

Call to Order/Pledge of Allegiance/Attendance

The May 14, 2024 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: Terry Fairley
Jerry Schwab
Peg Quallen
Jeff Drescher
Tracy Boone
Sarah Donohue

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 adopt the regularly-scheduled 03.12.2024 and 4.09.2024 Council Minutes, seconded by Ms. Quallen. All Aye. Motion Carried.

SPECIAL PRESENTATIONS

Engineering Report, submitted by CT Consultants Engineering

1. Church Street – Funded

- The Small Government Commission has approved our application for funding through OPWC for the project. Funding included \$110,202 in grant and \$47,230 in 0% loan funding.
- Estimated Construction Cost - \$358,000 (2023 Estimate, we have seen increases in asphalt prices this year)
- Grant funding was awarded through the Hamilton County Municipal Roadway Fund (MRF) for Church Street resurfacing work - \$98,360.00.

2. Little Dry Run – Awaiting Funding Notification

- Little Dry Run is an MRF approved funding street. MRF funding was applied for in the amount of \$175,000. A 50% funding match was applied for the total project estimate is \$337,000.
- We expected funding to be announced by the end of February but have not had any indication from the County on when that announcement is going to be made. Once announcement of funding is made, additional funding will be sought through OPWC to complete the project in 2025.
- The project would resurface Little Dry Run from SR 32 to the Village Corp Limit.

3. McCullough's Run – Project Out to Bid

- The project has been bid with advertising dates of May 1, 8 and 15th. A Bid opening will be held May 22 at 10am at the Village Offices.
- Estimated Cost of the project is \$395,000. Hamilton County funding was received in the amount of \$214,000 and State Funding through ODNR has been received in the amount of \$50,000 for the project.

4. Moundview Park Sanitary Sewer – Awaiting Funding Notification

- No change in status from last month's report.
- We are preparing the final documentation necessary for bid of this project.
- We are targeting bidding of the project in June, regardless of the outcome of the funding request due to requirements from the County Health Department to replace the system and to get into dryer weather.

5. Eastern Corridor Project – Funding Application Process Begun

- No change in status from last month's report.
- CT has initiated conversations with ODOT who has begun the preliminary design work for the project that will provide detailed cost estimation that will be used to apply for OKI funds in May of this year.
- ODOT presented an update specific to the Village of Newtown at the June 2023 Council Meeting. A meeting was held with ODOT, OPWC and Village on August 28th and September 7th to discuss additional funding options.
- The first phase would include adding a turn lane on SR 32 from Little Dry Run to East Corp Line:
Based on current estimates, the Village would apply for the following dollar amounts:
 - Total Project - \$4,765,000 (\$3,790,000 for Construction and \$975,000 for ROW)
 - OKI: May 2024, 80% of Construction and ROW – total \$3,812,000 (\$3,032,000 for Construction and \$780,000 for ROW)
 - OPWC: September 2026 - \$758,000 (construction dollars only)
Which leaves a budget shortfall of \$195,000 for ROW acquisition. OPWC will not pay for ROW if applying for LTIP funds (most likely source of funding).
- If OKI funding is not received, the Village and ODOT do not need to move forward with the project.

6. Drywells at Round Bottom and SR32 – Project Funded

- Project Survey and Borings are in process. Once those items are complete, design drawings will begin to be produced.

7. Signal Improvements

- ODOT determined that the project would not move forward. They did, however, provide valuable information regarding the system. I have discussed recommendations with LT McBreen, who will follow up with Capital Electric on those items.

8. General Engineering

- Reviewed a development proposal for a new subdivision and attended a meeting with the developer and their engineer.
- Discussed the need for battery backups on traffic signals within the Village. CT will prepare a proposal for design needed to install at each location.

Audience Participation (3 minute *per person* limit)

Janice Frede, a resident of Drake Street, addressed Council. Ms. Frede said both her grandfather and husband Paul Frede served as mayor in the Village of Newtown, and in all of her 76 years, Newtown has never had as good a police department as we do currently. She said Paul was a good judge of character and he hired Chief Synan knowing he would do a good job. Ms. Frede stated that while he was mayor, Paul learned the limits of his power as mayor, that council had the power. She said council had to be on board with something Paul wanted to do as mayor. She reminded the council members they do have the power, for good or bad, it will come back on them – the mayor only votes if an issue is a tie. She told Mayor Kobasuk everyone hoped he would be there for the residents, for the Village – she asked him to resign.

