

**Call to Order/Pledge of Allegiance/Attendance**

The November 14, 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.

<b>Council Members:</b>	Curt Tiettmeyer (Vice Mayor)	Cheryl McConnell	Solicitor: Emily T. Supinger
	Daryl Zornes	Terry Fairley	Administrator: Jerry Thamann
	Chuck Short	Don Carroll	Fiscal Officer: Keri Everett
			Assistant to Mayor: Becky Fairley

Mayor Kobasuk congratulated the four newly-elected council members: Don Carroll, Terry Fairley, Curt Tiettmeyer and Sarah Williams. Kevin Ackerman was present and he also ran for Village Council. Mayor Kobasuk commended Mr. Ackerman for his efforts and desire to become involved. Mr. Ackerman had a strong showing at the polls and we would like to appoint him as a member to serve on one of our Boards, stated Mayor Kobasuk. Mr. Ackerman will be meeting with Gerry Stoker this week to discuss possibly serving as a member on the Board of Zoning Appeals.

Approval of Council Minutes

Mr. Carroll made a motion to approve the 10.10.2017 Council Minutes, Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Anderson Township Trustee Andrew Pappas

January 1, 2016, Anderson Township and the Village of Newtown came together to do what local governments do best, provide quality services to its residents, in the most cost-effective manner possible. Entering into an agreement for fire protection/emergency medical services has been a win-win for all concerned. Services have not diminished in any way and the costs for such have been evenly distributed between the two communities. Anderson Trustees recognize that community is as important to Newtown Village Council as it is to Anderson Township Trustees. Anderson personnel have enjoyed participating in Newtown’s annual Fish Fry, Newtown 5K Run/Walk, Halloween party, and WinterFest, as well as other public educational events. Long-lasting friendships have been forged between Newtown’s staff and Anderson Township’s staff. And the bond between the communities continues to grow strong. Throughout this endeavor, Anderson Township residents and businesses have received same level of high quality services, which they are accustomed. Service levels have actually improved; in part, due to the relocation of Anderson’s personnel to the Newtown Fire Station, Station No. 22. The Fire Station is central to the northern response area and the ability to maintain minimum staffing levels, due to the agreement with the Village of Newtown have also contributed to the improvement in service levels. We applaud this Council for taking steps to ensure the sustainability of its Fire/EMS services and for its efforts to safeguard its residents from tax increases for such services. Furthermore, we thank you for your support with this collaborative agreement, which has benefited both communities. It has truly been a win-win for both communities and we could not be happier with it and we applaud you!

Anderson Township Administrator Vicky Earhart

Mrs. Earhart echoed everything Mr. Pappas said. From day one, Village staff has welcomed the firefighters with open arms and allowed everyone to do their jobs. Everything seems to be working out very well for all involved. Mayor Kobasuk had asked Mrs. Earhart to update Council on the Martin Marietta Mining project in Anderson Township. The appeals process was exhausted a while ago, with regard to the Martin Marietta Mining project in the ANCOR area. To date, Martin Marietta has not submitted any applications for a zoning certificate or a plan for complying with the conditions imposed by Anderson’s Board of Zoning Appeals. It has been over a year since any contact with Martin Marietta officials. As far as we know, no permits have been applied for through the state or county that would be required to move forward with the project.

Mayor Kobasuk thanked Mrs. Earhart and Fire Chief Mark Ober for working so hard to make the fire arrangement a success. After being sworn-in on 01.01.2016, Mayor Kobasuk drove to the firehouse to welcome everyone and there was Mrs. Earhart helping with the move and Chief Ober was changing filters and cleaning the station. He knew we had made the right decision when he saw everyone working on the holiday.

Lt. Doug Fisher, ATFD

Lt. Fisher said he is very happy to serve the area. Mr. Fisher presented to Council an Eagle Scout project that will involve the reconstruction of the firefighters’ memorial that was previously located next to the parking lot of the Newtown Municipal Building. The memorial will be relocated to Newtown Station No. 22. The monument will house the bell that once served the original church constructed in 1841 that now is the Newtown Municipal Building. Once funding is in place, a start date will be decided.

