

The June, 22 2010 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

**Councilmembers:** Brian Burns (absent) Mark Kobasuk  
Doug Evans Curt Tiettmeyer (absent)  
Joe Harten Daryl Zornes

**Mayor:** Curt Cosby  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett  
**Police Chief:** Tom Synan

Citizen Input: None

Records Committee: Mayor Cosby called a meeting for Tuesday, July 27<sup>th</sup> at 6:30pm. The Records Committee will meet to discuss records retention procedure. Mayor Cosby, Solicitor Miller, Fiscal Officer Everett and resident Joanie Waits serve on the committee.

Council Minutes

**Mr. Zornes made a motion to approve 4-15-2003 Council Minutes, seconded by Mr. Kobasuk. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

**Mr. Zornes made a motion to approve 6-08-2010 Council Minutes, seconded by Mr. Harten. Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

Checklist

**Mr. Zornes made a motion to approve the Checklist dated 6-22-2010 in the amount of \$80,655.59, seconded by Mr. Kobasuk. Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

Insurance/HR Committee

The committee meeting has been moved from June 29<sup>th</sup> to June 30<sup>th</sup> at 7:00pm.

Resolution Adopting 2011 Village Budget

**Mr. Zornes made a motion to have a Second Reading of a RESOLUTION ADOPTING THE 2011 TAX BUDGET FOR THE VILLAGE OF NEWTOWN. Mr. Harten seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

**Mr. Zornes made a motion to have a Third Reading on July 13, 2010, seconded by Mr. Evans. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

6-21-2010 Power Outage

Town Hall lost electricity Monday, June 21<sup>st</sup> at 12:15pm, due to a wind and rain storm. Mayor Cosby sent three administrative employees home at 3:00pm with pay; their regular day ends at 4:00pm.

**Mr. Zornes made a motion to pay the other on duty hourly-personnel extra time for that one hour period to make it equal for everybody. Mr. Kobasuk seconded the motion.**

Discussion

Mr. Evans disagreed; he said it is another entitlement program telling people it is okay to go home next time the electric goes out. Mr. Zornes said any business that sends their people home go home without pay. Mr. Evans said it is rewarding people for something they shouldn't have done, leave early. He said, "So now if it snows you tell them not to come in just in case the electric might go out." Mayor Cosby said, "I don't think it is that situation at all. I made the decision to do it so that decision is done." Mr. Kobasuk said, "Doug, it was done, three people were sent home early. We are just trying to be fair and treat everybody working that day the same." Mr. Evans said, "In politics and life is not fair." Mr. Harten said, "Help me understand what we are trying to do for the other folks." Mr. Zornes said, "So the two maintenance and police employees working during that time period are paid that extra hour." Mr. Evans said, "Wouldn't it be a better way to make the ones that went home work an extra hour to make everything fair?" Mrs. Fairley said they offered to use their comp-time. Mr. Evans said to prevent the problem from happening next time, to take this amount of money and put it towards a generator. Mayor Cosby said Mr. Tiettmeyer has been gathering information on generators for a couple of months now. Mr. Evans said he is not in favor of it and he thinks it sets a bad example for the other employees that did something right. Mr. Zornes said, "It is not a matter of whether somebody did something right or wrong, they were told to go home." Mr. Kobasuk said, "It is treating them the same." Mayor Cosby said the employees did everything they could possibly do; they organized their filing and anything they could do without use of their computer. Mr. Harten said, "To be clear, what Council is asked to approve is an extra hour of pay for those folks just doing their work." Mr. Harten said, "I can't get there. I don't disagree with the Mayor's decision at all. If you are able to work, at the time, you continue to work until the end of your shift." Mayor Cosby said, "The three that left couldn't do anything else. The police officers were able to patrol and do their job. The maintenance department was able to do their job. The three here could have sat here until 4:00pm; what does that really accomplish." Mr. Evans said, "Curt, they could have mopped and cleaned the bathrooms." Mrs. Fairley said, "We do that, we do windows and bathrooms when needed." Mr. Kobasuk said when he was at the law firm they sent everybody home when the power went out. Solicitor Miller said at his law firm when the power goes out they send people home because nobody can do anything without their computers. He said when it gets to the point where nothing else is going to

get done that day they send everyone home. Mayor Cosby said that is the point; the employees were here for two and a half hours after the power went out. Mr. Zornes asked Solicitor Miller if those employees were hourly or salaried. Solicitor Miller said they get paid the same; they pay them for going home. Mayor Cosby said, "That is the decision I made yesterday and I do stand by that decision." Mr. Zornes said it should have been a decision run past the Human Resource Committee. Mayor Cosby said it was an executive decision and he made that decision. Mr. Zornes asked, "Then why have a Human Resource Committee." Mayor Cosby said, "Then why have a mayor if a mayor can't make an executive decision." Mr. Zornes said okay. Mr. Kobasuk said the motion is on the table to pay everybody hourly one-hour to treat them fairly. Mr. Evans said, "if I am a police officer and wasn't on duty then why can't I get paid too." Mayor Cosby said he brought that point up as well, where does it end! Mr. Evans said, "It is a never-ending thing, just like the government here, pretty soon we will all be working for the government. I want to sign up tomorrow." Mr. Kobasuk said, "I don't think you will make as much working for the government. You might get more time off." Mr. Evans said, "Give me that Obama plan." Mayor Cosby asked Council to vote on the motion.

