

The November 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.

Councilmembers: 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

Audience Participation - Property Maintenance and Lake Barber

Resident Joan Waits, 7133 Monongahela Drive, told Council that she has heard they are trying to get away from renewing Dick Weber's contract. Dick Weber began working as the Property Maintenance Inspector for the Village of Newtown in 2005. Mrs. Waits told Mayor and Council that it would be a big mistake to not retain Mr. Weber's services. In 2003, Mrs. Waits and Jeff Prugh came to Council meetings for a year and a half voicing their concerns of property maintenance issues in the River Hills subdivision. Mrs. Waits pleaded with Council to keep in mind how property maintenance issues affect everyone's property values. Mrs. Waits stressed to Council the fact that property maintenance issues are a greater concern in the older neighborhoods than in the Ivy Hills neighborhoods. Mrs. Waits said the Village has come a long way since the inception of the Property Maintenance program and it would be devastating to go backwards in not renewing Mr. Weber's contract.

Mayor Cosby said it is only under advisement and if Mr. Weber's contract is not renewed at the end of the year, the village will not be without a property maintenance code enforcer. He said, actually, they are considering using someone that is in the village five days a week. Mrs. Waits said it would be a conflict to have an employee/resident of the Village to enforce the property maintenance code.

Mrs. Waits asked how much Mr. Weber makes per year. Ms. Everett said as of the end of September 2010, Mr. Weber has been paid \$9,945. Mrs. Waits said if it is a concern that Mr. Weber has only made \$9,945, and then what is the Village paying \$20,000 for Lake Barber going to do for the Village. Mayor Cosby said Council feels that Lake Barber will be an asset to the Village and he has heard the same from many residents. Eventually, Council's attention is to turn Lake Barber into a park for village residents, said Mayor Cosby. Mrs. Waits questioned the liability expense for the lake and said she understands that the expense of a road will need to be put in to Lake Barber from Edwards Road. Mayor Cosby said he is not certain that a road would be needed. Mayor Cosby said there is a walking path around Lake Barber and fishing will be allowed but details of allowing boats or motorized vehicles on the lake have not been discussed. Mrs. Waits said the services employed by Mr. Weber to keep up with the resident's property values are much more important than the expense of Lake Barber. Mayor Cosby said no decision has been made. Mrs. Waits reiterated that it would be a conflict having a village employee that is also a resident enforcing the property maintenance code. And the fact that Ivy Hills subdivision is different than the older areas in the Village, whereas they do not have a need of enforcing property maintenance issues. Mayor Cosby thanked Mrs. Waits and told said her comments are noted.

Dick Weber, Property Maintenance Inspector for the Village of Newtown. Mr. Weber said Mayor Cosby had indicated that Council was discussing whether or not his contract would be renewed. Mr. Weber stressed that the function of the Property Maintenance Inspector is much more involved than merely sending a notice to cut grass. There is due process that has to followed, if the property owner doesn't correct the violation. This process was outlined by Police Chief Tom Synan (Lt. Synan in 2005 when the IPMC was adopted). The Village has come a long way with property maintenance in five years and Mayor Cosby has recognized that, said Mr. Weber. Mr. Weber said he feels it is beneficial to enforcing the code for the person to be in a position to be objective. Mr. Weber said he would hate to see the Village of Newtown regress and he would like to maintain the position as Property Maintenance Inspector.

Mr. Evans told Mr. Weber that he has never heard one negative comment about Mr. Weber or his services and thanked Mr. Weber for resolving the Baker case in such a respectful manner. Mr. Weber said when the International Property Maintenance Code was adopted; Lt. Synan had explained to him that the biggest fear of the residents was they did not want a Gestapo-mentality in the position of

enforcing the IPMC. Mr. Weber said he exercises all options before citing people to court. Before employing Mr. Weber as Property Maintenance Inspector, Chief Synan, then Lt. Synan designed and presented the program to Council and implemented the procedures mandated from the court system. Enforcing the property maintenance program is very time consuming and something the police department was not able to handle on a continual basis, said Chief Synan. Mr. Weber works closely with the police department doing background investigations and tracking down the property owners. Mr. Weber was also instrumental in cleaning up the Tucker property across from St. John Fisher Catholic Church on Church Street.

Mr. Kobasuk asked Chief Synan if he had any reservations about an employee of the village enforcing the Property Maintenance Code. Chief Synan said, yes, an employee will not be able to handle the workload and the follow-up to the investigations. The job is much more involved than going up to someone's door telling them to clean up their property, said Chief Synan. The property maintenance program was not designed just to cite someone to court. It was designed for the Village to find ways to work with the people to resolve their property maintenance issues. Mr. Weber has done a good job reaching out to various charities and senior services to assist the residents in resolving their issues, said Chief Synan.

