



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, August 3, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Bud Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

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

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

Changes To Tonight's Agenda

- VII. **Approval of Previous Minutes**
 Special Meeting Minutes, July 18, 2022
 Regular Meeting Minutes, July 20, 2022

VIII. **Public Hearings**

ORDINANCE 2022-35 *Sponsor: Councilperson Spletzer*
 AN ORDINANCE ADDING THE LOW HEAD DAM AND WEST BRANCH CHANNEL
 DAM TO THE TERRITORIES OF THEIR ADJACENT VILLAGE PARKS

IX. **Unfinished Business**

ORDINANCE 2022-35 *Sponsor: Councilperson Spletzer*
 AN ORDINANCE ADDING THE LOW HEAD DAM AND WEST BRANCH CHANNEL
 DAM TO THE TERRITORIES OF THEIR ADJACENT VILLAGE PARKS

X. New Business

RESOLUTION 37-2022

*Co-Sponsors: Councilperson Fetterolf
Councilperson Baryak
Councilperson Spletzer
Councilperson Granchie
Councilperson Stimpert
Mayor Kline*

A RESOLUTION HONORING STREET DEPARTMENT EMPLOYEE MICHAEL HARNICHAR FOR 33 ¾ YEARS OF SERVICE TO NEWTON FALLS

MOTION

Sponsor: Councilperson Granchie

A Motion to Require Groups that Utilize Village Hall to Allow Access to the Council Chambers for all Village Council Committee, Commission, and Board Meetings.

RESOLUTION 36-2022

*Co-Sponsors: Councilperson Baryak
Councilperson Fetterolf*

A RESOLUTION DECLARING IT NECESSARY TO LEVY A FOUR MILL, FIVE YEAR, POLICE TAX LEVY AND DIRECTING THE TRUMBULL COUNTY BOARD OF ELECTIONS TO PLACE THE WITHIN FOUR MILL, FIVE YEAR, ADDITIONAL TAX LEVY, FOR POLICE PURPOSES, ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT

ORDINANCE 2022-36

Sponsor: Councilperson Spletzer

AN EMERGENCY ORDINANCE ESTABLISHING VILLAGE FUND 234 TITLED THE "ONEOHIO OPIOID SETTLEMENT FUND"

ORDINANCE 2022-37

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE SALE OF A VILLAGE 2013 FORD TAURUS POLICE VEHICLE TO THE NEWTON FALLS JOINT FIRE DISTRICT

ORDINANCE 2022-38

Sponsor: Councilperson Granchie

AN ORDINANCE ESTABLISHING SECTION 121.06 OF THE ADMINISTRATIVE CODE PERTAINING TO THE SALE OR DISPOSAL OF MUNICIPAL PERSONAL PROPERTY

ORDINANCE 2022-39

Sponsor: Councilperson Granchie

AN ORDINANCE REPEALING ORDINANCE NO. 2022-23, WHICH AUTHORIZED THE CITY MANAGER TO ACCEPT A PROPOSAL FROM GPD GROUP FOR THE RIDGE ROAD DISTRIBUTION POLELINE DESIGN PROJECT

ORDINANCE 2022-40

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. TO IDENTIFY AND MAP LEAD WATER SERVICE LINES NEEDING REPLACEMENT IN CONNECTION WITH A H2OHIO DIRECT ASSISTANCE PWS OHIO EPA GRANT

ORDINANCE 2022-41

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE ESTABLISHING THE RATE OF PAY FOR DEPARTMENT CREW CHIEFS

XI. Public Comments

XII. Closing Remarks

MOTION

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

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

☒ Appointment

☒ Employment

☒ Dismissal

☒ Discipline

☒ Promotion

☒ Demotion

☒ Compensation

☒ 2. Purchase or Sale of Property

☒ 3. Pending or Imminent Court Action

☐ 4. Collective Bargaining Matters

☐ 5. Matters Required to be Kept
Confidential – Contract Negotiations

☐ 6. Security Matters

☐ 7. Hospital Trade Secrets

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

☐ 9. Veterans Service Commission Applications

XIII. Adjournment

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-35
SPONSOR: Councilperson Spletzer

AN ORDINANCE ADDING THE LOW HEAD DAM AND WEST BRANCH CHANNEL DAM TO THE TERRITORIES OF THEIR ADJACENT VILLAGE PARKS

WHEREAS, the Village owns and has responsibilities with respect to the Low Head Dam and West Branch Channel Dam; and

WHEREAS, Council feels it would be more advantageous for the care and maintenance of the dams and obtaining grant opportunities for fixing the dams, if the dams were added to and within the boundaries of the Village parks to which they are contiguous.

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

SECTION 1. That the Low Head Dam is hereby added to and within the boundaries of Commerce Park, and the West Brach Channel Dam is hereby added to and within the boundaries of Veterans Park.

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 _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO

RESOLUTION NO.: 37-2022

CO -SPONSORS: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, Granchie, and Stimpert

**A RESOLUTION HONORING STREET DEPARTMENT EMPLOYEE
MICHAEL HARNICHAR
FOR 33 $\frac{3}{4}$ YEARS OF SERVICE TO NEWTON FALLS**

WHEREAS, Mr. Michael Harnichar has retired as a long-time and dedicated employee of the Newton Falls Street Department on May 22, 2022 after thirty-three and three-fourths years of service to Newton Falls; and

WHEREAS, the Village and its citizens wish to congratulate Mr. Harnichar on his retirement and thank him for his service to the community.

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

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby congratulate Mr. Harnichar on his retirement and thank him for his 33 $\frac{3}{4}$ years of service to the community.

SECTION 2. 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 3. 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 3rd DAY OF August, 2022.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 36-2022
SPONSOR: Councilpersons Baryak and Fetterolf

A RESOLUTION DECLARING IT NECESSARY TO LEVY A FOUR MILL, FIVE YEAR, POLICE TAX LEVY AND DIRECTING THE TRUMBULL COUNTY BOARD OF ELECTIONS TO PLACE THE WITHIN FOUR MILL, FIVE YEAR, ADDITIONAL TAX LEVY, FOR POLICE PURPOSES, ON THE NOVEMBER 8, 2022 GENERAL ELECTION BALLOT

WHEREAS, Village Council has determined it is necessary to levy taxes outside of the ten-mill limitation for purposes authorized by the Ohio Revised Code; and

WHEREAS, Council desires for the Village electorate to approve, at the November 8, 2022 General Election, an additional tax levy, in the amount of 4 mills for each one dollar valuation, for a period of five years, commencing in year 2022 and first due in calendar year 2023, pursuant to O.R.C. Section 5705.19(J), for the benefit of the Village and the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department; for the payment of salaries for permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.33 of the Revised Code; or for the payment of other related costs for a police department; and

WHEREAS, the Village of Newton Falls is entirely located within Trumbull County, the entire electorate of the Village of Newton Falls would be eligible to vote on the proposed tax levy, and the proposed tax would be levied upon all of the territory of the Village of Newton Falls; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the levy to the County Board of Elections for placement on the ballot, Council is required to request the County Auditor to certify to the Village the total dollar amount of revenue the above described additional tax levy for police purposes would generate for the Village; and

WHEREAS, on June 7, 2022, Council adopted Resolution No. 20-2022, which is attached hereto, requesting the County Auditor to provide a Certificate of Estimated Property Tax Revenue certifying the current tax valuation of the subdivision and the amount of revenue that would be produced by a four mill additional levy for police purposes pursuant to Ohio Revised Code Section 5705.19(J); and

WHEREAS, on June 8, 2022, the County Auditor provided the Village with a Certificate of Estimated Property Tax Revenue, which is also attached hereto,

RESOLUTION NO. 36-2022

PAGE TWO

indicating that the estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$254,161, and the total tax valuation of the Village used in calculating the estimated property tax revenue is \$63,540,290.

