



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, November 16, 2022; 6:00 PM  
 COUNCIL CHAMBERS  
 612 WEST BROAD STREET

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

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

- I. Call to Order**
- II. Pledge of Allegiance / Silent Prayer**
- III. Roll Call**
- IV. Special Presentations by Staff Members or Invited Consultants**

**PROCLAMATION**

A Proclamation honoring Raymond L. Hanzas for His Years of Service to His Country and Community

- V. Public Comments (Agenda Items Only)**
- VI. Reports**
  - a. Mayor
  - b. Council Members
  - c. Finance Director
  - d. Law Director
  - e. City Manager

Changes To Tonight’s Agenda

- VII. Approval of Previous Minutes**  
 Regular Meeting Minutes, November 2, 2022
- VIII. Public Hearings**
- IX. Unfinished Business**

**ORDINANCE 2022-49**

*Co-Sponsors: Councilpersons Baryak and Fetterolf*

AN ORDINANCE ENACTING SECTIONS 929.085 AND 953.065 AND AMENDING SECTION 960.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE CERTIFICATION OF DELINQUENT SEWER, WATER, AND STORM WATER FEE

BILLS TO THE COUNTY AUDITOR FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION

**X. New Business**

ORDINANCE 2022-55

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR ENGINEERING SERVICES FOR 2023 AND 2024

ORDINANCE 2022-56

*Sponsor: Councilperson Fetterolf*

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BETRAS, KOPP & MARKOTA FOR THE PROVISION OF LEGAL SERVICES TO THE VILLAGE ON AN AS NEEDED BASIS

ORDINANCE 2022-57

*Sponsor: Councilperson Baryak*

AN ORDINANCE AMENDING THE WATER RATES EFFECTIVE JANUARY 1, 2023

ORDINANCE 2022-58

*Sponsor: Councilperson Baryak*

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TRUMBULL COUNTY/THE TRUMBULL COUNTY SHERIFF'S OFFICE FOR POLICE PROTECTION SERVICES

ORDINANCE 2022-59

*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.

RESOLUTION 44-2022

*Sponsor: Councilperson Fetterolf*

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE NEWTON FALLS AA GROUP LED BY ROBERT ROBINSON TO UTILIZE THE VILLAGE HALL LOBBY SPACE FOR ITS MEETINGS AND SETTING A FEE THEREFOR

**XI. Public Comments**

**XII. Closing Remarks**

MOTION

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

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

☒ Appointment

☒ Employment

☐ Dismissal

☐ Discipline

☐ Promotion

☐ Demotion

☒ Compensation

☐ 2. Purchase or Sale of Property

☐ 6. Security Matters

☒ 3. Pending or Imminent Court Action

☐ 7. Hospital Trade Secrets

☐ 4. Collective Bargaining Matters

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

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

☐ 9. Veterans Service Commission  
Applications

### **XIII. Adjournment**



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

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

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

**I. Call to Order**

Mayor Kline called the meeting to order at 6:02 pm.

**II. Pledge of Allegiance / Silent Prayer**

**III. Roll Call**

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

Council Absent: None

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

Staff Absent: None

**IV. Special Presentations by Staff Members or Invited Consultants**

None

**V. Public Comments (Agenda Items Only)**

Adam Zimmermann – 515 LeMae Avenue - 10 minutes

Mr. Zimmermann spoke about the emergency meeting of October 11. Based on the draft minutes from the meeting and the Ohio Sunshine Law, he stated his belief that this meeting could not be categorized as a true meeting because the public had not been properly noticed. Mr. Zimmermann stated his belief that the proceedings on October 11 were not legal, violated Ohio Sunshine Law, and the meeting minutes are not a true representation of what took place. He spoke against the action taken by Council at the October 19 meeting in which Ordinance 2022-51 was passed stating its passage violated Ohio Sunshine Law. He alleged a cover up by Council.

Lyle Waddell – Edwards Road, Myrtle Beach, SC – 10 minutes

Mr. Waddell spoke regarding the minutes of the October 19 meeting. He objected to a portion of the minutes whereas a statement by Mr. Baryak indicated that no grants were

earned by the past administration. Mr. Waddell read from and/or referred to a letter that he sent to Council. He stated that Mr. Haney earned one grant per year for the duration of his 11 year tenure. He stated that Mr. Lynch, over three years, brought 10 grants and a loan to Newton Falls totally \$7,000,000. He listed projects for which grants were earned, including various sewer and park projects. He stated that three (3) OPWC grants were earned in one year. He attributed this track record to his taking a class when he was Mayor. He also spoke against alleged poor personal and professional behavior by members of Council. He encouraged Council to perform better and urged them to amend the meeting minutes of October 19 to correct any false statements.

