

The March 10, 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
	Doug Evans	Ken Pulskamp
	Tracy Hueber	Daryl Zornes

Mayor: Curt Cosby

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Mayor Cosby

- 1) 2009 Appropriations: 2nd Reading
- 2) CRA Confirmation: The confirmation for the revised CRA Program has been received and the book is available for those interested.
- 3) New Business in Newtown: (iShopCincyEast.com) is a new business in the village; Mr. Ed Chorey, President. Please visit website; interesting and neat business.

Veterans Memorial

Mr. Lynn Burger spoke to council regarding their decision on the placement of the Veterans Memorial Wall at Moundview Park. Mayor Cosby said as it stands right now council has approved the site at Moundview for the Memorial Wall. Solicitor Miller checked into it; the language in the deed is enforceable. Solicitor Miller said it is either appoint a Park Board and let them do it, but they would need to have money to maintain the parks. Solicitor Miller spoke to Albert Wettstein, former Solicitor in the 1960's and he is willing to sign a deed to have the restriction taken out if that is what council would like for him to do. The clause states a Park Board is to manage the park independently of the village council, one-third (1/3) of the members shall be members of the Greater Newtown Civic League, Inc., or any succeeding organization so long as it is an active and operating organization. Solicitor Miller said that Park Board, unless the village wants to give them money, isn't going to have money to operate the park. Mr. Burns had given Solicitor Miller a few old ordinances; Solicitor Miller suggested repealing those ordinances, having Mr. Wettstein sign a deed that gets rid of the restriction and start operating as we are supposed to operate. Per Solicitor Miller, there is no provision in the ORC for a village to have a Park Board. Solicitor Miller suggested cleaning up the deed or appointing a Park Board. Mr. Evans suggested having an architect and engineer to know exactly what is going on so everyone is aware and possibly having a board to oversee the project. Mr. Evans said John Russell had mentioned the Park Board was set up to be an independent board away from council so the board could make decisions based on what is best for the parks. Solicitor Miller asked how the Park Board would make decisions to do things when they have no money. Solicitor Miller said, "He who controls the purse strings is going to control what goes on at the park." Mr. Evans asked about the three covenants (restrictions) and specifically, the clause that states "a Park Board is to manage the park independently of the village council, one-third (1/3) of the members shall be members of the Greater Newtown Civic League, Inc., or any succeeding organization so long as it is an active and operating organization." Solicitor Miller said that language is not in a prior deed and does not know why that language was put in there. And Mr. Wettstein could not remember why it was put in there. It's not like it was in the deed where Mr. Wettstein took it as Trustee and therefore you carry that down. This is something that he put in there and he really couldn't figure out why, Solicitor Miller said. Mr. Wettstein did say at that time a lot of the people on the Park Board were also on council. Mr. Evans said he just wanted to make sure the people are heard and make a few phone calls before. Mayor Cosby said this would just clean up the language in the deed and the village has no intention of dissolving the park. Pauline Murrie said there are many people ready to volunteer their time to refinish the floors, doors, electric and plumbing. We need to clean it up and move on, Murrie said. Mr. Burger said they want the Civic League to succeed and are here to help. Mayor Cosby said he and council recognizes what everyone is doing is a good deed. Mayor Cosby suggested making a motion to clean up the deed to avoid other issues in the future. Solicitor Miller said we either need to have a Park Board and follow the deed or get rid of it. Mr. Burns said we need to clean up the deed and have an ordinance with

specifics as to what is to be done at Moundview and how we are going to move forward. He said we are acting off of a deed from 1969 and on ordinance from 1987. Mr. Evans said that is alright with him.

Mr. Burns made a motion to work with Solicitor Miller to clean up the deed to Moundview Park, to remove the covenants (restrictions) from the past deed.

Discussion

Solicitor Miller said there is only one person that can enforce those restrictions and that is Al Wettstein.

Mr. Zornes seconded the motion. All Aye. Motion Carried.

Solicitor Miller said he will get something drawn up and get it to Al and hopefully get it signed.

Solicitor Miller asked how the memorial wall be constructed. Mr. Lynn Burger said they have contractors, GAMCO doing the design work and the form work. Local businesses have been included to be involved as much as we can. Solicitor Miller informed Mr. Burger that any laborers doing work will have to be paid prevailing wage since this is being built on village property with the consent of the village. Mr. Burger said okay, but 90% of the work will be done by volunteers. He said every bid will be brought beforehand to Doug, Ken and Brian.

