



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, November 1, 2023; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Acting Mayor	John Baryak

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

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

Regular Meeting Minutes October 6, 2023
 Regular Meeting Minutes October 18, 2023
- IX. **Public Hearings**

ORDINANCE 2023-43 *Sponsor: Councilperson Spletzer*
 AN ORDINANCE ADVANCING UP TO \$30,000 FROM THE GENERAL FUND (100)
 TO THE PARKS AND RECREATION FUND (204) TO PROVIDE THE RESOURCES
 FOR NECESSARY REPAIRS TO THE VILLAGE COMMUNITY CENTER
- X. **Unfinished Business**

ORDINANCE 2023-43 *Sponsor: Councilperson Spletzer*
 AN ORDINANCE ADVANCING UP TO \$30,000 FROM THE GENERAL FUND (100)
 TO THE PARKS AND RECREATION FUND (204) TO PROVIDE THE RESOURCES
 FOR NECESSARY REPAIRS TO THE VILLAGE COMMUNITY CENTER

XI. New Business

RESOLUTION 34-2023

Sponsor: Councilperson Spletzer

A RESOLUTION AUTHORIZING THE TRUMBULL COUNTY AUDITOR AND/OR TREASURER, IN THE YEAR 2024, TO ADVANCE TO THE VILLAGE MONIES TO WHICH THE VILLAGE IS ENTITLED FROM THE PROCEEDS OF TAX LEVIES FOR THE TAX YEAR 2023

RESOLUTION 35-2023

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM DECK SEALING WORK ON SFN 7807260 TRU-SR 534-4.106 BRIDGE OVER THE EAST BRANCH OF THE MAHONING RIVER IN THE VILLAGE OF NEWTON FALLS

RESOLUTION 36-2023

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM RESURFACING WORK ON ST. RT. 534 FROM THE SOUTH CORP LIMIT TO MAPLE DRIVE WITHIN THE VILLAGE OF NEWTON FALLS

ORDINANCE 2023-44

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING AN AMENDED EMPLOYMENT AGREEMENT WITH SEAN HOUSLEY FOR SERVING AS THE VILLAGE DIRECTOR OF FINANCE

ORDINANCE 2023-45

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING THE ELECTRIC RATES

XII. Public Comments

XIII. Closing Remarks

- a. Acting Mayor
- b. Council Members
- c. Finance Director
- d. Law Director
- e. City Manager

XIV. Motion to Recess into Executive Session (If Necessary)

XV. Adjournment



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Friday, October 6, 2023; 4:30 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Acting Mayor	John Baryak

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

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**

Mr. Baryak made a motion to appoint Mr. Housley to act as Clerk Pro Tem to perform the duties of Clerk during this meeting only, due to the absence of Mr. Acomb. Seconded by Mr. Fetterolf.

No discussion.

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

The motion passed 5-0.

Council Present: Councilperson Fetterolf, Acting Mayor/Councilperson Baryak, Councilperson Spletzer, Councilperson Stimpert

Council Absent: None

Staff Present: City Manager Priddy, Finance Director Housley

Staff Absent: Clerk Acomb

- IV. Changes To Tonight's Agenda**
- V. Special Presentations by Staff Members or Invited Consultants**
- VI. Public Comments (Agenda Items Only)**

Condie Bright – 326 Washington

He spoke against the work agreement for the city manager, specifically the stipulations under which the agreement could be cancelled, noting that he believes (1) no similar agreement exists in America for similar positions and (2) the Council has spoken against such stipulations and agreements in the past, publicly and under oath. He asked for one example of another contract for a city manager in any municipality that is similar to the one proposed.

Rick Kerlin – 1009 Woodglen

He spoke in support of the proposed work agreement with the city manager. He noted that a judge determined that such contracts are valid.

VII. Reports

- a. Acting Mayor – Mr. Baryak – He spoke in support of the re-opening of the Senior Kitchen.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – He offered an apology to Ms. Spletzer for not attending the Parks and Recreation Meeting as he had promised. He forgot to place it on his calendar.
 - ii. Ward 2 – Mr. Baryak – no report.
 - iii. Ward 3 – Ms. Spletzer – no report.
 - iv. Ward 4 – Mr. Rufener – He encouraged everyone to attend Late Night in the Falls. The Chili Cook-Off is Saturday. He recognized the Newton Falls Area Commerce Association for the new sign recently erected at 1st Street and S.R. 534, noting the high-quality materials used.
 - v. At-Large – Ms. Stimpert – no report.
- c. Finance Director – Mr. Housley – September is closed and reports have been distributed. Tax letters have been sent to delinquent filers. He sent notices in the utility bills directly to residents to contact RITA.
- d. Law Director – no report due to absence.
- e. City Manager – Ms. Priddy – The Scott Street Sewer Project is moving forward. The bid has been awarded and is on tonight's agenda for Council's consideration. She urged Council to pass the legislation as an emergency due to the rigid timelines of the project, including a ten-month time period to complete the project once approved and deadlines related to the associated grant. She distributed the latest Sheriff's Department report. The final estimates on the roof repairs have come from several companies and all fall under \$25,000. She approved the contracts, the insurance company will pay a portion of the costs, and those repairs are being made. The paving project has been moved from 2025 to 2024. Church, Maple, Bane, and Oak Knoll will be repaved in 2024. She shared pictures of the Water Plant replacement part those shows corrosion and the need for replacement. She explained that the computer system went down recently and communication with the reservoir and water tower was lost. She urged preventative maintenance plans to be developed. However, in the meantime, communication has been re-established with help from the consulting firm previously hired to assist Cody and the situation is being monitored closely. Cody is taking his test for the Class 3 Operator license in November. Mr. Baryak asked Ms. Priddy for an update on Dunkin Donuts. She stated that the property has been sold and a check has been received by the Village. The annexation process is moving forward.

VIII. Approval of Previous Minutes

Mr. Fetterolf made a motion to postpone the approval of Special Meeting Minutes September 11, 2023 until the Regular Meeting to be held on October 18, 2023. Mr. Baryak seconded the motion.

No discussion.

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

The motion was passed 5-0.

Mr. Baryak called for a motion to approve Special Meeting Minutes February 25, 2022. Moved by Mr. Fetterolf. Seconded by Ms. Spletzer.

Mr. Rufener requested to be excused from the vote due to his not being on Council at that time. Mr. Baryak made a motion to recuse Mr. Rufener. Seconded by Ms. Stimpert. Ms. Spletzer made a motion to amend the motion to recuse Mr. Rufener to include Mr. Fetterolf as he was not a member of Council at that time, as well. No second. Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-abstain; Ms. Stimpert-yes. The motion passed 4-0. Mr. Rufener was recused from the Roll Call Vote for the main motion to approve Special Meeting Minutes February 25, 2022.

Mr. Fetterolf requested to be excused from the vote due to his not being on Council at that time. Mr. Baryak made a motion to recuse Mr. Fetterolf. Seconded by Ms. Spletzer. Roll Call Vote: Mr. Fetterolf-abstain; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes. The motion passed 4-0. Mr. Fetterolf was recused from the Roll Call Vote for the main motion to approve Special Meeting Minutes February 25, 2022.

Mr. Baryak made a motion to approve Special Meeting Minutes February 25, 2022. Seconded by Ms. Spletzer.

No discussion.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Ms. Stimpert-no.

The motion passed 2-1. The Special Meeting Minutes February 25, 2022 were approved.

Mr. Baryak called for a motion to approve Regular Meeting Minutes September 20, 2023. Moved by Ms. Spletzer. Seconded by Mr. Fetterolf.

No discussion.

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

No discussion.

The motion passed 5-0. The Regular Meeting Minutes September 20, 2023 were approved.

IX. Public Hearings

ORDINANCE 2023-30

Sponsor: Councilperson Spletzer

AN EMERGENCY ORDINANCE REAPPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DIRECTOR OF LAW AGREEMENT

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-31

Sponsor: Councilperson Fetterolf

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUOTE OF PRO-TECH SYSTEMS GROUP, INC. FOR A WATER TREATMENT PLANT PROGRAMMABLE LOGIC CONTROLLER REMOTE TERMINAL UNIT UPGRADE

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-34

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-35

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-36

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE AUTHORIZING AN AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-37

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE ESTABLISHING SECTION 153.03 OF THE ADMINISTRATIVE CODE PERTAINING TO CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS AND SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-38

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF KIRILA CONTRACTORS, INC. FOR THE SR 5 & SR 534 SANITARY FORCEMAIN LATERAL SERVICE SEWER PROJECT

Mr. Housley read the ordinance by title. No public comments.

ORDINANCE 2023-39

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

Mr. Housley read the ordinance by title. No public comments.

X. Unfinished Business

ORDINANCE 2023-30

Sponsor: Councilperson Spletzer

AN EMERGENCY ORDINANCE REAPPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DIRECTOR OF LAW AGREEMENT

Mr. Housley read the ordinance by title.

Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Fetterolf asked about the status of this ordinance as an emergency. Ms.

Priddy reminded Council that a new charter amendment caused a change in the required voting threshold to pass as an emergency clause, this ordinance failed as an emergency ordinance on first reading and was required to be read two more times. This reading is the final reading of that process and the ordinance will take effect 30 days from today if adopted.

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

The ordinance was adopted 5-0. Final Reading.

ORDINANCE 2023-31

Sponsor: Councilperson Fetterolf

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUOTE OF PRO-TECH SYSTEMS GROUP, INC. FOR A WATER TREATMENT PLANT PROGRAMMABLE LOGIC CONTROLLER REMOTE TERMINAL UNIT UPGRADE

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Fetterolf

Seconded by: Ms. Stimpert

Mr. Rufener asked for clarification regarding who would do the installation. Ms. Priddy stated Pro-Tech. Mr. Rufener pointed to Exhibit A, page 2, STANDARD EXCLUSIONS, and noted that the scope of work seems to exclude mounting/installation. Ms. Priddy stated her understanding that Pro-Tech would handle the installation; but stated that she asked Pro-Tech for clarification and would report back to Council. Mr. Rufener made a motion to table the ordinance until the end of the meeting or the next meeting, pending the response from Pro-Tech. The parliamentarian declared that the motion must be to table it altogether or not at all. Ms. Priddy received a message from Cody Zeleny, Water Plant Superintendent, verifying and affirming that Pro-Tech would install. Mr. Rufener withdrew his motion to table the ordinance. Mr. Fetterolf stated that the order part is necessary and is an immediate need. Mr. Baryak stated that an emergency version of this ordinance would not change the timeline for replacement.

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

The ordinance was adopted 5-0. Final Reading.

ORDINANCE 2023-34

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Rufener asked for clarification regarding a conflict citing a possible inconsistency between Ordinance 2023-34 and Ordinance 2023-35 regarding transfer of funds. Mr. Housley explained that an appropriation has to happen before a transfer happens. Mr. Rufener also asked about the appropriations for the community center and its purpose. Mr. Housley stated that it is for utilities. Mr. Rufener asked why Heritage Accord isn't paying for the utilities. Ms. Priddy stated that the lease was terminated. Ms. Stimpert asked to know why Council is just now finding out about the lease termination and the associated court case. Ms. Spletzer asked the parliamentarian to rule as to the appropriateness of the conversation. The parliamentarian asked for an explanation as to why the conversation is inappropriate or unrelated. Ms. Stimpert repeated her question as to whether or not all of council has been provided with the information regarding the Heritage Accord lawsuit, especially since funds are now being appropriated to the community center. Mr. Priddy stated the lawsuit was just settled and no one has been advised to date other than tonight to notify everyone about the lease termination. Mr. Fetterolf spoke in support of the administration making

decisions and advised Council to wait for the administration to prepare proper communication and to not rely on Facebook for their information. He spoke in support of the appropriations measure.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-no.

The ordinance was adopted 3-2. Final Reading.

ORDINANCE 2023-35

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Ms. Spletzer asked Mr. Housley to explain it. He stated that the appropriations measure shows a transfer from the general fund to create an allocation to the community center. Ms. Spletzer reminded that this transfer is intended for the floor of the community center entrance. Mr. Housley asked to address and stated that the intent of the transfer is cover the floor, inspections, and other expenses.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-no.