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

SECTION 1. Based upon the forgoing, Council hereby and herein directs the Trumbull County Board of Elections to place a four mill, five year, additional tax levy on the November 8, 2022 General Election Ballot for consideration by the entire electorate of the Village of Newton Falls. Such additional levy is in excess of the 10 mill limitation set forth in Section 5705.02 of the Ohio Revised Code and is for the benefit of the Village and the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department; for the payment of salaries for permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.33 of the Revised Code; or for the payment of other related costs for a police department pursuant to O.R.C. Section 5705.19(J). The tax is to be levied upon the entire territory of the Village, which is located wholly within Trumbull County, Ohio, for a five year term, at the rate of four mills for each dollar of valuation, which amounts to forty cents for each one hundred dollars of valuation, commencing in year 2022 and first due in calendar year 2023.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Trumbull County, Ohio, along with the exhibits hereto, and notify said Board to cause notice of the election on levying the within additional tax to be provided as required by law.

SECTION 3. That the form of the ballot to be cast at the election on the question of said additional tax levy shall be as authorized by the Trumbull County Board of Elections and Ohio Secretary of State, but be substantially as follows:

RESOLUTION NO. 36-2022
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ADDITIONAL TAX LEVY

VILLAGE OF NEWTON FALLS

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

An additional tax levy for the benefit of the Village of Newton Falls for police purposes at a rate not exceeding four mills for each one dollar of valuation, which amounts to 40 cents for each one hundred dollars of valuation, for a period of five years, commencing in year 2022 and first due in calendar year 2023.

_____ FOR THE TAX LEVY

_____ AGAINST THE TAX LEVY

SECTION 4. 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 5. 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 3rd DAY OF August, 2022.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CERTIFICATE
I do hereby certify that the foregoing is a
true and correct copy of Resolution No.
_____ duly passed by the Council
of the Village of the City of Newton Falls,
Ohio on _____, 20____.

City Clerk

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 20-2022 (As Reconsidered and Amended)
SPONSOR: Councilperson Baryak

**A RESOLUTION REQUESTING A CERTIFICATE OF ESTIMATED PROPERTY
TAX REVENUE FROM THE TRUMBULL COUNTY AUDITOR CERTIFYING TO
THE VILLAGE OF NEWTON FALLS THE AMOUNT A FOUR MILL, FIVE
YEAR, POLICE TAX LEVY WOULD GENERATE FOR THE VILLAGE**

WHEREAS, Village Council has determined it is necessary to levy taxes outside of the ten-mill limitation for purposes authorized by the Ohio Revised Code; and

WHEREAS, Council desires for the Village electorate to approve, at the November 8, 2022 General Election, an additional tax levy, in the amount of four mills for each one dollar valuation, for a period of five years, commencing in year 2022 and first due in calendar year 2023, pursuant to O.R.C. Section 5705.19(J), for the benefit of the Village and the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department; for the payment of salaries for permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under Section 145.48 or 742.33 of the Revised Code; or for the payment of other related costs for the Police Department; and

WHEREAS, the Village of Newton Falls is entirely located within Trumbull County, the entire electorate of the Village of Newton Falls would be eligible to vote on the proposed tax levy, and the proposed tax would be levied upon all of the territory of the Village of Newton Falls; and

WHEREAS, pursuant to O.R.C. Section 5705.03(B)(1), before certifying the proposed levy to the County Board of Elections for placement on the ballot, Council is required to request the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue a four mill, five year, additional tax levy, for Police Department purposes, would generate for the Village.

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

SECTION 1. Council, pursuant to OR.C. Section 5705.03(B)(1), hereby requests the County Auditor for a Certificate of Estimated Property Tax Revenue certifying to the Village the total dollar amount of revenue the above described tax levy would generate for the Village.

SECTION 2. 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 3. 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 7th DAY OF JUNE, 2022.



Kenneth A. Kline, Mayor

Attest:



Michael Acomb, Clerk of Council

Approved as to Legal Form.



Bradric T. Bryan, Law Director

Certificate of Estimated Property Tax Revenue

Use this form when a taxing authority certifies a millage rate
and requests the revenue produced by that rate.

The county auditor of Trumbull County, Ohio, does hereby certify the following:

1. On June 8, 2022, the taxing authority of the City of Newton Falls certified a copy of its resolution or ordinance adopted June 7, 2022, requesting the County Auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by four (4.0) mills, to levy a tax outside the 10-mill limitation for Police purposes pursuant to Revised Code §5705.19(J), to be placed on the ballot at the November 8, 2022, election. The levy type is additional starting in tax year 2022, commencing in 2023 for a five year period.
2. The estimated property tax revenue that will be produced by the stated millage, assuming tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$254,161.
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$63,540,290.



Adrian S. Biviano
Trumbull County Auditor

6/8/2022
Date

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-36
SPONSOR: Councilperson Spletzer

**AN EMERGENCY ORDINANCE ESTABLISHING VILLAGE FUND 234 TITLED THE
“ONEOHIO OPIOID SETTLEMENT FUND”**

WHEREAS, the State of Ohio reached an \$808 million agreement with the three largest distributors of opioids; and

WHEREAS, the State, with the knowledge, consent, and participation of its political subdivisions, developed the OneOhio Plan, a mechanism to ensure that any money from the negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis; and

WHEREAS, the settlement agreement allocates 30% to local governments (LG Share), 55% to a foundation that will distribute funds to projects, and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio; and

WHEREAS, on March 10, 2022, the Auditor of State issued Bulletin 2022-003 setting forth guidelines for accounting for and utilizing OneOhio Plan LG Share monies, including the requirement for local government subdivisions to establish a separate special revenue fund for the receipt and expenditure of the settlement monies.

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

SECTION 1. That Council hereby establishes a Special Revenue Fund for the receipt and expenditure of opioid settlement monies titled Fund 234, “the OneOhio Opioid Settlement Fund”.

SECTION 2. That said opioid settlement monies shall be deposited in the OneOhio Opioid Settlement Fund and be used in a manner consistent with the “Approved Purposes” definition in the OneOhio Memorandum of Understanding and may be used for past expenditures that are consistent with the aforementioned “Approved Purposes”.

SECTION 3. 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.

ORDINANCE NO. 2022-36
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SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason the Village is required by law to establish this special revenue fund in order to properly receive, account for, and spend its local government share funds from the OneOhio opioid settlement, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 3rd DAY OF August, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

CERTIFICATE

I do hereby certify that the foregoing is a
true and correct copy of Ordinance No.
_____ duly passed by the Council
of the Village of the City of Newton Falls,
Ohio on _____, 20_____.

City Clerk

OHIO AUDITOR OF STATE KEITH FABER

Exhibit A
ORD 2022-36

Auditor of State Bulletin Bulletin 2022-003

DATE ISSUED: March 10, 2022

TO: All County, City, Township, Village Officials and Independent Public Accountants

FROM: Keith Faber
Ohio Auditor of State

SUBJECT: OneOhio Opioid Settlement

Ohio reached an \$808 million agreement with the three largest distributors of opioids. The state developed the OneOhio plan, a mechanism to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis.

The settlement agreement allocates 30% to local governments (LG Share), 55% to a foundation that will distribute funds to projects, and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio. This bulletin will focus on the allocation of settlement proceeds provided directly to local governments in the LG Share.

The purpose of this bulletin is to emphasize the separate accountability and accounting guidance for the LG Share of the OneOhio Opioid Settlement Funds (OneOhio Funds).

Approved Uses of the Local Government Share

OneOhio Funds must be utilized in a manner consistent with the “Approved Purposes” definition in the OneOhio memorandum of understanding (MOU). According to the MOU, the Funds must be used for “evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers[.]”

Additionally, Exhibit A of the MOU sets forth agreed Ohio Opioid Abatement Strategies.

