

EAST PALESTINE VILLAGE COUNCIL- MONDAY NOVEMBER 12, 2012

Mayor Zuch called the meeting to order. Following the Pledge and prayer, Mayor Zuch asked that all veterans present stay standing and she recognized them for their service to our country. Present were Atty. Beagle, Mr. Elzer, and Mr. Cohen, Mr. Tyger and Mrs. Wisser. Mr. Figley was absent. The minutes from the October 22, 2012 meeting were approved on a motion by Mr. Cohen, seconded by Mrs. Wisser. All in favor. Mr. Elzer asked about the ambulance billing being down. Manager Monteleone said it is because of the issues with the billing and that they don't anticipate receiving everything and that it will be off. He said that for the last few months we have received what we were supposed to, but we are still owed back payments and after making phone calls they were told in a few weeks we would receive more but not the full \$50,000 still owed. Traci Thompson, Finance Director stated that it is also because ambulance calls are down. The Village department reports for October were approved on a motion by Mr. Elzer seconded by Mr. Cohen.

AGENDA: Terry Leach of Amp Ohio on the aggregation program. Village Manager Pete Monteleone stated that he, and Mrs. Wisser met with Mr. Leach a few weeks ago and at the last meeting there were some questions so he asked Mr. Leach to come and speak. Mr. Leach stated he works for American Municipal Power who owns a company called Ampo Inc., which is a consulting company that does the aggregation programs for anyone interested. He stated American Municipal Power is a wholesale power provider to 129 municipalities in 7 states. He stated that they run two programs for the Village and their job is to get the participant in the aggregation program the best deal possible with out putting the burden on the city. He said they find the best rates, suppliers and file all of the quarterly and annual reports. He stated that the village does not pay them; they are compensated by the suppliers that they contract with. The aggregation program saves money by basically taking large groups of people and purchasing natural gas in volume, which gets you a better rate. He stated that there is no guarantee that this will be the best price available, but they can give a fixed rate and they do not set prices for a year at a time, they go from 3 to 6 months. Right now for November and December the rate is \$4.17 per mcf, for the month of October it was 4.01 per mcf. He stated that individuals could go pick their own company the best price available is between \$5.25 to 6.00 per mcf range. They cannot guarantee the best price but it is a no risk offer, you can get out at any time at no cost. Most other suppliers charge significant fees to get out. You can also get back in the aggregation program at any time. Mr. Cohen asked if this was an opt out program rather than opt in and Mr. Leach said that was correct. Mr. Cohen asked if that was the standard and Mr. Leach said that is what the City chose to do when it was originally put on the ballot. He said the difference between opt out and opt in is with opt in you will not be able to get as good a price because they don't get as many participants. At this point Jim Mackall in the audience stated that he opted out a few years ago and asked if he would have to do that again. Mr. Leach stated that if he opted out originally, they are not supposed to get his name on the mailing list again and said he shouldn't be in it but cant guarantee he wont have to opt out again. He said the requirements for being eligible for the program are that you have to live inside the city, and you cant be in the PIPP program and you have to be current on your bill. Mr. Elzer stated there are approximately 2000 households, and Mr. Leach said there are 554 participants in the program. Mr. Leach stated the electric aggregation is different because he can guarantee savings from the rates from Ohio Edison. It is an opt out program and you can opt out every 3 years. The supplier for the electric program is First Energy Solutions. In this program there is a guaranteed percentage off of the price to compare. The price to compare changes with the seasons and right now the price with Ohio Edison is 5.8367 cents per kilowatt-hour. The electric aggregation program guarantees a 6% discount then whatever the current price to compare is. That equates to around a \$25 to \$30 a year savings. There are 1699 participants in the electric aggregation program. John Jurjavic asked if the electric aggregation was for 3 years, Mr. Leach said that by law they are required to send a mailing giving participants the opportunity to opt out, but you can get out at any time. Jurjavic said he received a letter last week giving a fixed rate but for 7 years. Mr. Leach said that they were informed those letters were going out 2 days before they did and they were not happy about it. He had a meeting with the president of First Energy to express his displeasure with that and was promised that it would not happen again with out giving them notice and the city notice. He thanked everyone for allowing him to speak.

