

The January 11, 2005 Regular Meeting of the Newtown Village Council was called to order at 7:30 PM by Mayor John Hammon, who led the Pledge of Allegiance to the Flag.

Present:	Hueber	Phillips	Everett
	Collins	McCarthy	
	Solicitor Miller	Police Chief Zornes	
	Street Commissioner Siegel		

Citizen Input

Joan Waits, 7133 Monongahela Drive: I would like to ask this Council why we do not have an ordinance for snow emergencies because we need one desperately.

Mayor Hammon: I know we've discussed this in the past. The problem we have is if you try to do something like that, where can people go to get off the street? That's one of the reasons we've felt that it isn't too important; it creates too much of a hardship.

Ms. Waits: Well, you were out of town this past snowstorm, John.

Mayor Hammon: Yes, I was.

Ms. Waits: I want to tell you, Monongahela and Scioto was a disgrace. They were very active on Wednesday and Wednesday evening. Thursday, Friday and Saturday not one truck was up there. Sunday, the day after Christmas, the truck was up there at 9:30 am. You've got to get those cars off of the street so they can plow the whole street. Many cars have double driveways, there's no excuse.

Mayor Hammon: I'm not going to argue with you. I'm telling you historically, I believe the hardship on the people in Riverhills, Joanie you can say that but I'm telling you my house on Pecos you can get one car in the drive and that is it. There's several homes that are designed with one car drives with two car families all the way through.

Ms. Waits: Even if . . .

Mayor Hammon: I know it's a fact and I'm not going to sit here and argue with you. I'm telling you historically in the discussions that is the opinion of Council. This Council can change that if they like but I think it would be a mistake and a hardship for the people of this Village.

Ms. Waits: John, even if you have a single driveway, you can get two cars in the driveway. Even if you have three cars, you can get that in and hang over the sidewalk. That's a poor excuse.

Mayor Hammon: I'm sorry, I just believe that to be true. That's my opinion. If this Council wants to change it, they are certainly welcome to change it.

Ms. Waits: I think it should be brought up at the table tonight and I think there should be a decision, we're going to have a tragedy up there. There's no excuse. In 1998 we had 18 inches of snow, why didn't you people do something about it then? Something is going to happen. Drake Street was a disaster. All the streets on the hill were a disaster. That is a lame excuse you are giving the people of this Village.

Mayor Hammon: It's not a lame excuse. That's the historic discussion at the table, Joanie.

Ms. Waits: How are these guys supposed to take a plow when you have ten cars in a row and they can't do their job properly. I would hate to have had a heart attack that night and them try to get an ambulance or fire truck up there. You may all think I'm nuts but this is wrong. John, I think you should put it on the table and let them discuss it.

Mayor Hammon: They can do it. I'm telling you historically what the discussion was.

Mr. Evans: Here's the problem that you have, not to interrupt. I see it from both sides; from in the truck and from driving the car. The problem was that there was no place to put the snow. The equipment that Charlie has to his availability is not such that he can move big piles of ice. I saw Charlie out and he did the best job that he could. Nine out of ten times everybody says how good Newtown's streets are.

Ms. Waits: They always were.

Mr. Evans: And Charlie was out there, it was just a very unique snow.

Ms. Waits: From Wednesday night on they were not up there.

Mr. Evans: The one thing I will say is that there has not been a time yet that I have not been able to get up Ivy Hills Boulevard in two wheel drive.

Ms. Waits: I'm not jumping on Charlie, I'm just saying if the cars weren't there they would be able to do a better job. Our streets are narrower than other streets. If they had warning 72 hours ahead and they knew they had to move them they could have gotten them moved.

Mr. Evans: There's only certain things that we as council can do. For the most part the roads were passible. For us to say that everyone has to move their cars every time it might snow, do you know how many people we would have down here filling this place up?

Ms. Waits: But, Doug, when you go to Harriet and Edith and Jefferson, you don't see cars parked on the street up there. Very seldom do you see a car parked on the street up there.

