

The August 11, 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.

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

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

Mayor Cosby welcomed everyone! Mayor Cosby spoke to the 5K Race held August 8th. We had a great turnout and everyone seemed to enjoy it; the weather cooperated.

Picnic-in-the-Park

Sunday, August 23, 2009 – 11:00 a.m. to 6:00 p.m. The Veterans Association is sponsoring the picnic. The following food items are provided at no cost: pulled pork, hamburgers, hot dogs, bean soup, corn bread, and corn on the cob. We only ask for people to bring their lawn chairs and a dish to share. Also collecting canned food items for the Interparish Ministry Food Pantry. Beer, soda, popcorn and snow cones will be sold as a fundraiser for the Veterans Memorial.

Citizens Police Academy

The 2nd Citizen Police Academy will begin September 30, 2009. The class will run eight weeks and will meet on Wednesdays from 6:00 p.m. to 8:00 p.m. and will run through November 18, 2009. Chief Synan spoke to the success of the first class January 2009 and encouraged council, residents and non-residents to attend. Officer Todd Bruner runs the CPA and does a great job; Chief Synan said he is still receiving thank you cards from the first class. There is space for 20-25 people; the Citizen Police Academy will cover such topics as the state of the department, traffic enforcement, criminal law, crime scene investigation, defensive tactics, and SWAT operations. A background check will be done on the applicants; they will then be included in the ride-along program with our officers.

Coyote Sightings

Several residents have reported coyote sightings. Chief Synan reminded everyone to watch their small animals. He instructed everyone to call the police if they see a coyote and the police will call the SPCA.

Vacation Notification Forms

Chief Synan said they have had trouble with people not being able to locate the form on the website. He will get with Officer Orso to look into the problem. Residents and business owners are welcome to call the police department and they will fill out the form for them.

Commercial Building Fees

Mr. Spry submitted a statement of recent commercial activity. Mr. Burns explained the state receives 3% of the permit fee, which automatically comes to the village; we then cut the state a check. The 1% the village has already been paying for is the residential portion of the fees. Mr. Burns explained the combined July fees were \$3,193.79, which the village received, and of that the village cleared about \$310.00, Mr. Burns explained. Mayor Cosby said the village now receives 10% of all commercial fees, which in the past, the village received nothing.

Checklist

Resident Debbie Mysliviec asked councilman Burns about the money being spent on the house at Moundview Park. She said she thought a few months ago Mr. Burns said the village was not going to spend anymore money on Moundview and now she sees where \$10,000 has been spent. Mrs. Mysliviec said there is a lot of stimulus money available for improvements and public buildings. She asked Mr. Burns if he has applied for any stimulus money.

Mr. Burns said we have not applied for any stimulus money through Allen Freeman; we applied as a village for stimulus money for the fire department. He said he believes we would receive very low scoring but will talk with Allen Freeman. Mrs. Mysliviec said she would think replacing a HVAC system would be considered "green" and would think stimulus money would be there. Mayor Cosby added Allen Freeman has applied for stimulus money and the village does not qualify for these particular projects, for whatever reason. Mrs. Mysliviec asked if we talked to David Pepper because Hamilton County received about 10 million dollars. Mayor Cosby said he did speak to Allen Freeman. Mr. Burns said unfortunately, council passed a resolution prior to receiving the email from David Pepper. Mr. Burns said he did check into applying after he received the email and it was too late.

Mr. Burns said as far as spending money on Moundview, it was already approved and the job needs to be completed. Mrs. Mysliviec asked how much money the village will spend on fixing the house at Moundview. Mr. Burns said it has been approved and we have spent \$27,000 in repairs plus \$20,000 for the HVAC, which totals to date at \$47,000. He said \$10,000 came from the park fund. Ms. Hueber said she wanted to make note that she has not approved anything for Moundview Park and she still thinks it is a waste of taxpayer dollars. She said just making it clear, once again!

Mayor Cosby said he will talk to Allen Freeman again to see if there is anything we can go back and do, but did explore it once with him and the initial report was there was not anything.

Resolution Post Office

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

Mr. Burns made a motion to adopt RESOLUTION NO. 27-2009 A RESOLUTION SUPPORTING THE UNITED STATES POST OFFICE BRANCH LOCATED IN THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion. Mr. Burns-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent. Motion Carried.

For those wishing to send letters in favor of keeping the post office in the village, send letters to the U. S. Post Master, Milford, Ohio. Solicitor Miller also suggested sending letters to our state representatives and senators.

Checklist, 8-11-2009

Mr. Pulskamp made a motion to approve Checklist dated 8-11-2009, seconded by Mr. Zornes. Mr. Burns-Abstain, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent. Motion Carried.

Mayor's Monthly Court Statements for June/July 2009

Mr. Pulskamp made a motion to adopt June 2009 Mayor's Monthly Court statement to council. Mr. Burns seconded the motion. All Aye. (Mr. Evans-Absent) Motion Carried.

Mr. Pulskamp made a motion to adopt July 2009 Mayor's Monthly Court statement to council. Mr. Burns seconded the motion. All Aye. (Mr. Evans-Absent) Motion Carried.

River Hills Drive, Catch Basin

Mr. Pulskamp reported that the catch basin has collapsed over 3 feet down with a hole next to it under the pavement about 3x6 feet. The water is pouring out and eroding under the roadway. And the water is now going under the pavement coming out through a couple of seams about 75-80 feet down. Rack Seven Paving came in with the lowest bid of \$1,550 to rebuild the catch basin. They will flash-fill the hole and repair the pavement and they can do the job right away.

Mr. Pulskamp made a motion to approve an amount not to exceed \$1,550 to Rack Seven Paving for an emergency repair on a catch basin on River Hills Drive. Ms. Hueber seconded the motion.

Discussion

Mr. Pulskamp said about fifteen years ago, Riverhills Drive had a big chance of collapsing. Natural streams were eating away underneath there too. It is pretty much an emergency to get this fixed. Mr. Zornes agreed.

All Aye. (Mr. Evans-Absent) Motion Carried.

Weed Ordinance, 6614 Crull Street

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

Mr. Pulskamp made a motion to adopt ORDINANCE NO. 12-2009 AN ORDINANCE PROVIDING FOR AND AUTHORIZING WEED CUTTING, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent. Motion Carried.

Maintenance Department

Ms. Hueber asked where the position stands for Supervisor for the Maintenance Department. Mr. Pulskamp said currently we have two full-time and one part-time position. Mr. Pulskamp said he is putting in 20-22 hours a week where needed. Mr. Pulskamp said he and Mayor Cosby will take a look at the position in the Fall and go from there. Ms. Hueber said she can see the difference in the village with the maintenance department being short handed. Mr. Burns said the part-time help has also made a difference. He will be working through the end of September. Ms. Hueber said in the past, it takes us 5-6 months to hire someone. Mr. Kobasuk asked why we are delaying advertising the position. Mr. Pulskamp said we are just trying to save money since we're spending money on other things right now.

Short Park

Ms. Hueber asked what football team was practicing at Short Park. Just as last year, Miami Valley Christian Academy is practicing, Mr. Burns said. He said they typically use the lower part of the field. Ms. Hueber said they took over the whole top part. Mayor Cosby said they are the only people currently using the park; we are not currently renting to anyone else.

Lake Barber

Ms. Hueber said speaking of dragging our feet; we have been looking at the Lake Barber issue for months now. Ms. Hueber recently talked to Mike Zicka. Solicitor Miller said he does need to have another discussion with the parties interested and it is also looking for direction from council. Ms. Hueber said council needs to make one choice: do we want to assume the liability and cost of the lake? No matter what Doug Hall and Doug Evans, it's a liability and is expensive. She said

her personal view, but council needs to not drag this out because they can't move on in their direction if we don't give our direction. Ms. Hueber said she doesn't feel it is a wise choice at this time for council to assume the liability and cost. She said council needs to make a choice so legally Mike Zicka can go his way with the two interested parties. He needs to know. Solicitor Miller said he didn't know if anyone had questions of how we would run this, but if council is against it really doesn't matter. If anyone is interested and want more information as to how this would run; we could tell Mike we were interested in taking it. We would need to work out the details; of course the devil is always in the details, Solicitor Miller said. Mr. Kobasuk said we ought to explore it more; it is a great asset of the village to not exercise that right of first refusal. Mr. Kobasuk said we ought to carefully consider the very generous offer from Doug Hall to pay for the \$20,000 and set up a foundation for the benefit of Newtown. Kids would be able to go there and fish and possibly work there. Mr. Kobasuk said he is not prepared to waive the right of first refusal. Ms. Hueber said, but it has been three months. Mr. Kobasuk said because we were letting Doug Hall and Doug Evans work it out. Mr. Kobasuk said he hasn't heard much since then, but wanted to give them a chance to talk about it. Ms. Hueber said they can't work it out. Solicitor Miller said he is unsure of how we left it and will get back with them. Mr. Kobasuk said their rights are not exclusive, Doug Hall and Doug Evans. Solicitor Miller said Doug Hall's may be. Mr. Kobasuk said Doug Evans rights are not exclusive, so if Doug Hall wants to do it we could certainly do it. Solicitor Miller said yes it is possible. Mr. Kobasuk said he believes it is a valuable asset the village should try to take advantage of if we can find way. He said we spend money on Moundview and this is an entire lake that could be for the benefit of Newtonians, if we manage it correctly. Mr. Kobasuk said he is not willing to just let it sit there and have just two people use it. Mayor Cosby said the direction of council was for Solicitor Miller to go and speak to both Doug Hall and Doug Evans attorneys; Mike Zicka was not even in that scenario, to see if there was a way for the two attorneys and Solicitor Miller to work out the scenario. If it comes back they can't work out the scenario, then it is upon council to make a decision if they want to take Doug Hall's offer of purchasing the lake and putting it into a trust for the citizens of Newtown or not exercising our right and allowing that to go away, said Mayor Cosby. He said, frankly, we have been waiting on Solicitor Miller to come back with a report to make the decision. Ms. Hueber said three months is a long time and asked how long this go would on. Mayor Cosby said he talked to Mike Zicka and he didn't indicate in any way. Ms. Hueber said the decision can't be moved forward on the lake until council does our part investigating. Mayor Cosby said we can't do our part until we get a report back from Solicitor Miller. Ms. Hueber said okay then her question is, it's been three months and how much have we done since we've directed you to do this Doug Miller? Solicitor Miller said basically nothing. He said he did contact both of their attorneys and they said let them talk that they need to iron some things out. Solicitor Miller told them to go ahead. He said that is where it kind of broke down. Solicitor Miller said he thinks the response was "Doug Hall can do whatever Doug Hall wants to do." He said he has never gotten back with Doug Hall or his attorney to see exactly how he would be proposing to set this up to do it. Mr. Kobasuk told Ms. Hueber he doesn't see the urgency to resolve this; let Doug Hall and Doug Evans talk it through, but as a village, we need to carefully consider that asset. It's a village asset, Mr. Kobasuk said. Mayor Cosby said Solicitor Miller is prepared to try and get additional information he can bring back to the next council meeting. Solicitor Miller said yes and he would give them a call. Ms. Hueber said that is fair; it's just that many times we let things sit and sit. Solicitor Miller said he generally doesn't and should have called them back. Mr. Pulskamp commented that if we decide to move forward with this that it should be a public hearing to the adjoining property owners. He said he has talked to 7 of the 11 property owners and they are emphatically against it; everyone gets damage from the backside of their properties from people sneaking in from that area. He said these 11 property owners are all the way around the entire lake. Solicitor Miller said this issue does need to move along and he will get back on it.

Martin Marietta Mining Issue, 2nd Reading – (First Reading 7-28-09)

Mr. Kobasuk made a motion to have a Second Reading of a RESOLUTION EXPRESSING OPPOSITION TO THE MARTIN MARIETTA MINING PROJECT IN ANDERSON TOWNSHIP. Mr. Burns seconded the motion. All Aye. Mr. Evans-Absent. Motion Carried.

Mr. Kobasuk made a motion to have a Third Reading on a RESOLUTION EXPRESSING OPPOSITION TO THE MARTIN MARIETTA MINING PROJECT IN ANDERSON TOWNSHIP. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Pulskamp-No, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent. Motion Carried.

Mr. Pulskamp stated for the record the reason he voted no is because it is not the same motion he voted in favor of when council first did it. He said there are more things in this resolution than originally talked about. Solicitor Miller said last time they had a long discussion and this contains information that actually came out during the hearing also. Mr. Pulskamp said the explosive things don't bother him because he's been to an active mine and educated himself and knows what happens and what doesn't. He said Martin Marietta's track record speaks for itself also. He said he's not opposing it, but not opposing it also.

Council Minutes

Mr. Zornes made a motion to approve July 28, 2009 council minutes. Mr. Burns seconded the motion. All Aye. (Mr. Evans-Absent) Motion Carried.

Mr. Zornes made a motion to approve July 30, 2009 special council minutes. Mr. Kobasuk seconded the motion. All Aye. (Mr. Evans-Absent) Motion Carried.

Employee Insurance Benefits Resolution – Dental, Vision and Life

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

Mr. Zornes made a motion to adopt RESOLUTION NO. 28-2009 A RESOLUTION APPROVING CONTRACTS FOR EMPLOYEE INSURANCE BENEFITS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Ms. Everett said this is for dental, vision and life insurance for employees. Rates stayed the same.

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

Rumpke Increase

Mr. Burns spoke to the information received from Rumpke regarding an increase of the State of Ohio disposal fee. The increase the state is putting on the village is now \$1,320 as of August 1st. Mr. Pulskamp said it also goes into effect for Newtown Landfill and Burger Environmental so we'll get a bigger portion of that also. He said it is one of those state-mandated things per month. Mr. Burns said it a \$109.96 per month increase that will go into a fund for Ohio EPA and ODNR.

Mr. Pulskamp made a motion to enter into Executive Session at 7:35 p.m. to discuss possible property acquisition. Ms. Hueber seconded the motion. Mr. Burns-Yes, Mr. Pulskamp-No, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent. Motion Carried.

Council meeting reconvened at 7:45 p.m.; no action to be taken as a result of Executive Session per Mayor Cosby.

Mr. Pulskamp made a motion to adjourn meeting, seconded by Mr. Kobasuk. Motion Carried.