

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Regor    )  
Energy Corporation for Certification as a    ) Case No. 17-0705-EL-AGG  
Competitive Retail Electric Aggregator/    )  
Broker.    )

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**TREBEL, LLC'S MOTION TO INTERVENE,  
MOTION TO DENY AMENDED APPLICATION,  
AND MOTION FOR EXPEDITED TREATMENT**

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Pursuant to Section 4903.221, Revised Code, and Rules 4901-1-11, 4901-1-12, Ohio Adm. Code, Trebel, LLC (Trebel) respectfully moves the Public Utilities Commission of Ohio (Commission) for leave to intervene in the above-captioned matter with the full powers and rights granted to intervening parties. Trebel also requests that the Commission deny Regor Energy Corporation's (Regor) amended application for certification as a competitive retail electric service (CRES) provider (Amended Application).<sup>1</sup> As demonstrated in the attached Memorandum in Support, Trebel has a real and substantial interest in this proceeding in which it may be adversely affected by the outcome herein. Further, Trebel's interests cannot be adequately represented by any other existing parties. Accordingly, Trebel satisfies the standard for intervention set forth in Ohio statutes and regulations.

Additionally, Regor's Amended Application should be denied because Regor has made false representations in its Amended Application and has been offering, contracting, or providing competitive retail electric services in Ohio without a valid certificate in violation of Ohio statutes and Commission rules. Accordingly, the Commission should assess forfeitures against Regor for

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<sup>1</sup> Although Regor did not file a complete amended application with exhibits, Trebel is assuming that the amended application intended to incorporate the exhibits filed with the initial application.

violations of Ohio statutes and Commission rules, including for offering CRES services without a valid certificate issued by the Commission.

Lastly, given the timing of the automatic approval process, Trebel respectfully requests that these motions be granted on an expedited basis in accordance with Rule 4901-1-12(C), Ohio Adm. Code, or requests that the Commission suspend the Amended Application pending further review. Trebel cannot certify that all parties do not oppose this request.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT**

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**I. Introduction**

The Amended Application Regor filed in this proceeding comes after Regor has already been offering, contracting, or providing competitive CRES services in Ohio without a valid certificate in violation of Ohio statutes and Commission rules. Unless the Commission enforces its rules and assesses forfeitures against Regor, other actors will be free to offer and provide competitive retail electric services without consequence and will escape the Commission's oversight that is necessary to ensure consumer protections and fair competition.

Customers are not the only people harmed by Regor's disregard for Ohio statutes and Commission rules. When CRES providers, including aggregator/brokers, are left unregulated and the Commission's rules go unenforced, the uncertified providers are permitted to unfairly compete with certified CRES providers who do follow Ohio statutes and Commission rules and go through the time and expense of compliance. As a certified CRES provider, Trebel has a real and substantial interest in this proceeding in which it may be adversely affected by the outcome and its interests cannot be adequately represented by any other existing parties.

Further, the Commission must enforce its rules, deny certification requests that do not comply with its rules, and assess forfeitures against those actors who choose to blatantly disregard Ohio statutes and Commission rules.

## II. Intervention

### **Trebel Satisfies the Standard for Intervention Set Forth in Ohio Statutes and Commission Regulations.**

Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, establish the standard for intervention in the above-captioned proceeding. Section 4903.221, Revised Code, provides, in part, that any person “who may be adversely affected” by a Commission proceeding is entitled to seek intervention in that proceeding. Section 4903.221(B), Revised Code, further requires the Commission to consider the nature and extent of the prospective intervenor’s interest, the legal position advanced by the prospective intervenor and its probable relation to the merits of the case, whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding, and the prospective intervenor’s potential contribution to a just and expeditious resolution of the issues involved.

Rule 4901-1-11, Ohio Adm. Code, permits intervention by a party who demonstrates a real and substantial interest in the proceeding and who is so situated that the disposition of the proceeding may impair or impede its ability to protect that interest and whose interest is not adequately represented by an existing party.

Trebel is certified by the Commission as a competitive retail electric aggregator/broker (Certificate No. 14-867E(2))<sup>2</sup> and as a natural gas aggregator/broker (Certificate No. 12-267G(3)).<sup>3</sup> As a certified CRES provider, Trebel provides consulting and CRES services to governmental, business, and residential clients. As a certified CRES provider, Trebel also

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<sup>2</sup> See *In the Matter of the Application of Trebel, LLC for Certification as a Competitive Retail Electric Aggregator/Broker*, Case No. 14-1390-EL-AGG (Certificate No. 14-867E(2) issued on September 15, 2016 and is effective through September 11, 2018).

