

Weeding Fountain

Burger Farm has offered to weed the Fountain. Mr. Burger said it is a nightmare and asked the Village to provide the Roundup weed killer. Mayor Cosby told Mr. Burger to invoice the Village for the Roundup.

Engineering Updates

Ben Brandstetter spoke to Council regarding the four following issues:

1. 2011 Paving Program

As of Sunday, the guardrail at the S-Curve had not been completed. Prior to the project, Mayor Cosby walked the walking path with Dave Stenger and the contractor; they indicated the walking path would be five-foot and the completed project is not five-foot. Mayor Cosby asked Ben to go back to the contractor and ask why the Village did not get the five-foot walk path as expected and to convey that the Village should not pay what we were expected to pay.

2. Drake Street Bridge

- Requested Change Order to repair base of Main Street wall for \$11,800, which is an eligible cost within the grant. Council will adopt resolution approving change order to move forward with wall.

OPWC Grant	\$ 130,800.00
Village Match.....	\$ <u>87,200.00</u>
	\$ 218,000.00

Trend Contract/Bid \$ 151,015.00

3. 2012 OPWC Grant Application: Edith/Pine/Jefferson

- Local Committee completed field investigation two weeks ago.
- Typically, a decision is made in mid-December.
- Application submitted as follows:

OPWC.....	\$ 556,770.00
Newtown.....	\$ <u>274,230.00</u>
Total	\$ 831,000.00

NOTE: GCWW work estimated is to be completed in conjunction with project.

4. Lake Barber Access – Valley Avenue/Edwards Road

- Scope includes:
 - Boundary survey for Hall property.
 - Topographic survey/Base map for Hall property parking lot, path/bridge to existing trail and access at Valley Avenue.
 - Design services for both Edwards Road and Valley Avenue.

Boundary Survey (Berding Surveying)	\$ 3,200.00
Topographic Survey/Base Map	2,500.00
Preliminary Design	6,600.00
Final Design	<u>9,800.00</u>
	\$22,100.00

The Finance Committee agreed to move \$20,000 from the Street Fund into Contracted Services to pay for the repair to the \$22,100.00. Council will make a motion to approve this amount.

D & S Consulting LLC – Allen Freeman

To date, Council has not authorized a contract with D & S Consulting LLC. Mayor Cosby said, however, we have asked Allen Freeman to do work on the grant for the Indian Artifact Museum. Mayor Cosby presented two invoices from D & S Consulting (\$1,125 and \$1,095) for these services totaling \$2,220. Mayor Cosby said Mr. Freeman’s services may be needed to complete the process since he was the one that originally applied for the grant for Newtown. Mayor Cosby said he doesn’t anticipate too many ongoing bills from Mr. Freeman. Mr. Kobasuk said we need to be careful about when we call Mr. Freeman or what we ask him to do because he is going to charge us for each time. Mr. Tiettmeyer said by the Oct. 25th Council meeting, he would like to receive an estimate from Mr. Freeman of any additional hours needed to complete the grant process.

Ms. Everett said Lake Barber is also on the D & S Consulting invoices and Council needs to decide if they want Mr. Freeman to continue looking into that. Mr. Kobasuk said the first thing Council needs to decide is if Lake Barber is going to be a public park. Mr. Kobasuk said he thought it was going to be private Newtown Park and we wouldn't want the OKI money to cause it to be public. Mayor Cosby said Mr. Freeman simply checked into it but we have not given him any direction to go further with anything. Mr. Kobasuk asked if we had asked Mr. Freeman to check into the OKI money for Lake Barber. Mayor Cosby said Mr. Freeman told him OKI may have money available to pave all the around Lake Barber if it would connect to the bike trail. Mr. Kobasuk said that sounds promotional like Mr. Freeman was seeking business. Mayor Cosby said he did not authorize for Mr. Freeman to do this and has only called Mr. Freeman once or twice since the beginning of summer. Mr. Harten said, a lesson learned, we just need to engage Mr. Freeman affirmatively and explicitly. Mr. Kobasuk said, as Mr. Burns pointed out, Council should first know we are going to engage Mr. Freeman to work on Lake Barber.

Checklist

Mr. Tiettmeyer made a motion to approve the 10-11-2011 Checklist for \$41,314.23, seconded by Mr. Burns. All Aye. Motion Carried.

Resolution Accepting Amounts and Rates

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

Mr. Tiettmeyer made a motion to adopt RESOLUTION NO. 27-2011 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Finance Committee Update

The Finance Committee discussed the \$22,100.00 for the Lake Barber Access (Valley Ave. and Edwards Rd). Mr. Tiettmeyer, Finance Committee Chairman, reported \$20,000 will come from the Street Fund and the balance from Contracted Services. The committee also discussed the 2012 Budget process; the recommendation is for the police and service departments to come back to the committee with their capital requests prioritizing the expenditures, to Keri by January 9, 2012.