The ordinance was adopted 3-2. Final Reading.

ORDINANCE 2023-36

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE AUTHORIZING AN AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mr. Fetterolf spoke in support of the ordinance. He added that the contract is like that of other communities and there is not a long line of applicants. He believes it is the great value to the Village given all that has been accomplished during Ms. Priddy's tenure, including the elimination of the budget deficit. Mr. Rufener spoke against the ordinance, citing the overall compensation package to be much more than should be expected of a person with less than three years' experience as a city manager. He spoke against the recommendation and the performance evaluation upon which the recommendation was made. He spoke against the need for personal assistant. He stated that his research on salaries indicates that a range of \$56,000-\$76,000 is more appropriate given a lack of experience, certifications, and accreditations. He urged Council to not pass the ordinance and to seek out a qualified, experienced professional. He spoke against the termination clause. Mr. Baryak spoke in support of the ordinance and Ms. Priddy based on her accomplishments, despite her experience, including the Scott Street project and a number of grants. He spoke against big changes in council and administration citing the growth and movement that has been made in the past few years to move the Village forward. He stated that previously interviewed city managers wanted much more in salary from the Village. Ms. Spletzer addressed the evaluation conducted by the Administration Committee that was presented in executive session of all of Council. She urged Council to release the evaluation to the public, which includes the plan for the future. Mr. Fetterolf spoke in support of the work agreement and disagreed with Mr. Rufener's assessment of the offered salary and spoke in support of it given that she will oversee a water plant

and an electric department, and other departments, which many communities do not have. Mr. Baryak spoke against the past erosion of the community and spoke in support of support of the ordinance, citing many accomplishments, including the reallocation of investments that are now earning close to 5%.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-no.

The ordinance was adopted 3-2. Final Reading.

ORDINANCE 2023-37

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE ESTABLISHING SECTION 153.03 OF THE ADMINISTRATIVE CODE PERTAINING TO CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS AND SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

No discussion.

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

The ordinance was adopted 5-0. Final Reading.

ORDINANCE 2023-38

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF KIRILA CONTRACTORS, INC. FOR THE SR 5 & SR 534 SANITARY FORCEMAIN LATERAL SERVICE SEWER PROJECT

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Rufener

Seconded by: Ms. Stimpert

Mr. Baryak spoke in support of the ordinance as the bid was a little of \$10,000 under budget and it will support Dunkin Donuts. The Village plans to sell its electricity and open the water and sewer to support the development of the whole area. Mr. Fetterolf asked Ms. Priddy if there is enough time for this forcemain to be used in the Spring. She said yes. Mr. Baryak stated his hope that this would be true.

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

The ordinance was adopted 5-0. Final Reading.

ORDINANCE 2023-39

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Fetterolf

Seconded by: Mr. Rufener

Mr. Baryak asked Hr. Housley to explain. He stated that the proceeds of the property sale is supposed to be used to support the sewer for the Dunkin Donuts. He stated that only the cost of the infrastructure will be transferred, but those costs are not completely known at this time.

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

The ordinance was adopted 5-0. Final Reading.

XI. New Business

ORDINANCE 2023-40

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ESTABLISH A COMMUNITY SERVICES AND ACTIVITIES FUND AS A SPECIAL REVENUE AND EXPENDITURE FUND WITHIN THE VILLAGE'S FINANCIAL ACCOUNTS AND FUNDS

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Ms. Spletzer stated her discussions with Mr. Housley has resulted in the recommendation to create a special fund that can be monitored more closely and transparent for the community. Mr. Housley explained that all activity in the fund will be easily monitored and tracked, including donations. Mr. Rufener explained that this is very similar to how budgeting is done where he works and he spoke in support of this as a money management strategy because different monies are not mixed and represents a best practice in oversight.

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

The ordinance was adopted 5-0. First Reading.

ORDINANCE 2023-41

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF POLLARD LAND SERVICES, INC. FOR THE SCOTT STREET PHASE 2 SANITARY SEWER IMPROVEMENT PROJECT

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Rufener

Seconded by: Ms. Stimpert

Mr. Baryak spoke in support of the emergency clause because there is a tight deadline, and the project needs to move forward. He stated that this project was first discussed in 2009; but is now finally being accomplished. He also stated that a Phase 3 might also be in the works. Mr. Rufener spoke in support of the project and the opportunity to get this done. Mr. Baryak expressed his appreciation to Pete Augusta, Danny Meloy, and [unidentified person] for their combined work and collaboration on this project.

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

The ordinance was adopted 5-0. First Reading.

Mr. Housley read the ordinance by title only. Mr. Baryak called for a motion to adopt.

Moved by: Mr. Rufener

Seconded by: Ms. Spletzer

No discussion.

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

The ordinance was adopted 5-0. Final Reading.

XII. Public Comments

Julie Lemon – 609 Ridge Road

She requested records related to court case 2023 CV-01097. Mr. Baryak interrupted and asked the parliamentarian if the attacks by public speakers against public officials could be stopped. Mr. Wick replied that he was not aware of the court case until this afternoon but asserted that the records being requested may not be public records. Ms. Lemon argued that they are public records. The parliamentarian announced his belief that the

terms of the settlement have not been announced and declared that the records being requested are likely not public records at this time. She also spoke regarding court case 2023 CV-01498 and made allegations that the meeting minutes for September 11 were falsified. Mr. Baryak reprimanded Ms. Lemon for yelling at members of Council and the parliamentarian. He encouraged her to use a nicer voice when speaking. Mr. Rufener called a point of order asking Mr. Baryak to stop his “back and forth” with Ms. Lemon as a violation of Council Rules. Mrs. Lemon expressed sadness for the community and joy that members of Council and the City Manager may soon no longer be in their positions.

Chelsea Harper

She spoke against members of the public and members of the Council addressing each other directly and engaging in public arguments. She urged Council to run the City like a business. She expressed doubt and confusion about how the City could be operating in a deficit but now being earning millions via investments. She stated that no documentation exists to prove any of the “good” that Council and the City Manager have accomplished; but lawsuits prove that much “bad” has happened. She acknowledged that Facebook users only present the negative about the city and none of the positive.

Unidentified Resident

He spoke against the city manager’s contract and urged the Council to move the town forward and stop bickering with residents.

Rick Kerlin – 1009 Woodglen

He spoke in support of the proposed work agreement with the city manager.

Condie Bright – 326 Washington Avenue

He spoke against the lack of evaluations over the past few years for the city manager. He asked for checks and balances for the tax payers. He added that tax payer money has been spent to fight the kind of work agreement being offered to the city manager.

326 Washington

She expressed disappointment that Council overly enforces its rules for the public during meetings but allows themselves to behave poorly.

XIII. Closing Remarks

a. Council Members

- i. Ward 1 – Mr. Fetterolf – He stated that no one on the Council called anyone names. He spoke in support of the Council’s efforts to correct past errors, including how taxpayer money has been spent for the good of the community. He lamented that Council struggles to make everyone happy, but believes that Council and the Administration is doing a good job.
 - ii. Ward 2 –
 - iii. Ward 3 – Ms. Spletzer – No remarks.
 - iv. Ward 4 – Mr. Rufener – He encouraged everyone to go to Late Night in the Falls to support the community.
 - v. At-Large – Ms. Stimpert – No remarks.
- b. Acting Mayor – Mr. Baryak – He spoke against residents who use the public comments to degrade the Council and the efforts of the Administration. He spoke

in support of the proposed work agreement for the city manager. He took exception to residents who actively work against the advancement of the Village. He urged residents to come the finance department to view the records. He noted that financial records can be complicated, but the finance department can help people understand them. Mr. Baryak attempted to have a resident removed from the meeting after several warnings to stop calling out during his remarks. The resident refused.

Ms. Spletzer made a motion to adjourn the meeting. Seconded by: Ms. Stimpert

No discussion.

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

The motion passed 5-0. The meeting was adjourned at approximately 6:32 pm.

APPROVED:

John Baryak, Acting Mayor

ATTEST:

Michael Acomb, Council Clerk





TRUMBULL COUNTY E911

Report Dates from 08/01/2023 to 08/31/2023

Number of Calls Report by Department-Complaint (All Units)

Department: TCO	Complaint Code	Description	Number
	ABC	ABANDONED 911 CALL	2
	ABV	ABANDONED VEHICLE	1
	AC	ANIMAL COMPLAINT	4
	AD	ALARM DROP	4
	C2P	CRASH PROPERTY DAMAGE	1
	C4P	CRASH WITH REPORTED INJURIES	2
	CD	CRIMINAL DAMAGING	3
	CKW	CHECK WELFARE	4
	CPS	COURT PAPER SERVICE	1
	CUS	CUSTODY PROBLEM	1
	DAV	DISABLED VEHICLE	1
	DIS	DISTURBANCE	7
	DM	DELIVER MESSAGE OR NOTIFICATION	1
	DOM	DOMESTIC	1
	EADP	ALARM DROP MEDICAL	4
	EAPP	ABDOMINAL PAIN	1
	EARP	ALLERGIC REACTION	1
	EBACKP	BACK PAINS	1
	EFALLP	FALL	3
	EGIP	GENERAL ILLNESS	1
	ELAP	LIFT ASSIST	1
	EODP	OVERDOSE	2
	ESOBP	SHORTNESS OF BREATH	3
	ESTROKEP	STROKE	1
	EUFP	UNCONSCIOUS/FAINTED	1
	EUPP	EMS UNKNOWN PROBLEM/UNCLASSIFIED	1
	FBCP	BURNING COMPLAINT	1
	FBFP	BRUSH/GRASS FIRE	1
	FOL	FOLLOW UP	1
	FSFP	STRUCTURE FIRE	1
	FWTDP	WIRES/TREES DOWN	11
	HAR	HARASSMENT	2
	IDT	IDENTITY THEFT	1
	INF	INFORMATION	3
	JD	JUVENILE DELINQUENT OR UNRULY	1
	LSP	LOST OR STOLEN PLATE	1
	LT	LANDLORD/TENANT PROBLEM	1
	MJ	MISSING JUVENILE	1
	NP	NEIGHBOR PROBLEM	3
	RP	RECOVERED PROPERTY	1
	S19	RETURN PHONE CALL	16
	SORN	SEXUAL OFFENDERS REGISTRATION N	1
	SPA	SUSPICIOUS ACTIVITY	3
	SPP	SUSPICIOUS PERSON	4
	SPV	SUSPICIOUS VEHICLE	4
	STB	STANDBY	3
	TFV	THEFT FROM VEHICLE	1
	THE	THEFT	1
	THR	THREATS	4
	TRC	TRAFFIC REGULATION COMPLAINT	1
	TS	TRAFFIC STOP	6
	UNK	UNKNOWN PROBLEM	4

TRUMBULL COUNTY E911

Report Dates from 08/01/2023 to 08/31/2023

Number of Calls Report by Department-Complaint (All Units)

Department: TCO	Complaint Code	Description	Number
	UW	UNWANTED PERSON OR PERSONS	5
	VER	VERBAL DISPUTE	1
	WAR	WARRANT SERVICE	1
		GRAND TOTAL	137



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, October 18, 2023; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Kevin Rufener
At- Large	Julie Stimpert
Acting Mayor	John Baryak

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

- I. **Call to Order**
 Mr. Baryak called the meeting to order at 6:00 pm.
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**
 Mr. Acomb called the roll.
 Council Present: Councilperson Fetterolf, Councilperson Baryak, Councilperson Spletzer, Councilperson Stimpert
 Council Absent: None
 Staff Present: City Manager Priddy, Clerk Acomb, Finance Director Housley. Mr. Brad Bryan was also present.
 Staff Absent: None
- IV. **Changes To Tonight's Agenda**
 Ms. Spletzer requested to add a motion to make the city manager's performance evaluation a public record. Bryan stated not needed...already a public record.
- V. **Special Presentations by Staff Members or Invited Consultants**
 Mr. Baryak asked Mr. Acomb to excerpts from The Ohio Open Meetings Act and Ohio Revised Code Section 2917.12 Disturbing a lawful meeting. Enclosed herein.
- VI. **Public Comments (Agenda Items Only)**
 Julie Lemon – 609 Ridge Road
 She alleged that the agenda changed with the September 11 Minutes not being on the agenda originally. She asked about Mr. Baryak's statement during that meeting, "that the minutes...would be dealt with". She spoke against Ordinance 2023-42 citing the movement of \$2M dollars in the budget throughout this year. She spoke against Ordinance 2023-43 citing a lack of need for repairs. She encouraged the Council to stay out of the building and let the insurance company pay for the repairs. She spoke against a special fund for the senior kitchen. She accused Council and the Administration of "cooking the books".