<sup>3</sup> See *In the Matter of the Application of Trebel, LLC for Certification as a Competitive Retail Natural Gas Aggregator/Broker*, Case No. 12-2228-GA-AGG (Certificate No. 12-267G(3) issued on October 7, 2016 and is effective through October 6, 2018).

competes against other certified CRES providers to provide these services to clients. Therefore, Trebel has an interest in ensuring that all persons or entities soliciting potential clients, such as municipalities or townships, are certified by the Commission, provide truthful information, are qualified to provide competitive retail electric services, and compete fairly.

Although Regor is just now filing an application for certification as a CRES provider, Regor has been soliciting townships and municipalities to provide them with CRES services, which have been previously, and are currently, provided by Trebel. Trebel has an interest in ensuring that only certified CRES providers solicit potential clients offering consulting and CRES services as required under Rule 4901:1-24-03(A), Ohio Adm. Code.<sup>4</sup> Additionally, Trebel has been made aware of certain misrepresentations that Regor's business development director, John Ney, has made about Trebel. Those misrepresentations have interfered with Trebel's business relationships. Lastly, and as discussed further below, Trebel is also aware of representations that Regor has made publicly to certain governmental entities regarding its certification status and ability to provide CRES services.

Trebel has a direct, real, and substantial interest in this proceeding and is so situated that the disposition of this proceeding may, as a practical matter, impair or impede its ability to protect that interest. Trebel is certified and experienced in providing CRES services to clients in Ohio and is familiar with the rules and procedures of the Commission. Further, Trebel has knowledge of Regor publicly offering to provide CRES services in the state of Ohio without a valid certificate and will significantly contribute to the full development and equitable resolution of the factual issues in this proceeding. Lastly, Trebel's interest will not be adequately

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<sup>4</sup> Rule 4901:1-24-03(A), Ohio Adm. Code, states: "[n]o person shall offer, contract, or provide a competitive retail electric service in this state without a valid certificate." Further, Rule 4901:1-24-02(A), Ohio Adm. Code provides: "[a]ny electric utility, electric services company, electric cooperative, or governmental aggregator which intends to offer or provide a competitive retail electric service (CRES) to consumers in this state shall obtain a certificate to operate from the commission prior to commencing operations."

represented by other parties to this proceeding and its intervention will not unreasonably delay or prolong the proceeding.

Trebel satisfies the criteria set forth in Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Adm. Code, and is, therefore, authorized to intervene with the full powers and rights granted by the Commission to intervening parties.

### **III. Denial of Certification Application**

#### **a. Regor's Amended Application for Certification as a CRES Provider Must be Denied.**

Regor's Amended Application for certification must be denied because of its blatant disregard for Ohio statutes and Commission rules.

Under Ohio law, no electric service company "shall provide a competitive retail electric service to a consumer in this state on and after the starting date of competitive retail electric service without first being certified by the public utilities commission regarding its managerial, technical, and financial capability to provide that service and providing a financial guarantee sufficient to protect customers and electric distribution utilities from default."<sup>5</sup> An electric service company includes a power broker or aggregator.<sup>6</sup>

The Ohio General Assembly has instructed the Commission to adopt consumer protection rules to specify the minimum service requirements of an electric service company subject to certification under Section 4928.08, Revised Code, regarding the provision of competitive retail electric services to prohibit against unfair, deceptive, and unconscionable acts and practices in

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<sup>5</sup> Section 4928.08(B), Revised Code.

<sup>6</sup> See Section 4928.01(9), Revised Code, (An Electric Service Company "means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.").

the marketing, solicitation, and sale of such a competitive retail electric service and in the administration of any contract for service, and additional consumer protections.<sup>7</sup>

Accordingly, the Commission adopted rules intended to protect Ohio customers. Specifically, the Commission requires that “[n]o person shall offer, contract, or provide a competitive retail electric service in this state without a valid certificate”<sup>8</sup> and “[c]ompetitive retail electric service (CRES) providers shall not engage in unfair, misleading, deceptive, or unconscionable acts or practices related to, without limitation, the following activities: (1) Marketing, solicitation, or sale of a CRES[,], (2) Administration of contracts for CRES[, and] (3) Provision of CRES, including interactions with consumers.”<sup>9</sup> Further, “[n]o CRES provider may engage in marketing, solicitation, or sales acts, or practices which are unfair, misleading, deceptive, or unconscionable in the marketing, solicitation, or sale of a CRES” including “[e]ngaging in any solicitation that will lead the customer to believe that the CRES provider is soliciting on behalf of or is an agent of any entity other than the CRES provider.”<sup>10</sup>

Although these rules clearly require that a person must be certified before providing CRES services, Regor disregards the rules. On March 9, 2017, John Ney, on behalf of Regor, filed an application for certification as a CRES provider, specifically a power broker, in Ohio.<sup>11</sup> On March 17, 2017, Regor amended its application to include certification as an aggregator.<sup>12</sup> In the Amended Application, Mr. Ney represented that he is the business development director of

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<sup>7</sup> See Section 4928.10, Revised Code.

