

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

|                         |                  |                 |                        |
|-------------------------|------------------|-----------------|------------------------|
| <b>Council Members:</b> | Joe Harten       | Chuck Short     | Solicitor: Doug Miller |
|                         | Mark Kobasuk     | Curt Tiettmeyer |                        |
|                         | Cheryl McConnell | Daryl Zornes    |                        |

Issue 10 Newtown Fire/EMS Levy

Joe Gutierrez, 6969 Pecos Drive, asked about voting yes on Issue 10 Newtown Fire/EMS Levy. Mr. Kobasuk said Newtown is looking to take back control of its fire service for the village and reduce the cost. LMFR has one of the highest levies at 12.05 mills. Newtown only has two votes on a six-person fire board, which is problematic. Mr. Kobasuk talked about the Golf Manor merger, which would have created an eight-person board and would have only diluted Newtown's authority to control things. The Fire Board was not willing to make changes so Newtown put a levy on the ballot. Newtown is looking to contract with Anderson Township for Fire/EMS services. Money will be saved and taxes will not be increased!

Diane Gutierrez, 6969 Pecos Drive, asked how Newtown will pay for the fire house by entering into a contract with Anderson Township. Mr. Kobasuk said Newtown will pay the debt on the fire house in the village. Newtown pays about 41% of the taxes to the Little Miami Fire District. Mr. Kobasuk told Mrs. Gutierrez that answers to her questions will be discussed as the meeting progresses. Newtown will provide the fire house; Anderson Township will pay utilities and provide the manpower. Mr. Kobasuk said the current fire levy with LMFR is 12.05 mills and would be closer to 14 mills had he and others not spoken up that the levy could not go any higher. LMFR's budget shows a deficit in 2018, so they will probably be faced with placing a levy on the ballot in 2017. The contract with Anderson Township is still being negotiated.

Forest Hills School Board Update

Randy Smith, 7493 Pinehurst Drive. Mr. Smith is President of Forest Hills School Board of Education. Anderson High School and Turpin High School have recently been listed in the U.S. News and World Report as part of the top 500 high schools in the entire United States. Remodeling of school buildings is progressing and contracts have come in below what was first estimated. The School Board has been searching for a new school superintendent and expects to have this position filled before the first of the year. In the spring, there was an unexpected departure of the superintendent. The School Board has been negotiating with a developer about selling the current Anderson High School and buying the Beech Acres property, if it is available to purchase. In exchange for that the developer would provide a design-build for a brand new high school at Beech Acres. The only money invested would be what would have been spent for a remodel of the current Anderson High School, which is about 23 million dollars. Mr. Smith said this is a very good deal for property tax payers, as this project would normally cost about 80 million dollars.

Trick or Treat: Saturday, October 31<sup>st</sup> from 6-8pm

6840 School Street Property Update

Chief Synan said Lt. McBreen talked to the bank today and they plan to demolish the house after they buy the house back at 10.15.2015 Sheriff's sale. Solicitor Miller said the actual transfer will probably not take place this year.

Lake Barber Progress (Reported by Joe Harten)

Bollards to restrict vehicle access have been installed. Two signs have been installed: 1) a sign stating the rules and 2) a sign restricting entry to the park to Village residents/guests and employees. Work is being done on the permit process, as well as a sign directing people to the boat ramp.

Short Park Update (Reported by Joe Harten)

Solicitor Miller heard back from ODNR related to the grant funds previously spent on Short Park. After clarifying a few minor matters, we will be good from the state and federal level.

Ordinance, Approving a Zone Change (Second Reading)

The Public Hearing for the Zone Change was held 9.22.2015. The First Reading took place at the 9.22.2015 Council Meeting.

**Mrs. McConnell made a motion to have the Second Reading of AN ORDINANCE APPROVING A ZONE CHANGE FOR PROPERTIES ON CHURCH AND CENTER STREET IN THE VILLAGE OF NEWTOWN. Mr. Kobasuk seconded the motion.**

**Mrs. McConnell made a motion to have the Third Reading at the 10.27.2015 Council Meeting. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

NBA Economic Development Committee (Reported by Cheryl McConnell)

The Committee is working on a "Welcome" packet for businesses coming into the Village. Mr. Spry is also working with the committee to facilitate processes for existing and new businesses.

Planning Commission Update (Reported by Cheryl McConnell)

The Planning Commission met October 6th. In regard to updating the Zoning Code, shipping and storage containers such as pods and placement of dumpsters are being reviewed.

