

The September 25, 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 Mark Kobasuk
Doug Evans Debbie McCarthy
Tracy Hueber (arrived late) Ken Pulskamp

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

Mayor Hammon

1. **Building Inspector Position:** We held interviews and basically all have the basic background. They are inspectors from the City of Cincinnati; however, they cannot work until 3:00 p.m. or 4:00 p.m... Does this council have a problem with them working later in the day into the evenings? The general opinion is they would be more available to the residents at these times. A couple said they could work some Saturdays.

Mr. Pulskamp: I like the later afternoon into the evenings; they will be available to the residents.

Mr. Cosby: Are we going to be interviewing these candidates?

Mayor Hammon: They've been interviewed.

Mr. Cosby: I don't know how I'm going to hire somebody without at least having some kind of informal interview.

Mr. Pulskamp: It has been John, Mark and who else?

Mr. Kobasuk: Leo Honebrink, Mike Cornette was there. We invited John Russell and Joe Harten.

Mayor Hammon: John was out of town and Joe couldn't make it.

Mr. Kobasuk: John, wouldn't we invite the finalists to come and address council?

Mayor Hammon: you can do what you want. I don't know what you could ask of them; their resumes are here and available to you.

Mr. Kobasuk: Don't you want to meet the people Doug?

Mr. Evans: I don't mind if I saw a resume of a couple? What about their knowledge of FEMA?

Mr. Kobasuk: Some had it and some did not.

Mayor Hammon: Generally, they all have the same through the City of Cincinnati. They have some qualifications of it.

Mr. Evans: What if we got two guys that could job share? If something happens to one of them we are not in the situation of trying to play catch up.

Mayor Hammon: They all asked if they would have someone who could fill in and back them up.

Mr. Evans: If you train two of them, it is not like they're duplicating the work. It seems a smarter way to go if we have two that really well.

Mayor Hammon: I'm not sure anyone would be willing to split the time when you're talking about 8 hours per week.

Solicitor Miller: I think you would have a problem with continuity also. One may come in on a Tuesday and not returning until one week. It seems like it is difficult enough for people with only having them here two days a week and if it's going to be once a week.

Mr. Evans: Will Mike Cornette help us train them?

Mayor Hammon: Yes. He is willing to stay on and work with us as long as we're showing progress with getting a replacement for him. I asked him if he would stay on a month or so to train them and go through a Planning and BZA with them. Mike is more than willing to do that.

Mr. Evans: What do you think Mark? You met them.

Mr. Kobasuk: We had some pretty good candidates; as long as the time is acceptable, late in the afternoon. I think we can get some good guys.

Mr. Cosby: Before you came in Tracy, I said I would certainly like to interview them before I vote on them. Don't you agree with that?

Ms. Hueber: Yes.

Mr. Kobasuk: I think you ought to meet them.

Mr. Evans: I just think it ought to be more informal instead of formal at a council meeting.

Mr. Kobasuk: Whatever you want to do; I just think you ought to meet them.

Mr. Pulskamp: I'd like to see the resumes of the top people and then have more of an informal meeting.

Mr. Cosby: Maybe a half of an hour or an hour before a council meeting since we're here on that night.

Mr. Pulskamp: I don't want to wait too long either. We have viable candidates; don't let them slip away either.

Mr. Cosby: How about an hour before the next council meeting.

Mr. Pulskamp: I would take the top two or three.

Mayor Hammon: They all come with the same qualifications; it is really the personality Mark. Their personality makes them different and what they are interested in.

Mr. Kobasuk: And how they are going to respond to the village residents, how they treat people and how they are responsive.

Mr. Pulskamp: Because we're a small community compared to the City of Cincinnati, if that is where they are all from. There is a big difference.

Mr. Kobasuk: They have to serve the residents and try to make things work for people; not say no, but try to find a solution that meets the laws and regulations. They all seem fairly good in that regard. The three we narrowed it down to.

Solicitor Miller: Is it more residents or businesses that come in to see Mike?

Mr. Evans: I'd say residents.

Mr. Pulskamp: Doug, the business is very informal of the zoning and then it goes down to Hamilton County for the permits.

Mr. Cosby: What about next Tuesday?

Mayor Hammon: Okay, we'll see if they are available. One thing we never talked to them about is dollar amount either.

Mr. Evans: What did you tell them when they asked?

Mayor Hammon: It's open. We can negotiate.

Ms. Hueber: That might narrow it down right there. The three you might want may not work for the money we're willing to pay.

Mr. Evans: It would be better to tell them up front I think.

Ms. Hueber: Yes, because you could eliminate them.