The Ohio Opioid Abatement Strategy includes three main components:

1. **Strategies for Community Recovery:** Included but not limited to prevention, treatment, recovery support and community recovery projects (examples include child welfare, law enforcement strategies and other infrastructure supports). These strategies have a hyper-local focus that allows communities to collaborate and expand necessary services to their community.
2. **Strategies for Statewide Innovation & Recovery:** Included but not limited to strategies included in Community Recovery Component but also projects that promote statewide change and regional development for prevention, treatment, recovery supports and community recovery (examples include regional treatment hubs, drug task forces, data collection and dissemination). This component also includes research and development to understand how to better serve individuals and families in Ohio.
3. **Strategies for Sustainability:** Ohio's addiction and mental health epidemic was not created overnight, and it will not go away immediately. By collaborating to share resources and knowledge, Ohio's state and local communities can build a sustainable financing strategy and infrastructure to reverse the damage that has been done and prevent future epidemics and crises.

The LG Share of the OneOhio Funds can also be used for past expenditures that are consistent with the approved purposes definition.

Accounting for the Local Government Share

Ohio Rev. Code §5705.09(F) requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose. Additionally, Ohio Rev. Code §5705.10(I) states that money paid into a fund must be used only for the purposes for which such fund is established.

Before the local government receives its portion from the state, the Auditor of State (AOS) recommends that each participating subdivision accepting the Funds provide by a written ordinance or resolution that the LG Share of the OneOhio Funds shall be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU. As the special fund is created under Ohio Rev. Code § 5705.09(F), local governments do not need to seek AOS approval for establishing this new fund.

AOS recommends that each participating subdivision accepting OneOhio Funds clearly document their rationale for each expenditure. This documentation is best provided by legislation adopted by the entity's legislative body explaining how the expenditure meets the approved purposes definition of the OneOhio MOU. To aid in our future audit work, we also ask that each expenditure be carefully tracked and adequate documentation of the expenditure be maintained.

For any expenditures previously made by a local government that are eligible for reimbursement with moneys from the LG Share, the local government must pass an ordinance or resolution that identifies

the prior expenditures and explains its determination that expenditures are for approved purposes consistent with the OneOhio MOU.

If local governments are using OneOhio Opioid Settlement dollars to reimburse expenditures from another fund, local governments have two options:

Reallocation method - Local governments should receipt the OneOhio Opioid Settlement dollars into the special revenue fund. If the original expenditure was made in the same fiscal year, the local government can reallocate the original expenditure from the original fund to the special revenue fund. Local governments should maintain documentation to support the reallocation. Local governments on the Uniform Accounting Network (UAN) system should refer to UAN for information on how to properly handle reallocations of expenditures in the UAN system. For guidance UAN provided to users to reallocate/reimburse receipts and expenditures using Coronavirus Relief Fund awards, click [here](#). Similar steps will apply to OneOhio Opioid Settlement dollars.

Invoice method - Local governments should receipt the OneOhio Opioid Settlement dollars into the special revenue fund. Management should prepare a detailed invoice documenting the fund that reported the original expenditure of allowable cost(s) (Original Fund), charge the invoice to the OneOhio Opioid Settlement Fund, and record a reduction of the appropriate expenditure if the reimbursement is within the same fiscal year as the original expenditure. Miscellaneous revenue may be a better choice if the reimbursement relates to a prior fiscal year. Some judgment may be needed to determine the best presentation of these amounts in each particular circumstance. Local governments should charge the appropriate functions/objects within the OneOhio Opioid Settlement Fund based on the billing received from the Original Fund. This method is most useful when the original expenditures were made in one year and receipt of the OneOhio Opioid dollars money didn't occur until the following year.

The AOS encourages recipients of OneOhio Funds to consult with their legal counsel as they plan to utilize the Funds.

Questions

This bulletin is not intended to answer all questions that local governments may have. AOS will continue to provide updated guidance.

If you have any questions regarding the information presented in the Bulletin, please contact the Center for Audit Excellence at the Auditor of State's Office at (800) 282-0370.



Keith Faber
Ohio Auditor of State

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-37
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE SALE OF A VILLAGE 2013 FORD TAURUS
POLICE VEHICLE TO THE NEWTON FALLS JOINT FIRE DISTRICT**

WHEREAS, due to the condition of the vehicle, the City Manager and Council have determined that it is not in the best interests of the Village to expend the funds necessary to maintain and repair a 2013 Ford Taurus Police Department vehicle; and

WHEREAS, as a result of the above, such vehicle is no longer needed for Village purposes; and

WHEREAS, the Newton Falls Joint Fire District ("Joint Fire District") serves Village residents, businesses, and visitors; and

WHEREAS, the Joint Fire District has demonstrated a need for the vehicle and offered the Village \$1,500 for this unwanted vehicle that is in need of repair; and

WHEREAS, Council hereby determines it is in the best interests of the Village to effectuate the sale of this vehicle to the Joint Fire District as specified herein; and

WHEREAS, pursuant to the Home Rule and Local Self-Government Powers vested to the Village by Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Village Charter, Council hereby authorizes, by the authority of the within Ordinance, the Village to deviate from the procedures for the sale of personal property with an estimated worth over \$1,000 provided in Section 721.15 of the Ohio Revised Code in favor of selling the property directly to the Joint Fire District.

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

SECTION 1. That Council hereby and herein authorizes the sale of the Village 2013 Ford Taurus Police Department vehicle to the Newton Falls Joint Fire District for the amount of \$1,500. Council also hereby authorizes the City Manager to execute all documents necessary to effectuate this sale and transfer the vehicle as quickly as is practicable.

SECTION 2. That pursuant to the Home Rule and Local Self-Government Powers vested to the Village by Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Village Charter, Council hereby authorizes, by the authority of the within Ordinance, the Village to deviate from the procedures for the sale of personal property with an estimated worth in excess of \$1,000 provided in Section 721.15 of the Ohio Revised Code in favor of selling the property directly to the Joint Fire District.

ORDINANCE NO. 2022-37
PAGE TWO

SECTION 3. 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 4. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-38
SPONSOR: Councilperson Granchie

**AN ORDINANCE ESTABLISHING SECTION 121.06 OF THE ADMINISTRATIVE
CODE PERTAINING TO THE SALE OR DISPOSAL OF
MUNICIPAL PERSONAL PROPERTY**

WHEREAS, in furtherance of its Home Rule authority and Local Self-Government powers vested in Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Newton Falls Charter, Council desires to expand the methods by which it may sell or dispose of personal property that is no longer needed for public use, or personal property for which the Municipality's cost of maintaining the property outweighs the benefits of owning the property; beyond the procedure set forth in Section 721.15 of the Ohio Revised Code; and

WHEREAS, based upon the above, Council desires to establish and enact Section 121.06 of the Administrative Code.

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

SECTION 1. That Council hereby and herein establishes and enacts Section 121.06 of the Administrative Code pertaining to the sale or disposal of Municipal personal property as set forth in attachment hereto and incorporated herein by reference.

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

SECTION 3. That this Ordinance shall be effective as of the earliest date permitted by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

121.06 AUTHORITY TO SELL OR DISPOSE OF PERSONAL PROPERTY.

(a) Pursuant to its Home Rule authority and Local Self-Government Powers vested in Article XVIII, Section 3 of the Ohio Constitution and Article I, Section 2 of the Newton Falls Charter, Council hereby authorizes the sale or disposition of personal property that is no longer needed for public use, or personal property for which the Municipality's cost of maintaining the property outweighs the benefits of owning the property, by any of the following methods, after Council, by resolution or motion, authorizes such sale or disposition of such personal property:

- (1) By requesting sealed bids after a period of at least 10 days after advertising the sale of such property at least one time;
- (2) By public auction, whether in person by internet or otherwise, held at least 10 days after advertising the sale of such property at least one time;

(b) Notwithstanding the provisions of subsections (a)(1) and (A)(2) of this ordinance, personal property with a fair market value of less than \$1,500, may be sold, disposed of, or donated, at Council's discretion, without the necessity of a sealed bid or auction. Property that is deemed by Council by ordinance to be a burden on the Municipality and that cannot be sold pursuant to the provisions of this ordinance may be transferred or otherwise disposed of for no compensation, upon authorization from Council.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-39
SPONSOR: Councilperson Granchie

**AN ORDINANCE REPEALING ORDINANCE NO. 2022-23, WHICH AUTHORIZED
THE CITY MANAGER TO ACCEPT A PROPOSAL FROM GPD GROUP FOR THE
RIDGE ROAD DISTRIBUTION POLELINE DESIGN PROJECT**

WHEREAS, on June 1, 2022, Council adopted Ordinance No. 2022-23, which authorized the City Manager to accept a proposal from GPD Group for the Ridge Road Distribution Poleline Design Project; and

WHEREAS, Council has determined that it no longer wants to go forward with the project; and

WHEREAS, Council desires to repeal Ordinance No. 2022-23.

