

Call to Order/Pledge of Allegiance/Attendance

The August 13, 2019 meeting of the Newtown Village Council was called to order at 6:30 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Curt Tiettmeyer (Vice Mayor) Terry Fairley Daryl Zornes
Don Carroll Chuck Short Sarah Williams
Fiscal Officer: Keri Everett Assistant to Mayor: Becky Fairley
Solicitor: Matt Fellerhoff

APPROVAL OF COUNCIL MINUTES:

Mr. Short made a motion to approve the 07.23.2019 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.

SPECIAL PRESENTATIONS:

NEWTOWN LANDFILL

Email to Residents from Mayor Mark Kobasuk – Newtown Landfill (emailed 8/13/2019)

Dear Residents:

Many of you have raised questions or concerns regarding the Newtown Landfill. The Landfill has recently removed some trees and vegetation along SR32. The Landfill is clearing some of the vegetation on its property in order to survey the final grade and slope so it can cover the south side of the Landfill with dirt. According to the Hamilton County Board of Health, the south side of the Landfill along SR 32 should be covered with dirt by the end of the summer. Attached is a short presentation by the Board of Health delivered to the Village in April regarding construction and demolition debris (“C&DD”) landfills. The presentation depicts a covered C&DD landfill.

C&DD landfills receive materials resulting from the construction or demolition of man-made structures. C&DD does not include any material that is a hazardous waste, infectious waste or material removed from the structure prior to demolition. C&DD landfills in our county are regulated by the Ohio EPA and the Hamilton County Board of Health. My understanding from the Board of Health is that the Newtown Landfill is operating in compliance with the rules and regulations for C&DD landfills.

The current Village of Newtown Zoning Code does not permit landfills. The Newtown Landfill dates back several decades and is considered a legally non-conforming use and is permitted to operate.

Hamilton County Public Health – Landfill Update

Mayor Kobasuk recently asked Hamilton County Public Health to assess the area along SR32 due to the recent removal of trees and vegetation. According to Hamilton County Public Health, the operator has indicated that much of the south side of Newtown Fill along SR 32 should be covered with dirt by the end of the summer. Chuck DeJonckheere, HCPH Waste Management Division promptly reviewed this area and talked with the operators of the landfill.

Chuck DeJonckheere, Board of Health Waste Management Division

Mr. DeJonckheere reiterated, past updates history of C&DD landfills, regulations relatively new, mid 1990’s, Ohio EPA developed a regulatory program administered locally by HCPH with the OPEA’s oversight and regular audits.

Many people mis-understand this type of landfill, not garbage- structural waste, some packaging. Not putrescible waste, no sewage sludges, of food wastes etc. Regarding concerns about the height, the regulations allow for a 4 to 1 slope from the footprint of the landfill. This is airspace, valuable commodity. Environmental rules don’t generally address aesthetics. Recently, we understand the concerns raised about some of the recent land clearing. This is on their property, just behind the sign is out of the right of way.

As discussed at the April Council meeting, the facility is working to complete final grades on south slope, moving from the east westward, followed by soil cover, and soon cap material with vegetative cover. As they build this facility out, there will be removal of some of the honey suckle, pear trees, tree of heaven, some locust, mainly volunteer and invasive. HCPH has encouraged the facility to leave as much of that in place until debris is covered and grass growing to minimize the visual impact. But there is a stormwater ditch that will need to go in the future. When done with this phase, there will be a narrow band along the top remains to be filled about 16-18’.

Mr. DeJonckheere and Mayor Kobasuk will meet next week with the Landfill owner, who is willing to do some goodwill for the community with landscaping enhancements that could be made in the area of the sign at the bottom of little dry run.

After discussion from the audience, Village Solicitor Matt Fellerhoff agreed to review further documentation and report back to Mayor and Council.

Hamilton County Development Corporation

Catherine Fitzgerald, Senior Director and Dustin Montgomery, Senior Development Specialist presented Mayor and Council with the below Scope of Services for General Economic Development Services for the Village of Newtown. The annual fee would be \$20,000. HCDC will provide the names of a few other Villages the size of Newtown that they provide similar services.

HCDC will provide general economic development assistance to Newtown, including:

- Coordination of general, as well as, site specific economic development activities in Newtown as identified by HCDC or as referred by Newtown officials.
- Market economic development tools and programs to existing businesses and potential new businesses.
- Coordination of efforts to retain existing Newtown businesses, including:
 - Meeting with key businesses as identified by Newtown.
 - Responding to requests for information and assistance.
 - Bringing concerns of area businesses to the attention of Newtown officials.
- Promotion of Newtown's economic development opportunities with developers and realtors.
- Assistance with researching and applying for local, state and federal funds for economic development projects.
- Other tasks aimed at improving the business climate in the community as may be directed by Newtown officials.