Rick Kerlin – 1009 Woodglen

He spoke in support of the senior kitchen. He encouraged everyone to come see the kitchen and stated his belief that it is self-sustaining. He commented about the furniture from the community center that stinks. He spoke in support of the spending of money on the community center “for the community”.

Patricia Benetis

She read a prepared statement. Enclosed herein.

VII. Reports

- a. Acting Mayor – Mr. Baryak – He announced the Dam Duck Drop fundraiser event starts at 2:00 pm on Sunday. He asked everyone to attend.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – He spoke on several topics, including his observation and disappointment that most people who come to meetings, do so to complain. He shared a list of accomplishments made by Ms. Priddy as City Manager, included herein. He advised the community that much has been accomplished and the community should be proud.
 - ii. Ward 2 – Mr. Baryak – He stated that electric has been run to Dunkin Donuts and is under budget. He spoke in support of the Village making money from electric sales and said that more businesses showing interest in Newton Falls. He spoke in support of the direction the Village is headed.
 - iii. Ward 3 – Ms. Spletzer – She announced the Dam Duck Drop is offering pre-sale tickets for the auction and the luncheon.
 - iv. Ward 4 – Mr. Rufener – No report.
 - v. At-Large – Ms. Stimpert – The Fire Board met recently and they are exploring options to sell First Street. They have upcoming raffles and a meeting on November 21 at 6:00pm.
- c. Finance Director – Mr. Housley – September is closed and reconciled. He spoke in support of tonight’s appropriations amendment as a precursor to the creation of the 2024 budget. He spoke in support of the advanced legislation and encouraged discussion. He stated that the community center is owned by the village, and needs repaired so much that contractors cannot even properly assess its condition. He stated that a proposed transfer represents an advance from the general fund in order to pay the contractor who is working on the community center. The contractor needs \$18000 to buy materials, but the insurance company will reimburse the Village with their \$55000 payout. The first \$20000 TRANSFER is a gift from the general fund; this \$30000 is an ADVANCE or LOAN to be reimbursed back to the general fund. He suggested discussion of creating a special fund entirely for the community center alone. Mr. Baryak stated that the advance will be returned to the general fund once the insurance payout occurs.
- d. Law Director – Mr. Bryan – No report.
- e. City Manager – Ms. Priddy – The speaker system will be installed on October 25 for the downtown area. The electric department has begun to install lighting and it will be complete in the spring. The free Wi-Fi project will be completed by the middle of November for downtown. Employees on the smart meters completed four hours of training to fix broken meters. 1200 ducks have been sold for the

Duck Drop event. Lunch will be served at 2:30 pm. 100 baskets will be raffled. The tree lighting will occur in conjunction with the school's Art Department. A preconstruction meeting for Scott Street will be held on October 21. The Windham Road properties have sold for \$17,500. October 23 is a town hall meeting to discuss the water infrastructure, including the plant and dams. OHM has been instructed to help finance a \$10M renovation. Also, a \$1.3M project to upgrade an electric substation is being researched and considered. Overall, infrastructure is poor and these projects are just a few that are needed. Mr. Fetterolf asked about the substation, and it was clarified that this project has been budgeted since 2006 but has never been done. Mr. Baryak stated that the Village is in debt for \$4M for smart meters that have not been delivered. Mr. Bryan advised that certain steps must be taken prior to legal remedy, and those steps are being followed. Meters have been shipped and should be received this week. The bank is holding the money in escrow until the work is completed.

VIII. Approval of Previous Minutes

Special Meeting Minutes September 11, 2023

Mr. Baryak called for a motion to approve the minutes.

Moved by: Mr. Fetterolf

Seconded by Ms. Spletzer

Mr. Baryak asked Mr. Acomb to explain how the first draft of the meeting minutes was created. Mr. Acomb explained that this meeting was one that he could not attend. He created the minutes from an audio recording that was difficult to hear. Subsequently, there was an unintentional omission in the first draft of the minutes. The minutes have been corrected and are presented today for Council's consideration. Mr. Baryak stated that a lawsuit was filed prematurely when a call could have been made to the law director and/or the clerk to make the correction. Mr. Baryak asked Mr. Bryan to comment on the legality of the meeting. He stated that the mayor does not have the authority to adjourn a meeting. He stated that only the Council can adjourn a meeting and Mr. Kline misinterpreted the situation. In the previous regular meeting, the motion to adjourn was not a motion to adjourn to continue on a later date, it was a motion to adjourn, period. He added that there was nothing improper about the agenda of the special meeting, it was properly noticed publicly, and the agenda was properly handled. Mr. Baryak asked Mr. Rufener and Ms. Stimpert for their source of legal opinion on the illegality of the meeting. Mr. Rufener responded that Mr. Bryan was not law director and subsequently Mr. Rufener did not have access to a law director. Mr. Baryak asked for Council to work together. Mr. Bryan explained that a second technical point regarding the meeting minutes for September 11 was discussed on Tuesday afternoon and an additional draft was released which is being presented for consideration and complies with the court order. This draft was distributed to all of council and the public yesterday.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-yes.

The motion passed 4-1. The minutes were approved.

IX. Public Hearings

ORDINANCE 2023-40

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ESTABLISH A COMMUNITY SERVICES AND ACTIVITIES FUND AS A SPECIAL

REVENUE AND EXPENDITURE FUND WITHIN THE VILLAGE'S FINANCIAL ACCOUNTS AND FUNDS

Adam Zimmermann – 515 LeMae Avenue

He spoke against the ordinance, including the contents of Section 3, 4, and 5. He asserted that a prior ordinance outlawing use of the Municipal Center for uses other than Council meetings must be overturned before this one can be passed.

X. Unfinished Business

ORDINANCE 2023-40

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ESTABLISH A COMMUNITY SERVICES AND ACTIVITIES FUND AS A SPECIAL REVENUE AND EXPENDITURE FUND WITHIN THE VILLAGE'S FINANCIAL ACCOUNTS AND FUNDS

Mr. Acomb read the ordinance by title. Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mr. Rufener spoke in support of separating accounts for tracking purposes citing better accountability. Mr. Housley explained that the Charter says the City Manager is supposed to follow all ordinances, including not using council chambers. This authorizes the city manager to create additional line items for additional functions by donation unless council chooses to subsidize the account. These accounts will keep track of community donations for specific projects whereas these line items would be self-funded solely by donations unless the council votes to add money. Mr. Fetterolf commented that Council does not micromanage spending; the City Manager, Finance Director, and Law Director work together to spend money responsibly. Mr. Baryak spoke in support of the ordinance and spoke against the accusations by certain community members that money is being stolen or used improperly.

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

The motion passed 5-0. The ordinance was adopted. Final Reading.

XI. New Business

MOTION

Sponsor: Councilperson Rufener

A motion to appoint Mr. Jeff Derry to the Planning and Zoning Commission for the term that expires on December 31, 2025.

Mr. Acomb read the motion. Mr. Baryak called for a motion to pass the motion.

Moved by: Mr. Rufener

Seconded by: Ms. Spletzer

Mr. Baryak stated that he would have liked to speak with Mr. Derry prior to this motion being made.

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

The motion passed 5-0.

RESOLUTION 33-2023

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM CRACK SEALING WORK ON A PORTION OF ST. RT. 534 IN THE VILLAGE OF NEWTON FALLS

Mr. Acomb read the resolution by title. Mr. Baryak called for a motion to pass the resolution.

Moved by: Mr. Fetterolf

Seconded by: Mr. Rufener

Mr. Baryak asked Mr. Bryan to comment, and he stated this resolution permits the State of Ohio to perform the work at their cost. No Village money will be spent.

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

The motion passed 5-0. The resolution was adopted.

ORDINANCE 2023-42

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mr. Acomb read the ordinance by title. Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Ms. Spletzer spoke in support of the ordinance. She expressed her understanding that the general fund is not the only fund in the budget and those other funds require attention. Some of these funds are estimates that are subject to adjustment from time to time. She noted a \$230,000 increase in tax receipts. She explained the changes in the 500 and 600 funds noted in the Exhibit. This ordinance allows Mr. Housley to establish a baseline to accurately prepare next year's budget. Mr. Housley explained how large projects are accounted for in the budget, using Scott Street as an example. Within each appropriations measure, he estimates slightly more than he thinks might be needed, for unforeseen circumstances. In case of Scott Street, it can be observed that costs go out and reimbursements come in.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-no.

The motion passed 4-1. The ordinance was adopted. First Reading.

ORDINANCE 2023-43

Sponsor: Councilperson Spletzer

AN ORDINANCE ADVANCING UP TO \$30,000 FROM THE GENERAL FUND (100) TO THE PARKS AND RECREATION FUND (204) TO PROVIDE THE RESOURCES FOR NECESSARY REPAIRS TO THE VILLAGE COMMUNITY CENTER

Mr. Acomb read the ordinance by title. Mr. Baryak called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Housley spoke to introduce an alternative option prior to approving the ordinance. He suggested that he could create a special fund for this purpose. Mr. Baryak wondered if a motion should be made to amend the ordinance. Mr. Bryan stated that the Council should defer to the Finance Director's recommendations regarding the budget. However, he added that a special fund can be more difficult to use. For example, if this particular roof bill needs to be paid before a special fund is created, then what happens? Mr. Housley reconsidered and asked council to consider passing the ordinance tonight. He stated that in the future they

should consider creating a special fund for future community center expenses only. Mr. Bryan clarified that this ordinance allows for an ADVANCE which will be paid back to the general fund.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no; Ms. Stimpert-no.

The motion passed 3-2. The ordinance was adopted. First Reading.

XII. Public Comments

Jamie Kline – 312 Ridge Road

She held a letter from Mr. Housley and complained regarding past due tax bills from 2021 for her son who no longer lives in the Village. She stated that she and several others worked to clean up trash from the community. She spoke against Mr. Baryak, in general. She spoke against Mr. Baryak's rules for the behavior of the public in Council meetings.

Julie Lemon – 609 Ridge Road

She spoke against the presence of the parliamentarian and alleged to have filed a complaint against him with his professional organization. She spoke against the \$5M grant for the community center alleging it to be a reimbursement grant. She alleged that the City Manager and Council have been lying to the community. She spoke in support of Heritage Accord.

Adam Zimmermann – 515 Lemae Avenue

He spoke on several topics, including his disagreement with how the insurance company is handling the claim for the roof repair, his disappointment with Mr. Fetterolf's Ward report, and Mr. Fetterolf's claim that GPS is in cars when Mr. Zimmermann has been told they do not exist. He stated that as soon as votes are certified in November, he expects the losers in the election to vacate their seats effective immediately upon certification.

Rich – 242 Oak Knoll

He spoke about multiple problems in the neighborhood, regarding unruly children. He has been unable to find a deputy when he needs one. He called the non-emergency line for the Sheriff's Department and was advised that only County or State laws can be enforced, not local ordinances. He urged Council to reinstate the Newton Falls Police Department on a part-time basis.

Patrica Benetis

She continued to read from her previously prepared statements.

XIII. Closing Remarks

- a. Acting Mayor – Mr. Baryak – No comments.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – He spoke against a comparison of Newton Falls to Ashtabula, who does not have a water, sewer, or electric department. The sheriff's office can enforce illegal use of public roadways. He stated that the Village cannot afford its own police department at this time.
 - ii. Ward 2 – Mr. Baryak – He spoke against a previous offer to have the meetings recorded for no charge noting that Council disagreed with advertising that would have also been broadcast on the recording. He encouraged the community to pass both income tax issues in November.