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

SECTION 1. That Council hereby and herein repeals Ordinance No. 2022-23, which authorized the City Manager to accept the proposal from GPD Group for the Ridge Road Distribution Poleline Project, in an amount not to exceed \$43,010.

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 _____, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-40
SPONSOR: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. TO IDENTIFY AND MAP LEAD WATER SERVICE LINES NEEDING REPLACEMENT IN CONNECTION WITH A H2OHIO DIRECT ASSISTANCE PWS OHIO EPA GRANT

WHEREAS, the Village has been awarded a H2Ohio Direct Assistance PWS Grant from the Ohio EPA in an amount up to \$50,000 for identifying and mapping lead water service lines needing replacement; and

WHEREAS, Arcadis U.S., Inc. ("Arcadis") has the experience and expertise to perform this work within the grant budget; and

WHEREAS, Council desires to accept Arcadis' June 20, 2022 proposal for the above work and authorize the City Manager to enter into an agreement with Arcadis to perform the work authorized by the Ohio EPA grant.

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

SECTION 1. That Council hereby authorizes the acceptance of Arcadis' June 20, 2022 proposal to perform work to identify and map lead water service lines needing replacement and directs the City Manager to enter into the attached agreement, or an agreement substantially similar thereto, with Arcadis to perform the above work as authorized by and under the parameters of Village's H2Ohio Direct Assistance PWS Grant from the Ohio EPA.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village because the Village is required by the terms of the grant to move forward with the work authorized by the grant in a prompt manner and the Village desires to implement this important project as soon as possible; therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 3rd DAY OF August, 2022

ORDINANCE NO. 2022-40
PAGE TWO

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

Mr. Ken Bodnar
Water Distribution Superintendent
135 W. River Road
Newton Falls, Ohio 44444-1302

Arcadis U.S., Inc.
2240 S. County Trail
Suite 5
Akron, Ohio 44308
Phone: 401 738 3887
Fax: 401 732 1686
www.arcadis.com

Date: June 20, 2022

Our Ref: 30077111

Subject: Newton Falls, OH – H2Ohio Grant, Lead Service Line Inventory Pilot

Dear Mr. Bodnar,

The City of Newton Falls (the City) requires assistance to improve its existing service line material inventory including identifying locations of LSLs and galvanized service lines requiring replacement. The project will include conducting a pilot program for developing a Service Line (SL) inventory for the City of Newton Falls and developing supportive statements for areas of the City where the presence of lead can be determined to be unlikely based on home age or other characteristics. The SL inventory will comply with OEPA and USEPA LCRR requirements.

Service Line Inventory – Scope of Work

A service line inventory is required for Newton Falls' system to meet the requirements of the Ohio EPA and the USEPA's Lead and Copper Rule Revisions (LCRR). Newton Falls prepared a SL map in 2017 to meet a previous compliance date for the OEPA using Home build year, historical maintenance and operation records, and customer or utility staff verification data. Following the preparation of the map submitted to OEPA, Newton Falls has started tracking their service lines to prepare an inventory for future compliance; Arcadis has not received a copy of the current inventory or the recorded fields. A review of this information is required to begin to update the service line inventory.

The inventory development completed under this scope will be consistent with EPA and the OEPA regulations and guidance including the recently released OEPA minimum service line requirements. Arcadis will complete the following activities to improve the service line inventory as a pilot program for a portion of the service area:

- *Expand Service Line Inventory Database* – Since 2017, OEPA and USEPA have provided additional guidance and requirements on minimum required fields and also recommended/optional fields. Arcadis will create a database that is inclusive of these requirements and follows current industry best practices so that Newton Falls will have a database that supports reporting requirements (i.e. map creation and publicly shared) and future LSL replacement planning.
- *Incorporate additional available information into inventory* – Newton Falls may have additional information that is not currently part of the SL inventory maintained in the provided excel file which can add value such as: data from meter replacements; record drawings/project documents from distribution main renewal projects; and/or off-line spreadsheets which include information from potholing or other field activities where service line material was verified.

- *Incorporate additional publicly available information into inventory* – Additional publicly available data sources will be reviewed and as available/relevant incorporated into the database. Home age and local plumbing code/ordinances/tariffs will be primary focal areas.
- *Digitize information from existing records* – Arcadis will review with Newton Falls what potential records may be available and if any materials are available these will be scanned, digitized and incorporated into the inventory. Ideal records (which may not be available) would include utility/customer side SL material, SL material size, date of installation, etc.

Approach

Develop Service Line Inventory

The following information will be reviewed and compiled within the SL Inventory for each unique service line (i.e. Account Number):

1. **Records Review.** Arcadis will review and digitize all available records. For purposes of the pilot, records will be reviewed for the following information:
 - Site and Location Identifier (account number, address, lat/long coordinates)
 - Connection type (drinking, non-drinking, combination) and meter status (yes, no, unknown)
 - Lead gooseneck/pigtail (current/previous: yes, no, unknown)
 - Service Line Material (both sides of curb box, traditionally utility/customer side)
 - Previous Service Line Material (both sides of curb box)
 - SL diameter
 - Relevant service line distances (this data will support future statistical/predictive modeling)
 - Installation Year
 - Status of service line (i.e. replacement, original, stub, relocated)

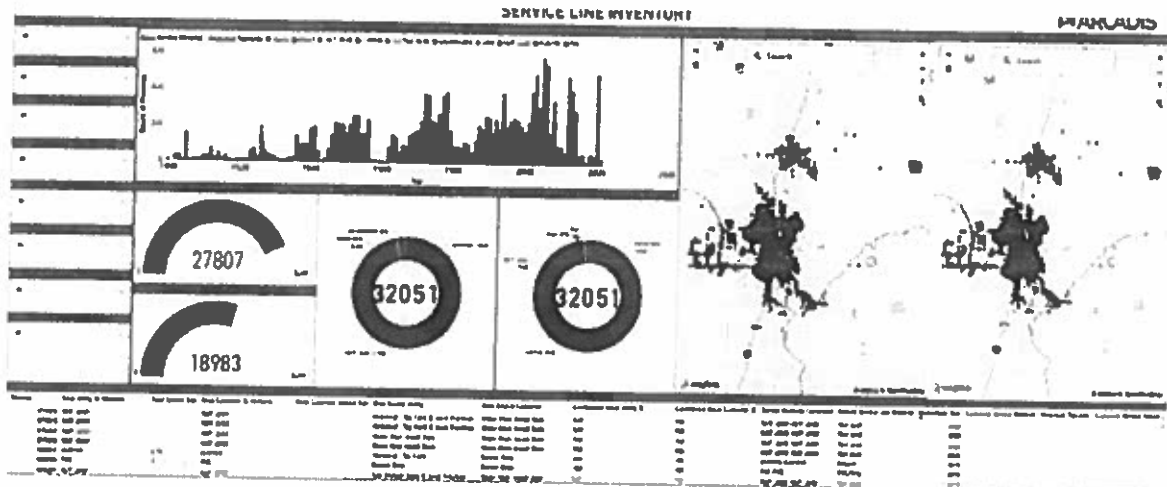
Any records available in hard copies but not yet digitized will be scanned and digitized to capture the fields listed above, as available.

