

The January 25, 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: Tracy Hueber Barry Phillips Doug Evans
 Fiscal Officer Everett Solicitor Miller Debbie McCarthy
 Police Chief Daryl Zornes Police Lt. Tom Synan

Citizen Input

None.

Police Chief Daryl Zornes

No report.

Police Lieutenant Tom Synan

No report.

Street Commissioner Charlie Siegel

Not present.

Fiscal Officer Keri Everett

Ms. Everett: Our liability insurance expires Sunday so I need someone to make a motion to renew our liability insurance.

Mr. Phillips made a motion, seconded by Mrs. McCarthy to renew liability insurance with the Hylant Group for the annual dollar amount of \$32,254.00. Motion carried unanimously.

Ms. Everett: I have another concern. Council this year addressed the issue of their spending. It was revisited and you came up with \$1,000.00 and two signatures. I want more clarification because now what I see happening is Council is still taking something, and Doug I don't mean to be attacking you, taking the Roundbottom Road patch, doing this and doing that, so that it gets paid and passed in chunks. If you put the whole patch together it was over \$1,000 and I'm having a problem with this.

Mr. Miller: If you want me to comment, you can't break a project up to stay under . . . I don't know that there's any law because Council has imposed their own restrictions on themselves on spending, I don't know if there's anything in particular dealing with that. What I can tell you is, you cannot break a project up to stay under a bidding amount. If you've got a project you're working on, you have to look at the entire project. You can't break it up.

Ms. Everett: And it wasn't meant to avoid a bid, that was not it, but what I look at is, I have the auditors looking at my stuff and they look through the minutes to see what was approved, who approved it, when it was approved, when my purchase order was dated, I'm not going to put. . . and they've got the ordinance that says under \$1,000.00 and two signatures and then you've got this project that adds up to over \$1,000.00. I will not put my butt on the line anymore. If something like this comes to me, I will not approve a

purchase order. You guys have to decide what you want. What I sat here and heard was you didn't want anybody to be able to do this and you put something in place but it's still not being followed. So, this Council needs to decide what you want to do and what your intentions are with it. If you think it's an emergency and it can't wait for two weeks until the next Council meeting to take it through the proper procedures, if you think it's an emergency, then it gets turned over to John. And it's John's decision whether it's an emergency and if he determines it's an emergency then he's the one that's taking full responsibility for it.

Mr. Evans: Well, I hear where you're coming from, okay? And Charlie called me and said they're doing the Little Dry Run catch basin. He said they're there, can they do it? He had a locked in labor price, okay? The blacktop came from Barrett, it's the only place that was open.

Ms. Everett: I understand that, but, you're missing my point. The labor was around \$900, the hot patch I didn't even have a purchase order for it because it was over \$500 and Charlie couldn't sign for it. You were well over \$1,000, all for the same project.

Ms. Hueber: I think Doug probably just, he was trying to do what was right by involving Charlie and not knowing that because it was exceeding the total amount it was exceeding you could have gone to John, John would have signed off on it and we wouldn't have this issue.

Mr. Miller: It sounds like to me it was fairly innocent just trying to get the job done and not understanding how it works.

Mayor Hammon: What she's saying is you put a policy and procedure in place to follow and it wasn't followed. That's what she's bringing to us.

Mr. Miller: If you don't like it, change it.

Ms. Hueber: It really wouldn't have mattered if we had two signatures or gone to John, it's just the procedures that we have to follow for her audit's sake and for Council so that one person doesn't overspend.

Mr. Miller: As long as it's under a bid amount.

Ms. Everett: Right, you can split it up the way you did. The problem is that the total project amount is over \$1,000. And Charlie knew that before they even started. He knew it was going to be over \$1,000. That's when I contacted John.

You can do it the way you did, however, you can't do it. You have to wait until the next meeting or contact John in an emergency. Do you understand what I mean? It's not the way you split it up, it's the total amount.

Mr. Evans: I understand what you mean.

Mr. Miller: Is this a one time thing or does Council have a problem?

Ms. Hueber: She's bringing it up because it has been a problem from different people on here.

Mr. Miller: Consider yourself all chastised and start following the policy.