B. Development Site Inventory

HCDC will develop and maintain for the length of the Agreement an inventory of available commercial and industrial development sites in Newtown. The inventory will include ownership, acreage, building, infrastructure and contact information. HCDC will provide five color copies of the inventory to Newtown. The inventory will be developed within 45 days of the start of the contract and will be updated every six months.

C. Community Reinvestment Area (CRA) Assistance

HCDC will assist Newtown with the administration of its Community Reinvestment Areas (CRAs), including:

- Advising elected officials on the details of the program.
- Coordination of school district notifications and meetings.
- Completing the CRA application process.
- Working with legal counsel to negotiate, draft, and revise the required legal documents.
- Coordination of required public meetings.
- Processing of steps required for final approval.
- Submission of final contracts to local and state officials as required.
- Marketing of CRA tax advantages to business and residential property owners.
- Processing up to 20 residential and 5 commercial applications.
- Coordination of any annual reviews of CRA exemptions.
- Completion and submission of annual report to Ohio Department of Development.

The cost for legal assistance is not included as part of this scope of services. Newtown would contract and pay for legal services separate from this Agreement. If additional applications are received above the number specified above, HCDC would charge Newtown \$100 per residential application and \$200 per commercial application.

Mayor and Council will take the proposal under advisement.

BCI Engineering Update: Jeff McMullen presented the below information:

1. Ragland Road Culvert (17053)

- Storm pipe crossed Ragland this week.
- All pipe and structures should be complete this week

Jeff was at the site today as Majors Construction installed the last piece of storm pipe at the end of the storm run – by tomorrow (8/14/19), water from the creek should be running from thru the pipe to the pond. The entire project should be completed in two – three weeks with clean-up and regrading.

2. 2018 Street Program (18081)

- Final change order is \$24,000 deduct in the contract amount.

3. SR 32 East Storm (17042)

- Bid open on 6/19
- Decision has been made to return the grant, Bruce will draft a letter
- Options on how to move forward were discussed on 8/2/19. Discussion expected at 8/13/19 Council Meeting.

4. Sidewalk Inspection, Riverhills Subdivision (18085)

- Construction to start September 5, complete in three weeks.
- BCI to remark sidewalks over the next two weeks prior to construction.

Mr. Carroll asked Jeff if the crosswalk at Little Dry Run and Ivy Hills Blvd. would be done in the same timeframe as the River Hills project? Mr. McMullen said yes, Adletta is the contractor. Mr. Carroll said the greenskeeper at Ivy Hills should be involved when they do the pre-con since there is an irrigation line that runs through the area.

5. 2019 Paving Program (19032)

- Rack and Ballauer Excavation has done a great job with the paving – gravel berm should be done end of week.

6. Little Dry Run Wall Lagging (19033)

- Construction is scheduled for the winter. The contract completion date is 2/1/20.
- Preconstruction Meeting was held on 8/1/19. Meeting Minutes/Sign in Sheet attached.

7. Crack Sealing (19007)

- Rack 7 has been contacted concerning River Hills Subdivision and Reserves of Ivy Hills. BCI will coordinate with a preconstruction site visit/schedule.

8. Duke Gas Permits, Round Bottom Rd (19086)

- Meeting held with Duke on 7/24/19. Expect discussion at 8/13/19 Council meeting.

9. MVCA Plan Reviews/Meetings

- Jeff reviewed storm plans from MVCA for water quality and quantity. Jeff approved the methodology for the storm water design presented by Engineer Lee Knuppel. Jeff had questions for Lee as far as maintenance and environmental issues regarding water quality and achieving the state requirements for water quality EPA requirements. Lee received comments from the manufacturer and is now waiting on final plans that Lee will incorporate the manufacturer's suggestions for final review.

10. Drainage (Catch Basins)/Concrete Repairs/Pavement

- Storm pricing for Thorndale is out to seven Contractors from BCI's contacts. Chuck Morgan is requesting pricing from the Contractors he initially contacted.
- Copy of plan as presented to Council with minor revisions is attached.

There are (3) catch basins in need of repair at Thorndale Lane and English Drive. They are collapsing due to heavy traffic. The plan is to remove two of the catch basins in the drive to Ivy Dental Office and Angels Care and tie the existing storm into a new catch basin at the curb and gutter on Thorndale Lane. The catch basin on English Drive will also need to be rebuilt.

11. Mini Planning Grant for Comprehensive Plan (Historical District)

- Village was not awarded a Mini Planning Grant submitted by BCI

12. McCullough's Run

- Terry Fairley and Bruce reviewed the Run along SR 32 on 7/24/19. Photos were taken.
- BCI (Jeff and Bob Hartz) to review in the field in more detail and prepare a work scope to obtain quotes. It is anticipated work will be completed late fall/winter 2020 for best pricing. Majors Construction will also take a look, per Jeff.