Chaplain Lt. Col. Barry M. Walker US Army Ret. on history, citizenship and patriotism. Mr. Walker said, "he would like to apologize for trying to save the city embarrassment, and because of what you did that night you are going to have more embarrassment". At this point Chaplain Walker walked up to the council table in front of the Mayor and opened and closed his mouth several times and then asked the Mayor "can you hear this?" (Referring to his jaw clicking) The Mayor said yes she could here his jaw and she had one just like it. Chaplain Walker stated that happened in the doorway "that night", (referring to the council meeting he was removed from in 2010). Pointing to his face he said, "here is \$18,000" and then pointing to another part of his face he said, "this will be around \$40,000 or \$50,000" (for surgery). He then stated Larry Wales wanted him to "straighten people out" on how Meals on Wheels was started. He said it was started in his church in Feb 1981 as a result of Martha Mollenkopf coming to his office asking him if he would get Meals on Wheels started. He said they held a meeting that March and more people were there than he expected and it was organized and started. He said that Larry Wales told him to make sure he told everyone that he (Chaplain Walker) was the one who started it. Looking directly at Mr. Elzer he said, "you are bragging about starting the campaign..." (At this point he apparently lost his train of thought and said, "I can't even remember my name"). He then continued saying... the campaign on safety in the basement of his church by Officer Dunn, Crime Watch. Again looking at Mr. Elzer he said that was here long before you came. He said he himself had nothing to do with it, He said Officer Dunn asked him if they could use his church to form it and he said no problem and it started from there. He said, "It dropped under our last so-called Police Chief". (Referring to former Police Chief Clyde Hoffmeister) Chaplain Walker said " he got his name, because I called him ass-hole, from the WWII Vets who were very upset when he refused to solute the flag on Memorial Day when he was in a police uniform". He said he was very surprised when Gary Clark hired him. He also stated he has used that name several times since then. Chaplain Walker then stated that according to the FBI, he deserves that name. He then said the FBI told him" why didn't you come to us sooner? We (the FBI) would have had him in federal prison where the prisoners would have had fun with him for what he did to you". He said, " he (Chief Hoffmeister) also made sure they took away his security clearance, and his clearance was NUCLEAR". He said Hoffmeister told him he wasn't a Lt. Col and that" he (Hoffmeister) didn't give a damn what Congress said because he was the official in this town". He then asked the Mayor if she was aware of that and she said no, she wasn't privy to private conversations. He then asked the Mayor if she was aware that "he (Hoffmeister) told the policemen not to address him as Rev., Dr. or Lt. Col because he isn't any of those things"? The Mayor said no, she wasn't aware of that. Chaplain Walker stated that Hoffmeister, Gary Clark and Sunny Hull were a part of that. He said he has contacted a lawyer, and he is bringing a \$250,000.00 lawsuit against the city. He then said "in doing what you did tonight, the same thing occurred whether you like it or not". (Referring to the way his name was typed on the agenda). Mayor Zuch stated she told him she didn't know what all of the letters before his name meant, and Chaplain Walker asked why didn't she call and ask him, that she called him to ask about a flag. Mayor Zuch stated she did call him a few years ago to ask if a flag had been hung correctly. He said she did that because she was afraid of what the police would do to her if she called them. Mayor Zuch said that wasn't true, she has never been afraid of the police. She then asked him to continue with his patriotism and history. Chaplain Walker then said that she didn't know there were National and County leaders there. Mayor Zuch asked him if he meant there tonight and he said yes. Mayor Zuch said yes she was aware, and Walker said "national leaders"? Mayor Zuch said not that she was aware of. He then asked the Mayor "Don't you read the paper?" Mayor Zuch said yes she does. She said she is being polite to him and would appreciate him being polite to her. He then said "you weren't polite to me when you called me on the telephone and told me I couldn't do something when I got sick." At this point Mr. Cohen said he didn't know what any of this had to do with the current business before council tonight. Mr. Cohen told him he was his friend and understood, but this had nothing to do with current business. At this point, Atty. Smith stated that any business is restricted to the agenda.

Chaplain Walker said, " no, you are restricted to what's here (he then held up a copy of the rules to speak before council) and according to the ACLU these guidelines are not legal." Mr. Cohen asked him what his business before council was, as he hadn't stated it yet. Chaplain Walker said his business before council "was to straighten them out." Mr. Cohen said they did not need straightened out, and that his 3 minutes to speak was up. At this point Chaplain Walker said "see you in court". As he was walking out he stopped by Mr. Rich Bolon and said, "I raised \$38,000 for the school and this guy (Mr. Bolon) was part of it. Mr. Bolon said " I don't know if you raised \$38,000 or not but we all did." And Mr. Bolon said that has nothing to do with this.

CLERK: NO REPORT

MAYOR: NO REPORT

MANAGER: Village Manger Pete Monteleone stated he had received the bridge inspection report from the county. Mr. Elzer asked if everything came out good and Monteleone said it did. He also said that they are finishing up with the inspector and punch list for the Moore Lane project.

LAW DIRECTOR: NO REPORT

STREET: Mr. Figley was absent. Mr. Elzer stated they are running the Turkey Trot this year on all paved roads.

