

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

The February 14, 2023 regularly-scheduled meeting of the Newtown Village Council was called to order at 6:00 p.m. by Mayor Mark Kobasuk, who led the Pledge of Allegiance to the Flag.

**Council Members:** Chuck Short (Vice Mayor) Excused  
Terry Fairley  
Daryl Zornes  
Peg Quallen  
Jerry Schwab  
Jeff Drescher

Solicitor Emily Supinger  
Fiscal Officer Keri Everett  
Assistant to Mayor Becky Fairley  
Police Chief Tom Synan

### Approval of Council Minutes

**Mr. Schwab made a motion to approve the 01.10.2023 regularly-scheduled Council Minutes and 01.23.2023 Special Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.**

### SPECIAL PRESENTATIONS

#### Request to Dedicate Moundview Ballfield

Ms. Kathryn (Flach) Eldridge and her twin sister Kim Kilgore were present – they previously emailed Mayor Kobasuk asking if Village officials would consider allowing them to place a plaque of dedication honoring their father Sonny Flach at Moundview Park ballfield. Their father Sonny Flach loved the game of baseball and gave many hours to creating the current field at Moundview. Mr. Sonny Flach will be 87 years July 2023, played baseball into his 80's. Mr. Flach was born in Newtown and raised his family on Newtown Road.

Ms. Eldridge read several letters from their family regarding the passion Mr. Sonny Flach had for baseball. Mr. Bill Hill, a friend of the family also spoke to Mr. Flach's character. Mr. Flach had twin daughters who wanted to play baseball more than anything. Mr. Flach made this possible by donating his time and equipment needed to begin breaking ground for a ballfield. Mr. Flach used a bulldozer to shape the field; skimming the grass and dragging the dirt so it was playable. Mr. Flach also striped the field before each game. By spring of 1972, the Moundview ballfield was completed for all to enjoy. Ms. Eldridge and Mr. Bill Hill spoke asking Village officials to consider dedicating the current field at Moundview in honor of Mr. Sonny Flach. Ms. Eldridge and family would be responsible for the cost of the plaque, as well as installation. Information was given to Councilmember Peg Quallen, chair of Parks. This will be discussed at the March 14, 2023 council meeting.

#### Engineering Report dated February 2, 2023 submitted by CT Consultants

##### 1. Short Park Projects:

###### • Parking Lot:

- i. Added 57 spaces, which includes 3 ADA Spaces.
- ii. Contractor was DJ Drew Company. Contract amount is \$138,275.00.
- iii. Project complete week of 9/26.
- iv. Final Contract value - \$132,598.53
- v. Dry Well is not percolating as expected. Options include:
  1. Perform testing on dry well to confirm materials installed per drawings.
  2. Perform testing to confirm percolation rate.
  3. Install ancillary french drain and connect into nearby swale. We have received preliminary pricing from DJ Drew for approximately \$30,000 to \$35,000.
  4. Install drilled 36" diameter dry well adjacent to existing to approximately 12' to 14' deep. We have received preliminary pricing from Argo for \$8,000 to \$10,000.
- vi. To perform 1 & 2 above \$5,550.
- vii. Next steps include the Village borrowing a backhoe from Hamilton County that has a 12' extension and dig at least 2 test holes to understand where the gravel layer is.

##### 2. 2022 OPWC & MRF Applications:

- OPWC Application due September 23, 2022 at 2:00 pm – Unsuccessful
- MRF Application due August 31, 2022 at 2:00 pm - COMPLETE
  - i. MRF: Submitted Church Street
  - ii. Future MRF: Round Bottom Road Bridge – awaiting bridge inspection report from Hamilton County Engineer's Office. Bridge report was expected from Hamilton County Engineer's Office in August, 2022. To date, still not received.
  - iii. Future OPWC: Will utilize Pavement Conditions Rating Report to base future applications.

