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The May 10, 2005 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.

**Council Members Present:** Doug Evans Tracy Hueber  
Debbie McCarthy Ken Pulskamp  
Greg Thomas

**Fiscal Officer:** Keri Everett  
**Police Chief:** Daryl Zornes  
**Lieutenant:** Thomas Synan  
**Solicitor:** Doug Miller  
**Street Commissioner:** Charlie Siegel

**Mayor John Hammon:**

Last Council Meeting we tried to pick a new council member and I have had a very busy personal two weeks. I was unable to do it but I did survey council's opinion and feedback. We are not prepared tonight to appoint anyone, it is a tough decision with so many qualified candidates. I will take the next few days to do follow-up interviews with people to make a decision and I will have that individual present at the next council meeting. It is just one of those things I was not able to finish and I apologize for that.

We have a few people here who would like to go first. Jack Kripper, he is a representative with Meridian Bioscience. He is here to answer a few questions. Jack, step up to the microphone and we can open it up to the floor.

**Mr. Kripper:** How much time Mr. Mayor?

**Mr. Hammon:** Let's keep it to about ten minutes.

**Mr. Kripper:** That should be no problem. First of all, I want to thank those for showing up tonight. I want to give you a little background on the company. We have been here since 1977 and when Paul Luken in 1986. Meridian actually invented the first ten-minute strep throat test. On the basis of that, we began to march into the rapid diagnosis of infectious disease. Today, we represent about four hundred people around the world and right here in Newtown about two hundred and twenty-five people. Last year we did about 80 million dollars in sales. We are dedicated to the rapid detection of infectious diseases so that people can be diagnosed more quickly and treated more quickly and they can get better sooner. That is where we are today and we are expected to do close to 90 million dollars this year. We are growing at a rate of double digits of 15-20 % year over year. Those are not promises but that has been our history. I want to take a moment to talk about what we work on over here and I am going to talk specifically about the Cincinnati and Newtown operation. All of our diagnostic test kits manufacturing is done here in Cincinnati. Nothing in our diagnostic test kits is dangerous, it is all killed and attenuated and are perfectly safe. These are shipped to laboratories, either hospital-based laboratories or reference laboratories and in some cases doctor offices for very simple tests. We do not test for anything exotic, these are the types of diseases you would find virtually anywhere. Things that affect children; pediatric diarrhea for example, strep-throat, gastric infections like stomach ulcers. Those are the types of things we go after and we have a whole variety of technologies that will help address that. A very small part of our business is supplying the proficiency providers. These are companies that send down unknown samples to professional laboratories. It is the professional laboratories job, (for example Anderson Mercy) to test and identify what the pathogen is in that sample. Everything we work with is "potentially" dangerous and we do it under very controlled conditions. We are trained Scientists, governed by regulations. The materials that go out have to go out live and are shipped under all the appropriate shipping conditions. Which is the same if you send a tube of your blood to a reference laboratory. Because if you send a tube of your blood, no one knows what is in that. It could be hepatitis, it could be HIV and it could be a variety of things. It all has to be handled as if "potentially" dangerous and we have great respect for any human sample or any bacteria we work with. In this particular case, we have been providing these proficiency groups these samples three times a year for over twenty years now. First a company we acquired and then Meridian in 1998. The samples we send out are governed by CDC and World Health Organization rules as to their bio-safety class. This particular situation was a strain of "A-Fluenza" that has not been seen in the public since the 1950's. Now this particular strain is a BSL2 bio-safety level. All influenza are BSL2 samples. Now, we may send out this strain called the "Japan" strain which we treat with the same care as the Shanghai or Taiwan strain – which we have also shipped out in the past. The problem we have all run into is something called "Bio-Terrorism" which is now a part of our life. Unfortunately, the way the samples were handled before the laboratories, and I am not talking exclusively about Meridian, it could be hospital laboratories, manufacturing laboratories and the way samples were handled before were handled on a perfectly adequate safety basis, no longer is adequate because everything has to be tracked so the crazies don't take these things out and blow them up in their kitchens and do something insane with them. I want to assure you that everything that goes on in that building is safe. The people are well trained. You have probably read that the Center for Disease Control and Ohio Department of Health have come in and gave us a clean bill-of-health. I think the media said "we have done nothing overtly wrong". But as one of the message boards said today, it is not as if they were going to say "we did everything overtly right." There is so much invested in this story with the media getting a "hold of it" that Meridian said "all we want to do is assure everybody that we did everything according to regulations and back away from it and let things simmer down – and that is what we did! But to Newtown, we are very proud

to be in this town and are very proud of the people we have. You should know that while we are professionals, that nobody over in that building was born with a silver spoon in their mouth. We have all worked in laboratories, we've all swept floors, we've manufactured goods, sold goods, distributed goods. We've packed packs and that is the type of people running that are running that business over there. We are regulated by at least eight different agencies and we are in good compliance with all of them. So Mr. Mayor, any questions I would be happy to take them.

**Mr. Hammon:** I have none unless anyone in the audience has any questions out there.

**Mrs. McCarthy:** Jeff, you had brought up a good question at the last meeting.

**Jeff Prugh:** The only thing I was wondering about was from time to time was regarding what type of security is in place?

**Mr. Kripper:** Well, everything in the building is pass-key protected and any live organisms are locked up. They are locked up and there is limited exposure to them. Again, I do not want to be flip about this because we treat everything as if it is dangerous. But you are at far greater risk walking into a day care center or a hospital. I'm perfectly serious about that. The number of bugs that are running around amongst all of us are far more dangerous than walking through Meridian. But, because this community is so important to us, I would invite any and all of you to come over. Come over and we'll put a coat on you, we'll put goggles on you and we'll take a walk through and you can see what we do. That is an open invitation and I really hope you take us up on it.

**Doug Evans:** Jack, what about your growth plan. Is there anything we as the Village can do or anything you'd like to see from us as council?

**Mr. Kripper:** Thanks Doug. The Village has been very supportive and as you know right now we are sort of "trimming the corner" and working on a land swap from the Richards building. The Richards building was probably purchased five or six years ago for expansion. Because of efficiency we've been able to add production volume as well as personnel. Our personnel is going up by about 10-11% per year in the existing space and we have not had to build on the Richard's property. The day will come when we are going to have to use that space. Because of our commitment, there is a lot of fixed investment here in Newtown. It's not the type of investment where you can hook up to a trailer hitch and pull it up into Clermont County. That stays here and one of the reasons we are efficient is because we have to use that small amount of space. So I thank you for the question. I think we're working on the things we need to work on but I will see in the next five years some expansion plans from a construction perspective on that space next to us.

**Ms. Huber:** Thank you.

**Mrs. McCarthy:** Thank you.

**Mr. Thomas:** I want to thank you and your company for working with us on the intersection changes up there, that really helps. The other thing, I support you and your business in the Village.

**Mr. Kripper:** Thank you, we're a team.

**Mr. Hammon:** One more question from the audience.

**Linda McCullen:** My question might be "What happened?" You know, just a very brief synopsis of what happened? Of what I heard is that Meridian had let two viruses escape.

**Mr. Kripper:** Right and that wasn't the case at all. But the story was out and running and there was no way we were going to get in front of it. Everything we did was delivered. When we put together a viral panel to send out to hospital laboratories we are told by our customer "we want you to select a flu strain, perhaps a respiratory (?) virus strain and we choose from a variety of ten to twelve strains that are all the same safety level. Now the strain that we pulled out the H2N2 which we also call the Japan strain, to us is every bit as dangerous as the Shanghai strain which is the one that has been causing flu throughout most of the United States. We treat them all with care and we ship them all with care. So we knew that we produced the Japan strain. What we didn't know was that the public health authorities, the World Health Organization and the CDC had been having conversations about what pathogens might be used by a bio-terrorist. So that type of communication never came to the manufacturers, the hospital laboratories, etc. Once that sample was out, then they began to realize that perhaps they should have acted sooner. Perhaps they should have communicated that out, but we didn't want to put ourselves across with the public health authorities because we are all trying to get the same job done. They were going to let labs with professionals that were trained to handle them. The analogy that I make is that "if you are in a hospital laboratory and you get a thousand samples in a day, where you do not know what is in them. You better be far more worried about that than a set of five proficiency samples that are coming in from Meridian Bioscience." You have to treat everything as if it is very dangerous. But everything that we did, we knew we were doing.

