

The December 8, 2009 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.

Councilmember's:	Brian Burns (absent)	Mark Kobasuk
	Doug Evans	Ken Pulskamp
	Tracy Hueber	Daryl Zornes

Mayor: Curt Cosby
Solicitor: Doug Miller
Fiscal Officer: Keri Everett
Police Chief: Tom Synan

Mayor Cosby welcomed everyone and reminded everyone that the Employee Christmas Dinner is Thursday, December 10, 2009 from 6:00pm to 10:00pm at the Mt. Carmel American Legion Post 72.

Swearing-In Ceremony: Mayor Cosby will perform the Swearing-In Ceremony for newly-elected councilmen Joe Harten and Curt Tiettmeyer on Friday, January 1, 2010 at Town Hall. We will gather at 10:15 a.m. for danish and coffee, with the swearing-in ceremony at 11:00 a.m. All are welcome!

Police Department, Swearing-In Part-time Officers

Police Chief Synan said the police department has lost three part-time police officers. The following police officers are replacing 2 of the 3 positions.

Ms. Hueber made a motion to hire two part-time police officers, pending results of physicals. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mayor Cosby cited the Oath of Office, swearing-in Michael B. Myers and Joshua B. Navara as part-time police officers. Mayor and council congratulated and welcomed Police Officer Myers and Police Officer Navara.

Eastern Corridor Petition

Mayor Cosby informed everyone a petition opposing the Eastern Corridor as it is currently proposed is available for signatures. Newtown residents, business owners and local persons in surrounding areas are welcome to sign.

A & A Safety, Signs for WinterFest

Mayor Cosby said the Village has ordered signs for WinterFest 2009. WinterFest is Saturday, December. In an effort to save money, Maintenance will pick up the signs and will also return the signs to A & A Safety. Mayor Cosby asked for the Village to pick up the cost for the signs this year, the cost is \$485. The Village did cover the cost for WinterFest 2008; cost was the same and the money was taken out of the Community Involvement line.

Mr. Pulskamp made a motion to approve up to \$500 to cover the cost of signs to A & A Safety for WinterFest 2009. Mr. Evans seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Employee Christmas Dinner

The Newtown Civic League is sponsoring the Christmas dinner this year for the employees. Mayor Cosby said they have gone over budget with 100 people attending. He requested council contribute \$500 from the Village to help cover the cost.

Mr. Kobasuk asked if this dinner was for the employees and people that contribute to the village. Mayor Cosby said the dinner is for the employees, various committee members and the fire district.

Mr. Pulskamp made a motion to approve a \$500 contribution, from the Village of Newtown to the Greater Newtown Civic League, towards the cost of the Christmas dinner. Ms. Hueber seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Park Committee Meeting

In the absence of Mr. Burns, Mayor Cosby stated Mr. Burns is requesting a Park Committee Meeting for Tuesday, December 15, 2009 at 6:30p.m. Mr. Burns, Mr. Zornes and Mr. Pulskamp serve on the Park Committee.

Resolution, D & S Consulting, Allen Freeman Contract

The contract with D & S Consulting has expired. Mr. Freeman has been working on a number of projects for the Village. He has been instrumental in facilitating the process of the Eastern Corridor. Mayor Cosby copied council with a letter and Excel spreadsheet from Mr. Freeman reflecting funding that has been applied for or funding that is being pursued. Mr. Freeman also assisted the Village in obtaining \$300,000 for the Indian Artifact grant money. Mayor Cosby said Phase II to this money is coming up in 2010 and the Village is looking to build on that in 2010.

Mr. Kobasuk asked Mr. Freeman to summarize the work he has been doing for the year. Mr. Freeman said primarily, he focused on trying to find funding sources from three general areas:

Infrastructure, Safety and Parks (natural resources). Twenty-five sources of funding have been identified and applied for more than half. Mr. Freeman is now waiting to hear which grants will come through. In November, Mr. Freeman applied for an Ohio Criminal Justice Service grant, which would be for two vehicles for the Police Department. Funding through OKI has been sought, along with funding from the Ohio Department of Transportation for other transportation-related projects. Notably, adding sidewalks along SR32 stretching from Little Dry Run towards downtown Newtown where the sidewalks pick back up around Meridian Bioscience. This would connect the Ivy Hills subdivision to the downtown portion via walking and biking. In regards to money for the Native American Artifact Museum, Mr. Freeman had a conference this morning with the Ohio Cultural Arts Commission. They discussed trying to access those funds to move forward with that project. Three-hundred thousand dollars has been earmarked for a Native American Artifact Museum for Newtown. The issue of local matching has been ironed out; therefore, an architect may begin work on the designing, said Mr. Freeman. Mr. Freeman said from the very beginning, the idea was never to have Newtown actually physically fund any part of the project that is to find local match that would be outside of Newtown's general funds.

