

The February 24, 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	Mark Kobasuk (absent)
	Doug Evans	Ken Pulskamp
	Tracy Hueber	Daryl Zornes

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

Mayor Cosby welcomed everyone and opened the floor to audience participation.

Short Park / Moundview Park

Mayor Cosby said we are Allen Freeman is seeking additional funds for playground equipment for both parks. Mayor Cosby said he believes the village would have to do a 25% match if we are awarded any grant money.

Short Park – Restrooms

Mayor Cosby spoke to the \$25,471 from ODNR for restrooms at Short Park and Allen Freeman is seeking additional funds for the restrooms. He also reported meeting with Hamilton County Park District and currently they do not have funding for the restroom. The plan for the bike path is not complete and until that it finished they cannot put any money towards that. They do not see a need for the restroom at Short Park since they do have a restroom facility at the Little Miami Golf Course. If the bike path does come through Short Park, the benefit is not only to the businesses and residents of Newtown for ease of use, but Hamilton County Park District will maintain that section of the bike trail, said Mayor Cosby.

Finance Committee

Mr. Evans announced the Finance Committee will meet Monday, March 9th at 6:30 p.m.

Audience Participation

Mr. Darwin Brooks, resident and Newtown Civic League representative asked Solicitor Miller for an update on looking into the deed to Moundview Park. Solicitor Miller stated he did receive Mr. Brooks email and he is addressing the issue, but is not finished looking into everything.

Karen Mayrhofer, 7440 Pinehurst Drive, asked council if they had put together a priority list for the village now that they are done with the budget. Mrs. Mayrhofer spoke to the Capital Improvement Fund and asked if the Town Hall or roads would be more important. Mayor Cosby said there is nothing scheduled for 2009 for Town Hall. Brandstetter Carroll Inc. will address the road project tonight, which is our number one priority for 2009 as far as major capital improvement, Mayor Cosby said. Mayor Cosby explained that road maintenance and projects are ongoing and once we are caught up at the end we are back to the beginning. Mrs. Mayrhofer asked if road projects would always take priority over new ventures until the village is fiscally sound. Mayor Cosby said the projects for 2009 have been identified and bids will be addressed this evening. Mrs. Mayrhofer asked for documentation listing the priorities. Mayor Cosby explained the line in the appropriations, but that line does not spell out the projects. He said the projects are being addressed tonight by our engineer and told Mrs. Mayrhofer she is welcome to a copy of that project status report. There are no other major projects on the books for 2009, said Mayor Cosby.

2009 Project Status (Bruce Brandstetter - Handout)

- 1. ODNR Nature Works Application – Short Park Restroom Facility**
 - Contract has been signed and executed. Should receive in the mail this week
 - Contract is good through June 30, 2010. An Extension could be granted with a two point penalty on the next application
 - Potential matching funds through the Hamilton County Park District
- 2. Round Bottom Road Improvements**
 - Bids were opened on February 17, 2009
 - River Hills Subdivision, Ivy Hills, and Legends Lane were incorporated in the bid through addendum.
Phase I Round Bottom Road - funded with 80% Issue II money, 10% MRF and 10% village – Grant money available around \$360,000 with low bid of \$342,822, River Hills Subdivision added with low bid \$144,963, Ivy Hills Lane paving also added \$5,335 = Total \$493,120.60 with Barrett Paving apparent low bid. Legends Lane also included, which is a private drive, residents to pay the \$17,596 bid.
River Hills Drive Paving - curb was replaced about 2 years ago; the new curb is higher than the edges of pavement, which had to be done to get fall in the gutter for proper drainage. That needs to be paved real soon to prevent water from getting between the joint.

Doug Evans asked about slurry seal for River Hills; Mr. Brandstetter said you cannot get the thickness with the slurry seal needed to make the water go to the gutter to drain. Mr.