<sup>8</sup> Rule 4901:1-24-03(A), Ohio Adm. Code.

<sup>9</sup> Rule 4901:1-21-03(A), Ohio Adm. Code.

<sup>10</sup> Rule 4901:1-21-05(C)(10), Ohio Adm. Code.

<sup>11</sup> See Regor Application at 1 (March 9, 2017) (Application).

<sup>12</sup> See Regor Amended Application at 1 (March 17, 2017).

Regor.<sup>13</sup> Interestingly, in the “Company History” section of the Amended Application, Mr. Ney admitted that Regor presently “engages with municipalities in creating electric aggregation programs” to “include ballot initiatives, certification, and choice in the selection of a retail electric supplier.”<sup>14</sup> According to Mr. Ney, “Regor Energy assists municipalities in certification renewal and reselection of a retail electric supplier.”<sup>15</sup> Lastly, Regor admitted that “[o]ther services offered include alternative energy services, such as solar power, LED lighting, and other technologies that may reduce municipalities or company’s energy load.”<sup>16</sup> Mr. Ney also submitted a sworn affidavit that the above statements are true and complete.<sup>17</sup> These acts are a blatant violation of Ohio’s statutes and Commission rules as Mr. Ney admits that Regor has previously engaged in offering and contracting for CRES services without first being certified as required by Rule 4901:1-24-03(A), Ohio Adm. Code.

The present tense verbs used in the Company History section of Regor’s Amended Application was not in error. Prior to even filing its Amended Application, Regor, by its agent Mr. Ney, has been publicly soliciting customers and offering CRES services as early as February 16, 2017. For example, on February 16, 2107, Mr. Ney attended a council meeting of Dennison Village, Tuscarawas County, Ohio.<sup>18</sup> During that council meeting, Mr. Ney presented electric and natural gas rates for the village to consider.<sup>19</sup> Mr. Ney also presented Council with contracts

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<sup>13</sup> See Application at Exhibit B-2.

<sup>14</sup> See Application at Exhibit A-13: “Company History.”

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> See Affidavit of John Ney, Application at 9.

<sup>18</sup> See Dennison Village Council Meeting Minutes, February 16, 2017 attached hereto as Attachment 1 (February 16, 2017 Meeting Minutes).

<sup>19</sup> Id.



which Council voted to accept after the solicitor reviewed them.<sup>20</sup> Regor offered and attempted to contract with Dennison Village for these electric and natural gas CRES services without certification.

Mr. Ney later attended Dennison Village's March 16, 2017 council meeting to present adjusted rates and contracts to Council.<sup>21</sup> At that meeting, Dennison Village Mayor Jeff Dryden informed Mr. Ney that the Village accepted a lower rate presented by Trebel (which is the Village's consultant).<sup>22</sup> It was also at that meeting that Mayor Dryden asked Mr. Ney if he has a license to operate in Ohio. Mr. Ney responded "I am in the process of certification and I am allowed to work off of others [sic] certifications."<sup>23</sup> Trebel is not aware of any rule or authority which permits a person and/or entity to share or "work off of" another CRES' certificate. What is more, it has also come to Trebel's attention that Mr. Ney was attempting to interfere with Trebel's relationship with Dennison Village to provide the same consulting and aggregation/brokerage services that Trebel already provides to the Village under contract.

Regor's actions are a clear violation of Ohio statutes and Commission rules. First, by offering, contracting, or attempting to contract with entities to arrange and/or provide for the supply of electricity to Dennison Village (and presumably others), Regor provided CRES services as defined by Section 4928.01(A)(4), Revised Code, without first being certified by the Commission in violation of Section 4928.08(B), Revised Code, and Rule 4901:1-24-03(A), Ohio Adm. Code. Further, Regor's violation of this code section and rule show that Regor is unable to comply with Commission rules or orders adopted under Ohio law in violation of Rules 4901:1-

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<sup>20</sup> Id.

<sup>21</sup> See DRAFT Dennison Village Council Meeting Minutes, March 16, 2017 attached hereto as Attachment 2 (March 2017 DRAFT Meeting Minutes). Dennison Village Council is expected to approve the DRAFT March 2017, Meeting Minutes in April, 2017.

<sup>22</sup> Id.

<sup>23</sup> Id.

24-05(A) and 4901:1-24-06(D), Ohio Adm. Code.<sup>24</sup> Even by being made aware of the necessity to become certified and presumably after reviewing the PUCO's rules for certification and submitting a certification application and affidavit that he would follow the PUCO's rules, Regor continued to solicit to provide CRES services.

Second, by representing to Dennison Village that Regor is "allowed to work off of others [sic] certifications," Regor attempted to mislead and deceive Dennison Village into believing that Regor had authority to offer and contract for competitive retail electric services in violation of Rules 4901:1-21-02(A)(2)(c) and 4901:1-21-03(A), Ohio Adm. Code.