**Mr. Hammon:** I thank you for your time.

Charlie has asked if he can come forward quickly. He has some issues and wants to see if we have any questions of him. Mr. Siegel, please come to the podium. Audience does anyone have any questions about the road or any projects?

**Ms. Linda McCullen:** I just recently bought one of the new Ryan homes in Ivy Hills Reserve, but I have lived in this community quite a long time. So, I have seen it become an absolute mess downtown. As I drive predominately every single day to places like Louisville and stuff, the greatest part of my traffic jam tends to be in Newtown. It takes about twenty minutes going through town so obviously I think you have managed this incredibly well. I am curious about the transference of land that is happening here because like Meridian said that they were going to loose some of their space in other places. I was just curious about how all of that was going to work. I did read your most recent newsletter about your projects and stuff, so I felt quite cognizant of what is going on. Although, I am still a little surprised that you guys and the water board do not work more closely together to get all of these projects to be a little tighter.

**Mr. Hammon:** Well, I'm not sure what your question yet is. They did give us land and we gave them land back, it was a swap and no money exchanged hands. Same with the park district. We had to buy some land from down there for at Church and Valley for \$1.00

**Ms. Linda McCullen:** Are we planning on opening anything a little bit more ah, you know just to make traffic come through town quicker?

**Mr. Hammon:** Well, certainly the intersection that you are talking about is one of primary places the because of the lights being so close together has been the problem. Once we get that just one set of lights there will be one resolution to it. The other coming back in next year will have coordination of all the lights in the village tied together in time so once you get to the boundary, you should go to the next boundary without a stop. That's the whole plan. So there is an additional set of lights coming but that is not until next year when it is available to us from the state.

**Ms. Linda McCullen:** Okay, I have another thing but I am going to save it for later on. That might be for another meeting.

**Mr. Thomas:** Another part of the traffic is this construction up here has started to play a big role in traffic. That's just temporary though.

**Ms. Linda McCullen:** Yeah, we just wanted an idea if what is going on already.

**Mrs. McCarthy:** Thank you

**Mr. Hammon:** It's just time unfortunately for us. Anything else for Charlie?

**Mrs. McCarthy:** Charlie, if you are going to be leaving I was going to address this when it was my turn but with you here. Remember when you and I had spoken about the water fountain at Moundview park?

**Mrs. McCarthy:** Because we need to discuss this with Council as to what we are going to do about that.

**Mr. Siegel:** Well, Darwin is here and he might be about to enlighten you on it as well. As I had mentioned to you, it has already been moved once due to the fact the spring fell in that hillside and therefore fills up the catch basin or the french drain that is under it to drain it. With all the water coming off of there, I don't know what the answer is to be honest with you. I mean we can keep moving it and keep moving it.

**Mr. Thomas:** More drainage.

**Mr. Hammon:** What's the issue?

**Mrs. McCarthy:** It's not draining.

**Mr. Hammon:** I mean is it flooding the field or the basin muddy around it?

**Mr. Siegel:** No, it's just that the drain itself won't drain, the fountain itself won't drain cause the ground is full of water. We moved it up the hill higher thinking that would solve the problem and it did for approximately three or four years now. It has been fine, but it has sealed up again and I don't know what the answer is other than short of lifting that particular fountain. We haven't had any problems with the other fountain located at the bottom of the stairway.

**Mr. Hammon:** Yeah, there's a problem on this side of the hill

**Mr. Siegel:** Yeah, it always has been.

**Mr. Evans:** Charlie, did you come to ask about Andy?

**Mr. Siegel:** I just come to make sure if anyone had any questions.

**Mr. Hammon:** I asked him since he read the letter if he had any questions.

**Mr. Siegel:** That is the normal procedures in our personnel practices after the man served at least six months that he should be presented to Council.

**Ms. Hueber:** Greg is taking care of it. Charlie, I don't know if you're aware of it, but Jeff, I know you walked around. You know west of Leonard where there are two signs. The construction sign and then there is another directional sign. The sidewalk has some kind of water current that has gone underneath it and my foot drops down into it and up to my calf about this far and you can actually go under the sidewalk and come up on the other side. So if you are down there tomorrow or have your guys go look at it, it's a break your leg hole.

**Mr. Siegel:** How long has it been there?

**Ms. Hueber:** I just noticed it three days ago and then the homeowner, the guy that mows his grass there on the corner.

**Mr. Siegel:** Right

**Ms. Hueber:** He came and brought it to my attention and I went out to look it and I when I put my foot in it (I put my foot in purposely to see how far it went) to see how far it went and it goes all the way up this far.

**Mr. Siegel:** I wish you had contacted me when you found out about it.

**Ms. Hueber:** Yeah, well I just found out about it and I was busy. Ah, this was maybe yesterday so I'm just telling you now.

**Mr. Siegel:** You could have called me tomorrow too.

**Mr. Hammon:** Anything else? Talk about Miami Valley Christian.

**Mr. Siegel:** Yes sir. We were invited to Miami Valley Christian school Monday, the Mayor, myself and Chief of Police Zornes to talk about the possibility of coming up with some community service assignments for the school. They want to donate to the Village their last day of school, which is June 3<sup>rd</sup> with some projects in the Village. For example, possibly washing the cruisers, washing firetrucks and picking up and cleaning up the Village. As well as doing some work for some of the needy people in the Village. We had a nice meeting with them and came up with some ideas. I believe they are going to take us up on some of the suggestions we had and we are going to take them up on some of the suggestions they had and spruce up the Village that day.

**Mr. Hammon:** I'm not sure we gave them enough to occupy with all the kids they have. So, if you have projects you want to do you have to come forward with them. You can contact Mike

Hall and give him the list and they have to coordinate it with the school board. If you know someone who could use a hand raking leaves, putting mulch down. Those are the type of things they are trying to do. Working through the inner parish, they are doing some stuff through the fire department making contact with them. So if you have projects these kids can get into, that is what they are looking for. We gave them several to help with the parks. They are looking for a full day for kids to have work to do time. This is the whole school then they'll go back and eat lunch and go back and have a party afterwards.

**Mr. Evans:** Charlie, I'll be happy to give them the mulch if they are going to work on people's places around here.

**Mr. Siegel:** Yeah, that was one of their concerns having the tools and equipment and supplies needed.

**Mr. Evans:** Well, I could loan them the tools and give them the mulch.

**Mr. Hammon:** We're not sure what they need at this point and time. I will tell you that each group of kids that go out will have a chaperone or supervisor.

**Mrs. McCarthy:** We're just talking about June 3<sup>rd</sup>, right Charlie? What time?

**Mr. Siegel:** I'm guessing time school starts, roughly 8:00 – 9:00am. They're just doing this half the day cause the other half they will picnic.

**Mr. Hammon:** It's roughly 8:00 – 11:00 am. They will get the kids to two locations and finish giving out the pamphlets about the recycle bins in River Hills is one of the projects we gave them.

**Mr. Siegel:** The other thing I have would be the intersection up there at Roundbottom and 32 or Main Street. I have been in contact with Dave Stenger regarding not cleaning up very well after working up there late at night. As you all well know traffic is a hassle and they have been getting a lot accomplished. Matter-of-fact they have said something about maybe another week and they can start finishing that intersection up. Right now they are sort of doing the Water Works project on providing a new water main up River Hills. But they are not going to go all the way up the hill right now. I understand they are only going to go to the bottom of the hill and do out every street itself on Main Street east and west, approximately 100 feet both directions. Once they get the pipe in for that, then they can go ahead and start back on rearranging the intersection and getting the paving done and all that stuff. What I am trying to bring up tonight is that with them leaving a mess at night and next morning when traffic starts going through there; it is creating a lot of dust. As you all well know, believe it or not we do need rain right now and things are really dry. I approached Dave Stenger who is the over-seer for that project for the Village, on behalf of the Village, to communicate with them to see if they can't do a better clean-up job to keep that dust down because it is really getting bad. In case any of you have experienced that, I want you to know we are trying to work on that. Anything else?

