

Call to Order/Pledge of Allegiance/Attendance

The August 22, 2017 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

Council Members: Curt Tiettmeyer (Vice Mayor) Cheryl McConnell Solicitor: Emily T. Supinger (not present)
Daryl Zornes Terry Fairley Fiscal Officer: Keri Everett
Chuck Short Don Carroll @ 7:33pm Assistant to Mayor: Becky Fairley

Newtown 5K Run/Walk (Reported by Mayor Kobasuk)

It was an honor to speak at the 5K before the runners and walkers began their run/walk. Many thanks to the Saint John Fisher 5K Committee that organized this annual event and with the efforts of many volunteers, a successful 35th N5K Run/Walk were presented to the community on Saturday, August 12th. The results available via www.Newtown5Krun.com show a total of 629 participants (76 walkers & 553 runners). There was a surprise winner in the Newtown Female category – Katie Kobasuk! We need more women participants from Newtown. The presenting sponsors were the Dairy Corner and the Village Tavern and Pizza, along with many others. To name a few, The Growler Stop provided water and Just Q'in provided barbeque for the runners/walkers and volunteers. The presence of the police and fire departments and Newtown Maintenance department was also much appreciated. Council members Terry Fairley and Chuck Short also enjoyed volunteering their time at this year's event.

Energy Aggregation

Our community overwhelmingly voted for Natural Gas and/or Electric Aggregation at the ballot on 11.04.2014. Village Council adopted a Plan of Operation for both programs and entered into an agreement with Energy Alliances to provide consulting services for obtaining the natural gas supply and electric generation and supply for each program. As of 4.01.2015, Dynegy, formerly Duke Energy Retail, is the supplier for electric aggregation. Constellation NewEnergy, formerly Constellation is the supplier for the natural gas aggregation. Price and terms for gas aggregation may change from year to year; therefore, letters will go out to the residents on a yearly basis to inform them of the current price. Price and terms for the electric aggregation are fixed through December 2017, after which a new price/term will be determined and letters will go out to the residents to inform them of the new price at that time.

Mr. Bill Grafe, Energy Alliances spoke to Mayor and Council about the contract with Dynegy Energy Services, the exclusive provider of retail electric supply to the members of the Electric Aggregation Program at the pricing mutually agreed to by Dynegy Energy Services and the Village of Newtown. This contract is a three-year term and residents have the ability to "opt-out" of this electric aggregation program without paying a termination fee. The current contract expires December 2017.

Mr. Grafe also discussed the Natural Gas Aggregation Agreement with Constellation NewEnergy – Gas Division, LLC. This is a variable rate for a two-year period. Constellation NewEnergy – Gas Division, LLC ("Constellation") is in the business of selling natural gas and related services to residential, commercial, and industrial customers and other organizations and is a PUCO approved competitive natural gas supplier. Please email Mr. Grafe at (bgrafe@energyalliances.com) for additional information. Energy Alliances advises the Village of the best rates and terms available.

Resolutions for the Electric Aggregation and Natural Gas Aggregation will be presented later in the meeting.

Citizen Participation (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 wishing to speak.

ADMINISTRATOR'S REPORT (Jerry Thamann)

- 1) 2017 Street Improvement: Project is on schedule and should be completed in approximately eight weeks. J. K. Meurer will be doing the warranty work on Oyster Bay and Pine Isle concerning the curb.
- 2) Ragland Road Drainage: Mr. Thamann will report back to Council after he meets with BCI regarding utilities and the necessary easements required.

MAYOR & COUNCIL MEMBER REPORTS

Vacant Council Seat (Reported by Mayor Kobasuk)

O.R.C 731.43. (1) Except as otherwise provided in division (A)(2) of this section, when the office of a member of the legislative authority of a village becomes vacant, the vacancy shall be filled by election by the legislative authority for the unexpired term. If the legislative authority fails within thirty days to fill such vacancy, the mayor shall fill it by appointment except that, subject to division (A)(2) of this section, when the vacancy occurs because of the operation of section [733.25](#) of the Revised Code, the successor shall hold office only for the period the president pro tempore of the legislative authority holds the office of mayor.

Mr. Joe Harten's effective date of resignation from serving on Village Council was July 31, 2017. Mayor Kobasuk told Council it was up to them to make a decision tonight; otherwise, a special meeting would need to be called by August 31, 2017 to fill the vacant council seat. After thirty (30) days, the obligation falls to the Mayor.

In addition to Mr. Tiettmeyer and Mr. Fairley, three candidates are running for Village Council. Mr. Tiettmeyer suggested that Council choose from one of the three candidates. He recommended Don Carroll since he has been a Newtown resident since 2004 and has served on Planning Commission and Tax Appeals Board for the past eighteen months. Mr. Carroll retired from Fifth Third Bank and is an attorney. Mr. Tiettmeyer disclosed that he too retired from Fifth Third Bank, but had no contact with one another in the company. Mr. Tiettmeyer is acquainted with Mr. Carroll as neighbors.

Mr. Tiettmeyer made a motion to appoint Don Carroll to fill the open Council seat, vacated by Joe Harten on July 31, 2017. Mrs. McConnell seconded the motion.

Discussion

Mr. Short and Mr. Zornes thought it would be fairer to follow same procedure followed when Mr. Fairley was appointed to his council seat, which became vacant when Mayor Kobasuk was elected as Mayor. Mayor Kobasuk pointed out that when his council seat opened up due to being elected as mayor, there were two years remaining. Whereas, Mr. Harten's term ended July 31st, due to resigning and the deadline to have petitions in was August 9th. This is a shorter term having a little more than three months before the election. Two of the three candidates running for Council in November were present: Don Carroll and Kevin Ackerman. Sarah Williams is on vacation this week, stated Mr. Tiettmeyer. There are four Newtown Council seats open with five certified candidates on the November ballot. Mr. Tiettmeyer and Mr. Fairley currently serve as Council Members and will be on the ballot along with Don Carroll, Kevin Ackerman and Sarah Williams.