Justin Miller – 214 Windham Road

Mr. Miller, a US Army Veteran, spoke about the desire to live in a welcoming place and his desire to address a concern with Newton Falls. He spoke against the alleged harassment and stalking that he and his family are experiencing with their neighbor. He was reminded by Mayor Kline that Mr. Miller would need to wait until the end of the meeting to talk about non-agenda items. Mr. Miller respectfully apologized for any confusion or disruption and returned to his seat to wait for the second set of public comments.

## **VI. Reports**

### **a. Mayor**

- i. Mayor Kline announced several events that are taking place in the community this week, including an all-day event that starts at 9am on Saturday and a breakfast fundraiser for the school trip to Washington DC on Sunday, and a spaghetti dinner on Sunday. He expressed condolences to the Hanzas family. He announced that the bridge on State Route 534 will be renamed Veterans Bridge.

### **b. Council Members**

- i. Ward 1 – Mr. Fetterolf – The Planning and Zoning Committee meeting was not scheduled again and he stated that there seems to be a problem with the ability of this committee to meet as expected.
- ii. Ward 2 – Mr. Baryak – The Utility Review Committee reviewed five (5) appeals. He spoke about variety of topics, including his understanding that several of the grants stated by Mr. Waddell were actually loans. He spoke in support of the remediation of a problematic piece of property. He stated his understanding that there are many missing records from the prior administrations, including bidding documents and records related to a \$107,000 paid to a single flooring company. He advised that the State is giving the authorization to set the electric poles and he hopes they break ground after the first of next year for the Dunkin Donuts electric.
- iii. Ward 3 – Ms. Spletzer – She worked with Repurposed Materials and the zoning department to ensure that reports were submitted properly. She summarized their ability to meet various deadlines and stated that Repurposed Materials has opened and has all their paperwork filed properly. She suggested a ribbon-cutting; but has been advised to wait until the Spring. A Parks and Recreation meeting was scheduled for 5:30pm on October 25 and another group, Yoga, also showed up too. She described frustration and confusion with the double booking of the

- building. She voted early. She encouraged the public to review the ballot prior to going to the polls and advised that the Trumbull County ballot is available online. She gave the hours for early voting. The TCAP Winter Crisis Program has been released and spoke in support of the program.
- iv. At-Large – Ms. Stimpert – She announced that the October Fire Board meeting was held on November 1 with no quorum present. She announced that a new ambulance has been received. The next meeting is November 22 at 6:00pm. Preparations are being made to use Station 1 and Station 2.
- c. Finance Director
    - i. Mr. Housley reported that Mr. Bryan has been given several utility policies to review and will be able to talk about one part of them later tonight. Letters will be sent to delinquent tax filers this week. They should be returned to the Municipal Center if it is received in error. He stated his appreciated for Pam Wofford and the Utility Department for their efforts in implementing the program and new procedures. Regarding the recent utility appeals, he wants to do a better job of identifying leaks and notifying residents when one is suspected.
    - ii. Ms. Spletzer stated the statement of cash position is a little over \$98,000 and asked if it was enough to finish the year. Mr. Housley stated yes.
    - iii. Ms. Stimpert asked if the utility appeals seem to be growing and wondered if they were mostly related to water bills. Mr. Housley stated that appeals are not excessive but are mostly water and sewer appeals. He clarified that the readings from the meter cannot be changed; but the charges to those bills can be considered, recalculated, and adjusted. He explained the process that a resident can follow through appeals. When a resident pays \$40 to have their meter tested, a new meter is always installed. If a malfunction is discovered, they get their money back along with the new meter. Ms. Stimpert asked if anyone has paid and found a malfunctioning meter. Mr. Housley stated no; but they all received new meters.
    - iv. Mr. Baryak stated that \$40 is nominal charge to have a new meter installed. Mr. Housley stated that letters are very clear when they were sent to residents about the procedures and their rights.
  - d. Law Director
    - i. No Report. No questions by Council.
  - e. City Manager
    - i. Ms. Priddy received many questions about water bills. She learned that several appeals were underway, and she asked for the utility department to be timelier with their notifications when strange occurrences happen in their consumption record.
    - ii. Regarding building rentals, she stated that there are many issues with rental of the building. She reminded that Council Chambers is prohibited from use other than by Council. She shared that there was difficulty finding records of any yoga rental agreement. She recommended that Council set a schedule of fees for any building rental. And that the yoga instructor had been advised to find a new place for her class. She described letters received from SCOPE expressing general concerns with

