

The September 25, 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  
 Mark Kobasuk Daryl Zornes

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

Bruce Brandstetter – Engineering Services

1. 2012 Street Improvements

- Asphalt Paving Program Contractor adjusted inlet at Leonard and Crull and provided additional overlay on Leonard Street. Work was completed at no additional cost the week of 9.14.2012.
- Surface Sealing Program was completed during the week of August 6<sup>th</sup>, 2012. Project is \$1,200 below contract. See copy of change order.

2. Ragland Road Storm Sewer Ditch Cleaning

- Rack Seven Paving is waiting for Duke Energy to remove and reset an anchor for utility poles before they begin the cleaning.
- This should be done by Sept. 27<sup>th</sup> or 28<sup>th</sup>, per Mr. Dickerson. He also said Rack Seven should have people out tomorrow to begin some of the brush removal for their equipment.
- Mr. Tiettmeyer asked Mr. Brandstetter if he expected any additional engineering fees for this project for 2012. Mr. Brandstetter said, no.

3. OPWC Grant Projects

- Edith, Pine and Jefferson Street Reconstruction

No. 1 Priority for Village	Grant Request	@ 60%	\$ 525,000
	Newtown Match	@ 40%	<u>350,000</u>
			\$ 875,000

- Ragland Road Area Drainage

No. 2 Priority for Village	Grant Request	@ 77%	\$ 287,500
	Newtown Match	@ 10%	37,500
	MRF	@ 13%	<u>50,000</u>
			\$ 375,000

*(MRF funds are good only for county roads. Ragland is a county road since it goes from the village to Anderson Township.)* Mr. Brandstetter requested \$50,000 and geared it around the culvert part of the project that is within the Ragland Road right-of-way.

- Notes
  - Submitted 9.21.2012
  - Also submitted grant application to Hamilton County Storm Water District (HCSWD), a collaboration between the Engineer's Office and MSDGC, in its second year. Reward amount determined by HCSWD.
  - OPWC schedule:
    - Update Capital Improvement Report 11/12/12 (Copy of 2011 attached)
    - District Selection by December 2012
    - Submittal to OPWC January 2013
    - Engineering/Design Jan-April 2013
    - Grant Agreement July 2013
    - Construction Start July 2013 *(If project is funded....bid May/June 2013)*

Ohio Public Works Commission: (Five Year Capital Improvement Plan / Maintenance of Effort Report) Mr. Brandstetter with work with Mr. Short and Ms. Everett on completing this report. This report is used for planning and justification of the program and will be submitted to OPWC and the state legislature.

Little Dry Run Road Paving: Mr. Brandstetter suggested the village plan on paving Little Dry Run between now and 2017. MRF and OPWC grants will be applied for since this is a county road.

SR 32 Widening (Little Dry Run Rd., East): Adding a third lane from Burger Farm to the corporation line was discussed. Burger Farm is expected to develop property within the next two years. OPWC/General funding would fund this project; target date is 2016.

#### Checklist

**Mr. Tiettmeyer made a motion to approve the 09.25.2012 Checklist for \$140,764.22, seconded by Mr. Zornes.**

#### Discussion (Park expenses)

Mr. Harten asked Mr. Dickerson to speak to the \$707.00 for Short Park restroom repair. Mr. Dickerson said this amount was to repair the drain tying it into the MSD trunk line. Mr. Kobasuk asked about the \$456.71 to Home Depot Credit Services for Moundview electric. Mr. Dickerson said this amount was for lights for the smaller shelter at Moundview. Mr. Kobasuk said he thought the last checklist had items on it for electric at Moundview. Mr. Dickerson said these were additional items needed for the smaller shelter. Mr. Dickerson said he and Mayor Cosby installed electric and lights in the smaller shelter when they worked on the Veterans Memorial. Mr. Kobasuk asked if this was the end of electrical items for Moundview. Mr. Dickerson said there will be one additional invoice for light bulbs. Mr. Tiettmeyer asked if Council agreed to the \$707.66 to Fifth Third Bank for landscape lights for Veterans Memorial. Mayor Cosby said four (4) lights were purchased about six months ago for the Veterans Memorial. And with the expansion of the Veterans Memorial, Mayor Cosby said they made a decision two extra lights were needed, which were \$170.00. Ms. Everett said the \$707.66 also includes ink toner, supplies for Town Hall, and fabric for curtains for the Community Center. Mr. Short stated that the four (4) lights previously purchased for the memorial were paid for by the Newtown Civic League, not by the Village of Newtown. For clarity, Ms. Everett will make a copy of the credit card invoice for Council in the future, per Mr. Kobasuk's request.