**Mr. Hammon:** If no more questions, then thanks for coming. Okay I want to open it up to the Audience.

**Joan Waits:** I have two concerns. I was in the car on Saturday and WLW has a talk show. Daryl Marks is the program director and they were talking about sexual predators. Why with all the places they were talking about, he said, "there is a little town called Newtown who has five sexual predators." I was wondering is that current predators or was he looking at old information?

**Chief Zornes:** He is looking at the zipcode. Part of them are in Anderson township an part of them in Clermont County.

**Mrs. Waits:** Well, he did not. I will call and tell him to correct himself.

**Chief Zornes:** Sexual predators are listed by zipcode.

**Mrs. Waits:** Let me ask you about this. When a sexual predator comes into a neighborhood, how long of a time does he have to register?

**Chief Zornes:** Suppose to register, I believe immediately and then the Sheriff's department is responsible to notify the immediate neighbors.

**Mrs. Waits:** Well, when he moves into a residence how far around that home are the neighbors notified?

**Chief Zornes:** That I could not tell you cause it falls under the responsibility of the Sheriff's department.

**Doug Miller:** They have to notify on sexual predators that there is a lessor designation that the Sherrif does not have to notify the surrounding property owners. They are on the website.

**Mrs. Waits:** This talkshow went on for two hours and we were the only place that the gave a name. That just really upset me. But I have another concern. The home on the corner of Rio-Grande and Monogahela, I brought this up late last summer with the pool in the yard. It has no cover, the water is green as grass. He will not keep that gate secured. Across the street are two little children and I talked to the parents and they acted like it was my concern and that I should knock on the guy's door and tell him. I said "you're the parents and you have these children, I do not." One Sunday, I told Marty Stewart about it an he was going to take care of it and I brought it to Council one time down here and that gate has never been secured. Now, there is a tragedy waiting to happen here. Why he isn't made to keep that gate secured, I'll never know. I'm getting to the point, I live two blocks away. If he can't afford a lock, you let me know and I'll buy one for it. There is no excuse for this, it is wide-open tonight when I came down here. Twenty-four hours everyday, it is never secured.

**Lieutenant Thomas Synan:** It is not a criminal offense to have it opened so there is nothing the Police Department can do, it is more civil liability. We did talk to Mike Cornett, it is my understanding that he did speak to them. But there is nothing criminally we can do.

Well, is the Village different then the rules of Hamilton County? I think Hamilton county rules are you must have a fence and you must have a gate security.

**Lt. Synan:** And that is why Mike Cornett got a hold of him. What Mike talked to him about, I do not know.

**Mrs. Waits:** So, a Village is separate from a County ruling?

**Lt. Synan:** That is not what I said. I said "Mike Cornett talked to him and I do not know what Mike Cornett said."

**Mrs. Waits:** Oh, but he talked to the gentleman that has the pool? Real quick Tom, who do I complain to that a person has weeds "this high" in their yard?

**Chief Zornes:** What is the address?

**Mrs. Waits:** 7093 Monogahea.

**Chief Zornes:** All you have to do is pick up the phone and call Joan.

**Mrs. Waits:** You, oh okay. I did not know if it was Tom or you. Thank you.

**Mr. Hammon:** Step to the microphone and identify your self.

**Phyllis Ricardi:** Hi, I am Phyllis Ricardi and I live at 3490 Milljoy and I need your help. I need help with what is considered "reasonable" noise and time for my son to practice with his band instrument. We have had three calls and not my close neighbors. We don't even know who is calling. It is between 4:00 – 8:00 pm or after school. I do not let him do this after 9:00 pm, so I need your help.

**Mrs. McCarthy:** Isn't it from 7:00 am until 11:00 pm?

**Phyllis Ricardi:** I have the ordinance. So, the police came and they were very nice. They came and said they had to come and talk to us because someone did complain that it was at 4:00 pm the last time. So I need to know what is reasonable? **(Discussion about the ordinance)** Here is the ordinance. The ordinance says "what is reasonable." I need interpretation of what is reasonable and what is reasonable time. I checked with my neighbors in close proximity because I believe that.

**Lt. Synan:** Section B: In determining whether a noise is of such a character has to unreasonably disturb the peace and the quiet of community. A court shall consider the following factors: 1) Complaints of neighbors regarding the noise. 2) The time of day at which the noise takes place. 3) The intensity and duration of the noise. 4) The type of noise produced. 5) The alternate means available without excessive noise. Did that help at all or not? That is basically what we go off of when we enforce the law. Is the type of noise and if we have complaints regarding that noise. Generally, if we get a complaint we are going to come and say something to you.

**Phyllis Ricardi:** And they have, they have been great. But we have tried everything, so actually my neighbor went and talked to this third police officer and said "it's not a problem, we have an arrangement. He doesn't play after 8:00 pm now because we found out there is a two-year-old that lives up in the Fischer homes by the swimming pool that goes to bed at 8:00 pm on Monday nights. So we stop at 8:00 pm. The last complaint was 4:00 pm, he was practicing his drums cause he is in the Turpin drumline. So. I need help.

**Mr. Hammon:** I don't have the answer for you here.

**Jeff Prugh:** As a former percussionist, what type of drum is he practicing with?

**Phyllis Ricardi:** He has a drum set and he has tenors.

**Jeff Prugh:** I know they use to manufacture round type pads.

**Phyllis Ricardi:** He has done the pads, but by tonight he has auditions and the pads have to come off cause it is a different hit and they require a certain amount of force that gets put forth. So he has to practice with full force, but again it is in the confines of my home. I am actually a nurse and I am a hearing conservationist and it does not exceed the decibels. I have gone on line, I have pulled off ordinances across the United States. It is anywhere from 55 to 78 decibels and I have a sound level meter I have used and he is not exceeding that. So I don't know what else to do.

**Mr. Prugh:** He is not exceeding 55.

**Ms. Ricardi:** No, not at my property limit.

**Ms. McCullen:** I have to say last night, the sound from the road was exceeding 55.

**Ms. Ricardi:** And Brewer Cote and others so.

**Mayor:** If you talk from there, there is going to be a void in the tape so if you want to address you have to step up to the microphone. Darwin could you step up or yell out.

**Darwin Brooks:** Zoning, Tom are you reciting from our Zoning book?

**Lt. Synan:** No I am not reciting from it cause I have never read it. I am just saying that Mike Cornett spoke to the gentleman about the fence. It is not a criminal offense.

**Mr. Brooks:** Unless it has been modified. At one time terminology was that if it radiates outside your space.

**Lt. Synan:** No, I am not talking about that. I thought you were talking about the fence. No, that is a criminal offense, the noise. "Fence no", "noise" yes.

**Ms. Ricardi:** But it says "reasonable."

**Mrs. McCarthy:** How many people are actually complaining?

**Ms. Ricardi:** I have no idea. My son and my mother went around to every neighbor that was home on that day and no one had complaints. But I don't who was complaining or who fessed up. We are trying to be reasonable and considerate neighbors. Like I said "my close neighbors, there are five of us in the one building and no one had complaints." It has to be someone several yards away.

**Mr. Hammon:** I do not think this Council can resolve that for you.

**Ms. Ricardi:** So what do I need to do?

**Mrs. Hammon:** Hang tough, the Police department and I will talk about it. I understand the situation, but I can not say it is wrong until we get to investigate it.

**Mr. Prugh:** Is that our ordinance? What is the number on it?

**Ms. Ricardi:** It is (7-94) February 8, 1994. Like I say "I am willing to do whatever we need to, but he is a great kid, almost an Eagle Scout, straight A student at Turpin and this keeps him way out of trouble."