**Mr. Short made a motion to approve the Newtown firefighters' memorial, reconstruction and relocation to the Newtown Station No. 22, located at 7036 Main Street, Newtown. Mr. Fairley seconded the motion. All Aye. Motion Carried.**

Tim Ingram, Hamilton County Public Health, Health Commissioner

Mr. Ingram thanked Mayor and Council for the invitation to attend tonight's council meeting. Hamilton County Public Health is proud and pleased to provide public health services to the Village of Newtown and its citizens. Hamilton County Public Health educates, serves and protects our community for a healthier future. HCPH is recognized as the valued leader in creating environments for healthier lives and communities. They strive to create healthy choices, healthy lives; hence, healthy communities. HCPH is actually the Hamilton County General Health District has been around since 1919 and will celebrate its 100<sup>th</sup> year in existence in two years. By statute, the state of Ohio created health districts to manage and treat infectious diseases. They required all townships and villages to pay into and become a part of a general health district. HCPH is an independent authority. The Village of Newtown contributes about \$5,600 to HCPH's annual general fund. HCPH issues licenses to restaurants, landfills, swimming pools, investigates complaints, communicable disease investigations, etc. HCPH is composed of two primary departments: the department of community services and the department of environmental health services. Hepatitis is the leading reportable disease in Hamilton County and southwest Ohio, impacting the age group of 25-34 year olds. There is no lifelong immunity to hepatitis. There is an uptake in HIV cases in our community, not overall, but in the same age demographic of 25-34 year olds.

Mr. Ingram also talked about HCPH's other program, which is the Department of Environmental Health Service, which is overseen by Asst. Health Commissioner Greg Kesterman. These are mandated programs on behalf of three state departments: The Ohio Department of Health, The Ohio Department of Agriculture and The Ohio Environmental Protection Agency. The Plumbing Division performs residential and commercial plumbing inspections inside the county, with the exception of Cincinnati. The Water Quality Division is where the household sewage treatment system program is managed. Septic systems are inspected and permitted by this division, as well as private water. Mr. Ingram introduced Chuck DeJonckheere who oversees the work, not only in the construction/demolition debris landfills, but also the solid waste landfills. There are two solid waste landfills in the county, both owned by Rumpke. The Rumpke location in Colerain Township is very active and is the largest landfill currently in the state of Ohio.

Chuck DeJonckheere, Hamilton County Public Health, Director Waste Management Division

From a historical perspective, solid waste regulations are relatively new. It was in 1967 that the first state solid waste laws came into effect. It took until 1976 for rules to be written and establish the solid waste program in Ohio. Construction and Demolition Debris (C&DD) were exempt from the solid waste program. Laws were passed in 1990 to bring these into regulations, which were written in 1996. Landfills operating prior to 1990 were grand-fathered and not subject to some of the citing and design criteria. Newtown Landfill and Burger Environmental are the two landfills in the Village of Newtown and formerly served as gravel pits/gravel mines. Burger Environmental at 46 acres accepted demolition debris and started refilling the hole in 1987. Newtown Landfill at 39 acres has accepted demolition debris since the late 1980's. In addition to filling, they operate a very successful recycling operation where they are able to recover cardboard, wood, some of the aggregates, asphalt shingles, metals from the incoming loads. In 2005, a law was passed to provide as a host fee for the communities where these facilities are located. That fee is collected by the health district on behalf of the Village and transmitted each month to the Village. Since 2005, the Village of Newtown has received just over \$180,000 in host fees. The purpose of those established in state laws is to defray some of the costs for having a facility located in the community, providing road services, public facilities and safety services. Operational requirements regarding incoming loads were discussed. Final grades are a function of the footprint of the facility. By rule, a standard cap is a minimum of 3%, maximum 25% grade. It's a 4:1 slope is the maximum height starting at the bottom. For every one foot up, you're traveling horizontally four feet. The approved plan for Burger Environmental shows a top elevation of 578 ft. As a reference point, Little Dry Run at the roadway @ SR 32 is at 542 ft. Newtown Landfill applied for the 4:1 slope, which was granted. Thinking of a pyramid, coming up to the 4:1 slope is at 596 ft. Again, Little Dry Run at the roadway is 542 ft so there will be a 54 ft of rise of Burger landfill, not right along the road, but 200 ft inward. As part of their annual application for operating license, the landfills list the remaining life in years. Both facilities for 2018 list four years remaining and the company cannot be held to that number as volumes can change or they can change their design and plan. When filling is complete, a final cap system is placed, which is a well-compacted tested cohesive soil with a minimum re-compacted thickness of eighteen inches and on top of that goes six inches of fertile soil that will support vegetative growth. Grass on top prevents erosion and protects the cap.

