

Call to Order/Pledge of Allegiance/Attendance

The March 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)
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

Ms. Quallen made a motion to approve the 02.14.2023 regularly-scheduled Council Minutes, seconded by Mr. Schwab. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Forest Hills School Levy (May 2, 2023 Ballot)

Alana Cropper, Treasurer and a few ladies from the steering committee for the levy spoke to Council regarding the upcoming school levy on the May Ballot.

The 6.9 mill combination levy includes a 5.4 mill operating levy and a 1.5 mill permanent improvement levy. More details about what kinds of things those levies will fund and their cost to taxpayers can be found at the district's informational levy webpage here: <https://www.foresthills.edu/levy.html> and <https://www.foresthills.edu/news/news/superintendent-details-levy-reduction-scenarios-for-board.html> If you have questions, call FHSD Central Office 513.231.3600 or email Superintendent Larry Hook (larryhook@foresthills.edu) or Treasurer Alana Cropper (alanacropper@foresthills.edu)

Engineering Report dated March2, 2023 submitted by CT Consultants

1. Short Park Projects:
 - Parking Lot:
 - i. Dry Well was not percolating as expected.
 1. Drill testing has been performed on dry well to confirm the subsurface conditions.
 2. It appears an approximately 9' thick layer of gravels begins between 2 to 3 feet below the bottom of the existing drywell.
 - ii. Next steps would be to drill a larger bore to get through the clay into sands and gravels layer and backfill with washed aggregate.
2. McCullough's Run
 - The Village has a draft easement donation agreement signed by Jones Fish hatchery.
 - Next steps include:
 - i. CT will meet with the Village to update the application to be an acquirement project.
 - ii. Resubmittal of the revised application by the Village.
 - iii. CT submitted proposal to remove the existing wall, construct and construct and earthen berm for approximately 1,000 lf. Waiting for confirmation of approval.
3. 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 has been approved to complete a new Pavement Condition Rating and 5-Year Street Program in April and May, 2023. We will follow 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.

4. SR 32 – Little Dry Run to Corp Line

- The application to ODOT for a 90/10 funding for the improved shoulder work is complete.
- The review process is still scheduled to be finalized in March 2023 with funding award notices to occur in late March or early April.

Maintenance Updates

Chuck Morgan, Maintenance Supervisor discussed the following:

- 1) Resolution w/Debra-Kuemple to replace VAV controllers at fire station (\$11,500)
- 2) Resolution for bulk salt (335 tons \$87.27/ton = \$26,890.45)
- 3) Resolution for drywell repairs at Short Park parking lot w/Argo Construction (\$11,250.00) drill 4' hole in existing dry well and cut parking lot to lift cap off casing and fill hole w/rock and pour a 7" thick concrete square pad around dry well and haul away all spoils
- 4) Pressure wash and re-stain Moundview steps and Bi-Park gazebo (Deck Works \$3,400 is recommended)
- 5) Pole replacement on Center Street by Duke Energy
- 6) Leaf machine update \$23,500 to refurbish existing machine
- 7) Mower-Max – current machine is 31 years old with no safety features. A new machine \$213,500 w/lease to own – working with bond counsel – the new machine is exceptionally safe and very versatile

PUBLIC COMMENTS:

McCullough's Run Creek – Issues w/debris/flooding

Resident Kevin Dineen, purchased 6721 Main Street in 2008, previous owner stated Newtown would use bulldozers to dredge McCullough's creek from time to time – he asked if this is part of the plan. Mr. Short assured Mr. Dineen that we are working with engineers (CT Consultants) to correct the issue by replacing the failing wall and discussion various remedies to correct the issue.

Resident Barb Greve, owner of two homes and two parcels on Main Street said the creek is filled with fallen trees. Ms. Greve said she and Mr. Dineen are trying to differentiate on the work that is being done further up the creek and what they need to do to protect their property. Mayor Kobasuk said the creek is on private property and is their responsibility to clean out the creek – he encouraged the property owners to take measurements to protect their land.

