

NEWTON FALLS CITY COUNCIL

REGULAR MEETING AGENDA

MONDAY, APRIL 5, 2021

6:00 P.M.

612 West Broad Street

CITY COUNCIL MEMBERS

Adam Zimmermann, Ward 1

John Baryak, Ward 2

Tesa Spletzer, Ward 3

Sandra Breymaier, Ward 4

Tarry Alberini, At-Large

MAYOR

Kenneth A. Kline

CITY MANAGER

David M. Lynch

LAW DIRECTOR

A. Joseph Fritz

CITY CLERK

Kathleen M. King

1. Call to Order

2. Pledge of Allegiance/Prayer

3. Roll Call

4. Special presentations by staff members or invited consultants

5. Public Comments (limited to those items as identified on the agenda)

6. Reports

Mayor

Council Members

Finance Director

Law Director

City Manager

Changes to tonight's agenda

7. Approval of Previous Minutes

March 15, 2021 - Regular Meeting

8. Public Hearings: None

9. Unfinished Business:

1. Motion to give the citizens and businesses a one-time rate discount on utilities.
(TABLED until April 5, 2021)

10. New Business:

1. Ord. 2021-03: An Ordinance Amending Ordinance 2020-39 Making Appropriations for the Current Expenses and other Expenditures for the City of Newton Falls, Ohio for the Fiscal Year Ending December 31, 2021.
2. Res. 16-2021: A Resolution of Appreciation and Recognition to Nicholas Holub and Volunteers from the Newton Falls Clean Up Group .
3. Res. 17-2021: A Resolution Urging the Ohio State Legislature to Pass HB 135 and HB 153 to Bring Fairness to the Application of Prescription Drug Plans for those Struggling to Pay Deductibles and Out-of-Pocket Costs for Life-Saving Medications.

11. Public Comments:

12. Closing Remarks: Mayor, City Manager and Council

13. Motion to Recess into Executive Session (if necessary)

Move into executive session, by majority vote, for any of the following reasons with a motion and second.

- ___ 1. Personnel Matters: To consider one or more, as applicable, of the marked items:
- ___ Appointment
 - ___ Employment
 - ___ Dismissal
 - ___ Discipline
 - ___ Promotion
 - ___ Demotion
 - ___ Compensation
 - ___ Investigation of charges/complaints (unless a public hearing is requested)
- ___ 2. Purchase or Sale of Property
- ___ 3. Pending or Imminent Court Action
- ___ 4. Collective Bargaining Matters
- ___ 5. Matters Required to be Kept Confidential – Contract Negotiations
- ___ 6. Security Matters (National Security)
- ___ 7. Hospital Trade Secrets
- ___ 8. Confidential Business Information of an Applicant for Economic Development Assistance
- ___ 9. Veterans Service Commission Applications

14. Adjourn:

Newton Falls City Council met in Regular session via zoom on Monday, March 15, 2021 at 6:00 p.m. in Council Chambers. Mayor Kline called the meeting to order following the Pledge of Allegiance and prayer.

ALSO PRESENT: (via Zoom)

David M. Lynch, City Manager; Eugene Fixler, Police Chief; Kathleen King, City Clerk; Anna Musson, Finance Director, A. Joseph Fritz, Law Director.

ROLL CALL:

Baryak, Zimmermann, Breymaier, Alberini, Spletzer

ABSENT:

SPECIAL PRESENTATIONS BY STAFF MEMBERS OR INVITED CONSULTANTS:

PUBLIC COMMENTS:

Jamie Kline, 312 Ridge Road believed that Ms. Breymaier needed disciplined and was acting unprofessional in meetings. She should not be allowed to vote on her own discipline. Attorney Fritz has given bad opinions before this may be one too. She suggested Ms. Breymaier step down noting they had 211 people sign the recall petitions.

Christopher Granchie, 14 East Broad Street stated Ordinance 2021-02 should be removed, the people do not want it and they will recall those who do not listen to the people.

Brian Kropp, 247 Elizabeth Street, stated several members of council do not represent the people. They are passing legislation without data, information and are not trustworthy. Originally it was stated we were selling ½ of 1% now it is 5%. We have not heard from Mr. George or other members of the utility department and they have been asked not to speak. Mr. Kropp asked who submitted the legislation.

Brenda Persino, 226 Oak Knoll also discussed Ordinance 2021-02. There seems to be a lot of questions yet. The town hall meeting was good, but a lot of people have not heard the information. She suggested tabling the legislation, putting out a newsletter, and holding another town hall.

Tim Stintson, 253 Arlington Road, also suggested tabling Ordinance 2021-02. He has spoken to the majority of Council. They don't have a contract and should not vote without the contract in hand and numerous questions are not answered. He stated a referendum will be circulated if they pass this Ordinance.

He also felt Ms. Breymaier should not vote on anything in front of Council going forward until the Special Election was held.

Tracy Hurst, 612 Ophelia Mayor Kline said he would do research on Ms. Breymaier voting on her own discipline and how many votes were needed to pass for committees and asked if he did. She agreed with the vote tonight on discipline and said this is not the first incident and more intense action was needed.

She asked how much we owe AMP and/or AMP T.

Julie Stimpert 1023 Paige Court attended the town hall meeting. She asked what the Electric Department Superintendent felt about the deal.

Lyle Waddell 2404 East River Road commented that the town hall was as professional as it could get bringing in the right people. He stated Ordinance 2021-02 is good for the town. There is no point keeping an asset that is a liability. He hoped it was passed.

He stated in reference to the charges against Ms. Breymaier the charges a couple months ago were false and frivolous. You can't charge someone with having a sidebar, the Charter says it should be discouraged and there is no language to charge somebody. Last week the Mayor allowed a citizen to speak for seven minutes without Council approval, also allowing Mr. Baryak to speak for 28 minutes without Council approval. The Mayor does not have the authority to do that. To deny Mr. Alberini the ability to challenge the chair which is a direct violation of the Charter. Mr. Waddell asked why charges were not brought up against anybody else. It seemed like it was very discriminating and harassing to Ms. Breymaier. It seems like you allow other people to violate the Charter including yourself and there have been no charges and Mr. Baryak violates it every single night and he has for the past year you have been in office. If you're going to charge someone for violating the Charter you should look at yourself and everybody else. Follow the rules and charge everybody. Right now it is a mess because the rules are not being followed.

REPORTS:

Zimmermann:

- Last week the Planning & Zoning Commission talked about the Property Maintenance Code and authorized updating our current code.
- Scrape tires will be collected the last week of May.
- The building at the corner of Broad and Ridge will be a convenient store.
- Attended the Treasury Investment Board meeting and our finances are sound and in good order.

Spletzer:

- Also attended the town hall meeting on March 8th
- Working with Zoning about an issue.
- Dealt with a utility issue, thanked the utility department for their help.
- Received calls about the City Manager's behavior and conduct.
- Spoke to Tim Stintson and reminded everyone that we have two openings on the Park and Recreation Board
- Congratulated the new members inducted into the National Honor Society on Friday.

Alberini:

- Reminded everyone about the Lattes and Legislatures event still planned for April 12th.
- Attended a Zoom meeting with Guy Coviello of the Youngstown Regional Chamber in reference to covid funds. The City will receive close to \$900,000 and the Chamber is looking for partners to assist in grant administration for small businesses or others who qualify.