Mr. Fairley asked if there was any danger of runoff from the landfill seeping into Lake Barber. Mr. DeJonckheere said there is certainly a potential of waste over the aquifer – the sooner capped the better to prevent water infiltration through the waste. HCPH tests Lake Barber once a year, at the same time ground water monitoring is done. There are other surrounding uses to the lake that could also contribute to the water quality. Therefore, it is very difficult to definitively say that there is an impact to the lake from the landfill. HCPH will continue to monitor the water quality at Lake Barber.

Mayor Kobasuk thanked Mr. Ingram and Mr. DeJonckheere for their presentation and taking time from their busy schedule to attend our meeting. The Village of Newtown is glad to be a part of the Board of Health.

Clinton Foundation/John Hopkins Opioid Crisis Event: Chief Synan talked about the Opioid Crisis event he attended on Monday, October 30<sup>th</sup>. Chief Synan had the opportunity to meet President Bill Clinton who was very personal and genuine. President Clinton has known a few people that have died due to this epidemic that has impacted many people. Chief Synan met other dignitaries that are also involved in this issue.

## ADMINISTRATOR'S REPORT

### Chief Synan – Boy Scout Presentation

Mr. Thamann spoke of a gentleman that stopped by the office to commend Chief Synan on a speech he had given recently to a Boy Scout troop.

### Employee Benefits

Mr. Thamann presented several options regarding health benefits to Council. After previously discussing the options with Human Resource Chair Chuck Short, Mr. Thamann proposed through legislation that each employee contribute 8.5% of the premium cost toward the cost of their medical insurance. This minor increase to the employee would realize a \$2,600 annual increase to the premium to the Village. Other options were discussed. The renewal will be in effect 1.1.2018.

### 2017 Street Paving Program

All paving was completed today; a punch list of items that need to be addressed will be submitted by BCI. There is some curb work that needs to be done on Center Street. Mr. Short said there is a seam on Center Street, West Jefferson at Church Street and School Street do not look up to par in his opinion. Mr. Brandstetter said Bob Hartz has made a few notes and he will discuss the concerns stated with him.

### Ragland Road Culvert Project / Streets

Mr. Thamann we have connected with the two residents at the corner of Ragland and Harriett regarding easements. Mr. Tiettmeyer asked if the project was still slated to begin in the winter as planned. Mr. Thamann said no that we should be able to move forward in the spring.

Mr. Fairley submitted the following for the minutes that he read regarding the Ragland Road project:

On 4/19 of this year, we received the funds from the Bond obligation loan for the improvement of streets and storm water projects; specifically the SR32 storm water project and the Ragland Road project.

The street improvement project is near its completion, and I congratulate BCI and our contractor JR Jurgensen for a job done well. I believe we finished a bit under budget and in a very timely manner with very few issues. In 7 months we have gone from receiving funds to finished milled and paved streets, of which, by the way, almost 2/3 of the residential streets in the Village were improved.

