

The August 14, 2007 meeting of the Newtown Village Council was called to order at 7:30 p.m. by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

**Councilmembers:** Curt Cosby  
Doug Evans (absent)  
Tracy Hueber

Mark Kobasuk  
Debbie McCarthy  
Ken Pulskamp

**Mayor:** John Hammon  
**Solicitor:** Doug Miller  
**Fiscal Officer:** Keri L. Everett  
**Chief of Police:** Tom Synan  
**Street Commissioner:** Charlie Siegel (absent)

### **Union Savings Bank**

Mr. Tom Reed and Mr. T. J. Reed presented council with quality mortgage lending information for the residents of Newtown. Newtown is considered a target-area from the State of Ohio; that is an area that the State of Ohio has agreed to offer special lending programs with funds allocated from the state for homebuyers and homeowners. These lending programs offer not only first time homebuyers, which lead to further development within the Village of Newtown, but can benefit current homeowners that potentially are in a situation where they are in a loan that isn't suiting them. Union Savings Bank plans on sending flyers out to Newtown residents and businesses.

### **Dave Lorei, Engineer, Brandstetter Carroll**

1. River Hills Subdivision Curb Improvements
  - Phase II, Prus Construction, construction is complete. Punch List was prepared and completed.
2. Ragland Road / GCWW
  - Numerous meetings and telephone conversations have taken place with CWW; we are still waiting for a resolution on that issue.

**Mr. Cosby:** Didn't we talk about an option being the village going ahead and fixing the problem and do a bill-back from Water Works.

**Mayor Hammon:** We did talk about that. Bruce is aware of it and Water Works is aware of where the village stands on it. My opinion is to be prepared to put the funds out and then you will have to fight for them.

**Mr. Kobasuk:** How much do you think we're talking in funds?

**Mayor Hammon:** \$20,000.

**Mr. Cosby:** As you know, there is a real problem there for the residents and winter is approaching. I think we need to plan a course of action, rather than to continue to wait for the Water Works. Last winter they said it would be addressed in the spring and we're one month away from fall.

**Mr. Kobasuk:** When do you have to get this moving so you get it done before the winter?

**Mr. Lorei:** You want it constructed or fixed prior to winter, mid-October. It wouldn't take more than a couple of weeks; a month at the most to complete the renovation.

**Mr. Cosby:** If it is under \$20,000, would we bid it out?

**Mr. Miller:** If it's under \$25,000 you don't have to bid.

Mr. Cosby: I'm thinking time-wise; if it is something we need to bid then it is something we need to do right now. We have a little bit of time if it is something we're just going to have someone come in and do.

**Mr. Lorei:** You're looking at a two-week bidding process and then you would be getting close to October. For clarification, the village wants to proceed with the project.

**Mayor Hammon:** We want it completed before winter sets in, so if Water Works doesn't do it then we will go ahead. Once they give the contractor three other projects, since they are already in the village we would probably offer it to them to see what rate they would offer.

**Mr. Lorei:** (Continued)

3. 2007 Asphalt Improvements, Moundview Park, Ivy Hills Blvd Entrance & Seabrook Dr.
  - Bid Tabulations were opened August 9<sup>th</sup>, 2007. The low bid was J.K. Meuer Corp; total bid was \$84,000.75. We had six bids; council needs to review and proceed from there.
4. Main Street Parking Facility
  - Cost estimates and site plans are attached; the costs are from 2005 so the unit costs will go up a little bit. Take a look at these for discussion and we will move forward as needed, updating the estimates if necessary.

**Mayor Hammon:** I think Dave is asking for directions; if council is willing to proceed there is a dollar charge to do that.

**Mr. Pulskamp:** I don't think we should at this point until we look at our budget in January or February for possibly next year. It's a lot of money right now

**Ms. Hueber:** Because its time to get everything else done. Now we know what we're working with.

**Mr. Cosby:** Is this not something that we can pull out of Purchase of Property to get this done?

**Ms. Hueber:** I don't think there is an urgency right this second to get it done when we can wait a couple of months and hash over it. We should all get together and go to the site and discuss the options.

**Mr. Cosby:** I think it is something that we need to try to get to the front burner. This was one of the top things on the agenda today at the business meeting.