rental of the building and summarized the various concerns of SCOPE. She stated that the use of the building is no longer available until fees can be set and a draft rental agreement can be developed for use of the available spaces. Mr. Baryak asked in the yoga instructor was a “for-profit” entity and how much had been paid for rentals. It was stated that yoga paid a total of \$35 over the course of two years and does operate under a corporate name. Mr. Baryak asked who was responsible for setting up the agreement and Ms. Priddy stated her understanding that, a previous zoning administrator, seems to have been responsible for managing the rental. Ms. Stimpert asked when letters from SCOPE were received; Ms. Priddy stated they were received today. Ms. Stimpert asked why Ms. Priddy didn’t know that yoga was using the building. Ms. Priddy stated that she did know and had been looking for rental agreement or some records related to their use of the building and could not find any.

- iii. Ms. Stimpert asked if there was any paperwork or records to support Mr. Waddell’s assertion that Newton Falls had been awarded \$7,000,000 in grants. Ms. Priddy stated her belief that two of the “grants” were loans. Mr. Housley stated that he would need to research what was listed. Ms. Priddy stated that there are loan documents on file. Ms. Stimpert asked Ms. Priddy if she had any knowledge of these grants. Ms. Priddy stated that the funding received for the Washington St Sewer Project was a loan. She also affirmed her knowledge of which funding sources were grants and which were loans stating that one of the named projects received two grant payments of \$250,000 each. Ms. Spletzer added her belief that the Medley Street Sewer Project was handled with bonds, which are not grants.
- iv. Mr. Fetterolf spoke against businesses and for-profit enterprises operating in the Municipal Center. He spoke for setting fees and drafting a contract. He commended Ms. Priddy for her efforts to address unfortunate situations that have been inherited from past administrations. He expressed frustration that Council is being told that the city received grant money, when it seems those grants were actually loans that are now due as the city is receiving bills for them.
- v. Mr. Housley stated that he can provide clarity at the next meeting regarding the \$7,000,000 in grants at the next meeting if he can get some more information after the meeting to assist him with his investigation.
- vi. Mr. Baryak expressed frustration with the yoga situation and his understanding that the past administration seemed to have delegated a Council duty to the zoning administrator who set rates for the rental of the building and seemed to keep no records.
- vii. Mayor Kline stated that Council should investigate and recommend a process of evaluating the current usage calendar, a proposed fee structure, and a draft rental agreement. He also announced several upcoming events in the community, including a fundraiser for the school trip to Washington D.C and the VFW Spaghetti Dinner.

### **Changes To Tonight’s Agenda**

Mayor Kline asked for a motion to add an item to the agenda.

A Motion to add a Motion to the meeting agenda for individuals living in Ward 4 that are interested in the Ward 4 open council position and wanting to send a letter of interest to the Clerk and the Mayor, the time is extended to November 15 at 3:00 pm.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

No discussion.

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

The motion passed and the motion was added to the meeting agenda as the last item in New Business.

## **VII. Approval of Previous Minutes**

Regular Meeting Minutes, October 19, 2022

A motion to approve the minutes.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

No discussion.

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

The motion passed 4-0. The minutes were approved.

## **VIII. Public Hearings**

None

## **IX. Unfinished Business**

ORDINANCE 2022-49

*Co-Sponsors: Councilpersons Baryak and Fetterolf*

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

A motion to place the ordinance on the floor for discussion.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Ms. Stimpert spoke against the emergency clause of the ordinance and the emergency reference in the title. She stated that Council has known about this issue for a long time and it does not warrant the emergency clause or reference. She asked for a motion to amend the ordinance accordingly and then for Council to discuss it.

Mayor Kline spoke in support of a discussion. He noted that while the amount of money lost on utilities the past year is quite large and given the great efforts of Mr. Housley and his department employees alongside Ms. Priddy, the amount of money left to recover has been greatly reduced. He stated disagreement with targeting landlords for repayment and learned that the ordinance has already been amended per the instructions of Council from the prior meeting to exclude landlords. Mr. Bryan advised that the nature of the emergency clause is merely to ensure that it takes effect immediately. He reminded Council that this is the third meeting agenda on which it has appeared and so they clearly are not rushing it



through. He clarified the ordinance would only apply to those whose names appear on the utility bills, including the landowner if they have the bill setup in their name(s).

Mr. Housley stated that he supported the emergency clause when it was initially introduced because there were time constraints that he was operating under. He acknowledged that this is the third meeting, and those time constraints are less pertinent now. He spoke in support of amending the ordinance to remove the emergency clause. Mr. Bryan advised that it could be amended but would require another reading at the next meeting. He also advised that not amending it would also be acceptable because it has been read three times over several meetings. Mr. Housley restated his support for amendment if it meant that it would have the full support of Council.