Evans asked if River Hills will be milled and paved; Mr. Brandstetter replied, milling on edges and pave it. The catch basins do not need to be reconstructed. Mr. Evans said he wants to make sure if we go through with the River Hills project that it won't be another situation like Ragland Road where the paving created problems. Mayor Cosby said that was not a Brandstetter Carroll job; that was a Cincinnati Water Works job. Mayor Cosby said he has never seen a road Brandstetter has done that we've had problems with.

- Barrett Paving was apparent low bid; BCI recommended Barrett paving for \$493,120.60. Please see attached Bid Tabulation.

Ms. Hueber asked if the residents on Legends Lane could get the bid from Jurgensen Company, which was a lower bid. Mr. Brandstetter said they can and the bid tabulation was passed along to one of the property owners. Solicitor Miller stated the village has nothing to do with Legends Lane, which is private. It is up to the homeowners on Legends Lane to decide who they want to pave the street, said Solicitor Miller. Mr. Brandstetter said they will bid totally separate.

- Please see attached OPWC Request to Proceed, which needs to be signed by Mayor Cosby. Mr. Brandstetter asked for BCI's fees to be approved for the paving of Phase II and Phase III projects.

3. **2009 Street Paving Program**

- Please see attached proposal to provide engineering services

4. **Miscellaneous**

1) Gallenstein, Reserves of Ivy Hills

BCI sent draft letter to the village to forward to Gallenstein regarding snow removal responsibility. We should meet in March with Gallenstein to get them back in there.

2) Village Dry Wells

Per the village's request; please see attached letter. Mr. Brandstetter said whoever takes over the streets will need to become familiar with the dry wells. They just need to be cleaned out from time to time. Much of the storm water does not discharge into a creek, it discharges into the ground.

3) Bridges

2008 Bridge Inspection Report received. Please see attached comments. BCI reviewed the report; basically the bridges are in good shape. The inspections are on the county road bridges, which are in good condition. Mr. Brandstetter stated the village had an independent look at Drake Street Bridge and other village bridges. Mr. Pulskamp said Drake Street, River Hills and Ivy Hills are the three in the village. Mr. Brandstetter stated those three village-bridges are not included in the report.

Mr. Pulskamp recapped, the total overall project cost is \$493,120.60; the village has grants for \$342,822.00 and out of that the village appropriated \$33,000 last year, which is opened because that was the engineering fees for that project. About \$147,000 is what the village will pay and \$225,000 was appropriated so we are about \$75,000 under what was anticipated, said Mr. Pulskamp. Mr. Pulskamp said this will probably be the cheapest year we will ever see to have these projects done because of costs and everybody is hungry for work.

Resolution for Round Bottom Road, River Hills Subdivision and Ivy Hills Lane

Mr. Pulskamp made a motion to suspend the rules; seconded by Ms. Hueber. All Aye. Motion Carried.

Mr. Pulskamp made a motion to approve RESOLUTION NO. 08-2009 A RESOLUTION AUTHORIZING A CONTRACT FOR THE ROUND BOTTOM ROAD, RIVER HILLS SUBDIVISION, AND IVY HILLS LANE ROAD IMPROVEMENTS PROJECT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Zornes-Yes, (Mr. Kobasuk-Absent). Motion Carried.

Mr. Pulskamp said the only other part of that project that has not been approved is the engineering fees for the River Hills and Ivy Hills Lane. We have already done the Round Bottom Road project fees.

Mr. Pulskamp made a motion to approve an amount not to exceed \$8,200 for engineering fees for River Hills Subdivision and Ivy Hills Lane. Ms. Hueber seconded the motion. All Aye. (Mr. Kobasuk-Absent) Motion Carried.

Mr. Pulskamp noted the original engineering fees from Brandstetter Carroll Inc were \$11,100 and he was able to get the fees down to \$8,200 with a savings of \$2,900 to the village.

Moundview Park

Mr. Burns scheduled a meeting for Monday, March 2nd at 7:00 p.m. at Town Hall.