2. **GIS data** from Newton Falls will be utilized to support distribution main material and installation date to be used for assignment of non-lead where appropriate.
3. **Construction (aka Home build) year data** will be acquired through an open source or purchased dataset if available.
4. **Plumbing Codes/Practices** - Plumbing codes and practices will be researched to determine if/when the use of lead was no longer allowed or typical.
5. **Customer Submitted Materials.** Arcadis will work with Newton Falls to develop a customer outreach program to mail service line material identification instructions to its customers with return postcards to aid in developing the inventory as part of the work to be completed using the H2Ohio grant funds. Arcadis will provide digital copies of the outreach materials. Execution of the campaign and data collection will be at the discretion of Newton Falls.
6. **Institutional knowledge** including historic SOPs, installation practices, etc. will be reviewed through a series of interviews with experienced staff members

Mr. Ken Bodnar
City of Newton Falls
June 20, 2022

Exhibit A
ORD 2022-40

The final inventory will also include reporting and dashboards (developed in PowerBI) which will be available for the utility's use in replacement planning as well as to support public mapping requirements. An example dashboard prepared for another utility is provided below.



- All information, queries, assumptions from the dashboard can be exported for any future analysis or setting up other tables and dashboards for Newton Falls.
- Dashboards will be provided with underlying data.

Schedule and Fee

We anticipate the project will be completed within 6 months for a Lump Sum Fee of \$30,000 which will be invoiced proportional to the work completed each month.

Attachments

- 2017 OEPA Map (submitted by Newton Falls)

Mr. Ken Bodnar
City of Newton Falls
June 20, 2022

Exhibit A
ORD 2022-40

Sincerely,
Arcadis U.S., Inc.



Dave Frank, PE
Vice President

Email: dave.frank@arcadis.com
Direct Line: 330-515-5670
Mobile: 330-603-2608

CC. Mark Lenz, PE, Arcadis
Hannah Rockwell, PE, Arcadis

This proposal and its contents shall not be duplicated, used or disclosed — in whole or in part — for any purpose other than to evaluate the proposal. This proposal is not intended to be binding or form the terms of a contract. The scope and price of this proposal will be superseded by the contract. If this proposal is accepted and a contract is awarded to Arcadis as a result of — or in connection with — the submission of this proposal, Arcadis and/or the client shall have the right to make appropriate revisions of its terms, including scope and price, for purposes of the contract. Further, client shall have the right to duplicate, use or disclose the data contained in this proposal only to the extent provided in the resulting contract.

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

Water Rate Study

Between City of Newton Falls, Ohio and ARCADIS U.S., Inc.

Project Number: 30140557

This is an Agreement effective as of July ____, 2022 ["Effective Date"] between City of Newton Falls, Ohio ["Client"], a corporation, having its principal place of business at 19 North Canal Street, Newton Falls, OH, 44444, and ARCADIS U.S., Inc., ["ARCADIS"] a corporation chartered under the laws of the State of Delaware, having its principal place of business at 630 Plaza Drive, Highlands Ranch, Colorado 80129 and an office at 222 South Main Street, Suite 200, Akron, OH 44308.

The Client intends to perform the Lead Service Line Inventory Pilot ["Project"].

Client engages ARCADIS to provide professional engineering services in support of its Project ["Services"].

The location of the Project is City of Newton Falls ["Site"], Ohio ["State"].

ARCADIS's Services for the Project are described generally as follows: Provide professional engineering services in support of a Lead Service Line Inventory Pilot.

In consideration of the mutual promises herein, Client and ARCADIS agree that the terms and conditions of this Agreement are the following:

1 BASIC SERVICES

- 1.1 **Scope.** ARCADIS shall provide the Basic Services described in Schedule A. ARCADIS intends to perform the scope of services/work contemplated herein and in the contract documents through a combination of its own employees and employees of its affiliates, and the use of such affiliate labor shall not be deemed a subcontract for purposes of this Agreement. ARCADIS' obligations under this Agreement are solely for the benefit of Client and no other party is intended to benefit or have rights hereunder.
- 1.2 **Standard of Care.** ARCADIS shall perform the Services under this Agreement at the level customary for competent and prudent engineers performing such services at the time and place where the Services are provided ["Standard of Care"]. These Services will be provided by licensed engineers and other professionals and individuals skilled in other technical disciplines, as appropriate.
- 1.3 **Instruments of Service.** ARCADIS is responsible for the professional quality, technical accuracy, timely completion, and the coordination of all instruments of its Services including designs, drawings, specifications, reports ["Service Instruments"] and other services provided under this Agreement.
- 1.4 **Indemnification.** ARCADIS agrees to indemnify and hold Client harmless from all losses and damages resulting from ARCADIS's failure to meet the Standard of Care.
- 1.5 **Subcontractors.** Any subcontractors and outside associates or consultants to be engaged by ARCADIS under this Agreement are limited to those identified in Schedules A and B, or as Client specifically approves during the performance of this Agreement.

2 ADDITIONAL SERVICES

- 2.1 **Scope.** ARCADIS will provide the Additional Services described in Schedule B when authorized in writing by Client.
- 2.2 **Excluded Services.** Client acknowledges the Services provided by Arcadis hereunder do not and shall not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Client, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) the practice of law or other legal services; (4) nor any form of professional accounting or insurance advisory services.

3 SECTION 3 -- CLIENT'S RESPONSIBILITIES

Unless stated otherwise in Section 8, Client shall do the following in a timely manner:

- 3.1 **Client's Representative.** Designate a representative having authority to give instructions, receive information, define Client's policies, and make decisions with respect to the Services.
- 3.2 **Services Criteria.** Provide all criteria and information as to Client's requirements for the Services, including objectives, concepts, constraints, and performance requirements, and any budgetary limitations.

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

Water Rate Study

Exhibit A

ORD 2022-40 Page 2 of 8

Between City of Newton Falls, Ohio and ARCADIS U.S., Inc.

Project Number: 30140557

- 3.3 Data.** Give ARCADIS all available information, including previous reports and any other data in the possession of Client relative to the Services. These data may include (1) data prepared by others, including borings, subsurface explorations, hydrographic surveys, and laboratory tests and inspections of samples, materials and equipment, (2) appropriate professional interpretations of such data, (3) environmental assessments and impact statements, (4) property, boundary, easement, right-of-way, topographic and utility surveys, (5) property descriptions, zoning, deed and other land use restrictions, and (6) other necessary special data or consultations. ARCADIS may rely on the accuracy and completeness of the supplied data.
- 3.4 Access.** Arrange for ARCADIS to enter upon public and private property as necessary.
- 3.5 Review.** Examine the Service Instruments and obtain the advice of attorneys, insurance counselors or other consultants as Client thinks appropriate. Render written decisions concerning the Service Instruments within a reasonable time. Client expressly acknowledges and agrees that the Services provided do not and shall not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Client, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) the practice of law or other legal services, nor any form of insurance advisory services.
- 3.6 Expert Advice.** Provide legal, accounting, insurance or other necessary advisory services for the Services. Client expressly acknowledges and agrees that the Services provided do not and shall not include the practice of law or other legal services, nor any form of professional accounting or insurance advisory services.
- 3.7 Permits.** Furnish approvals and permits from governmental authorities or other entities having jurisdiction over the Services and approvals from others as may be necessary for the timely completion of the Services.
- 3.8 Services Developments.** Give prompt written notice to ARCADIS whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of ARCADIS's services.