Mayor Kline called for a motion to amend the ordinance to remove the emergency clause and the emergency reference in the title.

Moved by: Ms. Stimpert

Seconded by: Mr. Baryak

Ms. Spletzer asked for clarification that the emergency clause (Section 3) would be removed and the word emergency from the title. Mr. Bryan advised that Section 3 would be amended to reflect the standard language for a regular ordinance and the word emergency would be removed from the title.

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

Mayor Kline asked Mr. Acomb to read the amended ordinance title.

Mayor Kline called for a motion to pass the ordinance as amended.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

Ms. Stimpert asked for clarification as to what happens if a tenant fails to pay their bill. Mr. Bryan stated that the landlord would not be subject to a lien being filed on the property because the bill is not in their name and procedures would be put into place to collect from the tenant including shut-off procedures for that utility or collecting the debt from the tenant. Mrs. Stimpert wanted to know that the city would still try to collect that money and Mr. Bryan said yes. Mr. Baryak asked if the administration was still working on a new shut-off policy and if renters could be taken to collection. Ms. Priddy and Mr. Bryan each said yes. Mr. Fetterolf asked for clarification regarding what this ordinance changes. Mr. Bryan stated that nothing changes for renters, but owner-occupied properties would now be subject to a lien on their property. Mr. Fetterolf spoke in support of holding landlords accountable. He was advised that recent state legislation, which is likely to pass, will prevent that anyway and would negate that portion of the ordinance if it were in there. A discussion ensued regarding how the legislation impacts a commercial business renter and it was restated that the name on the bill is accountable person and they could be sent to collections. The new shutoff policy should be useful to curb collections. Ms. Stimpert asked what triggers the shutoff. It was stated that a 30 – 60 – 90-day delinquency policy could allow for investigation to take place and a chance for customer to correct the issue.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes  
The ordinance passed 4-0. A final reading will take place on November 16.

**X. New Business**

**ORDINANCE 2022-53**

*Sponsor: Councilperson Spletzer*

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

Ms. Spletzer spoke in support of the ordinance stating the wage schedules are needed to properly manage expenses. She stated that she sponsored it so that all of Council could consider this ordinance thoroughly.

A motion to table the ordinance pending further consideration by all of Council.  
Moved by: Ms. Spletzer. Mr. Baryak advocated for discussion among Council prior to a motion being made. Seconded by: None

City Manager Priddy explained that the exhibits for this ordinance were received by her last week from the department supervisors. She spoke in support of the ordinance citing the need to increase employee retention. She spoke in support of the reduction of years of service required by any employee to reach the top of the pay scale and encouraged the scales for each department to display an equal number of salary steps. She asked Council to consider what other communities are paying similar positions when considering this ordinance.

Mr. Baryak spoke in support of an investigation regarding the pay scales and expressed support for tabling the ordinance to allow time to consider all information. He spoke in support of using employee evaluations to determine movement or non-movement on the pay scale. Mr. Baryak cautioned Council to take care when setting pay scales.

Mr. Housley stated this process started in February, 2022 and the intent was to examine the pay scales and present to Council what the heads of the departments believe is needed to attract and retain employees.

Ms. Stimpert asked if there was any data to show what the proposed increases would cost the city, like what was prepared when Council considered the police levy. Ms. Priddy stated that it could be calculated and shared with Council. Ms. Spletzer asked for Exhibit B to be shared electronically with all of Council. Mr. Housley verified that only the expenses for adjusting the pay scales in the Finance Department would be charged to the General Fund.

Mr. Fetterolf spoke in support of tabling the ordinance and an investigation of the implications of such changes on the city budget.

Ms. Spletzer stated her belief that the collection of all past pay ordinances have resulted in an overly-complicated system of pay for these departments. She hopes

to create a pay scale system that is more direct, streamlined, and all-inclusive of the varied, existing stipends.

Mr. Baryak stated his expectation that the current year budget will likely be amended at least once prior the end of the year. He stated that Council should know where the budget stands by the last meeting of the year.

Mayor Kline called for a motion to table the ordinance until the regular meeting on December 21, 2022.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

No further discussion.

Roll Call Vote: Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes  
The motion passed 4-0. The ordinance was tabled until December 21, 2022.

#### ORDINANCE 2022-54

*Sponsor: Councilperson Baryak*

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in support of the emergency clause citing long lead times to receive the necessary parts due to supply chain issues.

