

The December 22, 2015 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Vice Mayor Daryl Zornes, who led the Pledge of Allegiance to the Flag. (Mayor Cosby-absent)

<b>Council Members:</b>	Joe Harten	Chuck Short	Solicitor: Doug Miller
	Mark Kobasuk	Curt Tiettmeyer	
	Cheryl McConnell	Daryl Zornes	

WinterFest – Saturday, December 12, 2015

This 9<sup>th</sup> annual WinterFest event was a major success with an estimated 3,000 in attendance. This event is sponsored by the Newtown Business Association the second Saturday in December each year. The Municipal Center had quite a few visitors interested in the American Indian artifacts.

Swearing-in Ceremony

State Representative Tom Brinkman will perform the Oath of Office for Mayor-elect Mark Kobasuk and Councilmen Daryl Zornes and Chuck Short. The ceremony will take place Friday, January 1, 2016 at 11am.

Council Minutes

**Mr. Zornes made a motion to approve the 12.08.2015 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.**

Engineering Update – Brandstetter Carroll Inc.

Newtown Council adopted a resolution 8.11.2015 to approve a proposal for \$18,800 with Brandstetter Carroll Inc. to conduct a study of the storm water drainage system in the Village of Newtown. BCI has been evaluating: storm sewers, curbs, gutters and catch basins. Some of the storm pipes are from the 1930's. Engineer Bruce Brandstetter presented a progress report of the Storm Water Utility Study for the village. Cost to construct the storm infrastructure today is over \$7 million. Engineer Ben Brandstetter discussed the preliminary needs of the program, which is estimated to cost \$1,340,000. This includes \$840,000 for the first ten years based upon useful life and \$500,000 for annual maintenance (\$50k/year). A Storm Water Utility Fee is a small fee that would be charged to every property owner in the Village. Monies from this fund would be set aside exclusively for storm water projects. Implementing the Storm Water Utility Fee will free up money for road projects. The preliminary rate study reports residential fees from \$3.00 to \$6.00. Non-residential (\$6.00 minimum to \$500 max/mo. An estimated annual revenue of \$160,000 is projected. Public meetings will take place and information will be distributed to the public once the program is finalized. Implementation of the program is expected to take place during the second quarter. Mr. Kobasuk asked BCI to put a survey together of neighboring communities and their rates.

Resolution, Lease Agreement w/Little Miami Joint Fire and Rescue District

The Village is currently a member of the LMJFRD. In November 2015, the Village voted to withdraw from the District and will not be a member of the District as of January 1, 2016. The Village and District anticipate that as part of the division of assets, the Village will receive title to the Fire Station. The parties wish to enter into this Lease to provide for the Village's use of the Fire Station until such time as a complete division of the assets and liabilities of the District is made.

Mr. Short asked if balloon payments would be due to pay off the building. Mr. Kobasuk explained that the current fire levy for LMJFRD will be collected from all residents in the district, as done in previous years and the debt service will be paid out of that levy for the building and Newtown will receive its pro rata share of the levy money. For 2016, we will be operating under the LMJFRD current 12 mill levy; Newtown will be getting our share after the debt is paid – there will be no balloon payments.

Mr. Kobasuk thanked the LMJFR Trustees for agreeing to enter into the Lease agreement. The Village of Newtown also thanked the Board of Trustees for accommodating Newtown.

**Mr. Kobasuk made a motion to suspend the rules. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to adopt RESOLUTION NO. 53-2015 A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE LITTLE MIAMI JOINT FIRE AND RESCUE DISTRICT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Kobasuk-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.**

Resolution, Contract w/Anderson Township for Fire/EMS Services

The Council of the Village of Newtown desires to enter into an Agreement with Anderson Township and the Board of Township Trustees of Anderson Township for the provision of fire protection and emergency medical services in the Village of Newtown. This Resolution is declared to be an emergency measure necessary for the preservation of public peace, health, safety and welfare of the Village and shall take effect immediately upon passage. The reason for the emergency is to continue to provide for fire protection and emergency medical services in the Village of Newtown on or before January 1, 2016.

Mr. Short said he is concerned about response times. Currently, with LMJFR, the response time is about 2.5 minutes to get to anywhere in the Village for EMS/Fire runs. Mr. Short said he wouldn't be as concerned if ATFD would be covering only Newtown and not trying to cover Anderson Township as well. If the firefighters are on another run out of the Village and there is an EMS/Fire run in Newtown, it could be 20-25 minutes to have a second squad respond. Mr. Short said the residents need to know that they will be taken care of now and not in 20-25 minutes.