Lenten Fish Fry

Mr. Burns said the firefighters and the Newtown Business Association worked really well together. It was a great turn out and a lot of fun had by many.

2009 Appropriations (handout)

Ms. Everett said tonight will be the second reading for the annual appropriations, but she would like to go over a few changes that were made, due to the 2009 approved projects. The large booklet presented to council is what Ms. Everett is required to turn into the state. Ms. Everett suggested not using this booklet, but the handout she distributes to determine the annual appropriations because her handout is more detailed and easier to understand. Changes were transferring money from the General Fund to Street Maintenance and Repair for the 2009 Paving Improvement Project. Changes were made to the Street Fund reflecting the transfer for the project. Transfer from the General Fund to the Park Fund for the grant application for playground equipment. Changes to the Park Fund reflect the transfer.

Moundview Park

Mr. Burns spoke to the March 2, 2009 meeting held at Moundview Park. Several organizations were represented and the general discussion involved plans for the meeting room at Moundview. Scheduling of the meeting room will be done through Becky at Town Hall. A bid for an alarm system has been obtained and the system will help control access to the building since multiple groups will be meeting there. Mr. Burns said this will help with security measures since there are currently many keys out. The locks will be replaced and each organization will get a certain amount of keys based on the officers voted into different positions. The alarm system is the exact system at Town Hall. The bid was under \$800.00 for the system and quarterly maintenance fee is under \$30.00. Mayor Cosby said the security system may also reduce our insurance policy at Moundview.

The lease at Moundview has expired and the tenants are on a month-to-month basis. Mr. Burns suggested to council not to renew the lease when it is due April 30, 2009. The monthly lease is less than the utilities and there are issues with pets and a maximum number of tenants. Mr. Burns said he would like to move forward locating a new tenant.

Mr. Burns made a motion to terminate the lease agreement with the current tenants at 3130 Newtown Road, as of April 30, 2009. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Checklist

Mr. Burns made a motion to approve Checklist dated 3/10/2009.

Discussion

Mr. Kobasuk asked Solicitor Miller about his fees. Solicitor Miller said for one thing, it is a quarterly bill with a lot of Martin Marietta time. Solicitor Miller will report to council the amount to date for the Martin Marietta issue. Solicitor Miller said he believes the Village of Newtown's side of the case may be finished at the end of the April meeting.

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

Lobsta Bakes of Maine

Mr. Evans recently purchased lobster from Kevin Smith, Lobsta Bakes and said how wonderful it was. Lobsta Bakes catered the Christmas party for Evans Landscaping and Mr. Evans said they did a really good job. Lobsta Bakes of Maine should open in the next few weeks and Mr. Evans wanted to wish him well.

Finance Meeting

Mr. Evans spoke to the finance meeting last night, March 9th; Mayor Cosby presented the scenario of cutting 15%, which would be cutting personnel. Mr. Evans said that 15% could mean cutting (3) three police officers and maybe the secretary and fiscal officer. And after talking to the mayor and police chief, these are things we do not want to cut. Mr. Evans said everyone is doing the best they can to watch the expenditures. He said people in the audience attending the meeting did not want to cut police services and the service department is already operating at minimal capacity. Mr. Kobasuk asked if the Citizens Finance Committee got their budget showing the 15% cuts. Mayor Cosby said he showed it last night and also emailed. If one police officer is cut, let alone three, Mayor Cosby said it would cost more to purchase uniforms, cover a shift in over-time or part-time and considering the turn over. He said actually by cutting, it would create more expense. And nobody would accept the fact of not having police officers on the street. Mr. Kobasuk said it sounds like we are working with the Citizens Finance Committee. Mayor Cosby said the committee is done; he gave them 15% scenario and that is the end of the story. Mr. Evans said ways to generate extra tax revenue was also discussed and ways to encourage businesses to come here. Mayor Cosby said he meets with the businesses monthly at the NBA meetings and has implemented "Breakfast with the Mayor." And this allows Mayor Cosby to sit down with the owners or CEO's of the company and learn how their company works and ways we as a village can assist them in expanding or bring other businesses into the village. So far it has proven to be positive. Catherine Fitzgerald, HCDC also attends the "Breakfast with the Mayor," she discusses ways HCDC can assist to help the businesses in this economic climate. Mr. Evans reported Barrett Paving may be working a couple of more people at their lab.

Resident Beth Bamber, Pinehurst Drive

Mrs. Bamber asked if there is a cost associated for Catherine Fitzgerald attending the "Breakfast with the Mayor." Mayor Cosby said, "no it is included in the price the village pays her on a contractual basis." There is no additional costs.