He spoke against residents who complain and work against the Village.
He spoke in support of the progress that has been made and the good things that have been accomplished in the past year and a half.

- iii. Ward 3 – Ms. Spletzer – She explained that individuals who run for unexpired terms are different than those who have been elected outright, and thus when they vacate their seat after an election may vary.
- iv. Ward 4 – Mr. Rufener – He thanked Mr. Derry for applying to serve on the Planning and Zoning Commission. He urged community members to apply for commissions and boards.
- v. At-Large – Ms. Stimpert – She stated that Nov 17 is the raffle at Station 1. She thanked Mr. Derry for his willingness to serve.
- c. Finance Director – Mr. Housley – No comments.
- d. Law Director – Mr. Bryan – No comments.
- e. City Manager – Ms. Priddy – No comments.

XIV. Motion to Recess into Executive Session (If Necessary)

No motion was made.

XV. Adjournment

Mr. Baryak called for a motion to adjourn the meeting.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 5-0. The meeting was adjourned at 8:05 pm.

APPROVED:

John Baryak, Acting Mayor

ATTEST:

Michael Acomb, Council Clerk

The Ohio Open Meetings Act

Chapter Eight: Duties of a Public Body

VIII. Chapter Eight: Duties of a Public Body

The Open Meetings Act requires public bodies to provide: (A) openness, (B) notice, and (C) minutes.

A. Openness

The Open Meetings Act declares all meetings of a public body to be public meetings open to the public at all times.¹⁰³³ The General Assembly mandates that the Act be liberally construed to require that public officials take official action and "conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law."¹⁰³⁴

1. Where meetings may be held

A public body must conduct its meetings in a venue that is open to the public.¹⁰³⁵ Although the Open Meetings Act does not specifically address where a public body must hold meetings, some authority suggests that a public body must hold meetings in a public meeting place¹⁰³⁶ that is within the geographical jurisdiction of the public body.¹⁰³⁷ Clearly, a meeting is not "open" when the public body has locked the doors to the meeting facility.¹⁰³⁸

Where space in the facility is too limited to accommodate all interested members of the public, closed-circuit television may be an acceptable alternative.¹⁰³⁹ Federal law requires that a meeting place be accessible to individuals with disabilities.¹⁰⁴⁰

2. Method of voting

Unless a particular statute requires a specific method of voting, the public cannot insist on a particular form of voting. The body may use its own discretion in determining the method it will use, such as voice vote, show of hands, or roll call.¹⁰⁴¹ The Open Meetings Act only specifies the method of voting when a public body is adjourning into executive session by requiring that the vote for that purpose be by roll call.¹⁰⁴² The Supreme Court of Ohio held that the Act precludes a public body from taking official action by way of secret ballot.¹⁰⁴³ Voting by secret ballot contradicts the openness requirement of the Open Meetings Act by hiding the decision-making process from public view.¹⁰⁴⁴

Using a consent agenda whereby a public body votes on the entire agenda in a single motion and with a single vote may violate the Open Meetings Act if doing so constructively closes a public meeting, or otherwise acts as a way around the openness requirement of the Act.¹⁰⁴⁵ A public body is also prohibited from voting on a consent agenda when the public has no way of knowing all the items the consent agenda contains.¹⁰⁴⁶

3. Right to hear but not to be heard or to disrupt

All meetings of any public body are declared to be public meetings open to the public at all times.¹⁰⁴⁷ A court found that members of a public body who whispered and passed documents among themselves constructively closed that portion of their meeting by intentionally preventing the audience from hearing or knowing the business the body discussed.¹⁰⁴⁸ However, the Open Meetings Act does not provide (or prohibit) attendees the right to be heard at meetings. Note that other laws may apply to limit the restrictions the public body can place on the public's ability to speak during meetings.¹⁰⁴⁹ Further, a disruptive person waives his or her right to attend meetings, and the body may remove that person from the meeting.¹⁰⁵⁰

4. Audio and video recording

A public body cannot prohibit the public from audio or video recording a public meeting.¹⁰⁵¹ A public body may, however, establish reasonable rules regulating the use of recording equipment, such as requiring equipment to be silent, unobtrusive, self-contained, and self-powered to limit interference with the ability of others to hear, see, and participate in the meeting.¹⁰⁵²



Ohio Revised Code

Section 2917.12 Disturbing a lawful meeting.

Effective: January 1, 1974

Legislation: House Bill 511 - 109th General Assembly

(A) No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of such meeting, procession, or gathering;

(2) Make any utterance, gesture, or display which outrages the sensibilities of the group.

(B) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree.

Patricia Ann Benetis
70 West 8th Street
Ward 1 Council Candidate
Newton Falls, OH 44444
Integrity, Honesty, Transparency and Frugality
October 18, 2023

If anybody wonders who that eighty-five old woman is that Mr. John Baryak referred to in the last meeting, it is me. I must say that I was very disappointed that I could not attend the October 6, 2023, meeting due to the fact that Mr. John Baryak and Mr. Bud Fetterolf changed the meeting date to a Friday at an early hour for their convenience. Many individuals were either working or had other plans. I have tried to arrange my schedule around the said regular scheduled Council meetings. Apparently the individuals who wanted to change the meeting date didn't take that into consideration.

I notice in tonight's agenda we are appropriating \$30,000 from the General Fund to provide the resources to make necessary repairs to the Village Community Center. What exactly is this going to accomplish? I would certainly like to know. We have heard from certain individuals about the 5.2 Million Dollars we are going to receive. What's \$30,000 going to do? Of course, we never hear that the 5.2 million dollars is going to be spread between parts of West Virginia and Ohio. I believe that is quite a misnomer to be stating that we are in the running for a 5.2million grant. I believe that they should be saying a possible portion of the 5.2 million dollar grant. Even that is not guaranteed.

Also on the agenda is the establishment of a Community Services and Activities Fund. What is going to be considered as Community Services and Activities? Who is going to oversee this fund? How much money is going to be in this account? Another open-ended way of spending our money.

2nd half,

I find it rather interesting that Council wants to pay our City Manager \$90,000 plus five (5) weeks vacation. We have a population of 4, 543 and NO Police Department.

I checked the records for Ashtabula, OH, with a population of 17,975 and they pay their City Manager \$90,341. Before you get too excited, they have a Police Department with 33 Full Time Officers, 4 Lieutenants and a Chief.

Ashtabula 90,341/17 975 = \$5.03
Newton Falls ~~94,000~~ 94,000/4543 = \$19.81

List of Accomplishments

- Finding a Finance Director that could and would dedicate his/her efforts to the city when it was desperately needed. This director was able to find and pin point where the funds were being spent and how to correct the spending situation.
- Signing off and making sure our investments are secure and not in funds that violate our investment policies or the ORC, with the recommendation of the Finance Director
- Found Law Director
- Found Prosecutor
- Saved the City well over \$100k by not having to pay a City Manager for almost a year.
- Saved the City well over \$180k dollars in health care costs first year by changing carriers.
- Working to save the city \$10k by researching bills that should not be paid.
- Updated the utility office with a machine to run checks through to the bank without an employee having to write out deposit slips and take them to the bank. Savings of about \$5k annually.
- Updated the utility office by having them do monthly audits on the performance of the new meters. First month's audit caught 3 commercial customers being under billed for our electric services.
- Cut internal office supply costs. One example shredder costing \$150 monthly we are now paying \$38.00 per month.
- Coming up with creative ways to cut costs.
- Implemented a payroll system. Savings of about \$8k annually.
- Implemented an employee time clock.
- Implemented a time off calendar so we can keep more accurate records of these types of requests.
- Implemented a GPS system that will track city vehicles.
- Implemented FMLA documents that the city never had before.
- Updated the City's inventory list for the property insurance that hadn't been updated in well over 5 years.
- Required staff to use emails that are directly related to the city (.gov). No more Gmail accounts.
- Assigned a dedicated email address for public records request.
- Updating social media platforms to get information out to the public. Set up social media for the different departments so they can inform the public of issues also.
- Implemented employee/supervisor evaluation forms. Evaluations have not been done on employees for well over 10 years.
- Assessment of each department's needs regarding staff and equipment.

- Staff meetings to encourage workers to bring forward issues that they may be experiencing.
- Encourage and lift the morale of the employees while insisting on efficiency and productivity.
- Worked with council to dedicate the bell in the courtyard to the school system.
- Worked with the developers to update the courtyard for SCOPE.
- Working with economic development committee to bring Dunkin Donuts to reality. Putting together a letter of intent. Finding out from each department costs to the city for the project.
- Applying for a second \$250k grant to the clean up on the city owned Rt 5 property.
- Finalizing the NOPEC grant for the Commerce Association's Spring Peddler.
- Mosquito grant for the road department. 2 years
- Saved the city over \$380k in healthcare costs for 2022 with new plan implementations.
- \$2.9 million dollar forgiveness loan for Scott Street
- Applied for a \$5 million dollar grant for parks
- Applied for \$2 million dollar grant for river project
- Applied for a grant for charging stations
- Applied for 3 road projects
- Working on grants for the Dam's and their repair
- Working with the supervisors to update pay ranges for employee retention
- Set up "back up" programs for employees and their positions
- Fully staffed the electric department
- Fully staffed water plant
- Fully staffed water distribution
- Working on fully staffing the road department
- Christmas in the Village
- First city Easter Egg Hunt
- Senior Kitchen
- Senior Pantry
- Movie night for kids
- Town hall meetings to encourage village participation (Civic pride workshop, 2 revitalization townhalls)
- Tire recycling grant
- Go green grant 2 years for senior service day
- Go green grant for community clean up
- Creation of electric and water department Facebook pages
- Cut phone bill costs by verifying lines being used with Finance Department
- Instituted a "higher archy" for Supervisor redundancy
- Re-established the crew chief positions and pay scales

- Standardized the D pay program
- Re-established the Neighborhood development program
- Worked with supervisors to get necessary equipment for their departments
- Reviewing inventory of vehicles saving money on insurance costs
- Worked with government officials during their investigations
- Setting up new website protocols
- Signed a contract for returning the video recordings of council meetings to cable channel and our website
- Currently in the process of developing more family-oriented community programs/events with no cost to the village
- Working with community organizations to develop events for the community
- Brought back voting to the municipal center
- Hosted Red cross blood drives
- Hosted Vaccination clinics
- Working to expand the military banners program adding 2 new banners every year
- Working on some downtown area improvement programs relating to tourism.
- Instituted a department of the month to improve employee moral
- Instituted a "helping hand" award for employees who do random acts of kindness throughout the village
- Gave departments flexibility on uniforms to cut costs for the village
- Veterans Bench Project
- Community Bench Project
- Family Movie Night
- Other Community Activities
- Worked with Supervisors to get credit hours for the supervisors (pending with council)
- Nopec Grant for \$12,260.00
- Speakers for downtown
- Free WIFI Downtown (in development)
- Reduced cost of videoing council meetings
- 2 Townhall meetings for the new garbage contract
- 2 Townhall meetings for the police department
- 2 Townhall for the Scott Street Project
- 1 Townhall for small community project
- Ongoing project making council chambers handicap accessible
- Dam Duck Drop Fundraiser
- 3 Veteran's bench project breakfast fundraisers
- Working on commercial kitchen for Senior Program (still in progress) and for future fundraising events
- Worked damage control after Heritage Accord jeopardized the \$5 million grant

- Developed the Department of Historic Sites and Structures to protect our village's history
- Working with OHM on the Dam project and funding sources
- Working with OHM regarding re-location of water source
- Hired new Water Plant Supervisor
- Working with Supervisors for education classes for employees as opposed to disciplinary actions

There are many more things in the works and I cannot go into details as they are in the process of being worked on.