Mr. Evans: Well, that's another issue that don't have to do with snow. Charlie tried with the snow. We're not like other municipalities sitting there arguing that people weren't doing what they were supposed to be doing. Our guys did what they were supposed to do.

Ms. Waits: I don't know the answer but there's gotta be an answer to this.

Mr. Thomas: Thank you for your concerns and your information.

Mr. Evans: We'll discuss it, it's not like we're not going to try to do anything. We have to think about what's best for all the residents all of the time, not just one day out of the year.

Ms. Waits: I understand that, Doug, but this was a bad situation. People are just not considerate. That's what it comes down to.

Mr. Evans: You're exactly right.

Mrs. Becky Fairly, 6931 Edith Street: I understand your concerns but they did a good job on our street and I guess I was glad. Typically, caSr are not on our street but we did put ours out there and a day passed and it got frozen and we

couldn't move it, so, maybe some of your neighbors had the same situation. We're always pleased with the clearing of our street.

Mayor Hammon: I just want to go back and recap. Really, what I heard you say is you were upset that there were people parking in the lanes that were cleared. That's your issue. That's a whole different issue than a snow emergency. Okay, tonight is a lot of housekeeping and we have a lot of things to get through. Charlie and I talked about the water from the storms. The flood gate is closed for storm water. Charlie has gotten from Kokosing some pumps, so, we are pumping out the storm water drains. We're trying to keep up with it so the streets don't flood. I'd like to thank Charlie for the effort after we talked about it he went out and handled that. Someone asked me about the property at Miljoie Farms. I have not heard back from Gallenstein. I have not been given any information to submit to the State for the speed reduction.

Mr. Evans: I called him today and he said he was working on it.

Mayor Hammon: We were told it would be done at the end of November so I'm a little concerned about that.

Ms. Heuber: Did we give them what was gonna happen as the action is we're going to close that off as of March 1st?

Mayor Hammon: I don't think we set the possibilities in Mike's letter but we communicated it to them but we didn't state it in the letter.

Ms. Heuber: Do you think we could ask Mike to, as of March 1st, tell them if we have not received anything it will be closed as a safety issue?

Mayor Hammon: Let me talk to a few people and make sure they are okay with that. It's a tough situation. Curt, have you had any updates from them?

Curt Cosby, Ragland Road: I guess the answer is, no. You know, I tried to help the guy out that was doing the speed study and when I spoke to him about a month ago he indicated that it was going to be wrapped up in about two or three days and I called him maybe a week ago and he thanked me for calling him because it had "fallen off his radar screen". So, I think that might show you the importance that he put to that. He then assured me that it would be finished in a couple of days.

Ms. Heuber: I don't think a reminder letter would hurt, do you?

Mr. Phillips: I don't think it will help.

Ms. Heuber: Shall we decide what the action is going to be and then remind him?

Mayor Hammon: Let me look into it.

Ms. Heuber: In the contract, I do remember, it is the developer's responsibility to move that. Now, is it Council's act to do it because of a safety issue?

Mr. Miller: Well, maybe what we can do and I'll look into it, is move it and assess the cost.

Ms. Heuber: That's what I'm saying, but as Council, I think we should have an end result before we get to March 1st and it gets prolonged again.

Mr. Miller: Let me see if we can do that, because I don't want to make a threat and then not be able to follow it through.

Ms. Heuber: Doug, if you can look at it and see legally what we can do versus waiting until March 1st, it will cut down the time frame.

Police Chief Zornes

Your December, as well as your annual statistical report, was in your mailboxes. With the heavy snowstorm, the Jeep did come in handy and got quite a bit of use. The only other thing I have, my committee chairman has in front of her.

Police Lt. Synan

No report.

