

Call to Order/Pledge of Allegiance/Attendance

The November 10, meeting of the Newtown Village Council took place via Zoom and called to order at 6:34 p.m. by Mayor Mark Kobasuk.

Council Members: **Don Carroll** (Vice Mayor) Solicitor: Emily Supinger
 Daryl Zornes (joined @6:39pm) Fiscal Officer: Keri Everett
 Chuck Short Assistant to Mayor: Becky Fairley
 Curt Tiettmeyer
 Terry Fairley
 Sarah Williams

APPROVAL OF COUNCIL MINUTES:

Mr. Fairley a motion to approve the regularly scheduled 10.13.2020 Council Minutes. Mr. Short seconded the motion. All Aye. Motion Carried. (Mr. Zornes not present for vote)

Mr. Fairley a motion to approve the 11.09.2020 Special Council Meeting Minutes. Mr. Short seconded the motion. All Aye. Motion Carried. (Mr. Zornes not present for vote)

SPECIAL PRESENTATIONS:

Engineering Update, Bruce Brandstetter

November 09, 2020

1. Ragland Road Culvert (17053)

- A \$26,000 retainage is being held on Majors Pay Request.
- Majors has re-seeded by hydro seed method. Covered a larger area. Has also watered twice. In an effort to close out project, Bruce may suggest Majors offer some money for the areas that have not yet germinated.

2. 2018 Street Program (18081)

- Retainage release being processed.

3. Sidewalk Inspection, River Hills Subdivision (18085)

- BCI to be involved as requested.

4. 2020 Paving Program (20054)

- Final pay request has been received and processed. Projected to be \$6,000 under budget.
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5. Plan Reviews and Meetings (20007)

- Meeting held with Chuck Morgan, Jim Bailey, Evans Construction on 09/15/2020. Curb and sidewalk work and street repair in Church Street discussed. Scheduled for this fall. **BCI has followed up with multiple emails.**

6. McCullough's Run (20007)

- Memo to be distributed under separate covers concerning McCullough's Run at Ivy Hills Blvd. **Alternatives to be discussed on 11/10/20.**

Council 11/10/2020 Discussion

Mr. Brandstetter said the drainage issue at McCullough's Run needs to be done in 2021. He will get schematic drawings and cost estimates and share with those involved. Mr. Carroll said the check dam built a couple of years ago has collapsed. Mr. Brandstetter said the check dam seems to slow things down and they would rebuild as part of whatever cleaning they do. Mayor Kobasuk said Solicitor Supinger has advised that because water is running from Little Dry Run into McCullough's Run, we can spend Village tax dollars on this project to keep McCullough's Run open.

Solicitor Supinger said that is correct. Typically, when a subdivision or plat is approved, the Village becomes responsible for those portions of the subdivision or plat that have been dedicated for public use and the Village has accepted those improvements. Looking at the plat map for this particular subdivision you can see the limits of what the Village has accepted in terms of the storm water drainage system which is really limited to the culvert area of the creek; however, since there are some concrete channels that run from Little Dry Run down into the creek bed and therefore the Village is draining water off of that roadway into the creek, it's certainly within the Village's ability to maintain the creek to ensure there is no damage to the road as creek waters rise. Mr. Carroll asked Mrs. Supinger her thoughts on the diagram he sent on the storm water drainage coming from the other pipe next to Mike Moore's property. Mrs. Supinger said it appears that is part of what the Village accepted but the limits of that acceptance and when it gets to the creek does not include the creek itself in that acceptance. Mr. Carroll said this is where Chuck Morgan was going to install gravel since it is below the grade of McCullough's Run. The gravel hasn't been installed so the water that is coming out of that pipe that feeds into McCullough's Run is significantly lower than the grade of McCullough's Run, stated Mr. Carroll. Mr. Brandstetter said he will get with Chuck.