Solicitor Supinger said yes, the creek is on private property and the property owners are responsible for the portions of the creek on their property. Periodically, the Village does make efforts to work on the storm water drainage, which is this particular project is – overall care for the portion of the creek on one's property is the property owner's responsibility. Solicitor Supinger said the Village doesn't have the authority to drill on one's property. Mayor Kobasuk said Jones Fish Hatcheries is giving the Village an easement in regards to the McCullough's Run project. Solicitor Supinger said there were existing improvements that were built that have to be maintained and that is what the Village is currently doing. For instance, at some point and time, the Village made an improvement on the creek where the metal wall is and that has deteriorated and the Village needs to correct that situation. Mayor Kobasuk said in the 1930's, the WPA came in and put in the metal sheet pile wall that is now failing – we are trying to deal with the mechanisms to replace it. Village engineers said to remove it and put in riprap – project is estimated at around \$500,000.

Residents in Ivy Hills have to maintain the creek that run along Little Dry Run because it's on their property, stated Mayor Kobasuk.

Wolfer - Police Department (Spoke 6:47 to 7:05pm)

Ed Wolfer, 3458 River Hills continued to complain about the felony letter and how he felt shafted by the police department. It took him fifteen months to track down Chief Synan because Mr. Wolfer said he wouldn't answer his phone calls. He said it took two months to get a copy of the search warrant of the 3/30/2021 incident at 3910 Round Bottom Road, also addressed as 3850 Round Bottom Road. Mr. Wolfer said once he tracked down Chief Synan, he asked why Nick Walker was not charged with a crime if the police thought there was a meth lab in the house Mr. Wolfer rented to Nick Walker for forty years. Mr. Wolfer said Chief Synan told him that all of the evidence burned up in the fire on 3/30/2021. Mr. Wolfer said he would like to know why Nick Walker was not charged. Mayor Kobasuk told Mr. Wolfer his time had expired and reminded Mr. Wolfer that the letter did not accuse him of a felony! Mayor Kobasuk said the letter was served to Mr. Wolfer as a letter to assist him as a landlord in evicting people who had possibly been doing drugs on Mr. Wolfer's rental property. Mr. Wolfer is concerned that the letter will follow him the rest of his life and concerned he could be charged with a felony. Mayor Kobasuk said that is not true. Mr. Wolfer said he believes there was no "KI" for a search warrant to have been served. He said the Village has no records responsive to his request so he feels there was no "KI" – therefore he said someone lied to get a search warrant. Mr. Wolfer said he was talked to disrespectfully at the scene on 3/30/2021 – Mr. Wolfer cited a story he read about Police Chief Tom Synan and asked about a specific weapon but did not get an answer. Mayor Kobasuk said Council needs to move forward with the agenda.

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor's Report

Meridian Bioscience Meeting

Mayor Kobasuk and Mr. Fairley met with Meridian, who was bought by a South Korean company. Mayor Kobasuk said hopefully they will bring more production to the Village to save costs, like they did from Canada – will have to see what transpires. Mr. Fairley said the CEO was very transparent in the meeting – a little nervous but confident hoping they can meet their expectations.

SWOAQA Air Quality

Mayor Kobasuk previously sent Council the recent air quality report - we have had two years of air monitoring done in the Village. He will invite a representative from SWOAQA to attend a Council meeting to discuss the report.

Lake Barber – Fish

Jones Fish Lake Management is donating Hybrid Striped Bass, Black Crappie, and Channel Catfish and plan to stock the lake in March/April, weather permitting. Mayor Kobasuk thanked Jones Fish Hatcheries for their generous donation and commitment to the Village.

Heroes on the Water

The Heroes on the Water and the DAV “Disabled American Veterans” would like to use Lake Barber July 1st for their annual event. Solicitor Supinger will make sure the Village has proper releases from the organization.

