

The July 28, 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.

Council Members: Joe Harten
Mark Kobasuk
Cheryl McConnell
Chuck Short
Curt Tiettmeyer
Daryl Zornes
Solicitor: Doug Miller

Clock – Bicentennial Park

Due to other expenses, Council decided to postpone repairing/replacing the existing clock in the Bi-centennial Park. The cost of replacing the clock is \$3,000 more than the estimate to repair it. This will be considered for the 2016 Budget, along with an ADA ramp for the Moundview House.

Discussed at the 6.23.2015 Council Meeting:

The existing clock was installed by The Verdin Company twenty-two years ago and is not functioning properly. Jim Verdin talked to Mayor and Village Council about doing a complete overhaul on the clock. The cost to replace the inside parts and paint the clock is \$9,200, which comes with a three-year warranty. The Verdin Company would come out twice a year to check the clock. (After the three-year warranty, the current price for Verdin to come out to check the clock is \$275 per year.) Revamping the clock should increase the life span another fifteen to twenty years. The cost of a new clock is \$14,000. Mr. Verdin said the existing clock is a valuable piece and is often sold for more than the original cost.

“Back the Blue” – Ready Line Shooting Complex

Gail Roma invited everyone to attend the “Back the Blue” fundraiser for fallen police officer Sonny Kim. Items donated by local companies will be raffled off Saturday, August 1 and Sunday, August 2, 2015.

6840 School Street Property Update

Mr. Bill Murray asked Council what the reasons are for boarding up his home. Mr. Tiettmeyer explained that the house had been condemned by Hamilton County Board of Health and Newtown Council agreed the house was a nuisance because of the animals coming in and out of the house. The only way to stop the animals from coming and going is to board up the house. The Village has the right to secure the house by boarding it up to keep people and animals out since it is a hazard, as it stands today. Village Council and Property Maintenance Inspector Dick Weber have worked with Mr. Murray for quite a few years to clean up the property. After the house is boarded up, Mr. Weber will contact Mr. Murray about a timeline that will allow him to remove the remainder of his personal property. Mr. Weber will also discuss removing the inoperable truck and items in the yard and on the front porch.

Carrie Vanderzee, School Street asked Council to keep an eye on the house once it is boarded up, as she is concerned that vagrants will occupy the house. Mrs. Vanderzee encouraged Council to move forward with the process, as this issue has gone on far too long.

Sandy Slusarczyk has worked to remove the cats and other wild animals from Mr. Murray’s property. The cats have been placed in new homes. Ms. Slusarczyk said Mr. Murray has been kind and helped to remove the cats.

Solicitor Miller is waiting until the bankruptcy takes place so the Sherriff’s sale can take place. He will check the court schedule as to the timeline of the bankruptcy. Solicitor Miller will contact Bank of America’s attorney regarding the bankruptcy. He suggested that Mrs. Vanderzee contact Bank of America to put pressure on them to act. Solicitor Miller will email Mrs. Vanderzee the contact information.

Fran Reeves, Neighbor Dispute

Ms. Reeves, 6912 Jefferson Street, talked to Council about a neighbor putting their items for the trash in the right-of-way in front of her home. She has written them a letter asking them not to place items for garbage pick-up in her yard anymore. The police have been called several times and asked them to move their cans. Mayor Cosby said Council cannot get involved, as this is a civil matter and possibly a police matter. Chief Synan said the neighbors told the police that Ms. Reeves does things too and they are only removing the items because they are asked by the police and they will continue to place the items on the disputed property (right-of-way). Ms. Reeves said the survey she recently had showed the property is hers. Solicitor Miller said it is a civil matter particularly with property lines and not a matter for the Village to resolve. Ms. Reeves said she came tonight so the issue would be noted.