Kristen McClane, a resident who lives at 7480 Pinehurst addressed Council. Ms. McClane said she spoke at the last council meeting and was angry for what the community is having to deal with – she said the community has a few expectations of council and their role on council and said they were falling short. She told Mayor Kobasuk she expected open items to come before council for conversation and questions. Ms. McClane felt that Mayor Kobasuk was rushing through the legislation and said he needs to let conversations happen after a motion - she thanked council member Boone for making the only effort to ask questions after a motion was made at the last council meeting. She asked Mayor Kobasuk, humbly, not angrily, to resign. She said she had brought with her 193 signatures from registered voters that signed a petition asking him to resign. Ms. McClane told Mayor Kobasuk he served the council, not the reverse. She told Mayor Kobasuk to step aside so they can get on with actual business of Newtown and avoid the politics he seems to bring. She said we all want to keep our police chief and let them do that and do the service of moving ahead without Mayor Kobasuk.

Mayor Kobasuk addressed the audience. He stated that he has done nothing wrong, there has been no finding that he has done anything wrong. Chief Synan filed the lawsuit, but Mayor Kobasuk said he is entitled to due-process and he is entitled to defend himself in the lawsuit. The lawsuit is progressing and the Village and the Mayor have the right to present evidence and question their accuser. The lawsuit will move forward and he will defend himself. Mayor Kobasuk said that is not council business – that is a side issue. Mayor Kobasuk said he has no intention of resigning – 867 people elected him Mayor. Mayor Kobasuk said the lawsuit is very inflammatory but after discovery is complete and the parties have taken sworn testimony and reviewed all the documents, the facts will be much different. Mayor Kobasuk said his lawyers will not allow him to talk about the lawsuit so he cannot really defend himself here tonight. The lawsuit needs to play out – defendants are entitled to due process. Mayor Kobasuk said again, he is not going to resign – the lawsuit is very inflammatory but he has the opportunity and the right to defend himself in the lawsuit.

Mayor Kobasuk told Ms. McClane that many of the items she mentioned were routine items on the agenda. Anybody can question the items and he is not stopping anyone. Routine items are usually gone through quickly. Mayor Kobasuk said he is not cutting discussion short on legislation – if people want to talk about the items, they may do so.

Nancy Devore, a resident at 3517 Debolt Street, addressed Council. Ms. Devore commended Anderson Township Fire Department for their professionalism shown to her on May 30th after a fall, resulting in her fracturing her leg in four places. She said they provided her with amazing care down to University Hospital – Ms. Devore said she wanted council to know that she received amazing care from ATFD paramedics. Ms. Devore said what she wanted to address with Village Council, more so than Mayor Kobasuk, is the fact there is some concern about the leadership of Mayor Kobasuk with the filing of the lawsuit filed by Chief Synan and the tension it has created between the police chief, police department and the mayor. She encouraged council, as council members to run the Village – she said it's not Mayor Kobasuk's job to run the Village. Ms. Devore said to run the Village as a business, the Village is a non-profit business. It collects funds and expends the funds. She told council their job is to keep everyone safe and to maintain the infrastructure of the Village. She said Mayor Kobasuk's job is to inform council and run the meeting. Ms. Devore encouraged council to run the Village, especially when there is not confidence in the mayor.

Cheryl McConnell, a resident 6906 Edith Street, addressed Council. She is a former Council Member and a former Planning Commission member. Ms. McConnell spoke at the 4.09.2024 Council Meeting and is here to reiterate her support for Mayor Kobasuk and this council in the pending lawsuit launched by our Chief of Police. Ms. McConnell said she believes there are many like-minded residents who feel the same, but do not feel free to voice their opinions. She asked village residents who have bought into this one-sided story to step back a bit and take a look at the big picture. We have a current police chief with HR type grievances launching a public lawsuit, rather than handling it in-house, stated Ms. McConnell. In this public lawsuit – only the voice of the police chief can be heard. The voices of our mayor and council have to remain silent; they have no freedom to speak on a pending lawsuit. She stated that what is left for the public to hear is a one-sided story to unfairly criticize and disparage the character of an exemplary mayor. Mayor Kobasuk has no freedom to defend himself at this time, nor can village council members. Their voices too are silenced. Ms. McConnell stated that no story is complete when only one voice can be heard.

NO PARKING ZONES – RIVER HILLS NO PARKING ZONES

Stefani Blankenship Wright, 3345 Scioto spoke about the recent ordinance that was being considered – she said she is aware a few addresses were removed.

A first reading of the ordinance took place at the 3.12.2024 meeting – Village officials (Police Chief, Lt. McBreen, Street Commissioner Chuck Morgan) and Anderson Township Fire officials met 4.26.2024 in the cul-de-sac with Ms. Wright and others to come to a resolution that will not impede parking in the cul-de-sac. Ms. Wright thanked Becky for arranging the meeting.

