

The February 9, 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.

Councilmember's:	Brian Burns (absent)	Mark Kobasuk
	Doug Evans	Curt Tiettmeyer
	Joe Harten	Daryl Zornes

Mayor: Curt Cosby

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Mayor Cosby welcomed everyone and made a few announcements.

Lenten Fish Fry: The 2010 Lenten Fish Fry will be hosted by the Little Miami Fire and Rescue District, sponsored by the Newtown Civic League. Dinners ONLY will be served Fridays, February 19th through March 26th, between 5:00pm and 7:30pm. at the fire house on Church Street across from Town Hall.

Holiday Decorations for Church Street: Mayor Cosby asked council to consider approving monies to purchase additional lighting/holiday street decorations for the annual WinterFest event. The dollar amount needed to purchase the lighting/decorations is around \$6,000. The additional lighting/decorations will add to the atmosphere the Newtown Business Association has worked so very hard in achieving, said Mayor Cosby. If we order by February 28th, we can purchase these items at a discounted rate. Appropriations for 2010 have not been approved by Council. Mayor Cosby did say the cost for these decorations could come out of the Village Beautification Fund, a line from the General Fund. Mayor Cosby will volunteer the labor of running the electrical wire but we would have the cost of the triplex wire that would run from pole to pole. Mr. Kobasuk said WinterFest is such a nice event and he wants to support it. He asked Mr. Tiettmeyer, Finance Committee Chairman what he thought. Mr. Tiettmeyer said he is supportive of it and thinks we do need to do some things to maintain the atmosphere here that we are creating. Mr. Tiettmeyer said this would be a one-time expense for items that will last several years.

Computer Purchase

Mayor Cosby informed Council of the need to replace two computers: one for Becky and one for the Maintenance Department. The Finance Committee will oversee the purchase of the computers. Computer specifications and pricing will be presented to Mr. Tiettmeyer at the 2-23-2010 Council meeting.

Maintenance Department

The Maintenance Department has experienced several personnel changes over the past couple of years. Tony has remained consistent and added continuity to the Maintenance Department. As such, Mayor Cosby and Council commended and recognized Tony for his dedicated service through this transitional period.

Newtown Methodist Church Parking Lot Lease

For the sake of planning, Mayor Cosby asked that a committee be formed to review alternatives for the parking lot issue. The current lease is for January 1, 2010 through December 31, 2010, costing the Village \$6,600 to lease the parking lot. Mr. Kobasuk suggested the Parks Committee review the alternatives. Mr. Tiettmeyer said he had commented to Mayor Cosby that the Building Maintenance Resolution belongs with the Parks Committee, which fits with parks and buildings since half of the buildings are in the parks. He said those two items really are a fit for the Park Committee. Mayor Cosby assigned the Parks Committee with reviewing alternatives for the parking lot lease with Newtown Methodist.

Parks Committee

Mayor Cosby requested a Parks Committee meeting Tuesday, February 16th at 6:30pm for Mr. Burns, Chairman of Parks and Recreation. Brian Burns, Mark Kobasuk and Joe Harten serve on the Parks Committee.

Flower Fair

Mrs. Murrie spoke to Council regarding the details of the Flower Fair scheduled for April 30th, May 1 and 2. Mrs. Murrie said the Flower Fair will be similar to the Flower Show and Coney Island and Alt Park. Due to logistics, the Flower Fair will be held at Short Park. This event will be sponsored by the Newtown Garden Club. A dinner and live band will open the event Friday, April 30th; reservations are required. Saturday, May 1 and Sunday, May 2 will be opened to the public. Mrs. Murrie said pre-sale tickets will be sold, which will give an idea as to how many people to anticipate. They are shooting for 1,000 people each day, based on the response from current communications. Mrs. Murrie said safety issues have been discussed with the police and fire departments. Final cleanup has been discussed with the Maintenance Department, which will take place on Monday and Tuesday. Mrs. Murrie said these expenses will be incurred by the Garden Club, not the Village of Newtown. Benefactors of this event are Children's Hospital, Inter Parish Ministry, care packages to our troops, League of Animal Welfare and Village parks. Mayor Cosby said there would be a donation back to the Village of Newtown. Mrs. Murrie said work to the house at Moundview would also be donated. Please see Mrs. Murrie if you would like to volunteer or have any suggestions.