Mr. Kobasuk stated he is reluctant in moving forward with the contract and suggested addressing the contract with D & S Consulting in January after the two new council members are on board. Mayor Cosby said it is not an emergency to address the contract tonight, but noted for the record that the contract with Allen Freeman, D & S Consulting has expired. Mr. Freeman is still working for the Village and has agreed to continue under the same conditions of the contract, until Village council decides what to do. Mr. Pulskamp agreed it would be best to wait until January for the new council to make a decision on renewing the contract with D & S Consulting. Mayor Cosby said that is fine as long as Mr. Freeman continues under the current terms until a decision is made. Mr. Freeman said as long he is compensated for the hours he puts in. Mr. Kobasuk said he is inclined not to spend any more money until the new council members are present and asked Mr. Freeman if he could suspend his work until then. Ms. Hueber agreed it would be best to wait for the new council before renewing the contract.

Mr. Kobasuk made a motion to suspend payments to D & S Consulting, until the new council members are present in January 2010. Mr. Pulskamp seconded the motion.

Discussion

Ms. Everett said the contract ended October 31, 2009. She asked what to do with Mr. Freeman's time between October 31st and December 8th. Council said to pay Mr. Freeman up until December 8, 2009.

Mr. Kobasuk amended the motion to pay Mr. Freeman, D & S Consulting from October 31, 2009 to December 8, 2009, suspending future payments until the new council is present in January 2010. Mr. Pulskamp seconded the motion. (Mr. Burns-Absent) All Aye. Motion Carried.

Resolution, Michael R. Spry Contract

Mr. Pulskamp made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt RESOLUTION NO. 39-2009 A RESOLUTION APPROVING A CONTRACT WITH MICHAEL R. SPRY FOR PROFESSIONAL SERVICES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mr. Kobasuk asked if this contract is the same contract for 2009. Solicitor Miller said the contract is the same as far as the rate, and he added in the contract that Mr. Spry is now providing Commercial Building services.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Mr. Burns-Absent) Motion Carried.

Resolution, Richard A. Weber Contract

The current contract with Richard A. Weber expires December 31, 2009. After discussing several options, one possibly combing the Property Maintenance Inspector's position with the current open Street Commissioner's position and two, the consideration of decreasing current hours for Mr. Weber, council decided to grant a 30-day extension to the current contract with Richard A. Weber, through January 31, 2010.

Mr. Kobasuk made a motion to approve a 30-day extension to the current contract with Richard A. Weber for professional services, through January 31, 2010. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Resolution, Permanent Appropriations and Transfers (Moundview Park)

Mayor Cosby explained this is moving \$10,000 to Moundview Park, which will resolve a couple of outstanding invoices for plumbing and flooring expenses. He said this should pretty much complete the projects. With the completion of these projects, the Village will be able to begin renting the house for parties and meetings, which will help recoup the expenses of renovations.