#### Discussion (Annexation expenses)

Mr. Kobasuk noted the \$1,429.00 on the checklist to Keating Muething & Klekamp for annexation. To keep residents up-to-date on expenses regarding the annexation, Mr. Kobasuk noted to date, the Village has spent a total of \$73,468.10 on annexation with more expenses to be incurred since the annexation has not been completed. Mr. Kobasuk noted that no one has ever explained to him how the Village will recoup this money from tax revenue. Mayor Cosby said additional monies will be spent since the amounts approved have not been reached.

**Vote: All Aye. (Mr. Burns-absent) Motion Carried.**

#### OPWC Grants

Council discussed the OPWC grant amounts at a previous Council meeting. Mayor Cosby asked Mr. Short to make a motion to back up Newtown's match. For the Edith, Pine and Jefferson Street Reconstruction project, Newtown's match of 40% is \$350,000, plus a 10% match of \$37,500 for the Ragland Road Area Drainage project. Mayor Cosby signed for these amounts after discussing with Curt Tiettmeyer, Chuck Short and Ms. Everett. In conjunction with Village Engineer Bruce Brandstetter, Mr. Tiettmeyer said everyone decided based on the money that had been set aside for Edith, Pine and Jefferson, plus money in the street fund, that it was in the best interest to up the match percentage from 33% to 40%. And to start with a small percentage on the Ragland Road Area Drainage project to get our name on the list.

**Mr. Short made a motion to approve \$350,000, which is Newtown's 40% match for the Edith, Pine and Jefferson Street Reconstruction project, plus a 10% match of \$37,500 for the Ragland Road Area Drainage project. Mr. Harten seconded. All Aye. (Mr. Burns-absent) Motion Carried.**

Maintenance Department (Mr. Dickerson)

- Ragland Road Area Drainage Project: Rack Seven is waiting on Duke Energy to move the guide wires so they can get their equipment into the area.
- Tire Collection: A 30 yard container was filled with unwanted tires at no cost to the Village, as this was part of a grant offered by Rumpke.
- Center Island Fountain: Mr. Tiettmeyer thanked Mr. Dickerson for taking care of the lights; however, the fountain did not have water running down the rocks today. Mr. Dickerson will check on the fountain.

Council Minutes

**Mr. Zornes made a motion to approve the 09.11.2012 Council Minutes, seconded by Mr. Short. All Aye. Motion Carried.**

Resolution, Village Policy for Public Contracts (First Reading)

Mr. Kobasuk asked Solicitor Miller to draw up this resolution clarifying Village policy on public contracts. This resolution basically removes the exceptions. As a matter of best practice, Mr. Kobasuk believes it is best to not have Village council members participate in Village contracts for Village business. Mr. Kobasuk is concerned about the optics, as he would like for people to not have the opportunity to question Council giving business to fellow council members. Mr. Kobasuk said council members are paid to sit on council and should devote full-time efforts to council business.

**Mr. Kobasuk made a motion to have a First Reading of a RESOLUTION CLARIFYING VILLAGE POLICY FOR PUBLIC CONTRACTS. Mr. Harten seconded the motion.**

Discussion

If there is an instance where the Revised Code is being followed because the amount is over the bid amount of \$25,000, Solicitor Miller said Council could accept the lower bid and bypass this resolution or language could be added to this resolution. Mr. Kobasuk said if circumstances arose in the future, Council could make an exception. Solicitor Miller works with various other municipalities, Mr. Harten asked, what is the typical policy or best practice of these other municipalities. Solicitor Miller said they follow the state law and would make an exception for the cheaper bid for the community.

**Mr. Kobasuk made a motion to have a Second Reading on the RESOLUTION CLARIFYING VILLAGE POLICY FOR PUBLIC CONTRACTS at the 10.09.2012 Council Meeting. Mr. Harten seconded the motion. All Aye. (Mr. Burns-absent) Motion Carried.**

LMFD Fire Board Update

Mr. Kobasuk reported: Mayor Ted Shannon passed away yesterday. Mayor Shannon was a fixture on the fire board and a great asset to the Fairfax.

**Mr. Kobasuk made a motion for the Village of Newtown make a \$100 contribution to the Fairfax Beautification Fund, in memory of Mayor Ted Shannon. Mr. Short seconded the motion. All Aye. (Mr. Burns-absent) Motion Carried.**

Fairfax New Fire Station: Project is on schedule; expected to be completed January 2013.