Mrs. McConnell said Mr. Carroll comes to the Planning Commission meetings well prepared and has been a great asset. Mrs. McConnell said it is her understanding that there has been some minimal participation in Village events by one of the candidates serving on the Board of Zoning Appeals by appointment by the Mayor. Out of the three external candidates, Mr. Carroll has by far given more time to the Village in his efforts as a volunteer. By that fact alone, Mrs. McConnell said Mr. Carroll is a great candidate to serve out Mr. Harten's term. Mr. Fairley knows Mr. Carroll to be one of high integrity and believes he will serve as an excellent council member and fulfill the duties of the open council seat and serve Newtown to the best of his ability. Mr. Fairley has known Mr. Carroll for a few years and has had the pleasure of singing with him in the church choir. Mr. Zornes said he somewhat agrees with Mr. Short. Mayor Kobasuk offered the opportunity to speak to Mr. Ackerman and Mr. Carroll.

Mr. Don Carroll has been a resident since 2004 and is an attorney, licensed in the state of Ohio and an inactive license in the state of Pennsylvania. Mr. Carroll is a graduate of the University of Toledo and the University Of Toledo College Of Law. After retiring from Fifth Third Bank three years ago, Mr. Carroll has devoted his time to charitable and volunteer activities. He is a former chairman of the Hamilton County Mental Health Board and a member of St. John Fisher parish and a member of the Sons of St. Patrick in Cincinnati. He also serves as Chairman of the Board of Toledo St. Francis High School and sits on a Board for the Fund of Charitable Giving in Pittsburgh, Pennsylvania. Mr. Carroll has served on the Newtown Planning Commission and the Tax Appeals Board for the past eighteen months. He is one of the five candidates running for Newtown Council and will be on the ballot in November. Mr. Carroll is interested in serving the entire Newtown community as the Village continues to grow and prosper while keeping the Village fiscally responsible. Mr. Carroll will also continue to make sure Newtown retains excellent safety services. Mr. Carroll said he would be honored and pleased to serve out Joe Harten's term through the end of the year and commits to participate over the four months, whether elected in November or not.

Mr. Kevin Ackerman moved back to Newtown in 2013, previous resident from 1977 to 1992. In the past, he served on the Newtown Volunteer Fire Department. Mr. Ackerman is a graduate from Anderson High School and attended the University of Cincinnati for a couple of years. Mr. Ackerman has operated the Village Quick Lube since October, a small business in Newtown that has been in the Village for 22 years. Mr. Ackerman wants to run for Council to maintain what we have going in Newtown to help it grow without expanding too big. Mr. Ackerman said Newtown currently has a great Council and hopes to be tutored by them if fortunate enough to become a seated council member.

Roll Call to above motion: Mr. Tiettmeyer-Yes, Mr. Fairley-Yes, Mrs. McConnell-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Mayor Kobasuk administered the Oath of Office to Don Carroll at 7:33pm to serve as Newtown Council Member. Everyone applauded and welcomed Mr. Carroll. Mr. Carroll took his seat at the council table.

Mayor Kobasuk thanked Mr. Ackerman for applying and said he would try to involve him in Village activities if he is not elected to Council. Mayor Kobasuk explained that we have gone down the list when people applied for his open Council seat. Mr. Fairley received the appointment as Council Member to Mayor Kobasuk's open Council seat vacated due to being elected as Mayor. Mr. Carroll and Mrs. Williams were involved at the Mayor's appointment to serve on various Boards.

STORM WATER UTILITY PROGRAM Presented by Curt Tiettmeyer

The Storm Water Utility Program was adopted by Council on October 25, 2016 with the first bills from GCWW going out January 2017. As some inquiries have been made we have realized that there are some areas of the program that are inconsistent with the method of BCI's fee calculations; therefore, amendments must be made. A list of the issues and recommendations were discussed, all of which are pending Solicitor Supinger's approval. Mr. Tiettmeyer asked Council to review and be prepared to possibly take action at the 9.12.2017 Council Meeting. The ordinance will require three readings.

Planning Commission

Mayor Kobasuk said Mr. Carroll needs to resign from the Planning Commission. According to the Zoning Code, the Planning Commission is composed of the Mayor, one member of Council, Building Commissioner and three residents. Mr. Carroll said he will make a recommendation.

LEGISLATION

Resolution, Natural Gas Aggregation

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.25-2017 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A NATURAL GAS AGGREGATION AGREEMENT WITH CONSTELLATION NEWENERGY – GAS DIVISION, LLC. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes. Motion Carried.

Resolution, Dynegy Energy, Electric Generation Supply

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.26-2017 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH DYNEGY ENERGY SERVICES TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES FOR THE VILLAGE OF NEWTOWN. Mr. Zornes seconded the motion. Roll Call: Mrs. McConnell-Yes, Mr. Fairley-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Carroll-Yes. Motion Carried.

NEW BUSINESS

Council Checklist

Mr. Tiettmeyer made a motion to approve the 08.22.2017 Council Checklist for an amount of \$67,372.23, seconded by Mrs. McConnell. All Aye. Motion Carried.

Mrs. McConnell made a motion to adjourn at 7:45pm, seconded by Mr. Fairley. Meeting adjourned.

Transcribed by Becky Fairley.