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

Mayor Kline called for a second motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

#### MOTION

A Motion for individuals living in Ward 4 that are interested in the Ward 4 open council position and wanting to send a letter of interest to the Clerk and the Mayor, the time is extended to November 15 at 3:00 pm.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

No discussion.

Roll Call Vote: Mr. Fetterolf-yes; Mr. Baryak-no; Ms. Spletzer-yes; Ms. Stimpert-yes  
The motion passed 3-1.

#### MOTION

A Motion to Adjourn into Executive Session

Mayor Kline call for a motion to adjourn into executive session for the reasons 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

- ☐ 6. Security Matters
- ☐ 7. Hospital Trade Secrets

- ☐ 4. Collective Bargaining Matters

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

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

- ☐ 9. Veterans Service Commission Applications

No motion was made.

## **XI. Public Comments**

Justin Miller – 214 Windham Road

As a recent move-in to Newton Falls, he expressed concerns with his neighbors and their alleged ongoing harassment of him and his family. He explained his approach to resolving the situation, including making reports to the police with video and audio evidence and seeking a restraining order. He expressed concern as he believes the Police Chief is disinterested in helping, and overall, that the police have stopped doing their jobs because they believe the department will be discontinued. He urged Council and/or City Manager to take action to resolve the situation for the safety of his family.

Trissa Menendez – Howland, OH

She identified herself as the yoga instructor and a former resident who has taught classes in city-owned buildings. She explained that Mr. Lynch, in 2020, said she could rent a space, was directed to another city official to make the arrangements, and paid a fee at that time. She expressed frustration that she (1) she did all that was asked of her in setting up her rental, (2) was removed from using the building without any notice of any changes in procedure and (3) was removed being given a chance to comply with any changes. She expressed how important her class is to her students and the overall community and she spoke against the City Manager.

Lyle Waddell – Myrtle Beach, SC

He stated that he stands by the information that he has stated earlier tonight and sent previously to Ms. Stimpert. He restated his belief that Mr. Baryak made a false statement regarding no grants being awarded to the city. He expressed support for the former zoning administrator. He stated that public records requests were going unfulfilled. He stated that he has documented 17 lawsuits against the city since 2020, with 11 lawsuits in 2022, 2 that he cannot find, and 2 that are pending for estimated 21 or 22 lawsuits that have been filed against the city.

Dave Hanson

Mr. Hanson spoke in support of the yoga instructor. He urged a salary evaluation of all the city administration. He spoke in support of higher wages for the village employees.

Adam Zimmermann – 515 Lemae Avenue

He spoke on many topics, including the cancellation of the zoning and planning committee due to a lack of an agenda being prepared by the City Manager, his support for the yoga teacher being able to use space at the Municipal Center, his concern about

the absence of producible records of past grants, his concern about letters from SCOPE being undated. He spoke in support of Ordinance 2022-49 and for property owners not being held accountable for the delinquent utility bills of their renters. He spoke in support of higher wages for village employees and frustration that it has taken so long since the process began in February for Council to discuss it.

Unidentified Member of the Audience – E. Broad Street

She spoke in support of automated notifications to landlords of delinquent utility bills at their properties. She spoke regarding the negotiations of health insurance and wondered the status of those negotiations.

## **XII. Closing Remarks**

Mr. Fetterolf spoke in support of not renting the Municipal Center to for-profit organizations and expressed frustration that no records were kept or retained by past administrations. He wondered about Mr. Waddell, a resident of SC, spending so much time at Council meetings and Mr. Waddell's motivations for doing so. He stated that the wage for water treatment laborers was aligned with that in Warren. He spoke against Mr. Zimmermann being a reliable source of information.

Mr. Baryak stated that a gas station was robbed, and the suspect was caught. He expressed gratitude to the police department and Ofc. John Barco for their efforts in that situation. He spoke in support of the regulation of ongoing rentals of the facility. He also stated his understanding that water and sewer rates are being reviewed and Council will have to consider the recommendation of the administration. He spoke in support of the citizens of Newton Falls and urged everyone to vote in the upcoming election. He expressed his belief that Council and Administration are working hard and his hope that people can appreciate how Council works together, especially tonight.

Ms. Spletzer encouraged citizens to go to the County website and view the ballot. She urged all to vote early. She added that Veterans Day is Friday, November 11 and the school is putting on a program. She urged all to attend.

