

The February 24, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

Councilmembers: Joe Harten
Mark Kobasuk
Cheryl McConnell
Chuck Short
Curt Tiettmeyer
Daryl Zornes
Solicitor: Doug Miller
Fiscal Officer: Keri Everett (absent)

Eastern Corridor (Reported by Mayor Cosby)

State Representative Tom Brinkman introduced Substitute House Bill 53, which is an Eastern Corridor-killing amendment introduced as part of the state's new transportation bill. Newtown Village Council urges all residents and business owners to write a letter supporting OH HB53. Let your voice be heard and write your representatives today. Newtown is located within The 27th House District. **Please contact:** State Senator Shannon, Senate Building, 1 Capitol Square 2nd Floor, Columbus OH 43215 **P:** 614.466.9737 | **E:** (jones@ohiosenate.gov)

Information will be placed on the website (newtownohio.gov). Mr. Kobasuk urged everyone to send emails to neighbors asking them to send emails and letters supporting Mr. Brinkman's efforts.

Mr. Kobasuk believes the discovery of the recent artifacts could be used to stop the Eastern Corridor. The articles and letters should be sent to ODOT, Senator Portman and State Senator Shannon Jones, as this is a major find. Mayor Cosby agreed. Mr. Kobasuk commended State Representative Tom Brinkman for amending the HB to defund the Eastern Corridor.

Cincinnati Museum Center and Village of Newtown discover rare Native American artifact

Bob Genheimer, George Rieveschl Curator of Archaeology at Cincinnati Museum Center gave a presentation on the human remains and artifacts discovered as crews were in the process of doing utility work in the village on 2.13.2015. Mr. Genheimer arrived to the excavation site where he found a shell gorget and a slate gorget amongst human bones. The shell gorget, a decorative piece worn around one's neck, is engraved with an unidentified animal that may be a composite animal, typical of Native American mythology. Artwork was previously found in Newtown depicting one such mythological animal, a serpent monster with the body of a rattlesnake and a head with prominent horns, and is on display at the Newtown American Indian Education Center. The CMC hopes to be able to identify the animal depicted on the gorget after further analysis. Once the CMC has completed the work of stabilizing the artifacts, discussion will take place regarding the placement of the artifacts. Mr. Tiettmeyer will bring this to Council once the info is available.

There will be a Press Release at 8:00pm tonight.

Mr. Genheimer presented the Village of Newtown with framed line drawings of the mountain lion and opossum. The Cincinnati Museum Center appreciates the trust the Village of Newtown has placed in them in dealing with our treasured possessions.

Maintenance Department Update (Reported by Mark Gillespie)

There has been a total of seventeen inches of snow with the three recent snow events. Kirk Music, Highway Maintenance Supervisor at Hamilton County Engineers is working on tallying his numbers of the amount of salt Newtown has left. One-hundred nineteen tons was used on the recent snow events.

Flag Spring Cemetery - Cemetery Deed Process (Reported by Mark Gillespie)

Mr. Gillespie and Mayor Cosby met with Solicitor Miller this past Friday to discuss a process to recreate cemetery deed forms. The Cemetery Board will meet in the near future to finalize the process.

Project Status Engineering Update (Engineer Bruce Brandstetter, Brandstetter Carroll Inc.)

1. OPWC Grant Projects

- OPWC Small Government Funding
 - Revised applications submitted by 2.3.2015
 - Award notification is anticipated early May 2015

2. Round Bottom Road Storm Pipe Failure

- The existing storm conduit issue is along the Hydro Systems property on the north side of Round Bottom Road. An updated right-of-entry will be needed from Hydro Systems.

- The Village had the pipe televised in July 2014. However, the sedimentation within the pipe prevented the camera from being able to video the entire length of the pipe.
- BCI met with MSD 8.15.2014 to determine if their recent construction activity impacted this pipe. Ultimately, MSD stated that their construction did not impact this pipe.
- BCI obtained proposals to clean the pipe and to replace a 40 foot section of the pipe. The proposal from Fred Nemann Company for the replacement of 40 feet is \$22,000 and the proposal for the cleaning from SWS is \$5,200.
- The cleaning needs to be completed prior to the replacement so that the limits of the issue can be accurately determined.
- It is recommended that the pipe be televised or otherwise inspected again after the cleaning to clearly determine the limits of the issue.