Lastly, because Regor directly solicited Dennison Village and led Mayor Dryden and Council to believe that Regor was soliciting on behalf of or was an agent for another entity who did have a certificate, Regor was in violation of Rule 4901:1-21-05(C)(10), Ohio Adm. Code.

Because Regor has violated numerous Ohio statutes and Commission rules, its certification Amended Applications must be denied.

**b. The Commission Should Assess Forfeitures Against Regor.**

As a matter a public policy, forfeitures are necessary to prevent and deter similar violations of Ohio statutes and Commission rules.

Rule 4901:1-21-15(A), Ohio Adm. Code, provides that "[a]ny competitive retail electric service (CRES) provider that fails to comply with Chapter 4928. of the Revised Code, any rule in this chapter, or any commission order adopted thereunder may, after opportunity for hearing, be subject to any and all of the following available under the law, including but not limited to: (1) Forfeiture to the state of not more than ten thousand dollars for each such failure. Each day's continuance of the violation is a separate offense."

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<sup>24</sup> See also Affidavit of John Ney, Application at 9, ¶4 ("The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.").

Although Regor is not yet certified as a CRES provider, Rule 4901:1-21-15(A), Ohio Adm. Code, should be equally applicable to those entities operating and holding themselves out as CRES providers, especially those that have applied to receive CRES certification. Rules are hollow unless there are consequences for failing to follow them. Mr. Ney should be familiar with the Commission's rules but he chose to ignore them. Mr. Ney swore to the accuracy of the statements he made in his Amended Application. Additionally, Mr. Ney claims to have experience working for other CRES providers and therefore should know the PUCO's CRES rules. As such, one can only conclude that Regor knew of the rules and Ohio law, but chose to knowingly violate said statutes and rules when it offered and contracted for CRES services without first being certified. In doing so, Regor also escaped its obligation to file annual reports and pay its annual assessments as required by Rule 4901:1-24-15, Ohio Adm. Code.


Therefore, because Regor knowingly and purposefully solicited Dennison Village to offer and contract for CRES services in violation of Ohio statutes and Commission rules, knowingly and purposefully misled and/or deceived the Dennison Village Mayor, Council, and the public, the Commission should assess forfeitures against Regor in an amount up to ten thousand dollars for each violation and for each day of each violation. Unless the Commission enforces its rules to protect customers, persons and/or entities in the future will not be deterred and customers and other entities will continue to be misled and deceived. Further, by not deterring such conduct, *uncertified* CRES providers will continue to unfairly compete with other *certified* CRES providers.

#### IV. Conclusion

Trebel respectfully requests that the Commission grant this motion for leave to intervene and that Trebel be made a full party of record. Further, because Regor is offering and contracting or attempting to contract to provide CRES services, without a valid certificate, Regor and its business development director, Mr. Ney, are in violation of 4928.08(B), Revised Code, and Rule 4901:1-24-03(A), Ohio Adm. Code, and other rules adopted by the Commission to protect Ohio consumers from unfair, deceptive, and unconscionable acts and practices in the marketing, solicitation, and sale of CRES services and to ensure a fair competitive CRES market. Therefore, Regor's Amended Application must be denied and the Commission should assess forfeitures against Regor for violations of Ohio statutes and Commission rules.

Given the timing of the automatic approval process, Trebel respectfully requests that these motions be granted on an expedited basis in accordance with Rule 4901-1-12(C), Ohio Adm. Code, or requests that the Commission suspend the Amended Application pending further review. Trebel cannot certify that all parties do not oppose this request.

Respectfully submitted,



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*Counsel for Trebel, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon the following parties via electronic mail on April 6, 2017.

  
Kimberly W. Bojko

john.ney@regoreenergycorp.com

## Regular Meeting Minutes

February 16, 2017

Mayor Jeff Dryden called the meeting to order at 7:00 pm. In attendance were Greg DiDonato, Helen Borland, Kene Edwards and Patty Johnson. Susan Edwards and Mike Clark were absent. Kathy Norman, Fiscal Officer was in attendance. Solicitor James Ong was absent.

Motion (1) to approve the Meeting Minutes from January 30, 2017 was made by Patty Johnson, 2<sup>nd</sup> by Kene Edwards. Motion carried.

### GUESTS:

John Ney of Regor Energy was present and presented the Electric and Natural Gas Rates for the Village to council. He said that the Electric rate will expire in April of 2017. The current rate is 6 cents per kilowatt hour and the new rate would be 5.06 cents per kilowatt hour. The village has 15 electric meters and uses 300,000 kilowatts annually.

The Natural Gas rate is currently a monthly variable rate and right now the rate is \$6.99 per mcf, and is a variable rate set monthly. The new rate would be \$3.99 per mcf at a fixed rate. The new rate would be effective April 2017 to March 2020.

