Call to Order/Pledge of Allegiance/Attendance

The September 10,2019 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: Emily Supinger		

REMEMBERING 9/11: A day that changed the world. We pause in a moment of silence to remember the tragic events of that day on 09/11/2001, as well as honor the victims and heroism of first responders, stated Mayor Kobasuk.

APPROVAL OF COUNCIL MINUTES:

Mr. Short made a motion to approve the 08.27.2019 Council Minutes, seconded by Mr. Zornes. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Diversified Environmental Consulting, LLC

Mayor Kobasuk introduced Barry Franz, Engineer and Principal of Diversified Environmental Consulting, LLC. Mayor and Council are considering retaining Mr. Franz to advise the Village on Newtown Fill. Mr. Franz has done work for the Village on the Short Park matter; Short Park was built on top of a landfill. Mr. Franz said his effort will be primarily be at the beck and call of Mayor Kobasuk. He spoke to the value he can add to the Village as we continue to work through the landfill issue. If Council moves forward with authorizing Mr. Franz to gather and review various engineering and environmental landfill documentation. Mr. Franz talked at length about the 2019 topographic survey, which the HCPH department has requested. This drawing is required to show the waste placement, any surface water ditch or swale locations. This drawing has not been completed yet. Mr. Franz will also be comparing this topographic survey to the landfill's original permitted plans. Mr. Franz recently received the water quality data report for the year from HCPH. The report states there has been no negative impact to the ground water.

The following are talking points from Mr. Franz:

- Brief History of Newtown Landfill

  1990 - Hamilton County General Health District makes a determination that C&DD materials were deposited at the former gravel pit prior to June 24, 1990, making it a pre-existing facility for C&DD regulations at this time.

  1991 – Dravo approaches Village Council about a potential use of the former gravel pit to develop as a hardfill site eventually to be used as developed land for commercial use. Noting further is developed.

  1996 – The landfill submitted its first application as a licensed C&DD facility under new C&DD regulations. All other C&DD landfills in Ohio were also required to do so.

  1997 – Site licensed for the first time as a C&DD facility.

  1998 to 2019 – Site licensed each year as a C&DD facility.

- Issues Raised Concerning Newtown Fill

  Two letters have been prepared describing issues with the landfill under its 2019 License and one response letter:

  1. HCPH (02/04/19) to Newtown Fill Ltd
     a. No portion of the facility may extend into the right of way. This includes emplaced waste, cap, or any storm water structures.
     b. The facility should allow for the storm water ditches to be constructed outside of the right of way and outside of the limits of debris placement.
     c. The facility should also allow for the final cap to be installed over the emplaced waste. The cap should terminate at the toe of the slope and prior to the above discussed storm water ditch.

According to HCPH (09/09/2019), the facility has not replied formally to this letter. In a meeting, informal comments were made which did not completely address these HCPH issues.

2. Village of Newtown (08/30/19) to HCPH – formal complaint
    a. Concerns about debris being accepted at landfill. Individuals have witnessed "explosions".
    b. Concerns about failure to cover combustible material on a monthly basis.
    c. Apparent failure of Newtown Fill Ltd to submit an updated topographic map showing waste placement limits as part of their 2019 License renewal application.
    d. Recent engineering plans depict waste placement limits to the edge of the Village's ROW and surface water drainage within the ROW.
3. HCPH Response to Village of Newtown Complaint Letter (09/09/19)
    a. HCPH inspects the facility on a regular basis. 42 inspections have been conducted to date from 2018 through 2019 (approx. once every two weeks).
    b. No violations for solid waste since 2008.
    c. The described "explosions" are likely the result of air pockets in plastic sheeting, packaging, and bags. It is common for "pops" to be hard along with a small dust cloud visible as air is released under pressure from compaction activities.
    d. As of 2009 HCPH requires topographic surveys of landfills. Newtown Fill has requested an extension for this drawing until fall when leaf cover is minimal for aerial photography.
    e. The landfill design requires surface water control benches to be part of the final configuration. This has resulted in some areas of exposure. Once completed, the benches will be properly covered and operations will return to monthly coverage of exposed waste.
    f. The issue of waste placement to the limit of the ROW with placement of the surface water drainage feature within the Village's ROW has been identified as not acceptable. HCPH has requested that the surface water drainage feature be outside of the ROW.
    g. To move the surface water drainage feature to outside the ROW, may require a slight slope variance to resolve this particular issue.
    h. HCPH has requested that the facility place trees and/or landscape enhancements along SR 32, especially in the area of Little Dry Run Road.