Mr. Carroll asked Jeff from where to where to McCullough's Run will they examine – Jeff said he hasn't been onsite yet just looked at the pictures that have been provided. Mr. Carroll said he is the one that brought this up at the last council meeting. He would like to see where this is prioritized within our storm water initiatives and exactly from where to where in that Run we need to clean out. Mr. Carroll said the Run was cleaned out some years back, he believes and believes it goes quite a way even beyond River Hills Blvd. We need to look at it all the way up to the Village corporate limits at Anderson Township up Little Dry Run and evaluate the whole thing. Mr. Carroll and Mr. Fairley talked and seem to think the cleanout needs to be in it wherever the out-take westbound end is and open up then back to the inflow of the Run. And related to that, Mr. Carroll said he also mentioned this to Mr. Fairley, while Chuck Morgan looks at the flow through under Ivy Hills Blvd., he suggests Chuck look at the outward side as well so the north bound side of that out-take of the 30" pipe has a mound of silt building up already. Cleaning this out until we get an evaluation from the engineer as to how we clean up the entire Run would be helpful. Mr. Morgan said he the area may be too steep for the tractor making it too dangerous for him and his crew to clean out. Mr. Carroll suggested tacking the clean out of the silt with the contract the Village has with Ivy Hills Country Club.

13. Miscellaneous

- Based upon meetings with Fred Schlimm on 6/20/19 and Council on 6/25/19, BCI will consider the best County Road project for funding requests and OPWC.
- Alternatives to be presented at the 8/27/19 Council Meeting.

Paving on Crull Street

Mr. Fairley told Jeff the contractor's patch job on Crull is not acceptable and feels the Village and residents did not get their money's worth! Mr. Carroll agreed. Mr. Fairley asked Jeff to give Council an assessment and said Council may just have that section done by another paving contractor. The \$31,000 has not yet been paid to J.K. Meurer. Jeff will report to Council at the 8/27 meeting.

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Maintenance Update

Maintenance Supervisor Chuck Morgan updated Mayor and Council on various issues and spoke specifically to the completion of items listed on the Project Status Update report prepared by Mr. Fairley. Reports included: Maintenance Building, Miscellaneous Projects, Municipal Building, Police Station, Moundview Park and Station 22 Firehouse. This report was emailed in Council's packet for review. Mr. Carroll said he asked for the Project Update at the last Council Meeting and thought it was very helpful to know where things stand.

Moundview Septic Aeration System

Whenever a municipality, industry, or other entity wishes to discharge water to a surface water of the State, they must first obtain a permit from the Ohio EPA Division of Surface Water (DSW). This permit is called a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits regulate wastewater discharges by limiting the quantities of pollutants to be discharged and imposing monitoring requirements and other conditions. The limits and/or requirements in the permit help ensure compliance with Ohio's Water Quality Standards and Federal Regulations, all of which were written to protect public health and the aquatic environment.

Chuck Morgan recently met with an OPEA representative at Moundview Park. In order to pass an inspection, the Village needed to apply for a (NPDES) permit. Chuck Morgan applied for the permit, as in the past a permit has never been applied for. Certain values must be met and due to the age of the system, it is highly unlikely we will meet the required values. OPEA is giving the Village 24 months to meet the required values – if we go into the 25th month, we will incur penalties. Options include hooking into the city sewage with closest connection being towards Harriet, which is about 700 feet through the woods. A mound system was also discussed, which is a holding tank that does not discharge sewage. Rough estimate is \$30,000 to \$50,000. The mound system would occupy the extra parking currently provided towards the smaller shelter. The OPEA representative told Mr. Morgan it will be up Hamilton County to determine the type of system needed. From the time the permit goes into effect, the Village has 24 months. As of today, the permit is in the draft mode.

Salt Bid

The bid from Cargill Salt came in at \$89.66/ton – Hamilton County submitted a letter of intent agreeing to accept the bid. Anderson Township also buys from the County and we have also in the past. Morton is at full capacity and couldn't produce any more. Last year's bid was around \$76/ton.

Citizen Participation (Two-minute limit for each speaker) (Read by Mayor Kobasuk)

We have reached that point in our meeting where a citizen may express an opinion, make a statement, address a concern, or ask a question on any subject that is not otherwise on the agenda. This will allow the statement to be entered into the official meeting record. This portion of the meeting is not for Council to provide responses to citizen comments. If you have a concern or request information, please be sure to leave your contact information with the staff before you leave the meeting. A member of the staff will contact you regarding your request. Please state your name and where you live when addressing Council. Is there anyone present that would like to bring an item, not otherwise on the agenda, before Council?