Mr. Pulskamp asked if this \$10,000 is above and beyond all of the other monies that have been appropriated on Moundview renovations. Mayor Cosby said yes it is. Mr. Pulskamp said this \$10,000 would take the cost up to \$60,000 to \$70,000. Mayor Cosby said Ms. Everett could answer that. Mr. Pulskamp spoke to the invoices presented of \$4,000 and \$1,600 and asked who is authorizing these amounts of monies above and beyond what council has authorized at the council table. He said nobody at this council table has the authorization to authorize these amounts of monies. Mr. Pulskamp asked how and when did this happen. Mayor Cosby explained the total from the plumber is accumulative from ongoing expenses. Mayor Cosby said he has not been in charge of this and does not know and Mr. Burns is not here, but the invoices do need to be paid. Ms. Hueber said the rest of council has been chastised for going over their allowed budget and asked how the total amount got up to \$70,000. Ms. Everett said the total renovations for Moundview are up to \$47,500, plus this additional \$10,000. Mrs. Murrie offered to explain some of the charges. Mr. Pulskamp said it is not about the charges and money spent. He said what he cares about is these charges were authorized without this council's authorization. Mr. Pulskamp said that is totally wrong! Ms. Hueber said even the departments cannot go authorize \$500-\$1,000. Mr. Pulskamp said council is not allowed to authorize over \$1,000 and now there is a \$4,000 invoice. Ms. Hueber asked if this would be looked at in the upcoming audit. Ms. Everett said yes and council will authorize it tonight. Mr. Pulskamp said yes, but it is an after-the-fact authorization. Mayor Cosby said he understands everyone's position, but the outstanding invoices do need to be paid and he is asking council to authorize these expenses. Mayor Cosby said he can authorize these expenses but is asking council to authorize them. Ms. Hueber said she would rather Mayor Cosby authorize these expenses. She said it is a lot of money and is tired of it.

Mr. Evans made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Evans made a motion to adopt RESOLUTION NO. 40-2009 A RESOLUTION APPROVING AN INCREASE IN PERMANENT APPROPRIATIONS AND TRANSFERS AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2009, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mr. Kobasuk stated for the record that Mr. Pulskamp makes a valid point, but the work has been done and has heard the house is excellent. Mr. Kobasuk said Pauline can probably explain a lot of the expenses, but feels council should just pay the outstanding invoices and move on. Mayor Cosby reminded council of the number of hours that have been donated to the renovations of the house at Moundview. He said the Village could have easily ended up paying \$200,000 for work that has been done. Ms. Hueber said they are not arguing if it was \$300,000 worth of free time donated. She said it just wasn't properly approved and has been snaked under and the money has been put through. Ms. Hueber said everyone knows when you take on a project like this big house you are potentially opening up a can of worms. She said everybody was scrutinizing the Village's books before this year when they came down. Mayor Cosby said this is forty years of a building that has had no maintenance whatsoever. Mr. Kobasuk said he takes exception to the "snaked under" statement. He said these people have worked very hard on this building. Mrs. Murrie said nothing has been snaked through and everyone is invited to go through the house. Ms. Hueber said she is speaking to the approval of the money.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-No, Ms. Hueber-No, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Burns-Absent. Motion Carried.

(Solicitor Miller said to do this by emergency council would need four votes.) Ms. Hueber said let the new council vote on it.

Mr. Pulskamp stated the reason he voted "no" is because the additional expenses were not brought to the council table for approval. He asked if there were three estimates done on the work for the plumbing. Mr. Pulskamp said he does thank everyone for their work done at the house at Moundview but the Village is in a money crunch right now. Mayor Cosby said this is simply a transfer of money that this is not voting on the checklist. Mr. Evans said he agrees with Mr. Kobasuk that the people need to be paid because they have done the work. Mr. Evans said the Village has very good loyal people working here every single day and they are back in a room with a floor falling in and we have our best people back there. He said that is the place that should have had the \$50,000 spent on, not up at Moundview. Mr. Evans said not to say it is not right to do it up there but we need to consider our priorities. Mr. Kobasuk said he agrees we need to fix the back room. Mr. Evans said we need to help the employees that have helped us here. Mr. Kobasuk said let's make fixing the back room our next project, but let's pass this now. Mr. Pulskamp said he does want these people to be paid; he is just very dissatisfied with how this was handled. He said this was done totally wrong and if you want to get to the auditor, it was done illegally.

Mayor Cosby said he would like to bring the vote around the table again for the same motion presented:

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-No, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Burns-Absent. Motion Carried.

Mayor Cosby said there is a little bit more volunteer-electrical work and painting to be done. Mayor Cosby said paint may need to be purchased, but there are people volunteering to paint it for free.

Mr. Evans spoke to a recent theft at his gravel pit. Anderson Township told Mr. Evans they would be down to take a report. Mr. Evans called Chief Synan and he researched the facts. Ms. Rose dispatches for Loveland and was familiar with the copper thefts and was able to share the information which led to the Newtown Police and Anderson Township catching the individuals. Mr. Evans thanked everyone for their help.

Checklist

Mr. Kobasuk inquired about #8120 to Fifth Third Bank for \$2,832.07. Ms. Everett said the \$2,832.07 is for payroll taxes.