Resolution - Issue 10 Newtown Fire/EMS Levy (Reported by Mark Kobasuk)

It is the intent of this Council **not to collect more** and hopefully less than what residents are paying now in property taxes.

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

**Mr. Kobasuk made a motion to adopt RESOLUTION NO. 39-2015 A RESOLUTION PROVIDING A COMMITMENT TO TAKE ALL ACTIONS POSSIBLE TO EQUALIZE OR REDUCE REAL PROPERTY TAXES FOR FIRE AND EMS SERVICES IN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion.**

Discussion

Mr. Kobasuk said again, the intent of this resolution is to show the people of Newtown that Council is not going to collect more than they are paying now in property taxes and plan to collect less. Some people are going around saying the levy (Issue 10) will collect more and this is *not* the case. This resolution is to show the Village residents that fact.

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

Police Department Renovation

**Mr. Kobasuk made a motion to approve \$2,315.46 for additional power requirements for the Police Department IT room. Mr. Short seconded the motion. All Aye. Motion Carried.**

Council Checklist

**Mr. Tiettmeyer made a motion to approve the 10.13.2015 Council Checklist for \$128,396.05, seconded by Mr. Harten. All Aye. Motion Carried.**

Resolution, Requesting County Auditor to Certify Millage Rate of 10.75 Mills

**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. 40-2015 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY A MILLAGE RATE IN THE AMOUNT OF 10.75 MILLS WITH REGARD TO A POTENTIAL TAX LEVY IN THE VILLAGE OF NEWTOWN 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, Requesting County Auditor to Certify Millage Rate of 11.00 Mills

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

Discussion

Mr. Short asked for clarification. Mr. Tiettmeyer said we are asking the County Auditor to certify different rates so we can understand those rates; one of the four will be implemented.

Mr. Tiettmeyer made a motion to adopt RESOLUTIO NO. 41-2015 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY A MILLAGE RATE IN THE AMOUNT OF 11.00 MILLS WITH REGARD TO A POTENTIAL TAX LEVY IN THE VILLAGE OF NEWTOWN 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, Requesting County Auditor to Certify Millage Rate of 11.25 Mills

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

Mr. Tiettmeyer made a motion to adopt RESOLUTIO NO. 42-2015 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY A MILLAGE RATE IN THE AMOUNT OF 11.25 MILLS WITH REGARD TO A POTENTIAL TAX LEVY IN THE VILLAGE OF NEWTOWN 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, Requesting County Auditor to Certify Millage Rate of 11.46 Mills

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

Mr. Tiettmeyer made a motion to adopt RESOLUTIO NO. 43-2015 A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY A MILLAGE RATE IN THE AMOUNT OF 11.46 MILLS WITH REGARD TO A POTENTIAL TAX LEVY IN THE VILLAGE OF NEWTOWN 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, Accepting Amounts/Rates Determined by Budget Commission

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. 44-2015 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. 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, First Reading Amending Municipal Income Tax Collection

Mr. Tiettmeyer made a motion to have a First Reading of AN ORDINANCE TO AMEND THE ORDINANCES OF THE VILLAGE OF NEWTOWN REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. All Aye.

Mr. Tiettmeyer made a motion to have the Second Reading at the 10.27.2015 Council Meeting. Mr. Kobasuk seconded the motion.

Discussion

Solicitor Miller said as far as he can tell in the current Tax Code, stock options are taxed. Council has the ability to change this option. Those under the age of 18 years are not required to file an Income Tax return. The Finance Committee will review options.

All Aye. Motion Carried.

Village Contracted Positions – Request for Proposal/Qualifications

It is time to advertise for the following Village contracted positions: Building and Zoning Commissioner, Village Engineer, Village Solicitor and Property Maintenance Inspector. RFP's were advertised for these positions three years ago.

Mr. Tiettmeyer made a motion to move forward with "Request for Proposal/Qualifications" for Village Building and Zoning Commissioner. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer made a motion to move forward with "Request for Proposal/Qualifications" for Village Engineer. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

**Mr. Tiettmeyer made a motion to move forward with “Request for Proposal/Qualifications” for the Village Solicitor. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to move forward with “Request for Proposal/Qualifications” for the Property Maintenance Inspector. Mr. Zornes seconded the motion. All Aye. Motion Carried.**

Maintenance Department Salary Appropriation Update (Reported by Curt Tiettmeyer)

For informational purposes, \$7,500 is the remaining balance in the Maintenance Department salary-line to cover part-time and overtime hours through the end of the year.