Mayor Kobasuk said the police and fire officials thought the ordinance was necessary and they excluded the cul-de-sacs from the NO PARKING. They thought that satisfied the concern Ms. Wright originally had.

The NO PARKING ZONES Ordinance will just pertain to the River Hills subdivision, as written. Solicitor Supinger clarified the “criminal” paragraph listed in the ordinance that concerned Ms. Wright. Solicitor Supinger said that is the criminal penalty for parking in a NO PARKING ZONE, which is in the Ohio Revised Code. Ms. Wright thought the ordinance would not apply equally to all citizens within the Village – Solicitor Supinger said that is not the intent. The intent is to specify certain areas in the River Hills subdivision that are NO PARKING ZONES and then apply the penalty that should apply to any place in the Village where someone parks in a designated NO PARKING zone.

Ms. Wright said, respectfully, she still objects to the passing of the ordinance, particularly section three – it’s redundancy to the O.R.C. 4571.68 which already allows and exists to establish to the state of Ohio defines as a NO PARKING zone and the related misdemeanor. This is state law that applies equally to all citizens within the state, not specific to certain neighborhoods, cities or villages. Ms. Wright asked that council consider rewording the ordinance to where it would apply to all citizens under law, instead exclusively to one subdivision.

Solicitor Supinger said other areas with NO PARKING ZONES have ordinances establishing just that. The issue that came up with the River Hills NO PARKING ZONE – no one could locate an ordinance establishing that those were NO PARKING ZONES.

Dave Carter, resident 3350 Scioto – Mr. Carter spoke about the ordinance being considered - Mr. Carter said he is on board with the new ordinance, as the address that needed to be excluded has been excluded.

Ed Wolfer, resident and business owner, 3458 River Hills Drive. Mr. Wolfer said to the audience...y’all bad-mouthing the mayor; he isn’t a bad guy. He gets \$5,000 a year to do this and \$3,000 for council members. Honestly, who would want it?!?

Mr. Wolfer asked Council why they haven’t responded to his letter of January – he said he is here because “Tommy” Chief Synan lied and committed a felony along with Spencer, Detective Bischoff, the Lieutenant – their conspiracy stating there was a meth lab on his property. His tenant lived there for forty years – Chief Synan issued a felony letter with 17 lies. He asked the audience why they think Tommy is the best thing since sliced bread. Tommy needs to account for the 35 lies, starting with Spencer committing a felony on a search warrant. He accused Mr. Wolfer of having a known individual that was making meth. Mr. Wolfer said Village Solicitor Supinger gave him a letter stating there is no record in Newtown police department anywhere showing there was a “KI” known individual on his case. Mr. Wolfer remains upset that he thinks he was threatened with a fifth-degree felony by Chief Synan just because he wanted to act like a man. Mr. Wolfer said he doesn’t like Chief Synan because he doesn’t like anyone that lies on him. (Talked 6:24-6:27p)

MAYOR CLOSED AUDIENCE PARTICIPATING AT 6:27PM

MAYOR AND COUNCIL MEMBER REPORTS:

Mayor’s Report

2024 Police Week Proclamation

WHEREAS, on October 1, 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day, an annual observance to honor the nation’s fallen law enforcement officers as "men and women of courage, judgment and dedication;" and

WHEREAS, the calendar week in which it falls has been designated National Police Week, a time of reflection and appreciation for the ultimate sacrifices made by the exceptionally dedicated men and women of law enforcement who were killed or disabled in the line of duty; and

WHEREAS, the Village of Newtown is grateful for the day-to-day heroism of our officers, both past and present, who have given so much of their lives in service to our community; and

WHEREAS, members of the Village of Newtown Police Department play an essential role in safe-guarding the rights and freedoms of all our residents. Through their efforts, the Village of Newtown is a safer, more civil village and a better place to live.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL THAT:

The week of May 12 through May 18, 2024 is proclaimed as Police Week in the Village of Newtown, Ohio.

FURTHER BE IT RESOLVED, we urge area residents to honor the heroism of all law enforcement officers, especially those who have given their lives so that others might live. May we always remember their tremendous sacrifice and the loved ones they left behind.

Mark G. Kobasuk, Mayor

As we do annually, lunch will be provided for the police department, stated Mayor Kobasuk.

Fire Contract Renewal

Mayor Kobasuk, Finance Chair Fairley and Safety Chair Drescher met on May 2nd with Anderson Township Fire Department – the Village will renew the contract/agreement for three years, possibly longer. They also appreciate the good relationship we have had with one another. Mr. Fairley said Newtown appreciates having ATFD present in the Village – it's a mutual respect with Anderson Township – we look forward to receiving the revised numbers for the contract and moving forward.