Mayor Cosby said we do need to add Wayne Moore (\$1,642.50) and RTJ Plumbing (4,026.91) to the checklist.

Mr. Kobasuk inquired about #8138 to D & S Consulting, LLC for \$3,000.00. Ms. Everett explained the \$3,000 is for September and October.

Mr. Evans made a motion to approve checklist dated 12/08/2009, amount of \$94,781.87, with the additions of Wayne Moore (\$1,642.50) and RTJ Plumbing (\$4,026.91). These additions were for work done to the house at Moundview Park. Mr. Kobasuk seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-No, Mr. Kobasuk-Yes, Mr. Zornes-Yes, (Mr. Burns-Absent). Motion Carried.

Mayor Cosby added that the original invoice for the flooring was \$2,732.50, of which Mr. Moore made a charitable donation to the Veterans Association for \$1,095.00.

Police Department

Mr. Evans suggested after the meeting, council take a look in the back at the police offices to assess the conditions. Mr. Pulskamp said with the Fire Department passing the levy, maybe the Police Department can move across the street to occupy that building. Mayor Cosby said we will have that building to deal with at some point.

Paying bills through December 31st

The second council meeting for December was cancelled; therefore, a motion needs to be made to allow Mayor Cosby to pay the bills through December 31, 2009.

Mr. Evans made a motion to allow Mayor Cosby to pay the bills through December 31, 2009. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

American Legal Publishing, Codified Ordinances

The 2010 Code subscription is due; these codified ordinances are adopted by the Village annually.

Mr. Pulskamp made a motion to approve an amount not to exceed \$870.00 for 2010 Codified Ordinances for the Village of Newtown, State of Ohio. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mayor's Monthly Statement to Council

Mr. Pulskamp made a motion to accept the October 2009 Mayor's Monthly Statement to Council, as presented. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Pulskamp made a motion to accept the November 2009 Mayor's Monthly Statement to Council, as presented. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Change Order, Barrett Paving

Mr. Pulskamp explained, back in May/June 2009 when the Village started the Round Bottom Road/River Hills Project, council made a motion to max out the amount of the grant money, work-wise. In order to do that, there is a change order with Barrett Paving for an additional \$11,992.13. Mr. Pulskamp said this is all part of the original grant, nothing above and beyond the original amount discussed.

Mr. Pulskamp made a motion to suspend the rules. Mr. Evans seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Pulskamp made a motion to approve RESOLUTION NO. 41-2009 A RESOLUTION APPROVING A CHANGE ORDER TO A CONTRACT WITH BARRETT PAVING MATERIALS, INC., DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. (Mr. Burns-Absent) Motion Carried.

Round Bottom Road and River Hills Project Punch List ~ Mr. Pulskamp's History Village Projects

Mr. Pulskamp said the punch list is about 99% completed on these two projects. There is one area of concern in River Hills. Barrett does not think they should grind this area and repave it. Mr. Pulskamp said he tends to agree. Mr. Pulskamp and Mr. Brandstetter did take another look at this area of concern and will ask Barrett for a longer warranty on this concerned area of the project. The project will then be 100% completed once that is done. Mr. Pulskamp's term ends December 31, 2009; he will try to make sure these projects are completed before his last day.

Mr. Kobasuk asked Mr. Pulskamp if he planned on leaving instructions on Village projects he has worked on in the past. Mr. Pulskamp said he is not going anywhere and will work with anybody that wants help on anything.

Recycling and Trash Removal Contract

The Village pays \$9.61 per unit, roughly \$112,000 yearly for 975 units. Mr. Pulskamp asked council if they want to keep the current service Rumpke is providing, which would cost around \$116,800 per year or go with the option that would provide the waste containers, which will cost approximately \$10,000 to \$12,000 more per year. Mr. Pulskamp explained, the contract in the past was adjusted every year, where this contract is set for three years with an additional two-year option at the same cost. Therefore, this contract is good for five years, said Mr. Pulskamp. After much discussion, council decided to keep the current service with Rumpke. Mr. Pulskamp said Rumpke has done a great job for the Village and will be glad to continue with their service.

Mr. Pulskamp made a motion to suspend the rules. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Pulskamp made a motion to approve RESOLUTION NO. 42-2009 A RESOLUTION APPROVING A CONTRACT FOR RECYCLING AND TRASH REMOVAL, DISPENSING WITH THE SECOND AND THIRD READINGS.