Bike Staging Area Grant: In regards to the Bike Staging Area grant, applied for by the LMFD Fire Board, Anderson Township opposed the grant at one of the recent TID meetings. Anderson argued they have a more extensive bike trail and the money should be spent in Anderson and not in Newtown. At this meeting, Anderson mentioned how Newtown is opposed to the Eastern Corridor. They went out of their way to torpedo this grant for the LMFD. The LMFD representative inferred the woman from Anderson Township had animosity towards the Village of Newtown. Mayor Cosby said isn't that the same person that spoke at the 05.15.2012 Special Meeting held at MVCA regarding the Annexation and Eastern Corridor and spoke about being good neighbors. At the meeting, Mayor Shannon and Ted Hubbard thought Newtown had a good shot at the grant.

Fire Levy: At the last fire board meeting, Mr. Kobasuk suggested the board have a working session to look at the budget to try and forestall a levy. They agreed to look at the first quarter of 2013 after all of the construction numbers have come in. Mr. Kobasuk is concerned the Village of Newtown will be faced with a levy from the fire board. The fire board reminded Mr. Kobasuk that the Village of Newtown wanted a fourth firefighter/paramedic on duty, an additional expense of \$135,000 per year, which includes salary and benefits. Mr. Kobasuk pointed out that is best practice, which was suggested by Mr. Kramer who did the fire study. The levies typically have a seven-year span; the current levy may go to 2013. Fire Board representatives: Mr. Kobasuk and Mr. Fairley are in agreement to work with the fire board's budget to do everything possible to avoid another levy. Mr. Kobasuk asked Ms. Everett to research the highest fire levy in Hamilton County.

Fire Board Purchasing Statue: LMFD Fire Board approved \$19,500 to purchase a statue of a firefighter, by the Verdin Bell Company, for the Fairfax fire station. Although, this item was in the budget, Mr. Kobasuk said this is the type of item he would like to be able to cut back on.

LMFD Sale of Property: Although, this issue is progressing, Mr. Kobasuk reported it has not been finalized. This is a portion of the land purchased from the car wash that was needed to expand the fire station. Skyline Chili is currently in negotiations with the Fire Board.

#### Ordinance Prohibiting Right Turn On Red

The Village has experienced an inordinate number of vehicle accidents and near-accidents at the intersection of Church and Main Streets in the Village of Newtown due to the configuration of the intersection and the timing and sequence of the traffic signal at that intersection.

Chief Synan explained: The traffic light coming down the hill northbound on Church Street at Main Street Café is a normal red/yellow/green light. When the new lights were installed at this intersection, every side of the intersection had a turn arrow attached to the light except for this light at Main Street Café. At some point, cars facing northbound/southbound will have the red light at the same time. The southbound lane will get a green turn arrow so while people are allowed to turn right, they do not know the other side has a green turn arrow; in other words, they have the right-of-way. Chief Synan said this is a safety issue, as he has almost been hit several times and near-accidents occur daily.

**Mr. Kobasuk suspended the rules, seconded by Mr. Zornes. All Aye. Motion Carried.**

**Mr. Kobasuk made a motion to adopt ORDINANCE 18-2012 AN ORDINANCE PROHIBITING A RIGHT TURN ON RED AT THE INTERSECTION OF CHURCH AND MAIN STREETS IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion.**

#### Discussion

Mr. Harten asked Chief Synan, in terms of enforcement, would there be a grace period. The police will stop people to make them aware of the new ordinance and not issue citations for thirty (30) days, stated Chief Synan.

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

#### Mayor's Monthly Statement to Council

**Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement to Council for the August 2012 Receipts for \$8,694.43. Mr. Tiettmeyer seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.**

Mayor's Court / Computer Upgrade

The auditor suggested combining the current process for Mayor's Court into one system, which means purchasing software, disk storage and a new printer, stated Chief Synan. Police Officer Kent Orso worked towards having a Dell rack-mounted server and a NetApp storage array donated to the police department. Chief Synan said these upgrades should last five years. The current balance in the Mayor's Court Computer Fund is \$12,664.50. The cost for programming, software upgrade, disk storage and new printer is \$5,554.99, stated Mr. Kobasuk.

**Mr. Kobasuk made a motion to approve an amount not to exceed \$5,600 for the Mayor's Court computer system upgrade. Mr. Short seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.**

Notice to Residents from Chief Synan

A car was recently stolen from the Villages at Ivy Hills, along with others stolen from Anderson Township and Indian Hill. These vehicles were stolen during the day. Chief Synan urged residents to lock all cars and make sure garage doors are closed and locked during the day and evening.

Parks Committee: The committee will meet 9.26.2012 at 6:00pm at Town Hall.

Planning Commission Update: Reported by Mr. Harten: The Planning Commission met last night; however, due to lack of a quorum, no action was taken.

Mr. Harten made a motion to adjourn at 7:50pm.

Transcribed by Becky Fairley