Motion (2) to accept the contracts by Regor Energy after the review of same by Solicitor James Ong made by Greg DiDonato, 2<sup>nd</sup> by Helen Borland. Motion carried.

Donna Christman and Mark Henderson were present to present AFLAC Voluntary Benefits to council. They were asking for permission to present the benefits offered to the Finance Committee. The benefits are on a voluntary for Village employees and come out of the paycheck deduction pre-tax. Motion (3) to move the proposal to the Finance Committee for review was made by Greg DiDonato, 2<sup>nd</sup> by Kene Edwards. Motion carried.

### DEPARTMENT REPORTS:

**STREET DEPARTMENT:** Doug White was present. He said they have been busy doing cold patch around the village. He reported that Mark Mowrer, a Street Department laborer, had given his 2 week notice and turned in his keys. He did not give Mr. White a letter of resignation for his position. Motion (4) to accept the resignation of Mark Mowrer effective 2/28/17 and withhold advertising the position until March 1, 2017 or until a letter of resignation is received from Mr. Mowrer, and then advertise the position with a last application date of 3/10/17 at 4 pm, at that time Mr. White and Mayor Dryden should recommend from the applicants so Council can vote on 3/16/17, motion made by Greg DiDonato, 2<sup>nd</sup> by Kene Edwards. Motion carried.

Dominion Gas is doing work at S. 6<sup>th</sup> Street and notified Doug White that the Village Storm drain was in the way, they would replace it if the Village bought the pipe. Mr. White purchased the pipe and it was installed and tapped back into the drain on S. 6<sup>th</sup> and Deersville Ave. The catch basin was not affected.

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Patty Johnson asked Mr. White about the new tops for the trash cans. He said that they fit very tight but they did install screws in the lids at the park and on the walking trail to keep vandals from throwing them into the creek.

### POLICE DEPARTMENT:

Chief Todd Beeman wanted to thank the Street Department and Fire Department for their extra help this week. He also informed Council that the Police Department had received a partial grant from the Blair and Anna Zimmerman Foundation for \$3000 toward the purchase of Bullet Proof Vests. Chief Beeman purchased 4 Bullet Proof vests immediately.

Patty Johnson asked Chief Beeman about instituting a neighborhood watch program. Chief Beeman suggested that Mrs. Johnson bring information to him so that they could discuss. He said that the new cameras will not be installed until spring. Mrs. Johnson said she would get together with the Park Committee and present the ideas to him.

Mrs. Johnson also asked Chief Beeman about the betting machines and Chief said that someone is interested in purchasing them and should be here in a week. Mrs. Johnson also asked about measures to be taken to make it safer for the office personnel. Some different measures will be taken and Dan Shaver will look into putting a shield over the window at the Clerk's office. Mayor Dryden will also be locking his door so no one can enter thru to the other offices.

### FIRE DEPARTMENT:

Chief Dave McConnell was present. He wanted to show Council the new Thermal Imaging camera that was purchased with grant money. He said he also received grant dollars to purchase 17 new pagers.

Kathy Norman suggested that we do an updated Equipment list to make sure all of it is accounted for for insurance purposes.

Chief McConnell also reported that the repairs on the Fire truck were approved by the insurance company.

The Volunteer Fire Department will be holding a Spaghetti Dinner on March 11 at the Masonic Lodge on Center Street from 1 – 5 pm, Free Will Donation, Eat in or carry out, Raffle.

### ZONING DEPARTMENT:

Dan Shaver was present. He said he received complements on the job the Street Department's work during the last snow storm. He also notified Council that the garage at 411 Fuhr Street is scheduled to be torn down at a cost of \$995 + clean up. The shrubs around the garage will be cleaned up by the Street Department to save extra cost. Motion (5) to allow Bridges Excavating

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to tear down the garage at 411 Fuhr Street made by Helen Borland, 2<sup>nd</sup> by Greg DiDonato. Motion carried.

Bridges Excavating also gave a bid to tear down 4 houses/structures in the Village. The Village would save \$2,300 by bundling the work together. Chase Bank has cancelled the lien on the building at 520 N. Second Street. Motion (6) to accept Quote #4141-A in the amount of \$36,671.00 for the demolishes of 917 Court Street, 719 4<sup>th</sup> Street, 308 Woodland Ave. and 520 North 2<sup>nd</sup> St. made by Greg DiDonato, 2<sup>nd</sup> by Patty Johnson. Motion carried.

### FISCAL OFFICER:

Kathy Norman was present and presented Council with the bills in the amount of \$31,633.98 to be paid when funds become available. Motion (7) to pay the bills made by Greg DiDonato, 2<sup>nd</sup> by Helen Borland. Motion carried.

The RITA collections were \$118,911, 14 ½ % to budget, 70.39% above YTD. The Westfield Insurance Bond was renewed. The Associate notes are completed for the year at a \$350 expense, and then we are able to close out 2016. The finalized budget for 2017 will be brought to a meeting in March. The Escrow account for the Sherman Street project has been set up and Twin City Water Department has made its payment which has not yet been posted.