SAFETY/PARK/REC/CEMETERY: Mr. Cohen stated that he and Mrs. Wisser had a meeting with the Manager, John Jurjavcic, Jerry Coblentz and Brian Moore of EPYSA. He said they had been having ongoing discussions about increasing revenues at the concession stand and have not yet come to any conclusions. Atty. Beagle said she spoke to Chief Dickey and was impressed at how vigilant they are being. Mrs. Wisser said one of the reasons for the meeting last week was to discuss the water line for EPYSA, she said they have the supplies and are just waiting for the water department to find the time. Monteleone said they broke it down into 3 phases so it can be accomplished in a shorter amount of time and more feasible for the water department to do. They are going to try to start the first phase this month. Mr. Cohen said they discussed this at the meeting last week, and he wanted to make everyone aware that John Jurjavcic is being very cooperative.

DEVELOPMENT: Mr. Elzer stated there are two new businesses in town. Sue Boutique has taken over the old flower shop behind Sparkle, and her grand opening is the day after Thanksgiving. Sonia Early has opened her equestrian center on Bacon Avenue. She is doing lessons and boarding of horses. He stated the Chamber of Commerce had the craft show last weekend and it went very well. The Turkey Trot is on Thanksgiving and starts at 9am and asked everyone to come out and support the runners and walkers. The American Legion is no longer running the Street Fair and The Chamber of Commerce has taken it over and they are moving it back to Market Street. There are approximately 15 people working on it and if anyone would like to volunteer, to please contact Dianna Elzer.

UTILITY: Mrs. Wisser stated she had already discussed the water line at the Park.

FINANCE: Mr. Tyger stated the budget was in this week's packet. He stated they could have a finance meeting at 6:15, prior to the next regular meeting on November 26. Everyone agreed to the meeting. At this point Mr. Cohen stated that they had overlooked approving the minutes from the negotiations meeting. Mr. Tyger said the union negotiations went well and said the FOP and the Teamsters were very gracious and understood the cities financial situation. He said it was a very cordial meeting. Mr. Cohen made a motion to approve the minutes from the Negotiation meeting on November 5, seconded by Mr. Tyger. All in favor.

VISITORS: Chief Kevin Dickey, Mary Anne Tyger, Dianna Elzer, John & Dot Herbert, Chuck McGuire, Joyce Millick, Robert Veon, John Lehi, Dan Scott, Jim Williams, Charles Treece, Chaplain Lt. Col. Barry M. Walker US Army Retired, John & Bonnie Davis, John Jurjavcic, Rich Bolon, Larry & Terry Ward, Charles Hutchens, Tami & Bob Harries, Jim Mackall, Emery Coon, Katie Schwendeman, Officer Don Johnson.

Mayor Zuch asked for a brief synopsis of tonight's legislation. Atty. Beagle stated the Resolution to accept Claybrook Drive basically means just taking Claybrook Drive and making it a city street with the village being responsible for the maintenance. Atty Beagle there were a few small things that needed done first, Manager Monteleone said the section from Brookdale to the new pavement that was put in 9 years ago has some cracking in the pavement and the association agreed to pay for the sealing of the cracks. Atty. Beagle said the ordinance is for 2013 budget appropriations and will be an emergency but wasn't sure why it was needed. Mayor Zuch said it would be read three times but passed as emergency on the last reading as there is a deadline it has to be at the county.

THERE WERE NO COMMENTS ON CURRENT LEGISLATION.

LEGISLATION: Atty. Beagle introduced **Res. 22-2012** and made a motion that it be read by title only., seconded by Mr. Cohen. All in favor. **A resolution accepting the dedication of Claybrook Dr. of phase one of the Claybrook Condominium association as a public street under the are and control of the Municipality of East Palestine.** Atty. Beagle called for a vote on Res. 22-2012. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass, motion carried. Atty. Beagle introduced **Ord. 25-2012 for the 1st reading** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance adopting the appropriation for the current expenses and other expenditures of the Village of East Palestine, Ohio, during the fiscal year beginning January 1, 2013 and adopting estimated resources, and declaring an emergency.**

Atty. Beagle brought up the dump in Negley. She said last meeting doing some sort of legislation was discussed. From a business point she said she understood Mr. Wallace has an investment there, from a legal standpoint there needs to be jurisdictional boundaries otherwise it would be toothless legislation, from a council standpoint it is an emotional issue. She said she had a meeting with Mr. Herbert and Dr. Harris at YSU and asked for something to tell her that there is a danger to our aquifer and there was a lot of could haves and should haves but nothing concrete. She recommends not doing legislation because it would only be a piece of paper. She then asked Atty. Smith if the issue could be officially abandoned until there is evidence that it will effect East Palestine. Atty. Smith stated that at the last meeting it was agreed on that we do not have any jurisdiction and without that, we are very limited. At this point Rich Bolon asked if there was anything new with the oil and gas. Village Manager Monteleone stated he received a letter about a meeting for people that had already signed, but we are not signed yet. He said in that letter they stated they would be coming back with something very soon.

ADJOURN: Mr. Elzer made a motion to adjourn, seconded by Mr. Cohen. All in favor, meeting adjourned.