However, the Ragland Road drainage project that was simultaneously approved at the same time of the paving program is really no closer to its completion than 7 months ago. Now I understand that this project has more logistics and a few more delays than a normal street improvement project, such as the hydraulic study to determine exactly what drainage pipe would be sufficient enough to handle the volume of water and diversion issues to appease property owners, and the open house to inform the public of the project. But these decisions and issues were addressed in the summer of this year. To my knowledge, we still do not have all the easement permissions for the affected properties, even though we've known the addresses of the properties since we began the project. We have yet to go out to bid, much less set a date to go to bid on this project, and we are now in the middle of November!

I feel like this project has been a "stepchild" and has not received the priority I believe it demands. I feel BCI is a good engineering firm and can juggle two projects at the same time, but it seems efforts have been concentrated on the paving project. We have received periodic updates on the status of the project, but these updates are somewhat vague with no deadline dates or urgency attached to them. I am hoping that I have the support of this council to make this project a priority for Brandstetter and our Administrator. Further, I would ask that the engineer and the Administrator set a time to meet to strategize on specific project items yet to be completed, set deadlines on when these tasks are to be completed, and report these back to this council. I'll remind this council and everyone that we only have one more meeting, in December, after tonight before the end of the year. It's my hope that we can make significant progress towards finalizing details of this

project so that we know we have an “invitation to bid” date, “opening bids” date, selection of a contractor, and finally, a date of when the work is to begin. We have to be held accountable to the residents of Newtown that this project will be completed. These residents have put up with this severe flooding, some for almost 40 years, and it is high time we made this project the highest priority to assure its start and completion. Thank you, Mr. Mayor. End of Mr. Fairley talk.

Mayor Kobasuk asked Tim Brandstetter to address Mr. Fairley’s concerns. Mayor Kobasuk said Mr. Fairley makes very good points that this project seems to be lagging behind.

Mr. Brandstetter said to Mr. Fairley’s point, this project is a more complex project than the mill/pave project. He agreed setting deadlines for bidding and moving forward with the Ragland Road Drainage project is a good idea. As suggested by Mr. Fairley, Mr. Brandstetter said he will work with Jerry to set the deadlines and look for assistance with obtaining the necessary easements. The design for this project is in place. Mr. Fairley asked if signed easements had been obtained from other proper owners. Mr. Brandstetter said, no not at this point. He said Berding is finalizing the abstracts so they have something to sign. They have seen the plan and layout and are agreeable so it is just a matter of putting the paper in front of the property owners. Mr. Brandstetter said he will get the date of when those will be ready for Jerry to deliver to the property owners. Mayor Kobasuk asked that Tim Brandstetter get with Bruce Brandstetter and call Jerry to work out a plan to deal with these issues. Mayor Kobasuk said Mr. Fairley makes good points and believes the residents would uniformly support what he is saying. We must make this project a priority! Mayor Kobasuk said BCI has been the village Engineering firm for decades and we need everyone to step up. Mayor Kobasuk said to get Solicitor Supinger involved if people are not agreeing to the easements. He said he is not sure why someone would be against the project, as people want this fixed and they are endangering their neighbors. The residents impacted for years want this ongoing problem fixed.

Mr. Tiettmeyer said to Mr. Fairley’s point, we as Council need an updated timeline of what is going on since we gone for quite a while – we are working on this and that without any kind of a commitment of when we are going to get things done. Mayor Kobasuk said the streets are done and look great, but this is a big project and Mr. Fairley is right. Mayor Kobasuk asked to give Mr. Fairley a report since he is chair of Streets and keep him in the loop.

Mr. Carroll asked Mr. Brandstetter to speak to the replacement of curbs in need of repair from the 2016 Paving Program. Mr. Brandstetter said they are considering waiting until spring 2018 due to the weather. Mr. Carroll talked to Bruce this morning and there are issues with regards to the irrigation system in the woods so it will probably be best to wait until spring.