Mr. Kobasuk told Mr. Short he takes issue with the response times Mr. Short stated, as the long response times are just not accurate. Mr. Kobasuk told Mr. Short he missed a Council meeting where Chief Ober gave a presentation assuring Council ATFD will provide good service. Mutual aid will be provided just as it was with LMJFR District. Chief Ober will attend the 1.12.2016 meeting and can speak to Mr. Short's concerns. Mr. Kobasuk said a levy campaign was run and disclosed every step of the way that the Village intended to contract with Anderson Township to give the residents the same service or better with all firefighters being certified paramedics.

**Mr. Kobasuk made a motion to suspend the rules. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Kobasuk-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Yes, Mr. Short-No, Mr. Zornes-Yes. Motion Carried.**

**Mr. Kobasuk made a motion to adopt RESOLUTION NO. 54-2015 A RESOLUTION APPROVING A CONTRACT WITH ANDERSON TOWNSHIP FOR FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Tiettmeyer seconded the motion. Roll Call: Mr. Kobasuk-Yes, Mrs. McConnell-Yes, Mr. Harten-Yes, Mr. Tiettmeyer-Yes, Mr. Short-No, Mr. Zornes-Yes. Motion Carried.**

Maintenance Department Report (Reported by John Knuf)

At the 12.22.2015 Council Meeting, Mr. Knuf asked direction from Council regarding snow plowing three undedicated streets located in Ivy Hills: Oyster Bay Court, Lake Forest Lane and Legends Lane. Mr. Kobasuk said it is his understanding two of the three streets have snow removal through a contracted agreement with an independent company. Mr. Kobasuk said Maintenance has plowed Oyster Bay Court in the past and asked Mr. Knuf to plow Oyster Bay Court, which is a very short street. Solicitor Miller will construct an agreement between the Village of Newtown and the Country Club Section Homeowners Association. For the record, Mr. Kobasuk doesn't have any friends on Oyster Bay Court. There are no members of Council that live on Oyster Bay Court.

**Mr. Kobasuk made a motion to have Solicitor Miller construct an agreement between the Village of Newtown and the Country Club Section Homeowners Association. The Village will not be responsible for any damage resulting from snow plowing Oyster Bay Court. Mr. Tiettmeyer seconded the motion. All Aye. Motion Carried.**

Council Checklist

**Mr. Tiettmeyer made a motion to approve the 12.22.2015 Council Checklist for an amended amount of \$89,966.79. The amended amount includes \$1.00 for the check to LMJFR District for the Lease Agreement. Mr. Harten seconded the motion. All Aye. Motion Carried.**

Resolution, 2016 Temporary Appropriations

**Mr. Tiettmeyer made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 55-2015 A RESOLUTION APPROVING THE VILLAGE TEMPORARY APPROPRIATIONS FOR 2016, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion.**

Discussion

Mr. Tiettmeyer explained that the Temporary Appropriations were approved at the last Council meeting, but payments to Anderson Township for fire service for the first quarter in 2016 are now included. Additional payments to Tumlin & Sons are also included in the appropriations. Mrs. McConnell asked if the \$150,000 should cover the remaining renovations for the police department. Mrs. Everett said, as of today, yes that is the amount.

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

Village Contracted Positions – Request for Proposal/Qualifications (Reported by Curt Tiettmeyer)

**Mr. Tiettmeyer made a motion to approve hiring Brandstetter Carroll Inc. for our engineering services. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.** A resolution will be prepared for the 1.12.2016 Meeting.

**Mr. Tiettmeyer made a motion to approve hiring Donnellon Donnellon and Miller as legal counsel. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.** An ordinance will be prepared for the 1.12.2016 Meeting.