Ms. Everett: Well, if you want something different then change the policy. I've asked Doug to approved two checks. I've been waiting on time from John Williams but I have to get the PERS report in by the end of the month so I've asked Doug to add and approve two checks and I just gave a "not to exceed" amount so I can get them in by the end of the month.

Mr. Evans: And what are those two checks for?

Ms. Everett: For PERS; one for the employer's portion and one for the employee's portion.

Councilmember Tracey Hueber

Ms. Hueber made a motion to approve an amount not to exceed \$2,823 to Quality Hydrant for repair of the fire hydrant by the golf path at Ivy Hills.

Mr. Evans: Tracey, where is this at?

Ms. Hueber: Asked Tom.

Ms. Everett: He said he can see the ground all around it like it's been hit or moved.

Mr. Evans: Well, this doesn't "just" happen. Is this close to the road or did a golf cart hit it? I have a hard time with the Village spending \$2,800 . . .

Ms. Hueber: It's like a hit and run.

Ms. Everett: Well, if you don't know who did it there's not much you can do about it.

Ms. Hueber: Does it look like a golf cart hit it?

Lt. Synan: No. It doesn't look like that at all.

Ms. Everett: Oh, I know what we talked about. We were wondering if when it snowed and they went to plow and maybe all that snow was pushed up.

Lt. Synan: The paint was not chipped and there was no tracks in the grass. It's like someone just took it and pulled it up.

Mr. Evans seconded the motion. Motion carried unanimously.

Ms. Hueber: I've got a letter from Captain Marcks about the hydrant on Debolt. He also gave me the suggested bill. The actual replacement cost of that hydrant was \$10,099.07. I've asked them to give me a detailed letter and it states on here that as requested on the 29th they submitted this estimate. They are stating that they don't feel it's a safety issue to cover the cost of \$10,000. They feel that they've got the same amount of pressure they can get it from other hydrants. It says if the Village Council agrees with this decision, the Fire District will make all the necessary notifications. It is unknown if there will be any costs associated with getting this water valve capped. I think we need to decide since we have a letter from them and they seem to be the specialists at this, what do we want to do?

Ms. Everett: We need to keep in mind that their contract states that if something happens they're not liable.

Ms. Hueber: It's our call. Legally, we have sufficient fire hydrants in the surrounding areas. We haven't had one there for seven years.

Mr. Miller: Is there a hydrant there that doesn't work?

Ms. Hueber: It's capped. It's totally gone.

Mr. Miller: Does there need to be one there under whatever standards there are?

Ms. Hueber: They are stating no. That's why I asked for the letter because as a Councilmember I did not want to take responsibility.

Mr. Miller: So, not having the hydrant is within whatever requirements.

Mr. Phillips: So, then why was it there in the first place?

Mr. Miller: So, it's capped off now?

Ms. Hueber: It's actually capped off at the service but I think they need to go down and totally secure it.

Mr. Miller: Can it be reopened if there is further development?

Ms. Hueber: I'm sure it can be.

Mr. Miller: I don't know what the standards are but if you are within the standards, then you are meeting the standard.

Ms. Hueber read the letter from Captain Marcks, LMFD.

Mr. Miller: Are they are saying it's actually within the standards?

Ms. Hueber: Well, I would hope that at the time this letter was written it was within the standards.

Mayor Hammon: Make a copy of that.

Mrs. McCarthy: I think we should all have a copy of that.

Mayor Hammon: Let's table this for tonight and we can bring it back up next meeting. Can we do that?

Ms. Hueber: Well, I have a meeting tomorrow night. Do you want me to ask them to make sure this is standard?

Mr. Miller: Who handles that?

Ms. Hueber: Captain Marcks.

Mr. Miller: Why don't you ask him to call me so I can found out where this standard is. I'd like to see it.

Ms. Hueber: Okay.

Ms. Heuber: We approved \$300 for Jack Hermans for the Soccer Camp that goes on and he brought it up to Keri and forgot to bring it up to me that with it he does a mini camp from 5:30 to 8:30 pm, June 6th through June 10th. He thought he told me because he always has done that. Can we go ahead and just allow him to use it for that period of time? He's not using the whole field and for us to charge another \$300, I think it's pretty sufficient.