**Ms. Hueber:** I agree that we do need it; but at the same time, those businesses aren't busting out right now that we have to have a parking lot in the next two months. I'm sure we can get it started in January.

**Mr. Cosby:** They are talking about the need and also about trying to do some things in the village where that parking area would be good.

**Mr. Kobasuk:** Has the business community been shown these plans?

**Mr. Pulskamp:** Probably from three years ago. The original owners of the Feed Store saw it.

**Mr. Kobasuk:** The observation I have is you would have to walk a fair distance.

**Mayor Hammon:** Three years ago, we did not ask all of the businesses; we did ask Barb Broerman, Mike Arnold and the Feed Store. At the time, the Feed Store owner did not want anything done; Barb Broerman, the Dairy Corner did not want it built.

**Mr. Cosby:** I spoke to her a week ago and she wants to know when it is going to be built. The Feed Store owner is so anxious to have it built that he will pay for the electric to put a security light on the side of his building to light the parking lot. They all said in unison that this doesn't have to be a grandiose plan and that it is something we can work into, but get us some parking and get it as quickly as possible.

**Ms. Hueber:** I don't want to jump into this and just do it halfway. We've been here how many hundreds of years and the businesses haven't changed one bit. I want to do parking; I've been wanting to do parking, so now let's do it the right way. Let's do it right; budget it, get together and get together with the businesses, walk the property and see where we want to do the landscaping and what we can piece out and save money and have it on the agenda for the first of the year.

**Mayor Hammon:** A couple of years ago, I walked it with HCDC and they said there was no need there for it. I walked it with two developers and they did not see a need either. The recommendation has always been to do it when we have the need; we are probably at that point.

**Mr. Cosby:** I think your options are in front of you; I don't know that we need to let this lay until next year. One of the things Bruce did talk about was the fact we're going to have this company in to do Moundview Park and we figured he could get them to do this for the same unit price that they bid for Moundview Park. It may be a good opportunity for us to get the best price to get this job done.

**Mayor Hammon:** I talked to Bruce and he said based upon the price that you probably couldn't do that since this price is more than what the actual other project and you should probably bid it out.

**Mr. Kobasuk:** Is everybody in agreement that we ought to pursue this at some point?

**Ms. Hueber:** Definitely.

**Mr. Pulskamp:** I believe we should pursue it and I think it is something we should seriously look at having in place by next spring.

**Mayor Hammon:** I believe it is time Mark; my concern is the dollar amount and we're spending at a big deficit. We saw the budget and I think this is one that you put on the front burner for next year.

**Mr. Kobasuk:** Curt, do you have any problem with that?

**Mr. Cosby:** I don't have a problem with doing it right, but if you listen to the businesses and it is more than one or two, they are certainly in favor of parking relief as soon as possible.

**Ms. Hueber:** I think if we communicate to them that council is in agreement and that we have a plan and we want to work it to best for everyone, both residents and businesses.

**Mr. Lorei:** (Continued)

#### 5. Miscellaneous

- Pavement Management Study has been updated.
- Pre-Application submitted for Round Bottom Road Improvements for OPWC/SCIP on July 11, 2007. Integrating Committee reviewed condition of road on July 20, 2007. I need a resolution for the application to be submitted on September 14<sup>th</sup>.

**Mayor Hammon:** We did not get any funding from Ohio Department of Natural Resources for Short Park.

#### Tom Busse, Greater Newtown Civic League

1. Newtown Civic League and 5-K Race: Quick update on the race and the future for the Newtown Civic League. The race was a huge success with 733 participants, which was not a record, but far better than we have had for the last couple of years. I specifically want to thank the village for what they have done for us; Chief Synan in particular for his involvement with the police force, the fire department for the paramedic services, Charlie with the street crew and particularly Becky and Keri for accepting and sorting all of the mail for us. The rumor everybody has heard that this is our last race is true. Newtown Civic League will not be putting the race on in the future. St. John Fisher church and the Moeller Knights of Columbus have approached us about taking the race over. One thing we would like from you is to know and to pass onto them whether they could expect the same support from the village that we have had, as far as supplying paramedic and police for traffic control.

**Mayor Hammon:** We can't speak for the police and fire departments, but we can certainly encourage it. It is a great attraction; it brings in 750 people to the town that may never be here for any other reason.