1. **OPWC Grant Projects for 2016**

- Bruce Brandstetter and Chuck Short met with Fred Schlimm, Hamilton County on 7.21.2015 Edith/Pine/Jefferson and SR32 grant applications were discussed
 - 50% will max points on match
 - Reapply for MRF funds due late August (No resolution is required.) photos and additional data will be included in the application, which is due September 2015
 - Core Samples will be taken, along with photos and submitted with the application

- SR 32 Storm Replacement
 - Provide photos of all storm structures and video all of it
 - Capacity – revise storm standard to 50 year frequency and future demands. Comprehensive plan?
 - Take traffic counts
 - Tie text into regional impact

2. **Round Bottom Road Storm Drain**

- Sixty feet of pipe replaced on 7.22.2015 and 7.23.2015
- Remaining 200 feet appears to also be failed (Photos presented)
- Cost to remove and replace \$51,718.20

Mr. Short asked Mr. Brandstetter to contact MSD regarding the crushed pipe. Mr. Short provided a picture of a project being done by MSD that could be responsible for the failed pipe. The build-up of sediment occurred when an adjacent property was being developed. As a result, erosion was coming into the storm system, as well as the build-up of sediment.

Storm Water Utility Fee (Reported by Curt Tiettmeyer)

A Storm Water Utility Fee is a small fee that would be charged to every property owner in the Village. Monies from this fund would be set aside exclusively for storm water projects. Implementing the Storm Water Utility Fee will free up money for road projects. BCI will provide study of the storm water drainage system in the Village of Newtown for \$18,800. Storm sewers, curbs, gutters, catch basins will be evaluated. A motion to hire BCI is as follows; a resolution will be prepared for the 8.11.2015 Council Meeting.

Mr. Tiettmeyer made a motion to hire Brandstetter Carroll Inc. to perform the Storm Water Utility Study, as presented in their document, for \$18,800. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Council Checklist

Mr. Tiettmeyer made a motion to approve the 7.28.2015 Council Checklist for \$57,862.16, seconded by Mr. Zornes.

Discussion

Mr. Tiettmeyer asked Mr. Short about the amount of \$1,298.25 to Agro Chem East, which was approved by Mark Gillespie before he left. It says it is for snow removal, stated Mr. Harten. Ms. Everett said he had written that on the bill. This item will be held until Mr. Short has time to review.

All Aye. Motion Carried.

Police Department Renovation and Change Orders (Reported by Curt Tiettmeyer)

Renovations are moving forward with construction of the new offices. Construction was delayed due to waiting on a report about the sanitary sewer from the plumbing inspector. Construction will resume later this week, as Bruce Brandstetter did obtain approval from the plumbing inspector. There were no issues with the sanitary sewers.

Resolution, MVDconnect LLC

The contract with MVDconnect, LLC is for installation, programming, testing, training and software support for a communications system for the Police Department. The amount is \$14,875.00.

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. 27-2015 A RESOLUTION APPROVING A CONTRACT WITH MVDconnect, LLC FOR THE INSTALLATION OF A COMMUNICATIONS SYSTEM, 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.

Aggregation Program

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). Price request expiration is July 30, 2015.

As a reminder, Mr. Harten said this program is an opt-out program for those not interested.

Mr. Tiettmeyer made a motion to give Keri Everett permission to approve the electric bid this week when the aggregator comes back with final bids. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Lake Barber – Bollards (Reported by Curt Tiettmeyer)

Mr. Tiettmeyer originally contacted Bruner Construction for a quote on removable bollards. The quote of \$5,400 was for premium bollards. At the 7.14.2015 Council Meeting, Council authorized Mayor Cosby to spend up to \$10,000. Chief Synan suggested looking into collapsible bollards, since bollards requiring a key to unlock will delay response time in case of an emergency. The collapsible bollards will cost an additional \$600, which is \$200 more per bollard.

Mr. Tiettmeyer made a motion to approve an additional \$600, which raises the cost to \$6,000 for three bollards to be installed at Lake Barber. Mr. Harten seconded the motion. All Aye. Motion Carried.

Lake Barber – Progress on opening issues (Reported by Joe Harten)

- Portable toilets have been approved and will be installed once Lake Barber Rules are posted.
- Catch and release has become a popular and preferred method of angling. ODNR and fresh water marine biologists have concluded catch and release fishing is not harmful to the fish population.
- The "Lake Barber Rules" sign will be ordered through Sherman Signs; they will assist with installation.

Planning Commission Update (Reported by Mrs. McConnell)

The Planning Commission will meet Thursday, July 30, 2015 at 7pm.