Ms. Stimpert – no comments

Ms. Priddy – no comments

Mr. Bryan – He clarified that the city manager is not responsible for creating the agenda for the zoning and planning committee. He summarized that two zoning and planning meetings in October were cancelled. He offered to meet with the committee to assist them but did not receive a timely return call which prevented him from assisting. He stated that he has not been asked to assist but is happy to help, if requested. He requested a schedule of meetings for the planning and zoning committee and was told by Ms. Spletzer that they meet the first Tuesday of the month and Parks & Recreation meets on the fourth Tuesday of the month. She also stated that secretary of the Parks & Recreation Committee prepares their agenda.

Ms. Stimpert spoke in support of the revision of the city webpage to clearly delineate and distinguish between the roles of the Clerk of Council and the City Clerk.

## **XIII. Adjournment**

Mayor Kline asked for a motion to adjourn the regular meeting.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

The motion passed 4-0. The meeting adjourned at 7:56 pm.

APPROVED:

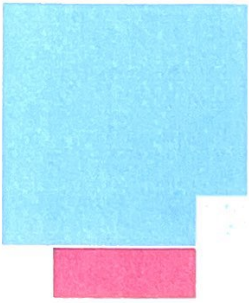
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Kenneth Kline, Mayor

ATTEST:

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Michael Acomb, City Clerk



Newton Falls Scope

Pam Priddy  
Newton Falls City Manager  
612 W. Broad St.  
Newton Falls, Oh 44444

Dear Mrs. Priddy,

Per your request. On about 80% of the time after the rentals of the great room and kitchen the center had to clean up after rentals. We have had to sweep floors on Monday morning. Empty garbage. Take down tables. Stack chairs. Move furniture back, some of the furniture is too heavy for us to move. (we are all over 60 years old)

Even after labeling SCOPES equipment and supplies. The people have used SCOPE to go containers, put together a drink dispenser that was boxed, unopen and marked. Have got into puzzles and games and did not put back in the order they found them.

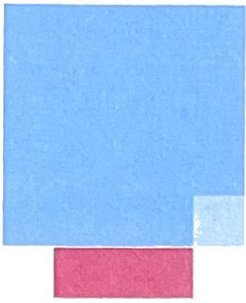
Ripped the paint off the wall in your building

It is a lot less work coming to work on Mondays if there hasn't been a party on that weekend.

Sincerely,

SCOPE

Chairs stacked more than 5 high -  
safety issues



Newton Falls Scope

Pam Priddy  
Newton Falls City Manager  
612 W. Broad St.  
Newton Falls, Oh 44444

Dear Mrs. Priddy,

Per your request. From the very first rental I have had issues about 90% of the time. A cooking sheet that heats the senior's lunches has been gone since the first rental. Over the course of time, two small trays had disappeared. A serving tray, a full box of gloves.

Then there is the mystery of where our utensils get put. They are told which cupboards & drawers they can use, but that makes no difference. They use what they want & never return the where.

Then there is the various food & drinks that are left behind. Plus the messy kitchen.

Sincerely,

TCOEa

oven on all weekend



**Village of Newton Falls Proclamation  
Honoring Raymond L. Hanzes  
For His Years of Service to His Country and Community**

**Issued by Mayor Kenneth Kline and Council as a Whole**

Whereas, Raymond L. Hanzes, of Newton Falls, Ohio, has led a life of service to his country, community, and veterans; and

Whereas, Mr. Hanzes enlisted in the Marine Corps at the age 18 and completed boot camp at Paris Island, South Carolina; and

Whereas, Mr. Hanzes spent 13 months on the front line in South Korea, where shrapnel from a mortar wounded his right arm and leg; and

Whereas, Mr. Hanzes earned a Purple Heart for bravery during a major conflict, was awarded the Korean Ribbon with three Battle Stars for being in three major battles, and received the United Nations Medal; and

Whereas, Mr. Hanzes served as the Commander of VFW Post 3332 for a total of 22 years, earning the Man of the Year Award in 2001 and 2014; and

Whereas, Mr. Hanzes made it his duty to visit his brothers in failing health so they would not be forgotten; and

Whereas, Mr. Hanzes volunteered to call bingo at American Legion Post 236 in Newton Falls for many years; and

Whereas, Mr. Hanzes served as President of the Newton Falls Senior Van Board, ensuring that seniors, the disabled, and veterans had low-cost transportation; and

Whereas, Mr. Hanzes recently passed away on October 28, 2022 at the age of 90; and

Whereas, the Mayor and Council wish to honor and celebrate Mr. Hanzes for his service to our country and community.

NOW, THEREFORE, the Council for the Village of Newton Falls hereby declares on this 16<sup>th</sup> day of November, 2022 that (month/day), shall be RAYMOND HANZES DAY in the Village of Newton Falls, honoring a life well lived in service to his country, community, and veterans.