4 PERIODS OF SERVICE

- 4.1 Time of Performance.** Sections 4 and 5 anticipate the orderly and continuous progress of the Services. The time of performance contemplated is the period which should reasonably be required for the completion of the Services.
- 4.2 Delays.** If Schedule A specifies periods of time for performance of services or specific dates by which services are to be completed and if such periods or dates are exceeded through no fault of ARCADIS, the compensation specified under Section 5 shall be subject to equitable adjustment.
- 4.3 Start of Performance.** ARCADIS will start the Basic Services upon authorization by Client. Unless otherwise stated in this Agreement, signing of this Agreement by both Client and ARCADIS will constitute such authorization. If Client elects to authorize ARCADIS to proceed before signing this Agreement, ARCADIS shall be paid as if the services had been performed after both parties signed the Agreement.
- 4.4 Completion of Performance.** For the purposes of final payment under Section 5, completion of ARCADIS's services will occur upon delivery of the final report as specified in Schedule A or B, as appropriate.
- 4.5 Force Majeure.** If a force, event, or circumstance beyond ARCADIS's control interrupts or delays ARCADIS's performance, the time of performance of the Basic or Additional Services shall be equitably adjusted.

5 COMPENSATION

- 5.1 Basic Services.** Client shall pay ARCADIS the Amount stated in invoices issued in accordance with Schedule C [Pricing Schedule] for actual work performed and Reimbursable Expenses incurred during the period covered by the invoice. ARCADIS shall be entitled to invoice for affiliate labor in the same manner as it invoices its own employees. Invoices are due and payable within 30 days after receipt by Client. Client's payments shall be in the form and shall be sent to the ARCADIS address as described in the invoices.
- 5.2 Additional Services.** Client shall pay ARCADIS for Additional Services actually performed pursuant to Client's authorization and invoiced in accordance with the Pricing Schedule.
- 5.3 Litigation Services.** If Client requires ARCADIS' services either as a witness in, or support of, litigation or other dispute resolution procedures between Client and a third party, ARCADIS will provide such services in accordance with a Pricing Schedule for litigation services. In addition Client will promptly reimburse ARCADIS for its reasonable fees and expenses (including without limitation attorney's fees and other legal costs incurred by ARCADIS in response to a subpoena, or request for the production of documents, for any appearance at a deposition, trial or other legal proceeding) – provided ARCADIS is not a named party to such legal proceeding.

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

Water Rate Study

Exhibit A

ORD 2022-40 Page 3 of 8

Between City of Newton Falls, Ohio and ARCADIS U.S., Inc.

Project Number: 30140557

5.4 Delay or Termination.

- 5.4.1 If Client delays the performance of, or payment for, services under this Agreement for more than 3 months for a reason(s) other than ARCADIS's fault, ARCADIS may suspend performance until it receives payment in full for services rendered and expenses incurred to the date of suspension.
- 5.4.2 If Client terminates this Agreement prior to completion of the Basic Services, ARCADIS shall be paid in full for services rendered and expenses incurred to the date of termination, including reasonable demobilization and termination expenses.
- 5.5 **Disputed Amounts.** Notwithstanding the provisions of Section 7, if Client disputes an item(s) or amount(s) contained in an invoice, Client agrees to pay the balance of the undisputed invoiced amounts to ARCADIS in accordance with Schedule C.
- 5.6 **Collection.** Any reasonable attorneys' fees or other reasonable costs incurred by ARCADIS in collection of delinquent amounts shall be paid by Client.

6 OPINIONS OF CONSTRUCTION COST

- 6.1 **Construction Cost.** If the Service Instruments includes an estimate of the cost of constructing a facility [**Construction Cost**], that cost includes the total cost to Client of those portions of the Project described in the Service Instruments. Construction Cost will not include ARCADIS's compensation and expenses, the cost of land, rights of way, or compensation for properties. Construction Cost will also not include Client's legal, accounting, or insurance counseling services, or interest and financing charges incurred in connection with the Project, or the cost of services to be provided by others under paragraph 3.6 unless otherwise specified in Schedule A.
- 6.2 **Opinions of Cost.** ARCADIS's opinion of probable Construction Cost is made on the basis of ARCADIS's experience and qualifications and represents ARCADIS's judgment as an experienced and qualified professional engineering firm, familiar with the construction industry. ARCADIS does not guarantee that proposals, bids or actual Project cost will not vary from ARCADIS's opinions of probable Construction Cost.

7 GENERAL CONSIDERATIONS

- 7.1 **Changes.** By written notice at any time, Client may change the Basic Services, provided such changes are within the general scope of the services contemplated by this Agreement. In such event, an equitable adjustment both in the compensation for and time of performance of the Agreement shall be made in writing prior to ARCADIS's performing the changed services.
- 7.2 **Confidentiality.** ARCADIS will hold secret and confidential all information designated by Client as confidential [**Confidential Information**]. ARCADIS will not reveal Confidential Information to a third party unless:
 - 7.2.1 Client consents in writing;
 - 7.2.2 the information is or becomes part of the public domain;
 - 7.2.3 ARCADIS lawfully possessed the information before receipt from Client;
 - 7.2.4 applicable law, regulation, court order or an agency of competent jurisdiction requires its disclosure; or
 - 7.2.5 failure to disclose the information would pose an imminent and substantial threat to human health or the environment.
- 7.3 **Professional Service.** The Service Instruments furnished under this Agreement are the tangible results of ARCADIS's professional services for the Services and ARCADIS shall have the right to use or reuse and retain the copyright of the Service Instruments for its purposes and at its sole risk, without liability to Client
 - 7.3.1 **Reuse.** ARCADIS does not represent the Service Instruments to be suitable for reuse by Client or others for extensions of the Services or on any other project. Any reuse without written verification or adaptation by ARCADIS for the specific purpose intended is at Client's sole risk, without liability to ARCADIS. Any such verification or adaptation will entitle ARCADIS to compensation at rates to be agreed on by Client and ARCADIS.
 - 7.3.2 **CADD.** ARCADIS may provide information related to the Service Instruments in computer-assisted design and drafting format [**CADD**] to Client. CADD is derived in part from computer software for which ARCADIS is licensed. These licenses are not transferable. Any unlicensed reuse of CADD may subject the user to liabilities to the software licensor.
 - 7.3.3 **Electronic Media.** Either party to this Agreement may rely on the data or information set forth on paper (also known as "hard copies") that the party receives from the sending party by mail, hand delivery, or facsimile as items the sending party intended to send. Data or information sent in electronic media format by one party to the other party are furnished only for the convenience of the receiving party and shall not be relied upon by the receiving party. If there is a discrepancy between the data received in electronic media format and the hard copies, the hard copies govern. Any conclusion or information obtained or derived from the data in electronic media format shall be at the user's sole risk. When transferring documents in electronic media format, the sending party makes no representations as to the long term compatibility, usability, or readability of such documents resulting

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

Water Rate Study

Between City of Newton Falls, Ohio and ARCADIS U.S., Inc.

Exhibit A

ORD 2022-40 Page 4 of 8

Project Number: 30140557

from the use of software, application packages, operating systems or computer hardware differing from those used by the document's creator.

7.4 Insurance. ARCADIS will maintain Insurance against the following risks during the term of the Agreement:

- 7.4.1 workers compensation in statutory amounts and employer's liability for ARCADIS's employees' Services-related injuries or disease;
- 7.4.2 general liability and automobile liability each in the amount of \$1,000,000 for personal injury or property damage to third parties which arises from ARCADIS's performance under this Agreement; and
- 7.4.3 professional liability in the amount of \$1,000,000 for legal obligations arising out of ARCADIS's failure to meet the Standard of Care.

7.5 Interpretation. This Agreement shall be interpreted in accordance with the laws of the State.

7.6 Successors. This Agreement is binding on the successors and assigns of Client and ARCADIS. The Agreement may not be assigned in whole or in part to any third parties without the written consent of both Client and ARCADIS.

