

The November 22, 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.

Councilmembers Present:

Doug Evans
Tracy Hueber
Mark Kobasuk

Debbie McCarthy
Ken Pulskamp
Greg Thomas

Mayor: John Hammon

Assistant to the Mayor: David Krings

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Daryl Zornes

Lieutenant: Tom Synan

Mayor Hammon opened the meeting for the audience to address Council. There were no participants.

Street Commissioner Charlie Siegel:

- Service building now is hooked up to MSD sewer, no longer a septic system.
- Our new truck is in and equipped to treat the streets when needed.
- Bicentennial Park lights have been repaired and are working.
- There are a few trees on Main Street that interfere with traffic. Adding the center lane has pushed traffic to the curbside causing interference. I have an estimate of \$2,640 from Wessling and that includes grinding of two stumps. I have contacted the Transportation Administrator at O.D.O.T. since that is a state highway and they are trying to assist us with the cost. I will follow-up with them, they do give us money each year for minor repairs on state highways. They said this is more than a minor repair and that is why they are contemplating. I do feel that this needs to be taken care of soon. If we don't hear from them soon, we can take the money out of the state highway fund.

Mr. Evans: It would be in our best interest to wait a week or so for Charlie to get with the state. It's a lot easier to have them do it then to have them pay for it on a re-bill.

Mayor Hammon: I would suggest you make a motion to appropriate the funds at my discretion to spend that way we could just take care of it if necessary.

Mr. Siegel: Even if the state did elect to come in and take down a few trees, we would have to haul away and do the stumps. At least they would get the bulk of the work done. If you would at least allow the Mayor to have that option.

Mayor Hammon: Charlie and I talked about this, I had just asked him to bring it to Council to know what is going on with the trees because if they start disappearing on the street I wanted you to know why.

Solicitor Doug Miller: As a matter of fact, I received a call yesterday from a gentleman in Atlanta that is a Claims Manager for a Trucking Company. His company was sued because one of their trucks hit a tree, here in Newtown on SR32 and a limb fell off and his a car. I don't know if this is the tree. I told him to send me the information and we would send it to our insurance carrier, but we're certainly not admitting liability on a state highway. He wanted us to split the cost with him. I said no.

Mr. Evans: The Ameristop on Little Dry Run has trees planted and I think they are in our right-of-way. You can't see and people fly around that turn and there's going to be a wreck there. I am thinking the same thing about liability, could anyone come back on us? Is it our right-of-way?

Mayor Hammon: I'd have to go back and look at the actual drawings.

Mr. Pulskamp: I am almost positive that is their property. It's a problem because that was for the Planning Commission to specify what trees go where and the sizes.

Mr. Evans: Can we send them a letter? I think the trees should be taken out.

Mayor Hammon: We can do that. We can ask Charlie to contact the manager there.

Mr. Siegel: I will talk with Michael Cornette and we'll get a letter to them. I will be on vacation next week, I am not leaving town and will be available for my department.

Assistant to the Mayor, David Krings:

- I am going to yield most of my time to Doug Miller for joining the Center for Local Government and signing up for Anthem Healthcare. There is some paperwork that needs to be authorized. Doug will present this to you.
- We also need to send a letter to United Healthcare thirty-one days before termination, which is sometime in the next week.
- I am working on an issue for the Police Clerk position and do not have it resolved tonight. We'll probably have to have another committee meeting. Doug Miller is doing some research on it and I will check with other communities to get this resolved.

Fiscal Officer, Keri Everett:

- I have given you information from Rumpke regarding adding on a fuel surcharge. They are adding this into their new and established contracts. They are basically asking us to agree. It is based on \$2.50 per gallon and if for three months it goes below that then take that percentage, which is 5.22 it will go down by 2.0% and that is if it stays under \$2.50 per gallon for three months in a row. You see their numbers, it will cost us another \$4,685.05 a year.