Street Commissioner Charlie Siegel

I'd like to inform Council that there is a few items in progress, or will be. Larry Smith Contractors, that you hired to repair the drain on Little Dry Run will begin their work tomorrow. We are now trying to pump our storm drains out to keep them at a reasonable level. I have two pumps running all the time right now. We might be able to open the flood gate late tomorrow. I had three people, including myself, put in 34 straight hours behind the truck wheel. We are a small department and when we get a big challenge like we had, we seem to pull together and do the best job that we can do. There's always room for improvement, but I can assure you that my people put out 100% effort for the residents of this Village. I personally was out Christmas Eve and I felt my people had earned a day off. Sunday we were back out and we kept chipping at it. Of course, if people got their cars off the road we could have done a much better job, but, we did get the road open. Our hills were open and our accidents are down. With the equipment and people I've got, we've got a damn good department trying to do a damn good job.

Mr. Thomas: Damn good job, Charlie.

Mrs. McCarthy: Charlie, I also wanted to tell you that you and your crew did a good job taking care of the potholes on Little Dry Run. We had potholes one day and the next day they were filled in.

Mayor Hammon: Okay, we need to nominate a Vice Mayor.

Mr. Evans made a motion, seconded by Mr. Phillips to nominate Tracey Heuber as Vice Mayor. On roll call: Heuber – abstain, Evans – yes, Phillips – yes, Thomas – yes, McCarthy – yes. Motion carried.

Mayor Hammon: We need to nominate someone to represent us on the Tax Incentive Review Council.

Mr. Phillips made a motion, seconded by Mr. Thomas to nominate Keri Everett and Doug Evans to the Tax Incentive Review Council. Motion carried unanimously.

Mayor Hammon: The contract for the Building Commissioner should be in front of you. His contract has expired so we need to take action. Basically, it's a 2 ½% increase.

Mr. Miller: There were two items that came out of it from the copy that he sent me. That was a monthly visual inspection of current landfills and maintain a daily log of telephone conversations or office visits containing parties present and items discussed.

Ms. Heuber: I don't think that was ever done anyway, was it?

Mayor Hammon: I'm pretty sure he kept a log of telephone calls and when people come in.

Ms. Heuber: That's included in here then? And in the monthly report?

Mayor Hammon: We could amend it and see if he goes along with it.

Mr. Phillips: John, isn't that covered under Section G?

Mayor Hammon: Yeah, I would think so.

Ms. Heuber: So, we weren't getting it until recently anyway.

Mayor Hammon: I will remind you, the more you ask him to do administratively, the more it costs you.

Ms. Heuber: There's no problem with this, it was just are we getting a report for planning.

Mrs. McCarthy made a motion, seconded by Mr. Thomas, to renew Michael Cornette's contract agreement for the position of Building Commissioner. Motion carried unanimously.

Mr. Thomas made a motion, seconded by Ms. Heuber to suspend the rules. Motion carried unanimously.

Mr. Thomas made a motion, seconded by Mrs. McCarthy, to accept Ordinance No. 1-2005 appointing Charlie Siegel as Street Commissioner and Cemetery Sexton and dispensing with the second and third reading. Motion carried unanimously.

Mr. Thomas made a motion, seconded by Ms. Heuber to suspend the rules. Motion carried unanimously.

Mr. Thomas made a motion, seconded by Ms. Heuber to accept Ordinance No. 2-2005 providing for the employment and compensation of Legal Counsel and dispensing with the second and third reading and declaring an emergency. Motion carried unanimously.

Mayor Hammon: Committees? Wanna work through them?

Ms. Heuber: I would like to keep my committee.

Mr. Phillips: I'll keep human resources.

Mr. Thomas: I'll keep public service.

Mr. Evans: I'll do finance again.

Mayor Hammon: Debbie, we haven't heard from you.

Mrs. McCarthy: I don't know. I thought we could change it around and first of all figure out which committees really need the time and work that people could put into them to get things done.

Mayor Hammon: All committees need time and work if you're going to do it correctly to get the work pushed forward.

Mrs. McCarthy: There are some that need more, John.