Citizens asked questions regarding the landfill from their seats.

Moundview Soup Kitchen – Lead Abatement

Mr. Fairley made a motion to approve \$1,275 to Central Insulation Systems, Inc. (CIS) for the lead abatement in the Moundview Soup Kitchen. Mr. Short seconded the motion. All Aye. Motion Carried.

Public Comments/Audience Participation

Shawn Harvey presented his grandfather's (Wilbur Wuerdeman) memorabilia to Newtown and the Fire Department – his grandfather served as a volunteer when fire service was run only by volunteers. Chief Martin said people like Mr. Wuerdeman helped to make the Fire Department what it is today, built on those legacies. Newtown volunteer firefighters would go and help Anderson Township Fire Department back in the day. Fire Chief Rick Martin was present and thanked Mr. Harvey and said the shadowbox will be proudly displayed at Station 22, located at 7036 Main Street.

Mayor and Council Member Reports:

Newtown 5K – 37th Annual Event (Mayor Kobasuk)

Mayor Kobasuk thanked the Police, Fire and Maintenance Departments for their participation in the 5K Walk/Run. There were 600-700 participants.

Village Solicitor's Report (Solicitor Matt Fellerhoff) Solicitor Fellerhoff offered to answer any questions from Council.

Legislation

Ordinance – Temporary Street Closings

The Village of Newtown occasionally receives requests from residents to temporarily close a street in order to allow for community functions such as block parties. Therefore, Council desires to establish specific rules and procedures to provide for the temporary closing of streets in the Village for such purposes. Block parties are allowed from 10:00am to 11:00pm and are limited to (5) hours. Written consent must be obtained of all property owners whose sole route for ingress or egress from the residences will be affected.

Mayor and Council received the revised regulations, prepared by Solicitor Emily Supinger for their review. No permits will be granted for major roadways. Chief of Police or his designee will review the permit application and use their discretion regarding the effects of traffic. Mr. Fellerhoff's staff will construct the permit application for Temporary Street Closings. A form for signatures of affected residents will also need to be drafted. Solicitor Fellerhoff said the regulations can be amended at a later date should issues develop.

Mr. Fairley made a motion to have the Third and Final Reading adopting ORDINANCE NO. 11-2019 AN ORDINANCE AUTHORIZING AND REGULATING TEMPORARY STREET CLOSINGS FOR THE PURPOSE OF CONDUCTING COMMUNITY FUNCTIONS SUCH AS BLOCK PARTIES AND DECLARING AN EMERGENCY FOR THE PURPOSE TO ALLOW RESIDENTS TO HAVE A BLOCK PARTY WITHIN THIRTY (30) DAYS FROM THIS DATE. Mr. Zornes seconded the motion. ROLL CALL: Mr. Carroll: Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contract w/RackSeven

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 23-2019 A RESOLUTION APPROVING A CONTRACT WITH RACK SEVEN FOR CRACK SEALING IN THE RIVER HILLS SUBDIVISION AND THE RESERVES OF IVY HILLS (\$12,173.00). Seconded the motion. Roll Call: Mr. Carroll: Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution – Then and Now Certificate

Pursuant to ORC 5705.41(D) the issuance of a Then and Now Certificate is permitted under certain circumstances. Council desires to approve a Then and Now Certificate to approve the payment of \$17,999.00 to Mobilcomm, Inc. for the purchase and installation of emergency equipment for (2) new Dodge Charges.

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

Mr. Tiettmeyer made a motion to approve RESOLUTION NO. 24-2019 A RESOLUTION AUTHORIZING A THEN AND NOW CERTIFICATE. Mr. Carroll seconded the motion. Roll Call: Mr. Carroll: Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Purchase and Installation Emergency Equipment

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 25-2019 A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF EMERGENCY EQUIPMENT FOR TWO (2) POLICE CRUISERS (\$17,999.00). Mr. Short seconded the motion. Roll Call: Mr. Carroll: Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

New Business: Checklist

Mr. Tiettmeyer made a motion to approve the 07/23/2019 Checklist in the amount of \$145,559.58. Mr. Zornes seconded the motion. All Aye. Motion Approved.

Executive Session

Mr. Carroll made a motion to enter into Executive Session at 8:05pm, under Section 121.22(G)(2) to discuss sale of Village property. Mr. Fairley seconded the motion. Roll Call: Mr. Carroll: Yes, Mrs. Williams-Yes, Mr. Fairley-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Zornes-Yes. Motion Carried.

Council reconvened at 8:30pm with no action taken. Mr. Fairley made a motion to adjourn, seconded by Mr. Zornes. All Aye. Motion Carried.

Transcribed by Becky Fairley