Fire/EMS Services w/Anderson Township

**Mr. Tiettmeyer made a motion to approve a Letter of Intent to the Anderson Township Trustees for fire and EMS services in Newtown when withdrawal from the LMJFRD is finalized. Mr. Kobasuk seconded the motion.**

Discussion

Mrs. McConnell explained that entering into a contract with Anderson Township is not the same as entering into another joint district. This contract arrangement makes the service issue with Anderson less complicated in regard to taxes. Mrs. McConnell said she feels this is a better way to provide fire and EMS services for the Village. Mr. Tiettmeyer said the purpose of this letter of intent is to lay the foundation for a cooperative agreement between the parties for fire and EMS services. The letter outlines (3) three-year terms and is contingent upon the passing of Issue 10 Fire/EMS Service levy. The effective date will be determined by the official withdrawal from the LMJFRD and when the process with the Hamilton County prosecutor’s office and Hamilton County Auditor/Treasurer has been completed.

Mr. Tiettmeyer said joint ventures work well when there are equal communities. In the Little Miami Joint Fire District, Newtown pays 41% of the property tax and receives 24% of the service. The 24% came from the history of calls for the past five years, which was provided by the Fire Department, said Mr. Tiettmeyer. Looking at these two factors, it makes it very clear that Newtown is paying a lion’s portion and not getting the value the citizens are entitled to. Mr. Tiettmeyer reiterated the agreement with Anderson Township is a contract and not a merger. Mr. Kobasuk said Newtown has never had such good financial analysis. Mr. Kobasuk thanked Mr. Tiettmeyer for doing such a great job on the financial analysis.

Mr. Kobasuk made two points about the Anderson contract: 1) staffing will be four full-time firefighters 24/7 and 2) if the contract is finalized, it could be nine years before an increase.

Mr. Kobasuk talked about the way this all came about. The whole debacle with the Golf Manor merger was such a problem. When your partners are trying to force the merger down your throat – then members of the Fire Board give the Fire Chief Ramsey authorization to go to Newtown businesses and do an end-run around this Council gets very political and that is just unprofessional and not proper. Village Council expects a response when they write a letter. We’ve come to this point where relations with the fire district are very badly damaged. We are getting FOIA (Freedom of Information Act) demands for our documents. It’s a not a good relationship when the chief tries to drive a wedge between Council and the business community. The businesses are the heart of our tax base. Mr. Kobasuk said going with Anderson Township Fire Department will be better for the residents at a lower amount. The cost structure of Little Miami Fire District is very high. The Fire District recently hired Management Partners to analyze the Fire District’s operations. Mr. Kobasuk recently met with the consultant and he seemed to echo some of the concerns voiced by him and Mr. Fairley. It’s such a tax burden to pay 12 mills, which is a large fire levy. If Newtown would stay in the district it could go to 14 mills. The Golf Manor merger is such a bad idea – a 5+ mill levy would be imposed on their constituents without them voting on it. Mr. Kobasuk said he couldn’t imagine a Council doing that and he would want to throw them out of office. People should vote on fire levies at the ballot box!

Mr. Kobasuk made it clear that Anderson Township will not be subsidizing Newtown in anyway. Newtown is paying for the fire station over twenty-five years and paying the contracted amount.

In addition to the outside CPA to evaluate the operations of the fire district, a steering committee was formed and two fire chiefs were invited to assist with the process, explained Mr. Tiettmeyer.

**All Aye. Motion Carried.**

### Council Minutes

**Mr. Zornes made a motion to approve the 9.08.2015 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.**

**Mr. Zornes made a motion to approve the 9.22.2015 Special Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

### Human Resource Meeting

Mr. Zornes called for a meeting to take place at the Municipal Center on 10.27.2015 at 6pm.

### Trunk or Treat

The annual Trunk or Treat, sponsored by the Newtown Civic League, will take place at the Dairy Corner/Newtown Mini Park on Saturday, October 24<sup>th</sup> at 6pm.

### Capital Electric

A conflict monitor test was performed by Capital Electric. Cost to resolve a few issues that were found in the cabinets is \$4,900.

**Mr. Short made a motion to approve an amount not to exceed \$4,900 to Capital Electric for repairs. Mr. Kobasuk seconded the motion.**

### Discussion

Mr. Tiettmeyer asked how often these tests are performed and if all traffic lights are inspected. Mr. Short said he assumed it is all of the lights and the test is done once a year. Mayor Cosby said the traffic signal at Round Bottom and Valley or at Church and Valley are not included in the inspection. This motion was tabled to make sure the money is in the Contract Services line.