Mayor Hammon: All committees do it. I could sit here and I couldn't think of a committee that doesn't require you to put time in to push it forward. That's the key part. We've talked about it. If you really want to push this Village forward and get moving we need to make a commitment to one another to show up, to show respect to our peers, and also support, and we could get things done so much quicker. That's the key piece we've talked about.

Ms. Heuber: Didn't you want parks?

Mrs. McCarthy: I thought we had to switch every year.

Ms. Heuber: We don't have to. You should really spend a couple of years on a committee to be well knowledgeable on it.

Mrs. McCarthy: Barry, I thought you wanted to give up human resources?

Mr. Phillips: I decided to keep it.

Mr. Evans: Barry, you want help with the web site?

Mr. Phillips: No, I think it will be okay. I don't know that we will keep the same web master, but, I'll be fine.

Mayor Hammon: A lot of people I've talked to about it is, again, the information is the responsibility of this council. We've got to get it to them if we want to keep it up to date. That's always been our problem.

Ms. Heuber: I think all of us are responsible. I think the lack of us putting forth a lot of the information is negligence on our part. The contract stated, and I think, maybe that needs to be looked at because didn't we have issues with that?

Mayor Hammon: We've never signed a contract.

Mr. Phillips: We did not have a contract.

Mayor Hammon: They have an offer that you can buy ten hours of service from them at a reduced rate which is what we ought to execute because you can save dollar amounts. It's a program where you can renew the contract after 8 or 9 hours of use at that given rate. So, you can roll them along and freeze the price at a reduced rate. If we're going to do updates frequently, this is something we've got to do. There are a couple other issues I need to discuss with people. Whoever walks away with Planning tonight needs to be on the Planning Commission for the year regardless of if we change committees down the line. We can't have that constant change. Whoever we name tonight has to stay on the Planning Commission for the entire year, regardless of the committee. It's too disruptive and it breaks continuity. If you commit to it tonight, you are there for the year. That's my opinion. These are the definitions, let's go through them. Tracey, you wanted Public Safety?

Ms. Heuber: Yes.

Mayor Hammon: Greg?

Mr. Thomas: Stay the same.

Mayor Hammon: Finance is Doug, Human Resources is Barry. Alright, Debbie?

Mrs. McCarthy: Well, then I guess I might as well stay with what I had.

Mayor Hammon: You want planning, alright.

Mr. Thomas: Can you go to the meetings?

Mrs. McCarthy: I go to all of them.

Mr. Thomas: You do?

Mayor Hammon: Yeah, she's there.

Mrs. McCarthy: Yes. I don't miss any of the meetings.

Mayor Hammon: She is also on the Board of Zoning. She is a conduit between the two. Alright, traditionally the first round is seniority first. The second round is in reverse. Anybody have any trouble with that? Doug, what committee would you like to sit on?

Mr. Evans: I'll sit on Planning.

Mayor Hammon: Debbie?

Mrs. McCarthy: Finance.

Mayor Hammon: Barry?

Mr. Phillips: Public Safety.

Mayor Hammon: Tracey.

Ms. Heuber: Public Service.

Mr. Thomas: Parks.

Mayor Hammon: Gary gets Human Resources by default. Okay back to seniority, Greg?

Mr. Thomas: Public Safety.

Mayor Hammon: Tracey.

Ms. Heuber: I guess I'll go Human Resources.

Mayor Hammon: Barry

Mr. Phillips: Public Service.

Mrs. McCarthy: What's left? Parks.

Mr. Evans: So which one did I get on?

Ms. Hueber: You are on Planning & Zoning.

Mayor Hammon: That's going to be a problem. He's already on those two committees. We need someone to change.

Mr. Phillips: I'll switch for Planning.

Ms. Heuber: Okay, Doug's back on Public Service with me and Greg.

Mayor Hammon: I want to do this to make sure my notes are correct. First person is Committee Head.