Mrs. Bamber stated for the record that the budget committee was not invited to the finance committee meeting March 9th and they were the ones that had requested the budget showing a 15% cut. Therefore, the 15% cuts were not presented to their committee. Mr. Evans said it was a public meeting with others attending. Mr. Pulskamp said it was announced at the last council meeting. Mrs. Bamber said she is not saying she didn't know about the finance meeting; she is just saying there is a difference between those two things. And if they were going to present that

to the budget committee, which is who requested that information. It was not known to them that was going to be given then. Mayor Cosby said he sent out an email today explaining the situation and if anyone wants to contact Mayor Cosby, he will be more than happy to explain the numbers. He said as far as the committee is concerned, we have run our course. Ms. Bamber said she understands that, but no sure Mayor Cosby understands the differentiating she is making. Mayor Cosby said he understands the point Mrs. Bamber is making and as Mr. Evans stated the finance meeting was announced at the council meeting. Mayor Cosby thanked Mrs. Bamber. And Mrs. Bamber thanked the Mayor Cosby.

2009 Appropriations Second Reading

Mr. Puskamp made a motion to have a Second Reading for AN ORDINANCE ADOPTING THE VILLAGE PERMANENT APPROPRIATIONS FOR 2009, AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion.

Mr. Puskamp made a motion to have a Third Reading at the March 24, 2009 council meeting. Ms. Hueber seconded the motion.

Tax Incentive Review Committee

Each year the village council appoints two people to the Tax Incentive Review committee, which oversees the CRA, Community Reinvestment Area. In 2008, Mayor Cosby and Keri were appointed.

Mr. Puskamp made a motion to appoint Mayor Curt Cosby and Keri Everett as representatives for the community for the TIRC. Ms. Hueber seconded the motion.

Discussion

Solicitor Miller asked if they have a meeting; Mr. Puskamp said yes they meet and we have to be there in case there is a review. They also go over the Enterprise Zone Agreements. Solicitor Miller said there is also an annual report due at the end of March. Solicitor Miller asked if HCDC takes care of it or are there any to be done. Ms. Everett said we do not do them; we receive the report. Mr. Puskamp said we receive them from HCDC, but Shawnee Systems and DSI are some in there. Mr. Burns said it is part of the agreement with Catherine Fitzgerald that they are to be that board for the village.

All Aye. Motion Carried.

Council Minutes

Mr. Zornes made a motion to approve 2-10-2009 council minutes. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Mr. Zornes made a motion to approve 2-24-2009 council minutes. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Human Resource Committee

Mr. Zornes announced there will be Human Resource working meeting 3-18-2009 at 7:00 p.m.

Citizens Police Academy

Chief Synan reported that the police department's first Citizens Police Academy graduated. It was a tremendous success. Chief Synan thanked the many residents for participating. There were residents from Newtown, Anderson Township and Cincinnati, total of 14-15. Chief Synan also thanked Officer Todd Bruner and Sergeant Jim Vontz and all of the officers that participated; time was volunteered and no one put in for overtime. The second class is planned for Fall 2009.

Police Department

Chief Synan spoke to the recent pursuit he was involved in, which ended up in a foot chase. It could have been very dangerous; a homeowner came out ready to shoot the suspect. The suspect had fallen, Chief Synan fell and the suspect got up before Chief Synan and the homeowner saw him and thought Chief Synan had been killed or harmed. The homeowner had pointed the rifle at the suspect and told him he was going to kill him. Chief Synan said he was able to stop the homeowner; he was a retired federal agent.

Chief Synan said things have been really busy lately. Detective Bischoff was in a foot-chase the next day. Chief Synan said his suspect said he is so desperate right now. He said the people that were poor before the downturn in the economy, are now desperate. After Chief Synan caught the suspect, he told Chief Synan if he comes through Newtown again and is stopped that he will fight the officers next time. The same thing was told to Detective Bischoff from his suspect. Chief Synan said the police department is extremely proactive due to the current economy. Chief Synan reminded everyone to close their garage doors and keep their homes locked.

Solicitor Miller requested executive session to discuss litigation.

Mr. Pulskamp made a motion to enter into Executive Session to discuss litigation at 7:45 p.m. Ms. Hueber seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Council meeting reconvened at 7:50 p.m.

Mr. Pulskamp made a motion for Solicitor Miller to move forward with the appeal. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adjourn, seconded by Ms. Hueber.

Transcribed by Becky Fairley