**Roll Call: Mr. Zornes-Yes, Mr. Evans-No, Mr. Kobasuk-Yes, Mr. Harten-No. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Failed.**

#### Village Drive/Little Dry Run Repair, Rack Seven

Ron Dickerson recently called Rack Seven out for an emergency asphalt repair on Village Drive/Little Dry Run; the cost for the repair was \$1,500.

**Mr. Evans made a motion to approve \$1,500 to Rack Seven for the emergency asphalt repair on Village Drive/Little Dry Run. Mr. Kobasuk seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

#### LMFD Fire Board Meeting

Mr. Kobasuk provided an update on the June 16<sup>th</sup> Fire Board meeting. The fire contract was discussed; the Fire Board has agreed to most of the modifications requested by Newtown. They gave Newtown the ability to consent to relocating the fire station in the future; that consent cannot be unreasonably withheld. They gave Newtown the consent language, specific performance as a remedy. Solicitor Miller has reviewed the contract. Mr. Kobasuk also reviewed the contract and believes it is a fine fire contract. Mr. Kobasuk wanted to move for the passage of the contract, but due to vacations, there was not a quorum. After much discussion, Council decided to have a special meeting Wednesday, June 30<sup>th</sup> at 6:30pm. After passage of the fire contract, a fourth firefighter will be placed on the schedule as of July 1<sup>st</sup>.

#### Fire Contract/Resolution

**Mr. Kobasuk made a motion to have a special council meeting Wednesday, June 30<sup>th</sup> at 6:30pm to pass the fire contract. Mr. Zornes seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

Solicitor Miller said he thought Mr. Kobasuk did a great job negotiating with the Fire Board. The Fire Board is currently in negotiations for the E-check site.

**Mr. Kobasuk made a motion to have a First Reading on a RESOLUTION AUTHORIZING AND APPROVING A CONTRACT FOR FIRE AND EMS SERVICES. Mr. Evans seconded the motion. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

**Mr. Kobasuk made a motion to have a Second Reading on the above Resolution at the Special Council Meeting, June 30<sup>th</sup> at 6:30pm, seconded by Mr. Zornes. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

The Fire Board approved Fifth Third Bank to handle the financing for the bonds at the June 16<sup>th</sup> meeting.

#### Drug Offender Fine Fund Disbursement

Mr. Kobasuk stated that the Drug Offender Fine Fund trustees (Mayor Curt Cosby and Police Chief Tom Synan) have authorized Fiscal Officer Keri Everett to issue a check to One Shot, in the amount of \$1,350 for a rifle site. The rifle site will be installed on equipment for drug surveillance and investigations.

#### Mayor's Monthly Statement for May 2010

**Mr. Kobasuk made a motion to approve the May 2010 Mayor's Monthly Statement, seconded by Mr. Harten. All Aye. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

#### Lake Barber and Flagg Spring Cemetery Surveys

Surveys have been completed. Solicitor Miller requested an Executive Session to discuss the surveys.

#### Parks Committee Update

The committee met June 14<sup>th</sup> and discussed various issues: fee structures for cemetery plots and other cemetery services, which will be submitted to council; parking alternatives were also discussed.

#### Planning Commission

Planning will meet June 28<sup>th</sup> at 7:00pm. Mr. Freeman will be present to discuss planning and traffic flow regarding a bike staging area for the E-check site.

### GCWW

The Village of Newtown entered into a contract with Greater Cincinnati Water Works in 1987 to provide water to the Village residents and businesses. The current contract expires 2017; GCWW has offered a 30-year extension through 2047. Solicitor Miller explained, everyone is now paying 1.25% higher than residents of the City of Cincinnati; this provision would stay the same so whatever the cost is for residents or businesses in Cincinnati, the county rate, anybody outside the city would be paying the 1.25%. Solicitor Miller will prepare a Resolution for the 7-13-10 Council Meeting.

### Executive Session

Solicitor Miller requested an Executive Session to discuss property acquisition and litigation.

**Mr. Kobasuk made a motion to enter into Executive Session at 7:45pm to discuss property acquisition and litigation, seconded by Mr. Harten. Roll Call: Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes. (Mr. Tiettmeyer-Absent) (Mr. Burns-Absent) Motion Carried.**

The council meeting reconvened at 7:58pm; no action to be taken as a result of the Executive Session, per Mayor Cosby.

Mr. Harten made a motion to adjourn at 7:59pm.