Mr. Tiettmeyer asked if the \$10,000 for the replacement of the Little Dry Run retaining wall was for the entire replacement of all of the logs. Mr. Brandstetter said he thought it would be over two years. Mr. Thamann said it would actually be longer than two years, as he was looking to put \$10,000 per year for the project. Mr. Thamann said he will ask BCI for a firm price for the entire project. Mr. Thamann said he does not believe there is any grant money out there for this project.

## MAYOR & COUNCIL MEMBER REPORTS

### Third Quarter Financial Report (Reported by Curt Tiettmeyer)

From a revenue perspective, we are at 87% so we are doing well, which in part due to the Municipal Income Tax that has generated a fair amount more revenue this year than in the past. Administration and Police expenses are below the 75% mark so we continue to do well in controlling our expenses. No issues are anticipated.

### Planning Commission (Reported by Cheryl McConnell)

Planning Commission held a Public Hearing on October 26<sup>th</sup> for a request for a zone change on residential multi-family to light industrial. Property is located at 3669 and 3679 Round Bottom Road, which is surrounded by light industrial, general business and office research so the zone change would match these other properties. The applicant is requesting to operate a business out of this location. The lots will be consolidated. There was no objection to the zone change request. The Planning Commission voted to approve and make a recommendation to Council for approval, contingent upon combining the two properties into one to meet the requirements of the light industrial.

Mrs. McConnell suggested the Third Reading be held on Tuesday, January 9, 2018 at 7:00pm.

### Village Solicitor’s Report (Reported by Solicitor Emily Supinger)

In the past couple years; the state legislature has taken substantial steps to limit municipalities’ ability to collect their municipal income taxes. It began in 2014 with the passage of HB-5, which required all municipalities to have strict compliance with the ORC, in order to collect a municipal income tax. More recently, HB-49, the General Assembly has further restricted municipal income tax collection by providing a centralized collection of net profit tax, which is now an option for businesses.

At the 10.10.2017 Council Meeting, Council decided to participate in the litigation with Frost Brown Todd to help fight the consolidation of the income tax collection. Loveland, Wyoming and Woodlawn have jointed the litigation. The lawsuit is scheduled to be filed on Thursday. There are well over one hundred communities participating in this litigation. An injunction is expected to be immediately requested to prevent HB-49 will be requested immediately to prevent HB-49 with provisions that would affect the Municipal Income Tax Code from going into effect on 1.01.2018. If the injunction is not granted, a amendment will need to be made to the Municipal Income Tax Code in December.

## LEGISLATION

**A First Reading of an ORDINANCE AMENDING SECTION 7 OF THE FLAG SPRING CEMETERY RULES PERTAINING TO THE REQUIREMENTS FOR FOUNDATIONS.** A second reading will take place at the 12.12.2017 Council Meeting.

Mr. Fairley explained that this ordinance clarifies the foundation dimensions in order to be transparent with patrons. This foundation also offers stability for headstones and gives it a nice clean and finished look. The staff have been doing this but thought it was a good idea to make it part of the regulations.

### Resolution, Employee Health, Dental, Vision and Life Insurance

Legislation presented and discussed prior in tonight's meeting included an 8.5% employee contribution from each employee. Mr. Thamann said from what he recalls when he was with Springdale Township, based on the Center for Local Government plan; the 7.5% to 8.5% is rather a low amount for employee contribution. At Springdale Township, regarding the spousal surcharge, if the employees had spouses that had credible insurance, they were required to pick up their insurance their employer first. They were only allowed to be on the CLG's plan as secondary, stated Mr. Thamann. Also, on the higher deductible plans, the most the employer could contribute was 50% to the employer's HAS or HRA contribution, per Mr. Thamann.

Mr. Tiettmeyer explained that the Village is receiving a benefit by the premium not increasing significantly this year, and feels the same benefit should be passed on to the employees this year. Why wouldn't the Village go ahead and absorb the increase this year, as the calm before the storm, since Council will have no control over what happens in the insurance industry for 2019. Therefore, Mr. Tiettmeyer recommended keeping the insurance the same for one more year, but to caution all employees that they understand to be prepared to take responsibility should there be a significant increase for 2019. Mr. Carroll said he agreed to let the employees know that an increase is inevitable for 2019. Council agreed. After much discussion, Council decided to keep the employee contribution at 7.5% with no increase to the spousal surcharge. The current plan will no longer be available in 2019.