### 3. McCullough's Run

- Meeting with Emily occurred on 6/8. Title was ran on 3 properties. No evidence of an easement found for the creek. In order for the Village to complete work on the creek, easement will be needed. Village has indicated that they will make necessary repairs and obtain the necessary easements.
- CT to put together high-level preliminary construction costs for 3 options (note original option was for 500' of wall replacement):
  - i. Option 1 – Remove and replace existing wall – approximately 1,000 lf - \$520,000
  - ii. Option 2 – Remove and replace failed sections of wall – approximately 850 lf - \$442,000
  - iii. Option 3 – Remove existing wall, construct earthen slope – approximately 1,000 lf - \$338,000 – Selected Option.
  - iv. Soft Costs for each option – Approximately \$100,000, includes survey, design, property line resolution, easements, legal costs
- The Village and CT met with Jones Hatchery on 10/27. Jones is willing to grant easement for work, ok with tree clearing, will allow us to use gravel area for staging, will require fence replacement with new chain link. May also request a berm be installed along Church Street frontage. We will have excess spoils from the excavation – (a berm could help save costs)
- Next steps include:
  - i. CT submitted proposal for Option 3, includes fees that are time and expense, not to exceed.

### 4. Pavement Condition Ratings:

- Previous pavement study was performed in 2016 and segmented the streets into 4 categories; mill and resurface, crack seal and pavement repairs, crack seal and no work. The pavement study did not include pavement condition ratings, which would apply a condition score to the improvement category.
- CT to complete new Pavement Condition Rating and 5-Year Street Program in April and May, 2022. We will following the same categories and add reconstruction. Our end product will build a 5-year street program. It is estimated that this cost is \$10,000 - \$12,000.
- Having a 5-Year Street Program and Pavement Condition Ratings assists with planning, costs and funding applications.
- The Pavement Condition Ratings and 5-year street program will be completed utilizing GIS data, which allows us to begin building a database of Village infrastructure that we would also incorporate with Hamilton County Stormwater District information.

### 5. SR 32 – Little Dry Run to Corp Line

- This section of SR 32 has silt berms located on each side of the road for portions of its length. The silt berms can be as high as 12" or 18" and should be removed in order to let the storm water to drain to the roadside ditches. CT is developing opinion of construction cost and options for the silt berm removal, including:
  - i. Milling of silt berm (if feasible) and restoration
  - ii. Conventional excavation and restoration
- CT completed a safety application to ODOT for a 90/10 funding for the improved shoulder work. Application was due 1/31/23.
- Total cost including design, but excluding Construction Engineering, is \$240,714. Village responsibility would be \$24,072.

### 6. SR 32 & Round Bottom Road

- CT has gathered GIS data, reviewed property information via CAGIS and prepared an exhibit showing a potential area for another drywell for additional storage or a storm water basin. We would recommend getting geotechnical information to understand drywell capabilities at this location.
- The review of the GIS data does not show an overflow location that we would be able to drain a pond or drywell in the event that it fills up.

#### Short Park Drain at Parking Lot

Chuck Morgan, Maintenance Supervisor spoke, explaining the need to have the drain cored at the newly paved lower parking lot. The cost will be around \$10,000 to \$12,000.

#### Property Maintenance Inspector

Mark Yontz recently began working for Newtown as the Property Maintenance Inspector. Mr. Yontz will work eight hours per week. Mr. Yontz thanked Village officials for the opportunity – he is a retired police officer with 24 years with the City of Cincinnati. Mr. Yontz said he is happy to serve the Village of Newtown.

## PUBLIC COMMENTS:

Ed Wolfer, 3458 River Hills, spoke to mayor and council about the ongoing issue he has had with Police Chief Synan. Mr. Wolfer attended several council meetings in 2022 and has made frequent visits to the Municipal Center where the same issue has been discussed on multiple occasions. Administrative staff assisted Mr. Wolfer with his request of passing along information to Mayor, Council, Police Chief Synan and Solicitor Supinger. Mr. Wolfer spoke of guns, boot camp and training school, as he served the U.S. Army and Chief Synan served the U.S. Marine Corp. Specifically, he mentioned an article he read on the internet written by Chief Synan dated 2.1.2021 ( The 110-pound Marine Marched a rugged 20-25 miles through the woods with his unit, hunched over carrying a 75-pound pack, which included a 25-pound missile and a 50-pound machine gun. Mr. Wolfer said there is no such thing as a 50lb. machine gun. Mr. Wolfer was advised that the issues he was bringing before council are not relevant to his ongoing dispute with the Village and he was repeatedly advised that he had exceeded his time for public comment by Mayor Kobasuk.