Mayor Hammon: \$60.00 to \$70.00 an hour? That's what you're paying Mike.

Ms. Hueber: We don't need to pay the same as we're paying Mike.

Mayor Hammon: You get the right candidate and start negotiating.

Ms. Hueber: This is a part-time position for these people and they don't even need to make \$70.00 an hour.

Mayor Hammon: Yes, it is part-time. It is 8 hours; some said ten and would be Saturdays if needed.

Mr. Evans: \$30.00 to \$50.00

Mr. Cosby: Okay, so next Tuesday at 7:00 p.m.

Mayor Hammon (Continued)

2. Eagle Scout Project: Joe Pearce's son is looking for a community service project.

Mr. Evans: He could paint the fire plugs or something like that.

Mayor Hammon: My experience is when one came to us they had a project that they developed and managed and presented it to council.

Mr. Pulskamp: That is part of the project when developing an Eagle Scout project, not for us to give them something.

Mayor Hammon: They are looking for ideas.

3. Revenue vs. Expenses: Two out of the last six years we have spent more than we have taken in.

Mr. Kobasuk: John, in 2006 was that over spending primarily as a result of that fire contract that we have to pay out of the General Fund?

Mayor Hammon: It could be. I don't know. Keri and I never talked about it. We talked about actually creating a very simplistic form to show what we've been doing. She did not say anything to me; she just had this report laying here tonight. She did not say what the justification was

Mr. Pulskamp: That is like some \$480,000 difference there. We paid them only \$200,000 plus.

Mr. Kobasuk: I thought it might be a large part of it.

Mr. Pulskamp: I think a big chunk of that was our portion of the SR 32 / Round Bottom Road project that was finally done. When we knew 2006 was going to be bigger when that happened.

Mr. Cosby: Wouldn't it make sense to look at this when Keri is here.

Mayor Hammon: Yeah.

4. Short Park: There is a lot of lights out; they have talked to Randy Haverland. He has done it in the past. His bid was \$890.50; that is for parts and labor. Labor alone was \$500.00. Tony talked to Owensville Electric and they came in at \$661.75. I talked to Randy about it and one of the problems is when we put some lights in down there not all of the security lights were put in by Cinergy/Duke Energy. We should go back and have some security lights put in. We also talked that while we light the pavilions, we light them for all night because they are on photo cells. The recommendation is photo cell with timer. I have not talked to Tom about it, but should we not be looking at security light vs. pavilion lighting?

Mr. Pulskamp: Duke can come out and install lights onto their poles for a monthly fee. They offer five different sizes of lights according to the area you are covering. It is probably something we should into John. I told Tony this is on hold until we address some of the other issues. I call Duke and get something set up for it. Is that for both parks?

Mayor Hammon: That was basically for Short Park.

Engineer Bruce Brandstetter

1. Ragland Road / GCWW

- At the last meeting you agreed to 75% / 25% split.
- Construction started on September 24, will be complete this week.
- Casting on the existing catch basin on Ragland Road was broken. Contractor will replace.

2. 2007 Asphalt Improvements, Moundview Park, Ivy Hills Blvd. Entrance and Seabrook Drive

- Underdrain, full depth and widening complete at Moundview
- Underdrain and milling complete at Ivy Hills Blvd
- Sawcutting complete at Villages of Ivy Hills
- Paving scheduled for week of October 1, 2007

3. Route 32 Interconnect
 - Project that OKI funded
 - Construction will begin the week of October 8, 2007
 - Construction contract is between Elex and ODOT. We are not too involved in it unless the village or ODOT asks us to get involved. We did go to the pre-construction meeting and walk the project with them. Elex is the contractor that did the light at 32 under subcontractor Sunesis.

4. OPWC Applications
 - Round Bottom Road and Drake Street Bridge applications were submitted on September 21, 2007
 - Summary of Applications:

	<u>Local</u>	<u>MRF</u>	<u>Grant</u>	<u>Total</u>
Round Bottom Road	\$ 36,500	\$ 73,000	\$255,500	\$365,000
Drake Street	\$ 16,000	-0-	\$144,000	\$160,000

- Official notification goes to Columbus in January, 2008. If funded an actual grant agreement will not be received until July 2008

Councilmember Doug Evans

1. Ivy Hills Entrance: Bruce, Ivy Hills where you have it milled out by the entrance has a sprinkler that runs constantly.

Mr. Brandstetter: Today I sent a letter to John stating that I don't know whose responsibility that is but it really needs to be fixed.

Mr. Pulskamp: Because that is deteriorating the road.

Mr. Evans: That's half the problem.