This is not an exhaustive list of things, but some highlights of the accomplishments that have been done since I started 2 years ago

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-43
SPONSOR: Councilperson Spletzer

**AN ORDINANCE ADVANCING UP TO \$30,000 FROM THE GENERAL FUND (100)
TO THE PARKS AND RECREATION FUND (204) TO PROVIDE THE RESOURCES
FOR NECESSARY REPAIRS TO THE VILLAGE COMMUNITY CENTER**

WHEREAS, for safety reasons, it is immediately necessary to make repairs to the Community Center; and

WHEREAS, the Parks and Recreation Fund (204) currently does not have enough available funds to pay for the necessary repairs; and

WHEREAS, Council intends that the advanced funds be used to repair the Community Center and then be returned to the General Fund (100) by the end of 2025.

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

SECTION 1. That a sum of up to \$30,000 be advanced from the General Fund (100) to the Parks and Recreation Fund (204).

SECTION 2. That the Parks and Recreation Fund (204) shall repay the General Fund (100) the full amount of said advance no later than December 2025.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 34-2023
SPONSOR: Councilperson Spletzer

**A RESOLUTION AUTHORIZING THE TRUMBULL COUNTY AUDITOR AND/OR
TREASURER, IN THE YEAR 2024, TO ADVANCE TO THE VILLAGE MONIES TO
WHICH THE VILLAGE IS ENTITLED FROM THE PROCEEDS OF TAX LEVIES FOR
THE TAX YEAR 2023**

WHEREAS, O.R.C. Section 321.34 provides that money in the County Treasury to the credit of the account of a local authority and lawfully applicable to the purpose of the current fiscal year, may be withdrawn by a municipality upon the proper request; and

WHEREAS, Council has found and determined that sound fiscal policy requires that such withdrawal be requested from the Trumbull County Auditor and/or Treasurer.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Newton Falls, Ohio:

SECTION 1. That in 2024, the Trumbull County Auditor and/or Treasurer are hereby requested to draw warrants and pay the Village of Newton Falls all monies presently being held in the Trumbull County Treasury to the accounts of the Village lawfully applicable to the purpose of the 2024 fiscal year and derived from the proceeds of tax levies for the tax year 2023.

SECTION 2. That the Director of Finance is hereby authorized and directed to promptly forward a copy of this Resolution to the Trumbull County Auditor and Treasurer.

SECTION 3. That all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 35-2023
SPONSOR: Councilperson Baryak

PID No. 107246
D04 BH FY2024 (East)

**A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF
TRANSPORTATION TO PERFORM DECK SEALING WORK ON SFN 7807260
TRU-SR 534-4.106 BRIDGE OVER THE EAST BRANCH OF THE MAHONING
RIVER IN THE VILLAGE OF NEWTON FALLS**

WHEREAS, the State of Ohio and Village of Newton Falls ("Village") have identified the need for deck sealing work on SFN 7807260 TRU-SR 534-4.106 bridge over the East Branch of the Mahoning River in the Village.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Newton Falls, Trumbull County, Ohio:

SECTION 1. Council hereby and herein determines that the within Project is in the public interest and authorizes the City Manager to provide the Village's consent to the Ohio Director of Transportation for deck sealing work on SFN 7807260 TRU-SR 534-4.106 bridge over the East Branch of the Mahoning River in the Village (hereinafter referred to as "PID No. 107246; D04 BH FY2024 (East)" or "the Project").

SECTION 2. The Village shall cooperate with the Director of Transportation in the above described Project as follows: (1) the State shall assume and bear One Hundred Percent (100%) of the costs of the improvement; and (2) the Village agrees to pay One Hundred Percent (100%) of the cost of any features requested by the Village that are determined by the State and Federal Highway Administration to be unnecessary for the Project (the Village is not requesting any additional features).

SECTION 3. The Village agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The Village also understands the right-of-way costs include eligible utility costs.

SECTION 4. Upon completion of the described Project, and unless otherwise agreed, the Village shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, 23 U.S.C. 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5. The City Manager of the Village of Newton Falls is hereby empowered to enter into contracts with the Director of Transportation on behalf of the Village of Newton Falls that are necessary to complete the above-described Project.

RESOLUTION NO. 35-2023

PAGE TWO

SECTION 6. That all formal actions of this Council concerning and relating to the adoption of this Resolution 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 7. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 36-2023
SPONSOR: Councilperson Baryak

PID No. 119190
TRU SR-534 00.75

**A RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF
TRANSPORTATION TO PERFORM RESURFACING WORK ON ST. RT. 534
FROM THE SOUTH CORP LIMIT TO MAPLE DRIVE WITHIN THE VILLAGE
OF NEWTON FALLS**

WHEREAS, the State of Ohio and Village of Newton Falls ("Village") have identified the need for the resurfacing of SR 534 from the South Corp Limit to Maple Drive within the Village.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Newton Falls, Trumbull County, Ohio:

SECTION 1. Council hereby and herein determines that the within Project is in the public interest and authorizes the City Manager to provide the Village's consent to the Ohio Director of Transportation for the resurfacing of SR 534 from the South Corp Limit to Maple Drive within the Village (hereinafter referred to as "PID No. 119190; TRU SR-534 00.75" or "the Project").

SECTION 2. The Village shall cooperate with the Director of Transportation in the above described Project as follows: (1) the State shall assume and bear One Hundred Percent (100%) of the costs of the improvement; and (2) the Village agrees to pay One Hundred Percent (100%) of the cost of any features requested by the Village that are determined by the State and Federal Highway Administration to be unnecessary for the Project (the Village is not requesting any additional features).

SECTION 3. The Village agrees that all right-of-way required for the described Project will be acquired and/or made available in accordance with current State and Federal regulations. The Village also understands the right-of-way costs include eligible utility costs.

SECTION 4. Upon completion of the described Project, and unless otherwise agreed, the Village shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to, 23 U.S.C. 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5. The City Manager of the Village of Newton Falls is hereby empowered to enter into contracts with the Director of Transportation on behalf of the Village of Newton Falls that are necessary to complete the above-described Project.

RESOLUTION NO. 36-2023

PAGE TWO

SECTION 6. That all formal actions of this Council concerning and relating to the adoption of this Resolution 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 7. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-44
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING AN AMENDED EMPLOYMENT AGREEMENT
WITH SEAN HOUSLEY FOR SERVING AS THE VILLAGE DIRECTOR OF FINANCE**

WHEREAS, Sean Housley has been working for the Village in the capacity of Director of Finance for approximately two years, and during that tenure, has demonstrated remarkable expertise and efficiency while serving in the position; and

WHEREAS, the Village desires to enter into an amended employment agreement with Sean Housley setting forth the terms and conditions for his continuing to serve as the Village Director of Finance and carry out the duties of the position as required under the provisions of the Village Charter and Ordinances and Federal and State Law.

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

SECTION 1. That Council hereby and herein authorizes the City Manager to execute the attached Amended Director of Finance Employment Agreement with Village Director of Finance Sean Housley.

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 of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

AMENDED DIRECTOR OF FINANCE EMPLOYMENT AGREEMENT

This AMENDED AGREEMENT ("Agreement") is by and between the Village of Newton Falls, a municipal corporation organized and existing under the laws of the State of Ohio, hereinafter referred to as the "Village", and Sean Housley, hereinafter referred to as "Mr. Housley" or the "Finance Director" (collectively referred to as the "Parties"). The effective date of this Agreement shall be the date Village Ordinance No. 2023-44 goes into effect.

WHEREAS, Sean Housley has been employed as the Village Director of Finance for a period of approximately two years, and during that tenure, has demonstrated remarkable expertise and efficiency while serving in the position; and

WHEREAS, the Village desires to enter into an agreement with the Director of Finance to engage the Director of Finance to carry out those duties as may be required under the provisions of the City's Charter..

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1: Duties.

- (a) The Director of Finance shall perform the duties outlined in the Newton Falls City Charter.
- (b) Mr. Housley will be considered a part-time, overtime exempt employee and not receive healthcare, vision, dental or life insurance benefits.
- (c) The salary for the position shall be \$1,500 per week.
- (d) The Director of Finance may perform his duties remotely and shall attend all Regular and Special Council meetings when possible.

Section 2: Term:

The term of this Agreement shall be effective as of the effective date of Village of Newton Falls Ordinance No. 2023-44 and expire upon the completion or termination of all of the following projects (the Scott Street Sewer Project, the Community Center Renovation Project, the River Grant Project, and the 2024 Road Project), or a period of 18 months from the effective date of Village Ordinance No. 2023-44, whichever is sooner. The Newton Falls Council may terminate this Agreement prior to its expiration date with 60 days' written notice. If Council terminates this Agreement prior to its expiration date, Mr. Housley shall be entitled to a minimum severance payment equal to 12 months pay or the total amount of pay due for the remaining months left on this contract, whichever is less, unless Mr. Housley materially breaches this contract by failing to perform his duties, being convicted of a criminal offense that constitutes a third degree misdemeanor or greater or relates to his duties as Director of Finance, or commits misfeasance, malfeasance, or nonfeasance in office. Any severance payment owed under this Agreement shall be paid in a lump sum unless otherwise agreed to by the Village and Mr. Housley.

Section 3: Requirement to Advertise for the Position:

While Mr. Housley is employed by the Village, the Village shall post, at least on the Village website, a request for applications from candidates interested in being appointed to the position of

Village Director of Finance in order to try to have an available pool of candidates to select from in the event Mr. Housley resigns or is removed by Council.

Section 4: Modification:

This Agreement may be modified only by mutual agreement of the Parties hereto, provided, however, that any such modification shall be reduced to writing.

Section 5: Severability:

The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both Parties subsequent to the expungement or judicial modification of the invalid provision.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date indicated next to their signatures.

VILLAGE

Pamela S. Priddy, City Manager

Sean Housley

Date

Date

Approved as to Legal Form

Bradric T. Bryan, Director of Law

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-45
SPONSOR: Councilperson Baryak

AN ORDINANCE AMENDING THE ELECTRIC RATES

WHEREAS, the Village's electric service engineering consultant, Sawvel & Associates, Inc., conducted a cost of service study for the Village Electric Department and calculated recommended rate amendments based upon the results of the study; and

WHEREAS, Council desires to implement the recommended electric rate amendments as calculated by the consultant.

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

SECTION 1. That Council hereby and herein amends the electric rates as set forth in the attachment hereto that is incorporated herein, effective for and going forward from the invoices prepared on or about December 18, 2023 and due on or around January 3, 2024.