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Mayor Kenneth Kline

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Councilperson Fetterolf

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Councilperson Baryak

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Councilperson Spletzer

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Councilperson Stimpert

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

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

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

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

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

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

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

PASSED IN COUNCIL THIS 16<sup>th</sup> DAY OF NOVEMBER, 2022

\_\_\_\_\_  
Kenneth A. Kline, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

## CHAPTER 929

### Sewer Rates

\* \* \*

#### **929.085 CHARGES A LIEN.**

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

\* \* \*

## CHAPTER 953

### Water Regulations

\* \* \*

#### **953.065 CHARGES A LIEN.**

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

\* \* \*

CHAPTER 960  
Storm Water Utility

\* \* \*

**960.04                    STORM WATER DRAINAGE FEE COLLECTION.**

\* \* \*

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

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-55  
SPONSOR: Councilperson Spletzer

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH OHM ADVISORS FOR ENGINEERING SERVICES FOR 2023  
AND 2024**

WHEREAS, Orchard, Hiltz & McCliment, Inc., dba OHM Advisors ("OHM"),  
presently provides engineering services for the Village; and

WHEREAS, the Village and OHM desire to enter into an agreement for the  
provision and cost of such engineering services for the 2023 and 2024 calendar years.

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

SECTION 1. That Council hereby authorizes the City Manager to enter into the  
attached agreement, or an agreement substantially similar thereto, with OHM Advisors,  
for the provision and cost of engineering services to the Village for the calendar years  
2023 and 2024.

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

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

\_\_\_\_\_  
Kenneth A. Kline, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

**RE: Village of Newton Falls – Engineering Services**

*Contract: 2023 & 2024*

*Proposal # 22282*

The following scope of services, price proposal, and schedule of services represent our understanding of the needs of the Municipality, based upon prior discussions, meetings, and/or additional information made available at the time of this proposal. We look forward to our role in your community.

**Proposal Outline**

Proposal Outline.....	1
Identification.....	1
Task #1    Municipal Engineering Services .....	2
Task #2    General Engineering Services (GES) (As Authorized) .....	2
Task #3    Professional Services Contracts .....	4
Task #4    Private Sector Development.....	5
Fee Schedule .....	6
Contract Term .....	7
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**Identification**

The parties of the Agreement shall be referred to within this document as follows:

- “Municipality” shall refer to the Village of Newton Falls, Trumbull County, Ohio
- “OHM” shall refer to Orchard, Hiltz & McCliment, Inc., dba OHM Advisors

## **Task #1      Municipal Engineering Services**

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- **Overview:**
  - OHM will provide a Professional Engineer, registered in the State of Ohio, as well as an Engineering Rep. to the Municipality for the purposes of handling the Village Engineer duties per Village Ordinance and also in accordance with the Scope of Services and Fee for Services listed below.
    - OHM shall perform these services as a private Consultant.
    - OHM is not a “Public Official” or “Public Employee”, nor does OHM have any supervisory control over any Municipality staff.
    - OHM shall report directly to the Village Manager, who will act in the role of Manager for OHM.
- **Scope of Services:**
  - This includes all Village Engineer duties as per Village ordinance.
  - This also includes all hours, duties, services, funding applications and/or reports listed in the Table on Page 3, which are marked with an “X”, denoting that those services are included in the price listed for Task #1 on the Fee Schedule.
  - 8 hour per week (average) @ (50 weeks/year) is anticipated to provide these services.
- **Fee for Services:**
  - OHM shall invoice monthly, in accordance with the Fee Schedule, for Task #1 services.
    - Fee shall be set for the entire calendar year of the contract and will not change, unless -
    - At the Municipality’s request, mutually agreed upon changes can be made to the fee and the scope of services for Task #1, by adjusting the services provided in Task #1 versus Task #2 in the Table on Page 3.

## **Task #2      General Engineering Services (GES) (As Authorized)**

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- **Overview:**
  - This Task has been provided in the proposal to allow the Municipality flexibility in determining what services are included in Task #1 versus what services are included as optional services under Task #2.
    - As described above, those services marked with an “X” under Task #1 (see Table on Page 3) shall be included in the fee for services under Task #1 Municipal Engineering Services.
  - Task #2, General Engineering Services (GES) allows the Municipality to contract with OHM for specific additional services, upon request of the Municipality.
  - The Table on Page 3 is intended to provide a list of typical services that the Municipality may need from OHM. This is not intended to be an all-inclusive list, but rather a guide as to the type of services that OHM can provide, upon request, along with the approximate fee for that service.
- **Scope of Services:**
  - At the request of the Municipality, OHM shall provide specific Task #2 services.
  - OHM shall prepare a scope of services and fee for the specific work requested by Municipality.
  - Upon authorization by the Municipality, OHM shall perform services in accordance with the scope, schedule, and budget proposed.
- **Fee for Services:**
  - OHM shall invoice monthly, for work completed on GES Contracts.