Mr. **Carroll made a motion to approve an agreement with Diversified Environmental Consulting, LLC for environmental engineering consulting services, in an amount not to exceed $7500. Mr. Short seconded the motion. All Aye. Motion Carried.**

BCI Engineering Update: Engineer Jeff McMullen

1. **Ragland Road Culvert (17053)**
    - Sidewalk and curb replacement in process. Turf restoration to follow, may add one or two small yard drains.
    - Per the 8/27/19 Council meeting, final paving and milling will be completed in 2020 under separate contact.
    - Final Change Order will be prepared to reflect as-built quantities.

2. **2018 Street Program (18081)**
    - BCI made JK Meurer aware of the Villages' position on Crull.

Mr. Zornes asked Jeff McMullen the status of the 2018 Street Program. Jeff said Bruce suggested that BCI, JK Meurer and the Village of Newtown meet to discuss the issues. BCI will set up the meeting and notify Village officials, per Jeff.

3. **Sidewalk Inspection, River Hills Subdivision (18085)**
    - Adleta looking to start week of 9/23/19.
    - BCI remarked sidewalks.
    - Work includes the crosswalk at Little Dry Run Rd./Ivy Hills Blvd.

4. **2019 Paving Program (19032)**
    - Paving complete. Equipment moved off site.
    - Peg Quallen seems to be the property owner. Her issue is unique.

5. **Little Dry Run Wall Lagging (19033)**
    - Construction is scheduled for the winter. The contract completion date is 2/1/20.
    - Contractor to provide maintenance of traffic plan for Village approval.

6. **Crack Sealing (19007)**
    - BCI is coordinating with Rack 7 for crack sealing of River Hills Subdivision and Reserves of Ivy Hills.

7. **Duke Gas Permits, Round Bottom Rd (19086)**
    - BCI to provide an estimate to repair and crack and seal the rest of the trail, trim overhead honeysuckle at south west corner.

8. **Plan Reviews/Meetings**
    - Plans submitted for Brain Brew site on 8/23/19 and should be completed end of week, per Jeff.
    - Plans for MVCA's athletic field were signed off on a couple of weeks ago, per Jeff.
    - Plans submitted for Urban Grill on 9/3/19 – plans targeted for review sometime next week.

9. **McCullough's Run**
    - BCI is considering five phases:
        - Turpin Lane to Church St, apply for OPWC funds to clean channel and replace street pile wall along Jones Fish property.
        - Clean from Church St. to River Hills. Review wooded area after leaves fall.
        - Clean channel from River Hills to east side of Ivy hills place. Obtain quotes for work in late 2019/early 2020.
        - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leave fall.
        - Clean from Ivy Hills Blvd. to Corporate Line on Little Dry Run Rd.
    - Additional photos were taken.

10. **Thorndale Storm**
    - BCI to coordinate construction with Adleta during sidewalk project w/o 9/16.