2010 Memorial Day Parade

Chuck Short, Village of Newtown Veterans Association, asked Village Council for their blessing in allowing the Veterans Association to bring back the Memorial Day Parade on Monday, May 31, 2010. Assembly for those participating in the parade will begin at 8:30am at Miami Valley Christian Academy, 6830 School Street, Newtown Ohio with a kick off time of 10:00am. The parade route will be the same as last year. Council granted the Veterans Association permission to hold the Memorial Day Parade and thanked them for their efforts.

Maintenance Department

As a follow-up to Tony Baxter's commendation, Maintenance Supervisor Ron Dickerson said Tony has been pillar and a wealth of information. He said Tony has been very helpful and a pleasure to work with.

Mr. Dickerson has arranged for a Recycling Dumpster to be placed at the Maintenance Building on Debolt Road. This will be available to the public from 7:00am to 3:30pm. Mr. Dickerson said this will be bundled into the Recycling Program that the Village currently participates in. Residents and business owners may call 271-2009 if they have any questions.

Mr. Dickerson recognized Tony and Joe Rutter for doing such a good job in keeping up with the snow removal from the last couple of snow storms.

Resolution, Establishing Funds – Police Department

At the 1-12-2010 Council meeting, Mr. Zornes made a motion to adopt Resolution No. 4-2010, a resolution to establish a Police Fuel Fund and a Police Equipment and Supplies Fund, which are funded strictly by court fines. Mr. Kobasuk said he saw the letter from the Ohio Auditor of State Mary Taylor's office denying the establishment of the Police Fuel Fund and a Police Equipment and Supplies Fund. He asked Ms. Everett if this was unexpected. Ms. Everett said it was not unexpected from her. Mr. Kobasuk asked if the money would be put in another fund. Mayor Cosby said the funds will be left in the funds the way it was set up. Ms. Everett said she previously had the funds in the General Fund already. Police Chief Synan said he has talked to a couple of people from Finance and they are getting it worked out. Chief Synan said it wasn't totally unexpected but was worth a shot and they will figure out another way to do it and make sure it is done right. Mr. Kobasuk said he was surprised the Auditor's Office rejected it. Ms. Everett spoke to the cheat sheets of the fund she handed out at the Finance Committee meeting on the 8th. She said all of the 2000 funds are special revenue funds. Ms. Everett said the Auditor's Office is very particular about setting those kinds of funds up. They either have to already be established by the Ohio Revised Code or it has to be if there is a Levy or a Bond Levy on, said Ms. Everett. She said they are very specific about those special revenue funds. Ms. Everett said the ones they are not really specific about are the Capital Improvement funds. Ms. Everett explained they would rather you set up a Capital Improvement fund, which are the 4000 funds when you have a construction project going on in the Village because then that project is better tracked. She said they then expect you to close it out once the project is over. For audit purposes it shows it was the only thing that came in and went out and should be back to zero when the project is over and they expect the fund to be closed. Ms. Everett said they are more

lenient with those funds because they would like to see that but not with those special revenue funds.

Building Maintenance Policy

Mike Spry, Building and Zoning Commissioner, commented on the proposed Resolution for the Building Maintenance Policy and the proposed properties to be evaluated. Mr. Spry said a couple of years ago; building evaluations were discussed for insurance purposes. He has implemented a Building Evaluation form that will be beneficial in planning for upcoming problems and expenditures needed for upkeep of the buildings owned by the Village. The roof on the existing fire house will need to be replaced in the next five (5) years. Mr. Spry has compiled a list of components/HVAC, etc that have been replaced in the last (10) years to evaluate the ages of the HVAC equipment. Mr. Spry will explore a program that is available through Hamilton County, in terms of Energy Auditing our facilities.