Mr. Pulskamp noted this contract is for the base-bid provided with the contract where residents supply their own waste containers.

Mr. Zornes seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, (Mr. Burns-Absent) Motion Carried.

Ivy Hills Reserve

Mr. Pulskamp and Mr. Spry met this evening regarding the completion of the punch list for Ivy Hills Reserve. There are some major issues that need to be resolved before the Village accepts the streets. Mr. Pulskamp will work closely with Gallenstein to complete unresolved items on the punch list. Mr. Pulskamp said these items will not be completed by January 1, 2010 and he is willing to help see this project to completion. Mr. Brandstetter has also been working closely with Mr. Gallenstein to bring closure to the punch list.

Ordinance Establishing Fees for Opening and Use of Streets

Mr. Pulskamp made a motion to suspend the rules. Mr. Zornes seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-No, Mr. Zornes-Yes, (Mr. Burns-Absent) Motion Failed (Five-Yeses are needed to suspend the rules.)

Mr. Pulskamp tabled the discussion. (Review 1-12-2010 council)

Street Commissioner Position

Mr. Kobasuk said he thought council agreed to advertise for this position. Mr. Pulskamp said he was told to wait for the new council. Mr. Pulskamp said we do have one solid resume from a resident. Mr. Kobasuk suggested advertising in the Forrest Hills Journal.

Mr. Pulskamp made a motion to approve an amount, not to exceed \$500, advertising in the Forrest Hills Journal for the position of Street Maintenance and Street Maintenance Supervisor. Council also approved advertising on Craig's List at no charge. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Ohio Police and Fire Pension Increase

Currently, the Village pays 19.5% of a police officer's pension; the employee pays 10%. Mr. Pulskamp said the Village's contribution will be increasing up to 24%. He explained this amount will increase in increments. In 2010, the amount will go up .5%, in 2011 up 2%, 2012 up 2%. Ms. Everett said it is also on the table for PERS. Mr. Pulskamp wanted council to be aware of the upcoming increases. Solicitor Miller said there is nothing for council to act on. It is a state law and the Village is required to pay.

Police Chief Synan spoke to the Fuel Reimbursement Line, which brings in about \$1,300 to \$1,400 per month. This is not coming out of the General Fund, nor do taxpayers pay for it. Chief Synan said he is expected to save around \$20,000 and to counter the upcoming pension increases, he suggested taking some of the money being saved and re-invest to offset costs such as the pension increases. He suggested when it is time to look at the budget next year to look at ways to off-set the costs from the savings the police department has been working hard to achieve. Mr. Kobasuk said that is a good idea.

Feed Store

Mr. Pulskamp said he has had three complaints of the owner's dog having free reign of the Municipal Parking Lot//Mini Park. He said the area has dog excrement and needs to be cleaned up. Police Chief Synan said he would have an office talk to the owners. Mayor Cosby said they are good people and will take care of it if there is an issue.

Executive Session

Mr. Pulskamp requested an Executive Session to discuss a personnel issue.

Parking Lease, Newtown United Methodist Church

The 2009 lease expires December 31, 2009. The 2010 lease is for January 1, 2010 through December 31, 2010, with an increase of 10%, which will cost the Village \$6,600 per year to lease the parking lot. Mr. Kobasuk said he is opposed to renewing the parking lease. He said it might be an inconvenience, but the Village did put in a nice Municipal Parking Lot that could be considered. Mayor Cosby said to keep in mind, the police cruisers cannot be left unattended in the parking lot. Mr. Kobasuk said he understands that but there is room next to this building that could possibly be reconfigured and the Village does own the building currently occupied by the Fire Department. Mr. Kobasuk said he is just not willing to pay the church this amount. After discussing the possibility of transitioning parking to the Municipal Parking Lot, Solicitor Miller said it will be a mess trying to enforce parking in the Municipal Parking Lot. Solicitor Miller said the Village would be in violation not having handicapped parking, as well as violating the Village's zoning ordinances.