11. **OPWC/MRF Applications**
    - BCI will proceed with OPWC grant application for Church St., from Main St. to North Corp Line. MRF was submitted on 8/30/19.
    - BCI consider potential OPWC application for McCullough's Run from Church St. to Debolt Road. Would Include replacements of sheet pile wall a Jones Fish property. Due date is 9/20/19.
    - Legislation for OPWC Grant Application

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? *(There were no participants)*

Mayor and Council Member Reports:

Lake Barber Landscape Plan Proposals: (Mayor Kobasuk)
This pertains to the potential gas line installation at Lake Barber. A proposal from Evans for $500 to do a landscape plan to remediate the damaged landscaping was the first proposal received. After the last council meeting, Mr. Tiettmeyer called Gil Landscaping and they then submitted a landscape proposal of $2,000 after the original due date. Mr. Tiettmeyer also reached out to Martin Koepke Design, who submitted a proposal of $3500 for a landscape plan. For the same landscape plan, the proposals are from $500 to $3500. Mr. Carroll asked if Evans proposal could be voted on again since the motion to approve failed at the last council meeting. Solicitor Supinger said the proposal can be reconsidered again. Mr. Carroll asked to hear from Parks Chair Sarah Williams. Mrs. Williams said her thought is to use Koepke Design in that this give us the opportunity to do something creative down there. It may be over-kill for now but strikes her that this is something that can be used as a masterplan going forward. Koepke has also done work with Duke in the past so he knows how to deal with that, stated Mrs. Williams. Again, this is to remediate approximately 700 ft. of trail where the landscaping would be disrupted by Duke should the gas line be installed, stated Mayor Kobasuk. A lumpsum payment for the easement would come from Duke should the Village enter into the agreement. After more discussion, Council decided to stall on making a decision and consider a possible RFP for landscaping the entire area, not just the 700 ft area, which is 10% of the trail that will be impacted for the installation of the gas pipeline. New RFP's would ensure that everyone is on the same playing field, stated Mayor Kobasuk. Mr. Carroll said he would like to see Mrs. Williams more involved in the process to make sure everything is considered and to make sure we determine if there are any grant opportunities available. Issue was tabled until new RFP's can be presented.

Zoning Code Text Change (Don Carroll)
Planning Commission met last week and adopted a recommendation for a minor change to Chapter 26 of the Newtown Zoning Code to add additional permitted uses in the Office Research Park Zoning District. This will allow Shawnee Tree to expand their business located on Round Bottom Road. Solicitor Supinger said there are several landscape businesses in this area that are zoned Office Research Park that are non-conforming uses and are not able to expand due to this zoning district. In order to allow these businesses to grow, a suggestion was made to do a text amendment to the Zoning Code, stated Solicitor Supinger. A Public Hearing is scheduled on October 8, 2019 at 6:30pm.

Village Solicitor's Report (Solicitor Emily Supinger)

Legislation

Resolution, Then and Now Certificate
Pursuant to Ohio Revised Code Section 5705.41(D), the issuance of a Then and Now Certificate is permitted under certain circumstances. This Then and Now was an emergency as pipe was needed for the Ragland Road Storm Water Project.

A Then and Now certificate essentially says we had the funds "Then" and we have the funds "Now." It stands in the place of a proper Purchase Order, explained Solicitor Supinger.

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. 29-2019 A RESOLUTION AUTHORIZING A THEN AND NOW CERTIFICATE. Mr. 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.

Parking of Vehicles
Mayor Kobasuk asked Solicitor Supinger to look into an ordinance on parking vehicles on the right-of-way. There are a lot of vehicles parked in River Hills that are not being moved. Solicitor Supinger will discuss with Chief Synan and identify the problem and report back to Council with a recommendation.

New Business

Checklist
Mr. Tiettmeyer made a motion to approve the 09/10/2019 Checklist in the amount of $405,561.50. Mr. Zornes seconded the motion. All Aye. Motion Approved.

Mr. Fairley made a motion to enter into Executive Session at 7:37, under Ohio Revised Code Section 121.22(G)(2) to discuss the sale of Village property as it relates to the Duke Energy easement. 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.

Mr. Short made a motion to reconvene at 7:50pm; no action taken as a result of the Executive Session. All Aye. Motion Carried.

Transcribed by Becky Fairley