Lake Barber – Restricted-Public or Public (Reported by Mark Kobasuk)

Discussion has taken place for several months as to whether Lake Barber should be private or open to the public. Mr. Kobasuk feels Lake Barber should be restricted to Village residents and employees working at companies located within the Village. He feels this would be something special to offer to the residents. The park is not ready to be available to the public due to limited parking, one port-o-let and lack of security lighting. While Mr. Kobasuk believes at some point down the road the park will possibly be opened to the public, he feels it is best to proceed in baby steps.

Mr. Kobasuk made a motion that Lake Barber property shall be restricted to use by Village of Newtown residents and non-residents employed in the Village of Newtown and their invited guests. Mr. Short seconded the motion.

Discussion

Mr. Harten said there are three reasons he is opposed to starting the lake out on a private basis: 1) it generates an attitude of exclusivity and not one of cooperation, which is a hallmark of the parks community in southwest Ohio. 2) it needlessly delays our ability to plan and execute improvements. Making Lake Barber non-public would prohibit the Village from seeking grants for costly improvements and 3) this creates a significant administrative structure and process with minimal value. Mr. Harten feels it will not be a good use of the employee's time, as people will need to sign-up, obtain permits and the police will have to look for people and ask them questions. Mr. Harten said he appreciates and respects Mr. Kobasuk's view, but personally feels we should plan to be public right from the beginning.

Mrs. McConnell agrees with Mr. Harten completely and feels allowing guests would essentially make the park public. She believes parks are for children and would not want to deny access to the children attending MVCA. Mrs. McConnell has concerns about the current Release of Liability, prepared by Solicitor Miller. Mr. Kobasuk agrees that the document should be simplified.

Mr. Kobasuk said Lake Barber is a unique facility and probably the largest lake in Hamilton County. Due to possible liability issues, he feels it is best to take the process slow. Once grant money is accepted, permission must be obtained as to how the lake/park would be utilized. The Village accepted grant money years ago for Short Park and have to obtain permission as to how the park is used. They won't give a grant to operate the facility; we may get a grant for a few improvements but then they can say how we use the lake. Mr. Kobasuk likes the natural type state of the lake and feels many residents share his views. Mr. Kobasuk is trying to do what the people would want with having restricted access for the initial phase.

Mr. Short said the majority of people he has talked to would also like to see the lake private at this time. Mr. Tiettmeyer suggested referring to the lake as a restricted-public facility, rather than a private facility. Regardless, whether the lake is restricted-public or public, it will be a challenge defining a guest of someone and what rights they have. Solicitor Miller said everyone would be responsible for their own guests. Mr. Tiettmeyer agrees with Mr. Kobasuk and is in favor of the lake being restricted-public in Phase I. This would allow time to do this right and understand all of the issues surrounding the lake since. Mr. Kobasuk said Council can revise and review at any time the restrictions on Lake Barber. The rules specifically state it will be re-assessed in one year.

Vote to the above motion

Mr. Harten-No, Mrs. McConnell-No, Mr. Kobasuk-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-No, Mr. Short-Yes. Mayor Cosby-Abstained. Mayor Cosby said he wasn't prepared to break a tie tonight on this issue; therefore, he tabled the vote until the next meeting. **Motion Tabled.**

Ordinance, Rules and Regulations for Lake Barber

The Rules and Regulations for Lake Barber are in addition to the current Park Rules or in some cases, derogation of, because alcohol is allowed in the regular parks and none would be allowed at Lake Barber. Mr. Harten spoke to Section 2, No. 3. "No commercial use shall be made of the Lake Barber Park property." He is against the language if it prevents a fitness company from having a trainer running around the path with six people or so, as it would be no different than an employee in the Village having guests. No. 4. "No Swimming" allowed has eliminated one potential issue for Revolution Fitness. No one will be allowed to sell products at Lake Barber without written permission from the Village of Newtown.

Mr. Harten made a motion to have the First Reading of AN ORDINANCE APPROVING AND ESTABLISHING RULES AND REGULATIONS FOR LAKE BARBER IN THE VILLAGE OF NEWTOWN AND DECLARING AN EMERGENCY. Mrs. McConnell seconded the motion.

Mr. Harten made a motion to have the Second Reading at the 8.11.2015 Council Meeting. Mr. Zornes seconded the motion.

Discussion

For clarification, Mr. Kobasuk said, in **SECTION 2:** Mr. Harten is striking Item No. 1 and adding language in Item 3 "without written permission from the Village of Newtown."