Mr. Kobasuk asked Mr. Weber how many times he has testified in a court of law pertaining to property maintenance issues for the Village of Newtown. Over the past five years, Mr. Weber has dealt with 240 properties and for many of these properties on more than one occasion. Twenty citations have been issued and most of these property owners have been cited to Newtown Mayor's Court more than once, explained Mr. Weber. Mr. Weber also serves as Property Maintenance Inspector for the Village of Addyston, Village of Cleves and Village of Glendale. He worked six years for the City of North College Hill. Mr. Kobasuk asked Mr. Weber why he thought an employee of the Village could not perform the function as Property Maintenance Inspector. Mr. Weber said it would be difficult for one to enforce the (IPMC) to their neighbors, friends or even family. And it would take away the objectivity and put that person in the middle. To date, Mr. Weber has earned \$9,945 as Property Maintenance Inspector for 2010.

11-09-2010 Checklist

Mr. Tiettmeyer made a motion to approve the 11-09-2010 Checklist for \$93,695.72. Mr. Kobasuk seconded the motion.

Discussion

Mr. Harten asked Ms. Everett to explain the void and reissue. Ms. Everett said a plain piece of paper was in the middle of the checks; therefore, a check was printed on a plain piece of paper. She explained that from that check on, she had to void it and reissue so it would be printed on a check. Mr. Evans asked why the checklist total was so high. Ms. Everett explained that the \$20,000 for salt is on this checklist and discussed other expenditures.

All Aye. Mr. Burns-absent. Motion Carried.

Finance Committee

The Finance Committee will meet Monday, December 6th at 7:00pm at Town Hall. Finance Committee members are Fiscal Officer Keri Everett and Councilmembers: Curt Tiettmeyer (c), Mark Kobasuk and Daryl Zornes.

New Village Website

The new village of Newtown website went live today. The new site offers a clean look, which is reflective of the new village logo featured on our new entrance signs. Updates will be done in a timely manner by village employees. Mr. Tiettmeyer thanked Mark Sund, Sund and Company for their work in putting together the new site. He also commended Becky Fairley for her work on the website and for assuring that the proper content was included on the website. The new site offers flexibility for updating information for upcoming meetings and events, as well as meeting agendas and council minutes. Mr. Zornes said it does look much better. Mr. Tiettmeyer asked council to forward any feedback to him or to Becky.

Mayor Cosby thanked Mr. Sund and commented on how nice the website looks. Mr. Sund said it has been a real pleasure working with everyone.

Council Minutes

Mr. Zornes made a motion to approve the 10-26-2010 Council Minutes, seconded by Mr. Harten. All Aye. Mr. Burns-absent. Motion Carried.

Human Resource Committee

The Human Resource committee held a meeting 10-25-2010 to begin the process of looking at health insurance plans for village employees. The HR committee will meet again Monday, 12-6-2010 at 6:00pm to look at additional plans, said Mr. Zornes. Serving the Human Resource committee are councilmembers: Daryl Zornes (c), Joe Harten and Curt Tiettmeyer.

Maintenance Update

Mr. Dickerson reported that the snow plows are in place and ready to go!

Short Park Restroom Electric Bids

For the record, Mayor Cosby left the meeting for this discussion. Mr. Dickerson received three electrical proposals stating the same specifications. In an effort to save money, Newtown maintenance employees will close the trenches, saving 600 plus dollars on the estimates.