Mr. Short made a motion to allow Heroes on the Water and the Disabled American Veterans to use Lake Barber on July 1, 2023 for their annual event, with proper releases obtained. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Council Members Report:

2023 February Finance Packet (Mr. Fairley)

As part of the audit compliance, Mr. Fairley made the following motion, after discussion took place.

Mr. Fairley made a motion to accept the February 2023 Finance Packet presented to Council. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Village Beautification

Mr. Fairley made a motion to replace the Village flower pots seen throughout the Village – pots are more than ten years old. Motion to approve an amount not to exceed \$10,000 for pot replacement. My Flower Service will plant and maintain the seasonal flowers. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Park Maintenance (Moundview Park & Bi-Park)

Mr. Short made a motion to approve \$3,400 to Deck Works to power wash and re-stain steps at Moundview Park and the Bi-Park gazebo. Ms. Quallen seconded the motion. All Aye. Motion Carried.

Solicitor's Report (Solicitor Supinger)

- 1) Salary Ordinance – will be effective January 13, 2023, instead of March 23, 2023. This is consistent with 2022.
- 2) Personnel Manual – several changes that were previously discussed at meetings, have been received. Solicitor Supinger will prepare a memo outlining the four changes for Council's review before legislation is presented. (Comp time carryover, exit interviews, wellness program and disciplinary issues are the changes.)

LEGISLATION

Ordinance, Village Personnel Salaries 2023

This ordinance establishes rates of pay and salaries for Village personnel commencing January 13, 2023. (Mr. Fairley will abstain due to Becky.)

Mr. Schwab made a motion to suspend the rules, seconded by Mr. Drescher. All Aye. Motion carried.

Mr. Schwab made a motion to adopt ORDINANCE NO. 06-2023 AN ORDINANCE ESTABLISHING SALARIES FOR VILLAGE PERSONNEL AND DECLARING AN EMERGENCY. Mr. Drescher seconded the motion. Roll Call: Mr. Schwab-Yes, Mr. Drescher-Yes, Ms. Quallen-Yes, Mr. Zornes-No, Mr. Fairley-Abstain, Mr. Short-Yes. Motion Carried.

Ordinance, Permanent Appropriations Year Ending 12/31/2023 Second/Final Reading
Council wishes to adopt permanent appropriations for the year ending December 31, 2023.

Mr. Fairley made a motion to amend the budget regarding service equipment line for \$23,500. Mr. Short seconded the motion. All Aye. Motion Carried.

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

Mr. Fairley made a motion to have the Second and Final Reading to adopt ORDINANCE NO. 05-2023 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEWTOWN DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023. Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, 2019 Dodge Chargers, Surplus

The Village currently owns two 2019 Dodge Chargers (VIN Nos. 2C3CDXKT4KH600377 and 2C3CDXKT6KH600378) that are no longer needed for municipal purposes.

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

Mr. Drescher made a motion to adopt RESOLUTION 06-2023 A RESOLUTION DECLARING TWO 2019 DODGE CHARGERS TO BE SURPLUSED AND AUTHORIZING THE CHIEF OF POLICE TO ADVERTISE AND SELL THE VEHICLES. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, Purchase of Road Salt

Morton Salt, Inc. has proposed to supply the necessary salt at a cost of \$80.27 per ton (335 tons); total amount not to exceed \$26,890.45.

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

Mr. Short made a motion to adopt RESOLUTION NO. 07-2023 A RESOLUTION AUTHORIZING THE PURCHASE OF ROAD SALT FROM MORTON SALT, INC. Ms. Quallen seconded the motion. ROLL CALL: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, Beacon Audio Video Systems

The audio video system in the Municipal Center is in need of upgrading and desires a contract w/Beacon Audio Systems to upgrade the audio video system – amount not to exceed \$23,817.21.

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

Mr. Fairley made a motion to adopt RESOLUTION NO. 08-2023 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH BEACON AUDIO VIDEO SYSTEMS TO UPGRADE THE AUDIO VIDEO SYSTEM IN THE MUNICIPAL CENTER. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, Andy Agro Construction Company, LLC.