FINANCE DIRECTOR:

Ms. Musson stated at the last meeting questions were asked about the city portfolio and a loss of \$249,809.50. After research the City lost no money in investments. She provided details to City Council and explained the difference between Market Value and Book Value. On paper our portfolio is doing well. You don't lose any money in investments unless you sell a bond or something at a loss, we have not done that. Our average rate of return is over 5% on the Treasury Investment Board. What happened is on the Finance Director's 2021 report there is a summary of banks and that is at market value and when you compare the actual bank reconciliation on the investments that is at book value.

On February 11th, the Treasury Investment Board analyzed banks and did move the investments from UBS to Charles Schwab to basically save \$9,000.

Baryak asked how much money was in the General Fund now. Ms. Musson said the ending balance as of the end of February the unexpended balance was \$325,387.40. We do have \$130,000 encumbered. This is typical for this time of year. The General Fund is typically low at the end of February and March because we don't receive hardly any revenue this time of year. That is why it is important at the end of the year to have a healthy carryover.

Baryak asked about Washington Street and if it was a grant or loan. Ms. Musson said she did not have that information in front of her and would get back to him.

Baryak asked what kind of shape the Wastewater Department was in. Ms. Musson said in her report you can see the sewer fund had a beginning carry over balance of \$187,241.28 and as of the end of February the balance is \$180,156.81 so it is maintaining its carry over at this time. Baryak asked if any of this money was encumbered. Ms. Musson said yes \$94,984.18.

Spletzer said she did a lot of research and what Ms. Musson explained about the Treasury Investment Board from 2020 made sense. However today it was stated that the next meeting would be March 3 of 2020. She found out a meeting was held on February 17. She asked why it was held earlier and why no one mentioned the fact that they are allowing \$250,000 to be taken out of the Treasury Investment Board to cover a payment with the Wastewater USDA loan that was due March 1st.

She also discovered that there still seems to be confusion over the referendums from last summer, specifically the one for the bonds for the church. She would do more research. What she is reading is that the church has not forwarded the bonds.

Spletzer asked about overtime and why Council was being charged with overtime and who was working. Ms. Musson stated we have two staff members: one at Mr. Baryak's house and one at Ms. Breymaier's house assisting with zoom meetings. Spletzer asked if they were also being paid overtime to paint the church. Ms. Musson deferred that question to the City Manager.

Alberini stated all this positiveness going on. The Finance Director gives her report and fellow Councilmen continue to beat her up. Not once has he heard some fellow council praise her for the sound financial investments that she has made on behalf of the City, shameful, we get 5.8% interest on our investments. He told Ms. Musson she was doing a great job we are blessed to have her.

Baryak said he would like to be able to ask questions and the problem is two councilmen have been on the Treasury Investment Board the whole time they have been in office. How do they expect the rest of Council to know what is going on. He is tired of hearing about the investments. He would like to know what shape the sewer department is in. He did not disparage anybody, he deserved answers, he was reelected not voted out so he must be doing something right. If the Finance Director does not know where the money is going who does. Ms. Musson responded and stated on the sewer fund, which is included in the Finance Director's report, is a statement of cash position. The sewer beginning carry over balance was \$187,241.28 and as of the end of February the balance is \$180,156.81. On the Washington Street project her involvement is with drawdowns and she has not seen any of that paperwork yet.

Baryak asked if the Medley Street sewer project was paid for or do we still owe money out of the sewer fund. Ms. Musson said the project is not completed. That we borrowed as a bond and we will have to pay that debt off which is part of the appropriations for this year.

Alberini stated that Treasury Investment Board being closed quarters is absolutely untrue. Reports are discriminated on what they do. To make it look like some impropriety is going on is ludicrous everything they do is above board. If it was not the auditors would have shut this down a long time ago.

Spletzer asked if the sewer debt fund was fund 516. Ms. Musson stated the debt fund is 516 and the reserve fund is 520. Spletzer asked about account number 407, City Hall Broad Street. The information as of February 28th there has been \$120,186.69 spent on a building that was supposed to be in move in condition. This has to stop. Ms. Musson said that number is correct and what we spent on the building she would defer to the City Manager.

Spletzer pointed out the Revenue Report was 20 pages long. Our Electric Department is on page 14, our Electric Department is expected to bring in \$6.25 million just this year on top of that we get \$50,000 revenue from people like Spectrum.

LAW DIRECTOR:

Attorney Fritz explained that the Treasury Investment Board members are set by Charter. Once you're on it goes to the end of your term. We have documents given to us showing exactly what our finances are and they have been available since he has been here.

Attorney Fritz stressed when we are talking about reports. What he is hearing is that these people are talking about investigations and research they are doing. It is a question time. If you have a question for the City Manager ask him. If you have comments about what you are doing that gets presented either at closing comments or should be part of your original report. We have to keep this meeting run like a business meeting.

Attorney Fritz also stated the City was brought into a lawsuit involving the Joint Fire Department. He filed a motion and was able to get the City fully dismissed from that action.

Mayor Kline stated this is not the first meeting he ran, and he does run it as a business meeting. He cannot help if people have a question, and they have to explain or are long winded. If it does not have anything to do with it, he will cut it off. Earlier someone stated a member of the public had seven minutes to speak. Mayor Kline said he has a timer in front of him and to be told these things is kind of silly.

Baryak said last week a memo was sent out by the Chief of Police that Council has to get permission to come into City Hall. He said they are employees, they have a badge, they pass through the metal detector. He felt it was written to impede Council from doing their job. He asked why he was being denied access when a former Councilman had an access code and his own office.

Attorney Fritz stated the employees do not have six bosses. The City Manager runs the operational day to day of the City. If you have three members of Council who want to schedule appointment to come in, they can. We are required to create a safe employment for our employees. For purpose of safety of the employees and to keep records and know who coming in and out of the building all government buildings do this. He was not sure why this was such a surprise to people. This is not designed to thwart. If you don't believe people are doing their job talk to the City Manager, he is in the building and it is his job to see that they are doing theirs.

Baryak asked when Council approved this change. Baryak said he had no knowledge of it and did not approve it. Attorney Fritz said what he has repeatedly said was as a councilmember you don't run the City. Council by majority makes decisions. This has never been brought to Council, he did not say that.

Mayor Kline mentioned this is kind of similar to a lot of things he has said over the past year that goes by a blind eye. This is one of those things that should have went before Council to discuss before being put together.

Alberini agreed Council was not these employees' direct supervisors. We are Council and legislate not administrate. Secondly, he said if you travel in business circles you would know that most companies, governments and businesses have their buildings secure for obvious

reasons. Third, most companies, business and government offices will not allow you to invade someone's work space while they are working. There has to be proper protocol. He is not offended by it and employees deserve the right to be safe.

Zimmermann asked if the role of Council was administrative or legislative. Attorney Fritz stated under our City Manager/Council rule you are legislative. Zimmermann asked anyone going into a building to see if someone was doing their job would you consider that administrative or legislative. Attorney Fritz said administrative.

Baryak said when Mr. Haney was here as long as he went through the security check he could go in and see him or the clerk anytime. He was not trying to get into administrative he presumed he wanted people to be safe to. He stated you can't do something one time then years later change it. He asked where Council Chambers and the Mayors office was at this new building.

Mayor Kline responded to Ms. Hurst comments about committees. He has looked into it and wondered if he needed go to some of the different committee meetings and swear them in himself since that is what we have had done before. He received a legal opinion by mail that said committees were not allowed to be put on the table Mayor Kline asked which legal opinion that was 2019, 2020 because they have been changing. He knew Ms. Sopkovich legal opinion has not changed Mayor Kline asked what we do now do we call the Bar Association to talk to them about the inconsistencies, what is the next step.