7. Church Street North Paving (20045)

- Recommended January/February bidding. Estimated cost \$306,000. Village share \$103,000.
- Consider bidding 2021 Annual Paving Program with this project.
- BCI recommends that the Lake Barber Trail Repairs and Seal Coat be contracted separately.
- If the Municipal Parking Lot paving is in the 2021 program, may want to bid with Lake Barber.

8. Moundview Park (20078)

- Alternatives and budget costs:
 - Onsite treatment per existing \$50,000
 - Pump to MSDCG sewer on Harriett or Church Street \$60,000-\$75,000
 - Recommend On-site treatment, either aerobic system per the existing or mound system.
 - Mound system requires a soil absorption test to confirm size required.

9. McCullough's Run (20007)

- 2020 Activities:
 - Turpin Lane to Church St, applied for OPWC funds to clean channel and replace sheet pile wall along Jones Fish property.
 - Clean channel from River Hills to east side of Ivy Hills place, possibly in late 2020.
 - Clean from east side of Ivy Hills Place to Ivy Hills Blvd. Review after leaves fall.

10. MRF/OPWC Applications

- MRF and OPWC applications submitted on 11/6/20 for paving.

	OPWC	MRF	Village
Church Street South	\$114,500	\$50,000	\$64,500
Little Dry Run Road	\$116,000	\$50,000	\$66,000
- OPWC Submitted for McCullough's Run for a construction cost of \$200,000 (50%/50% split)
- Resolution from Council.

Little Dry Run Water Issue

Mayor Kobasuk asked Mr. Brandstetter to talk about the issue residents are having at 3311 Little Dry Run where the pipe under the street is expelling water washing away their property. Mr. Brandstetter said this is within the right-of-way right on the edge – it is washing out the corner of their driveway approach. Mr. Brandstetter recommends fixing the issue. Mayor Kobasuk asked for a motion so we can fix the problem for the residents. The cost estimate is \$4,750.00

Mr. Short made a motion to approve \$4,750.00 to repair the above water issue from the pipe under Little Dry Run. Mr. Fairley seconded the motion. All Aye. Motion Carried.

MAYOR AND COUNCIL MEMBER REPORTS:

Community Development Block Grant Program

Mayor Kobasuk reminded everyone about the block grants. The \$20,000 block grant has to be spent by June 2021. The \$50,000 Community Development Block COVID-19 Grant (CDBG-CV) has to be spent by September 2021. The \$20,000 and \$50,000 are for the revitalization of Short Park. The \$50,000 grant is an effort to get people outside using the parks. Keri is working on a new application for \$25,000 to \$28,000, which could be used for any of the parks. This application is due Nov. 23rd. Ms. Everett said this application is asking for more specific info as to which part of the project we want to apply for. Mayor Kobasuk said he will work with Keri and others are welcome to also.

Trees In Gratitude Program

Mayor Kobasuk said the recent planting of the trees went well. A special thank you to Bruce Berno for donating sixty-five new trees. (57 at Lake Barber) (8 at Moundview Park). We had 25-30 volunteers planting the trees.

Employee 2020-2021 Health Benefits

At last night's special council meeting, Council approved employee benefits for 2021. The Village will enter into contract with Anthem for the SOCA Benefit Plan 3000E/0%/6000 w/ HAS Rx Opt T33 to provide medical insurance benefits. Mr. Fairley acknowledged Paul Conroy, Director, Arc Benefit Solutions and thanked him for his efforts sourcing various plans. This specific plan is a 17.5% decrease over what we are currenting paying. This is a big win for the Village and some of the savings will be passed onto the employees by increasing their HSA contribution for 2021.

Police Department

The Police Department recently located 9mm ammunition for training and duty carry, stated Mr. Zornes.

Mr. Zornes made a motion to approve \$1,190 to Just Guns and Ammo for the purchase of 9mm ammunition. Mr. Short seconded the motion. All Aye. Motion Carried.

Budget 2021

Mr. Tiettmeyer asked Committee Chairs to review their budget for Police, Human Resources (salary adjustments) and Streets. We need to have a preliminary idea of where we stand by January 1st.