Mr. Evans asked if the Village owned a backup generator. Chief Synan said the Village should own a generator for natural disasters. He said the Village should at least plan for generator in the event of a disaster like the flood of 1997. Chief Synan said during the 1997 flood Town Hall was the headquarters for the National Guard, emergency services and volunteers. In the past, the Village has applied many times for grants for a generator and each time we have been denied. The cost of a generator is \$20,000 to \$30,000. The Maintenance Department has two portable generators. Mr. Dickerson will check to see if there is a hookup in the control panel to wire it in to power the building.

Resolution Building Maintenance Policy

Mr. Tiettmeyer made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 11-2010 A RESOLUTION ESTABLISHING A BUILDING MAINTENANCE POLICY FOR VILLAGE PROPERTIES AND DISPENSING WITH THE SECOND AND THIRD READINGS. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Absent, Mr. Harten-Yes. Motion Carried.

Holiday Lights/Decorations

Mr. Tiettmeyer made a motion to authorize Mayor Cosby to spend up to \$6,000 for new Holiday street decorations. Mr. Harten seconded the motion.

Discussion

Mr. Kobasuk said he was in favor of the lights and decorations until he heard the Village does not own a backup generator. He asked if money should be allocated for the backup generator before buying holiday lights. Mayor Cosby said we do have the two generators at the Maintenance Building; they may not be the total building generators Mr. Kobasuk is talking about, but we do have two generators. Mr. Evans said he feels things should be prioritized before spending \$6,000 on lights when we don't have a proper generator. Mr. Kobasuk agreed that things should be prioritized and a generator would take precedence over holiday decorations/lights. Mayor Cosby said the funds for the lights can come from the Village Beautification fund. Mayor Cosby said we do need to plan on a generator. Mayor Cosby supports purchasing the lights and street decorations and agrees with Mr. Tiettmeyer that purchasing the lights will continue building on the atmosphere we are trying to create in the Village. Mr. Harten asked what the balance is in the Beautification Fund, Ms. Everett said there is \$10,000 for 2010; a line in the General Fund under Administrative. Mr. Kobasuk said he supports the purchase of the lights but would like to get the generator for the police department. Mayor Cosby there are a lot of things we are trying to get a handle on and these things will come under Mike Spry with the building evaluation throughout the village. He said we will plan accordingly to the report provided by Mike Spry.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Burns-Absent, Mr. Harten-Yes. Motion Carried.

Finance Committee Meeting

Mr. Tiettmeyer said the Finance Committee had their first meeting last week and started on the Appropriations. Mr. Tiettmeyer will call for a Finance Committee meeting at the 2/23/10 council meeting to finalize appropriations.

Donation to the Village of Newtown

Mr. Tiettmeyer is a *Numismatist*; a person who studies or collects coins, medals, paper money, etc. He donated a framed \$5.00 bill from 1846 issued by The Library Company of Newtown, payable at the Bank of Newtown. Benjamin Franklin started the Library Companies because he realized that only the wealthy could afford books, a forerunner to the public library. Library Companies were established as people would make contributions or buy into the Library Company. Mr. Tiettmeyer said there was one established here in Newtown in 1809. Before the United States government actually printed money, private companies could actually print money if they were authorized by the state of Ohio. And the Newtown Library Company was authorized to do such. Mayor Cosby and Council thanked Mr. Tiettmeyer for donating a piece of history to our village.

Council Minutes

Mr. Zornes made a motion to approve 1/26/2010 Council Minutes, seconded by Mr. Kobasuk. All Aye. (Mr. Burns-Absent) Motion Carried.

Website Committee

Human Resource/Website Committee will meet Wednesday, February 24th at 7:00pm., per Chairman Daryl Zornes.