### OLD BUSINESS:

Tammie Taggart, the Mayor's Administrative Assistant has completed her probationary period effective February 3rd. Motion (8) to move Tammie Taggart off of probation made by Greg DiDonato, 2<sup>nd</sup> by Patty Johnson. Motion carried.

Motion (9) to approve the monthly reports from the Fire Department and Zoning Department made by Greg DiDonato, 2<sup>nd</sup> by Kene Edwards. Motion carried.

Council discussed the open seat on the Twin City Water Board. Two applicants have applied for the position that expires October 1, 2018. The two applicants are Paul Collins and Tim Still. Council decided to defer the vote until the next council meeting so a full vote could be made.

Helen Borland has contacted Superintendant Rocchi to find out about the expected timeline of the demolition of the Northside building and the concern over how it could affect or be affected by the Sherman Street paving project. Helen Borland said the paving will not be happening until July.

### NEW BUSINESS:

The Twin City Community Yard Sale dates have been set in conjunction with Uhrichsville. They are scheduled for Thursday, June 1, Friday, June 2, and Saturday, June 3<sup>rd</sup>. Motion (10) to



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approve Community Yard sale days and defer permits for June 1, 2 and 3 made by Greg DiDonato, 2<sup>nd</sup> by Patty Johnson. Motion Carried.

The Rail Road Festival requested Street Closures for June 4<sup>th</sup> thru June 11<sup>th</sup> for the set up and running of the Rail Road Festival on Center, First and 2<sup>nd</sup> Streets. Motion (11) to approve the Street Closure request made by Helen Borland, 2<sup>nd</sup> by Kene Edwards. Motion carried.

The Community Shred Day, in cooperation with the City of Uhrichsville, is scheduled for May 13, 2017 from 10 am – 12 pm at the Panhandle Trail Head Park (the former City Auto lot). Dennison's share of the cost is \$250. Motion (12) to approve Shred Day and pay Dennison's share of the cost made by Greg DiDonato, 2<sup>nd</sup> by Kene Edwards. Motion carried.

Dennison Clean Up Days will be held on Tuesday, May 9 and Wednesday, May 10. Village residents may call the Mayor's secretary to set up a time for pick up of large items. Motion (13) to approve Clean Up Days made by Helen Borland, 2<sup>nd</sup> by Kene Edwards. Motion carried.

Mayor Dryden discussed the ongoing cat problem. There will be no attempt to control by the Village of Dennison.

Tammie Taggart, Administrative Assistant, reviewed to Council the results of the recently sent trash account letters to delinquent residents. Some progress was made with payments on accounts. The Village's next move with regard to residents who didn't respond will be determined at a later point.

### COMMITTEE REPORTS:

Patty Johnson – Bing's memorial may not be able to be included in the Veteran's Day celebrations because of time needed to prepare. Other options may need to be considered so that Bing's remains are handled in a respectful manner.

Kene Edwards – The Basketball court at McCluskey Park is in need of replacement. It is hooved up and the surface is destroyed. We will check into where the material is recyclable and could be replaced with Recycled Grant funds.

Helen Borland – The Cemetery Board had its meeting and no new tractor is needed for mowing as the tractor has been repaired under warranty. The Superintendent of the Cemetery has plotted 100 new lots that will be available for sale.

Greg – none.

Motion to Adjourn. Next Meeting is March 2, 2017 at 7:00 pm

## Regular Meeting Minutes

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Jeff Dryden, Mayor

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Tammie Taggart, Admin. Asst.

### COUNCIL VOTES:

	RC	1	2	3	4	5	6	7	8	9	10	11	12	13
Helen Borland	P	Y	Y2	y	y	Y1	y	Y2	y	y	y	Y1	y	Y1
Mike Clark	A													
Greg DiDonato	P	Y	Y1	Y1	Y1	Y2	Y1	Y1	Y1	Y1	Y1	y	Y1	y
Kene Edwards	P	Y2	Y	Y2	Y2	Y	Y	Y	Y	Y2	Y	Y2	Y2	Y2
Susan Edwards	A													
Patty Johnson	P	Y1	Y	Y	Y	Y	Y2	Y	Y2	Y	Y2	Y	Y	Y

## REGULAR MEETING

MARCH 16, 2017

Mayor Jeff Dryden called the meeting to order at 7:00 pm. All Council members were in attendance except for Kene Edwards, who was absent. Fiscal Officer, Kathy Norman was present. Solicitor James Ong was not in attendance.

Motion (1) to approve the Regular Meeting minutes from the March 2, 2017 was made by Susan Edwards, 2<sup>nd</sup> by Helen Borland. Motion carried.