Mr. Miller: The contract was effective October 1, 2004 continuing through September 30, 2009. The language in the contract that covers this reads, "in any event that the contractor incurs increased costs (such as but not limited to tipping fees, disposal fees, composting fees, surcharge fees and additional fuel costs). As a result of imposition of new governmental regulations, not in effect at the time of acceptance of the contract, which regulate the type of material collected at location of disposal then we may increase the price. But that is if it is a result of new governmental regulations. Quite honestly, if you want to do this, I would want to check into it from the standpoint, of whether or not you are even allowed to. You have a contract. That would be no different if somebody bids \$100,000 to pave the street out here and two weeks later come back and says they are adding an increase to this, it's going to be \$120,000.

Mayor Hammon: Let Doug take a look at it and come back in two weeks for discussion.

- The Emergency Management Agency sent us a letter, they want to replace the batteries in the emergency tornado sirens on Church Street. They want us to pay for it, \$125 per siren. We have one at St. John Fisher and one at Ivy Hills.

Ms. Hueber made a motion for Keri to approve the EMA battery replacement of \$125 each. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

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

Ms. Hueber made a motion to adopt ORDINANCE 35-2005 AN ORDINANCE ENACTING AND ADOPTING THE CODE OF ORDINANCES FOR THE VILLAGE OF NEWTOWN, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Pulskamp seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.

Councilmember Tracy Hueber: We had the FireBoard meeting for the LMFR and they are very concerned with us not passing this levy. They want to have a meeting here 12/21/05 at 7:00 p.m. and they are going to construct a letter requesting Doug, John and anyone else who is interested. The Fire Association and the Local Union is willing to really to get it out, pay for the flyer and to do whatever they can to get this going if that is what we're going to do. They just want to discuss it and have as many people from the Village possible, it's definitely going to affect us by \$200,000. They are guaranteed their money through June, is that correct? So we'll be still collecting up until June for this January contract. Doug, if you want to look into that prior to this meeting because they want to know what we're going to do about the contract.

Ms. Everett: It's tax money collected.

Mr. Miller: They really ought to meet sooner than that if that's what they really want to know. If you want to put a Levy on the May ballot, you would have to pass your resolution to do that sometime around the middle of February, I think it might be the 18th. But prior to doing that, you have to pass the resolution to certify the county auditor to get the amount back before you can pass your resolution and get it to the Board of Elections.

Ms. Hueber: We're only going to have one meeting in December ourselves, Council.

Mr. Pulskamp: Why didn't the Fire District call a special meeting Tracy and do it next week sometime?

Mr. Miller: If the Levy passes in May, you are probably not going to collect it until 2007. It would be wise to have the next FireBoard meeting prior to your next Council meeting, December 13, 2005, so you can report to Council what they had to say.

Mr. Evans: Keri, let's do December 6th for the Finance meeting at 7:00 p.m.

Mr. Pulskamp made a motion to accept Council minutes for August 23, 2005 and September 13, 2005 as presented. Mrs. McCarthy seconded the motion. Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Abstained, Mrs. McCarthy-Yes, Ms. Hueber-Abstained. Motion Carried.

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

Mr. Pulskamp made a motion to adopt RESOLUTION 26-2005 A RESOLUTION APPROVING MEMEBERSHIP IN THE MULTIPLE EMPLOYER GROUP HEALTH PLAN OF THE CENTER FOR LOCAL GOVERNMENT, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mrs. McCarthy seconded the motion. Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes, Ms. Hueber-Yes. Motion Carried.

Mayor Hammon:

- **Church Parking Lot Lease:** Basically, it is the same lease, except the church itself can only do a one-year lease. They can't go any longer without bringing in the district.

Mr. Pulskamp made a motion to approve the Lease with the Newtown United Methodist Church for a period of one-year starting January 1, 2006 through December 31, 2006 per the contract submitted. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Mr. Pulskamp made a motion to adopt ORDINANCE 36-2005 AN ORDINANCE REGULATING DOOR-TO-DOOR SOLICITATION. Mr. Evans seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes. Motion Carried.