Checklist

Mr. Evans asked if anyone had any questions on the checklist. Mr. Kobasuk asked if the amount to D & S Consulting was the last invoice; Mayor Cosby said yes. Mr. Evans asked about the Rumpke invoice; Ms. Everett said the invoice is under the new rate. Mr. Kobasuk asked about the \$1,279.23 to GCWW for a water leak at the Village Center Fountain. Ms. Everett said it was for a water leak that had been repaired November 2009. Mayor Cosby said the leak was not in the fountain; the leak was from of a pipe outside of the fountain. Mr. Evans asked about the \$52,074.62 to Bureau of Workers' Compensation. Ms. Everett said they take the payroll for 2009 and they have a factor that is multiplied by the payroll; she had \$50,000 in the budget.

The Maintenance Department's 204 Ford 1 ton truck has 8,300 miles. Village Auto replaced the serpentine belt, front brakes and hydraulic belt. The cost of these repairs is \$1,366.

Mr. Evans made a motion to approve \$1,366.32, seconded by Mr. Kobasuk. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Evans made a motion to accept the 2/9/2010 checklist for \$89,839.88 plus \$1,366.32 to Village Auto. Mr. Tiettmeyer seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Salt Purchase

Mr. Evans asked if the Village paid up front for salt this year. Ms. Everett said a couple of years ago we did. Mayor Cosby said we did not pay up front for salt this year. Mr. Evans asked Ms. Everett to find out how much a ton the county was going to charge us.

Snow Removal

Mr. Evans asked if the Maintenance Department is supposed to remove snow on Village-owned sidewalks. Mayor Cosby and Mr. Zornes said we have never cleared the sidewalks. Mr. Dickerson said each resident is responsible for clearing their own sidewalk. Mr. Evans asked Mr. Dickerson to make sure the sidewalks of Town Hall are cleared. Mr. Dickerson said they need a snow blower. Mr. Dickerson said the first priority is to make sure the roads are clear and safe for travel. He said after the roads are cleared they will get to the clearing the other properties. Mr. Evans said as long as it gets done.

Catch Basin Repairs

Mr. Dickerson informed Council of several catch basins that are in need of repair. There is one on Village Drive, corner of Village Drive and Lake Forest and one on Seabrook. Rack Seven assessed these catch basins and has submitted a bid.

2010 Memorial Day Parade

Mr. Evans made a motion to approve the 2010 Memorial Day Parade, Monday, May 31st sponsored by the Village of Newtown Veterans Association. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Randy Hanifen, Kramer & Associates (handout Fire Station Site Considerations)

Kramer & Associates were contracted with the Village of Newtown January 26, 2010 to review Fire/EMS options for the Village. Mr. Hanifen reported to date, Kramer & Associates have spent two days with LMFD and their chief officers discussing budgets, staffing and facilities, etc. They also have spent time with Anderson Township Fire Chief Mark Ober discussing possibilities with their department. Mr. Hanifen discussed pros and cons of the E-Check location and the vacant lot next to Wendy's on SR 32. He said the decision rests upon Village Council. The study is on tract to be completed by mid-March. Mr. Hanifen said Fire Chief Tom Driggers and Asst. Fire Chief Terry Ramsey were very forthcoming with the information they requested and thanked them for their assistance. Mr. Kobasuk asked Mr. Hanifen if he had received information from Anderson Township that he could use. Mr. Hanifen said Chief Ober was very forthcoming. Anderson Township has a Fire Station on Broadwell and the site is very limited and they have considered they could possibly move this station depending on what the Village would entertain in regard to fire protection. Mr. Kobasuk asked Kramer & Associates if they are looking into the Village partnering with Mariemont. Mr. Hanifen said sometime next week they will look into Mariemont's operation and the option of Mariemont possibly joining with the Village of Newtown.

Part-time Police Officer

Mr. Kobasuk is Chairman of the Safety Committee. Police Chief Synan discussed with Mr. Kobasuk the need to replace a part-time police officer in the police department. Mr. Kobasuk said the money is in the budget; this was discussed at the recent Finance Committee meeting.