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 of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

Exhibit A
Listing of Proposed Charges

**Comparison of Existing Rates to
Proposed Rates
Village of Newton Falls, Ohio**

Description	Effective 12/1/2019	Effective 2/1/2023	2024 Proposed Rates
Residential Non-Demand Metered			
<i>Inside</i>			
Service Charge (\$/Month)	7.50	7.50	16.50
Debt Service Charge (\$/Month)		4.25	-
Energy Charge (\$/kWh)			
First 600 kWh	0.12690	0.12690	0.13200
Next 600 kWh	0.12690	0.12690	0.13200
All Remaining kWh	0.12690	0.12690	0.13200
<i>Outside</i>			
Service Charge (\$/Month)	10.00	10.00	19.00
Debt Service Charge (\$/Month)		4.25	-
Energy Charge (\$/kWh)			
First 600 kWh	0.12700	0.12700	0.13500
Next 600 kWh	0.12700	0.12700	0.13500
All Remaining kWh	0.12700	0.12700	0.13500
Residential Demand Metered			
<i>Inside</i>			
Service Charge (\$/Month)	7.50	7.50	16.50
Debt Service Charge (\$/Month)		4.25	-
Energy Charge (\$/kWh)			
1st 125 kWh / kW	0.12912	0.12912	0.13630
All kWh in Excess of 125 kWh/kW	0.11621	0.11621	0.13130
Demand Charge (\$/kW-mo.)			0.00
<i>Outside</i>			
Service Charge (\$/Month)	10.00	10.00	19.00
Debt Service Charge (\$/Month)		4.25	-
Energy Charge (\$/kWh)			
1st 125 kWh / kW	0.12922	0.12922	0.13830
All kWh in Excess of 125 kWh/kW	0.11630	0.11630	0.13330
Demand Charge (\$/kW-mo.)			0.00
Commercial City-Owned			
<i>Inside</i>			
Service Charge (\$/Month)	25.00	25.00	40.00
Debt Service Charge (\$/Month)		15.15	-
Capacity Charge (\$/kVA)	12.00	12.00	15.00
Energy Charge (\$/kWh)	0.08255	0.08255	0.08195
<i>Outside</i>			
Service Charge (\$/Month)	30.00	30.00	45.00
Debt Service Charge (\$/Month)		15.15	-
Capacity Charge (\$/kVA)	12.50	12.50	15.25
Energy Charge (\$/kWh)	0.08262	0.08262	0.08195
Commercial Customer-Owned			
<i>Inside</i>			
Service Charge (\$/Month)	25.00	25.00	40.00
Debt Service Charge (\$/Month)		15.15	-
Capacity Charge (\$/kVA)	11.60	11.60	14.60
Energy Charge (\$/kWh)	0.08255	0.08255	0.08195
<i>Outside</i>			
Service Charge (\$/Month)	30.00	30.00	45.00
Debt Service Charge (\$/Month)		15.15	-
Capacity Charge (\$/kVA)	12.10	12.10	14.85
Energy Charge (\$/kWh)	NA	NA	NA
Power Cost Adjustment (\$/kWh)	0.00000	0.00820	0.00000

Description	Effective 12/1/2019	Effective 2/1/2023	2024 Proposed Rates
Municipal			
Service Charge (\$/Month)	25.00	25.00	45.00
Debt Service Charge (\$/Month)		18.35	-
Purch. Pwr (\$/kWh)	NA	NA	NA
Surcharge (\$/kWh)	NA	NA	NA
Energy Charge (\$/kWh)	0.11520	0.11520	0.13075
Demand Charge (\$/kW-mo.)			
Industrial			
Service Charge (\$/Month)	150.00	150.00	250.00
Debt Service Charge (\$/Month)		515.00	-
Capacity Charge (\$/kVA)	14.00	14.00	18.00
XFMR Discount (\$/kW-mo.)			(0.40)
Energy Charge (\$/kWh)	0.06805	0.06805	0.06800
Reactive Charge (\$/kVAR)			0.50
Power Cost Adjustment (\$/kWh)	0.00000	0.00820	0.00000

Security Lights	Effective 12/1/2019	Effective 2/1/2023	2024 Proposed Rates
175 Watt Mercury Vapor	8.00	8.00	9.00
400 Watt Mercury Vapor	11.50	11.50	12.00
1,000 Watt Mercury Vapor	19.75	19.75	20.00
150 Watt H.P.S.	8.00	8.00	9.00
250 Watt H.P.S.	10.00	10.00	10.00
400 Watt H.P.S.	12.00	12.00	12.00

Exhibit B
Proposed Rate Tariffs and Riders

VILLAGE OF NEWTON FALLS, OHIO

ELECTRIC UTILITY DEPARTMENT

ELECTRIC RATE SCHEDULES

Approved: _____

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RESIDENTIAL SERVICE SCHEDULE "NON-DEMAND METERED"

Availability of Service

Available for single-phase service at secondary voltages where not more than 25 kVA of transformer capacity is required. Residential Service is defined as normal year-round service to individual dwellings, for residential purposes, where use is primarily for space heating, water heating, air conditioning, lighting, refrigeration, cooking, clothes drying and incidental farm use.

Rates of Service

Inside Village Limits

Service Charge (\$ per meter per month):	\$16.50
Energy Charge (\$/kWh)	
All kWh:	\$0.13200

Outside Village Limits

Service Charge (\$ per meter per month):	\$19.00
Energy Charge (\$/kWh)	
All kWh:	\$0.13500

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The minimum charge under this schedule shall not be less than the monthly Service Charge.

Seasonal Service

Seasonal service shall be defined as service that is furnished where the occupancy is normally less than 12 months for homes, cottages, mobile homes, farm labor camps, cabins, wells, etc. Such seasonal service will be furnished only where Consumer's premises are located immediately adjacent to Utility's distribution facilities. Any line extension required for such seasonal service shall be subject to Utility's Service Policy pertaining to same.

Such seasonal service and applicable Minimum Charge shall continue for not less than 6 consecutive months each time service is established. Utility's applicable charge(s) shall apply each time that service is connected or disconnected. All such service applications shall be in the name of the property owner, who shall be responsible for the payment of all bills.

Other Terms and Conditions

1. Application for Service & Responsibility for Payment of Bills: Shall be in accordance with Utility's Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable "turn-on" and "turn-off" charge for such temporary service.
3. Character of Service Furnished: The type of service furnished under this Schedule shall be single-phase at a nominal potential of approximately 120/240 volts, 3 wire. At sole option of the Utility, 120 volts, 2 wire service may be furnished.

This Schedule is not applicable for 3-phase service. If a 3-phase service is supplied, Utility's applicable Commercial Service Schedule shall apply to all services both single and 3-phase.

4. Motor Size Limitations: The size of individual single-phase motors shall not exceed 15 HP nameplate rating except where written permission is granted by the Utility. Utility reserves the right to require that all motors, 10 HP and larger, be equipped with reduced voltage starting equipment so as to avoid unnecessary voltage surges on Utility's system.
5. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.
6. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days' notice.
7. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

RESIDENTIAL SERVICE SCHEDULE "DEMAND METERED"

Availability of Service

Available for single-phase service at secondary voltages where not more than 25 kVA of transformer capacity is required. Residential Service is defined as normal year-round service to individual dwellings, for residential purposes, where use is primarily for space heating, water heating, air conditioning, lighting, refrigeration, cooking, clothes drying and incidental farm use.

Rates for Service

Inside Village Limits

Service Charge (\$ per meter per month):	\$16.50
Energy Charge (\$/kWh)	
1st 125 kWh per kW:	\$0.13630
All kWh in Excess of (kWx125):	\$0.13130

Outside Village Limits

Service Charge (\$ per meter per month):	\$19.00
Energy Charge (\$/kWh)	
1st 125 kWh per kW:	\$0.13830
All kWh in Excess of (kWx125):	\$0.13330

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The minimum charge under this schedule shall not be less than the monthly Service Charge.

Seasonal Service

Seasonal service shall be defined as service that is furnished where the occupancy is normally less than 12 months for homes, cottages, mobile homes, farm labor camps, cabins, wells, etc. Such seasonal service will be furnished only where Consumer's premises are located immediately adjacent to Utility's distribution facilities. Any line extension required for such seasonal service shall be subject to Utility's Service Policy pertaining to same.

Such seasonal service and applicable Minimum Charge shall continue for not less than 6 consecutive months each time service is established. Utility's applicable charge(s) shall apply each time that service is connected or disconnected. All such service applications shall be in the name of the property owner, who shall be responsible for the payment of all bills.

Other Terms and Conditions

1. Application for Service & Responsibility for Payment of Bills: Shall be in accordance with Utility's Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable "turn-on" and "turn-off" trip charge for such temporary service.
3. Character of Service Furnished: The type of service furnished under this Schedule shall be single-phase at a nominal potential of approximately 120/240 volts, 3 wire. At sole option of the Utility, 120 volts, 2 wire service may be furnished.

This Schedule is not applicable for 3-phase service. If a 3-phase service is supplied, Utility's applicable Commercial Service Schedule shall apply to all services both single and 3-phase.

4. Motor Size Limitations: The size of individual single-phase motors shall not exceed 15 HP nameplate rating except where written permission is granted by the Utility. Utility reserves the right to require that all motors, 10 HP and larger, be equipped with reduced voltage starting equipment so as to avoid unnecessary voltage surges on Utility's system.
5. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.
6. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days' notice.
7. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

COMMERCIAL SECONDARY SERVICE SCHEDULE "CITY-OWNED EQUIPMENT"

Availability of Service

Applicable to all non-residential Consumers served at secondary voltages through one single-phase or three-phase meter capable of measuring demand and whose monthly average billing demand is less than 500 kW during the twelve-month period starting in January and ending December of the prior year. New Consumer monthly billing demand shall be estimated by a Village electric representative based on information provided to the Village by the Consumer.

Rates for Service

Inside Village Limits

Service Charge (\$ per meter per month):	\$40.00
Capacity Charge (\$/kW-mo.)	
All kW:	\$15.00
Energy Charge (\$/kWh)	
All kWh:	\$0.08195

Outside Village Limits

Service Charge (\$ per meter per month):	\$45.00
Capacity Charge (\$/kW-mo.)	
All kW:	\$15.25
Energy Charge (\$/kWh)	
All kWh:	\$0.08195

Determination of Billing Capacity

The monthly billing capacity (kW) shall be the maximum demand established by the Consumer using the highest fifteen-minute integrated demand during the month for which the bill is rendered, as indicated or recorded by a demand meter.

Where demand metering equipment is installed and the power factor at the time of maximum measured demand is less than 85%, Utility reserves the right to determine the billing capacity based on the measured kVA demand instead of kW demand. Where highly fluctuating or intermittent loads, welding machines, electric furnaces, hoists, elevators, X-rays, and the like are operated by the Consumer, Utility reserves the right to determine the billing demand by averaging the Consumer's total load over a two-minute period or by increasing the 15-minute measured maximum demand by 50% of the kVA nameplate rating of the fluctuating load equipment that is in operation. Where such fluctuating loads require additional or separate transformers or additional system capacity, the measured billing capacity as determined above shall be increased by 70% of the nameplate rated kVA capacity of the additional transformers, or kVA of system capacity required to adequately service such fluctuating loads.

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The monthly Minimum Charge under this Schedule shall be not less than the Service Charge and applicable capacity rate per kW of monthly Billing Capacity as hereinafter determined, nor less than the Minimum Charge specified in the Consumer's Service Contract with Utility.

The Minimum Charge is applicable on a 12-month year-round basis and seasonal disconnects will not avoid the applicable Billing Capacity and resultant Minimum Charge.

Other Terms and Conditions

1. Application For Service and Responsibility for Payment of Bills: Shall be in accordance with Utility's Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable charges for such temporary service.
3. Character of Service: For new installations, service will normally be supplied through a single set of service wires with all service delivered to a single meter location. Under such conditions, a single bill will be rendered for service.

Three-phase alternating current, sixty (60) cycle, at one standard utility secondary nominal voltage of 277/480V or 120/208V; or single-phase of a nominal voltage of approximately 120/240V. If Consumer desires a voltage that is impractical for Utility to furnish, Consumer shall furnish, at his expense, the necessary transformers to deliver such voltage.

4. Availability of 3-Phase Service: Normally, only single-phase service is available. Utility may, at its option, furnish a 3-phase service, after giving consideration to the investment required and probable use of 3-phase service by Consumer; also providing Consumer enters into an appropriate contract covering the investment involved.

The minimum charge and financing of any 3-phase line extension shall conform to Utility's Service Policy.

5. Single Billing If Service is Supplied Through Single Service Drop: Where service is supplied through a single service drop of either 3 or 4 wires extending to a single service entrance and meter location designated by Utility, a single bill will be rendered, whether or not Utility elects to use single or multiple metering.
6. Multiple Billing Where Service is Supplied Through Multiple Service Drops: Where service is delivered at different meter locations through individual and separately metered single and 3-phase service drops, a separate bill will be rendered for each service drop location.
7. Requirements to Qualify for Single Billing: If Consumer arranges his/her wiring at his/her costs so that all requirements can be supplied by means of a single 3 or 4-wire service drop

extending to a single meter location designated by Utility and providing that such service can be supplied from a single transformer bank and metered through a single meter, a single bill will be rendered for such service.

Where a service drop supplies more than a single establishment, firm, business or activity, each establishment, firm, business or activity shall be separately metered and billed.

8. 3-Phase Service is Required for Unbalanced or Fluctuating Loads: For highly fluctuating loads such as welders and electric melting furnaces and/or unbalanced single-phase loads, Utility reserves the right to require Consumer to operate such loads at 3-phase, with the loads balanced as far as practical, substantially equal on each phase.

