

The August 14, 2012 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) Chuck Short  
 Joe Harten Curt Tiettmeyer (absent)  
 Mark Kobasuk Daryl Zornes

**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri Everett (absent)  
**Police Chief:** Tom Synan

Joe Dixon, Brandstetter Carroll Inc. gave the following update on village engineering services:

1. 2012 Street Improvements:

- Paving Program is complete, complete final inspection/punch list. Leonard and SR 32 have punch list items to be completed.
- Surface Sealing Program was completed week of August 6<sup>th</sup>, complete inspection/punch list to be done.

Mayor Cosby asked for a final report before payment will be made.

2. Ragland Road Area Storm Drainage *also referred to as* (Edith/Jefferson/Pine Flooding)

- Bid received on August 14<sup>th</sup> from (base bid/alternate for trash rack):

	<u>Base Bid</u>	<u>Trash Rack</u>	<u>Total</u>
o Rack Seven Paving Co:	\$ 9,100	\$ 1,500	\$10,600
o JD Contracting:	\$11,000	\$ 3,500	\$14,500
o Evans Landscaping	\$12,975	\$ 2,375	\$15,350
o Rack & Ballauer Excavating:	\$25,000	\$ 6,000	\$16,320
o Separate bid sent directly to Village	-----	-----	-----

- Right-of-entry documents were sent to the Village with property owners filled out. About 75% of documents have been executed as of 8.14.2012.
- BCI recommends cleaning the pipe in the entire system after the work is done to deepen and clean the creek. See attached photos.

3. OPWC Grant Projects

- Grant applications due September 21, 2012
- Resolution to be submitted by 8.28.2012 Council meeting
- Resolution not needed for MRF funds (due 8.31.2012)
- Priorities as of May 22, 2012: Edith/Pine/Jefferson as No. 1 priority and Ragland Road Area Drainage as No. 2 priority  
*(Bruce has suggested that the projects remain separate)*
- Edith, Pine and Jefferson Street Reconstruction

2012-2013 Construction Estimate		\$875,000
Local Match	@ 30%	\$262,500
	@ 40%	\$350,000
	@ 50%	\$437,500

The intent is to increase the flow of the water and manage the debris collection. Mayor Cosby asked BCI to make a recommendation based on qualifications.

The first column (Base Bid) is to clean out the existing stream; enlarging and lowering it to help increase the flow and to increase the existing trash rack by adding onto it. The second column (Trash Rack) is to add another complete new trash rack about 80' upstream to collect trash before it gets to the existing to help prevent it getting to the head wall which is where it really causes havoc, stated Joe Dixon.

During the recent 8.02.2012 videotaping, the camera could not even reach over the debris about one-third of the way up the pipe of the twin 24" pipes. Debris is mainly aggregate material, the stone in the stream bed, along with other trash items in the storm system. The pipe cleaning would be an additional cost.

Mr. Kobasuk asked Mr. Dixon for approximate amount to allocate an amount not to exceed so work can be done before the 08.28.2012 Council meeting. Mayor Cosby suggested approving on the high side that would also include an amount to clean the pipes in the storm system. Mr. Kobasuk suggested an amount not to exceed \$25,000; this amount would include cleaning the pipe.

**Mr. Short made a motion to approve an amount not to exceed \$25,000 to clean the existing stream, addition of alternate trash rack and for to clean the pipe. Mr. Kobasuk seconded the motion.**

#### Discussion

Mr. Harten asked if this amount had been cleared with the Finance Committee. Mayor Cosby said this was discussed at the last meeting and the funds are in the contingency fund. Mr. Kobasuk said he views this as an emergency, as people's homes are in jeopardy with their yards and homes being flooded. Mr. Harten said he doesn't disagree; he just wanted to know what line the money was coming from. Mayor Cosby said he will check before the money is spent.

**All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

Resident Terry Fairley, 6931 Edith Street is in the process of obtaining signatures from residents for right-of entry. Mayor Cosby said we will move forward.

#### Eastern Corridor Meeting

Mr. Short attended the August 2<sup>nd</sup> Public Involvement Meeting scheduled for the Oasis Rail Transit and SR 32 Relocation projects. Mr. Short spoke in strong opposition for the Village of Newtown stating that there is no clear route that is good for or would benefit the Village of Newtown. Mr. Short opposes the Oasis Rail Transit and views it as a novelty and there is no clear destination downtown. Email [EasternCorridor@EasternCorridor.org](mailto:EasternCorridor@EasternCorridor.org) or visit [www.easterncorridor.org](http://www.easterncorridor.org) for more information.

#### Maintenance Department Update

Crosswalks have been recently painted. Slurry Seal program has been completed with a few touchups this past weekend. The company will sweep the street tomorrow. Mr. Short thanked the maintenance department for the quick response in picking up the brush from recent storms.

#### Newtown Mini Park / Cincinnati Bell Telephone Easement Request

Mr. Short is working with the contractor, Sigma Network Technologies regarding compensating the Village to install a 725 sq ft Calix box in the Mini Park to upgrade Cincinnati Bell's network with fiber optics. They will also landscape the area once installation of the box is complete. Sigma Network Technologies have agreed to pay the village \$1,000 for the easement. The entire village should be equipped with fiber optics over a three-year period. Mr. Kobasuk commended Mr. Short for working with the company to pay the village \$1,000 for the easement, as it is not common practice for a utility company to pay to upgrade since it does benefit the municipality and its residents. The village currently receives a video-service provider fee from Time Warner Cable that is based on per resident. Solicitor Miller said to make sure Cincinnati Bell would be charging this also and turning it over to the village. Solicitor Miller has minor changes to the documents; he has been waiting on the dollar amount for the easement, which is \$1,000. Council is expected to approve this easement request at the next council meeting.