## MAYOR AND COUNCIL MEMBER REPORTS:

### Mayor's Report

#### Village Exit Interview Policy for Employees (Mayor Kobasuk)

Mayor Kobasuk believes it would be best practice for the Village to implement an employee exit interview policy. Solicitor Supinger drafted one for Council's review "for discussion only!"

#### Meridian Bioscience (Mayor Kobasuk)

Meridian Bioscience was acquired by SD Biosensor, Inc. of Seoul, South Korea on January 31, 2023. The press release stated "Meridian will continue to operate as an independent entity, under new ownership, headquartered in Cincinnati, Ohio. Mayor Kobasuk and Councilman Fairley will meet with the C.E.O./C.F.O. Jack Kenny early-March to discuss future plans. Meridian accounts for 20% of the Village's revenue. Meridian expanded in Newtown over past few years, creating 45 jobs and received grants from JobsOhio and from NIH (National Institutes of Health).

#### Village Financial Planning (Mayor Kobasuk)

Dan Schall, Director – Capital Planning w/Bradley Payne Advisors will meet with Village officials to discuss long-term financial planning. Their proposal submitted is \$15,500. Maintenance of the plan and ongoing support is also included in the agreement for \$7,500 a year beginning the year after the plan is in place. Due to the unknown of the future, officials and employees thought it prudent to seek long-term planning.

#### Employee Wellness Program (Mayor Kobasuk)

The 2023 Budget supports each eligible Village employee to receive \$250 to go towards an annual gym membership or other wellness tools. Mayor Kobasuk asked Councilman Zornes, HR Chair to work on guidelines for this program.

#### Jones Fish (Mayor Kobasuk)

Jones Fish has committed to donating \$1600 of fish to restocking Lake Barber.

#### GoFund Me Request – New Playground Equipment

Fall 2022, Mayor Kobasuk received a request from Cincy SC for the Village to make a donation to replace the playground equipment behind Newtown First Baptist Church. Cincy is raising the money for the equipment via GoFund Me. Solicitor Supinger will look into the Village making a contribution.

## Council Members Report:

### 2023 January Finance Packet (Mr. Fairley)

Mr. Fairley noted that Municipal Income Tax collections were up 65% from 2022 so we're off to a good start. As part of the audit compliance, Mr. Fairley made the following motion:

**Mr. Fairley made a motion to accept the January 2023 Finance Packet presented to Council. Ms. Quallen seconded the motion. All Aye. Motion Carried.**

### Solicitor's Report (Solicitor Supinger)

- 1) Amendments to the Zoning Code – this will be presented to the Planning Commission on March 23, 2023 (6PM)
- 2) MVCA property transfer – the sale is being done through the Newtown CIC. Solicitor Supinger and her partner Michele Reid met today w/Greg Beasley and believes we are getting close to closing on the property. An ordinance may be presented to Council at the 3.14.2023 meeting to transfer the property from Newtown to the CIC so they can close on the transaction.

Mr. Fairley recently attended a play at MVCA and said they are planning on present and future expansion, as they currently have a large capital expenditure plan in progress. Solicitor Supinger said Greg Beasley explained in a meeting that MVCA's numbers continually increase.

## LEGISLATION

### Ordinance, Permanent Appropriations Year Ending 12/31/2023 FIRST READING

Council wishes to adopt permanent appropriations for the year ending December 31, 2023.

**Mr. Fairley read the first reading of AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.**

### Ordinance Amending Personnel Polices – Exit Interview (DISCUSSION ONLY)

Mayor Kobasuk asked Council to reach out to Solicitor Supinger with any comments/questions.

### Ordinance, American Legal Publishing's 2022 Edition Ohio Basic Code

This ordinance is adopted annually by Village Council – this is a Code of Ordinances suitable for adoption for municipalities in Ohio.

**Mr. Drescher made a motion to suspend the rules, Mr. Fairley seconded. Motion Carried.**

**Mr. Fairley made a motion to adopt ORDINANCE NO. 04-2023 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2023 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO AND DECLARING AN EMERGENCY. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes, Mr. Schwab-Yes. Motion Carried.**

### Resolution, Bradley Payne Advisors

Council wishes to engage Bradley Payne Advisors, LLC to provide professional financial planning services – amount not to exceed \$15,500. Mr. Fairley said he feels the money is a value for a ten-year plan.