Councilmember Tracy Hueber:

- The FireBoard meeting will be held here, Wednesday, December 7th at 7:00 p.m. I will make sure they are here. Doug, you'll need to be there to discuss re-negotiation and answer their questions.
- The ISO obligation is being met on the insurance regarding the fire engine. You were concerned about there being one and there is going to be two. The other one being fixed and is coming back and the one did get sold.
- We need to get the Newsletter out and we have one more meeting after this. Do you guys want to add another page for businesses to advertise to balance the cost? This letter will go out January 1, 2006 and cover first quarter through spring. We can advertise for businesses or people interested in advertising to call us. Then we can see what the interest is. December 15th will be the cut-off for adding information for the various departments.

Mrs. McCarthy: I'd say keep as is until the first of the year and then we can revisit it.

Councilmember Doug Evans:

Doug Evans made a motion to accept Checklist dated 10/22/2005 in the amount of \$102,667.02. Mr. Thomas seconded the motion. All Aye. Motion Carried.

Councilmember Mark Kobasuk: There is nothing to report.

Councilmember Greg Thomas:

Mr. Thomas made a motion to hire Wessling Tree Service to remove two large trees and trim two small trees near 6868 Main Street, not to exceed \$2,640.00 contingent upon Mayor Hammon's approval. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Councilmember Debbie McCarthy:

- I was informed today that everyone's emails are working.
- Do we want to mention our tazers in the newsletter?
- I think we need to revisit the idea of Bruce Brandstetter of doing a study on the streets. I don't know why Charlie and his crew can't do it. That would save \$4,000.00.
- I am requesting for us to go into executive session to discuss personnel compensation.

Mayor Hammon: I think the street study would be the beginning of a strategic plan.

Ms. Hueber: That's a lot of responsibility for Charlie. Bruce would put this together in stages.

Mr. Evans: I think it's an investment, not a waste of money.

Solicitor Doug Miller:

- The health insurance you have with United Healthcare has a life insurance component that you will lose and will need to pick up whatever for the life insurance. Do we need to do something to approve the life insurance?

• **Ms. Everett:** I don't think we decided on that, we only decided health.

Ms. Hueber: We decided health and he was to look into the life.

Mr. Pulskamp: He gave us a price, it was like one-third of the cost of what we're paying now for the life. Is that correct? I thought we were all in agreement that everything would switch over to them.

Ms. Everett: The motion was just about the Village going with the Emerald A and the employees had the option to do that. I don't think it was mentioned to do the life. Is the Village going to pick the life up?

Mrs. McCarthy: Which is \$15,000, right? I brought that up at the last meeting.

Mr. Pulskamp made a motion to provide the same amount of coverage of life insurance with the new company that we presently have. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

- I did speak with Mr. Zicka, he is going to have the survey done. He said it would take a few months to get it finished. It is going to cost him \$5,000.

Mrs. McCarthy made a motion to go into Executive Session to discuss personnel compensation. Ms. Hueber seconded the motion. Ms. Hueber-Yes, Mr. Pulskamp-Yes, Mr. Evans-Yes, Mr. Kobasuk-Yes, Mr. Thomas-Yes, Mrs. McCarthy-Yes.

Council returned at 8:32 p.m. and there was no action taken as a result of Executive Session.

Mr. Pulskamp made a motion to cancel the December 27, 2005 Council meeting. Ms. Hueber seconded the motion. All Aye. Motion Carried.

Mayor Hammon: I'd like to thank everyone for their support recently and "Happy Thanksgiving."

Ms. Hueber made a motion to adjourn Council meeting at 8:34 p.m. Mrs. McCarthy seconded the motion. All Aye. Motion Carried.

Completed 1/26/2006
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