

The May 25, 2010 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) Mark Kobasuk
Doug Evans Curt Tiettmeyer
Joe Harten Daryl Zornes

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

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

Ken Baril, 6809 Main Street, asked Council to consider waiving the rental fee for Moundview Park. The Gerard Lodge has reserved the large pavilion at Moundview Park for 7/24/10. Mr. Baril is the Public Relations Officer for Gerard Masonic Lodge No. 428, which is very active in community events in the Village. The Parks Committee previously decided to consider waiving fees on a case by case basis; Mr. Kobasuk said this is a compelling case; therefore,

Mr. Kobasuk made a motion to waive the rental fee for Moundview Park for the Masonic Lodge picnic on 7/24/10. Mr. Zornes seconded the motion. All Aye. Motion Carried.

Reserves of Ivy Hills

Mayor Cosby, Street Commissioner Ron Dickerson and Village Engineer Bruce Brandstetter walked the streets in the Reserves of Ivy Hills and reviewed the items on the punch list. Mayor Cosby said it is the conclusion that the Village accepts these streets on behalf of the residents in the Reserves of Ivy Hills so they are no longer burdened with the maintenance of these streets. Mr. Tiettmeyer said it is great the Village is bringing closure to these items for the residents. He did ask Mr. Brandstetter for a cost estimate to better understand the actual cost for the Village to repair the curbs. Mr. Brandstetter said it the Village could possibly do the repairs or to bid the project out would cost no more than \$5,000. Mr. Harten asked if any of the unresolved items posed a safety hazard. Mr. Brandstetter said the ADA ramps need to be addressed to comply with the regulation. Mr. Evans said there are about ten lots that have not been developed; he asked what would happen if someone tore up the streets while developing these lots. Mr. Brandstetter said the Village would not issue an Occupancy Permit. Mr. Brandstetter will take photos of the existing condition tonight. He will make a point to make it part of the conditional approval of the plans, take photos, document it. Whoever tears it up will have to fix it. Solicitor Miller said every attempt would need to be made to make sure the homeowner knows they would need to have the Certificate of Occupancy before they close on the property.

Project Status Engineering Services, Bruce Brandstetter (handout)

1. Gallenstein, Reserves of Ivy Hills
 - Correspondence with GCWW dated May 11, 2010 is attached. One fire hydrant will be removed by the developer. GCWW and Chief Driggers "have no desire to remove any other fire hydrants.
 - Punch List Review dated May 5, 2010 with Mayor Cosby and Ron Dickerson. Acceptance of the subdivision public improvements is recommended based upon this memo.
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2. Short Park Restroom
 - BCI is proceeding with Bid Documents. Advertisement for bids will be in June.
 - HCPD has been notified that this project is moving forward. Receipt of their \$42,000 is being coordinated.
 - MSD tap location will help determine the building location.
3. Jefferson/Pine/Edith OPWC Application
 - Applications due mid-September 2010, will need resolution for all OPWC grant applications at August 24, 2010 Council Meeting.
 - Traffic counts were taken the week of May 17, 2010.
 - Request approval of the H.C. Nutting proposal for geotechnical services for \$5,200. Changes will be made in agreement per Doug Miller's comments of May 25, 2010 per attached.
4. Drake Street Bridge
 - Small Governments meet May 18, 2010 to make selections. Will reapply next year if project will not receive funding.
 - Engineering Design
 - Survey/Base Map – complete
 - Construction Documents – May / June 2010
5. Miscellaneous
 - Ron Dickerson and Dave Stenger of BCI have coordinated on asphalt paving quotes for Little Dry Run Road and Church Street at the north corporation line.
 - Ron Dickerson and Dave Stenger have coordinated on Village Dry Wells.

Short Park Restrooms

Mayor Cosby said, in order for the HCPD to prepare their documents to purchase a trail easement through Short Park and spend the money to survey the property, Council needs to make a motion approving the purchase for \$40,638. Mr. Harten will make the motion.

Solicitor Miller, Approve Amount

Solicitor Miller talked to Mr. Brandstetter about having Lake Barber surveyed because a description for the recorded is needed. In speaking to Mr. Brandstetter, he thought to combine efforts everything could be surveyed for around \$7,000, which would include surveying the cemetery. Council had initially approved to spend up to \$5,000 for survey and environment. Solicitor Miller asked Council to approve up to \$10,000 for the survey and the environmental but the survey only for Lake Barber.

