, this page will be closed and the group will report the success. Over \$6,500 have been contributed to provide veterinary care and subsequent care for the animals.

Pursuant to Ordinance 11-2015, Section 3, adopted 6.9.2015, Village Council plans to have the property boarded up by July 30th. Council will finalize a plan by July 30th to remove the remaining cats, raccoons and the remaining personal belongings. Efforts will be coordinated with Ms. Slusarczyk's team, Solicitor Miller, Building and Zoning Commissioner Mike Spry and Property Maintenance Inspector Dick Weber. Solicitor Miller said as of 7.16.2015, Council has the ability to board up the property; Council agreed to give Ms. Slusarczyk and her team an additional two weeks to remove the remaining cats from the property. A plan will be presented to Council at the 7.28.2015.

Mr. Kobasuk suggested Council make a donation to assist in the efforts to care for the cats.

Mr. Kobasuk made a motion to approve \$250 to be paid to the Newtown Cats group. Mrs. McConnell seconded the motion. All Aye. Motion Carried.

NOTICE OF VIOLATION (Case # NOV20150102), was served to Mr. Murray on July 2nd by Building and Zoning Commissioner Mike Spry. This is a notice of violation and order issued pursuant to The 213 Residential Code of Ohio.

2013 Residential Code of Ohio, Section 109.4, Unsafe buildings. Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a residential building is found to be a serious hazard, such hazard shall be eliminated or the residential building shall be vacated, and where such residential building, when vacated remains a serious hazard, it shall be razed.

Vacate the structures, remove all stored belongings, and provide a structural, mechanical, electrical and plumbing Analysis. No occupancy can be achieved until all inspections and analysis are provided, whereas a determination can therefore be reached to remedy the serious hazard, unsafe and unsanitary condition.

Mr. Spry reported that a lot of the belongings have been removed from the house since July 2nd. He said one can now walk through the rooms. Mr. Spry will talk to Mr. Murray about removing items from the porch and front view of the house, per Mrs. McConnell's suggestion.

Council Minutes

Mr. Zornes made a motion to approve the 6.23.2015 Council Minutes, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Resolution, Employee Vision Insurance

Mr. Zornes made a motion to have a Second Reading on A RESOLUTION APPROVING A CONTRACT FOR EMPLOYEE VISION INSURANCE. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Zornes made a motion to have the Third and Final Reading at the 7.28.2015 Council Meeting, seconded by Ms. McConnell. All Aye. Motion Carried.

Planning Commission (Reported by Cheryl McConnell)

The next meeting is scheduled for Thursday, July 30th at 7pm.

Newtown 5K Run/Walk (Reported by Cheryl McConnell)

Join us on Saturday, August 8, 2015 at 8:30am for the 33rd Newtown 5K Run/Walk, presented by the Dairy Corner and the Village Tavern.

Lake Barber, "Draft" Ordinance Establishing Rules and Regulations (Reported by Mark Kobasuk)

Mr. Kobasuk believes Lake Barber lacks proper facilities to accommodate the public. Therefore, he favors Lake Barber being made private in a Phase I opening. The lake would be restricted to Village residents and non-residents working in the Village. Mr. Kobasuk had Solicitor Miller construct an Ordinance approving and establishing rules and regulations for Lake Barber. He asked Council to review the ordinance. Council will vote on this ordinance at the 7.28.2015 Council meeting. Mr. Kobasuk feels the lake will ultimately be opened to the public; Phase I will present the necessities involved in managing a lake and assist Council in sorting through issues before opening the lake to the general public.

The Council of the Village of Newtown may review these rules and regulations at any time and shall review these rules within one year from the date of their adoption for consideration of their amendment.

Resident Kevin Ackerman, Leonard Street, inquired about the access to fish in Lake Barber. Mr. Kobasuk said people will need a fishing license and he suggested catching and releasing the fish for others. Mr. Ackerman said that is the way he fishes, as he fishes for the sport.

Mrs. McConnell said several safety issues are being addressed, such as vehicles have been on the path, removable bollards will soon be installed to prevent vehicles from using the pedestrian bridge and there is an eroded section of the path on the southeast side.

Mrs. McConnell presented an alternate view, as she and Council member Joe Harten believe the park should be opened to everyone. Mrs. McConnell stated two reasons she feels Lake Barber should be opened to everyone: 1) It sends a message to our local school whose students mostly live outside of the Village and most of their parents do not work in the Village. These students have volunteered a few hours at Lake Barber. Mrs. McConnell believes a park is something that everyone would take care of, whether they live within the line or outside the line and 2) if we are not a public park, we do not have access to submit and compete for public grant money to improve the park. The Village of Newtown Budget does not much in the way of extra funding for the kind of money that will be needed for Lake Barber.