- Public Service – Greg, Tracey and Doug.
- Parks & Recreation – Gary, Greg & Debbie.
- Public Safety – Tracey, Barry and Greg.
- Finance – Doug, Debbie & Gary
- Planning, Zoning & Development – Debbie, Doug & Barry.
- Human Resources – Barry, Gary & Tracey

Mayor Hammon: I'm going to suggest you take your committee members and discuss with them and come up with a date and time you want to meet and we'll publish it. Fire Board Representative is the last thing we have to take care of tonight.

Ms. Heuber: Do we have to do anything formal again? Do we just say whoever is on Public Safety . . .

Mayor Hammon: We don't have to. If we're going to nominate, we should probably nominate you to make it official.

Mr. Evans made a motion, seconded by Mrs. McCarthy to nominate Tracey Heuber as Councilperson and Geoff Amann as Person At Large to the Fire Board for the calendar year 2005. Motion carried unanimously.

Councilwoman Tracey Heuber

Ms. Heuber made a motion, seconded by Mr. Phillips to suspend the rules. Motion carried unanimously.

Ms. Heuber made a motion, seconded by Mrs. McCarthy, to accept Ordinance No. 3-2005 authorizing the Mayor and Fiscal Officer to enter into a contract with Statewide Ford for the purchase of a Police Cruiser, dispensing with the second and third reading and declaring an emergency. Motion carried unanimously.

Ms. Heuber made a motion, seconded by Mr. Phillips to approve \$2,713.77 for Emergitech Inc. for annual software maintenance support for the Police Department. Motion carried unanimously.

Ms. Heuber: I guess I should give this to Barry. We had discussed OSYA and came up with a price of \$300 for them to have the soccer fields the week of July 4th – 8th. I did inform him that the fields are under construction. He is aware that he will only have the fields at these times. He was fine with the \$300. Does he need to put a deposit down?

Mayor Hammon: He should come in and put the \$300 down.

Ms. Heuber: I will have him mail in the deposit.

Councilman Doug Evans

Mr. Evans: Charlie, while you're still here, the one pot hole on Roundbottom Road is growing. It's going to swallow something pretty soon.

Mr. Siegel: Last time I brought that up, Brandstetter Carroll was there and Bruce said he would look into it and get back with you.

Mayor Hammon: Look into what?

Mr. Evans: They want the county to come pay for it.

Mayor Hammon: We had the agreement informally that the county would pay for the restoration from before the bridge out to the corporation line.

Mr. Evans: It's going to get to the point where . . . It's just getting worse and worse.

Mayor Hammon: Talk to Greg Flammer. I know Bruce, we talk to a lot, but, we'll get a bill for that. Greg will work with us on that, he comes from the county engineer's office.

Mr. Evans: One other suggestion, if Larry Smith's down there digging something out then maybe they can dig something out right there for a real small amount.

Mr. Evans made a motion, seconded by Mrs. McCarthy to accept the checklist dated 12/30/2004 and 1/11/2005 with the addition of Arch Wireless in the amount of \$140.53. Motion carried unanimously.

Councilman Barry Phillips

No report.

Councilman Greg Thomas

Mr. Thomas: The roof at Town Hall has been leaking, mainly in the back in the Police Department. Charlie had a bid to seal coat the aluminum roof coating. Pretty good material, pretty effective and guaranteed for five years. It's \$1890.00. Brandstetter Roofing, the same company that did Moundview.

Mr. Thomas made a motion, seconded by Mrs. McCarthy to approve \$1890.00 to have Brandstetter Roofing seal the roof at Town Hall. Motion carried unanimously.

Councilwoman Debbie McCarthy

Mrs. McCarthy: I have been noticing, and maybe it's from Rumpke picking up garbage, but the homes over here and over by Moore's Funeral Home, stuff that's fallen out of garbage cans. How do we clean that stuff up? I don't think our Maintenance Department should have to pick it up.

Mayor Hammon: That's a tough one.

Mr. Phillips: I think it's the responsibility of the property owner because if there is garbage on my property I clean it up.