Duke Contractor Tax Collection

Mayor Kobasuk asked if we had heard back regarding the workers on back wages. Ms. Everett said R.I.T.A. received one payment and they are working on the back wages.

Solicitor's Report (Solicitor Emily Supinger)

A couple years ago, the Village participated in litigation challenging several aspects of state law on the collection of Municipal income taxes. Three challenges were launched: 1) prescriptive income tax code - where all cities and villages in the state had to follow the tax code as written in the O.R.C., 2) a program that created a centralized collection of the net profit taxes from municipalities and 3) .5% fee the state was collecting for the centralized collection of those net income tax receipts. This went all the way to the Supreme Court and they ruled last week and upheld the legal authority of the General Assembly to have the prescriptive income tax code. They upheld the ability of the General Assembly to enact the centralized collection of the net profit tax but they invalidated the fee being charged by the state to do that collection. It will be interesting to see whether the state still believes it worthwhile to continue to do that collection when they cannot receive any funds for doing it. Information from legal counsel will follow in the upcoming weeks.

Soccer Appeal – Judge Ethna Cooper will remain on the bench for a month and a half. The case will go to Wende Cross if Judge Cooper decides to not take up the case before her term ends. Wende Cross defeated incumbent Ethna M. Cooper in the general election for Hamilton County Court of Common Pleas on November 3, 2020.

Legislation

Resolution, OPWC State Capital Improvement

The State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure. Newtown plans certain capital improvement projects, namely, the Church Street South Paving Project, the Little Dry Run Paving Project, and the McCullough's Run Wall Replacement Project, Phase A.

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 23-2020 A RESOLUTION AUTHORIZING THE MAOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Mr. Carroll seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Wessling Tree Service

The Village solicited proposals to remove certain trees and brush from the Lake Barber property. Wessling Tree Service submitted a proposal in the amount of \$14,520.00 to perform the requested work. Village Council, at its regular meeting on 10/13/2020, passed a motion authorizing a contract with Wessling Tree Service for the tree and brush removal in an amount not to exceed \$14,520.00.

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

Mrs. Williams made a motion to adopt RESOLUTION NO. 24-2020 A RESOLUTION APPROVING A CONTRACT WITH WESSLING TREE SERVICE FOR TREE AND BRUSH REMOVAL SERVICES AT LAKE BARBER. Mr. Fairley seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution, Contracts for Employee Benefits

Adopting this resolution, Council authorizes and directs the Mayor and Fiscal Officer to contract with Anthem for the SOCA Benefit Plan 3000E/0%/6000 w/ HSA Rx Opt T33 to provide medical insurance benefits for those Village employees entitled to such benefits as set forth in the Village Personnel Policy Manual.

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

Mr. Fairley made a motion to adopt RESOLUTION 25-2020 A RESOLUTION APPROVING CONTRACTS FOR EMPLOYEE HEALTH, DENTAL, VISION AND LIFE INSURANCE. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Carroll-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes, Mr. Short-Yes, Mr. Zornes-Yes. Motion Carried.

New Business

Mr. Tiettmeyer made a motion to approve the Council Checklist dated 11/10/2020 in the amount of \$198,158.28. Mr. Carroll seconded the motion. All Aye. Motion Carried.

Executive Session

Mayor Mark Kobasuk and Council entered into Executive Session at 7:31 pm under O.R.C. 121.22 (G3) Discussion on sale of public property. Mr. Carroll made the motion, seconded by Mr. Zornes. Roll Call: Mr. Carroll-yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes. Motion Carried.

Council reconvened at 8:50pm. No action will be taken as a result of the Executive Session. Roll Call: Mr. Carroll-yes, Mr. Zornes-Yes, Mr. Tiettmeyer-Yes, Mr. Short-Yes, Mr. Fairley-Yes, Mrs. Williams-Yes. Motion Carried.

Mr. Short made a motion to adjourn. All Aye. Motion Carried.

Transcribed by Becky Fairley