Mayor Cosby said regarding Brandstetter engineering for the Lake Barber Access – Valley Avenue/Edwards Road, he and Mr. Tiettmeyer should meet with Jay Stoehr with Robbins Flooring to get a commitment from him regarding an easement previously discussed with Mr. Stoehr. Mayor Cosby will set up the meeting ASAP. Mr. Tiettmeyer said the expenditure for the work related to Valley Avenue Access would not be permitted until the commitment is confirmed with Mr. Stoehr.

Mr. Tiettmeyer made a motion to approve \$22,100.00 expenditure to Brandstetter Carroll for Lake Barber Access – Valley Avenue/Edwards Road. Mr. Burns seconded the motion. All Aye. Motion Carried.

Council Minutes

Mr. Zornes made a motion to approve the 09-27-2011 Council Minutes, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Human Resource Committee

Mr. Zornes called for a HR Committee meeting Tuesday, October 25th at 6:00pm.

Trunk or Treat – October 29th from 6:00 to 8:00pm

The NBA is sponsoring the annual Trunk or Treat ~ October 29th from 6:00 to 8:00pm in the parking lot of the Newtown Dairy Corner. Barbara Broerman asked Mr. Zornes to ask Council for permission to use the Mini Park for this event. Council agreed.

Veterans Memorial – Saturday, November 12th

Mr. Short invited everyone to attend the dedication of the Veterans Memorial. The United States Marine Corps, Newtown Police Honor Guard and bag pipers will be present.

Mr. Short made a motion to suspend the rules, seconded by Joe Harten. All Aye. Motion Carried.

Mr. Short made a motion to adopt RESOLUTION NO. 28-2011 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH FORD DEVELOPMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Short-Yes, Mr. Kobasuk-Yes, Mr. Burns-Yes, Mr. Harten-Yes. Motion Carried.

Motion Confirming Part-time Police Officer

Mr. Kobasuk made a motion to confirm Steven Bosse as a part-time police officer, seconded by Mr. Burns. All Aye. Motion Carried.

Safety Committee

The Safety Committee met this evening; Chief Synan gave a presentation on the taser policy and the patrol car policy

Mutual Aid Agreement for Law Enforcement (First Reading)

Discussion

Chief Synan said this agreement has not been updated in over thirty years. This agreement states that the community would handle any liability. This agreement allows the Village of Newtown Police Department to assist Anderson Township and Mariemont and vice versa. Chief Synan said this has been discussed at a Police Chief's meeting and was a big concern that it had been over thirty years since it had been updated. Other topics of concern and discussion were who covers off-duty details and SWAT was a big part of that, stated Chief Synan. Solicitor Miller said it had been so long since this agreement had been updated and probably grew out of the recent Indian Hill lawsuit with the SWAT team. Solicitor Miller said there were also insurance issues because if one of our officers were sued while on a SWAT run, who covers it.....the Village's insurance or the community who called out the SWAT team? Solicitor Miller said the agreement spells these things out. Solicitor Miller does have one question and needs to speak to other Solicitors but recommended having a first reading. Solicitor Miller said the way to get insurance coverage from the community that calls out the SWAT team is they need to be indemnifying the other communities covering the officers. That is an issue with the state auditor and the attorney general but we need the insurance coverage, said Solicitor Miller. He said everyone is responsible for their own officers, unless it is a SWAT call, whatever community calls in SWAT.

Mr. Kobasuk made a motion to have a First Reading of A RESOLUTION APPROVING A MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mr. Kobasuk made a motion to have a Second Reading of A RESOLUTION APPROVING A MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT at the 10-25-2011 Council Meeting. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Mr. Tiettmeyer asked about Mutual Aid for fire service. Solicitor Miller said it is a separate contract handled by the Little Miami Fire District.

Police Department

Chief Synan thanked Mayor Cosby, Ron, John, Tony, Shawn, Kent, Jared and everyone for their help renovating the police department.

Chief Synan reported to Council the great job recently performed by Police Officer Michael Wedding for seizing over \$2,200 in drugs at the local Shell. A letter from the court was received granting Newtown the \$2,200; \$460 will go back to the prosecutor's office, leaving \$1,800 to go back into the drug fund.

Chief Synan also spoke of a recent domestic violence call with shots fired. Suspect was apprehended. Two part-time police officers: Navara and Stoll were on duty and did a tremendous job without incident.

Mr. Kobasuk made a motion to adjourn at 8:05pm, seconded by Mr. Burns. Motion Carried.