Mr. Brandstetter: The reason the road kind of went bad too is it is a low spot. One day while going to see my mother, I told Dave Stenger that we need to put under drains in because of the irrigation. I put in our field report in the letter to the mayor today that who ever takes care of it needs to fix it. It needs to be repaired. It was a leak; there is a leak in that system.

Mr. Evans: I hate to spend the money to put the top on without fixing the problem.

2. Ivy Hills – Dip: When you go Ivy Hills, the first hill past Zicka's house and start going back down, there is a pretty good size dip and it is getting worse.
3. Church Street Creek: I did look underneath the creek where some of our Maintenance guys fixed it and they did a good job. It is just a matter of probably needing to do it once a year.
4. Edith / Pine Creek: We never addressed the creek problem. Has Maintenance looked at it or I guess they are understaffed right now.

Mayor Hammon: I haven't asked them about it. Charlie was supposed to come back and I was going to go over that with him and he hasn't returned.

Mr. Evans: Should we just put it on hold?

Mr. Cosby: We can't. We had a dry summer, but if we get a bunch of rain we're going to have a bunch of people in here because of the debris that washes out of that creek and down through their back yards.

Mr. Evans: Do you want to say something to Tony?

Mayor Hammon: I can. You walked it with Bruce, so it would be easier if you sat and talked to him about it because I'm not really sure.

Mr. Brandstetter: I can have Dave go there.

Mayor Hammon: I went down and talked to him about the Church Street project and he called me back about a week later and said he had taken care of it. I never even gave him instructions.

Mr. Evans: He did all right. Let's give him the other project to do.

Mayor Hammon: (Curbs in River Hills)

Once they put the curbs in it never rained again and people want to know when they will get their grass seeded. My big scare Bruce is there are not even weeds growing in some of the grass. Behind some of the curbs the dirt is actually settling and needs to have dirt put back in and seeded. I talked to Prus and he said it won't take until the drought is over.

Mr. Brandstetter: There was no use to seed then, but we'll reseed it. I'll talk to Dave.

Councilmember Tracy Hueber: I have nothing to report.

Councilmember Ken Pulskamp

1. Moundview, Tree Pruning: Part of the pruning was done; I think we need to get a little bit more done. You'll see it on the checklist tonight; a bill for the smallest amount we approved. Curt, you might want to take a look at it between 11:00 a.m. and 1:00 p.m. to see if you think there is enough sunlight coming in and let me know.

Councilmember Curt Cosby

1. Safety Mirror – “S” Curve: The safety mirror were you’re coming out of Ragland Road at Church Street, I think it needs an adjustment. Also, in the early part of the morning, with those trees along there, sometimes you can’t see because it is very dark. Maybe if you talk to the homeowner first, maybe we could thin some of that out as well to let a little light in on that curve.

Mr. Pulskamp: I’ll take a look at it. Doug Wessling is the one that put it for us, we used his truck.
Mr. Cosby: I think he was supposed to but I don’t think that he actually did. It will just take a ladder; it’s just an adjustment.

Councilmember Doug Evans

Mr. Evans made a motion to accept Checklist, dated 9/25/2007.

Discussion:

Mr. Evans: John, what was the one for Robert Beson?
Mayor Hammon: We’ll talk about it in Executive Session. I ask for an Executive Session for personnel compensation.

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

Mr. Evans: (Continued)

2. Salt for Winter: Has the county said anything about the salt?

Mayor Hammon: No. I haven’t heard.
Mr. Pulskamp: I’ll make some phone calls. We usually buy salt from them at a set price.
Mr. Evans: We need to get that locked in early.
Mayor Hammon: We’ll just worry about the salt. You and I talked about the parks and snow plows.
Mr. Evans: I can help them with that.

Councilmember Mark Kobasuk

1. Public Records: Do we need to pass this public records law tonight?

Solicitor Miller: You’re supposed to have that in effect by September 29th.
Mr. Kobasuk: We need to go ahead with this tonight. I take it this tracks Ohio law that everything in here we got out of this statute primarily?
Solicitor Miller: And case law, but primarily is statute. This is all part of that if you remember a couple of months ago where you all passed the thing designating Keri as your agent and to get the training. Otherwise, you would have to. As part of that you have to adopt a written public records policy, which is basically unless there is a specific exemption, everything is public record. Probably the biggest thing in there is the clarification on emails that if you’re here and you get a personal email, that is not a public record. An email pertaining to your job is public record and should not be deleted until you print it out and save a copy and save it forever.
Mr. Kobasuk: I guess if you get emails at home on your home computer relating to village council business they are subject to public records, correct? As I read it they are.
Solicitor Miller: I think they should be. It doesn’t matter where you get it. Be careful what you email because a lot of times it is business and something else.