**Mr. Hammon:** Alright.

**Ms. Ricardi:** If I have a shift worker that needs to sleep in the afternoon, I just need to know that.

**Mr. Hammon:** Like I said "we can not resolve this here right now, we just have to investigate and see what we can do about it.

**Ms. Ricardi:** So who, what do I need to do next to find out.

**Mr. Hammon:** We'll just have to look at it and get back to you. We'll look into it a little more. We have a Solicitor here that will look into it a little bit.

**Ms. Ricardi:** Okay, do you need my phone number?

**Lt. Synan:** I'll take it from you.

**Mr. Hammon:** If you want to step back and give it to Tom, that way you won't have to announce it to the public.

**Ms. Ricardi:** I think Tom knows.

**Mr. Hammon:** Does anyone else want to address Council? Darwin step to the microphone.

**Mr. Brooks:** Darwin Brooks, Leonard St. Last week the issue with parking on city right-of-way, Tom said he would take care of it. This weekend it was a NASCAR outing, they had their tires off and working on them and nothing has happened. I was wondering if Tom has had a chance to look into it?

**Lt. Synan:** What was that?

**Mr. Brooks:** Leonard, on Crull street parking on the city right-of-way working on their car, appear to be NASCAR where they have had their tires off, kids in the street sitting on the tires and people couldn't get through again.

**Mr. Hammon:** I can tell you Tom doesn't work weekends, so the answer is going to be "no." Ah, Moundview Park. Last year the steps were near condemning. Civic League offered to pay for the footing. Council agreed that they would put that drain at the top of the hill to prevent that from washing out again. Greg, I think it was before you twice and the drain is still not in.

**Mr. Thomas:** I wanted to wait until they ran those two pipes, we can tie into those and save money that way.

**Mr. Brooks:** Okay, that was what? Five months ago.

**Mr. Thomas:** Yeah.

**Mr. Brooks:** Is anything going to happen before this summer?

**Ms. Hueber:** Why don't make it our goal and have it completed by the 5K.

**Mr. Thomas:** Oh yeah, that would be good.

**Mr. Brooks:** Now that pipe does not go over the hill, so what are you going to do?

**Mr. Thomas:** We're not going to run it over the hill. Thanks Darwin.

**Mr. Hammon:** Anyone else?

entire neighborhood for many years. The number one biggest problem since I moved into that house is the asphalt pond. I am just recovering from cancer and I have lived in the Newtown area for over twelve years and lived in Ivy Hills apartments six years prior. I am starting to wonder how poisoned I am being every day and now everyday when I open my windows my house smells like asphalt everything that thing starts up. I have already called the EPA a couple of times and I know there are suppose to be some long-term plans for moving that baby out of Newtown. I'd have to say the sooner you do that the better because now we are probably going to have about ninety residents smelling all of that rubbish every single day and the pollution coming out of it. I have to say it makes me very angry that I just bought a house in Newtown.

**Mr. Pulskamp:** I have been here forty years and it has been that way ever since I have been here. I remember it has been 3-4 years ago that Barrett actually came to the Village to a Council meeting and they were actually given a reward for one of the cleanest plants in the state.

**Ms. McCullen:** You know if you can smell it, you are being polluted. I'm ready to bring them down and have some test equipment out there because it is every single day in the summer. You can't open your windows.

**Mr. Pulskamp:** Newtown has been born on Industry is what I will tell you. I live right behind you up on the hill, I mean directly behind you and I smell it everytime I walk out my back door. I chose to live here and I put up with it.

**Ms. McCullen:** Ironically, I never use to smell it when I lived at the apartments.

**Mr. Pulskamp:** It's smelled like that for forty years, sometimes worse.

**Ms. McCullen:** It is really bad where we are, it is ten times worse and literally can fill the whole house with the smell of asphalt. Because I was on the backside of the hillside I didn't have that direct thing coming in but, it is a very unhealthy thing to have it especially in the center of any town. I believe there are there plans for moving it?

**Mr. Hammon:** They have not talked to me about it. We have talked potentially down the road development wise. But at this point and time it is so far down. I have lived here for fifty-nine years, my whole life and I don't remember that plant being anywhere but right there. You have to remember that plant sits next to the gravel pits and that was all gravel pits

**Ms. McCullen:** I realize that.

**Mr. Hammon:** They were close to resources and that is why the plants were there.

**Mr. Thomas:** Those resources have dried up and my opinion eventually they will be moving closer to where their suppliers are. They recently moved all of their office workers out.

**Mr. Hammon:** That's Barrett, not Brewer Cote.

**Mr. Thomas:** Is that Brewer Cote only then?

**Ms. McCullen:** Well both of them. Before they built that other set of houses in front of me, the noise was terrible also backing up vehicles at nighttime. They were often running every single night last year in the summer.

**Mr. Hammon:** Most construction is at night time with big projects.

**Ms. McCullen:** I think the thing you need to take into consideration is you have ninety new homes coming in there. The traffic is in unison with that and now with these new homes, which

do you want to have? Do you want new homes that will bring in some nice taxes or a stinky smelly business.

**Ms. Hueber:** You can't run a business out.

**Mr. Thomas:** Since I have come on Council, we have changed the zoning to discourage that type development in the future. We're with you, we understand.

Ms. Hueber: I think what he is saying that they have been changed that if they move out, another company of that type can't come in, so once they leave, am I correct?

**Mr. Hammon:** We have tried a few things in the past, basically with the court and arbitration is we couldn't put them out of business.

**Ms. McCullen:** No, I don't want to put them out of business.

**Mr. Hammon:** We tried to put some restrictions on them if any damage that they couldn't rebuild and we lost that case. In fact they can put in a gravel mine there because that is what it is zoned for and that is part of the agreement. So, I hear ya and I understand it, but right now there is not a whole lot we can do for you.

**Ms. McCullen:** That is okay, I mean I can follow-up on my side from just having the EPA to see if they really are keeping to the level

**Mr. Hammon:** I can tell you the EPA has been out \_\_\_, they did it, yes out to the valley, this is probably the most polluted smelliest area out there. They have worked hard with Senco on Broadwell Rd. to clean it up. It's not that way anymore. The last one I saw.

**Ms. McCullen:** The person I talked to said they had no actual real test that had been approved to test on how polluted it was.

**Mr. Hammon:** It's been a while since they did it. I couldn't lay my hands on it, I've been here on Council twenty years so it came before Council one time.

**Ms. McCullen:** As much as anything, I just want to let you know if we could encourage them to change location, to where they are not where all of these residences are. If we have another piece of land that we could offer to them, might be something that one could consider.

**Mr. Hammon:** You know I understand your feeling. But I say the developer understood when he developed it, because he talked about it to. He had the same issues but he went ahead and developed it.

**Mr. Evans:** The problem we get is there is Industry and there are people living here. Everybody wants to be the last one to move into Newtown and close the doors and not let anyone else come in and they want to tell everybody else what to do with their property. That is a hard thing to do because they have been a good tax-paying customer who live there. People use to live around here and some still do and work at that plant. So we have to look at everything you know and they do have one of the cleanest asphalt plants around as far as the reports I have read. You are getting ready to go into a big construction season and like the Mayor mentioned, a lot of the work is done at night. You have one government agency saying you have to have the back-up alarms and residents do not like to hear them.

**Ms. McCullen:** I know, it is noisy.

**Mr. Evans:** I know, but if they take them off and OSHA finds out then they get fined for that. So we are trying to work together as a Council to keep as many good businesses here that do pay taxes and have been here for a long time and still the people that live here to value what their noise and everything is. Most of these companies around here are really good to work with.

**Ms. McCullen:** Oh yeah, they are excellent.

**Mr. Evans:** Even Meridian Diagnostics and even Sunesis, the other day I was way up on the hill and all I heard was that backhoe busting that concrete, pound pound pound. I talk to those guys when I go home and in the morning cause they are working the same shift and they understood. They went and got another kind of saw and cut it deeper so they didn't have to pound so much the next night. So most of the time, these people try to work with us.