Mr. Evans: Newtown kids are in it too, right?

Ms Heuber: Newtown kids are in that one. This one happens to be a Montessori school, Mercy St. Cecilia Montessori School.

Mr. Evans: It's only for a couple days?

Ms. Heuber: Yes. Does anybody have a problem with him going ahead and securing those dates?

Mayor Hammon: I don't care.

Mr. Evans: Fine with me.

Mayor Hammon: I assume he reserved the fields for the day.

Ms. Everett: Doug, Tracey is under the impression that we have some sort of paper that they should. .

Ms. Heuber: Well, remember when Anderson Youth Football, this was years ago . . . Do we have something that was. . . that we could . . . I think I just used a form stating that . . . and you just said draw up a form, it wasn't an official form, stating a name and I thought that's what we still did.

Mr. Miller: Finish a sentence. Is it a permit form you're talking about? That we give them to say . . .

Ms. Heuber: No, we don't give it to them. We just fill out a piece of paper. I told them to come in. I thought when you reserved a park you came in and gave your name and

address, the way you paid for the thing, and you filled the thing out like that. We obviously don't have that when we're reserving the fields. Should we?

Mr. Miller: Yes. Otherwise, how does anyone know when someone has reserved the park? Or how does someone know, when somebody comes in to rent it, how does Caryl know you told someone, or whoever does it, Keri or . . .

Mayor Hammon: We used to do that years ago. We issued a permit to whoever reserved the field.

Mr. Miller: That's really what we should do because if they're on the field and here comes someone who says "I live in Newtown and I have a right to be here" that gives them something official to look at.

Mr. Evans: Even those message books, you can give them a copy and keep a copy.

Ms. Everett: Just generic information, nothing like they hold us harmless, yada, yada, yada, talk.

Ms. Heuber: Just a reservation saying I reserved the park, I paid \$300.

Mr. Miller: When somebody rents it from us, do we do anything other than take a check from them?

Ms. Everett: Not for Moundview.

Mr. Miller: We ought to have a rental form.

Ms. Heuber: That's what I was thinking. I think anytime, we should do it for anyone who rents a park in any shape or form.

Mr. Miller: Can't we just put something together? Something simple?

Mayor Hammon: We have to stipulate he's renting the fields, not the park.

Ms. Heuber: Okay, as long as we're okay with that. We should all be getting letters from the third grade at Mercer Elementary from the presentations I made to them. I do go to the Mayor/Vice Mayor meeting in Sharonville. There was something, Mr. Brinckman is trying to get the support in his area regarding repealing prevailing wages.

Councilmember Doug Evans

Mr. Evans: Any questions on the checklist?

Ms. Hueber made a motion, seconded by Mr. Phillips to approve an amount not to exceed \$2,000 to advertise for the land swap at Meridian. All aye, motion carried.

Mr. Evans made a motion, seconded by Ms. Hueber to approve the checklist with the addition of two checks to PERS not to exceed the amounts of \$2,000 and \$3,200. All aye, motion carried.

Councilmember Barry Phillips

Mr. Phillips: There will be a Human Resources meeting on February 21 at 7:00 pm to discuss personnel practices. Mr. Miller will be present.

Councilmember Debbie McCarthy

Mrs. McCarthy made a motion, seconded by Mr. Phillips to approve an amount of \$1,760.20 to Don Pennington for installation of a computer in the Building and Zoning office. All aye, motion carried.

Mrs. McCarthy: Gary and I switched committees and I am now the chairperson of Parks and Gary has Planning.

Solicitor Doug Miller

Mr. Miller: I talked to Gary and there is nothing to indicate that he is not still a resident of Newtown. Temporary absences are allowed. He said he would be at Council in two weeks and he will let us know if he will be in the Village permanently or not. The factors I asked him about indicated he is still a resident.

Mayor Hammon: We got an article in the *Forest Hills Journal* last week about Greg Flammer, hopefully everyone saw it.

Council adjourned the Regular Council Meeting and entered into a Planning Session.