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

**Mr. Fairley made a motion to adopt RESOLUTION NO. 02-2023 A RESOLUTION APPROVING A CONTRACT WITH BRADLEY PAYNE ADVISORS, LLC FOR FINANCIAL PLANNING SERVICES. Mr. Zornes seconded the motion. All Aye. Motion Carried. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes, Mr. Schwab-Yes. Motion Carried.**

### Resolution, Electric Aggregation Agreement

With the approval of the voters, the Village of Newtown established an opt-out electric aggregation program in order to provide negotiated rates to the Village's businesses and residents. The Village has engaged Energy Alliances, Inc. as a consultant on its electric aggregation program – they are seeking rates for an electric supplier. Visit ([newtownohio.gov](http://newtownohio.gov)) for more details.

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

**Mr. Fairley made a motion to adopt RESOLUTION NO. 03-2023 A RESOLUTION APPROVING AN ELECTRIC AGGREGATION AGREEMENT WITH A SUPPLIER RECOMMENDED BY ENERGY ALLIANCES. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes, Mr. Schwab-Yes. Motion Carried.**

### Resolution, CT Consultants for Professional Services

This is for an annual contract w/CT Consultants to serve as Village Engineer.

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

**Mr. Schwab made a motion to adopt RESOLUTION NO. 04-2023 A RESOLUTION APPROVING AN AGREEMENT WITH CT CONSULTANTS, INC. FOR PROFESSIONALSERVICES. Ms. Quallen seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes, Mr. Schwab-Yes. Motion Carried.**

Resolution, CT Consultants – McCullough’s Run

Resolution covers engineering services as related to the McCullough’s Run Improvement Project.

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

**Mr. Schwab made a motion to adopt RESOLUTION NO. 05-2023 A RESOLUTION APPROVING AN AGREEMENT WITH CT CONSULTANTS FOR ENGINEERING SERVICES RELATED TO THE McCULLOUGH’S RUN IMPROVEMENTS PROJECT. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-Yes, Mr. Schwab-Yes. Motion Carried.**

New Business

Council Checklist

**Mr. Fairley made a motion to approve the 02/14/2023 Council Checklist for \$313,513.31. Mr. Schwab seconded the motion. All Aye. Motion Carried.**

Personnel Policy – Exit Interview Policy (Mr. Zornes)

In regards to the personnel policy relating to the Village implementing an exit interview policy, Mr. Zornes asked how can an employee be reprimanded because another employee declined to participate in an exit interview. Mayor Kobasuk said he is not going to comment on an employee matter – litigation appears imminent. Solicitor Supinger sent a letter out on this top, stated Mayor Kobasuk. Mr. Zornes said he would like to have an answer to his question – Solicitor Supinger said she is certainly not going to comment on this discussion; it’s not an appropriate item for a public session. Mr. Zornes said he thinks it needs to be in the public. Solicitor Supinger said she understands that, but as the solicitor, it is her opinion that it is not an appropriate topic for this public session of this meeting so she will not engage in a discussion at this time.

Mr. Zornes said Personnel Practices are legislated by and under the control of the Village Council, pursuant to the guidelines of the Ohio Revised Code. Mr. Zornes said will be proposing that any first time written reprimands be short-lived and at the end of its life, the reprimand be removed from one’s personnel file. Mayor and Council should be committed to setting a positive example for conduct when representing the village. Mayor and Council should be committed to working with Village officials and staff in a courteous and respectful manner. Mr. Zornes said all should support a positive and constructive environment for the residents, businesses and Village employees. Mayor and Council should refrain from abusive conduct , personal charges and further attacks upon Village staff.

**Mr. Zornes called for a vote of “NO CONFIDENCE” on Mayor Kobasuk. (Mr. Zornes asked for a second to this motion.) (no one seconded the motion)**

**Mr. Zornes also called for a censure on Mayor Kobasuk. (Mr. Zornes said a censure is nothing more than a form of statement of severe disapproval of conduct.) (Mr. Zornes asked if he was going to get a second.) (no one seconded the motion)**

Mr. Fairley made a motion to adjourn at 6:42p.m., seconded by Mr. Drescher. Meeting Adjourned.

Transcribed by Becky Fairley