Chief Synan: In the past, the employees were consulted to discuss the options prior to legislation being prepared. Also in the past, the employees had given up a salary increase to help the Village absorb the increase in insurance premiums. When you talk about Springdale and Anderson Township, regarding benefits, they have representatives from unions and while their health insurance may increase, other benefits are realized. Newtown Police Department is not union and the past thirty years of Council have always been receptive and including employees in the meeting process. The employees get that the premiums increase, but it is a bit difficult to take when we are sitting here telling the employees to be ready for an increase to their insurance premium, but we are not going to talk to you about it. It would be a lot better to have a meeting and hear the Village's position, as well as the employees' position and discuss how we can absorb the increase together. The employees were excluded from the process that led to tonight's legislation, so all I am asking is to include the employees in future discussions.

**Mr. Short made a motion to keep the employee contribution at 7.5% with no increase to the spousal surcharge keeping it at \$75.00. Mr. Zornes seconded the motion. Mr. Fairley abstained.**

Solicitor Supinger explained that the above motion amended the resolution. Under Section 3. No. 2 read "Each covered employee shall contribute eight and one-half percent (8.5%) of the premium cost toward the cost of their medical insurance. The amendment involves changing the resolution to seven and one-half percent (7.5%), instead of (8.5%). Section 3. No. 3 Spousal Insurance surcharge: \$75.00 will be added to the resolution. This is the same as in the past. Section 4. The (8.5%) will also be changed to (7.5%) regarding Dental insurance.

**Mr. Short made a motion to suspend the rules, seconded by Mr. Zornes. Motion Carried. Mr. Fairley abstained.**

**Mr. Short made a motion to adopt RESOLUTION NO. 28-2017 A RESOLUTION APPROVING CONTRACTS FOR EMPLOYEE HEALTH, DENTAL, VISION AND LIFE INSURANCE. Mr. Zornes seconded the motion. Roll Call: Mr. Zornes-Yes, Mr. Short-Yes, Mr. Tiettmeyer-Yes, Mr. Fairley-Abstain, Mrs. McConnell-Yes, Mr. Carroll-Yes. Motion Carried.**

Ordinance – Zone Change

**A First Reading of an ordinance approving a zone change for properties located at 3669 and 3679 Round Bottom Road in the Village of Newtown.** The second reading will take place at the 12.12.2017 Council Meeting.

Checklist

**Mr. Tiettmeyer made a motion to approve the 11.14.2017 Council Checklist for \$368,811.15. Mr. Short seconded the motion. All Aye. Motion Approved.**

Employee Appreciation Gift

**Mr. Short made a motion to approve \$900 to purchase eighteen (18) \$50.00 Kroger gift cards. This is an annual purchase to show our appreciation to our employees. Mrs. McConnell seconded the motion. All Aye. Mr. Fairley-Abstain. Motion Carried.**

Cancellation of Council Meetings

Per Mayor Kobasuk's direction,

**Mr. Zornes made a motion to cancel the 11.28.2017 and 12.26.2017 Council Meetings, due to the holidays. Mr. Short seconded the motion. All Aye. Motion Carried.**

Tree Planting – new tradition

The four newly-elected council members, at their expense, have decided to plant a tree in one of the Village parks. Mr. Tiettmeyer hopes this will become a tradition for future newly-elected council members at each election cycle. The location and species of the tree has not been decided. The newly-elected council members for 2018-2021 are Don Carroll, Terry Fairley, Curt Tiettmeyer and Sarah Williams.

Mr. Tiettmeyer made a motion to adjourn at 8:30pm, seconded by Mr. Fairley. Motion Carried.

Transcribed by Becky Fairley.