Mr. Kobasuk made a motion to hire a part-time police officer. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

January 4, 2010 Mayor's Monthly Statement

Mr. Kobasuk made a motion to accept the January 4, 2010 Mayor's Monthly Statement, seconded by Mr. Harten. All Aye. (Mr. Burns-Absent) Motion Carried.

Safety Committee Meeting

The Safety Committee will meet Tuesday, February 16th at 7:00pm. Safety Committee members are Mr. Kobasuk, Mr. Burns and Mr. Harten.

Flower Fair

Mr. Harten made a motion to support the Newtown Garden Club, sponsors of the Newtown Flower Fair for April 30, May 1 and May 2. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Planning Commission

Mr. Harten is Chairman of the Planning Commission. The Planning Commission had an informal meeting tonight to discuss current issues in the Village. Mr. Harten said the E-Check site was discussed. In consideration of the E-Check site, there has been discussion of a potential Park-n-Ride being part of any redevelopment of that site. Mr. Harten said the Planning Commission strongly does not believe the E-Check is a good location for a Park-n-Ride. One of the reasons discussed was a Park-n-Ride does not fit the character of this specific site. Mr. Harten said there is nothing approving a Park-n-Ride in the current Zoning Code.

Lake Barber

Solicitor Miller asked Council how they would like to proceed on the Lake Barber issue. Mike Zicka, Doug Hall and Doug Evans having been waiting on a decision since summer 2009. Solicitor Miller has met with Mr. Hall's attorney and Mr. Evans' attorney. Solicitor Miller said he has not been able to give them any guidance as to whether Council is interested in taking the lake back from Mr. Zicka and proceeding with owning the lake. Mr. Evans said the businesses along that side of the road do not want it to be where just anybody can go back there to the lake. He said there have already been too many problems without adding more people.

Attorney Timothy Riker represents Doug and Debbie Hall. Mr. Riker explained that this originates from Mike Zicka's letter to the Village of Newtown, April, 2009. Currently, Mr. Zicka holds the title or controls an entity that has the title for Lake Barber. Mike Zicka's letter stated he proposes to transfer the deed to another party. And consistent with the restrictions on the deed, he is obliged to offer it to Newtown for the right of first refusal. The cost would be \$20,000, which Doug and Debbie Hall are prepared to pay \$20,000 so Newtown can then decide the future of the lake, consistent with a public resource. This will not be a cost to the Village of Newtown. Like Solicitor Miller asked, is the Village interested in proceeding with this, said Mr. Riker.

Mr. Kobasuk made a motion to authorize Solicitor Doug Miller to explore acquiring Lake Barber for the benefit of Newtonians. Mr. Harten seconded the motion.

Discussion

Solicitor Miller and Mayor Cosby said we are already doing that. Solicitor Miller said he doesn't want to spend another three months negotiating something and then Council comes back that they are concerned about liability. He said if Council is past that issue we can move forward. Solicitor Miller said it sounds like Doug Hall's vision is that there will be an employee at the lake when it is open for business. The issue is who will pay for this. Mr. Riker said the vision is that there would a non-profit corporation that would be responsible. And the park fundamentally would have to pay for itself. Solicitor Miller said it gives us something to shoot for if Council says they will take the lake if everything can be worked out.

Mr. Kobasuk and Mr. Harten rescinded the prior motion.

Mr. Kobasuk made a motion that if the terms of the acquisition of Lake Barber are acceptable to the Village Council, the Village Council will pursue exercising its option to acquire Lake Barber. Mr. Harten seconded the motion.

Discussion

Mr. Tiettmeyer asked if the recreation rights for Mr. Evans and Mr. Hall would continue if the Village acquires Lake Barber. Mr. Kobasuk said that is why Mr. Evans and Mr. Hall have a say in this and their recreation rights would continue on. Mr. Riker said Doug and Debbie Hall are not interested in continuing with exclusive recreational rights to the lake if it becomes a public resource.

Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Absent, Mr. Harten-Yes. Motion Carried.

Mr. Harten made a motion to adjourn at 8:30 p.m.

Transcribed by Becky Fairley