Attorney Fritz said he made an error, he put that in his opinion and specified his error, no one is perfect. He said he does not pick sides; he follows the law as best as possible. When you look at the opinions, he and Ms. Sopkovich did that was over two years ago on about 18 questions Mr. Baryak had one of those questions was about when we need three and when we need four votes. It was not specific on committee establishment or committee fillings. So Ms. Sopkovich opinion is the same as it was before, but it was not the question on how you establish committees it was when you need four votes. The section that both she and he cited indicates the Mayor is a member of council for that vote. That was not the question. It was not how do you fill in those committees it was establishing committees. They are two different things. He let an error go through. When we have these meetings when there coming at, attacking and going sixty different directions mistakes are going to be made. His newest opinion explains what and why. He explained his error and was very clear in his error and was not sure why we keep going over this.

Mayor Kline stated we are going over it because as Attorney Fritz said he is not from Newton Falls. Mayor Kline said he is from Newton Falls and cares about Newton Falls. Mayor Kline said he was there that night, watched the video and saw exactly how it was done and it is exactly the same circumstance. Committees are restarted every year. It bothers him that all the sudden here is this wish list, three people voted, and they are in, last year it was wrong, now all the sudden its right. That is why he would like another legal opinion, it's bogus the way we are doing things.

Attorney Fritz said he is not going to let two wrongs make a right. He admitted freely and as a professional where he made his error and put it in writing. He did not want to get involved in

politics. He did not care about the three to two or the four to two, he cared about the legalities for this City.

Mayor Kline said he did not want to get into the politics either, but he was afraid that he would be asked next year, and it would take two votes. Mayor Kline said that is why he asked what the next step should be if it's the Bar Association or what, but something needs to be addressed. He would be putting some thought into this.

CITY MANAGER:

- As reported in the written report submitted to Council, he had a meeting with the employees on Friday. The meeting followed proper social distancing protocols per the Health Department and was held at Roby Lee's. Employees asked him to review items such as longevity pay. He would be doing that and ultimately bring this to Council.

Mayor Kline asked when the building was opened up in April would Silver Sneakers be back in. Mr. Lynch said yes.

Spletzer asked about overtime. She was told some employees were at City Council members locations to help with the zoom meeting. She also asked about employee overtime for painting and asked why this was charged to council if should go under administration. Mr. Lynch said he would review the overtime and report back.

Baryak asked if Washington Street was a loan or grant. Mr. Lynch said he would review the contract but believe it was a loan. Baryak asked if that was money to come out of the sewer project and it would leave us about broke. Mr. Lynch said no, Washington was a storm sewer matter.

Baryak said Mr. Lynch said on Council floor that there was no debt on the Electric Department he asked what the \$925,000 bond coming due in June was for. Mr. Lynch stated that is debt called BAN (Bond Anticipation Note) for work done to our electrical system several years ago and we have debt service on an annual basis around \$300,000 a year. We have encumbered the funds to make the payment. It is debt. That is why we were looking forward to having it paid off.

Baryak said Mr. Lynch stated he submitted a list of questions to Ms. Sopkovich. Baryak said he did not remember, but after reading over Ms. Sopkovich opinion the City Manager submitted the list of questions. He asked for proof that he submitted the questions. Baryak said until then he threw out another accusation to him. Mr. Lynch said he had a copy of the forwarding email in which it specifically says here is Mr. Baryak's letter with his questions and he has a copy of Mr. Baryak's letter.

Alberini asked if the City incurred any costs for the opinion from Ms. Sopkovich. Mr. Lynch said he did not remember what it was. Alberini noted that the questions from Mr. Baryak cost the City taxpayers. Baryak said the questions were handed in. He did not know who handed them in, but it was three council members not just Mr. Baryak that requested an outside opinion.

He stated Mr. Battisti and Mr. Stimpert asked for that opinion. Mr. Lynch said that letter was handed to him personally by Mr. Baryak in his office and the Law Director would vouch to the fact that he specifically asked for a second opinion from outside counsel and Mr. Baryak and the Law Director were both in the meeting. The Law Director stated he did not want the City Manager to go outside for a second opinion.

Mayor

- Reported with the favorable weather we have had he will get back into the door-to-door visits. He has stopped into some of the small businesses and talked to them.

CHANGES TO TONIGHT'S AGENDA:

Baryak asked to put a motion on to table Ordinance 2020-02. Attorney Fritz stated it is a subsidiary motion and once it is on the floor someone can make the motion to table.

Spletzer clarified that we were going into executive session for personnel matters and asked if this was the issue, she spoke to the Law Director about. Attorney Fritz said that was correct and when the motion was made, we would have to flesh something out on it. Spletzer stated she believed it should say personnel matters then discipline. She submitted information to discipline the City Manager and the Law Director convinced her it should be dealt with in executive session. Attorney Fritz agreed and said he was going to have that clarification made.

APPROVAL OF PREVIOUS MINUTES:

Spletzer made a motion seconded by Zimmermann to adopt the minutes from the March 1, 2021 Regular Meeting as submitted by the Clerk.

ROLL CALL: Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye, Baryak aye.
MOTION PASSED 5-0

PUBLIC HEARINGS:

ORDINANCE 2021-01: APPROVAL AND GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION LIMITS, AND

GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION LIMITS, AND

GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

Mayor Kline opened the public hearing on this Ordinance. No one addressed Council at this time. Mayor Kline declared this public hearing closed.

**ORDINANCE NO. 2021-02: THE NEWTON FALLS ELECTRIC RATE REDUCTION ACT
AN ORDINANCE AUTHORIZING THE VILLAGE TO REDUCE ELECTRIC RATES FOR ALL RESIDENTIAL AND SMALL BUSINESS CUSTOMERS THROUGH A CONTRACT OR CONTRACTS, FOR THE TRANSFER OF MUNICIPAL-OWNED TRANSMISSION EQUIPMENT TO AMP TRANSMISSION, LLC, A SUBSIDIARY OF AMERICAN MUNICIPAL POWER, INC. (AMP), IN RETURN FOR PAYMENT.**

Mayor Kline opened this public hearing.

Brian Kropp 247 Elizabeth Street noted that they have heard from several people against this ordinance. He listened to the town hall meeting and someone from Wadsworth gave details on how they met several times before putting legislation on. This will be passed then of course there will be a referendum. Mr. Kropp stated that anyone who wrote this is not a legislator and is illegal to happen. He suggested Mr. Gregor who was on this zoom meeting speak as a representative of the Electric Department. He hoped it would be tabled until more discussion.

Christopher Granchie, 14 East Broad said it was lazy legislating and unethical and abhorrent to vote on something they have no information on and know nothing about. Again we have no problem taking out the trash.

Tim Stintson, 253 Arlington Road asked for additional time, however Mayor Kline stated he was following the rules and was unable to do so. Mr. Stintson stated that his persistence that got him kicked out of the town hall, the consultant did answer his question. He asked if we bid this out. He said the answer is no. He asked if this was legal.

There were a number of public hearings on the issue before Wadsworth passed the legislation. In comparison to what we have Wadsworth is not even a comparison.

Mr. Stintson said our consultants stated this would increase our reliability. Last time he checked our reliability was pretty good and our department does a fantastic job when the electric goes out. He was not sure how much better we could get our reliability.

One of the consultants brought up the fact that we were looking at this wrong. Amp would charge "tolls" to use our "highway". He understood it was a license but there is no reason why we can't get the license. We could be giving up millions of dollars in revenue over the years by selling these transmission lines.

Laura Neiheisel, 227 North Center she was concerned that they were told it was ½ of 1% of our assets and now it is 5%. The other part is that we did not owe anything now we owe \$925,000.

She asked that we table this and wait until the pamphlet is out to the residents and until we get more information and a contract. If this passes tonight there will be a referendum.

Lyle Waddell 2404 East River Road stated if we allowed Mr. Baryak or Mr. Zimmermann to write this legislation, we would not know what to do with it. When you submit the legislation you submit it to the Law Director or City Manager so the people with the expertise could write the legislation.

Spletzer called point of order he is supposed to address Council not Mr. Kropp.

Mr. Waddell also said he heard comments that no one really knew what was going on here. He believed that three of the members of Council who wanted to know what was going on educated themselves and the other two had the opportunity and have not done so. There has been a lot of work done on this in the past two years and it is a great opportunity for this City. It needs to pass before we have to spend money to fix our own line, we won't have an increase in our utilities. There is a lot that has been worked on for a long time in this.

Spletzer asked to hear from Mr. Gregor as an expert who works in our utility department. Mayor Kline said if he raised his hand he would have the opportunity.

Joe Gregor, Newton Falls Electric Department said he does not live in the City but has been requested not to speak about this and cannot give a comment at this time.

UNFINISHED BUSINESS: None at this time

ORDINANCE 2021-01: APPROVAL AND GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION LIMITS, AND

GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION LIMITS, AND

GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

Spletzer made a motion seconded by Zimmermann to adopt this Ordinance.

**ROLL CALL: Breymaier aye, Alberini aye, Spletzer aye, Baryak aye, Breymaier aye.
MOTION PASSED 5-0**

ORDINANCE NO. 2021-02: THE NEWTON FALLS ELECTRIC RATE REDUCTION ACT AN ORDINANCE AUTHORIZING THE VILLAGE TO REDUCE ELECTRIC RATES FOR ALL RESIDENTIAL AND SMALL BUSINESS CUSTOMERS THROUGH A CONTRACT OR CONTRACTS, FOR THE TRANSFER OF MUNICIPAL-OWNED TRANSMISSION EQUIPMENT TO AMP TRANSMISSION, LLC, A SUBSIDIARY OF AMERICAN MUNICIPAL POWER, INC. (AMP), IN RETURN FOR PAYMENT.

Alberini made a motion seconded by Zimmermann to adopt this Ordinance.

Spletzer made a motion seconded by Baryak to table this Ordinance until May 17, 2021.

Vote on Motion to Table

**ROLL CALL: Alberini nay, Spletzer aye, Baryak aye, Breymaier nay, Zimmermann nay.
MOTION FAILED 2 ayes - 3 nays**

Baryak asked what the net book value was of equipment/land/easements. Mr. Lynch answered. \$4.2 million. Baryak asked if that was in writing. Mr. Lynch said it is in the contract sent to council.

Baryak asked if the sales agreement was the final contract. Mr. Lynch said yes. Baryak noted that it says more contracts may be needed, what was that about. Mr. Lynch said that was the contract sent to Council that has other attachments, its all in the packet.

Baryak asked why there was not land description on what we were leasing and there was not a guarantee of even a small percentage. Mr. Lynch said the descriptions of the assets is the exhibit and it does describe the property ourselves. It allows us to attach to it the legal description of that property.

Baryak asked how long this lease was for. Mr. Lynch said it was cancelable by the City, so it was for however long we want it to go. Mr. Baryak said it does not say that, it says they can sell it to anybody they want to sell it to. Mr. Lynch said it says we can cancel under the termination section.

Baryak asked why we would get rid of one of our main tools on the if come. He asked if there was anything that says they won't raise our rates. Mr. Lynch said the contract we have is unrelated to rates. It is the transmission equipment which we have to upgrade and maintain, have that cost pushed onto somebody else. So if you want to have our rates go down, have the expenses we are responsible for go down. This has nothing to do with the power/sourcing contracts. Those were all sent to Council.

Spletzer stated that our projected income from the Electric Department this year is \$6.25 million dollars. She received confirmation that our electric fluctuates from \$5.5 to \$6 something. We have a fiduciary duty to protect all the citizens in this community. She would never as a business person sell a business that was going to make \$6.2 million in one year for \$4 million.

Spletzer asked if this sell goes through what does that \$6.2 drop to. Mr. Lynch said it depends part of the expenses we have now on that \$6.2 million is transmission maintenance costs and that varies from year to year and that will disappear. In addition one of the reasons to move forward is if our revenue is \$6.2 million but the improvements, we have to make to are transmission line will make our expenses \$8 million that is a loss. So you have to look at the expenses. If we don't make this deal all the expenses are to you the customers.

Spletzer asked if there was any reason, we could not wait two months. Mr. Lynch said AMP T has 133 communities and they do not have to enter into this with us. They will take the burden off of other communities that are willing to enter into this because they will not enter into this with every community. He did not want to lose the opportunity.

Zimmermann asked if the \$6.2 profit discussed had anything to do with the transmission lines or was the profit made off the business and residential customers. Mr. Lynch said it had nothing to do with it. He also stated not to use the word profit because that is a revenue number and we also have an expense number.

Baryak asked if Mr. Alberini had any interest with his business with AMP Ohio, AMP T or ay subsidiaries. Mr. Alberini stated unequivocally he did not have any interest in Amp Ohio or subsidiaries.

Baryak said from what he understood it was a 33-year contract for \$4.2 million . We were giving up all our rights and equipment. At the last meeting Mr. Bill George said our substations had a twenty-seven-year life expectancy and that was already built in the maintenance. He asked if this money would be used to prop up the sewer department. Mr. Lynch said he could not determine the budget of this Council. Only they can vote and determine where they put the money and what to do.

Baryak asked why we could not give everyone a 10% discount using the Coronavirus money. Mr. Lynch said the money could be used for a discount.

Spletzer asked if Mr. Alberini wrote this legislation. Alberini said when we submit legislation to the City our Attorney verifies and submits it to Council. So the question is irrelevant.

Spletzer asked Mr. Alberini if he could guarantee her that U. S. Safety Gear or any of its affiliates has never done any business with AMP or AMP T or their affiliates. She did not want to be put in a position where there is a conflict of interest. Mr. Alberini said it actually was none of her business and it had nothing to do with the City of Newton Falls. He said he has no interaction with AMP or anyone else. He asked if Mr. Baryak or Ms. Spletzer did.

Alberini said a number of Council people have spent this past week and a half reviewing the town hall meeting. Also there has been in inference that we don't have the contract. All of us were emailed the contract for review. We listened to all the information, he also had a lengthy conversation with Bill George and also Anna Musson to help him make his decision along with other people. He has asked to be shown the negative part of this deal and where we could go wrong. He also was told that the potential cost to replace these lines when they run their course

is unknown. He sees an opportunity to use a million of these dollars to reduce the cost to the citizens and to pay off the debt to further reduce the costs. He felt this would be a windfall for the resident as far as reducing their rates. He also was told Amp could help draw businesses to Newton Falls.

Mayor Kline asked who told Mr. Gregor not to give any information on this and why.

**ROLL CALL: Spletzer nay, Baryak nay, Zimmermann aye, Breymaier aye, Alberini aye.
MOTION PASSED 3 ayes – 2 nays**

NEW BUSINESS:

RESOLUTION 13-2021: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH Z-TECH BUILDERS & EXCAVATORS, INC FOR THE WASHINGTON AVENUE STORM SEWER IMPROVEMENTS OHIO PUBLIC WORKS (OPWC) PROJECT.

Alberini made a motion seconded by Zimmermann to adopt this Resolution.

Spletzer asked who wrote the legislation. Mr. Lynch stated the Law Director. Ms. Spletzer stated he is not a legislator. Mr. Lynch explained that Congress has staff people that write all the legislation, you have staff people we right that legislation. The Rescue Act was written by a conglomeration of sub-committee of the Health and Human Services and Senior Services and the Railroad Division. The Law Director is a member of the staff according to the Charter and according to the Ordinance for that reason he wrote the legislation, that is what our law requires. Spletzer asked who directed him to do that. Mr. Lynch said it was a result of City Council passing the ordinance for the Washington Street project, so the answer is you did.

Zimmermann asked for a brief summery. Mr. Lynch stated Washington Avenue was one of our OPWC projects. This project is because of all the flooding in the yards and the Street. This will address the storm water problems going on and will also help Garfield Street run off. The bids came in much lower than the engineers estimate.

Baryak wanted the public to know we have to pay this money back and he was glad it was not out in the Township on Scott Street where we do not belong.

Spletzer noted that the engineers estimate was \$167,000 and Z-Tech came in at \$114,000. She asked who would oversee this project. Mr. Lynch in projects like this there are level of oversight; the first is our own Street Department, secondly the engineering oversight is with Thomas Folk and lastly OPWC itself which requires a certification of completion of work within budget and specification.

**ROLL CALL: Baryak aye, Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye.
MOTION PASSED 5 ayes – 0 nays**

RESOLUTION 14-2021: A RESOLUTION AUTHORIZING THE FINANCIAL DIRECTOR TO ESTABLISH A CAPITAL IMPROVEMENT FUND FOR THE OPWC STORMWATER PROJECT.

Alberini made a motion seconded by Zimmermann to adopt this Resolution.

Mr. Lynch stated that OPWC projects require that the City set up an isolated account for the project.

ROLL CALL: Zimmermann aye, Breymaier aye, Alberini aye, Spletzer aye. Baryak aye. MOTION PASSED 5 ayes – 0 nays

RESOLUTION 15-2021: A RESOLUTION TO DISCIPLINE COUNCILMAN SANDRA BREYMAIER FOR THE USE OF FOUL, ABUSIVE, PROFANE, OR OBSCENE LANGUAGE.

Spletzer made a motion seconded by Baryak to adopt this Resolution.

Alberini said he was totally against this based on what he heard earlier in this meeting.

Attorney Fritz said he wanted to make sure we knew what the motion specifically was and whether or not we are citing any specific rules. Secondly if we are going to proceed, we should give Ms. Breymaier the opportunity to get counsel if she wishes, but she is not required to. Mayor Kline said it does not say anything in Council rules about that it says we can bring charges on this for a first warning. He stated it is from Council Rule number five.

Baryak said he has never been one for vindictiveness, but it seems like if he goes left or goes right a little bit he is called out by certain councilman or a former councilman. He does not abuse the Village; he does not call names. He has a different opinion, and this has gone on long enough. Baryak said he watched the meeting, and he knows what it was directed at. He has enough respect that he does not come to Council in bathrobes and is sleeping half the time. She represents all the people whether her ward or not. The total disrespect over and over is wrong.

Zimmermann asked if this discipline was for something said during the meeting or after the meeting. If this discipline is for after a meeting are, we going to be disciplining and holding every council person accountable for everything they say against any other Council person out side of a meeting. He asked if that was where this was going and where would it end.

Mayor Kline said if that is, he only questions he supposed that was on them to answer. They were the ones voting not him. He said he had the same conversation with Attorney Fritz. Mayor Kline said the reason our country is in the mess that it is, is because of individuals that want to justify things and want to look and see if he had the gavel down yet? There were things that were said earlier on that he ignored.

Spletzer asked that the Law Director weight in and believed if she voted on her own discipline that was a direct conflict of interest. She should not get to vote. It is a direct violation for her conflict of interest. Breymaier stated she believed a few minutes ago we heard Spletzer swear at Mr. Alberini. Spletzer said no way.

Alberini quoted scripture that ended "He who is without sin may cast the first stone". Any of us in here in the heat of battle say things we should not say. The residents of Newton Falls deserve better than this. We need to channel our energies on more positive stuff then tit for tat. It appears that we have different rules for different people. Mayor Kline stopped him and said if he was referring to him, he was as fair a person as there was. Mayor Kline said if he was going to discredit his character, he would stop him. He was making sure because he was the one that filed the charges and said he was the fairest guy you were going to meet.

Mayor Kline added that the rest of the verse said, "go and sin no more". Mayor Kline said there is no ill will here but there are boundaries. He saw the meetings before and saw what went on and enough is enough.

Baryak said he was accused by another councilman of getting work and he said he has never taken a dime since he has been councilman. He told Mr. Alberini that if he wanted to start throwing stones, he had some boulders.

Mayor Kline stated he had the video sent to him and he heard it . This is not a vote simply if Ms. Breymaier is guilty what she is charged. He stated it is very clear that she did. It was recorded on Zoom. Did she use profane, obscene language not only to a public employee but at other times to citizens. He stated it was very clear and evident. What this really is it shows what each council person is and what their value system was. Do you condone this type of things or do we continue to sweep this type of behavior under the carpet. He asked everybody here that is part of our local government if that the case and we are ok with something that was done so clearly, right in front of us, then what do we also condone that is done in darkness behind our backs that we do not see.

Mayor Kline asked the Law Director if Ms. Breymaier got a chance to vote on this. Attorney Fritz said it has been his position that on conflicts of interest the individual Council members get to make decisions on their conflicts of interest unless it is specified that they cannot vote. He stated that is because there are conflicts with business decisions, irregularities, interactions and he does not know what everybody is doing. There is nothing in our Charter or our Rules that prohibit her from voting. He also consulted Roberts Rules, and if she was a nonmember it would be different, but since she is member of council Roberts Rules also does not specify whether or not if she can vote. So it is left to the individual Council member to decide if they will vote or not, he cannot prohibit it.

Mayor Kline said he went to a lot of different meetings in different municipalities and talked to them and each said it would be unethical. He quoted Ethics Law 102.3D and stated ethical was

not always something of value. He also stated the Charter has a conflict-of-interest section. Attorney Fritz said he was not disagreeing, but probably the best way was to see if she votes and if so, get an opinion from the Ohio Ethics Commission.

**ROLL CALL: Breymaier nay, Alberini nay, Spletzer aye, Baryak aye, Zimmermann nay.
MOTION FAILED 2 ayes – 3 nays**

Alberini made a motion seconded by Spletzer to acknowledge the Finance Director Report for the month of February and attachments as presented.

Spletzer noted it always says accept but the past two meetings it said acknowledge. She did not think it was a simple use of word choice and asked why we are being asked to acknowledge and not accept. Mr. Lynch said these are normally housekeeping measures and did not think there was a distinction. You are not putting a stamp of approval on it you are merely indicating you received it. So acknowledge or accept makes no difference. Attorney Fritz stated he was not sure when it switched, but guessed we pulled a different template up, but Mr. Lynch was correct it does not matter whether it is acknowledged or accept. His understanding from the Auditors is that they want to make sure the information is disseminated, and that Council has copies. It is not saying it is proper and no errors just that Council received it.

Spletzer asked about the overtime. Council was charged two hours ending 2-20-2021 and 3 ½ on the period ending 3-6-2021. She asked why. Ms. Musson stated this was for two employees for Council meetings. One is Mr. Baryak's house and one is at Ms. Breymaier's house both are helping with the zoom meetings.

**ROLL CALL: Alberini aye, Spletzer aye, Baryak aye, Zimmermann aye, Breymaier aye.
MOTION PASSED 5 ayes – 0 nays**

Alberini made a motion seconded by Zimmermann to direct the City Manager to create and distribute (mail) an informal newsletter about the AMP-T proposal.

Alberini thought this was a great idea.

Spletzer said she submitted this to be put on the agenda but thought it was now a moot point.

Mr. Lynch said he would be glad to do this.

Spletzer said you guys rammed it down their thoughts and passed it so what is the point of putting together information. Mr. Lynch stated whether this pass or not his intention is to fulfill this.

Baryak asked if our Electric Superintendent or Electric Department will get to weigh in or will they get threatened not to say anything. Mr. Lynch said would be delighted to take those into account.

Baryak said he got his answers tonight and there was no sense spending the City money to promote what they have done. We did not get both sides of the coin tonight and he wanted to see some tails. Unless he had input on it and got to say what he wanted and Ms. Spletzer he did not want another propaganda sheet, why waste money.

Spletzer asked if there was a cost estimate. Mr. Lynch noted it would be based on the number of sheets and how it was printed. He estimated between \$1,500 and \$2,000.

Zimmermann noted any chance to get information out was a good thing. Any anytime we can educate people on what we are doing is great and recommended getting it out. And this was brought up at the town hall by a resident and Mr. Lynch said he would do it.

Alberini suggested cosponsors and was willing to help out.

Baryak said we needed information out tonight, this was like putting the cart before the horse. We have been sold a bill of goods. Spin it anyway you want, let the public decide. He said he did not want to cosponsor and stated wait till you see next week.

**ROLL CALL: Spletzer nay, Baryak nay, Zimmermann aye, Breymaier aye, Alberini aye.
MOTION PASSED 3 ayes – 2 nays**

Spletzer made a motion seconded by Baryak to schedule an in-person meeting on the AMP-T proposal.

Baryak said when the truth starts coming out on this because the people, this will be up for referendum. We have not been told the truth, he has not been kept in the loop and that is what happened the last four/five years. He thought this was a good way to let the people ask some hard questions and let the people weight in on what was done.

Spletzer asked approximately how long it would take to put the newsletter together and get distributed. Mr. Lynch did not know. Spletzer suggested a town hall meeting for about a month from now. Mr. Lynch suggested more time because the pamphlet was going to be included in a general newsletter and would need more time.

Spletzer made a motion seconded by Baryak to amend the motion to include a date of April 26th at 6:00 p.m.

Mr. Lynch said it was not a bad idea but asked not to be pinned down to a date because he knows what it takes to get together all the information. He would come back at the April meeting with a specific date.

Baryak said they can instruct the City Manager with three votes to get it done. He might not want to do it but who does he answer to. He answers to three Council members. So let's do what council wants him to do not what Mr. Lynch wants to do.

Zimmermann thought education was important and thought it needed to be done in a timely manner, so a date was a good idea.

Vote on Motion to Amend:

**ROLL CALL: Baryak aye, Zimmermann aye, Breymaier nay, Alberini aye, Spletzer aye.
MOTION PASSED 4 ayes – 1 nay**

Vote on Motion to Adopt as Amended:

**ROLL CALL: Zimmermann aye, Breymaier nay, Alberini aye, Spletzer aye, Baryak aye.
MOTION PASSED 4 ayes – 1 nay**

PUBLIC COMMENTS:

Julie Lemon, 2750 East River Road commented on what Ms. Spletzer said at the beginning of the meeting regarding Mr. Lynch discipline. She sent an email to all members of Council and spoke to most. She felt his integrity was beneath the character of this Community. She put together a number of people he has publicly flagged and read the names. She also explained what a habit was and felt it was hurting the community. She had her conversation on audio with Mr. Lynch. She also stated Council would be judged on how they voted on this one.

Laura Neiheisel, 227 North Center Street appreciated the thought of asking for a newsletter but thought it was a day late and a dollar short. The whole concept was to get information out before it was passed.

Ms. Neiheisel stated the City deserves better than Ms. Breymaier and what she has done to the City. We have clear evidence that she cursed at the end of the meeting last week. We don't know who cursed tonight but could be brought up later.

There will probably be a referendum mainly because people don't understand what you are trying to do. But when you pass something so quickly without listening to the community this is what the result is. People going door to door to get signatures just because you could not wait two weeks.

Christopher Granchie, 14 East Broad recognized and commended Ms. King for her professionalism when accepting the recall petitions and appreciated her assistance.

Mr. Granchie said last week Mr. Alberini stated he could not take phone calls from one of his constituents due to his wife not liking him in coming in contact with him. Mr. Granchie said when he was married his wife did not like when he got called away by the military. He did not like it much either however it was his job, and he swore an oath much like Mr. Alberini did when he took office. Mr. Granchie stated if you can't live by the oath you took you should just resign. Ignoring the people you represent is inexcusable. Going forward your disgust in Jamie Kline quoting Ms. Breymaier directly, yet voting no not to discipline her is not only hypocritical it is absolutely cowardly, and you should be ashamed of yourself.

Mr. Granchie stated to Mr. Lynch that his behavior last week in the town hall was nothing short of abhorrent. You're not a dictator, the mute and click button seems to have made him feel some overwhelming sense of self importance even though you are just a City employee. As a resident of this village he felt nothing but shame after watching that meeting and any good that came from it was over shadowed by his immature and unprofessional ways.

Ms. Breymaier accused Mr. Kline of starting the recall. Mr. Granchie said he wanted her recalled because she is unprofessional, does not care about her ward and her profession.

Jamie Kline 312 Ridge Road. To Mr. Alberini she said she knows he thought he heard Ms. Spletzer, it was not her that called him an inappropriate name.

She has been watching the meetings for over a year and is finding that three of the Council members stick together no matter what it is. They stick together on the bogus raises and stuff now she is hoping Mayor Kline takes Mr. Fritz advise and goes to the ethics committee on her voting for her own discipline. She said they all made this town look like crap. People are embarrassed to say they live here. The Village Council ain't even run right and she is with everyone else it is time to do a couple recalls.

Tracy Hurst said she is continually disappointed but not surprised on the yes group. To Alberini in the heat of the battle that does happen, but there are consequences to actions and expectations at a job. To Mr. Lynch she hoped he heard the people about selling the electric. We did not have the contract last week now all the sudden we have it. She reiterated what Mr. Kline asked and who asked Mr. Gregor not to speak.

As for Ms. Breymaier she will do whatever she can on reporting her to the Ohio Department of Ethics.

Putting out information now will not matter because they already voted.

She thanked Mr. Kline for doing what he said he would do and encouraged him to search for outside legal opinions because we need accountability, and it is a shame we have to pay for that, but we don't have the stability in our current environment.

Brian Kropp 247 Elizabeth Street stated the meeting was embarrassing and was cringing to watch it was a mess, travesty and joke. We are the laughing stock outside our community and it is the behavior of the majority of Council. It does not matter what the taxpayer thinks because they have predetermined what they will do before they come to the meeting. To have a town hall after it has been faced is an absolute joke. For a former Mayor and Member of Council to say that Council is not smart enough to write legislation, the people elected them to write legislation and be in these positions No one respects any of the stuff talked about up here. King Dave is going to run the building the way he wants and is not going to listen to anybody or do what anybody says. And that is what we are going to deal with. The majority of Council has to change. You have two members of council who have both violated their oath of office by not representing their constituents. He thanked Mayor Kline for his levelheadedness. He also asked

why the City Manager was presiding over the meeting and running the show. This is unfortunate and hoped it changed very soon.