Mr. Brandstetter suggested that the Village budget \$27,000 to \$30,000 to replace/repair the storm pipe.

Short Park Update (Reported by Joe Harten)

Council approved MAK Solve to perform a ground-penetrating survey of the old landfill at Short Park. This took place Friday 2.13.2015. A formal report has not been received, but we have been advised verbally that there were no findings of significance that would be a problem for construction of the fields in Zones 1 and 2.

MVCA / Short Park Agreement (Reported by Joe Harten)

An updated draft agreement with MVCA was constructed and emailed to Village Council. Mr. Harten and Mr. Kobasuk are seeking approval from Council to instruct Solicitor Miller to send the agreement to MVCA.

Mr. Kobasuk said it is fair to keep the remediation portion of Section 12.1 in the draft agreement: "Any remediation required as a result of MVCA activities in the Park shall be at MVCA expense regardless of the time such Hazardous Materials were placed in or on the Park." There are no problems with the park currently and if something develops MVCA should clean it up. This is our addition to the agreement; we've stricken their language, said Mr. Kobasuk.

Per the 2.10.2014 Council discussion, Mr. Kobasuk thinks the provision in Paragraph 15 regarding attorney's fees should be left in the agreement. "*The amount of legal fees to be reimbursed as a result of this clause shall not exceed \$10,000.00.*" Solicitor Miller fees are \$8,775 + \$3,150 consulting fees = \$11,925 of attorney's fees not including the environmental attorney's fees.

Mr. Harten agrees with Mr. Kobasuk on leaving the remediation and attorney's fees in the agreement.

Mr. Tiettmeyer said the effective date of when MVCA would take responsibility for maintaining Short Park needs to be in the agreement. Solicitor Miller said that would need to be made clear to MVCA. Mr. Kobasuk said the time to make them aware of the effective date to begin maintaining the park would be after the due diligence period, which is a 90-day period after the signing of the agreement. Solicitor Miller said MVCA needs to be made aware of the potential of unearthing artifacts when digging in some of the areas that might have been untouched for a long time.

Mr. Harten made a motion for Village Council to instruct Solicitor Miller to forward on the next version of the draft Short Park Agreement with the specific items noted: 1) \$10,000 attorney fees, 2) remediation and 3) beginning of grass cutting upon the end of 90-day period or sooner. Council has read the agreement and supports this document and is ready to move quickly if terms are accepted. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Memorandum of Understanding with the Newtown Veterans Association

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

Mr. Harten made a motion to adopt RESOLUTION NO. 18-2015 A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE NEWTOWN VETERAN'S ASSOCIATION FOR THE MAINTENANCE OF THE VETERAN'S MEMORIAL IN MOUNDVIEW PARK, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.

Discussion

Mr. Kobasuk thanked Solicitor Miller for getting this done so quickly. Solicitor Miller thanked the Veterans Association for their discussion in bringing resolution to the Memorandum of Understanding. He said Councilman Short helped also. Mr.

Harten also thanked Councilwoman McConnell for her efforts in working on the MOU, as she began the process eight months ago. Mrs. McConnell asked that the record reflect that this agreement supersedes the initial Memorandum of Understanding, which was approved by Council 6.10.2014.

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

Lake Barber Update (Reported by Joe Harten)

Mark Gillespie has reached out to volunteers about cutting back the honeysuckle and other invasive species identified by consultant Chris Manning, Human Nature. This will begin once the weather breaks. The ultimate goal is to completely remove the honeysuckle and replace it with dwarf ornamental grasses.