**Ms. McCullen:** It's different with road work you know you just have to put up with it. Obviously you have to two choices there. It is very noisy at night for the last few nights because they have started working there. We know to shut the windows and just put up with it because obviously it is not something that is going to last forever. There is a big difference between some of the noises going on and actually feeling like you are being polluted. Especially, there is really quite a high rate of breast cancer and stuff in this area. So you kind of think, well what is causing it. Is that one thing that is causing it. It's something that one needs to pay attention to, so I am bringing it to your attention because if I feel I am being physically polluted or poisoned by it. That is scary to me. Especially to someone who has just bought a home down there and of course when I bought the home they hadn't started up. So, buy the home, start it up. I was fully aware of it I didn't feel like it was polluting to its highest level. I'm judging my form of pollution by the fact that I have noxious gases in my house. So, yeah I can my windows for the rest of my life and keep everything shut-up but that is not really a healthy solution. I still have to go in and out of my house and I still like to sit outside in my yard occasionally. So, just bringing it to your attention I know I have other avenues to work on this and I was just curious. What I have heard from other people is just rumors so far so I wanted to hear your side of it and I appreciate it. Thank you.

**Ms. Waits:** I have been here fifty years, same as Kenny and don't take me wrong on what I am going to say. People buy homes by airports and complain of the noise of the jets. People buy homes buy 275 and complain to the government to build sound barriers. So what you do in those cases, you can't close the airport down and you can't make people move from 275 and we know it is here, so I'm sorry. It's here and you are here. I know what your position is cause we just lost a family member to breast cancer. But, I mean you know it's here so the only alternative is you buy someplace else.

**Mr. Hammon:** We're working to see if there is a solution, but nothing in the near future.

**Ms. Hueber:** Jeff, you want to step up front. I want to introduce Jeff Teresan. I met with Jeff and some of the team leaders from the Greater Cincinnati Worship Center, which is the church that is

built right up on 32. They are kind of like in limbo up there. They are very interested in becoming active with the village of Newtown with doing different things and helping in different ways. We discussed a few things like maybe I could introduce them to a couple of people on the Civic League. They would like to do something like a kite-flying contest or do some booths and do some free public work. Maybe like at the park the same day as the 5k to where they could do something annually to get all of the kids involved and to do things. I kind of walked them through you know that we need to bring some things to Council. Maybe they can hookup with the Civic League to maybe get some things going. This is Jeff and he wants to maybe do a community grill-out or do concerts or tournaments and how you go about leasing the fields and things like that. So they are going to work on that and he came and brought a fruit basket which was very nice. It has all kinds of goodies in it. One is for the Police Department and one is for the Fire Department.

**Doug Evans:** Where is Council's?

**Ms. Hueber:** They offered Council one something, but I'm sorry Doug, but I said it had to be all chocolate. They did and so I have another one, but they just want to do something nice for the community and start getting involved. Because they are in the middle so I was just going to open the door. Darwin Brooks back there is a contact for the Civic League. You can talk to him about that and then just use it in network.

**Mr. Teresan:** Well you pretty much stole my speech. But like Councilwoman said we are out there in limbo right off 275 up on the hill, we have the big barn on the hill. We've managed to increase membership in our church and we would really like to get out and meet our neighbors and stop being the reclusive people on the hill. If there is anything we can do for the Council, Chief, if there is anything we can do for you or the Fire Department, please let us know. On the other hand, we will also be bringing things to you that we would like to do to have community events that we could host or sponsor and try and get involved with the community of Newtown.

**Mr. Pulskamp:** Does everybody know where they are located? They are the new church that is directly past the horse barn up on 32, they are actually in Anderson Township.

**Mr. Hammon:** One of the big thing that comes up every year is we have the 5K race, 2<sup>nd</sup> Saturday in August. They are always looking for help so I suggest you get with them and probably they could use you.

**Mr. Brooks:** Tomorrow night at 7:00pm at Moundview Park.

**Mr. Teresan:** Thank you sir.

**Ms. Hueber:** I'll take this to the Fire Department and they'll appreciate it too.

**Mr. Hammon:** Anyone else want to address Council? I want to announce "no audience participation at this time."

I have a proclamation on behalf of the Police Department. I'm going to read this so bare with me so it goes into the records.

**village of newtown, Ohio**  
**PROCLAMATION**

*Whereas*, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

*Whereas*, the members of the Newtown Police Division play an essential role in safeguarding the rights and freedoms of the Village of Newtown; and

*Whereas*, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

*Whereas*, the men and women of the Newtown Police Division unceasingly provide a vital public service;

Now, therefore, I, Mayor John R. Hammon of the Village of Newtown, Ohio, call upon all citizens of Newtown and upon all patriotic, civic and educational organizations to observe the week of May 15-21, 2005, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Newtown to observe Sunday, May 15, 2005, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

*In witness thereof*, I have hereunto set my hand and caused the Seal of the Village of Newtown, Ohio to be affixed.

**Mr. Hammon:** We have talked about a past couple of issues here in work session. I really think you might want to consider next Council meeting being a work session. Bruce is planning on bringing everything back to us including the land swap ordinance for that. We have to do the parking lot and everything else. So he will take a tremendous amount of our time I anticipate at the next council meeting. Unless anybody has any desire to, otherwise I think at that point and time we really want to start making it a working session, so focus on that. Any vital issues need to come forth so we can it a quicker meeting. The other question I have is we have talked about

is "what are you going to do about the second meeting each month in the summertime?" Do we want to do away with them or keep them?

**Mr. Thomas:** Do away with them.

**Mr. Hammon:** It's open for discussion. If you want to do away with them, someone needs to make a motion when it is their turn.

**Mr. Thomas:** We can always meet with we have some items to discuss.

**Mr. Pulskamp:** I don't think we should because of everything going on, I think we're going to need them just in case.

**Mrs. McCarthy:** I agree.

**Mr. Evans:** How many months are we talking John?

**Mr. Hammon:** June, July and August

**Mrs. McCarthy:** Greg, I don't think that is right. All of us accept our seats and we know we have two meetings a month. That is what we get paid to do and I think we should do it! You adjust your vacation accordingly.

**Mr. Hammon:** I think it could be achieved, but I can tell you last few years we have not had the Council meetings that were scheduled because people were not showing up. People were going on vacation so it was very difficult and we were still having two. But one would be canceled at the last minute.

**Mr. Miller:** Long as you show up, fine. Although it just seems like you're here twice as long. Last year or the year before we went two months without having a Council meeting.

**Mr. Evans:** Then let's have the June.

**Mr. Hammon:** I'll try and bring it up the first meeting in June to see how you feel about July and August. Alright, I'll leave it that way for now.

**Ms. Hueber:** We'll see how much we can get accomplished. Because two, we're going to bring a new person in and that time we're going to have five meetings.

**Mr. Hammon:** I'd like to have a second session about land acquisition. Mr. Miller.....

**Mr. Miller:** I have a bunch of stuff. I'll let Debbie take it, but you should have a copy of the amendment to the contract with Little League. They requested they be allowed to move to the park one time. So I have prepared that amendment.

**Mr. Pulskamp:** We have nothing.

**Solicitor Doug Miller:** I have an ordinance here that I will pass out that is adopting the new international property maintenance code for 2003. This is what I am passing out now. The code adopted two years ago was a 2000 code that has since come out with a new code of 2003. It is essentially the same, we have made some changes. Probably the biggest change request was probably by Lt. Synan that "we change the penalty from a minor misdemeanor to a misdemeanor of the fourth degree that is punishable by \$250.00 fine and thirty days in jail. We found that \$150.00 fine and misdemeanor wasn't enough to people's attention.

**Ms. Hueber:** So both of these have to be read?

**Mr. Miller:** I have another ordinance of you want to do this one now or wait. Do you want to get this property maintenance code out of the way.