Sections of the Ordinance were discussed. Mr. Kobasuk, Mr. Tiettmeyer and Mrs. McConnell agreed alcohol and boating do not mix. Mr. Kobasuk asked Solicitor Miller to add this to #8 in Section 2. Mr. Tiettmeyer said there is a business that abuts to the lake and is planning on using it for kayaking and boating for clients. Mr. Tiettmeyer wants to prohibit anyone from using the lake for profit. Mr. Kobasuk and Mr. Tiettmeyer agree that no adjoining landowners or vendors should profit from the lake. Mrs. McConnell said there would be an indirect financial gain for the gym if a member is able to run the path. Mr. Tiettmeyer agreed that a member of the gym would be able to run around the lake. Mr. Tiettmeyer said there would be a financial gain if clients used the gym's kayaks or canoes, since they pay the member to the gym for the right to use the facilities, not to use the Village facilities. If Council agrees to Phase I being private, residents and their guests and non-residents working in the Village will be allowed to use the lake. Mr. Kobasuk doesn't see that the gym's paying customers would count as a guest. Solicitor Miller will review the language. Mr. Kobasuk said no business should profit from the lake, because the Village is not profiting from the lake. Mrs. McConnell said it seems strange to penalize a company that just happens to be located next to a lake. Mr. Tiettmeyer said we are not penalizing the company, just not allowing one to profit off of the lake. He said he doesn't call that a penalty.

Chief Synan said the guest issue needs to be worked out first, as we've had issues with people saying they are friends of Mr. Hall's or Mr. Evans. Solicitor Miller said Mr. Hall has clubs or schools that does sculling on the lake. Friends of Doug Hall are allowed to use the lake, but the Village can charge for the parking pad, which we paid for. Mr. Evans has had parties of 200+ guests that boat, swim and everything else. Mr. Kobasuk said friends of Mr. Hall's and Mr. Evans' still have to abide by the rules. Chief Synan said it is going to be difficult to enforce and figure out who is who; he highly recommends that anyone visiting Lake Barber (resident, guest, or non-resident working in the Village) should fill out a Release Form at the Municipal Center. This is the only way to have any knowledge of who is visiting the lake.

Lake Barber Release Form

Becky prepared a draft Release Form and sent it to Solicitor Miller for him to insert the proper legal language. This will be discussed at the 7.28 Council Meeting. The Release Form will have the name of the person visiting Lake Barber, as well as their contact information and an emergency contact.

Catch and Release

Mr. Kobasuk said the fish is there for everybody and people shouldn't keep the fish they catch. Councilman Harten has been discussing this with ODNR. Discussion will continue at the next meeting when Mr. Harten is present.

LMFD Fire Board Update (Reported by Mark Kobasuk)

The Board will meet tomorrow to discuss the possible merger with Golf Manor Fire Department. A Cost Analysis prepared by the IAFF was presented to Council. A map showing the Little Miami, Newtown, Columbia Township and Fairfax district was discussed. There are about seven pockets of Columbia Township that are not contiguous; therefore, Golf Manor has to contract with several different fire departments. Looking at the map, the natural merger partners would be Mariemont, Indian Hill and Madeira. Golf Manor is outside of the response time. Merging with Golf Manor would only make sense based on the numbers taking in more revenue with a larger footprint, but with that added revenue we will have to manage Golf Manor. That is why the number crunching is so important. Mr. Tiettmeyer made a suggestion to have an independent accounting firm to vet the numbers before Newtown would vote in favor of the merger. Mr. Kobasuk said when he first heard of the merger, he was all for anything that would save us from having to go out for a new levy. But looking at the map, the Golf Manor/Columbia Township area is so far away, it's just an economic deal. Golf Manor needs financial infusion of cash for their fire department. LMFR has the Lexus of fire departments with two new stations, professional force with a Lexus price tag of a 12 mil levy, which is second to the highest in Hamilton County. Mr. Kobasuk said he doesn't ever want to get in the predicament where Newtown residents are sending money up north to redo a fire station in Golf Manor. Golf Manor and Columbia Township elected officials would have to vote to come into the LMFR district and by that vote they would impose a substantial millage increase of 5+mils on their residents, without their residents voting on it.

Mrs. McConnell said looking at the Cost Analysis, if we do nothing and remain the same; we are still looking at a potential deficit in 2019. A merger would only prolong that by three years to 2022. She said it's not really extending the potential for a levy by very much. Mr. Kobasuk said he agrees completely and we know what we have. We have two new fire stations and a professional force and all we have to do is manage our money. We should be able to manage two fire houses with creative solutions on 2.9 million dollars, which is our revenue. These levies are continuing; they are not dropping off. The revenue stream is fairly constant, remove the debt service \$635,000; 2.2 million dollars is left to operate two relatively new fire stations. The merger would be more of a risk having to take care of an additional fire station and additional people.