Council desires to make repairs to the dry well at the Short Park lower parking lot – amount of \$11,250.00 for labor and materials.

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 09-2023 A RESOLUTION APPROVING A CONTRACT WITH ANDY ARGO CONSTRUCTION COMPANY, LLC FOR REPAIRS TO THE DRY WELL AT THE SHORT PARK LOWER PARKING LOT. Mr. Short seconded the motion. ROLL CALL: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, HVAC Equipment Fire Station

DeBra-Kuempel has submitted a proposal to provide/install certain HVAC equipment at the Newtown Fire Station. Amount for labor and materials is \$11,500.00.

Mr. Schwab suspended the rules, seconded by Mr. Short. All Aye. Motion Carried.

Mr. Schwab made a motion to adopt RESOLUTION 10-2023 A RESOLUTION APPROVING A CONTRACT WITH DEBRA-KUEMPEL TO PROVIDE AND INSTALL HVAC EQUIPMENT AT THE NEWTOWN FIRE STATION. Mr. Short seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, Retail Electricity

The Village of Newtown wishes to procure retail electricity services; in accordance with the Public Utilities Commission of Ohio rules and regulations, the Village has the opportunity to maximize savings on the supply portion of its electric service costs through the selection of a competitive retail electric service provider; and the Village desires to seek competitive pricing for a new retail electricity service agreement (“Agreement”) for their accounts; and the Village desires to authorize the Center for Local Government, their broker AGE and its Principals to act as procuring agents, (the “Procuring Agents”) to seek competitive pricing for retail electricity services. The Center for Local Government and its broker AGE are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for retail electricity services. However, nothing in this Resolution shall authorize such Procuring Agents to contractually bind the Village to accept or enter into an Agreement with any such service provider, or to otherwise bind the Village. The contracted electric supply rate shall not a rate of \$0.1092 per kWh, which is the current forecasted rate for Duke Energy’s price-to-compare beginning in June 2023.

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. 11-2023 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT FOR RETAIL ELECTRICITY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER THROUGH THE CENTER FOR LOCAL GOVERNMENT ELECTRICITY CONSORTIUM. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

Resolution, Moundview Baseball Field Plaque Dedication

Walter “Sonny” Flach was a longtime resident of the Village of Newtown, having raised his family in the Village; and in the early 1970’s, Sonny’s twin daughters wanted to play softball, but the Village lacked a home field and the team lacked a coach; and Sonny set out to solve both problems, not only by volunteering to coach his daughters’ team, but by also giving his time and talent to create a ballfield for the children in the Newtown community; and With the blessing of Village officials, Sonny spent many long hours developing a ballfield in Moundview Park using his own resources and labor to ensure it would provide a fun and safe environment for families to enjoy; and Sonny’s love for game and visionary spirit have provided generations of Newtown youth with a “home field” in Moundview Park, enhancing the quality of life in the Village of Newtown. (Family will pay for the plaque and installation – Mayor Kobasuk will present the plaque.)

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

Ms. Quallen made a motion to adopt RESOLUTION NO. 12-2023 A RESOLUTION RECOGNIZING WALTER “SONNY” FLACH FOR HIS CONTRIBUTION, ASSISTANCE, AND SUPPORT OF WOMEN’S SOFTBALL IN THE VILLAGE OF NEWTOWN AND AUTHORIZING THE PLACEMENT OF A PLAQUE AT THE MOUNDVIEW PARK BALLFIELD. Mr. Schwab seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Drescher-Yes, Mr. Zornes-Yes, Ms. Quallen-Yes, Mr. Schwab-Yes, Mr. Short-Yes. All Aye. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 03/14/2023 Council Checklist for \$228,937.35. Mr. Schwab seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 7:23p.m., seconded by Mr. Drescher. Meeting Adjourned.

Transcribed by Becky Fairley