

The July 26, 2011 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 Mark Kobasuk
Doug Evans Curt Tiettmeyer (absent)
Joe Harten Daryl Zornes (absent)

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Audience Participation

Resident Ted Jancha, 6930 Edith Street, was recently told that he may not use his exiting parking pad on Pine Street because that side of Pine Street is a designated fire lane. This has been an on-going issue for his parking needs. Mayor Cosby said when the Zoning Code was recently revised; it was decided to allow residents to park in existing gravel where tires would be off the side of the road, as long as it is not in direct violation of the zoning code until a long-term solution is reached. Mayor Cosby said he would be in favor of a motion from Council to grant a temporary reprieve allowing residents in the neighborhood to park in their existing parking area until we get this resolved. Mr. Evans said as long as it is not direct violation of our Zoning Code.

Mr. Joe Harten made a motion to grant a temporary reprieve allowing residents in the neighborhood to park in their existing parking area, as long as it is not in direct violation of the Zoning Code, until this is resolved. Mr. Kobasuk seconded the motion. Motion Carried.

Martin Marietta Mining Issue

Solicitor Miller said Judge Ruehlman over-ruled Newtown's motion to set aside the decision of the BZA, and it is not going to be briefed in full. He also overruled Martin Marietta's request to have the communities dismissed from the case; therefore, we are back in. Newtown's brief is due August 15; theirs is due a month later with reply briefs due two weeks after that and will be argued November 3rd.

Newtown 5K Run

The 2011 Newtown 5K is Saturday, August 13th at 9:00am. The 5K course begins and ends at Moundview Park, 3130 Newtown Road. Newtown Road/Church Street will close between 8:30am to 8:45am; reopening between 10:30am to 11:00am. New for 2011, chip-timing. Register online at www.runningtime.net.

Maintenance Department

Regarding the construction area along Round Bottom Road, Mr. Evans said weeds need to be cut and maintained better. He suggested that a broom be used to pick up the debris instead of pushing it onto others property. Mr. Dickerson will convey this to Tim Williams, MSD Project Manager.

Mr. Dickerson said the Maintenance Department needs a tow-behind manlift for the trucks. Mr. Burns said over \$2,000 in rental has been from Dec. 2010 to date. This has been rented to hang the Christmas lights for WinterFest, service lights in the Municipal Parking Lot and Parks and trimming of limbs. The cost of a manlift would be around \$20,000. Mayor Cosby suggested this be discussed with the Public Service Committee (Streets). Mr. Evans, Mr. Burns and Mr. Tiettmeyer serve on this committee.

Mr. Dickerson asked Council to add to the wish list: 1) a tractor that helps prune back the brush on the edges of roadways and 2) a tow-behind manlift for the trucks. Mr. Dickerson said both of these items would make the job much easier, especially since there are only three guys doing the job.

Village Construction Projects

Little Dry Run and the S-Curve on Church Street will be milled and paved the first two weeks of August. J.K. Meurer is handling this project, which will be completed before school begins. Drake Street Bridge is scheduled to begin after the school year begins.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement to Council for June 2011 in the amount of \$6,369.25. Mr. Burns seconded the motion. All Aye. Motion Carried.

Little Miami Fire Board Update

Mr. Kobasuk gave the following update. The Newtown Fire Station is expected to be completed by October 1, 2011. The Fire Department hopes to also be move by this date. The project has gone so well; \$75,000 Contingency will be moved to the Fairfax Fire Station. LMFD plans to purchase a new ambulance, staff vehicle and rescue truck.

7-12-2011 Checklist

Mr. Kobasuk made a motion to approve the July 12, 2011 Checklist, in the amount of \$34,489.54, seconded by Mr. Burns. All Aye. Motion Carried.

7-26-2011 Checklist

Mr. Kobasuk said one item on the checklist is to Cosby Electric Services for \$1,000. Mr. Kobasuk said it is his understanding this amount is well below the market rate. He said Mr. Tiettmeyer, Finance Committee Chairperson, approved the work as below market. Mr. Dickerson said the as they were working on the floor for the police department, other problems were revealed and had to remove all walls. He said concrete has been poured and electric has been moved outside of the room. Mr. Dickerson said he had Mayor Cosby working on these items for two weeks, mainly the electric. Mr. Kobasuk asked Mr. Dickerson if his professional judgment agreed that this was well below the market value. Mr. Dickerson said, yes it was. Mr. Kobasuk asked if Mr. Tiettmeyer approved this in advance; Mayor Cosby said he talked to him in advance and Mr. Tiettmeyer said it would be fine.

Mr. Kobasuk asked Solicitor Miller if this was done correctly. Solicitor Miller said the standard is as long as the work could not have been obtained at a cheaper price elsewhere and if Council is aware of the situation. Mr. Kobasuk asked Mr. Dickerson if the job could have been obtained for a lesser amount; Mr. Dickerson said, no.

Mr. Kobasuk made a motion to approve the July 26, 2011 Checklist, in the amount of \$116,366.65. Mr. Harten seconded the motion. Roll Call: Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes, (Mr. Tiettmeyer-Absent, Mr. Zornes-Absent) Motion Carried.

Councilman Zornes

Mayor Cosby informed Council that Mr. Zornes surgery went well and due to be discharged tomorrow. Mr. Kobasuk thanked Becky for notifying everyone by email.

Council Minutes

Mr. Kobasuk made a motion to approve the June 28, 2011 Council Minutes, seconded by Mr. Burns. All Aye. Motion Carried.

Mr. Kobasuk made a motion to approve the July 6, 2011 Special Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

Mr. Kobasuk made a motion to approve the July 18, 2011 Special Council Minutes, seconded by Mr. Harten. All Aye. Motion Carried.

ATLL

Mr. Burns will try to bring resolution to the ATLL to the next Council meeting. He is waiting to hear back from ATLL.

Short Park Paving

Mr. Burns said he has talked to Rack Seven two times trying to obtain a lesser amount from the original quote. Mr. Burns forgot the paperwork but said he believes the number is around \$5890, which would repair 90' of the walking trail and would bring the bathroom walkway to ADA compliant. Mr. Burns thought the original quote was \$7500. Mr. Burns said the entire path needs to be redone but the Parks line does not have the money to do the entire path. Mayor Cosby said we will look at this when we iron out where the bike trail will come to since the HCPD will take control of the portion of that path. Mayor Cosby said at

that time we would look at the remainder of the path to be paved. Mr. Burns said he believes a grant has been applied for. Mr. Burns said Mr. Dickerson received three different estimates and initially Rack Seven was the cheapest. Mr. Evans asked if J.K.Meurer had bid on the job. Discussion was tabled until Mr. Evans has a chance to talk to J.K. Meurer.

Mr. Harten made a motion to direct Mayor Cosby and Fiscal Officer Everett to approve contracts for employee dental, vision and life insurance. Mr. Burns seconded the motion.

Discussion

The HR Committee met last week and discussed various aspects of the non-medical benefits program. The life insurance is on a four-year rate guarantee so this will not change. The dental insurance is increasing by 3%; the Village will continue the current contribution level and employees will pay the 3% difference in the premium for the dental coverage. The vision insurance will now be through Eye Med; the Village will pay for the employee and the employee will pay for coverage for their family at their own expense. Mr. Harten said there is a slight reduction of \$1,700 annually for the Village, which was approved by the HR Committee and agreed upon with the employees that attended the HR meeting.

All Aye. Motion Carried.

Mr. Evans made a motion to adjourn, seconded by Mr. Harten.