Flagg Spring Cemetery

Recently, Mr. Dickerson has been contacted by people interested in selling their cemetery plots back to the Village. A survey needs to be done to verify the boundary of the plots. Mayor Cosby said the seller would need to provide a valid deed; the plots would then be sold at a resident-rate or a non-resident rate. This issue will go to the Parks Committee, they will determine an amount to purchase the cemetery plots, per Mayor Cosby.

Memorial Day Parade

Mayor Cosby invited all to attend the Memorial Day Parade, Monday, May 31st at 10:00am. Those participating in the parade are to begin assembling at 8:30am at Miami Valley Christian Academy. There will be a float for Village Officials.

Anderson Township Comprehensive Plan

Anderson Township has begun the process to update their Comprehensive Plan, which was adopted in 2005. They recently invited Mayor Cosby and Councilman Kobasuk to be involved in the discussion. The Village hosted the meeting May 11th at Town Hall. Mayor Cosby said he and Mr. Kobasuk appreciated being included in the process. Mr. Kobasuk recalled from the discussion, Anderson Township is moving away from heavy industry and light residential/light industry in the area by Broadwell Road. Steve Sievers, Assistant Administrator for Operations/Development Services Director said they will keep the Village apprised of any further developments.

Parking Lot - United Methodist Church

Mayor Cosby asked for an update on the parking lot issue, which was originally turned over to the Parks Committee. Mayor Cosby asked for an update from the Parks Committee at the June 8th Council Meeting.

Moundview Community Center Open House

The Village had an Open House Saturday, May 23rd from 1-4pm. Please call Town Hall 513.561.7697 to reserve the Community Center for your personal or business events.

Holiday Lighting for WinterFest

Council approved \$6,000 to be spent on street decorations/lighting for the annual WinterFest event. These decorations should be delivered in a couple of weeks. Although the new decorations/lighting will be a nice addition, Joe Motz is concerned they will not provide the necessary extra lighting for the streets. He has asked Mayor Cosby and Council to consider providing extra string lighting, which would be C-9 LED holiday-type lighting. Mayor Cosby said the cost of the extra lighting would be \$1,578.50. He is asking for approval now so he can do the electrical wiring for the lighting this summer. After much discussion, Mayor Cosby will contact the lighting company and bring more information back for Council's consideration.

Maintenance Department

Ron Dickerson updated Council on various departmental projects. Council previously approved \$5,599 for a new lawn mower for the cemetery; the amount quoted was for a 2008 close-out model. Mr. Dickerson asked Council to consider the upgraded unit by Exmark that is available locally from Bramble Mower Services.

The maintenance department has recently painted the back building and the military canyon at Flagg Spring Cemetery. They have also been working diligently at Moundview Park and Short Park preparing for Memorial Day weekend. Anderson Township Little League has recently purchased ten yards of diamond dirt and repaired the baseball field at Moundview Park. The Cincinnati Reds Outreach Program is donating twenty additional yards of the diamond dirt for Short Park and Moundview Park.

Edith/Jefferson/Pine - Ragland Creek Flood

The recent flooding caused the Ragland Creek to overflow. Mr. Dickerson received a couple of calls from residents, specifically, flooding of back yards on Edith Street. The maintenance department cleans debris from Ragland Creek weekly to eliminate this problem from happening, which didn't help in this case with the heavy rains that fell so quickly.

Checklist

Mr. Tiettmeyer made a motion to approve 5-25-2010 Checklist, in the amount of \$31,005.10, seconded by Mr. Kobasuk.

Discussion

Mr. Evans asked about the \$605 to Contract Sweepers, Ms. Everett said that amount includes two regularly scheduled cleaning with a third special cleaning for Valley Avenue due to the water main break. Mr. Dickerson said the third cleaning charge is supposed to be handed over to Gardner Publishing. Ms. Everett will void the check to Contract Sweepers, subtracting \$135 from the checklist.

Mr. Tiettmeyer amended his motion to reflect a \$135 reduction to the 5-25-2010 Checklist. All Aye. Motion Carried.

Business Recovery Update

Mr. Tiettmeyer and Chief Synan have decided to postpone making a decision on going with an outside company, until the fire department issue is resolved. There may be resources to join LMFd for a recovery plan then this type of program would not be necessary. Mr. Tiettmeyer said it would be best to wait on a confirmation of what the fire department is doing regarding purchasing the E-check site.