7.7 Independent Contractor. ARCADIS represents that it is an independent contractor and is not an employee of Client.

7.8 Disputes. If any dispute arises out of or relates to this Agreement, or the breach thereof, then in the first instance, representatives of both parties shall endeavor in good faith to negotiate a settlement of the dispute. If such dispute cannot be settled through direct discussions by such representatives of the parties, then higher level representatives of both parties shall endeavor in good faith to negotiate a settlement of such dispute. If such dispute cannot be settled through direct discussion by such higher level representatives of the parties, then the parties agree to submit the matter to mediation before having recourse to a judicial forum. No written or oral representation made during the course of any settlement negotiations or mediation shall be deemed a party admission.

7.9 Notices. Written notices may be delivered in person or by certified mail, by facsimile, or by courier. Such notices shall be effective upon the date of receipt by the party. Notices shall be delivered or sent to the designated representative of the other party at the address given on the cover page of this Agreement. An address may only be changed by written notice.

7.10 Applicable Law. ARCADIS and Client shall comply with all applicable federal, state and local laws, regulations or orders issued under such laws prohibiting any form of kickback, bribery or corrupt practices as defined in the Anti-Kickback Act of 1986, the Foreign Corrupt Practices Act and all other applicable federal, state, local laws, regulations or orders issued under such laws regarding kickbacks, bribery or corrupt practices. If applicable to this Agreement, ARCADIS will comply with the requirements of:

7.10.1 the Equal Employment Opportunity clause in Section 202 of Executive Order 11246, as amended,

7.10.2 Utilization of Small and Disadvantaged Business Concerns (Public Law 95-507), and

7.10.3 all other federal, state and local laws and regulations or orders issued under such laws.

7.11 Entire Agreement. This Agreement, including any schedules, attachments and referenced documents, is the entire agreement between Client and the ARCADIS. Any prior or contemporaneous agreements, promises, negotiations or representations not expressly stated herein are of no force and effect. Any changes to this Agreement shall be in writing and signed by Client and ARCADIS.

7.12 Waivers and Severability. A waiver or breach of any term, condition, or covenant by a party shall not constitute a waiver or breach of any other term, condition or covenant. If any court of competent jurisdiction declares a provision of this Agreement invalid, illegal, or otherwise unenforceable, the remaining provisions of the Agreement shall remain in full force and effect.

7.13 Effective Date. Unless stated otherwise in Schedule A, this Agreement is effective on the date shown on the cover page.

8 SPECIAL PROVISIONS, EXHIBITS and SCHEDULES

8.1 Special Provisions. This Agreement is subject to the following special provisions:

8.1.1 None.

8.2 Schedules. The following Schedules are attached to and made a part of this Agreement:

8.2.1 Schedule A "Scope of Basic Engineering Services and Related Matters"

8.2.2 Schedule B "Additional or Optional Engineering Services"

8.2.3 Schedule C "Pricing Schedule"

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES

Water Rate Study

Exhibit A

ORD 2022-40 Page 5 of 8

Between City of Newton Falls, Ohio and ARCADIS U.S., Inc.

Project Number: 30140557

Execution Authority. This Agreement is a valid and authorized undertaking of Client and ARCADIS. The representatives of Client and ARCADIS who have signed below have been authorized to do so.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year shown on the cover page.

CLIENT

ARCADIS U.S., INC.

Date _____

Date 7/5/22

By Pamela S. Priddy

By David A. Frank, PE 

Title City Manager

Title Vice President

Where applicable to the jurisdiction:

Engineer License or Certificate No. 53268

State of Ohio

Witness _____

Witness Karen J Armour 

Address for Giving Notices:

19 North Canal Street

Newton Falls, Ohio 44444

Address for Giving Notices:

ARCADIS U.S., Inc.

44 South Broadway, 15th Floor

White Plains, New York, 10601

Attn: Legal Department

Schedule A
Scope of Basic Engineering Services and Related Matters

- A.1 The scope of basic services consists of this page plus the following documents, attached and made part of this Agreement:
 - a. Attachment A Scope of Basic Engineering Services and Related Matters – Lead Service Line Inventory Pilot Proposal, 4 pages dated June 20, 2022.
- A.2 Subcontractors required for activities under this Schedule A will be identified prior to the commencement of such activities.

Schedule B
Additional or Optional Engineering Services

- B.1 The Scope of Additional or Optional Engineering Services consists this of page plus the following documents, attached and made part of this Agreement:
- a. In the event that Additional or Optional Engineering Services are identified and required under this Agreement at a later time, Client will provide ARCADIS written authorization to perform such Services.

Schedule C Pricing Schedule

C.1 The Pricing Schedule consists of this page plus the following documents, attached and made part of this Agreement:

a. None.

C.2 Terms of Payment

C.2.1

Multiplier. For Basic Services under Section 1, Client shall pay Arcadis on the basis of direct hourly rates for work actually performed, times a multiplier of 3.2.

The estimated cost of the Consultant's services under Section 1 is \$49,200.

C.3 **Reimbursable Expenses.** Except for certain in-house services, project expenses incurred with subcontractors and outside vendors will be invoiced at cost plus 10% to cover handling. These project expenses may include, but are not limited to: shipping charges; printing; supplies; equipment; traveling expenses; special insurance; licenses; permits; and subcontracted services.

In-house services not subject to handling costs are:

Transportation:

Current IRS mileage reimbursement rate.

Specialty Equipment:

In accordance with a usage rate schedule

C.4 **Invoices.** ARCADIS will submit invoices to Client for each month during which services were performed. Invoices may include carrying charges at 1.5% per month for delinquent payments outstanding over 30 days and applicable sales or value-added taxes.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-41
SPONSOR: Councilperson Baryak

**AN EMERGENCY ORDINANCE ESTABLISHING THE RATE OF PAY FOR
DEPARTMENT CREW CHIEFS**

WHEREAS, Crew Chief positions exist within the Street/Maintenance, Electric, Sewer, and Water Departments; and

WHEREAS, no one is presently serving in those positions, and no pay rate has been established for those positions; and

WHEREAS, Council desires for persons to serve in those Crew Chief positions so that they can gain important and valuable experience before they are ready for consideration for appointment to Superintendent positions in the future; and

WHEREAS, Council desires to establish a salary range for the position of Crew Chief so that those positions can be filled.

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

SECTION 1. That all employees hired and/or promoted to the position of Crew Chief shall receive a salary between \$22.36 and \$29.00 per hour.

SECTION 2. That the City Manager shall establish the Crew Chief's exact pay rate within the above pay scale dependent upon the individual Crew Chief's qualifications and experience.

SECTION 3. 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 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that it will enhance the operations of Village departments and it is necessary to fill some of these positions as soon as possible due to several recent employee retirements, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 3rd DAY OF AUGUST, 2022

ORDINANCE NO. 2022-41
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Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director



NEWTON FALLS CITY COUNCIL
SPECIAL MEETING MINUTES
Monday, July 18, 2022; 5:00 PM
COUNCIL CHAMBERS
612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	VACANT SEAT
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

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

I. Call to Order

Mayor Kline called the meeting to order at approximately 5:00 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent: VACANT SEAT

Staff Present: Mayor Kline

Staff Absent: City Manager Priddy, Law Director Bryan, Finance Director Housley, City Clerk Acomb, City Administrator Smeiles

IV. Public Comments (limited to those items on the agenda)

V. Unfinished/New Business

MOTION

Sponsor: Mayor Kline

A Motion to interview and consider candidates for the vacant Ward 1 Council seat.

Moved by: Mr. Baryak Seconded by: Ms. Spletzer

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes

The Motion passed 4-0.

VI. Motion to Recess into Executive Session

MOTION

A Motion to adjourn into executive session (as noted below) at 5:06 pm.