Council Members Report:

Maintenance Report for May

Ms. Quallen asked if there were any questions in the report included in everyone's packet. No questions were asked.

April 2024 Finance Packet (Mr. Fairley)

Revenues are on target at 32.37% - for the month of April, we are considerably down 40.3% - there were internal changes in Meridian which may have had an impact. 2022 shows what is more indicative of the kind of revenue we can expect.

Mr. Fairley made a motion to accept the April 2024 Finance Packet presented to Council. Ms. Boone seconded the motion. All Aye. Motion Carried.

Planning Commission Update (Mr. Schwab)

Members met April 25, at 6pm – discussion: 3748 Main St. – Tru Life Development, as requested by Planning – the approval for the exterior color palette for the six attached single-family townhomes. Color palette was approved. Hopefully, before the June meeting, the owners will tear down the existing home. Planning will meet 5.23.2024 to discuss 3511 Debolt St. – Conditional Use approval to convert the old Masonic Temple into a three-family dwelling use, the upstairs is the residence for Taylor and Megan Blackweider and their two young children.

Maintenance New Hire (Ms. Boone)

Ms. Boone said she and Ms. Quallen were involved in the interviews for the new maintenance technician – all agreed on one candidate that stood out.

Ms. Boone made a motion to hire Gary Spires for the full-time position for a maintenance technician, pending a clean drug test and background check. Mr. Drescher seconded the motion. All Aye. Motion Carried.

Police Department – Peel9 Inc. Annual User Fee (Mr. Drescher)

Mr. Drescher made a motion to approve \$5,800 to Peel9 Inc. for the annual user fee - Mr. Schwab seconded the motion. All Aye. Motion Carried.

Summerfest Update (Ms. Boone)

Ms. Boone applied for a grant for Summerfest, recently learned \$14,000 was granted to put towards the event. The date of June 15th will be postponed due to grant-requirements/deadlines.

One Ohio Recovery Foundation (Ms. Boone)

A grant was recently submitted by Ms. Boone – Ohio is giving out 51 million dollars from the drug settlement – the grant is a prevention program idea. Ms. Boone said we should find out by the end of the summer.

Village Solicitor's Report: (No updates at this time.)

LEGISLATION

Ordinance, NO PARKING – RIVER HILLS SUBDIVISION – TABLED!

In order to maintain unimpeded access to all properties in the River Hills subdivision by emergency response vehicles and ensure the safe and orderly flow of traffic in the Village, it is necessary to establish no parking zones in the River Hills subdivision of the Village of Newtown.

In order for Solicitor Supinger to speak with Chief Synan for further discussion and clarification, taking action on this ordinance was tabled. Ms. Boone and Ms. Donohue would like to be present, should another meeting take place in the cul-de-sac in question.

Resolution, Surplus Item

Village currently owns a 2006 Ford F-150 pickup truck (VIN #1FTRF1216NB25997) which is no longer needed for municipal purposes – Resolution declares vehicle as surplus and authorizes Maintenance Supervisor to advertise and sell vehicle. Minimum bid is \$4,000.

Mr. Fairley made a motion to suspend the rules. Seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to adopt RESOLUTION NO. 19-2024 A RESOLUTION DECLARING A 2006 FORD F-150 PICKUP TRUCK TO BE SURPLUS AND AUTHORIZING THE MAINTENANCE SUPERVISOR TO ADVERTISE AND SELL THE VEHICLE – (MIN. BID OF \$4,000.) Mr. Drescher seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Boone-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes. Motion Carried.

Resolution, MobilComm

The Village recently purchased a 2023 Chevy Tahoe PPV for the Police Department which requires the installation of specific equipment for police operations – MobilComm's submitted proposal to provide and install necessary emergency equipment in the amount of \$15,000. Lights, sirens, stickers, etc. are included.

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

Mr. Drescher made a motion to adopt RESOLUTION NO. 20-2024 A RESOLUTION APPROVING A CONTRACT WITH MOBILCOMM FOR THE PURCHASE AND INSTALLATION OF POLICE EQUIPMENT. Mr. Fairley seconded the motion. Roll Call: Mr. Fairley-Yes, Mr. Schwab-Yes, Ms. Boone-Yes, Ms. Quallen-Yes, Mr. Drescher-Yes, Ms. Donohue-Yes. Motion Carried.

New Business

Council Checklist

Mr. Fairley made a motion to approve the 5/14/2024 Council Checklist for \$324,562.92. Ms. Boone seconded the motion. All Aye. Motion Carried.

Mr. Fairley made a motion to adjourn at 6:44pm, seconded by Mr. Drescher. All Aye. Motion Carried.

Transcribed by Becky Fairley