### GUESTS:

John Ney of Regor Energy was present. He said he had presented rates and contracts to Council a month ago on February 16, 2017 and was given Council approval pending the Solicitor's review. He said that he had adjusted rates to present to Council tonight as the rates had changed since he presented them last month. Mayor Dryden informed Mr. Ney that the Village had decided to go with a rate presented by Trebel, Inc which was lower than his rate.

Mr. Ney wanted to know if Trebel's rates were submitted before or after his rates, and if it was a sealed bid. He said he had been presenting rates to the Village for several years and that Trebel's rates were for the aggregation not for the Village. The Village's contract, according to Mr. Ney, will expire in April and we could still enroll a month late if we needed to. He was upset that we didn't do a fair bid process and the rate from Trebel was unfairly gotten because they were not sealed. He said he does a lot of work with municipalities and has worked with a lot of Council's and it is customary to go with the lowest one after review. I thought I had approval and I have been excluded from the bid. Mayor Dryden asked him if he had a license to operate in the State of Ohio and he responded, "I am in the process of certification and I am allowed to work off of others certifications." Mayor Dryden said that we were done and Mr. Ney left the Council chambers without further comment.

### DEPARTMENT REPORTS:

**STREET DEPARTMENT:** Doug White was present for the Street Department. He said they were in the process of patching holes and stoning alleys around the village. Greg DiDonato asked Mr. White if the street department owned a saw to cut pavement for the storm sewers. Mr. White informed him that they did not own a saw and that the Water Department had cut the pavement when they had done the work on the storm sewers. He added that the repair at Grant Street and First would be filled in with crack seal by the Water Department.

**FIRE DEPARTMENT:** Chief Dave McConnell was present for the Fire Department. He presented a request to council for the purchase of a Cell Phone Application called "Active 911". He said it was an extra tool they could use for mapping and would soon include hydrant locations which would have proved very useful in a fire that happened in the Village last fall. They had been using the Trial Version and it would be expiring soon. The Full version would cost the Village \$211.50 for 18 phones per year. The phones are personal phones and not purchased by the

# REGULAR MEETING

MARCH 16, 2017

Village. Greg DiDonato asked Chief McConnell if the alerts from the application had anything to do with call out procedures, he was assured that it did not.

Motion (2) to approve the expenditure for the cell phone application "Active 911" for use by Dennison Fire Department made by Greg DiDonato, 2<sup>nd</sup> by Mike Clark. Motion carried.

Chief McConnell also reported that the Volunteer Firefighter's Spaghetti Dinner fundraiser went very well and netted the Volunteer's approximately \$1200 profit. He said he would present final numbers to council at the next meeting.

POLICE DEPARTMENT: Chief Todd Beeman was present. He said that the K-9 Fundraiser is in progress and has generated several donations from the community already. He also reported that the Anonymous Tip line is generating tips.

MONTHLY REPORTS: Motion (3) to approve the Zoning Department report for February was made by Greg DiDonato, 2<sup>nd</sup> by Susan Edwards. Motion carried.

FISCAL DEPARTMENT: Kathy Norman, Fiscal Officer, was present. She presented bills in the amount of \$11,971.36. Motion (4) to pay the bills when fund become available was made by Greg DiDonato, 2<sup>nd</sup> by Susan Edwards. Motion carried.

The Bank Reconciliation was completed for January and February with nothing outstanding. The booking was made for the Sherman Street Account.

Mrs. Norman also presented Ordinance #2659 A Permanent Appropriation for the Year 2017 for Current Expenses. The budget mirrors the Temporary Budget submitted previously. Motion (5) to suspend the rules to pass Ordinance 2659 was made by Greg DiDonato, 2<sup>nd</sup> by Patty Johnson. Motion carried. Motion (6) for passage of Ordinance #2659, A Permanent Appropriation for the Year 2017 for Current Expenses made by Greg DiDonato, 2<sup>nd</sup> by Patty Johnson. Motion carried.

MAYOR: Mayor Jeff Dryden submitted the Electric Rate for the Village buildings submitted by Trebel, Inc. to Council. He requested permission to sign the agreement on behalf of the Village of Dennison. Motion (7) to permit Mayor Dryden to execute an Agreement for Electric rate for the Village of Dennison buildings made by Greg DiDonato, 2<sup>nd</sup> by Susan Edwards. Motion carried.

Patty Johnson also reminded Mayor Dryden that Trebel, Inc. agreed to purchase blue lights for the 2<sup>nd</sup> Street Holiday decorations. Mayor Dryden will remind him of the agreement.

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The Village of Dennison had received a letter from the Avery Dennison Corp. The country of Cambodia had denied them trademark protection because of possible confusion with the Village of Dennison. A letter was drafted to the country of Cambodia for Avery Dennison in support of their trademark protection request and the lack of any confusion with the Village of Dennison, OH. Motion (9) granting the Mayor permission to sign and return the letter to Avery Dennison Corp. for trademark protection made by Greg DiDonato, 2<sup>nd</sup> by Helen Borland. Motion carried.