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

Mr. Kobasuk made a motion to adopt RESOLUTION 28-2007 A RESOLUTION ESTABLISHING A PUBLIC RECORDS POLICY FOR THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS, AND DECLARING AN EMERGENCY. Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

Solicitor Miller: The Attorney General’s office came up with a model policy and this sort of follows it. It is a little more detailed and it has citations to the actual statute so if there is a question on something you can go and find that particular statute.
Mr. Kobasuk: It looks like you might have used it in another village that you do work for.
Solicitor Miller: Somewhat.
Mr. Kobasuk: I saw some other fiscal officer’s there on one of the pages.
Solicitor Miller: I didn’t realize that didn’t get changed.
Mr. Kobasuk: (continued)

2. Trash Ordinance: I gave Curt a copy of the trash ordinance. I’ll give a copy to Doug there on the committee. Maybe I could get your comments and we could bring this to the entire council next meeting. This is something about placing trash cans behind the house that Dick Weber wanted. We also changed the time of trash cans being left out, nothing controversial.

Councilmember Curt Cosby

1. Moundview Porches: I have a resolution for the improvements to Moundview porches. We have M.C. Schmidt Company putting a bid in to do the work; price not to exceed \$24,850. I would like to get this passed this evening if we could so we can get this work done while we still have good weather to do it.

Mr. Kobasuk: Did we bid it out and get three bids?

Mr. Cosby: We don't have to bid it.

Mr. Pulskamp: We got three estimates.

Mayor Hammon: I know Keri sent it to three people and received two.

Solicitor Miller: It is not a formal bidding process. \$25,000 is the required amount.

Mr. Kobasuk: I know, but still it is nice to get three estimates when we're spending money.

Mr. Cosby: We got two of the three I think.

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

Mr. Cosby made a motion to adopt RESOLUTION 29-2007 A RESOLUTION AUTHORIZING A CONTRACT FOR MOUNDVIEW PORCH IMPROVEMENTS, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Kobasuk seconded the motion.

Discussion

Mayor Hammon: Curt, I know Darwin sat here and spoke for the Civic League. Have we gotten an official commitment from the Civic League for a certain amount of money?

Mr. Cosby: No. He said they were going to commit to it, but I've never gotten anything in writing.

Mayor Hammon: One other question, since Charlie is not working long hours for us who is going to oversee the project and make decisions when there are questions?

Mr. Cosby: They can certainly call me. If they can't reach me they can call Ken.

Mr. Pulskamp: Should we get Dave Stenger involved?

Mayor Hammon: No., but we need somebody because there was a big controversy over who made decisions on the front door.

Ms. Hueber: Why couldn't Mike do it?

Mayor Hammon: Mike, no, no.

Mr. Evans: He wrote the specs, right?

Mayor Hammon: Yes.

Ms. Hueber: He wrote the specs so why wouldn't he be the one that would answer any questions while he is here.

Mr. Cosby: I can't imagine there would be anything major. Just tell the guy to call me.

Mayor Hammon: He's got to go to Hamilton County to get approval. He'll have to take the drawings and everything to Hamilton County to get the permit. Mike will probably be long gone before that process.

Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

Councilmember Debbie McCarthy

Mrs. McCarthy made a motion to approve August 14, 2007 Council Minutes. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Solicitor Miller

1. Resolution Accepting the Amounts & Rates: There is a deadline on these things; it may the end of September.

Mr. Pulskamp: Do we want to just pass it? The rates are what they are; we can't change them.

Mayor Hammon: We have no levies; we have no nothing.

Solicitor Miller: It is what it is.

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

Mr. Pulskamp made a motion to adopt RESOLUTION 30-2007 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mrs. McCarthy seconded the motion. Roll Call: Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes. Motion Carried.

Mayor Hammon

1. Executive Session: I'd like to have a motion for Executive Session to discuss personnel compensation.

Ms. Hueber made a motion to adjourn council meeting to enter into Executive Session to discuss personnel compensation. Mrs. McCarthy seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Cosby-Yes, Mrs. McCarthy-Yes.

Mr. Cosby left the meeting and did not take part in Executive Session.

Council meeting reconvened at 8:22 p.m. There is an action to be taken as a result of Executive Session.

Mr. Pulskamp made a motion for the Village of Newtown to advance Robert Beson payment for medical receipts, due to a hardship and not to exceed \$1,500. This amount will be reimbursed. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

Ms. Hueber made a motion to adjourn. All Aye. Motion Carried.