Roll Call: Mr. Harten-Yes, Mrs. McConnell-Yes, Mr. Kobasuk-No, Mr. Tiettmeyer-No, Mr. Zornes-Yes, Mr. Short-No. Motion Failed. (A Section Reading can still take place at the next meeting, per Solicitor Miller.)

LMFD Fire Board Update (Reported by Mark Kobasuk)

Mr. Kobasuk serves on the LMFD Fire Board; merging with Golf Manor Fire Department has been discussed for a while now. He made the suggestion to have an independent accounting firm perform an accounting review of the financial merger, as it's not the normal joint venture with a neighboring community. It's a joint fire district taking a neighbor that is not contiguous with the area. A map of the district showing Golf Manor was provided for discussion and can be viewed at (newtownohio.gov). While merging with Golf Manor would bring in additional revenue, more costs would be incurred to the people. Golf Manor is currently financially troubled. Mr. Kobasuk doesn't believe their residents would approve a 12.05 mill fire levy. Hamilton County Auditor's would access the 12.05 mill levy on Golf Manor's residents if their elected officials vote to join the LMFD. The concept of the merger would be to merge Golf Manor into the Little Miami Joint Fire and Rescue district and pick up some of the Columbia Township area Golf Manor currently services. Columbia Township's residents would see a large increase in taxes if their trustees voted to take all of Columbia Township and put it in the LMFD.

Mr. Kobasuk discussed several sections from the Little Miami and Golf Manor Cost Analysis report prepared for Little Miami Joint Fire and Rescue. Recommendations based on findings of an evaluation and assessment of operational response and performance data was discussed. Future Considerations section includes building a new fire station in the Ridge and Highland area of Columbia Township to improve response time to the area. Mr. Kobasuk questions if merging with Golf Manor is something we want to get into. Newtown can't stop the merger with having two votes on a six-person board (LMFD). Newtown contributes 41% of the revenue with Fairfax contributing 28%. Two trustees from Golf Manor would be added to the

board if the merger goes through. Therefore, Newtown's voting power gets more diluted. Short term, a levy could be delayed, but down the road, Mr. Kobasuk doesn't want to send tax dollars down the road to building a new fire station at Ridge and Highland or buy a new fire truck for Golf Manor. A union representative (firefighter) has been the driving force behind the merger. This union representative works part-time for Golf Manor and they would receive a substantial increase in pay because they are under-paid compared to LMFR. Golf Manor's fire chief would become LMFR's fire chief; therefore, this merger has a certain amount of momentum behind it. If the Village of Newtown does nothing, Mr. Kobasuk and the resident-appointed representative, Terry Fairley cannot stop the merger. Mr. Kobasuk said he has tried at most Fire Board meetings to look at ways to cut costs.

Letter to Fire Board

Mr. Kobasuk drafted a letter regarding the proposed merger with the Village of Golf Manor Fire Department. The letter is addressed to the Little Miami Fire District Board was presented and discussed. Council approved and signed the letter. The letter is dated July 29, 2015 and will be mailed and emailed to the Fire Board President David Olson tomorrow.

When Mr. Kobasuk made the suggestion to have an independent accounting firm do an accounting review, Mr. Olson, Fire Board President said, "the Hamilton County Auditor reviews the numbers; it would be a waste of time." Mr. Kobasuk said that made no sense, as the county auditor gives the financials on the levy money the district receives, but doesn't look at the need for a new fire engine at Golf Manor or how the costs will be allocated. Mr. Kobasuk suggested Council send the letter he drafted to the Fire Board, as he and Mr. Fairley can't stop the merger alone. He doesn't want to be the Newtown councilmember that cause Newtown dollars to go up to pay for a new fire engine for Golf Manor or build a new fire station at Ridge and Highland. It's just out of the norm.....a merger with someone like Mariemont would make more sense where services could be shared.

Fire Board member and Newtown resident Terry Fairley said the budget in the proposal takes the budget out to 2021; at which time, a levy would need to be proposed to the residents to meet the financial needs. There is a lot of time between now and 2021 and the Fire District is competing against school levies. Mr. Fairley said it is a major concern if the merger with Golf Manor takes place, as additional expenses will be incurred. We possibly could be left with a big behemoth to deal with should a levy fail in 2021.