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

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

☐ 2. Purchase or Sale of Property

☐ 4. Collective Bargaining Matters

☐ 6. Security Matters

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

☐ 3. Pending or Imminent Court Action

☐ 5. Matters Required to be Kept Confidential – Contract Negotiations

☐ 7. Hospital Trade Secrets

☐ 9. Veterans Service Commission Applications

Moved by: Mr. Granchie

Seconded by: Ms. Stimpert

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Baryak-yes
The Motion passed 4-0.

Council may or may not take action following an executive session.

MOTION

A Motion to adjourn executive session at 7:01 pm.

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Motion passed 4-0.

MOTION

Sponsor: Mayor Kline

A Motion to appoint Brian Kropp to the vacant Ward 1 Council seat.

Moved by: Mr. Granchie

Seconded by: Ms. Stimpert

Ms. Stimpert-yes; Mr. Baryak-no; Ms. Spletzer-no; Mr. Granchie-yes
The Motion failed 2-2.

MOTION

Sponsor: Mayor Kline

A Motion to appoint Bud Fetterolf to the vacant Ward 1 Council seat.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes
The Motion passed 4-0.

VII. Public Comments (limited to those items on the agenda)

William Beer – 509 Ravenna Road

Mr. Beer congratulated Mr. Fetterolf on his appointment to Council.

VIII. Adjournment

MOTION

A Motion to adjourn the regular meeting at approximately 7:10 pm.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, July 20, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Bud Fetterolf
Ward 2	John Baryak
Ward 3	Tesa Spletzer
Ward 4	Christopher Granchie
At- Large	Julie Stimpert
Mayor	Kenneth Kline

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

I. Call to Order

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

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent:

Staff Present: Mayor Kline, Law Director Bryan, Finance Director Housley, City Manager Priddy

Staff Absent: City Clerk Acomb

IV. Special Presentations by Staff Members or Invited Consultants

V. Public Comments

VI. Reports

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

Changes To Tonight's Agenda

MOTION

A Motion to add an agenda item to transfer committee assignment(s) previously held by former Councilperson Serotko to newly appointed Councilperson Fetterolf.

Moved by: Mr. Baryak Seconded by: Ms. Spletzer
Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms.
Stimpert-yes
The Motion passed 5-0.

VII. Approval of Previous Minutes

Caucus Minutes, July 6, 2022
Regular Meeting Minutes, July 6, 2022

Moved by: Mr. Granchie Seconded by: Ms. Spletzer
Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr.
Granchie-yes
The Motion passed 5-0.

VIII. Public Hearings

ORDINANCE 2022-31 *Sponsor: Councilperson Granchie*
AN ORDINANCE AMENDING THE ZONING & SUBDIVISION FEE SCHEDULE TO
ADD A DOG PARK PERMIT FEE

ORDINANCE 2022-33 *Sponsor: Councilperson Spletzer*
AN ORDINANCE ESTABLISHING SECTION 121.05 OF THE ADMINISTRATIVE CODE
PERTAINING TO THE SALE, LEASE, OR DISPOSAL OF MUNICIPAL REAL
PROPERTY

IX. Unfinished Business

ORDINANCE 2022-31 *Sponsor: Councilperson Granchie*
AN ORDINANCE AMENDING THE ZONING & SUBDIVISION FEE SCHEDULE TO
ADD A DOG PARK PERMIT FEE

Moved by: Mr. Granchie Seconded by: Ms. Spletzer
Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr.
Baryak-yes
The Motion passed 5-0.

ORDINANCE 2022-33 *Sponsor: Councilperson Spletzer*
AN ORDINANCE ESTABLISHING SECTION 121.05 OF THE ADMINISTRATIVE CODE
PERTAINING TO THE SALE, LEASE, OR DISPOSAL OF MUNICIPAL REAL
PROPERTY

Moved by: Ms. Spletzer Seconded by: Mr. Baryak
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr.
Fetterolf-yes
The Motion passed 5-0.

X. New Business

RESOLUTION 35-2022

*Co-Sponsors: Mayor Kline
Councilperson Baryak
Councilperson Granchie
Councilperson Spletzer
Councilperson Stimpert*

A RESOLUTION HONORING STREET DEPARTMENT SUPERINTENDENT HARRY SHAVER FOR 39 YEARS OF SERVICE TO NEWTON FALLS

Moved by: Mr. Granchie Seconded by: Mr. Baryak
Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes
The Resolution passed 5-0.

MOTION

Sponsor: Councilperson Baryak

A Motion to sell a city vehicle to the Newton Falls Joint Fire District for the sum of \$1500.

Moved by: Mr. Baryak Seconded by: Mr. Fetterolf

Mr. Baryak withdrew the Motion.

RESOLUTION 32-2022

Sponsor: Councilperson Spletzer

A RESOLUTION AMENDING THE TAX BUDGET OF THE VILLAGE OF NEWTON FALLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND SUBMITTING THE SAME TO THE COUNTY AUDITOR

Moved by: Mr. Baryak Seconded by: Ms. Spletzer
Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes
The Resolution passed 5-0.

RESOLUTION 33-2022

Sponsor: Councilperson Spletzer

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE TRUMBULL COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Moved by: Ms. Spletzer Seconded by: Mr. Baryak
Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes
The Resolution passed 5-0.

RESOLUTION 34-2022

*Co-Sponsors: Mayor Kline
Councilperson Baryak
Councilperson Granchie
Councilperson Spletzer
Councilperson Stimpert*

A RESOLUTION IN SUPPORT OF NAMING THE NEWTON FALLS STATE RT. 534/ BROAD STREET BRIDGE VETERANS MEMORIAL BRIDGE

Moved by: Ms. Stimpert Seconded by: Mr. Baryak
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr.
Fetterolf-yes
The Resolution passed 5-0.

ORDINANCE 2022-34 *Sponsor: Councilperson Spletzer*
AN EMERGENCY ORDINANCE MAKING APPROPRIATIONS FOR THE CURRENT
EXPENSES AND OTHER EXPENDITURES FOR THE VILLAGE OF NEWTON FALLS,
OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND AUTHORIZING
THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES
TO THE COUNTY AUDITOR.

Moved by: Ms. Spletzer Seconded by: Mr. Baryak
Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr.
Baryak-yes
The Ordinance passed 5-0.

Moved by: Ms. Spletzer Seconded by: Mr. Granchie
Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms.
Spletzer-yes
The Ordinance passed 5-0.

ORDINANCE 2022-35 *Sponsor: Councilperson Spletzer*
AN ORDINANCE ADDING THE LOW HEAD DAM AND WEST BRANCH CHANNEL
DAM TO THE TERRITORIES OF THEIR ADJACENT VILLAGE PARKS

Moved by: Ms. Spletzer Seconded by: Mr. Baryak
Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr.
Fetterolf-yes
The Ordinance passed 5-0.

MOTION *Sponsor: Mayor Kline*
A Motion to cancel the August 17, 2022 Regular Council Meeting for a summer recess.

Moved by: Mr. Granchie Seconded by: Ms. Spletzer
Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr.
Granchie-yes
The Motion passed 5-0.

MOTION
A Motion to transfer the committee assignment(s) previously held by former
Councilperson Serotko to newly appointed Councilperson Fetterolf.

Moved by: Mr. Baryak Seconded by: Ms. Spletzer
Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr.
Baryak-yes
The Motion passed 5-0.

XI. Public Comments

XII. Closing Remarks

MOTION

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

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

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

☒ 2. Purchase or Sale of Property

☒ 3. Pending or Imminent Court Action

☐ 4. Collective Bargaining Matters

☐ 5. Matters Required to be Kept
Confidential – Contract Negotiations

☐ 6. Security Matters

☐ 7. Hospital Trade Secrets

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

☐ 9. Veterans Service Commission Applications

XIII. Adjournment

MOTION

A Motion to adjourn the regular meeting. (Time not recorded)

Moved by: Mr. Granchie

Seconded by: Ms. Spletzer

Ms. Spletzer-yes; Mr. Granchie-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr.
Baryak-yes

The Motion passed 5-0.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk