



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, November 2, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon “Bud” Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	VACANT
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Finance Director	Sean Housley
City Clerk	Michael Acomb

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Special Presentations by Staff Members or Invited Consultants**
- V. Public Comments (Agenda Items Only)**
- VI. Reports**
 - a. Mayor
 - b. Council Members
 - c. Finance Director
 - d. Law Director
 - e. City Manager

Changes To Tonight’s Agenda

- VII. Approval of Previous Minutes**
 Regular Meeting Minutes, October 19, 2022

- VIII. Public Hearings**
- IX. Unfinished Business**

ORDINANCE 2022-49 *Co-Sponsors: Councilpersons Baryak and Fetterolf*
 AN EMERGENCY ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND
 AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO
 THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE
 BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR
 COLLECTION

X. New Business

ORDINANCE 2022-53

Sponsor: Councilperson Spletzer

AN ORDINANCE AMENDING THE JOB CLASS & PAY GRADE AND HOURLY WAGE RATE SCHEDULES FOR POSITIONS WITHIN THE PUBLIC WORKS DEPARTMENT AND FINANCE DEPARTMENT

ORDINANCE 2022-54

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE RELATED TO SUNBELT SOLOMON FOR MATERIALS/ EQUIPMENT NEEDED BY THE ELECTRIC DEPARTMENT

XI. Public Comments

XII. Closing Remarks

MOTION

A Motion to Adjourn into Executive Session (as noted below)

1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

Appointment

Employment

Dismissal

Discipline

Promotion

Demotion

Compensation

2. Purchase or Sale of Property

6. Security Matters

3. Pending or Imminent Court Action

7. Hospital Trade Secrets

4. Collective Bargaining Matters

8. Confidential Business Information of an Applicant for Economic Development Assistance

5. Matters Required to be Kept Confidential – Contract Negotiations

9. Veterans Service Commission Applications

XIII. Adjournment



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, October 19, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon “Bud” Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	VACANT
At- Large	Julie Stimpert
Mayor	Kenneth Kline

CITY ADMINISTRATION	
City Manager	Pamela Priddy
Law Director	Brad Bryan
Finance Director	Sean Housley
City Clerk	Michael Acomb

I. Call to Order

Mayor Kline called the meeting to order at 6:00 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Stimpert

Council Absent: None

Staff Present: Mayor Kline, City Manager Priddy, City Clerk Acomb, Law Director Bryan, Finance Director Housley, City Administrator Smeiles

Staff Absent: None

IV. Special Presentations by Staff Members or Invited Consultants

None

V. Public Comments (Agenda Items Only)

Adam Zimmermann – 515 LeMae Avenue – 10 minutes

Mr. Zimmermann spoke against Ordinance 2022-43 and 2022-49 appearing on this agenda, noting they had two readings and are now being read again. He spoke against the proposed special prosecutor surmising that it is regarding a lawsuit pertaining to the October 11 emergency meeting. He spoke against the executive session in the October 11 emergency meeting citing the absence of the law director. He spoke against Ordinance 2022-50 wondering why it has appeared as an emergency for a third time this year and asked for details regarding the situation. He spoke against Ordinance 2022-48 citing his support for a ten-minute speaking period. He addressed Mr. Baryak directly and recounted Mr. Baryak’s record of support for public comments in meetings.

Tom James – 23 E. Liberty Street

Mr. James spoke against Ordinance 2022-49 citing that the city contracts with the tenants for utilities, not the landlord. He cited HB 422 and read from the bill stating that Ordinance 2022-49 would conflict with HB 422 when HB 422 is finally passed. Citing his past record as a councilperson, he suggested alternative solutions that would be compliant with HB 422 and urged Council to not pass the ordinance.

Jim Luonuansuu – 10 E. Liberty Street

Mr. Luonuansuu spoke against a number of agenda items, including (1) the approval of minutes for 10/11/2022 citing it as a wrongful action; (2) Ordinance 2022-51 citing it an unfair, inconsistent, and possibly discriminatory action by Council; and (3) the October 11 executive session surmising the reason for the executive session for “pending or imminent court action” was related to Ms. Stimpert’s court filing against the rest of Council. He admonished Council for the allegations Ms. Stimpert made the court filing.

VI. Reports

- a. Mayor Kline visited Venture Plastics and thanked their leadership for the hospitality. He spoke positively about their Employee Appreciation Day. He was left with a great impression. Trick or Treat is on October 29, from 4-6pm after the Cake Walk. He encouraged qualified electors to submit for the vacant council seat in Ward 4.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – He spoke about a variety of topics, including (1) unfavorably about Facebook, (2) an email from Mr. Zimmermann to Council received on October 18, and (3) an email received by Council from Mr. Lyle Waddell, that was also sent to several others, whom Mr. Fetterolf believes cast the city in a poor light by their actions, regularly criticize Council, and waste taxpayer resources.
 - ii. Ward 2 – Mr. Baryak – He attended a Utility Review Board meeting and advised those with a sump pump to install a battery backup.
 - iii. Ward 3 – Ms. Spletzer – She stated that a Parks and Recreation Meeting will be October 25 at 5:30 pm.
 - iv. At-Large – Ms. Stimpert – Fire Board meeting was cancelled for lack of quorum and may be rescheduled for November 1 at 6:00pm. She received many phone calls regarding emergency ordinances.
- c. Finance Director
 - i. Mr. Housley stated that his office is working to update utility policies and procedures.
- d. Law Director
 - i. Mr. Bryan spoke regarding Ordinances 2022-43 and 2022-49, citing Article III, Section of the Charter as the reason for recommending that it be read once more.
- e. City Manager
 - i. Ms. Priddy as a representative from OHM Advisers to be part of her report. The representative stated that the result of the August application for the OPWC Road Program shows a ranking of 20/61 which seems favorable in receiving competitive money to pave various roads of the village in 2024. He reminded Council that their application has not been

accepted but is expected to be announced on November 1. He also stated that he has been working with the Water Distribution Superintendent regarding several water main breaks. He stated that grant funding will be explored to assist in the replacement of the water lines. He stated that emergency funding is not available due to the lines having reached their end-of-life expectancy. Mr. Baryak asked if the village has a chance at the grant. The representative said yes. Mr. Baryak stated that past councils have been unsuccessful in acquiring grants and thanked the adviser and his grant writing program.

Changes To Tonight's Agenda

Mayor Kline removed the approval of the draft minutes of the emergency meeting held on October 11, 2022 from the agenda citing improper public notification due to a technological error. These minutes will remain in draft form as a public record.

VII. Approval of Previous Minutes

Regular Meeting Minutes, October 5, 2022

A motion to approve the minutes.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

No discussion.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes

VIII. Public Hearings

ORDINANCE 2022-47

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE RELATED TO EVOLUTION ECOLOGY ("EVO ECO") FOR WATER PLANT SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES

No comments.

ORDINANCE 2022-48

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE PERTAINING TO COUNCIL RULES OF CONDUCT AND PROCEDURE

Adam Zimmermann – 515 Lemae Avenue

Mr. Zimmermann told Council that a super-majority is required to pass this ordinance. He pled for one member of Council to change their vote.

IX. Unfinished Business

ORDINANCE 2022-47

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE PURCHASE ORDER AND EXPENDITURE RELATED TO EVOLUTION ECOLOGY ("EVO ECO") FOR WATER PLANT SEDIMENTATION BASIN DRAINING, DISPOSAL, AND CLEANING SERVICES

Motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Mr. Baryak stated that there was more sludge that originally believed.

Roll Call Vote: Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes
The ordinance was passed 4-0. Final reading.

ORDINANCE 2022-48

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING SECTION 121.03 OF THE ADMINISTRATIVE CODE
PERTAINING TO COUNCIL RULES OF CONDUCT AND PROCEDURE

Motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak stated that a vote of 3-1 would pass the ordinance. The Law Director confirmed that a 2/3 vote of Council is required and that a 3-1 vote would be sufficient to pass the ordinance. Ms. Stimpert spoke against the ordinance and stated her intention to change her vote. Mr. Fetterolf spoke in support of the ordinance and stated that although it amends council rules, it retains the ability of the public to speak at meetings. Mr. Fetterolf stated a need to make the efficient business of Council is a priority. He stated further that the 10-minute speaking portion of Public Comments has been abused and having it invites disruption of the business of the city. Mr. Baryak spoke in support of public speech and in support of maintaining order in public business meetings.

Roll Call Vote: Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The ordinance was passed 3-1. Final reading.

ORDINANCE 2022-43

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AMENDING SECTIONS 1149.02 AND 1149.03 OF THE
ZONING CODE RELATING TO RESIDENTIAL ADDICTION SERVICES OR
TREATMENT FACILITIES AND HOUSES

Mayor Kline asked the Law Director if a reading of this ordinance is still required. Mr. Bryan stated that one more reading is necessary because, at the prior meeting, it was changed substantially to add the emergency clause.

A Motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in support of the ordinance due to the volume of facilities that are opening suddenly and without regulations. He spoke in support of regulations and city control. Ms. Stimpert reminded Council that Mr. Bryan recommended that this ordinance be presented to the planning commission for comment prior to passage. Mr. Bryan affirmed and stated that it is not required for Council to hear from the planning commission for it to be passed lawfully. Mr. Fetterolf stated that the planning commission has been cancelled twice and seem to have no future set date. He spoke in support of the planning commission commenting on it after it is passed and stated that council would likely consider their comments for potential amendment. He spoke in support of "half-way houses"; but also spoke in support of regulations, particularly in residential areas. Ms. Stimpert wondered if any planning members have seen the ordinance. Mr. Housley stated it has been sent to all members as individuals. Mr. Baryak stated his support for the planning commission to comment. He stated his belief that

these are businesses that are making a lot of money. He stated there are currently six (6) in the city. Mr. Bryan stated that his recommendation is that the occupancy fees for this purpose be set consistently with other similar fees.
Roll Call Vote: Ms. Spletzer-yes; Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes
The ordinance passed 3-1. Final reading.

ORDINANCE 2022-49 *Co-Sponsors: Councilpersons Baryak and Fetterolf*
AN EMERGENCY ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION

A Motion to pass the ordinance on first reading.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mayor Kline asked the law director about the feasibility of amending the ordinance to include an increase in the renter's deposit.

Mr. Bryan recommended an amendment be drafted and ordinance be tabled until the next meeting to allow for considerations related to the expected new state law and public comments from tonight.

Ms. Spletzer spoke in support of the emergency clause due to the time-sensitive deadline imposed on the Finance Director by the County. Mr. Housley assured Council that decision they make would be amenable to him. Mr. Bryan stated that if the state law passes, then Council would have to amend what might be passed today anyway,

Mr. Baryak spoke in support of landlords charging extra fees to cover unpaid utility bills. He spoke against raising the deposit for utilities. He stated his belief that landlords can be responsible for utility bills. Mr. Bryan affirmed that landlords can be held responsible and recommended that Council table this ordinance until next meeting so that it might be amended. Mr. Baryak spoke against increasing the income tax; but in support of holding people accountable for their bills, including landlords.

Ms. Stimpert explained her inconsistent vote record on the ordinance. She stated her support in tabling the ordinance as Mr. Bryan advised. She asked for a copy of the utility collections policy. Mr. Housley stated that he would send it to all of Council.

Mr. Fetterolf spoke in support of the ordinance citing that rental property ownership and management is a business and should be treated as such.

Ms. Spletzer clarified that the total amount of delinquent bills from last month was about \$14,000. Ms. Priddy clarified that \$300,000 referred to earlier was the original value of delinquencies prior to the delinquency program. She stated that

the most recent amount was \$4,000 noting that significant progress has been made in collections. Mr. Housley stated his support for the emergency clause; but also stated his support for tabling the ordinance. Mr. Bryan stated that an amendment could be discussed between he and Mr. Housley and re-presented to Council at the next meeting.

Mr. Baryak asked if the current utility policy is under review. Mr. Housley stated that the current policy is being reviewed for revision.

A motion to table the ordinance until the first meeting of November.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Stimpert asked if Mr. Baryak was personally working on the revision policy. Mr. Baryak stated his belief that policy revision is being worked on to revise shutoff policies and procedures. Mr. Housley stated that he is not aware of any direct efforts by Mr. Baryak.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The motion passed 3-1. The ordinance was tabled.

X. New Business

ORDINANCE 2022-51

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE PROVIDING FOR THE APPOINTMENT OF ANGELA LOHAN TO ACT AS SPECIAL PROSECUTOR FOR REVIEWING AND/OR HANDLING A CRIMINAL COMPLAINT MADE BY A VILLAGE COUNCILPERSON

A motion to pass the ordinance on first reading.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in support of free speech and in support of the need to control the public business meeting. Mr. Fetterolf described how council needs legal representation and the city prosecutor, an employee of council, has a conflict of interest due to the nature of a particular legal matter filed against council. He stated that this hiring would eliminate that conflict of interest so they can be represented properly in the legal matter. Mr. Bryan stated that Council might consider moving this item to later in the agenda, after the executive session, where it can be reconsidered. Mr. Baryak urged for passage.

Roll Call Vote: Ms. Spletzer-yes; Ms. Stimpert-abstain; Mr. Fetterolf-yes; Mr. Baryak-yes
The ordinance passed 3-0.

A motion to pass the ordinance on second reading.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

Roll Call Vote: Ms. Spletzer-yes; Ms. Stimpert-abstain; Mr. Fetterolf-yes; Mr. Baryak-yes
The ordinance passed 3-0. Final reading.

ORDINANCE 2022-52

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO ENTER INTO AND EXECUTE A LOAN AGREEMENT FOR THE LEASE/PURCHASE OF ONE PREVIOUSLY AUTHORIZED POLICE VEHICLE

PROVIDING FOR AN INTEREST RATE OF UP TO 6.99% RATHER THAN THE PREVIOUSLY APPROVED RATE OF UP TO 6.74%

Mayor Kline asked the City Manager if this ordinance was necessary. She stated that it was necessary.

A motion to pass the ordinance on first reading.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak stated that interest rates went up. Ms. Priddy clarified that she instructed the removal of one vehicle from the agreement at which point the interest rate was increased by the dealer.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The ordinance passed 4-0.

A motion to pass the ordinance on second reading.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes
The ordinance passed 4-0. Final reading.

XI. Public Comments

Adam Zimmermann – 515 Lemae Road

Mr. Zimmermann addressed Mr. Fetterolf directly and spoke in support of his friends. He addressed Mayor Kline directly regarding the removal of the approval of the October 11 meeting minutes. He questioned the validity of that action by the Mayor. Mr. Zimmermann spoke in support of an alleged victim of an alleged crime.

Ana Eby – 50 W. 9th Street

Ms. Eby addressed Mr. Fetterolf directly regarding his statements against Facebook. She spoke about several topics, including the performance of video/audio equipment used by Council for meeting and wondering why the money being used to support Dunkin Donuts cannot be used to support the police department. She addressed Ms. Spletzer directly regarding her use of personal social media.

Brenda Persino – Ward 3

Ms. Persino spoke in support of the use of Facebook; but spoke against the behavior of council members when using it. She urged Council to leave the various Facebook groups and told Council how to manage their own use of social media.

Don Placer – 23 W. Broad Street

Mr. Placer spoke about several topics, including his opposition to Ms. Spletzer as a member of Council, his difficulty in obtaining a permit for his restaurant, and his cancelled grand opening for the restaurant. He urged Ms. Spletzer to resign.

Ashley Placer – 342 Oak Knoll

Ms. Placer urged Ms. Spletzer to resign for alleged conduct unbecoming of a councilperson citing multiple reasons, including allegations of misconduct on Facebook.

Jamie Kline – 312 Ridge Road

Ms. Kline spoke about several topics, including the October 11 emergency meeting, her belief that Ward 3 no longer wants its councilperson, her support for Ms. Stimpert, and her support for renters in Newton Falls. She asked the Ward 2 and 3 councilpersons to resign. Mayor Kline reminded her to not make accusations against members of Council during public comments.

Chelsea Harper – 515 High Street

Ms. Harper reminded Council regarding their duty to protect the personal information. She reminded that the walk is Sunday at 3:00 pm. She encouraged Council to contact the home hub for the sober houses. She stated that one rental home is not a business. She lectured Council about various topics including respect, victim blaming, and listening to the public. She spoke in support of public speech at Council meetings.

Unidentified – E. Broad Street

She informed Council that the recent billing pamphlet says 2001 on it. She asked for clarification regarding the identity of the bill collector.

Jim Luonuansuu – 10 E. Liberty Street

Mr. Luonuansuu spoke about various topics including smart meters not working correctly and concerns about how those people are being charged for water, negative changes in utility bills, and the news about NOPEC releasing communities from their plans. He spoke in support of Ms. Stimpert. He spoke against Ms. Priddy and Mr. Bryan.

Unidentified – 811 N. Canal Street

As a landlord, he urged council to publish a shut-off policy for tenants and to provide guidance regarding how he might set an increased deposit for renter's utility obligations.

XII. Closing Remarks

Mr. Fetterolf spoke in support of his fellow councilpersons and reminded all that there are procedures for removing councilpersons from Council. He urged those in attendance to be productive and positive in their support of the Village.

Mr. Baryak spoke against those who are unhappy and urged the citizens to speak at the polls. He urged the audience to stop making accusations against others.

Ms. Spletzer stated that Council does follow the charter and reminded everyone about the process for removal and recalls. She restated that the Parks and Recreation meeting will be October 25 at 5:30 pm. Trick or Treat is on October 29, from 4-6pm after the Cake Walk.

Ms. Stimpert – no comments

Ms. Priddy – no comments

Mayor Kline expressed thanks and stated that conflict is not always bad. He appreciates those that do not raise their voices and behave badly at meetings. He reminded that making accusations in public meetings is inappropriate and urged everyone to be careful. He stated that the emergency meeting was called legally, and he clarified that there was a

regrettable, mishap in public notification. He stated his believe that he has the authority ability to remove the approval of those meeting minutes from the agenda due to the mishap stating that it makes little sense to approve the minutes of a meeting when proper public notification hadn't occurred.

MOTION

A Motion to Adjourn into Executive Session (as noted below) at 7:57 pm.

1. Personnel Matters: To Consider one or more, as applicable, of the marked items:

- | | | | |
|---|--|--|-------------------------------------|
| <input checked="" type="checkbox"/> Appointment | <input checked="" type="checkbox"/> Employment | <input type="checkbox"/> Dismissal | <input type="checkbox"/> Discipline |
| <input type="checkbox"/> Promotion | <input type="checkbox"/> Demotion | <input checked="" type="checkbox"/> Compensation | |

- | | |
|--|---|
| <input type="checkbox"/> 2. Purchase or Sale of Property | <input type="checkbox"/> 6. Security Matters |
| <input checked="" type="checkbox"/> 3. Pending or Imminent Court Action | <input type="checkbox"/> 7. Hospital Trade Secrets |
| <input type="checkbox"/> 4. Collective Bargaining Matters | <input type="checkbox"/> 8. Confidential Business Information of an Applicant for Economic Development Assistance |
| <input type="checkbox"/> 5. Matters Required to be Kept Confidential – Contract Negotiations | <input type="checkbox"/> 9. Veterans Service Commission Applications |

Moved by: Mr. Fetterolf
No discussion.

Seconded by: Ms. Spletzer

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-abstain
The motion passed 3-0.

MOTION

A Motion to adjourn executive session and return to regular session at 9:00 pm.

Moved by: Ms. Speltzer
No discussion.

Seconded by: Mr. Baryak

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes
The Motion passed 4-0.

XIII. Adjournment

MOTION

A Motion to adjourn the regular meeting at 9:01 pm.

Moved by: Ms. Spletzer
No discussion.

Seconded by: Mr. Baryak

Roll Call Vote: Ms. Spletzer-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes
The motion passed 4-0.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-49
SPONSOR: Councilpersons Baryak and Fetterolf

**AN EMERGENCY ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND
AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO
THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER
FEE BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX
DUPLICATE FOR COLLECTION**

WHEREAS, Council desires to clarify procedures contained in the Village's Codified Ordinances regarding the collection of delinquent sewer, water, and storm water fee bills and enhance the Village's ability to and options for collecting such delinquent bills.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby enacts Sections 920.085 and 953.065 and amends Section 960.04 of the Codified Ordinances pertaining to the certification of delinquent sewer, water, and storm water fee bills to the County Auditor for placement on the tax duplicate for collection, as is set forth in the attachment hereto that is incorporated herein by reference.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that it necessary to be able to certify certain delinquent bills to the County Auditor for placement on the tax duplicate before the 2022 deadline, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-49
PAGE TWO

PASSED IN COUNCIL THIS 2nd DAY OF NOVEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CHAPTER 929
Sewer Rates

* * *

929.085 CHARGES A LIEN.

Each sewer charge billed pursuant to this chapter on an account in the name of the property owner is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified by the Finance Director to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent sewer fee charges that are certified to the County Auditor for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter for the purposes of liens previously certified to the County Auditor, and failure of any owner to learn that he purchased property against which a lien for sewer charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 953
Water Regulations

* * *

953.065 CHARGES A LIEN.

Each water charge billed pursuant to this chapter on an account in the name of the property owner is hereby made a lien upon the premises charged therewith, and if the same is not paid prior to 31 days after the date upon which it is due and payable, it may be certified by the Finance Director to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent water charges that are certified to the County Auditor for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter for the purposes of liens previously certified to the County Auditor, and failure of any owner to learn that he purchased property against which a lien for water charges exists shall in no way affect his responsibility for such payment.

* * *

CHAPTER 960
Storm Water Utility

* * *

960.04 STORM WATER DRAINAGE FEE COLLECTION.

* * *

(c) All Storm Water Drainage Fees assessed billed to accounts in the name of the property owner pursuant to this chapter ~~shall become a lien upon the property to which such fee is associated from the date said fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fees for all services provided for his premises, which obligation may be enforced by the City by action at law or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event of such action, the City shall be entitled to recover all court costs and reasonable attorney fees for such collection.~~ are hereby made a lien upon the premises charged therewith, and if the same are not paid prior to 31 days after the date upon which they are due and payable, they may be certified by the Finance Director to the County Auditor, who shall place the same on the tax duplicate, with interest and penalties allowed by law, to be collected as other Municipal taxes are collected. An administrative fee of \$150 shall be added and assessed for all delinquent Storm Water Drainage Fees that are certified to the County Auditor for placement on the next tax duplicate for collection. No changes of ownership or occupation shall affect the application of this chapter for the purposes of liens previously certified to the County Auditor, and failure of any owner to learn that he purchased property against which a lien for Storm Water Drainage Fees exists shall in no way affect his responsibility for such payment.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-53
SPONSOR: Councilperson Spletzer

AN ORDINANCE AMENDING THE JOB CLASS & PAY GRADE AND HOURLY WAGE RATE SCHEDULES FOR POSITIONS WITHIN THE PUBLIC WORKS DEPARTMENT AND FINANCE DEPARTMENT

WHEREAS, in order to attract and retain qualified and/or experienced employees, Council and the City Manager have determined it is necessary to amend the Job Class & Pay Grade and Hourly Wage Rate Schedules for positions within the Public Works and Finance Departments as set forth herein.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby amends the Job Class & Pay Grade and Hourly Wage Rate Schedules for positions within the Public Works Department and Finance Department, effective January 1, 2023, as set forth in the attachment hereto that is incorporated herein by reference. The amended Job Class & Pay Grade Schedule is attached as Ex. A, the amended Hourly Wage Rate Schedule adding Range 21 is attached as Ex. B, and the existing Job Class & Pay Grade Schedule that is being amended is attached as Ex. C.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall be effective as indicated herein.

PASSED IN COUNCIL THIS ____ DAY OF ____, 2022

Kenneth A. Kline, Mayor

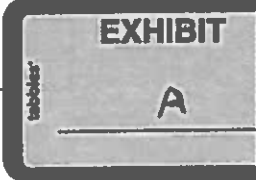
Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Laborer	0	Maintenance	Public Works	0	Good physical condition-COL w/6 months. Experience-able to perform laborer tasks	11
Maintenance Worker	1	Maintenance	Public Works	1	COL-all laborer skills & qualifications- operates front loader	14
Maintenance Worker	2	Maintenance	Public Works	3	All MW 1 skills & licenses- operates backhoe-streetsweeper-roller-flush truck-jackhammer/comp-installs tile-supervisory skills	16
Maintenance Worker	3	Maintenance	Public Works	5	All MW 2 skills & licenses- operates all equipment & vehicles-knowledge of street/storm sewer maintenance-maintain records/reports	17
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
MRO Apprentice	0	Water Distribution	Public Works	0	Good physical conditions- not color blind-COL w/6 months experience- mechanical aptitude-prepares/maintains records/reports-3 years max. in- grade	11
Maintenance Relief Operator	1	Water Distribution	Public Works	2	OH class 1(supply)-CDL-op lab certificate-basic knowledge of water chemistry-distribution-plant operation-& purification	14
Maintenance Relief Operator	2	Water Distribution	Public Works	3	MRO skills-licenses & certifications-backflow certificates-through knowledge water chemical, distribution, plant operation & procedures	16
Maintenance Relief Operator	3	Water Distribution	Public Works	5	MRO 2 skills, licenses & certifications-through knowledge plant systems/ops, distribution system & procedures	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Water Operator Apprentice	0	Water Plant	Public Works	0	Good physical condition-not color blind-3 yrs. Max in-grade-mechanical aptitude-prepares/maintains records/reports-basic math skills-able to obtain lab cert.	11
Water Plant Operator	1	Water Plant	Public Works	2	OH class 1(supply)& operational lab certificate-mis all ap. Op. requirements-basic knowledge water/chemical purification-pumps/valves- able to read/interpret & respond to meters, gauges and graphs	14
Water Plant Operator	2	Water Plant	Public Works	3	All OP 1 skills, licenses, & certificates-through knowledge of all water chemistry/purification, plant procedures & operations	16
Water Plant Operator	3	Water Plant	Public Works	5	All OP 2 skills, licenses & certificates, thorough knowledge of all plant systems, pumps, valve & meters-able to prepare all reports	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Wastewater Apprentice Operator	0	WPC	Public Works	0	Good physical condition-not color blind-COL with 6 months experience & 3 years max in-grade	11
Wastewater Operator	1	WPC	Public Works	2	OH Class 1-VWV, COL-basic knowledge WWT methods & WTR chemicals-plant-pumps/lifts-able to read/interpret meters, gauges and graphs & to operate VWV system/equipment	14
Wastewater Operator	2	WPC	Public Works	3	All WWPT Op1 skills licenses & certifications-able to do lab analysis & make taps- thorough knowledge WTR chemical-WWTP/procedures- basic knowledge boilers/valves	16
Wastewater Operator	3	WPC	Public Works	5	All WWPT Op2 skills, licenses & certificates- thorough knowledge of all WWTP systems, pumps, valves & meters-able to prepare/maintain reports/records.	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Lineman Apprentice	1	Electric	Public Works	0	Good physical health-min 1 year in-grade & max 2 year in-grade-general electrical aptitude-knowledge of basic math-able to follow written/oral instructions	10



Lineman Apprentice	2	Electric	Public Works	1	Min 1 year as apprentice-1st year Amp Ohio Merchant Training or equivalent- CDL & able to operate all electric equip/vehicles, set, climb & dress a 40' pole, install anchors & guys, basic knowledge of interior wiring, able to read & interpret basic wiring diagrams, ability to test all types of electric meters, thorough knowledge of electric policy/procedures, safety rules/regulations, performs wiring on voltages up to 600, able to trim trees around service wires	11
Lineman	1	Electric	Public Works	2	All Lineman Apprentice 2 skills, licenses & certificates-2yr Amp Ohio Merchant Lineman Training-basic knowledge of NF electric system	13
Lineman	2	Electric	Public Works	3	All Lineman 1 skills, licenses & certificates- 3yr Amp Ohio Merchant Lineman Training-extensive knowledge of NF electrical system	15
Lineman	3	Electric	Public Works	4	All Lineman 2 skills, licenses & certificates-4yr Amp Ohio Merchant Lineman Training	17
Lineman	0	Electric	Public Works	5	All Lineman 3 skills, licenses & certificates- Amp Ohio Journeyman Lineman certificate, lineman-"crew leader"- thorough knowledge of NF electric system	21
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Clerk	1	Any	Finance	0	Good physical condition-1+ year office experience-basic math skills-English-bookkeeping skills-able to operate office equipment-work with the public- & maintain confidentiality	6
Clerk	2	Assigned	Finance	4	All Clerk 1 skills, licenses & certificates & able to maintain accounts, perform procedures specific to the assigned division open & close office	7
Clerk	3	Assigned	Finance	8	All clerk 2 skills, licenses & certificates-able to establish/maintain all reports/records-meet deadlines- run the assigned division in the supervisors absence	9

City of Newton Falls
Schedule "A"
Hourly Rate Schedule

Range 6	A	B	C	D	E	Range 14	A	B	C	D	E
	15.55	15.95	16.31	16.72	17.18		19.18	19.76	20.34	20.99	21.64
Range 7	A	B	C	D	E	Range 15	A	B	C	D	E
	15.99	16.31	16.72	17.18	17.64		19.76	20.34	20.99	21.64	22.36
Range 8	A	B	C	D	E	Range 16	A	B	C	D	E
	16.38	16.72	17.18	17.64	18.13		20.34	20.99	21.64	22.36	23.03
Range 9	A	B	C	D	E	Range 17	A	B	C	D	E
	16.69	17.17	17.65	18.15	18.70		20.99	21.64	22.36	23.03	23.79
Range 10	A	B	C	D	E	Range 18	A	B	C	D	E
	17.18	17.64	18.13	18.66	19.18		21.64	22.36	23.03	23.67	24.60
Range 11	A	B	C	D	E	Range 19	A	B	C	D	E
	17.64	18.13	18.66	19.18	19.76		22.36	22.90	23.79	24.60	25.42
Range 12	A	B	C	D	E	Range 20	A	B	C	D	E
	18.13	18.66	19.18	19.76	20.34		23.03	23.79	24.60	25.42	26.29
Range 13	A	B	C	D	E	Range 21	A	B	C	D	E
	18.66	19.18	19.76	20.34	20.97		25.65	26.38	27.14	27.92	28.75



Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Laborer	0	Maintenance	Public Works	0	Good physical condition-COL w/6 months. Experience-able to perform laborer tasks	9
Maintenance Worker	1	Maintenance	Public Works	1	COL-all laborer skills & qualifications- operates front loader	12
Maintenance Worker	2	Maintenance	Public Works	4	All MW 1 skills & licenses- operates backhoe-streetsweeper-roller-flush truck-jackhammer/comp-installs tile-supervisory skills	13
Maintenance Worker	3	Maintenance	Public Works	8	All MW 2 skills & licenses-operates all equipment & vehicles-knowledge of street/storm sewer maintenance-maintain records/reports	14
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
MRO Apprentice	0	Water Distribution	Public Works	0	Good physical conditions- not color blind-COL w/6 months experience- mechanical aptitude-prepares/maintains records/reports-3 years max. in- grade	10
Maintenance Relief Worker	1	Water Distribution	Public Works	2	OH class 1(supply)-CDL-op lab certificate-basic knowledge of water chemistry-distribution-plant operation-& purification	11
Maintenance Relief Worker	2	Water Distribution	Public Works	4	MRO skills-licenses & certifications-backflow certificate-thorough knowledge water chemical, distribution, plant operation & procedures	13
Maintenance Relief Worker	3	Water Distribution	Public Works	6	MRO 2 skills, licenses & certifications-thorough knowledge plant systems/ops, distribution system & procedures	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Water Operator Apprentice	0	Water Plant	Public Works	0	Good physical condition-not color blind-3 yrs. Max in-grade-mechanical aptitude-prepares/maintains records/reports-basic math skills-able to obtain lab cert.	10
Water Plant Operator	1	Water Plant	Public Works	2	OH class 1(supply)& operational lab certificate-mts all ap. Op. requirements-basic knowledge water/chemical purification-pumps/valves- able to read/interpret & respond to meters, gauges and graphs	11
Water Plant Operator	2	Water Plant	Public Works	4	All OP 1 skills, licenses,& certificates-thorough knowledge of all water chemistry/purification, plant procedures & operations	13
Water Plant Operator	3	Water Plant	Public Works	6	All OP 2 skills, licenses & certificates, thorough knowledge of all plant systems, pumps, valve & meters-able to prepare all reports	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Wastewater Op Apprentice	0	WPC	Public Works	0	Good physical condition-not color blind-COL with 6 months experience & 3 years max in-grade	10
Wastewater Operator	1	WPC	Public Works	2	OH Class 1-WW, COL-basic knowledge WWT methods & WTR chemicals-plant-pumps/lifts-able to read/interpret meters, gauges and graphs & to operate WW system/equipment	11
Wastewater Operator	2	WPC	Public Works	4	All WWPT Op1 skills licenses & certifications-able to do lab analysis & make taps- thorough knowledge WTR chemical-WWTP/procedures- basic knowledge boilers/valves	13
Wastewater Operator	3	WPC	Public Works	8	All WWPT Op2 skills, licenses & certificates- thorough knowledge of all WWTP systems, pumps, valves & meters-able to prepare/maintain reports/records.	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Lineman Apprentice	1	Electric	Public Works	0	Good physical health-min 1 year in-grade & max 2 year in-grade-general electrical aptitude-knowledge of basic math-able to follow written/oral instructions	10



Lineman Apprentice	2	Electric	Public Works	1	Min 1 year as apprentice-1st year Amp Ohio Merchant Training or equivalent- CDL & able to operate all electric equip/vehicles, set, climb & dress a 40' pole, install anchors & guys, basic knowledge of interior wiring, able to read & interpret basic wiring diagrams, ability to test all types of electric meters, thorough knowledge of electric policy/procedures, safety rules/ regulations, performs wiring on voltages up to 600, able to trim trees around service wires	11
Lineman	1	Electric	Public Works	2	All Lineman Apprentice 2 skills, licenses& certificates-2yr Amp Ohio Merchant Lineman Training-basic knowledge of NF electric system	13
Lineman	2	Electric	Public Works	4	All Lineman 1skills, licenses & certificates- 3yr Amp Ohio Merchant Lineman Training-extensive knowledge of NF electrical system	15
Lineman	3	Electric	Public Works	6	All Lineman 2 skills, licenses & certificates-4yr Amp Ohio Merchant Lineman Training	17
Senior Lineman	0	Electric	Public Works	8	All Lineman 3 skills, licenses & certificates- Amp Ohio Journeyman Lineman certificate, lineman- "crew leader"- thorough knowledge of NF electric system	20
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Clerk	1	Any	Finance	0	Good physical condition- 1+ year office experience-basic math skills- English-bookkeeping skills-able to operate office equipment-work with the public- & maintain confidentiality	6
Clerk	2	Assigned	Finance	4	All Clerk1 skills, licenses & certificates & able to maintain accounts, perform procedures specific to the assigned division open & close office	7
Clerk	3	Assigned	Finance	8	All clerk 2 skills, licenses & certificates-able to establish/maintain all reports/records-meet deadlines- run the assigned division in the supervisors absence	9

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-54
SPONSOR: Councilperson Baryak

**AN EMERGENCY ORDINANCE AUTHORIZING THE PURCHASE ORDER AND
EXPENDITURE RELATED TO SUNBELT SOLOMON FOR MATERIALS/
EQUIPMENT NEEDED BY THE ELECTRIC DEPARTMENT**

WHEREAS, the Electric Department requires additional materials/equipment in order to properly operate the municipal electric system; and

WHEREAS, the total cost of those materials/equipment exceeds the City Manager's spending authority; and

WHEREAS, Council desires to authorize the purchase order and expenditure related to Sunbelt Solomon for the electric system materials/equipment set forth herein.

NOW, THEREFORE, the Council of the Village of Newton Falls, State of Ohio, hereby ordains:

SECTION 1. That Council hereby and herein authorizes the purchase order and expenditure related to Sunbelt Solomon for the equipment/materials needed for use by the Electric Department identified in the quote that is attached hereto and incorporated herein. Said amount shall not exceed \$47,800.

SECTION 2. That all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and all deliberations of this Council or any of its committees that resulted in such formal action were taken in meetings open to the public and/or in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason the Electric Department needs the equipment/materials as soon as possible and there is a 21 to 23 week lead time between the order and receipt of the equipment/materials, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

ORDINANCE NO. 2022-54
PAGE TWO

PASSED IN COUNCIL THIS 2nd DAY OF NOVEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director



ORD 2022-54
Exhibit A
Page 1 of 2

William "Bill" George
Newton Falls Munic Light & Power
electric@ci.newtonfalls.oh.us

Mike Steward
Outside Sales
msteward@solomoncorp.com | +1 2603414729

PRODUCT	QTY	EACH
Single Phase Pole Mount 25 KVA KVA: 25 @ 65°C 60Hz Impedance: Standard HV: 7200/12470Y (95 KV BIL) LV: 120/240 (30 KV BIL) Primary Taps: No Taps (2) Cover Mounted HV Bushings (3) Sidewall Mounted LV Bushings Conventional Pressure Relief Valve Non-PCB Mineral Oil	10	\$1,920

PRODUCT	QTY	EACH
Single Phase Pole Mount 37.5 KVA KVA: 37.5 @ 65°C 60Hz Impedance: Standard HV: 7200/12470Y (95 KV BIL) LV: 120/240 (30 KV BIL) Primary Taps: No Taps (2) Cover Mounted HV Bushings (3) Sidewall Mounted LV Bushings Conventional Pressure Relief Valve Non-PCB Mineral Oil	4	\$2,725

PRODUCT	QTY	EACH
Single Phase Pole Mount 50 KVA KVA: 50 @ 65°C 60Hz Impedance: Standard HV: 7200/12470Y (95 KV BIL) LV: 120/240 (30 KV BIL) Primary Taps: No Taps (2) Cover Mounted HV Bushings (3) Sidewall Mounted LV Bushings Conventional Pressure Relief Valve Non-PCB Mineral Oil	6	\$2,950

All REMAN Units are Completely Reconditioned to Nameplate Specifications

Destination: Ohio | **FOB:** Origin | **Shipping & Handling:** Prepaid & Allowed
Shipment: 21-23 Weeks | **Warranty:** 3 Years | **Terms:** Net 30 with approved credit.

Offer to sell valid for 30 days. Price is subject to re-evaluation after 15 days. Units subject to availability.

Please note any changes to the specifications on this quotation form and reference the quotation number on your Purchase Order. Sunbelt Solomon ("Supplier") will use your Purchase Order to proceed with manufacturing when terms and conditions are finalized. Please note that changes made after the manufacturing process begins may result in additional charges and potential delays in production. Production of units that are contingent on the approval/receipt of drawings will begin the manufacturing process after the final sign off on the specified drawings by the customer. Please allow up to 4 weeks for the

1922 S. MLK Jr. Drive
Temple, TX 76504

+01 800.433.3128

info@sunbeltsolomon.com
sunbeltsolomon.com



receipt of requested preliminary, construction, or approval drawings from the signed formal submittal date.

All sales, rental and services are subject to Supplier's Terms and Conditions for Sales and Rentals of Equipment and/or Services ("Terms and Conditions") unless otherwise mutually agreed in writing by officer of Supplier as evidenced by such officer's signature. Acceptance of a Buyer purchase order by Supplier does not constitute acceptance of Buyer terms and conditions. As orders are time sensitive and it is cost prohibitive to review and negotiate terms and conditions between parties, Supplier Terms and Conditions apply to quotes/orders: 1) with a value before tax of \$25,000 or less, 2) emergency services or services completed before issuance of a purchase order, and 3) rush orders for sales and rental that are to ship within three (3) days regardless of submission of terms and conditions by Buyer. If the Quotation is for Company to perform evaluation services on Customer-owned equipment (e.g. for Company to determine how/if the piece of equipment failed and/or whether it can be repaired), then the provisions of terms and conditions will apply which include (among other provisions) risk of loss remaining with Customer and Company only being liable for damage to this equipment to the extent of its gross negligence or willful misconduct. In no event does Supplier accept consequential damages or agree to Prime/Owner contract terms and conditions.

Price does not include tax. If applicable, tax will be added to the invoice. If order is tax exempt, please provide a copy of your exemption certificate. Unit(s) quoted are for normal service conditions as defined by ANSI/IEEE Standards. Notify Supplier at time of quotation should the unit(s) be subject to harmonics, motor starting, shovel duty, or other special service conventions.

Schedules

All Delivery dates are estimates and under no circumstances does Company guarantee date of delivery. Company shall not be responsible or liable for any damage or loss which occurs during transportation and/or shipment of the Equipment. Company is not liable or responsible for any costs of Customer caused by any delays in transportation or delivery.

Company reserves the right to manufacture and ship any items in advance of the acknowledged shipping schedule, unless expressly forbidden by the Customer at the time of the order entry.

Cancelation or Revision of Order

Any Purchase Order may be cancelled or revised by Customer only upon written approval by an authorized representative of the Company, and at the Company's sole discretion. Should Company approve cancellation or revision of a Purchase Order, Customer shall pay the cancellation or revision charges specified in said approval. Cancellation or revision charges will include expenses previously incurred, commitments made pursuant to or in reliance upon such Purchase Order, whether or not such commitments are legally binding on Company, and any other factors considered relevant by Company. In the event that Company does not approve cancellation or revision, Customer shall remain liable to Company for the full price of the Equipment, Rental and/or Services ordered.

Cancellation charges are calculated for each unit cancelled per its individual status.

Standard Cancellation Charges:

Cancellation Charges:	% of Selling Price
Before Engineering Review / Scheduling	20
Before Production Begins	65
After Production Begins	100

Company reserves the right to re-quote both price and lead time for any request to revise an order. If it is determined that a revision will incur an additional revision charge, charges are calculated for each unit revised per its individual status.

Standard Revision Charges:

Revision Charges:	% of Selling Price
Before Engineering Review / Scheduling	0
Before Production Begins	35
After Production Begins	100