Don Placer 342 Oak Knoll he concurred with Mr. Kropp on everything he said it is ridiculous how this council is run. We have a Councilmember who has been up for discipline twice and is a total disgrace to the City. For Council not to vote to discipline her they should be ashamed of themselves. The Finance Director should come prepared to the meetings that is why she got the contract. No exceptions. Council should find out who put the gag order on the electric employees not to speak and why. Council should be allowed to go into City Hall whenever they want to not have to make an appointment.

Lyle Waddell 2404 East River Road hoped the non-accredited school where all these legal scholars are getting their degrees and diplomas from certainly closes soon for the betterment of this community. He thanked the three members of Council who voted for the AMP-T contract. They did the right thing. If they want to take this to referendum let them do it, because when we lose the contract and have to pay all the money to restore and fix our facilities and rates go up you can look back and say we did what we were supposed to do for our community. And those who have no idea what they are talking about will ruin everything we have done just like they have been doing. This was a great thing for this community, and you did the right thing.

Tim Stintson 253 Arlington asked why it was acceptable that the City Manager could submit a written report and not actually tell the public what is in the report. All he wants is transparency he was sure there was nothing in the report that was not public. Secondly, you voted on something where there is a contract, again why isn't it on the agenda? Mr. Lynch quoted look forward to paying off our debt from the AMP T sale. We know we are getting Covid money why do we need the AMP T deal to pay off our debt, we don't. He asked why we go with the lowest bidder because you get what we paid for. In referenced to the newsletter we don't need to spend extra money to explain something already passed. Again, the town hall was after the fact the point is moot. The City Manager's inability to set up a zoom meeting correctly, you can mute everybody until you allow them to unmute. They were set up that way originally. That is what he did last week. Mute everyone you have the ability. You turned off the feature to chat, so he knew we knew how to do it. Not allowing the Electric Dept. to speak is ludicrous. No one mentioned but he guaranteed there was a way we could get the license for the transmission lines.

CLOSING REMARKS; MAYOR, CITY MANAGER AND COUNCIL:

Zimmermann felt it was overall a good meeting. He felt the AMP T information needs to be out and education needs to be done. Everything he is seeing its an amazing deal for the City. We still have control over the lines and can pass stuff onto AMP. This is a new way of doing business. We are passing on our costs and all other communities are sharing the cost. The equipment will still be here, but we will not physically own it.

Baryak said he has not been kept in the loop. He was told there was no debt on the electric. We have given Mr. Lynch the power to negotiate and bypass Council. In reference to the Smart Meters it was passed under emergency. We knew it was not an emergency but could not prove it. We are giving up control of what we own for no reason. The sewer department needs money,

and we should have raised the sewer rates. The people on something this critical should be given the right to vote. He asked how the garbage contract was working out. He said he has never taken a dime since he was on Council, he did bid work before. To the people he said he worked hard and was proud of his family and what he accomplished in life. He was proud honored and humbled to serve. He did not want to make it personal, but we have to change the status quo, or it will keep going on. The people can see what is going on and he hoped the people would make a judgement. He did not want to leave the community with something they could not get out of. This can be referendum because it was not passed by emergency.

Baryak said we have to start talking to each other instead of at each other.

Spletzer said she never before has she seen so few people hurt so many, Those three who voted for that legislation that is the most ambiguous legislation she has ever seen. She felt they violated their oath of office. She said they were not filling the fiduciary responsibility that they owe to their citizens. She was disgusted. The discipline for Ms. Breymaier is on her.

Spletzer asked to remove her motion to go into executive session to discipline the City Manger because she has had enough. She would not spend another half hour talking about a man that has belittled and degraded people and she has to take the phone calls.

Alberini said he was confident in his decision making. He analyzed all the data. Before making a decision, he surrounds himself with people smarter than him and had the opportunity to talk to several people this week. He hoped it turned out as a major blessing to the citizens of Newton Falls. This is a Council; you have people agree and disagree. You walk away and move on to the next project.

It was mentioned that Newton Falls is the laughing stock of the community. What he sees on the zoom meetings is 15 or 20 and always the same people commenting against us. His first phone call Saturday was from the Youngstown Warren Chamber of Commerce asking for a zoom call. This council is trying, and we may not always agree. We have spent a lot of time researching this project and he was confident it would work out for the citizens. He also said he did not need to be told about upholding an oath.

Mayor Kline was glad April meetings would be in person. This is not the right way to do business, not because of Covid but because of our meeting. So many things passed have not been properly discussed. He will be out tomorrow talking to individuals. No matter if right or wrong he does not weigh in on a lot of things. The biggest insult is to tell him he is not fair. But he is fair. When he weighs in, he tries to give everybody a chance to speak but thought we needed to slow down.

Mayor Kline commented on the recall. He got a call from a reporter saying he heard he was behind it all. He said he never heard anything so funny in his life. The fact is there were 211 who signed the recall. Look really close and you will not find a Kline on it, his family did not sign it.

MOTION TO RECESS INTO EXECUTIVE SESSION:

ADJOURN:

After no further comments or questions Spletzer made a motion seconded by Alberini to adjourn at 9:38 p.m.

**ROLL CALL: Breymaier aye, Alberini aye, Spletzer aye, Baryak aye, Zimmermann aye.
MOTION PASSED 5 – 0**

Mayor, Kenneth A. Kline

ATTEST: _____
City Clerk/Clerk of Council

DRAFT

ORDINANCE 2021-03

**AN ORDINANCE AMENDING ORDINANCE 2020-39 MAKING
APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER
EXPENDITURES FOR THE CIYT OF NEWTON FALLS, OHIO FOR THE
FISCAL YEAR ENDING DECEMBER 31, 2021.**

(Sponsored by the City Manager)

WHEREAS, Newton Falls City Council approved Ordinance 2020-39 making appropriations for the fiscal year ending December 31, 2021; and

WHEREAS, City Council wishes to authorize an additional 2% wage increase to City of Newton Falls employees retroactive to January 1, 2021.

THE COUNCIL OF THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY ORDAINS:

SECTION I: The Newton Falls City Council authorizes a 2% wage increase to City of Newton Falls Employees retroactive to January 1, 2021. Total increase for 2021 thus becomes 3% due to the previous 1% authorized by Council.

SECTION II: The Newton Falls City Council amends Ordinance 2020-39 pages 417 and 418 with Exhibit A attached hereto as if fully rewritten herein.

SECTION III: All full-time salaried employees are exempt from this additional wage increase.

SECTION IV: Any ordinances or parts of ordinances in conflict with the context of this ordinance are hereby repealed.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2021.