**Ms. Hueber:** Let's get do it and get it out of the way. Might as well, he has it in his hand. Go ahead and read the guidelines.

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

**Ms. Hueber made a motion to adopt Ordinance #15-2005 An ordinance approving and adopting with modifications the International Code Council, Inc. International Property Maintenance Code/2003 as the Property Maintenance Code of the Village of Newtown, and dispensing with the second and third readings. Mr. Thomas seconded the motion. All Aye. Motion carried.**

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

**Mr. Thomas made a motion to adopt Ordinance #16-2005 An ordinance amending the salary ordinance dispensing with the second and third readings and declaring an emergency. Mr. Puskamp seconded the motion. Ms. McCarthy-No, Mr. Thomas-Yes, Mr. Evans-Yes, Mr. Puskamp-Yes, Ms. Hueber-Yes. Motion Carried.**

**Don Stringfield:** Mr. Mayor, is the information involved with this decision ever going to hit the light of day in the village of newtown?

**Mayor Hammon:** What information would you like Don?

**Mr. Stringfield:** I'd like to know all!

**Mr. Puskamp:** It's been public every meeting.

**Mr. Mayor:** The problem of it is the conversation has been here and I'm going to defend what he said. Everybody in this audience just walked out and it came to discussion with no one sitting in the audience about it. That's been two or three weeks ago.

**Mr. Stringfield:** I understand you had a wonderful time critiquing the audience that night and I must warn you that is a very dangerous thing to do. We're the citizens and you work for us.

**Mr. Mayor:** We made it an open meeting and this audience left before the discussion came up and it was discussed at the table. You can come and listen to the tapes there was no secret.

**Mr. Stringfield:** My question was a very simple question. When is it going to hit the light of day and why isn't there information published in the local newspaper about this very defiant act? I'd still like to know "whose man this is?" Because we are buying into it.

**Mr. Thomas:** You're looking at all of them.

**Mr. Evans:** Everybody here agrees on it Don.

**Mr. Stringfield:** Now wait a minute now. I understand that there were luncheons and meeting and all things that precipitated this deal. Now I don't like that. I don't like it because that runs incongruent to this kind of a village government unit. You all have responsibilities and your biggest responsibility is to be honest and open with the community. When you violate that, you violate the whole basic tenant of what local rule is. I'm asking for information. If you want to give it to me, I can read.

**Mr. Mayor:** It is ludicrous with some of the charges that you are eluding to because I can tell you I was brought to it and introduced to him. We had occasional conversation about him. We went back and a few of us talked about it, about what the potential was and that was the conversation about it. Yes I believe it is what we need in this village and I said I would go ahead with it. I can concur with other people's opinion.

**Mr. Stringfield:** So, John have you ever put it down in writing to say this is the ideas we have about how this gentlemen is suppose to serve this community. Tonight you just took a meeting time away. Does that mean he gets time off and he is not going to be in attendance to come and present ideas to Council or to the Village of Newtown. You know, the whole thing is preposterous because No. 1) who precipitated the need for this guy? Who precipitated the fact we have this guy who was fired and he is now working for the City of Lockland and you said to me John "that he is making the same as the Chief." The numbers that I run absolutely do not indicate that at all. He's going to make a lot of money and he is going to be in control of his time. He may be the greatest thing since sliced bread. I have never met him.

**Ms. Hueber:** He is sitting right there if you'd like to meet him.

**Mr. Stringfield:** He is working in Lockland, a community in disrepair and they've been notorious for that for many years because I have worked with all the school people out there. They have been trying to maintain the school building or district. They should not have done it. They should have moved in with Princeton or one of the other districts out there and given up the idea of a local. That would have saved them a lot of money. But the village is in disrepair.

**Mr. Thomas:** Maybe that is why he is there. Maybe he'll recommend the same thing you are recommending.

**Mr. Stringfield:** Okay, so he is obviously going to start turning out some press.

**Mr. Kring:** Some press?

**Mr. Stringfield:** Yeah, you're going to give us people who read in the community some information so we understand what your job and function is and what you expect from the community.

**Mr. Pulskamp:** Mr. Stringfield, you're addressing the Council and I'll answer your questions.

**Mr. Stringfield:** Well he was just introduced to me and I am glad to meet him.

**Mr. Pulskamp:** At the last meeting when everybody walked out, it was discussed very much at this table what we wanted and wanted him to do.

**Mr. Stringfield:** That is a good time when everybody is gone.

**Mr. Pulskamp:** The meeting was still on when everybody left. It was still a public meeting in full force. It was discussed with different projects we had ideas to. It wasn't even a done deal at that point. John went back to finalize some things and we brought it back to the Council table tonight. There was no private meetings. Maybe somebody had lunch and talked, but there was no backward deals. I work a full-time job, I'm in charge for the website, I do not bring it to Council if the website lady is here every single meeting. If I have dealings with her about the website, I will meet with her during the day and I will meet with her or go to lunch and talk to her about something. But when it comes to a decision being made, it is made at this Council table not a lunch or on the phone. It is made at this table with everybody else voting on it. Like it has been made for Mr. Krings.

**Mr. Stringfield:** Mr. Mayor have you gone back and looked at our books and found the money we can use in order to afford this gentleman?

**Mr. Mayor:** There is money any way you want to do, they can shuffle the money around to pay for him.

**Mr. Stringfield:** The last time I listened to you explain what his job was going to be, it didn't make any sense because you said "well we have this idea and we're thinking about doing something here." There were no specifics. I can't operate without specifics. Would it be possible for this Council, if you voted for it you approved it, it becomes public information. Can I have a copy and I'd be more than willing to pay for it. Or don't you release information like that?

**Mr. Pulskamp:** This is an ordinance creating the position, we will fill the position after we pass this ordinance. Then we will fill the position after we pass the ordinance.

**Mr. Stringfield:** Okay, didn't you just pass it?

**Solicitor Miller:** We did not hire people by ordinance because everyone here in an at-will employee. I don't want to establish any type of permanence by doing it by an ordinance to that affect. I will say Don also in response to some of what you are saying. It is perfectly legitimate for this Council to go into executive session and discuss employment issues, discuss compensation and discuss hiring without any input from the public. I can tell you to the best of my knowledge, which has never happened in this case. All of the discussions, and it's happened at more than one Council meeting regarding Mr. Kring have been in the public hearing. But they could very legitimately and under state law go into executive session and discuss that. So,

regardless whatever anybody's position is, any type of hiree, any type of employment, any type of compensation, any time of discipline is allowed to be done in executive session under state law. The final result of anything done in executive session, not just personnel matters has to take place at the table. And it has. But you are correct, the final result or any type of decision that is made in executive session does have to take place in an open meeting.

**Mr. Stringfield:** Okay, well again, as requested if I could have information about this and perhaps have some time with some of the members who made this decision. I would appreciate that so that I can better understand what is going on. Because the whole thing doesn't make any sense to me.

**Mr. Mayor:** Well Don before I read you my notes, I told you it was pretty cryptic when I was going to go and sit down the first time, David and me. **Here are my thoughts and ideas:** (this is something I think the Council may want to put in place next year.

#### **Evaluations/Merit System**

A benefit package as a whole. 401K, Flex Spending Accounts, something for employees that would cost minimal amount of dollars. Someone has to spearhead that.

#### **Personnel Practices**

Cell phone usage, sexual harassment, these are all outdated and inappropriate.

#### **Long-term Plans – Five Year Minimum**

Roadways, curves, budgets. The whole kit and caboodle. I've seen a lot of them out there, it's all encompassing.