Mr. Tiettmeyer reviewed most of the numbers and was disappointed with the information given. The Cost Analysis in the packet went into great detail of all of the revenues, but it took the expenditures and gave one number for the year so you couldn't look at where the money was being spent....over 4million dollars a year. Mr. Tiettmeyer doesn't have confidence the numbers are accurate; hence, he made the suggestion to have an independent third party review the budget.

Mr. Harten said the map of the district is a picture worth a thousand words. Mr. Harten said the effort should be to divert our attentions to merging with other municipalities that are more contiguous to Newtown. He thanked Mr. Kobasuk and Mr. Fairley for their efforts. Mr. Kobasuk suggested Village Council take a firm stand against the merger with Golf Manor, as he and Mr. Fairley are just two votes on a six-person board.

Solicitor Miller said he would hope the Fire District would rather retain the Village of Newtown, rather than bringing in an unknown. If Newtown does leave the district, it needs to be done quickly while Newtown's tax contribution is at 41% of the district's tax revenue since. Any asset split is based on relative valuations plus probably will continue to have the millage paid for the fire stations. The split would need to take place by December 31st so other options need to be considered. Mr. Kobasuk said he isn't afraid of splitting from the LMFR Fire District. Mariemont has employed a good model where their police chief became the safety director; the assistant fire chief runs the fire station and has part-time firefighters. Newtown would need to put a levy on the November ballot for the voters to decide. Mr. Kobasuk said a safety levy could be used for fire and police service. Solicitor Miller said the information would have to be to the Board of Elections by August 20th and would need to be certified by the County Auditor beforehand.

Mr. Kobasuk made a motion to approve the letter dated July 29, 2015 to the Little Miami Joint Fire & Rescue Board of Trustees. Mr. Short seconded the motion. All Aye. Motion Carried.

Council Minutes

Mr. Zornes made a motion to approve the 7.14.2015 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Resolution, Employee Vision Insurance

Mr. Zornes made a motion to have the Third and Final Reading ADOPTING RESOLUTION NO. 28-2015 A RESOLUTION APPROVING A CONTRACT FOR EMPLOYEE VISION INSURANCE. Mr. Short 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.

Maintenance Supervisor – Cemetery Sexton

Mr. Zornes is chairperson of the Human Resource Committee, which met last night to review the applications for the open Maintenance Supervisor's position. The HR Committee will meet August 6th at 8pm, after interviewing the applicants at 6pm. The entire Village Council is invited.

Resolution, Contract with Adleta Construction

This contract is for the repair of a drainage pipe on Round Bottom Road. Contract amount is for \$33,263.00.

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

Mr. Short made a motion to adopt RESOLUTION NO. 29-2015 A RESOLUTION APPROVING A CONTRACT WITH ADLETA CONSTRUCTION FOR REPAIRS TO A DRAINAGE PIPE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer 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 J.K. Meurer

This contract is for the repair of catch basins in the Village of Newtown. Contract amount is for \$3,500.

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

Mr. Short made a motion to adopt RESOLUTION NO. 30-2015 A RESOLUTION APPROVING A CONTRACT WITH J. K. MEURER FOR REPAIRS TO CATCH BASINS IN THE VILLAGE, 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.

Round Bottom Road Storm Drainage Pipe

Solicitor Miller will prepare a Resolution for the 8.11.2015 Council Meeting for the following motion:

Mr. Short made a motion to approve an amount not to exceed \$51,718.20 to Adleta Construction for the possible repair of an additional 200 feet of failed drainage pipe. Mr. Harten seconded the motion.

Discussion

Mr. Tiettmeyer asked Ms. Everett if she found the money for this project. Ms. Everett said the only line that has \$51,000 appropriated would come from the General Fund Reserve Line (other finance uses) that we use as a carryover. Anything else would need to go through the Auditor's office to obtain an increase in appropriations, which would require an ordinance. Mr. Tiettmeyer said we need to have this done and hopes to be able to replace this amount with MSD money.

All Aye. Motion Carried.

Martin Marietta Mining Issue

Oral Arguments will be heard August 31st at 9am, stated Solicitor Miller.

Mr. Kobasuk made a motion to adjourn at 9:34pm, seconded by Mr. Tiettmeyer. Motion Carried.

Transcribed by Becky Fairley