### Maintenance Supervisor

Mr. Kobasuk welcomed our new Maintenance Supervisor/Street Commissioner and Cemetery Sexton John Knuf. Mr. Knuf thanked Mayor and Council for the opportunity to serve the Village of Newtown. Mr. Knuf gave an update of seasonal jobs completed.

### Columbia Township

Carl Jones is running for Columbia Township Trustee. Mr. Jones reported that Columbia Township had a First Reading of a contract with Golf Manor for the Ridgewood fire protection. This reading took place tonight at their meeting. The contract is expected to be signed by the end of this month.

A gentleman (Mike), resident of Columbia Township told Council he realized it was late in the game, but wished there was a way to figure something out regarding fire service. The first responders to his area are Newtown.

### Mike Thompson, President Local 4380

Mr. Thompson is a Lieutenant with the Little Miami Fire Department. Mr. Thompson agreed with Mr. Kobasuk that the relationship between Village Council and the LMFR has absolutely deteriorated. Mr. Thompson feels the relationship can be mended with open conversation and hard work. Mr. Thompson said he made the FOIA request through his vice president a few weeks ago when he was out of town. He apologized if he offended anyone, but he was getting a lot of rumors and no information. Mr. Thompson said this was the one means at his disposal to obtain information. Mr. Thompson talked about the Issue 10 signs advertising the levy. The signs have "regain control of your fire department." He said Newtown has control with equal representation. He said Newtown will not be able to dictate how Anderson Township runs by contracting with them for services. Mr. Thompson talked about taxes generated by Newtown – he said the property valuations may fluctuate between 39 and 41 percent. He disputed that Newtown receives only 24% of the services. Mr. Thompson said Newtown gets 100% of the services offered by LMFD. Mr. Thompson said while he doesn't understand why Newtown wants to leave the district; he will do anything to help because he serves not because he wants Newtown to leave. Mr. Thompson said he will not and cannot sit back and allow Council to lie to neighbors.

Mr. Kobasuk said a Newtown representative was not in the meeting when the fire department went to Newtown businesses. Neither Mr. Kobasuk, nor the resident representative Terry Fairley were informed of the meetings with Newtown businesses. Mr. Kobasuk said Newtown has two votes on a six-person board and Newtown should have been informed. Mr. Kobasuk said he attended a NBA meeting and learned from one of the attendees that Chief Ramsey was using scare tactics saying Newtown was going to go to a volunteer department. With an elevated voice, Mr. Thompson told Mr. Kobasuk that he had said at a previous meeting that "Newtown would go back to a volunteer department if they could and if taxes go up again Newtown is out of here." Mr. Kobasuk said that is not accurate. Newtown would have never voted to go with LMFD if it had been placed on the ballot. He said people don't like giving up their fire department.

Mr. Kobasuk said Newtown will be in control by contracting with Anderson Township Fire Department. Mr. Tiettmeyer told Mr. Thompson that Newtown Council defines control differently than he does. He said Newtown would be signing a contract that has specific responsibilities they have to perform under that contract. Mr. Tiettmeyer said Council has no right to tell LMFD what to do as they are governed by the Fire Board, of which Newtown only has one-third of the vote. Council feels it's a big difference by contracting with Anderson and gives Newtown Council more control. Mr. Tiettmeyer said the problem Council has is with the Fire Board, not the firefighters. The Fire Board president David Olson took his time responding to a letter from Village Council and didn't even have the nerve to discuss the concerns listed in the letter with Council. Mr. Tiettmeyer said no one else has entered the doors for discussion, including Chief Ramsey. Mr. Tiettmeyer said that is disrespectful. Mr. Tiettmeyer has served on Council for six years and has never seen Chief Ramsey at a meeting. Mayor Cosby said this discussion is not fruitful and offered to schedule another meeting for this particular topic. Mr. Thompson agreed and apologized for raising his voice to Mr. Kobasuk. Firefighter Luke Palmer thanked Village Council for giving him six years of his career in the village. He said he may not be able to obtain fulltime employment elsewhere. Mr. Palmer said LMFD is professional in their gear as well as the way they conduct services for the people. Some applauded and the meeting adjourned.

Mr. Harten made a motion to adjourn at 8:30PM, seconded by Mr. Kobasuk. Motion Carried.

Transcribed by Becky Fairley