In the past six months, we have been asking the insurance carrier of the potential impact of owning Lake Barber and opening it to the public. The insurance carrier recently said they were not certain they could insure the Village. After going back and forth, the insurance carrier told Keri they will insure Lake Barber as long as the area is posted as "NO SWIMMING." This will allow the lake to be opened to the public. Since one of the potential uses of the lake is for special event swimming, from triathlon training or other fitness exercise, this will need to be addressed in the future. Mr. Kobasuk asked if this was a new development since the lake will be open with a walkway. When the lake was purchased by the Village, we got insurance and they knew we owned the lake, said Mr. Kobasuk. Mr. Harten said yes that is the issue. Mr. Tiettmeyer asked Solicitor Miller what impact it has on the Village with Doug Hall and Doug Evans having recreational rights to the lake. Solicitor Miller said we would need to make them aware of our rule of NO SWIMMING. He said it would probably be their business if they are allowing others to swim under their recreational rights. Solicitor Miller said it is in the agreement with Doug Evans that the Village is to be named as an additional insured. Solicitor Miller will check with Mr. Hall's attorney. He also suggested that the Village name Doug Hall and Doug Evans as an additional insured on the Village insurance.

LMFD Fire Board Update (Reported by Mark Kobasuk)

The 2.18.2015 Fire Board meeting was cancelled due to the weather. One full-time and one part-time firefighter are pushing back regarding the condition of the Golf Manor vehicles and station. Mr. Kobasuk said he is not sure that has anything to do with a merger. The merger would expand the district and tax base and we would deal with whatever we would need to deal with. The merger will depend on people accepting a higher tax to come into the fire district.

Checklist

Mr. Tiettmeyer made a motion to approve the 2.24.2015 Checklist for \$163,317.49, seconded by Mr. Short. All Aye. Motion Carried.

Second Reading of Ordinance, Permanent Appropriations 2015

Mr. Tiettmeyer made a motion to approve the Second Reading of AN ORDINANCE ADOPTING PERMANENT APPROPRIATIONS FOR 2015 AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mr. Tiettmeyer said there will be a change in the budget, as \$20,000 had been originally budgeted to repair the Round Bottom Storm Drain Pipe. Based on Mr. Brandstetter's recommendation to budget \$27,000 to \$30,000, the budget will be revised.

All Aye. Motion Carried.

Mr. Tiettmeyer made a motion to have the Third and Final Reading at the 3.10.2015 Council Meeting. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Police Department Renovation (Reported by Curt Tiettmeyer)

Bid Openings will take place Friday, 2.27.2015 at 2:00pm. The bids will be reviewed with architect Kyle Hinck sometime next week.

Municipal Center Odor Issue (Reported by Curt Tiettmeyer)

Structural Systems Repair Group completed the work on the hose tower 2.11.2015. While this is not a total fix, immediate improvement was noticed. A follow-up meeting will take place with SSRG to discuss the next steps. The odor is now upstairs. Mayor Cosby entered the access panel that was installed upstairs this afternoon and said there is a strong odor in the tower. He believes it is a sewer gas odor.

Council Minutes

Mr. Zornes made a motion to approve the 2.10.2015 Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

Executive Session

Mr. Zornes made a motion to enter into Executive Session at 8:17pm to discuss 2015 Employee Compensation. Mr. Harten 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.

Mayor and Council reconvened at 8:34pm. At this time, there will be no action taken as a result of the Executive Session.

Maintenance Department

Mayor Cosby talked to Council about a conversation he had with Mark Gillespie regarding beet juice brine. In an effort to reduce the amount of salt currently being used, Mark is looking into outfitting a truck with a brine operation. Beet juice and salt is used to make brine to pre-treat roads prior to a storm. It could take one ton of salt to make enough brine to treat the streets versus the tons of salt that would normally be used. Treating with the brine pre-treats and prevents playing catch-up during a snow event. Estimated cost of constructing the brine dispenser is a little more than \$1,000. Mr. Tiettmeyer said from a budget perspective, Mark has resources he can use from his own budget at his discretion, but he needs to understand if he spends \$1,000 on this he will have \$1,000 less to spend on something else.

Mr. Kobasuk made a motion to adjourn at 8:37pm, seconded by Mr. Harten. Motion Carried.

Transcribed by Becky Fairley