Checklist

Mr. Evans asked why the Workers Comp check is for \$50,000. Solicitor Miller explained this is paid once a year and this is probably the annual bill. Mr. Pulskamp said he had asked Keri about that and it is.

Mr. Evans made a motion to accept Checklist dated 2/24/2009, for \$98,706.22. Mr. Burns seconded the motion. All Aye. (Mr. Kobasuk-Absent) Motion Carried.

Mr. Pulskamp said to keep in mind that \$50,000 of the \$98,706 is for Workers Comp.

Finance Committee Meeting

Mr. Evans announced the Finance Committee will meet Monday, March 9th at 6:30 p.m. at Town Hall.

Street Cleaning

Contract Sweepers have cleaned the streets in the village for twenty years. This past Friday they did not clean all of the streets, the streets they did clean were not done properly. And "no parking" signs were posted; therefore, they just went around the parked cars. Mr. Pulskamp met with Contract Sweepers and they will thoroughly clean the streets village-wide next week. Contract Sweepers apologized for the job not being done the right way the first time.

Mayor's Monthly Statement

Mr. Pulskamp made a motion to accept January 2009 Mayor's Monthly Statement to council. Ms. Hueber seconded the motion. All Aye. (Mr. Kobasuk-Absent) Motion Carried.

American Legal Publishing Ordinance

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

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 02-2009 AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2009 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, OHIO, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Zornes-Yes, (Mr. Kobasuk-Absent). Motion Carried.

Police Department, Rifle Racks

Rifles for the police cruisers need racks; the money will come out of the Drug Offender's Find Fund.

Ms. Hueber made a motion to approve \$1,405.47 to Camp Safety Equipment; money will come from the Drug Offender Fine Fund. Mr. Pulskamp seconded the motion.

Discussion

Mr. Evans asked if the rack would be in the trunk of the cruisers. Ms. Hueber explained it is a locked rack and will be inside of the car. Chief Synan said there is one in the car now; the officers were not certified in the rifles and now all officers are rifle-certified so they will now put all of the rifles in the cruisers. It locks up the trigger so you can't shoot it or pull it out, said Chief Synan.

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

Police Department, Radar Equipment

The police department is purchasing a new laser; the money will come out of the radar equipment fund.

Ms. Hueber made a motion to approve an amount not to exceed \$3,800 to Laser Technology Inc., amount includes laser and shipping. The money will come out of the Radar Equipment Fund. Mr. Zornes seconded the motion.

Discussion

Chief Synan said the laser is not only for writing tickets, but it will help with accident reconstruction. It is also a measuring device, which can also be used for a crime scene. Chief Synan said they have been setting aside money for years for radar technology. He explained not only the money was set for the tickets for the fuel-reimbursement line, but \$10.00 of every citation goes to the equipment line also, which is part of this. MVCA also donated \$1,000, said Chief Synan. The problem with buying all new radars is they cost about \$5,000 each. Chief Synan said the police department did get a radar from a grant and there is a chance to get another radar this year from a grant. He did say he believes the laser will be more feasible and more reasonable economically. The new laser is under warranty for two years and like the other

equipment, it would be sent back to the manufacturer. Chief Synan said the police department has a line in the budget for equipment repairs.

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

Council Minutes

Mr. Zornes made a motion to approve January 27, 2009 council minutes, seconded by Mr. Pulskamp.

Discussion

Mr. Pulskamp asked if the copy of the court reporter's transcription had been received. Mayor Cosby said yes the report had been received and will be kept on file at Town Hall.

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

Solicitor Miller spoke to the appeal that was filed on the Mike Schmidt issue and stated he is in touch with the village's insurance carrier and there may be coverage there too.

Mr. Pulskamp wished Mr. Zornes good luck next week with his scheduled surgery.

Mr. Pulskamp made a motion to adjourn at 7:33 p.m., seconded by Ms. Hueber.