#### Resolution, Capital Improvement Projects

The OPWC applications are due September 21, 2012. This resolution allows the Village of Newtown to apply for Ohio Public Works Commission grants for: 1) Edith, Pine and Jefferson as No. 1 priority and 2) Ragland Road Storm Drainage as No. 2 priority:

**Mr. Short made a motion to have a First Reading of A RESOLUTION APPOINTING CURT COSBY AS OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING. Mr. Kobasuk seconded the motion.**

**Mr. Short made a motion to have the Second Reading at the 08.28.2012 Village Council meeting. Mr. Kobasuk seconded the motion. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

Moundview Park, Internet/Wi-Fi Service

Mr. Short is looking into bring Wi-Fi Internet service to Moundview Community Center. The current service provided at Town Hall costs \$84 per month. Mr. Short will try to negotiate a lower cost with our current provider.

Moundview Park, Lights and Fans

Mr. Short explained: last year, an amount not to exceed \$2,500 was approved, in partnership with the Newtown Civic League, for purchasing and installing fans and lighting at the Moundview pavilion. The Civic League obtained several bids

**Mr. Short made a motion to approve \$1,741 to Cosby Electric Services.**

Discussion

Mr. Kobasuk asked if a resident came in asking to see the other bids they would see Cosby Electric was the qualified low bidder. Mr. Short is the president of the Civic League. He presented the bids to the Civic League and was not a voting member. Mr. Short said four or five bids came in and were marginally close and included lighting of lesser quality. The consensus of the meeting was that the job be awarded to Cosby Electric for several reasons: 1) the bid was good and more importantly, 2) Cosby Electric is local. Mr. Short said last year he went to the Finance Committee and told Mr. Tiettmeyer he would like to build this into the budget. Mr. Short said Mr. Tiettmeyer said they could appropriate \$2,500 to be able to do the lights and fans. The total bid for fans and lighting came to \$3,418 of which the Civic League pays half and the village pays \$1,741. Mr. Kobasuk said for the record, the Civic League approved the selection and paid half. Mr. Short said, correct.

Solicitor Miller said, for the record:

**ORC 2921.42 Having an unlawful interest in a public contract.**

C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

*(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;*

*(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;*

*(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;*

*(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.*

Solicitor Miller said this meets the “necessary to supply the services” and “preferential treatment,” assuming this job wasn’t charged more than any other job. Mayor Cosby said he charged less than on he would have for any other job. Solicitor Miller said this transaction was conducted at arm’s length and does have to be unobtainable elsewhere for the same or lower cost. Mr. Kobasuk asked Solicitor Miller if he thought this transaction met the criteria. Solicitor Miller said he has no problem with it if it can’t be obtained at the same or lower cost. Mr. Harten said, according to what Mr. Short said, Council somewhat is dependent upon the Civic League’s evaluation.

**Mr. Zornes seconded the motion. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

#### Council Minutes

**Mr. Zornes made a motion to approve the 07.24.2012 Council minutes, seconded by Mr. Short. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

#### 08.14.2012 Checklist

**In Mr. Tiettmeyer’s absence, Mr. Kobasuk spoke to the 08.14.2012 Checklist. Services discussed prior to Cosby Electric are included, as well as \$800 to White Appraisal, Inc. for Edwards Road Appraisal.**

**Mr. Kobasuk made a motion to approve the 08.14.2012 Checklist for \$85,889.29. Mr. Short seconded the motion. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

#### 07.24.2012 Checklist

*The original 07.24.2012 Checklist was approved at the 07.24.2012 Council meeting.* At that meeting, **Mr. Tiettmeyer made a motion to approve the 07.24.2012 Checklist for an amended amount. A check to Roth Partnership Inc. for \$5,294.10 will be added to the original amount of \$59,413.31 with a revised total of \$64,707.41.**

**08.14.2012 Mr. Kobasuk made a motion to approve a revised amount of \$86,475.36 to the 07.24.2012 Checklist, seconded by Mr. Short. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

#### Mayor’s Monthly Statement

**Mr. Kobasuk made a motion to approve the Mayor’s Monthly Statement to Council for the July 2012 Receipts for \$6,580.30. Mr. Zornes seconded the motion. All Aye. (Mr. Tiettmeyer-absent, Burns-absent) Motion Carried.**

#### Edwards Road Property Appraisal Update

In Mr. Tiettmeyer’s absence, Mr. Kobasuk reported White Appraisal, Inc. appraised the Edwards Road property 07.23.2012 at \$1 (one dollar) per sq ft. Mr. Kobasuk said based on the appraisal, it makes sense to offer the land at \$1 (one dollar) per sq ft, which would be around \$43,000 per acre. Once Mr. Motz has the property surveyed, the Village will list the property out to bid, as the description is needed in order to put out to bid. Mr. Motz said he needs to review everything and look at the comps before making an offer. Solicitor Miller said for sale of property, requirement is to advertise; it would be cheaper to post on the state website for public notice and on the village website.

#### Planning Commission Update

The Planning Commission met 08.07.2012. Matt Cuff, Just Q’in Babeque Catering is relocating to 6901 Valley Avenue. In an effort to soften the appearance of the corner, Planning Commission approved landscaping and design. Matt Sherman presented plans to building a senior citizen complex for 55 y/o and up; more information is needed to make a decision.

Martin Marietta Mining: Solicitor Miller said the argument will be heard next week.

Mr. Kobasuk made a motion to adjourn at 7:45pm, seconded by Mr. Zornes. Motion Carried.