Resolution, Contract w/XPEX, LLC

**Mr. Tiettmeyer made a motion to suspend the rules. Mrs. McConnell seconded the motion. All Aye. Motion Carried.**

**Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 56-2015 A RESOLUTION APPROVING A CONTRACT WITH XPEX, LLC FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.**

Discussion

Mr. Short said Council hasn't had a chance to discuss whether they wanted to keep the current Building Commissioner or go with the XPEX. Mr. Tiettmeyer said discussion can take place now. If Council chooses to wait until the next Council Meeting, the Village will be without those services. The intent was to move forward with this approval in order to allow for a transition with the new provider for 1.1.2016. Gerry Stoker, XPEX, LLC can provide services for the Property Maintenance department, as well as Building and Zoning. Mr. Tiettmeyer said from a financial perspective, the Village will pay substantially less combining the services. Mr. Kobasuk said Mr. Stoker was recommended by quite a few people as having all of the skills needed to combine the services. Mr. Spry was getting 90% of the commercial Building permit fees and Mr. Stoker charges by the hour. Mrs. McConnell reiterated that Mr. Stoker was highly recommended and has an impressive resume. XPEX, LLC is Mr. Stoker's company and he would have office hours during the day at the Village office. Mr. Kobasuk said the Murray property should have been handled sooner and Mr. Stoker has expertise in both property maintenance and building and zoning.

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

Payroll

Mr. Tiettmeyer said, due to the holidays, the last payroll of the year will be two days earlier than normal.

6840 School Street (Reported by Mr. Tiettmeyer)

At the 12.8.2015 meeting, Council thought advertising in the local paper would suffice. Solicitor Miller said the property does need to be advertised in the Enquirer, which will cost \$536.50. The ad will run 12.28.2015 thru 2.2.2016. An ordinance will be prepared to raze the property. An approximate timeline to begin the process is six weeks to advertise, Council takes action at the 1.22.2016 Council meeting by adopting the ordinance, then after six more weeks the Village should be able to raze the property.

Crawford/Crull Subdivision

Mr. Short said a few residents asked about the possibility of installing a "reduced speed" sign at Crawford since a lot of kids play in the street. Mr. Short said he had a discussion with Lt. McBreen and they both agree the Village doesn't need additional signs. In an effort to keep everybody safe, the police department will keep an eye on this area from time to time. Chief Synan said the police have assessed this area and have not seen a speeding issue that they are able to document or verify. The state doesn't want a "Slow Children-at-play" sign installed because children are not supposed to be playing in the street.

Little Miami Bike Trail / Closed at Railroad

Mr. Knuf met with ODOT and John Jurgensen last week regarding the Little Miami Bike Trail. There is an ongoing problem with Norfolk Southern, who owns the railroad, to move a gate crossing and signal on Debolt Road. It needs to be moved to the east 25'. Norfolk Southern doesn't seem to want to help to move the schedule up to move the signal out of the way. It was decided at the meeting with ODOT and the county to close the bike trail from Short Park to Crawford since the bike trail isn't finished at the railroad, due to safety concerns. The bike trail at this location will be closed until Norfolk Southern decides to move the signal and gate crossing. *(A gentleman in the audience recommended calling the Public Utilities Commission of Ohio.)*

Murray Property - 6840 School Street

Mr. Knuf said there is a dumpster onsite – the maintenance department cleaned up debris left by Junk King. The dumpster will be removed before Christmas.

Agreement w/Anderson Township

Mr. Kobasuk wanted to make it clear that the agreement with Anderson Township for Fire/EMS protection, provides Newtown retains the Community Room. All groups that currently use the Community Room will be able to continue to use the space. (Newtown Civic League, Newtown Business Association/WinterFest Committee, Wings of Love sewing group and Newtown Quilters) Becky will follow-up with an email to Anderson Township.

Vacant Council Seat

Mrs. McConnell asked if Councilman Mark Kobasuk's Council seat had been advertised. Mayor-Elect Kobasuk's Council seat will be available 1.1.2016. At the 12.8.2015 Council Meeting, Mr. Kobasuk made a motion to advertise the open seat in the Forest Hills Journal and on the Village website. Ms. Everett will place the ad in the paper. Mr. Kobasuk said Council has thirty days to fill a vacant seat, and then it falls to the mayor to appoint someone. Interested parties will submit a letter of interest/resume in time for Council to review. Applicants will be interviewed publicly at the 1.26.2016 Council Meeting. |

Contracted Positions

Mr. Tiettmeyer asked who would be responsible for notifying Mr. Spry and Mr. Weber of their replacement. Mr. Kobasuk said it should be Mayor Cosby. Mr. Kobasuk agreed to contact Mr. Spry and Mr. Weber.

Mr. Harten made a motion to adjourn at 8:07PM, seconded by Mr. Harten. Motion Carried.

Transcribed by Becky Fairley