Liquor License Transfer

Mr. Kobasuk made a motion to approve the liquor license transfer to Broerman Foster LLC. Mr. Zornes seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

November 10, 2009 Council Minutes

Mr. Zornes made a motion to approve 11-10-2009 council minutes. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Ordinance Amending Salary Ordinance

Mr. Zornes made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Zornes made a motion to adopt ORDINANCE NO. 19-2009 AN ORDINANCE AMENDING THE SALARY ORDINANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Mr. Pulskamp asked why this was being done again. Ms. Everett said because the longevity pay was left out.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes, (Mr. Burns-Absent) Motion Carried.

Resolution, Employee Health Insurance

Mr. Zornes made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Mr. Zornes made a motion to adopt RESOLUTION NO. 43-2009 A RESOLUTION APPROVING A CONTRACT WITH AETNA FOR EMPLOYEE INSURANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mayor Cosby asked Mr. Zornes which contract the Village is going with, Mr. Zornes said Plan D for January 1, 2010 through December 31, 2010. Mr. Kobasuk said this was discussed at the H R Committee meeting, with a lot of expert advice from Chuck Short and Joe Harten. Mr. Kobasuk said he thinks the committee made the right choice.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes, (Mr. Burns-Absent) Motion Carried.

Website

Mr. Zornes spoke to a problem the website has encountered from an Internet Explorer browser update. He discussed this with Mayor Cosby and will revisit the situation after the first of the year. Mayor Cosby said he discussed with Mr. Zornes to review the current contract with MATSCHA Design, Inc. and bring in others to consider. Mr. Zornes said he agrees.

Resolution, Liability Insurance with The Ohio Plan

Mr. Zornes suggested council review the proposed resolution for a First Reading at the January 12, 2010 council meeting.

Thank You to Ken Pulskamp and Tracy Hueber

Solicitor Miller thanked Ken and Tracy for their many years of service to the Village and allowing him to work for the Village as Solicitor.

Dave Lorei, Brandstetter Carroll

- 1) Ivy Hills Reserve: Brandstetter Carroll has provided documentation on phone memos and issues to be resolved. Mr. Lorei said they will work with Mike Spry in completing these issues.
- 2) OPWC Issue II Grants
Drake Street has been applied for and submitted for consideration through Ohio Small Governments. Funding typically awarded in springtime. Additional information has been submitted at the district-level on December 7, 2009. Part of the application is a scoring system. Mr. Pulskamp said ten additional points are given for completion of plans and specifications.

Mr. Lorei said they will come back in January to council.

Mr. Pulskamp said the applications have been submitted and the faster we can get to them whether the Village wants to have the engineering done on the project. If the project is pre-engineered, it will give additional points on the scoring system. We need to know that decision ASAP. Ms. Everett said she will check what was left over from Round Bottom and what is in that fund.

Executive Session

Mr. Pulskamp made a motion to adjourn council meeting at 8:24 p.m. to enter into Executive Session. Mr. Evans seconded the motion. Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, (Mr. Burns-Absent) Motion Carried.

Mayor Cosby reconvened council meeting at 8:37 p.m. with no action to be taken as a result of Executive Session.

Parking Lease, Newtown United Methodist Church (continued)

Mr. Kobasuk stated for the record, he does not want the Village to be in violation of its zoning ordinance, and does not want the Village to be in violation of the ADA.

With considerable reservation,

Mr. Kobasuk made a motion to suspend the rules. Mr. Zornes seconded the motion.

Mr. Kobasuk made a motion to approve RESOLUTION NO. 44-2009 A RESOLUTION APPROVING A LEASE FOR PARKING PURPOSES, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY.

Discussion

Solicitor Miller suggested forming a special committee to come up with an alternative. Mr. Pulskamp said he feels like a gun is being held to the Village and disagrees with renewing the contract but does agree the Village needs to be legal with their own ordinances. Mr. Evans said he feels the same way.

Roll Call: Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Ms. Hueber-Yes, Mr. Zornes-Yes, (Mr. Burns-Absent) Motion Carried.

Thank you from Mr. Pulskamp

Mr. Pulskamp thanked everyone and said it has been great working with everyone. He said working with Solicitor Miller for 21 years; the Village has a bargain having him as our Solicitor and an extreme bargain with Bruce Brandstetter. He said the Village needs to keep these guys going and they are great for the Village.

Mayor Cosby thanked Ken and Tracy for their years of service. It's been a pleasure working with them!

Mr. Pulskamp made a motion to adjourn meeting at 8:40 p.m., seconded by Mr. Kobasuk.