Mrs. McCarthy: The next thing I want to ask is we had a resident come in here twice to use the copier for personal use; what should we do with regards of putting up a sign?

Mr. Thomas: I don't think we do it at all.

Mrs. McCarthy: Well, we should.

Ms. Hueber: Well, if we come in here ourselves we are supposed to pay for it. So, why would anybody let someone walk in here off the street and use it?

Mayor Hammon: Personal use shouldn't be happening but . .

Ms. Hueber: Did you catch them?

Mayor Hammon: She saw it and talked to me about it. We were going to put a sign up that said "Authorized Personnel Only" above the doorway. We have nothing to stop anybody.

Ms. Hueber: Was there anybody at the desk or did they walk past the desk?

Mrs. McCarthy: Yes.

Ms. Everett: No comment.

Mayor Hammon: Did you ask anybody to put the sign up?

Ms. Everett: I have not talked to Charlie but I think we should put a sign up that says "Authorized Personnel Only".

Mayor Hammon: We've talked about it in the past about putting a door up but it would be too cost prohibitive. People should not be just walking back here.

Ms. Everett: I think in this particular instance, a letter from Council and the Mayor is appropriate for this situation.

Ms. Hueber: I can't imagine someone just walking in here and using the machine.

Mrs. McCarthy: They did it twice!

Mayor Hammon: Well, we'll put a sign up and take care of the other issue.

Mrs. McCarthy: John, what's the status of trying to get a computer and furniture for the property maintenance guy?

Mayor Hammon: Did you talk to Don Pennington to get a PC for him?

Ms. Everett: Not yet. Mike worked on it today, he's working on the list. How it would work in there, what they would need, what they would like.

Mayor Hammon: I believe cubicles are appropriate. If they are both in there working and they're both on the phone or they have someone in here. I don't want to go to Staples and get something that's not going to last. If we do it, we should get something that is quality and is going to last in an office environment.

Mrs. McCarthy: Charlie, I wanted to ask you while you were still here, can you put our address anywhere out here on the building?

Mr. Siegel: That is being discussed. There has been no set decision made by Council.

Ms. Hueber: Well, I think what we should do is have a working session like we did before.

Mayor Hammon: We can do that.

Ms. Hueber: And call it maybe next Council meeting and work every other so that we have a working, so that we can pull together and see what we want to accomplish in this year and maybe so we don't waste time so that at least one meeting we have we get in and take care of business.

Mayor Hammon: You and I have talked about it. I think we need to refocus on what we want to accomplish and set out some goals and accomplish them. We did kind of a wish list, we need to bring focus back and push forward. I talked to John Russell last night at planning, he's going to try to evaluate the building. What could we do to try to improve. We need to bring focus back and set goals and try to achieve them.

Mrs. McCarthy: Well, can we go ahead and schedule that?

Mayor Hammon: If you want to make the next meeting a working session, you can simply do that.

Ms. Hueber: Okay, so our next council meeting will be a work session, then.

Solicitor Doug Miller

On the land swapping with Meridian, one of the things that Council needs to do is to make a motion to determine that you do not need this property for other public purposes.

Mr. Phillips made a motion, seconded by Mr. Thomas to make a determination and enter in the Village minutes that the property consisting of .973 acres that is part of Lot 20 of River View Subdivision, Block 2, Part 1 is not needed by the Village for use of a public highway, street, avenue,

sidewalk, public grounds, bridge, aqueduct, viaduct or in connection with any such purpose. Motion carried unanimously.

Ms. Hueber made a motion, seconded by Mr. Evans to enter into Executive Session to discuss personnel discipline, potential litigation and land acquisition. Motion carried unanimously.

Council entered into Executive Session at 8:50 pm.

Council came back into session at 9:10 pm.

Ms. Hueber made a motion, seconded by Mrs. McCarthy to adjourn the meeting. Motion carried unanimously.

Council adjourned at 9:12 pm.