Finance Committee Meeting

The Finance Committee will meet Wednesday, June 2nd at 9:00am to discuss the Village Budget and the first five months results of 2010.

5-11-10 Public Hearing Minutes

Mr. Zornes made a motion to approve the 5-11-10 Public Hearing minutes, seconded by Mr. Tiettmeyer. All Aye. (Mr. Burns-Absent) Motion Carried.

Human Resource Committee Meeting

The Human Resource Committee will meet Wednesday, June 2nd at 8:00am to discuss the Village Website. Mr. Zornes will schedule a HR Committee meeting to discuss employee insurance benefits at a later date.

Fire House Building

If the fire department does purchase the E-check site, Mr. Evans thought it would be a good idea for Council to think about what the building/property could be used for. Mr. Kobasuk said he thought it would be an ideal parking lot for Town Hall. Mr. Evans thought that was a good idea and suggested the possibility of relocating Town Hall to the existing fire house building. Mr. Evans asked everyone to think about options to discuss with the Parks Committee.

Resolution, Geotechnical Study for Edith/Jefferson/Pine

Mr. Evans made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Mr. Evans made a motion to adopt RESOLUTION NO. 20-2010 A RESOLUTION APPROVING THE HIRING OF H. C. NUTTING TO PERFORM A GEOTECHNICAL STUDY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Resolution, 32 Ford for 2010 Maintenance Pickup

Mr. Evans made a motion to adopt RESOLUTION NO. 21-2010 A RESOLUTION AUTHORIZING A CONTRACT WITH 32 FORD FOR A MAINTENANCE PICKUP TRUCK, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Resolution, Contract with Affordable Hose & Fittings LLC

Mr. Evans made a motion to suspend the rules, seconded by Mr. Tiettmeyer. All Aye. Motion Carried.

Mr. Evans made a motion to adopt RESOLUTION NO. 22-2010 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO A CONTRACT WITH AFFORDABLE HOSE & FITTINGS, LLC FOR THE PURCHASE OF MAINTENANCE VEHICLE EQUIPMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Harten seconded the motion. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

Mower for Flagg Spring Cemetery

Mr. Evans made a motion to approve an additional \$600 to the original \$5,599 for a 2010 Exmark mower. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

LMFD Fire Board Meeting

Councilman Kobasuk, Councilman Tiettmeyer and Mayor Cosby attended the 5-19-10 Fire Board meeting. Councilman Kobasuk serves on the LMFd Fire Board. Mr. Kobasuk said it was a very constructive meeting. MSA presented an overview of the E-check site. The Fire Board authorized Chief Driggers to begin negotiations on purchasing the E-check site and purchasing lots in Fairfax for the Fairfax fire station. The plan is to do the E-check renovation first, which would be online in about one year if things go well. Mayor Cosby asked the Fire Board to give Newtown an option to purchase a portion of the five-acre E-check site. Paragraph 5 of the Amended and Restated Fire Protection and Emergency Medical Services Agreement states the Fire District will maintain within Newtown a minimum of one station house with four personnel on duty twenty four hours a day, seven days a week. This is an increase of one person from what we have now. At least two certified paramedics will be scheduled to be on duty twenty fours a day, seven days a week. Mr. Kobasuk said this is a great improvement; a much better arrangement for the Village with better protection. The Fire District has made an extra overture to the Village to give us that extra person. Mr. Kobasuk asked Council to review the Amended and Restated Fire Protection and Emergency Medical Services Agreement so Council can possibly approve it at the June 8th Council Meeting. Mayor Cosby said the current contract gives the Village the ability to approve or disapprove of the Fire District moving from the current station. The new contract doesn't seem to state the Village would have that ability, which would be good for the future Council. Mr. Kobasuk said he will discuss this with the Fire Board. Mayor Cosby said it is not in the current contract with LMFd, but would like it added to Paragraph 11, that the Fire District would maintain the fire hydrants exterior painting, repair and replacement of

the hydrants above ground. The large expense is below ground when someone hits a fire hydrant. Mayor Cosby suggested proposing the Fire District would maintain the fire hydrants above as well as below ground. Mr. Kobasuk asked if the Fire District maintained the hydrants in Fairfax or Columbia Township. Asst. Fire Chief Terry Ramsey said Columbia Township's Public Works department takes care of their fire hydrants above and below ground. The Fire District currently maintains the hydrants above ground only in the Village of Newtown and Fairfax. Currently, if someone hits a fire hydrant in the Village of Newtown, Ms. Everett files with their insurance. Mr. Kobasuk did say the Fire District would have to be equal to each municipality. Solicitor Miller pointed out that there is no enforcement mechanism in the contract. Paragraph 16 was added:

(16) Under no circumstances shall the parties be liable under this Agreement, or for a breach thereof, for money damages (whether compensatory, consequential, punitive, or otherwise), attorneys fees, or court costs arising out of any alleged breach of this Agreement or any action to enforce the Agreement. To the extent necessary to do so, the parties specifically preserve all defenses and immunities available under law.

Mr. Kobasuk and Solicitor Miller discussed enforcing the above language. Mr. Kobasuk will discuss the above contract issues with the Fire Board.

Bike Staging Area – E-check

Mr. Kobasuk stated, according to Allen Freeman, there is an opportunity for Newtown to receive possible grant funding from OKI for a bike staging area since the bike trails converge in Newtown. Mr. Freeman suggested the Village try to purchase and have an agreement to purchase a portion of the E-check site and apply for a \$500,000 grant. Newtown would receive the funding and use the \$500,000 along with the \$300,000 Indian Artifacts grant to purchase a portion of the five acres and propose the bike staging area. There would be fifteen to twenty spaces for cars to unload their bikes. Mr. Kobasuk asked Council to consider this option since there is money on the table, according to Mr. Freeman. Mr. Kobasuk asked Mr. Harten, Chairman of Planning, Zoning and Development, to discuss this possibility with Mr. John Russell since it would need to go through the Planning Commission. Mr. Evans said to also keep in mind that the current Post Office may not be in that location much longer. The Post Office leases the current location from a private individual. The Planning Commission was against having a Park-n-Ride; Mayor Cosby agreed the Bike Staging Area is different from the Park-n-Ride.

Mayor's Monthly Statement to Council

Mr. Kobasuk made a motion to approve the Mayor's Monthly Statement for April 2010, seconded by Mr. Tiettmeyer. All Aye. (Mr. Burns-Absent) Motion Carried.

Newtown Tax Incentive Review Council

Mr. Harten made a motion to designate Mayor Cosby and Fiscal Officer Everett as representatives to serve on the Hamilton County Economic Development Tax Incentive Review Council. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Survey and Environmental for Lake Barber

Mr. Harten made a motion to approve spending up to an additional \$5,000 to continue the survey and environmental work for Lake Barber. Mr. Kobasuk seconded the motion.

Discussion

Mr. Kobasuk asked if this amount included the survey for Flagg Spring Cemetery. Mayor Cosby said it does include the cemetery survey. Solicitor Miller said Brandstetter Carroll Inc.'s quote is based on being able to do everything at the same time. Solicitor Miller thought \$10,000 would cover the surveys but unsure if this amount would include the environmental work. Mr. Kobasuk suggested granting authorization to move forward. Solicitor Miller is unsure what the insurance company will require.

Mr. Harten amended his motion to provide the appropriate authorization for Solicitor Miller to spend up to \$13,500 for survey and environmental work for Lake Barber and Flagg Spring Cemetery. Mr. Kobasuk seconded the motion as amended. Roll Call: Mr. Tiettmeyer-Yes, Mr. Zornes-Yes, Mr. Evans-Abstain, Mr. Kobasuk-Yes, Mr. Harten-Yes, Mr. Burns-Absent. Motion Carried.

HCPD Purchase Short Park Trail Easement

Mr. Harten made a motion to approve Hamilton County Park District to purchase a trail easement through Short Park, in the amount of \$40,638. Mr. Kobasuk seconded the motion. All Aye. (Mr. Burns-Absent) Motion Carried.

Parks Committee Meeting

Mr. Harten said since Mr. Burns is absent; a Parks Committee meeting will need to be scheduled at another time.

Resolution to Accept Reserve of Ivy Hills Streets

Solicitor Miller will prepare a resolution for the 6-8-2010 Council Meeting.

Mr. Kobasuk made a motion to adjourn at 8:15pm, seconded by Mr. Evans.

Transcribed by Becky Fairley