Mr. Harten asked for numbers specific to the bids submitted. Mr. Dickerson said the top two he would consider for the electrical job are Cosby Electrical Services and Curry Electric. Cosby Electrical Services is the lowest proposal at \$3,050. Mr. Kobasuk asked Solicitor Miller to review the law. Solicitor Miller explained that it has to be for necessary services; one cannot charge the village more than they would charge anyone else, services cannot be obtained cheaper elsewhere and it has to be done with full knowledge of the Council, as to who is doing the job. Solicitor Miller said the Cosby Electrical Services proposal certainly fits the parameters since it would cost another \$800-900 to go elsewhere. Mr. Kobasuk asked if anyone had a problem with this proposal. Mr. Evans said he doesn't have a problem with it since Solicitor Miller said it is okay. Mr. Harten said he does have a problem with it because it looks bad and brings doubt into the process just because we don't know what might have happened but for the fact that an individual who is going to be of interest in this contract is bidding. Mr. Harten said because of that he will vote no, if that is the direction Council decides to go. Mr. Kobasuk said it is not that big of a job and asked Mr. Harten what he proposed to do. Mr. Evans said Council shouldn't be harder on Cosby Electrical Services than on anyone else. Mr. Evans said he supports the proposal submitted by Cosby Electrical Services since it is cheaper and the work will be inspected by someone else. Mr. Kobasuk said Cosby Electrical Services is the lowest bidder. Solicitor Miller said as long as the village knows what is going on and we aren't buying something that is not needed and it can't be purchased anywhere else cheaper, the law provides that the village doesn't have to pay more just because someone on Council or one of the village officials is going to do the job. Mr. Kobasuk asked Mr. Dickerson if he could obtain the services cheaper elsewhere. Mr. Dickerson said he has looked and stated the criteria asked by Solicitor Miller. Mr. Harten said there is enough business in the world for everybody and if we start to bring our own firms and businesses into the situations on Council, it reflects badly upon Council as a way of doing business. Mr. Kobasuk asked Mr. Harten if he wanted to pay more. Mr. Harten said yes, based on this, \$918 more is a small price to pay. He said it is his personal view to take it to a higher standard. Mr. Evans said he respects Mr. Harten's opinion. Mr. Kobasuk said he also, but wants to save \$900 with the lowest bidder. Mr. Tiettmeyer said he does support the Cosby Electrical Services proposal because it has followed the process that has been followed all along for Evans Landscaping and others. Mr. Tiettmeyer said the current process needs to be tightened in terms of everyone understanding that Council has followed the process. Mr. Tiettmeyer volunteered to write a RFP process to follow for future projects. The RFP process will protect the integrity of future decisions, if someone does challenge a decision in the future. Mr. Tiettmeyer will review the process with Solicitor Miller. He will discuss this with the Finance Committee, in terms of the parameters that would be placed on the RFP. Mr. Tiettmeyer will then bring to Council the RFP process to be adopted, for services that we would go out to bid on. Unfortunately, it is too late for this proposal to consider another process. Mr. Tiettmeyer said he will support accepting the Cosby Electric Services proposal, since Council has followed the current process in the past, and based on all of the circumstances discussed.

Mr. Kobasuk made a motion to accept the Cosby Electric Services proposal for electrical services for Short Park Restroom, in an amount not to exceed \$3,050. Mr. Evans seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-No, Mr. Burns-absent. Motion Carried 4:1.

Mayor Cosby joined the meeting after the motion.

Police Department

Mr. Kobasuk, Chairman of the Public Safety Committee, reported that the hard drives were damaged for the Mayor's Court computer. The expense for repairs will come from the Mayor's Court Computer Fund.

Mr. Kobasuk reported that the Drug Fine Offender's Fund will be used to purchase three items: 1) bullet resistant vests for \$1,221, 2) tactical communications headset equipment, estimate of \$1,200 and 3) purchase of 27 tactical badges for \$1,727.50. These items have been approved by Mayor Cosby and Police Chief Synan.

Four sets of tires for police cruisers No. 2, No. 3, No. 4 and No. 8 are needed, in the amount of \$1,439.84. Mr. Kobasuk explained that this is an anticipated expenditure in the Vehicle Maintenance Line and was budgeted at the beginning of 2010.

Mr. Kobasuk made a motion to approve \$1,439.84 for four sets of tires for the four police cruisers stated above. Mr. Zornes seconded the motion. All Aye. Mr. Burns-absent. Motion Carried.

Planning Commission Update

Mr. Harten, Chairman of Planning, Zoning and Development, reported -Thursday, November 4th, Planning Commission met and unanimously approved and passed the revised Zoning Code for the Village of Newtown. A Public Hearing will be held Tuesday, December 14th at 6:00pm, at 3536 Church Street, Newtown, Ohio. Village Council will meet at 7:00pm for their regularly scheduled meeting. Planning Commission has held their Public Hearing; the Public Hearing scheduled for December 14th is a Public Hearing held by Village Council.

Wireless Lease, Debolt Road

Communications Capital Group contacted Solicitor Miller expressing an interest in purchasing the Wireless Lease located at 3711 Debolt Road. The current wireless tenant is Verizon; \$10,000 per year. Solicitor Miller asked Council for direction. Mr. Tiettmeyer's recommendation is that we are not interested in selling the lease. Councilmembers present agreed. Solicitor Miller will inform the company of Council's decision.

Mr. Tiettmeyer made a motion to adjourn at 7:47pm, seconded by Mr. Evans.

Transcribed by Becky Fairley