To avoid voltage disturbances detrimental to the service furnished to other Consumers, Utility reserves the right to install a separate transformer to serve such fluctuating loads. In such an event, the Utility shall enter into a contract to recover the costs of the separate and additional transformer and associated equipment within an acceptable period, but not more than 2 ½ years.

9. Term of Service: A minimum service term of 12 months is required under this rate schedule. A 12-month term of service shall renew thereafter unless terminated by Consumer or Utility.
10. Limitation of Schedule Commercial Secondary: Where individual or unusual substation facilities are required to serve Consumer, or where the required transformer capacity is 150 kVA or more, Utility may require Consumer to install, own and operate, at his expense, the necessary complete substation (consisting of transformer, structure, protective devices, etc.) required to utilize service at Utility's specified untransformed Primary Voltage delivered to Consumer's premises. The size, capacity and other Substation Specifications shall be approved by Utility and the entire installation shall conform to Utility specifications and standards.
11. Motor Specifications: Single-phase service will not be furnished to operate individual motors in excess of 15 HP rating, except where written permission is granted by Utility. All motors 10 HP and larger, at Utility's option, may be required to be equipped with reduced voltage starting equipment or other devices to avoid unnecessary voltage surges and fluctuations on Utility's system.

Motors designed for full voltage "across the line" starting may, at Utility's option, be permitted to operate on Utility's system, provided, however, that Utility has determined that such operation will not be detrimental to service furnished to others.

12. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.
13. New Line Extensions: All new line extensions or the furnishing of additional capacity shall be subject to the Utility's Service Policy covering the same. Utility reserves the right to increase the minimum period of service and/or increase the Minimum Charge where an unusual investment is required to furnish service as compared to the estimated or probable revenue to be received.

14. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days' notice.
15. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

COMMERCIAL PRIMARY SERVICE SCHEDULE "CONSUMER-OWNED EQUIPMENT"

Availability of Service

Applicable to all non-residential Consumers served at primary voltages through one single-phase or three-phase meter capable of measuring demand and whose monthly average billing demand is less than 500 kW during the twelve-month period starting in January and ending December of the prior year. New Consumer monthly billing demand shall be estimated by a Village electric system representative based on information provided to the Village by the Consumer.

Rates for Service

Inside Village Limits

Service Charge (\$ per meter per month):	\$40.00
Capacity Charge (\$/kW)	
All kW:	\$14.60
Energy Charge (\$/kWh)	
All kWh:	\$0.08195

Outside Village Limits

Service Charge (\$ per meter per month):	\$45.00
Capacity Charge (\$/kW)	
All kW:	\$14.85
Energy Charge (\$/kWh)	
All kWh:	\$0.08195

Determination of Billing Capacity

The monthly billing capacity (kW) shall be the maximum demand established by the Consumer using the highest fifteen-minute integrated demand during the month for which the bill is rendered, as indicated or recorded by a demand meter.

Where demand metering equipment is installed and the power factor at the time of maximum measured demand is less than 85%, Utility reserves the right to determine the billing capacity based on the measured kVA demand instead of kW demand. Where highly fluctuating or intermittent loads, welding machines, electric furnaces, hoists, elevators, X-rays, and the like are operated by the Consumer, Utility reserves the right to determine the billing demand by averaging the Consumer's total load over a two-minute period or by increasing the 15-minute measured maximum demand by 50% of the kVA nameplate rating of the fluctuating load equipment that is in operation. Where such fluctuating loads require additional or separate transformers or additional system capacity, the measured billing capacity as determined above shall be increased by 70% of the nameplate rated kVA capacity of the additional transformers, or kVA of system capacity required to adequately service such fluctuating loads.

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The monthly Minimum Charge under this Schedule shall be not less than the Service Charge and applicable capacity rate per kW of monthly Billing Capacity as hereinafter determined, nor less than the Minimum Charge specified in the Consumer's Service Contract with Utility.

The Minimum Charge is applicable on a 12-month year-round basis and seasonal disconnects will not avoid the applicable Billing Capacity and resultant Minimum Charge.

Other Terms and Conditions

1. Application For Service and Responsibility for Payment of Bills: Shall be in accordance with Utility's Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable charges for such temporary service.
3. Character of Service: For new installations, service will normally be supplied through a single set of service wires with all service delivered to a single meter location. Under such conditions, a single bill will be rendered for service.

Utility to provide single or three-phase alternating current, sixty (60) cycle, at one nominal primary voltage of 7,200/12,470V. If Consumer desires a voltage that is impractical for Utility to furnish, Consumer shall furnish, at his expense, the necessary transformers to deliver such voltage.

Utility shall meter the service at the secondary voltage level.

4. Availability of 3-Phase Service: Normally, only single-phase service is available. Utility may, at its option, furnish a 3-phase service, after giving consideration to the investment required and probable use of 3-phase service by Consumer; also providing Consumer enters into an appropriate contract covering the investment involved.

The minimum charge and financing of any 3-phase line extension shall conform to Utility's Service Policy.

5. Single Billing If Service is Supplied Through Single Service Drop: Where service is supplied through a single service drop of either 3 or 4 wires extending to a single service entrance and meter location designated by Utility, a single bill will be rendered, whether or not Utility elects to use single or multiple metering.
6. Multiple Billing Where Service is Supplied Through Multiple Service Drops: Where service is delivered at different meter locations through individual and separately metered single and 3-phase service drops, a separate bill will be rendered for each service drop location.
7. Requirements to Qualify for Single Billing: If Consumer arranges his wiring at his costs so

that all requirements can be supplied by means of a single 3 or 4-wire service drop extending to a single meter location designated by Utility and providing that such service can be supplied from a single transformer bank and metered through a single meter, a single bill will be rendered for such service.

Where a service drop supplies more than a single establishment, firm, business or activity, each establishment, firm, business or activity shall be separately metered and billed.

8. 3-Phase Service is Required for Unbalanced or Fluctuating Loads: For highly fluctuating loads such as welders and electric melting furnaces and/or unbalanced single-phase loads, Utility reserves the right to require Consumer to operate such loads at 3-phase, with the loads balanced as far as practical, substantially equal on each phase.

To avoid voltage disturbances detrimental to the service furnished to other Consumers, Utility reserves the right to install a separate transformer to serve such fluctuating loads. In such an event, the Utility shall enter into a contract to recover the costs of the separate and additional transformer and associated equipment within an acceptable period, but not more than 2 ½ years.

9. Term of Service: A minimum service term of 12 months is required under this rate schedule. A 12-month term of service shall renew thereafter unless terminated by Consumer or Utility.

10. Motor Specifications: Single-phase service will not be furnished to operate individual motors in excess of 15 HP rating, except where written permission is granted by Utility. All motors 10 HP and larger, at Utility's option, may be required to be equipped with reduced voltage starting equipment or other devices to avoid unnecessary voltage surges and fluctuations on Utility's system.

Motors designed for full voltage "across the line" starting may, at Utility's option, be permitted to operate on Utility's system, provided, however, that Utility has determined that such operation will not be detrimental to service furnished to others.

11. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.

12. New Line Extensions: All new line extensions or the furnishing of additional capacity shall be subject to the Utility's Service Policy covering the same. Utility reserves the right to increase the minimum period of service and/or increase the Minimum Charge where an unusual investment is required to furnish service as compared to the estimated or probable revenue to be received.

13. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days' notice.

14. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

MUNICIPAL SERVICE SCHEDULE "OTHER CITY DEPARTMENTS"

Availability of Service

Applicable to Newton Falls municipal facilities and the various departments of the Village of Newton Falls for municipal services. Service is typically supplied at secondary voltages through one single-phase or three-phase meter.

Rates for Service

Service Charge (\$ per meter per month):	\$45.00
Energy Charge (\$/kWh)	
All kWh:	\$0.13075

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The minimum charge under this schedule shall not be less than the monthly Service Charge.

Other Terms and Conditions

1. Application for Service & Responsibility for Payment of Bills: Shall be in accordance with Utility's Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable "turn-on" and "turn-off" trip charge for such temporary service.
3. Character of Service: For new installations, service will normally be supplied through a single set of service wires with all service delivered to a single meter location. Under such conditions, a single bill will be rendered for service.

Three-phase alternating current, sixty (60) cycle, at one standard utility secondary nominal voltage of 277/480V or 120/208V; or single-phase of a nominal voltage of approximately 120/240V. If Consumer desires a voltage that is impractical for the Utility to furnish, Consumer shall furnish, at his expense, the necessary transformers to deliver such voltage.

4. Availability of 3-Phase Service: Normally, only single-phase service is available. Utility may, at its option, furnish a 3-phase service, after giving consideration to the investment required and probable use of 3-phase service by Consumer; also providing Consumer enters into an appropriate contract covering the investment involved.

The minimum charge and financing of any 3-phase line extension shall conform to Utility's Service Policy.

5. Single Billing If Service is Supplied Through Single Service Drop: Where service is supplied through a single service drop of either 3 or 4 wires extending to a single service entrance and meter location designated by Utility, a single bill will be rendered, whether or not Utility elects to use single or multiple metering.
6. Multiple Billing Where Service is Supplied Through Multiple Service Drops: Where service is delivered at different meter locations through individual and separately metered single and 3-phase service drops, a separate bill will be rendered for each service drop location.
7. Requirements to Qualify for Single Billing: If Consumer arranges his wiring at his costs so that all requirements can be supplied by means of a single 3 or 4-wire service drop extending to a single meter location designated by Utility and providing that such service can be supplied from a single transformer bank and metered through a single meter, a single bill will be rendered for such service.

Where a service drop supplies more than a single establishment, firm, business or activity, each establishment, firm, business or activity shall be separately metered and billed.

8. 3-Phase Service is Required for Unbalanced or Fluctuating Loads: For highly fluctuating loads such as welders and electric melting furnaces and/or unbalanced single-phase loads, Utility reserves the right to require Consumer to operate such loads at 3-phase, with the loads balanced as far as practical, substantially equal on each phase.

To avoid voltage disturbances detrimental to the service furnished to other Consumers, Utility reserves the right to install a separate transformer to serve such fluctuating loads. In such an event, the Utility shall enter into a contract to recover the costs of the separate and additional transformer and associated equipment within an acceptable period, but not more than 2 ½ years.

9. Term of Service: A minimum service term of 12 months is required under this rate schedule. A 12-month term of service shall renew thereafter unless terminated by Consumer or Utility.
10. Substation Equipment: Where individual or unusual substation facilities are required to serve Consumer, or where the required transformer capacity is 150 kVA or more, Utility may require Consumer to be responsible for the total cost to install, own and operate, at his expense, the necessary complete substation (consisting of transformer, structure, protective devices, etc.) required to utilize service at Utility's specified untransformed Primary Voltage delivered to Consumer's premises.
11. Motor Specifications: Single-phase service will not be furnished to operate individual motors in excess of 15 HP rating, except where written permission is granted by Utility. All motors 10 HP and larger, at Utility's option, may be required to be equipped with reduced voltage starting equipment or other devices to avoid unnecessary voltage surges and fluctuations on Utility's system.

Motors designed for full voltage "across the line" starting may, at Utility's option, be permitted to operate on Utility's system, provided, however, that Utility has determined that such operation will not be detrimental to service furnished to others.

12. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.

13. New Line Extensions: All new line extensions or the furnishing of additional capacity shall be subject to the Utility's Service Policy covering the same. Utility reserves the right to increase the minimum period of service and/or increase the Minimum Charge where an unusual investment is required to furnish service as compared to the estimated or probable revenue to be received.
14. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days notice.
15. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

INDUSTRIAL SERVICE SCHEDULE "IND"

Availability of Service

Applicable to all non-residential Consumers served at primary or secondary voltages through a three-phase meter capable of measuring billing demand and whose monthly average billing demand is 500 kW or higher during the twelve-month period starting in January and ending in December of the prior year. New Consumer monthly billing demand shall be estimated by a Village electric system representative based on information provided to the Village by the Consumer.