Mr. Tiettmeyer said he is also skeptical about the merger from the perspective of how it makes sense when you look at the map. The Cost Analysis is lacking in terms of financial information from not knowing the history of the expenditures or the expenditures themselves. What is clear, if the merger goes through, Golf Manor would no longer have to subsidize their fire department \$300,000 from their General Fund.

Mr. Zornes said we have two new fire houses, we are paying taxes to support those fire houses, but we aren't getting the use out of those two fire houses. Everything that responds into Newtown is Station 76 and Mariemont Station 67, not Fairfax Station 66, which we are paying for. Mr. Zornes said it's building stats for Mariemont.

Mr. Kobasuk has asked Chief Ramsey to show scenarios how he would work within our 2.9 million revenue stream but he has received the information.

Maintenance Supervisor Position Ad (Reported by Mark Kobasuk)

Mr. Kobasuk feels we need to promote from within the Maintenance Department. Council approved an ad to run for thirty days; resumes are due July 24th.

Human Resource Committee (Reported by Daryl Zornes)

The Committee will meet Monday, July 27th at 6pm to review the resumes for the Maintenance Supervisor position.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 7.14.2015 Council Checklist for \$233,623.82, seconded by Mr. Zornes. All Aye. Motion Carried.

Police Department Renovation (Reported by Curt Tiettmeyer)

The plumbing inspector has asked for additional testing; he is meeting this week with Bruce Brandstetter. This has delayed construction because they have to do the plumbing rough-in before they can continue.

Mr. Tiettmeyer made a motion to approve a new phone system for \$14,875. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Police Department Renovation Change Order No. 4 (\$7,165.00)

Opening 100A – Front Entry: furnish and install an EFCO storefront door. The existing door doesn't close and lock properly.

Mr. Tiettmeyer made a motion to approve Change Order No. 4 for \$7,165.00 for reworking the entire front entry system of the police department. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Resolution, 2016 Village Tax Budget

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 26-2015 A RESOLUTION ADOPTING THE 2016 TAX BUDGET FOR THE VILLAGE OF NEWTOWN AND DECLARE AN EMERGENCY. Mrs. McConnell seconded the motion. Mr. Tiettmeyer-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Natural Gas Aggregation Price Request

Pursuant to the terms of Automatic Aggregation Program Agreement by and between the Village of Newtown, OH (the "Village") and Constellation Energy Services – Natural Gas, LLC, the Village hereby requests a price for the Aggregation. Delivery Period: the first meter read date in September 2015 (October 2015 Billing) through the August 2016 meter read date (September 2016 Billing).

Mr. Tiettmeyer made a motion to approve a price request, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Lake Barber – Portable Toilet (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer made a motion to approve a portable toilet for Lake Barber at \$114 for the first month; thereafter, \$109 per month. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Lake Barber – Signage (Reported by Curt Tiettmeyer)

Joe Harten asked Mr. Tiettmeyer to present the following information in his absence. Mr. Tiettmeyer asked for approval to purchase the sign. Language changes were discussed and will be considered before ordering the sign.

Mr. Tiettmeyer made a motion to approve \$354 to purchase the Lake Barber sign, subject to wording changes. Mr. Kobasuk seconded the motion.

Lake Barber – Bollards (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer contacted Bruner Construction for a quote on removable bollards. The quote of \$5,400 is for premium bollards. Therefore, the amount may be less depending on the grade of bollards ordered. Council previously authorized Mayor Cosby to spend up to \$10,000 for bollards. The bollards are expected to be installed by the end of the month.

Mr. Tiettmeyer made a motion to approve an amount not to exceed \$5,400 for three bollards to be placed at Lake Barber. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Chief Synan suggested that the Parks Committee re-evaluate installing bollards that require a key to unlock. In the event of an emergency, having to unlock the bollards will delay time in getting to someone requiring emergency services. Mr. Harten will be asked to consider collapsible bollards.

6840 School Street – Boarding Property

Based on the above discussion,

Mr. Tiettmeyer recommended approving \$1,489.82 to Teasdale Fenton Restoration to board up the 6840 School Street property 7.30.2015. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Board of Elections – Change of Polling Location

The Board of Elections will no longer use the Municipal Center as a polling location. There will now only be one polling location in the Village. Faith Christian Fellowship Church is the polling location.

Storm Water Utility Fee (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer has talked to several communities about their Storm Water Utility Fee program. Bruce Brandstetter will submit a proposal at the 7.28.2015 Council Meeting. BCI would do a complete evaluation of the capital improvement plan for storm water related activities: storm sewers, curbs, gutters, catch basins. If everyone agrees with the proposal we will commit to hiring them to do the complete analysis and come back with the amount of money that needs to be invested. A public meeting will be held for residents.

Martin Marietta Update

Solicitor Miller said the hearing has been rescheduled for August 31st at 9AM.

Mr. Zornes made a motion to adjourn at 8:40pm, seconded by Mr. Tiettmeyer. Motion Carried.

Transcribed by Becky Fairley