Mayor Kenneth A. Kline

ATTEST: _____
Clerk of Council/City Clerk

2021-03
EXHIBIT A

FULL TIME EMPLOYEES	CURRENT 2020	2021 YEARS	LONGEVITY	2021	MAXIMUM
	RATE	SERVICE	RATE	PAY RANGE	BASE PAY RATE
POLICE:					
CHIEF*	\$ 30.86	8	\$ 0.36	\$ 34.86	\$ 35.92
SERGEANT	\$ 24.89	25	\$ 0.70	\$ 25.14	\$ 26.36
SERGEANT	\$ 25.90	28	\$ 0.76	\$ 26.16	\$ 27.46
PATROLMAN	\$ 20.76	4	-	\$ 20.97	\$ 21.39
PATROLMAN	\$ 20.76	4	-	\$ 20.97	\$ 21.39
PATROLMAN	\$ 20.76	1	-	\$ 20.97	\$ 21.39
PART-TIME PATROLMAN	\$16-\$18			\$16.00-\$18.15	\$ 18.54
PART-TIME DETECTIVE	\$ 19.00			\$ 19.19	\$ 19.57
PART-TIME SUPPORT STAFF	\$14.72-\$16.21			\$14.87-\$16.35	\$ 16.70
ZONING:					
ZONING MANAGER	\$ 23.55	2	-	\$ 23.79	\$ 24.26
WATER PLANT:					
DIRECTOR*	\$ 28.76	25	\$ 0.70	\$ 34.86	\$ 35.56
OPERATOR 3	\$ 23.81	29	\$ 0.78	\$ 24.03	\$ 25.31
OPERATOR APPRENTICE TO 1	\$ 18.67	3	-	\$ 19.16	\$ 19.23
OPERATOR APPRENTICE TO 1	\$ 17.85	3	-	\$ 18.15	\$ 19.75
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
WATER DISTRIBUTION:					
DIRECTOR*	\$ 28.34	31	\$ 0.82	\$ 34.86	\$ 35.68
MRO 3	\$ 23.34	18	\$ 0.56	\$ 23.57	\$ 24.39
MRO 2	\$ 20.85	5	\$ 0.30	\$ 21.06	\$ 22.40
MRO 2	\$ 19.72	4	-	\$ 19.92	\$ 21.47
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
WASTEWATER:					
DIRECTOR*	\$ 28.72	23	\$ 0.66	\$ 34.86	\$ 35.52
OPERATOR 2	\$ 21.21	5	\$ 0.30	\$ 20.56	\$ 22.14
OPERATOR 1	\$ 19.74	5	\$ 0.30	\$ 19.94	\$ 20.94
OPERATOR 2	\$ 20.60	4	-	\$ 20.81	\$ 21.84
OPERATOR APPRENTICE TO 1	\$ 17.38	2	-	\$ 17.55	\$ 19.53
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
ELECTRIC:					
DIRECTOR*	\$ 28.26	15	\$ 0.50	\$ 34.85	\$ 35.36
APPRENTICE TO 1	\$ 19.17	7	\$ 0.34	\$ 19.36	\$ 20.95
SENIOR LINEMAN	\$ 27.09	7	\$ 0.34	\$ 27.36	\$ 28.25
SENIOR LINEMAN	\$ 27.09	7	\$ 0.34	\$ 27.36	\$ 28.25
APPRENTICE TO 1	\$ 18.85	2	-	\$ 19.04	\$ 20.95
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
UTILITY BILLING:					
UTILITY BILLING ADMIN	\$ 21.72	2	-	\$ 21.94	\$ 22.38
UTILITY CLERK	\$ 16.21	2	-	\$ 16.37	\$ 16.70
STREET:					
DIRECTOR*	\$ 27.52	38	\$ 0.96	\$ 34.86	\$ 35.82
MAINTENANCE 3	\$ 22.10	33	\$ 0.86	\$ 22.32	\$ 22.77
MAINTENANCE 3	\$ 22.06	31	\$ 0.82	\$ 22.72	\$ 22.74
MAINTENANCE 1	\$ 18.37	3	-	\$ 18.30	\$ 19.44
PART-TIME LABORER	\$ 14.75			\$ 14.90	\$ 15.20
CITY ADMINISTRATION:					
CITY MANAGER*	\$ 42.91	3	-	\$ 43.34	\$ 44.21
CITY CLERK*	\$ 23.77	27	\$ 0.74	\$ 34.86	\$ 36.31
PART-TIME CLERK	\$ 14.75			\$ 14.90	\$ 15.17
FINANCE:					
DIRECTOR*	\$ 32.07	5	\$ 0.30	\$ 34.86	\$ 35.86
ACCOUNTING ADMIN	\$ 21.72	2	-	\$ 21.94	\$ 22.38
FINANCE CLERK	\$ 14.85			\$ 15.00	\$ 16.83
LAW:					
LAW DIRECTOR	\$ 30.96				\$ 31.58
LAW CLERK	\$ 12.54			\$ 14.90	\$ 15.20
BUILDING MAINTENANCE:					
CUSTODIAN	\$ 14.75			\$ 14.90	\$ 15.20
BUILDING SECURITY	\$ 16.50			\$ 16.50	\$ 16.83
ECONOMIC DEVELOPMENT:					
ECONOMIC MANAGER*				\$ 24.04	\$ 24.04

Note: * This means these positions in 2021 are salaried employees will not be paid overtime nor license pay

RESOLUTION 16-2021

**A RESOLUTION OF APPRECIATION AND RECOGNITION TO NICHOLAS HOLUB
AND VOLUNTEERS FROM THE NEWTON FALLS CLEAN UP GROUP .**

(Sponsored by Ward 1 Councilman Adam Zimmermann & City Manager David Lynch)

WHEREAS, Nicholas Holub created the Newton Falls Clean Up group; and

WHEREAS, On Saturday, March 27, 2021 approximately 60 volunteers helped clean up the West Branch river bank and the area around Veteran's Park; and

WHEREAS, Volunteer of the Newton Falls Clean Up group collected a trailer full of trash, bottles, bags of trash, tires, two shopping carts and a smashed flat screen tv from the river and the area around the waterfall; and

WHEREAS, Nicholas Holub and all the volunteers have shown with their actions the pride they take in their community; and

WHEREAS, It takes someone special to take time out of their busy days to volunteer and help organize events such as this for their community; and

WHEREAS, In Newton Falls volunteers and organizers are the heart and sole of small communities such as ours; and

WHEREAS, Newton Falls City Council would like to show their appreciation and recognize Nicholas Holub and everyone from the Newton Falls Clean Up group for their hard work, selflessness and acts of kindness.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY RESOLVES:

SECTION I: Newton Falls City Council would like to recognize and show their appreciation to Nicolas Holub and the Newton Falls Clean Up group for their commitment to the community and their dedication that makes our community special:

PASSED IN COUNCIL THIS 5th DAY OF APRIL 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
Kathleen M. King, City Clerk

RESOLUTION 17-2021

A RESOLUTION URGING THE OHIO STATE LEGISLATURE TO PASS HOUSE BILL 135 AND HOUSE BILL 153 TO BRING FAIRNESS TO THE APPLICATION OF PRESCRIPTION DRUG PLANS FOR THOSE STRUGGLING TO PAY DEDUCTIBLES AND OUT-OF-POCKET COSTS FOR LIFE-SAVING MEDICATIONS.

(Sponsored by Ward 1 Councilman Adam Zimmermann, & City Manager David Lynch)

WHEREAS, House Bill 135 will help patients access the medications they need by requiring all forms of payment, including drug manufacturer assistance, to count towards an individual's out-of-pocket deductible and;

WHEREAS, House Bill 153 is non-medical switching legislation that would prohibit insurers from making mid-year changes to prescription drug formularies because plan changes during an existing contract year are inherently unfair and can lead to increased costs that put an effective disease-modifying treatment financially out of reach.

COUNCIL FOR THE CITY OF NEWTON FALLS, STATE OF OHIO, HEREBY RESOLVES:

SECTION I: The Newton Falls City Council and this administration do hereby urge the Ohio State Legislature to pass House Bill 135 and House Bill 153 in order to compassionately address the needs of those struggling to obtain life-saving prescription medications.

PASSED IN COUNCIL THIS 5TH DAY OF APRIL 2021.

Mayor, Kenneth A. Kline

ATTEST: _____
Kathleen M. King, City Clerk