Rates for Service

Service Charge (\$ per meter per month):	\$250.00
Capacity Charge (\$/kW-mo.)	
All kW:	\$18.00
Transformer Discount (\$/kW-mo.)	
All kW:	(0.40)
Reactive Charge (\$/kVAR-mo.)	
All kVAR:	0.50
Energy Charge (\$/kWh)	
All kWh:	\$0.06800

Determination of Billing Capacity

The monthly billing capacity (kW) shall be the maximum demand established by the Consumer for using the highest fifteen-minute integrated demand during the month for which the bill is rendered, as indicated or recorded by a demand meter.

Where highly fluctuating or intermittent loads, welding machines, electric furnaces, hoists, elevators, X-rays, and the like are operated by the Consumer, Utility reserves the right to determine the billing demand by averaging the Consumer's total load over a two-minute period or by increasing the 15-minute measured maximum demand by 50% of the kVA nameplate rating of the fluctuating load equipment that is in operation. Where such fluctuating loads require additional or separate transformers or additional system capacity, the measured billing capacity as determined above shall be increased by 70% of the nameplate rated kVA capacity of the additional transformers, or kVA of system capacity required to adequately service such fluctuating loads.

Determination of Billing Reactive Load

The Reactive Charge is applicable to Consumers whose average monthly power factor is less than 85% lagging. The reactive load shall be the fifteen-minute reactive demand (kVAR) coincident with the Consumer's highest fifteen-minute integrated demand (kW) reading.

Credit For Transformer Ownership

Consumers who own, operate, and maintain all transforming, controlling, regulating and protective equipment will be given a discount credit of \$0.40 per kW applicable to the monthly billing capacity.

Metering

Utility reserves the right to meter at either primary or secondary voltage by means of standard metering equipment. If a Consumer is metered at primary voltage; metered kWh, kW, and kVAR shall be decreased by 1% for billing purposes.

Riders

Consumers under this schedule shall be subject to the applicable Power Cost Adjustment Rider and Ohio Excise Tax Rider.

Minimum Charge

The Monthly Minimum Charge under this Schedule shall be not less than the applicable capacity rate per kW of monthly Billing Capacity as hereinafter determined plus the Service Charge, nor less than the Minimum Charge specified in Consumer's Service Contract with Utility.

The Minimum Charge is applicable on a 12-month year-round basis and seasonal disconnects will not avoid the applicable Billing Capacity and resultant Minimum Charge.

Other Terms and Conditions

1. Application For Service and Responsibility for Payment of Bills: Shall be in accordance with Service Policy.
2. Application for Temporary Service: For temporary service, Utility's Service Policy shall apply. Utility reserves the right to require that Applications for Temporary Service be in the name of the property owner, who shall be subject to the Utility's applicable charges for such temporary service.
3. Character of Service: Three-phase alternating current, sixty (60) cycle, at one standard utility nominal primary voltage of 7,200/12,470V or one standard utility secondary nominal voltage of 277/480V or 120/208V. If Consumer desires a voltage that is impractical for Utility to furnish, Consumer shall furnish, at his expense, the necessary transformers to deliver such voltage.

Where Consumer installs power factor corrective equipment, Utility may require Consumer to install, at his expense, such control devices as are necessary to prevent excessive or detrimental voltage variations on Utility's system.

4. Availability of 3-Phase Service: Normally, only single-phase service is available. Utility may, at its option, furnish a 3-phase service, after giving consideration to the investment required and probable use of 3-phase service by Consumer; also providing Consumer enters into an appropriate contract covering the investment involved.

The minimum charge and financing of any 3-phase line extension shall conform to Utility's Service Policy.

5. Substation Equipment: Where individual or unusual substation facilities are required to serve Consumer, or where the required transformer capacity is 150 kVA or more, Utility may require Consumer to be responsible for the total cost to install, own and operate, at his expense, the necessary complete substation (consisting of transformer, structure, protective

devices, etc.) required to utilize service at Utility's specified untransformed Primary Voltage delivered to Consumer's premises.

6. Multiple Billing Where Service is Supplied Through Multiple Service Drops: Where service is delivered at different meter locations through individual and separately metered single and 3-phase service drops, a separate bill will be rendered for each service drop location.
7. 3-Phase Service is Required for Unbalanced or Fluctuating Loads: For highly fluctuating loads such as welders and electric melting furnaces and/or unbalanced single-phase loads, Utility reserves the right to require Consumer to operate such loads at 3-phase, with the loads balanced as far as practical, substantially equal on each phase.

To avoid voltage disturbances detrimental to the service furnished to other Consumers, Utility reserves the right to install a separate transformer to serve such fluctuating loads. In such an event, the Utility shall enter into a contract to recover the costs of the separate and additional transformer and associated equipment within an acceptable period, but not more than 2 ½ years.

8. Term of Service: A minimum service term of 12 months is required under this rate schedule. A 12-month term of service shall renew thereafter unless terminated by Consumer or Utility.
9. Other Charges for Special Services: See Utility's Service Policy as to charges not set forth herein, applicable for the disconnection and reconnection of service and the charges to be made for other special services furnished to Consumer.
10. New Line Extensions: All new line extensions or the furnishing of additional capacity shall be subject to Utility's Service Policy covering the same. Utility reserves the right to increase the minimum period of service and/or increase the Minimum Charge where an unusual investment is required to furnish service as compared to the estimated or probable revenue to be received.
11. Contract Provisions: A written Contract will be required to cover service furnished under this schedule, the term to depend upon investment required by Utility, revenue to be received, etc. The Contract shall specify the Minimum Charge, the Minimum Billing Capacity, Contribution in Aid of Construction (if any), and related matters required to protect Utility's Investment and to secure payment of Consumer's accounts.
12. Use of Service: Service under this Schedule shall not be resold or shared with others. Any violation of this regulation shall be subject for the service to be disconnected upon 5 days' notice.
13. Parallel Generation: Consumers are prohibited from operating an electric generating facility in parallel with the Utility's electric system without an executed Interconnection Agreement. Installation of Consumer-owned generation may not avoid the Utility's recovery of unavoidable costs associated with the Utility's operation and maintenance and debt service expenses.

PRIVATE AREA LIGHTING “PAL”

Availability

Available to Consumers where Utility’s standard outdoor lighting unit can be installed on Utility’s existing pole and does not require any extension or addition to Utility’s existing secondary or primary distribution facilities, including the transformer. Any relocation of a lighting unit shall be at the Consumer’s expense.

Where additional facilities are required, the Consumer shall pay, in advance, the total installation cost for the additional distribution facilities (poles, wires, transformer, and appurtenances) as are required. In all cases, the lighting fixture itself, including the lamp, will be installed, owned, operated, and maintained by Utility.

This service is available only where there is reasonable assurance that the service to be furnished will be permanent. Utility reserves the right to refuse to furnish such service when, in Utility’s opinion, the installation will not be of permanent character.

All applications for outdoor Security Lighting Service shall be on a 12-month year-round service basis. Where the premises are occupied by a tenant, Utility reserves the right to require the Application for Service to be made by the property owner with bills to be sent to the premises to the attention of the tenant. However, the property owner shall be responsible for the payment of the bills.

Character of Service

The Utility will install, own, operate, and maintain, at its expense, the necessary mast arm-mounted lighting unit and related appurtenances. The lighting unit shall be a luminaire, photo-electric or otherwise controlled to provide substantially dusk-to-dawn year-round operation per year.

Rates for Service

Fixture Charge (\$ per fixture per month)

175-Watt Mercury Vapor	\$9.00
400-Watt Mercury Vapor	\$12.00
1,000-Watt Mercury Vapor	\$20.00
150-Watt High Pressure Sodium	\$9.00
250-Watt High Pressure Sodium	\$10.00
400-Watt High Pressure Sodium	\$12.00

POWER COST ADJUSTMENT RIDER “A”

Applicable:

The calculation of monthly bills pursuant to the rates and charges therein shall be subject to adjustment for changes in the cost of fuel and purchased power by applying a Power Cost Adjustment (PCA) as a unit charge or credit to the total billed energy kilowatt-hours (kWh) on the bill.

Overview:

This PCA calculation is intended to be based on forward-looking projections of fuel, purchased power and other power supply-related costs, as well as projections of Consumer sales (kWh), for the period. The calculation is further intended to be performed at a minimum six-month interval or more frequently, if required, to accomplish recovery of fuel-related cost in a timely manner. The calculation includes a provision to reconcile over or under-collection of cost from previous periods based on actual cost versus projected cost for the period.

The PCA calculation shall be performed in a manner consistent with this rider and initially set to a rate of zero at the time of implementing the herein base rates. Thereafter, the PCA calculation shall be reviewed at a minimum every six months. The PCA calculation shall be reviewed and new projections shall be made for the subsequent six-month periods (i.e., August and February of each year). Following such PCA review and calculation, the PCA shall be applied, as deemed necessary to accomplish recovery of the fuel, purchased power and other power supply-related costs in a timely manner. The PCA shall be recalculated and applied at intervals more frequent than six months if actual fuel and purchased power costs vary significantly from projections.

Definition of Fuel Cost:

The cost in dollars and cents of all projected fuel used in the production of electric energy during the applicable time period determined from the projected weighted average cost of such fuel applied to the projected quantity used. The projected weighted average cost of fuel as used shall be defined as the cost of fuel consumed in generating facilities priced at cost including freight, demurrage, and taxes, of fuel on hand at the beginning of the applicable time period, plus projected cost of fuel received during the applicable time period, divided by the total quantity of fuel on hand and projected to be received.

Definition of Purchased Power Cost:

The net cost in dollars and cents of all projected purchased power required during the applicable time period. The net cost of purchased power shall be the projected total cost of power and energy received from suppliers and Utility approved Consumer-owned renewable generation, including service and dispatch fees and any power supply-related charges, less the projected amounts received for off-system sales of energy.

Determination of PCA Unit Charge or Credit:

When fuel total cost and purchased power cost increases above or decreases below \$0.10006/kWh-sold, the rate for electric service shall be increased or decreased in accordance with the following formula:

Calculation:

$$PCA = \frac{P + R}{S} - B$$

Where:

- PCA = Power Charge factor, expressed in dollars per kWh-sold rounded to the nearest five decimal places.
- P = Total projected fuel cost and projected purchased power cost during the applicable time period expressed as dollars (\$) as defined in this schedule.
- S = Projected sales (kWh) excluding wholesale energy sales, for the applicable time period for which the fuel cost and purchased power cost (P) is computed.
- R = Reconciliation of the actual cumulative over or under-recovery of fuel cost and purchased power cost from preceding applicable time periods including over or under-recovery of fuel cost and purchased power cost before the effective date of this Rider expressed as dollars (\$).
- B = Base power supply cost for the schedule of rates and charges provided by this Ordinance, B shall be \$0.10006/kWh sold.

OHIO EXCISE TAX RIDER “B”

The applicable Excise Tax shall be added to the total amount billed to the Consumer under the applicable electric rate schedule. The Excise Tax rate shall apply to the total energy sales (kWh) billed to the Consumer.

The Excise Tax is imposed on monthly Consumer energy sales (kWh) under Ohio Revised Code §5727.8 and any adjustments or amendments thereto.

The Excise Tax charge is to be applied to monthly Consumer energy sales (kWh) on monthly electric bills using the following rates:

First 2,000 kWh times \$0.00465/kWh
Next 13,000 kWh times \$0.00419/kWh
Over 15,000 kWh times \$0.00363/kWh

The above rates are based on a 30-day billing cycle. If your billing cycle is 30 days exactly, the above-referenced rates will be used. If the billing cycle is less than or more than 30 days, the daily calculation will be used.

The daily calculation will be determined as follows:

Determine the number of kWh used during the billing cycle; Divide that number by the number of days in the billing cycle (Daily average kWh). Take the daily average kWh and (for each block, round the tax amount to the nearest whole cent (x.xx))

- Multiply \$0.00465 for the first 67 kWh distributed;
- Multiply \$0.00419 for the next 68 to 400 kWh distributed;
- Multiply \$0.00363 for the remaining kWh distributed.

The tax is the sum of the above multiplied by the number of days in the billing cycle.