## Grants for Projects and Economic Development Program

**Mr. Mayor:** These are the very topics that I sat down and discussed with him at the first meeting. These are my notes that I had. I have sat down and discussed with him. He has talked about grants that are not going to be a problem that we could not do. He can go out and find grants. (I'm speaking for you Dave so if it is wrong.) He can help us with that but that is not his strong suit. Everything else is pretty much there. He reports to me. I expect when that Council wants him involved in a project they will provide what that information is. I have to sign off on his time. We have discussed the issue if he goes to another job. We have discussed everything between us. No one else at this Council has sat here and done it. These are issues you brought up and I went back and addressed them with him. I am very comfortable with the discussion to hire him

**Mr. Stringfield:** Who evaluates his job performance?

**Mr. Mayor:** I do.

**Mr. Stringfield:** If he comes to you and says that he would recommended a termination, would he be successful in being able to make that recommendation.

**Mr. Mayor:** Talking about an employee?

**Mr. Stringfield:** Yeah, anybody. It could be anybody.

**Mr. Mayor:** That's not his job. You didn't listen to what I said. It's not his job to sit there to sit there and evaluate employees. It's his job to sit there to develop a "system" of evaluation and our merit increases.

**Mr. Stringfield:** Okay. He's going to use, he is going to develop it.

**Mr. Mayor:** That's correct.

**Mr. Stringfield:** Terrific.

**Mr. Mayor:** These are tasks that have been lingering around here probably for twenty years.

**Mr. Stringfield:** Mr. Kring, that's not same as your job at the County, right? I mean you ran 850,000 people.

**Mr. Kring:** It's not parallel to the County.

**Mr. Stringfield:** Do you see this being an all consuming job?

**Mr. Kring:** Do you want me to address this?

**Mr. Pulskamp:** As of right now, No. You have not been hired officially yet.

**Mr. Mayor:** Yeah. That's probably a good point.

**Mr. Pulskamp:** We just talked about a position being created. We have not filled it yet.

**Mr. Stringfield:** There has to be something that basically goes into writing. When it goes into writing, would it be possible for me to acquire and then you give me an opportunity to look over what you are thinking. I promise I will come back to Council to work with you, perhaps work against you. But I will come back and you will hear exactly my interpretation of what is going on in this village.

**Mr. Pulskamp:** The only thing that you probably will see in writing Don will be the ordinance that we just passed creating the position. The position is called "**ASSISTANT TO THE MAYOR**". This position will be done with work and from discussions here at this open Council table is that Council will give John ideas and suggestions of projects that we would all like to see worked on. That list that John just read is exactly what we all talked about. None of us have the time or expertise to do these projects and are very beneficial to the village.

**Mr. Stringfield:** Does he have a job description? Ken?

**Mr. Mayor:** No. He is going to do it projects as assigned.

**Mr. Pulskamp:** He is going to do a project and we will say "we want you do review personnel practices." He may work fifteen hours on that an may done for a month and a half. We may come back two months later and say "we want you to work on a 401K benefit program for our employees."

**Ms. Hueber:** It's like a consulting firm.

**Mr. Pulskamp:** It's a part-time position based on the hours we want to provide and the projects we want.

**Mr. Thomas:** And the Mayor.

**Ms. Hueber:** We will make it, we'll notify it in the newsletter that goes out quarterly "Welcoming" him to help us in the village in any way, shape or form that we can. Just as he was in the newspaper for Lockland. We will make aware to everyone that he is helping us out.

**Ms. McCarthy:** I thought he was going to be paid \$50.00 an hour? How did it come to \$54.65?

**Mr. Mayor:** The agreement sitting down was that he would get his PERS paid for. In order to accomplish that we had to make it that rate.

**Mr. Miller:** He wanted to have his PERS picked up and which is one thing actually that the Village should look at. We didn't want to have it for one person. It's difficult with PERS because it is done by categories to my understanding. Again, my understanding was the agreement was \$50.00 per hour plus PERS pick up and since we are not picking PERS, it is increasing it by that amount. That's what it would have been with the cost of that.

**Mr. Stringfield:** Were you going to pay PERS with the money they pay you or ?

**Mr. Mayor:** Don, again address your questions to Council. He is not an employee or a member.

**Mr. Stringfield:** I know but he knows the answers.

**Mr. Mayor:** You may want him to come back after he is hired.

**Mr. Stringfield:** I would like very much to have that information and we'll go from there.

**Mr. Pulskamp:** What was the question you just asked that we can hopefully could answer for you.

**Mr. Stringfield:** About his salary. I said he takes the money that he would pay for his own PERS.

**Mr. Pulskamp:** He can do anything he wants with it just like nobody tells you what to do with yours Don.

**Mr. Miller:** PERS would be withheld from that pay.

**Mr. Stringfield:** Are there any other, I mean he should have an expense account.

**Mr. Mayor:** That is something we haven't talked about. Our personnel practices said and he has agreed that it would only be minimal. I forget the terms that were used.

**Mr. Miller:** This is not a 40 hour a week job. I guess it is similar to the way I treat it with the Village when they need something done they call me and I do it.

**Mr. Pulskamp:** Exactly, or Bruce Brandstetter or anybody else that does work for us.

**Mr. Miller:** It's not that there is a minimum of 40 or 20 hours a week or whatever. It's whatever Council directs him to do. But it is not a set number of hours, it is more in the way my contract relates. I have done it in PERS, but I'm also charging a little more.

**Mr. Stringfield:** As I related to you, I understand the kind of job he is involved in. As an educator I was also involved in the same kind of "my day started at 6:30 – 7:00 am and usually went to 7:00 or 8:00 pm every night, five nights a week. I didn't get any overtime or anything but if I was involved in a project that I was driven to finish or complete, I stayed there to work much on the weekends to get it completed and I'm sure it's the same kind of person and you know that.

Mr. Miller: Then you can appreciate, I'm still working at 9.00 pm too.

**Mr. Stringfield:** I'm going to let you go home right now, Thank you.

**Joan Waits:** All these months we have been looking for a Property Maintenance man to clean up some of the houses, is that part of his job?

**Mr. Mayor:** No.

**Ms. Waits:** Is that going to be a separate person?

**Mr. Pulskamp:** And that is getting closer I think Joan.

**Mr. Mayor:** Doug are you done? Or do you have one more?

**Mr. Miller:** There is a week ordinance, but Tracy is going to take care of that. I think that is all I have.

**Ms. Hueber:** I have two ordinances.

**Mr. Mayor:** Debbie?

**Mrs. McCarthy:** We still need to discuss as to how we are going to handle the water fountain behind the first base where it is not draining at Moundview park.

**Mr. Pulskamp:** I think Greg ought to take it back to the committee and go work with Charlie and report back to Council.

**Mr. Thomas:** We can extend the drainage.

**Ms. Hueber:** Go with Charlie and look at the drainage so we can get the stuff done.

**Mrs. McCarthy:** You know we need to discuss with the work that is being done there at 32 and Round Bottom road as to what we are going to do at that intersection. We had first talked about doing a Veterans Memorial.

**Mr. Mayor:** I'll say it again until it is completed, anything would be pretty hastily. If you look at the size of it and visual it you'll see the size. Roughly in sixty days you should see the finished product.

**Mr. Thomas:** They are doing all right. I mean.

**Mr. Mayor:** The waterline work will take thirty days and there are fifteen working days to have the road completed.

**Mr. Thomas:** This waterline is the same thing that happened at Church Street. Water Works said hey "last minute said we are going to tear up your road or you include it."

**Mrs. McCarthy:** What is the status over at Short park? What is going on over there.

**Ms. Hueber:** They are in the process of grading now and they are on schedule. They'll be doing periodic inspections and deal with the closing.

**Mrs. McCarthy:** When are they going to put in the baseball field over there?

**Mr. Mayor:** Baseball fields won't be available this year.

**Ms. Hueber:** Things may be done in August. Not workable because seed has to be done, everything has to be redone. But they are planning on the grading being done by August.

**Mrs. McCarthy:** You were going to move it this year, weren't you?

**Ms. Hueber:** It will be moved in a different direction. We'll have three playing fields versus what we had before.

**Mrs. McCarthy:** Whoever is doing that, do they know in regards with the pitcher you know with the sod and the sun?

**Ms. Hueber:** It really doesn't matter, it wasn't laid out where the sun was. It was laid out where we could get the best playing fields. Where the sun goes doesn't matter.

**Councilmember Debbie McCarthy:**

**Mrs. McCarthy made a motion to accept the Anderson Township Little League Baseball in regards to them mowing the grass. The addendum. Upon approval of Solicitor, Doug Miller's phone call to our insurance company clearing Village of Newtown's liability. Ms. Hueber seconded the motion. All aye. Motion carried.**

**Councilmember Greg Thomas:**

**Mr. Thomas made a motion to hire Andy Bradford as fulltime employee in the Service Department. Doug Evans seconded the motion. All Aye. Motion carried.**

**Mr. Evans:** Has everyone gone through the checklist?

**Mr. Pulskamp:** Before you bring it up Doug, I think Keri had a couple, I had a couple of weeks ago that I had some questions and I'd like to get those added on to this.

**Ms. Everett:** I don't have purchase orders for them yet.

**Mr. Pulskamp:** I gave you purchase orders over two weeks ago.

**Ms. Everett:** Right, but I didn't do it cause she came back and told me they were being canceled.

**Mrs. McCarthy:** From Go-Zap-It for January and February.

**Mr. Pulskamp:** She said she would waive the finance charge, not the invoices. These things are from January, February, March and April, she would waive the finance charge.

**Mrs. McCarthy:** I thought she was waiving the cost.

**Mr. Pulskamp:** I filled out purchase orders and attached them to the invoices.

**Ms. Everett:** You filled out purchase orders and turned them into me and then Debbie reported to me that after the H.R. meeting that we weren't going to pay them, Go-Zap-It agreed to drop them. I wanted to verify that with Ken so I wrote him a note asking him if this was true or if there was a misunderstanding. I have not done anything with them. I have to have purchase orders before we can pay for them.

**Mr. Mayor:** Do you want to cancel the purchase orders he gave you before?

**Ms. Everett:** I didn't do them.

**Mr. Mayor:** Oh, you didn't write them up.

**Mr. Pulskamp:** I wrote them up and gave them to her and I guess she was waiting for an answer back. There are some invoices left from what Barry had.

**Ms. Everett:** I have to do a purchase order first before we can pay for them.

**Mr. Mayor:** Do you want to put them on the checklist?

**Mr. Pulskamp:** Well they are three months past due.

**Mr. Mayor:** We've had trouble with trying to get P.O.'s for them. I understand that but I also want to is when the audit comes out maybe you'll understand what we're talking about.

**Mr. Pulskamp:** That's fine, as long as I know they are on the next checklist.

**Ms. Everett:** I will make a comment about the checklist. At the last Council meeting you added a check for the Mayor's Court 2002-2003 corrections. Before I did that correction, we had payroll come up so as you can see the payroll is the next check. The correction check is #2468 and not the very next one.

**Mr. Evans:** Keri that motion for the other one, you don't need me to make that 822.00 on the checklist.

**Ms. Everett:** Yeah, you need to make that motion first because that bill is on the checklist. I believe.

#### **Councilmember Doug Evans:**

**Mr. Evans made a motion to make a supplemental appropriation for the general fund contingency to the Police Department insurance for \$822.00 to add the new police cruiser to the insurance policy, roughdrafted 4/21/05. Ms. Hueber seconded the motion. All aye. Motion carries.**

**Mr. Evans made a motion to accept the checklist dated 5/10/05. Mr. Pulskamp seconded the motion.**

**Mr. Evans:** Abstain.

**Ms. Hueber:** Yes.

**Mr. Pulskamp:** Yes.

**Mr. Thomas:** Yes.

**Mrs. McCarthy:** Yes.

**Mr. Mayor:** Motion carries.

#### **Councilmember Doug Evans:**

**Mr. Evans made a motion to suspend the rules. Mr. Thomas seconded. All aye. Motion carries.**

**Mr. Evans made a motion for an ordinance submitting the Village budget, books and records and the Mayor's Court books and records for 2004 Mayors Court correction dispensing with the second and third reading and declaring an emergency.**

**Mrs. Everett:** I just want to let you know once again, I have completed the Mayors Court audit for 2004. This is just step by step what we need to do to make corrections on it.

**Mr. Miller:** Keri, is this in addition to the one that we did last time?

**Ms. Everett:** Yes, that was 2002 and 2003. I just finished 2004.

**Ms. Hueber:** So, these a,b,c and d are the corrections you had to make.

**Ms. Everett:** No, I haven't made them yet, but this is what needs to be made.

**Mr. Miller:** She can't make them until we do the ordinances for them.

**Ms. Everett:** I would feel more comfortable not making them until we pass the ordinance.

**Ms. Hueber:** Then, this will be just like we did last time. This is what will show up on the checklist again for next time.

**Ms. Everett:** Yeah. The reason I had to do it last time is when we had to do those corrections in a certain time for the auditor's office.

**Mr. Mayor:** All aye. Motion carries.

**Mr. Evans:** The only other thing I have is we will have a Finance meeting Tuesday, the 17<sup>th</sup> at 7:00pm.

**Mr. Mayor:** There has been some discussion and opinion that I should appoint David to the position "**Assistant to the Mayor**". I have asked Council to approve it.

**Councilmember Doug Evans:**

**Mr. Evans made a motion to approve David Krings to Assistant to the Mayor, Ms. Hueber seconded the motion.**

**Ms. Hueber: Yes.**

**Mr. Puskamp: Yes.**

**Mr. Evans: Yes.**

**Mr. Thomas: Yes.**

**Mrs. McCarthy: No.**

**Mr. Mayor: Motion carries.**

**Mr. Puskamp:** I am going to keep it short, it has been too long of a meeting. I want anybody's info for website by the next meeting please. So I can get it on and updated by June 1<sup>st</sup>.

**Mr. Mayor:** Wait until next Council meeting to get whatever Bruce has to put on there.

**Mr. Puskamp:** If I can get it all by next Council meeting then I can have it all on there by June 1<sup>st</sup>.

**Mr. Krings:** Just a matter of information, not all emails are working that are on the website.

**Mrs. McCarthy:** You're going to get pictures tonight and everyone's bio's. You guys are going to do pictures.

**Councilwoman Tracy Hueber:**

**Ms. Hueber made a motion to surplus four chairs in the Police Department and one cabinet that is totally broken with no value. Mr. Puskamp seconded the motion. All aye. Motion carries.**

**Ms. Hueber made a motion to approve Brandstetter and Carroll for bid documents and engineering on carr alley, alley between Leonard and West Street and West Plum. Total estimate construction budget was approximately \$36,000. I'd like to make a motion to go into contract for \$2,300.00. Mr. Puskamp seconded the motion. All aye. Motion carries.**

**Ms. Hueber made a motion to adopt Ordinance #17-2005 An ordinance providing for and authorizing weed cutting dispensing with the second and third readings, an ddeclaring an emergency. These are on two properties, 3628 Church Street, Newtown, Ohio 45244, and 690 Pecos Drive, Newtown, Ohio 45244. Mr. Puskamp seconded the motion. All aye. Motion carries.**

**Ms. Hueber:** Fire Department, I am hoping by the next meeting, things are supposedly going well with the Union and maybe we'll have a decision and be finished with it. The collaborative bargaining by the next meeting. That's all I have right now.

**Mr. Puskamp made a motion to adjourn to Executive Session for Land Acquisition. Ms. Hueber seconded the motion. All ayes. Mayor adjourned at 9:15 p.m.**

**Mr. Hammon reconvened at 9:20 p.m. No action to be taken as a result of executive session. However, discussion of a new employee that we normally have a background check and a physical. It is suggested that Council waive physical for Mr. Krings, but keep the background check.**

**Mr. Thomas made motion to waive physical for David Krings. Ms. Hueber seconded. All aye. Motion carries.**

**Mr. Thomas made a motion to adjourn, meeting adjourned at 9:21 p.m.**

**Transcribed by: Becky Fairley  
Date of Completion: 7/25/05**