**Chief Synan:** You have our support.

**Mr. Busse:** It is an event that we're very proud of and would love to see it go on. The race results should be ready for posting on the website within a day or two.

2. Civic League's Future: The future for the Civic League is still up in the air. Initially, we thought after the race was over that Civic League would just disband and now there is a movement to say that we will no longer do fundraising activities, but will continue with selected events we have done in the past until the money runs out. That would include the Easter Egg Hunt, the Christmas decorating and the senior citizens dinner. The Christmas hayride would vanish; probably the scholarships we give to the Newtown Turpin students would stop because that would be a big drain and we'd be out of money in no time. We would like to keep those three things going and may attempt to do a volunteer-recruitment to try and get some younger blood in to help with some of the effort. But as far as we are concerned, the race will be a thing of the past. Thank you all and those that par-took in the race, I hope you had a good time.

**Mr. Kobasuk:** It was a great race; thank you.

**Resident Frank Baker**

The police came down there and I asked him how about Kenny that parks over there everyday. He said he never did see it, so he did go over there. They say I have two junk cars; go move one, I hope you do and I'll get some new cars. They have insurance and license; but I am moving one of them tomorrow. I want somebody else to move theirs. Is that fair?

**Mayor Hammon:** This is being handled through our property maintenance inspector and the police.

**Mr. Baker:** They are coming on my property; I don't want them there and I will arrest them if they step their foot on my property. I want to be fair and I'm not a well man right now, but I'm going to stand up for my rights if I die doing it. I'm 87 years old and you're picking on me and not the others down there. The police were down there and I stopped him and was glad to talk to him; he did talk about a lot of things. But how many people will sit down and talk to somebody? I've been there since 1945 and I just don't want to be picked on.

**Ms. Hueber:** Mr. Baker, I think maybe you have that in your mind a little bit because the officers try very hard to communicate with everyone they give tickets. Anybody in violation is all spoken to and they are spoken to before they get the citation.

**Mr. Baker:** Ma'am, if you have time we will go down there and I will show you the people parking on the sidewalk and they never get a ticket.

**Solicitor Miller:** Mr. Baker had four citations to the last Mayor's Court and he requested to take that downtown. We are transferring those downtown and I advise council not to discuss it any further.

**Ms. Hueber:** It's out of our hands now, so we're sorry you're upset.

**Mr. Baker:** I appreciate you talking to me. I want to be treated the same as anybody else.

**Ms. Hueber:** You'll be down there now and they will look at you from a whole different perspective.

**Mr. Baker:** Okay, I just tell you the way I feel; thanks for talking to me.

**Ms. Hueber:** You're welcome.

**Councilmember Tracy Hueber** (Nothing to report)

**Councilmember Ken Pulskamp**

**Mr. Pulskamp made a motion to accept Checklist dated 8/14/2007 for \$112,564.18. Ms. Hueber seconded the motion. All Aye. Motion Carried.**

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 21-2007 A RESOLUTION APPROVING TRANSFERS AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2007, DISPENSING WITH THE SECOND AND THIRD READING AND DECLARING AN EMERGENCY. Ms. Hueber seconded the motion. All Aye. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes, Mr. Evans-Absent. Motion Carried.**

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

**Mr. Pulskamp made a motion to adopt RESOLUTION 22-2007 A RESOLUTION APPOINTING JOHN R. HAMMON AS OFFICIAL REPRESENTATIVE FOR THE STATE CAPITAL IMPROVEMENT PROJECT FUNDING. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes, Mr. Evans-Absent. Motion Carried.**

**Councilmember Mark Kobasuk**

1. Planning Zoning & Development Committee: The committee met August 1<sup>st</sup>; those in attendance were Curt Cosby, Debbie McCarthy, Dick Weber, Doug Miller, Tom Synan, myself and three residents. Mr. Weber wanted us to look at some of the current ordinances. A few on the list were the kennel ordinance and exotic animal ordinance. We basically went through them and thought the trash ordinance should be revised so people would keep trash behind the house. We also looked at the time the cans should be removed from the street; the current ordinance says 6:00 p.m. the next day and we thought it should be removed midnight of the same day of trash pickup. If they are set out Sunday; they would be removed Monday after collection. Doug Miller is going to revise the ordinance, take it back to the committee and then we'll bring it to council. We

didn't see a need for the exotic animal ordinance; we don't have any complaints and why start getting into that when we don't have an issue. We did see a conflict between the zoning code and certain ordinances on parking on hard surface versus gravel. We'll look at the ordinances and the code and then come back to the committee. We also talked about Dick Weber having the authority to issue citations; Doug Miller indicated he has the authority under the property maintenance code.

2. Crull Parking Issue: Last week, I received a call from an attorney, Thomson Hein indicating that legal aid had referred a case to him. His name is Jack Fuchs, he is a prominent litigator. Apparently, legal aid has sent the parking case of certain residents, he mentioned Brian Thornberry. I assume that Thomson Hein may take the case on as a pro-bono matter and I mentioned that he should call Doug Miller. In that discussion he mentioned that maybe we'll prepare a lawsuit or maybe we'll see how the initiative petition goes. I told him he should talk to Doug about the petition. Doug, has the initiative petition been submitted to the Board of Elections?

**Solicitor Miller**: Yes, the final filing to the Board of Elections was yesterday.

#### **Councilmember Debbie McCarthy**

**Mrs. McCarthy made a motion to approve July 10, 2007 council minutes. Mr. Cosby seconded the motion. All Aye. Motion Carried.**

1. Center Island: What is the status with the center island?

**Mayor Hammon**: A meeting is scheduled for next Tuesday; they need to come up with code regulations and a budget.

2. Health Insurance: August 6, we had a meeting on health insurance for the employees and we decided on the "HRA" Plan.

**Mrs. Everett**: It is a Health Reimbursement Account with United Healthcare. Single people will have a \$2,000 deductible and other \$4,000 deductible. A third-party administrator will be involved in the process.

**Mr. Cosby**: There is an incentive for the employees to fill their prescriptions at Wal-mart or Meijer. If we don't have to pay out the entire deductible we can carry that money over to next year, so if there is an increase in cost that money will help to offset the cost next year.

**Mr. Kobasuk**: John, how do you feel about this proposal?

**Mayor Hammon**: I could go either way Mark. I think it should be a shared cost with the employees. I am concerned; we do have an employee that says his medicine is more than he makes in a month. It will really put a hardship on a few employees.

**Mrs. McCarthy**: Keri, what happens if we approve this tonight and a month from now we want to go with a different one or are we locked in?

**Mr. Kobasuk**: That is a legal question for Doug, looking at the terms of the plan.

**Mayor Hammon**: Fran with USI Midwest can answer that for us.

**Mr. Cosby**: She did suggest using a credit card for prescriptions and we could reimbursement them before the credit card bill was due.

**Mrs. McCarthy**: You're still in a situation with a couple of employees who may not have that kind of cash and are in a situation who don't have credit cards.

**Ms. Hueber**: I'm sure anybody could get a credit card with a \$2,000 limit.

**Mrs. McCarthy**: I don't know about that.

**Mr. Cosby**: At this point, we don't have another alternative.

**Mr. Kobasuk**: We've got to make a choice tonight.

**Ms. Hueber**: Maybe we start looking within the year before we get to this place next year to see if there are other options out there.

**Mr. Cosby**: Maybe Doug Miller could review it to see if we have a 90-day out.

**Mrs. McCarthy made a motion to suspend the rules. Mr. Kobasuk seconded the motion. All Aye. Motion Carried.**

**Mrs. McCarthy made a motion to adopt RESOLUTION 23-2007 A RESOLUTION APPROVING A CONTRACT WITH UNITED HEALTHCARE, INC. FOR EMPLOYEE INSURANCE, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Cosby seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes, Mr. Evans-Absent. Motion Carried.**

#### **Solicitor Miller**

1. Initiative Petition: Has been filed with Board of Elections.
2. Vacation: I'll be on vacation at the next meeting; Rob Butler will be here.

**Mayor Hammon**: I think the perception is sometimes when we talk to Bruce that it is free. I just want you all to be aware that there is a bill when you call him up. Mar

**Ms. Hueber made a motion to adjourn meeting. Mr. Cosby seconded the motion.**