Mayor Dryden would like Council to approve the Village to start Mayor's Court to handle misdemeanor traffic, Village ordinance violations and property citations. He requested a start date of May 1, 2017. After discussion, the matter was turned over to Committee to draft an Ordinance to establish Mayor's Court and the responsibilities and accountabilities that would be required.

Mike Clark suggested appointing a Magistrate in case the next Mayor decided that he didn't want to hold Mayor's court so that we could provide for continuity. It was decided to request a report from Southern District Court to see how many cases were assigned their over the last year and what type of case load the Village might find itself with. The matter was turned over to the Codes and Regulations Committee for review and preparation.

## COMMITTEE REPORTS:

Patty Johnson said she received a call from John McCluskey; the IVFL would like permission to repair the home side bleachers at a cost of \$1,500. It was requested that he write a letter to show what all he would be doing. Motion (10) for the Village to accept the gift from the IVFL and for John McCluskey and the IVFL work with Doug White to repair the home side bleachers at the McCluskey Park field made by Greg DiDonato, 2<sup>nd</sup> by Mike Clark. Motion carried.

Greg DiDonato discussed the hiring for the Street Department position. He said that Buckeye Career Center offered training that we should be taking advantage of. We are spending a lot of money having Bridges Excavating doing work that we could do internally. The Street Department does a great job taking care of the Village. Susan Edwards said that the problem is with the wages for the Street Department position. Kathy Norman also mentioned that when we contract the contractor has to provide the liability insurance and all the equipment which would be costly for the Village. Greg DiDonato would like Doug White to give a recommendation at 6 months and if the new hire is not alright to continue in the job we could extend their probation until they are qualified. Mike Clark said he would like to see a review prior to the end of the six month probation to see if there are any issues prior to the end of the probation period. No current policy exists. Kathy Norman offered to bring a copy of Truck Sale's policy.

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Helen Borland – no report

Susan Edwards – no report

Mike Clark reported that he had attended the Depot Museum meeting. There is some interest in the restaurant but the lack of space is an issue. The Depot did receive an ODOT grant to do work on the Engine. The Depot is also working on its 5 year strategic plan and some of the items in the plan do involve the Village. Patty Johnson asked Mike Clark to attend the Dreamsville Meeting in her stead.

Patty Johnson presented a letter of resignation to Council. She cited physical problems that prevented her mobility as her reason for ending her term which expires in December 2017. She said her agenda was to bring life back to the Parks and re-ignite the Spirit of Hope within the community and that great strides had been made toward that goal. Council thanked her for her 9 years of service to the community and informed her that her love and commitment to Dennison was respectfully noted. Motion (11) to regretfully accept the resignation of Mrs. Patricia Johnson from Council effective March 16, 2017 made by Greg DiDonato, 2<sup>nd</sup> by Susan Edwards. Motion carried.

Greg DiDonato instructed that a posting for the open Council seat be made with a due date of March 31, 2017 so the appointment could be made at the April 6, 2017 council meeting. Motion (12) to post the open Council position made by Greg DiDonato, 2<sup>nd</sup> by Susan Edwards. Motion carried.

Kathy Norman thanked Patty Johnson for her assistance in making her transition easier when she started as Fiscal Officer at the Village.

Greg DiDonato asked for an update on the Sherman Street Bid status. Tammie Taggart will find out where it stands and notify council.

Meeting Adjourned. Next meeting is April 6, 2017 at 7 pm

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Jeff Dryden, Mayor

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Tammie Taggart, Administrative Assistant

# REGULAR MEETING

MARCH 16, 2017

## COUNCIL VOTES:

3/16/17	RC	1	2	3	4	5	6	7	8	9	10	11	12
HELEN BORLAND	P	Y2	Y	Y	Y	Y	Y	Y	Y	Y2	Y	Y	Y
MIKE CLARK	P	Y	Y2	Y	Y	Y	Y	Y	Y	Y	Y2	Y	Y
GREG DIDONATO	P	Y	Y1	Y1	Y1	Y1	Y1	Y1	Y1	Y1	Y1	Y1	Y1
KENE EDWARDS	A												
SUSAN EDWARDS	P	Y1	Y	Y2	Y2	Y	Y	Y2	Y	Y	Y	Y2	Y2
PATRICIA JOHNSON	P	Y	Y	Y	Y	Y2	Y2	Y	Y2	Y	Y	Y	Y

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/6/2017 5:00:32 PM**

**in**

**Case No(s). 17-0705-EL-AGG**

Summary: Motion Trebel, LLC's Motion To Intervene, Motion To Deny Amended Application, And Motion For Expedited Treatment 17-0705 electronically filed by Ms. Cheryl A Smith on behalf of Trebel, LLC