Task 1 (As Noted)	Task 2 (If Auth.)	Value (Approx.)	SCOPE OF SERVICES (For Task 1 & Task 2, As Marked with an "X")
			<b>Technical Advisor (16 Hours / Month)</b>
X		\$1,600 Per Month	Provide technical support to the Mayor, Council, and Administration on all engineering-related issues involving Municipality. Provide a monthly report to the Mayor & Council Coordinate with County, Regional, State, and Federal Agencies on all engineering-related issues involving Municipality.
			<b>Office Hours at Municipality (16 Hours/Month)</b>
X		\$1,600 Per Month	Coordinate with Municipality's Mayor, Administration, and Council Members on engineering-related topics pertinent to their department, ward, residents, etc. (hours will be performed on-site or Village as applicable) Attend Council, Committee, Planning, Zoning, BZA, and other Special meetings, at the request of Municipality.
			<b>5-year Capital Improvement Plan (CIP)</b>
X		\$400 Per Month	Maintain a 5-Year CIP for Municipality-owned Infrastructure <ul style="list-style-type: none"> <li>Develop Priority Levels, Sketches, Cost Estimates, &amp; Funding Sources</li> <li>Coordinate with Funding Agencies regularly to support the CIP</li> </ul>
			<b>Funding Applications</b>
X		\$500 Per Month (Per App)	To support the goals of the Municipality's CIP, Apply for Grants & Low Interest loans from various County, State, Federal and Regional Agencies. <ul style="list-style-type: none"> <li>Funding sources: CDBG, OPWC, ODNR, FEMA, EPA, OWDA, &amp; ODOT</li> <li>This effort allows Municipality to leverage local funds 3 to 4 times.</li> <li>Includes Application, Research, Concept Plan, Cost Estimate, etc.</li> </ul>
	X	\$TBD Per Month (Per App)	Some Funding Applications require Detailed Architectural Plans, Engineering Plans, Reports, and/or Certified Cost Estimates. The costs for these supporting documents can be significant.
			<b>Pavement Condition Ratings (PCR)</b>
	X	\$TBD	Maintain Pavement Condition Ratings of all streets in Municipality. <ul style="list-style-type: none"> <li>This supports Capital Improvement Planning, Funding Efforts, and planning of Annual Paving Programs. Results can be tailored to fit GIS, Asset Management Plans, and Cost Estimating programs.</li> </ul>
X		\$200 Per Month	<b>Annual Reports</b> The following annual reports are required for the Municipality: <ul style="list-style-type: none"> <li>EPA MS4 Storm Water Annual Report</li> </ul>
			<b>EPA MS4 Stormwater Management Program</b>
	X	\$2,000 to \$10,000 Per Month	Assist the municipality with EPA MS4 best management practices (BMPs) to stay in compliance with the annual permit. <ul style="list-style-type: none"> <li>Minimum Control Measures 1 thru 6 (as needed)</li> </ul>
			<b>Miscellaneous Services</b>
	X	TBD Per Request	This allows Municipality to utilize OHM in a variety of situations: <ul style="list-style-type: none"> <li>Mayor, Council, Department/Director Requests</li> <li>Emergency Infrastructure Issues, Flooding, Natural Disasters, etc.</li> <li>Specialty Design or Specialty Subconsultant hiring situations</li> </ul>
			<b>Private Sector Plan &amp; Construction Review</b>
N/A	N/A	TBD Per Request	Review plans and construction inspection for private sector developments within Municipality, in accordance with Local Ordinances. <ul style="list-style-type: none"> <li>See Task #4 Private Sector Developments for details (Page 5).</li> </ul>



### **Task #3 Professional Services Contracts**

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- **Overview:**
  - This task has been provided in the proposal to allow the Municipality to hire OHM under a separate contract, to provide Professional Services on public projects within the Municipality.
  - The Municipality shall follow its own selection process to contract with OHM for these services, or, in the alternative, may follow the QBS process to determine if OHM is the most qualified, to perform professional services for the specified contract.
- **Scope of Services:**
  - This Task covers Professional Services Contracts, such as:
    - Pre-Design Services (Survey, Environmental, Traffic, Geotechnical, Planning, etc.)
    - Reports & Studies (Flood Studies, Traffic Studies, Environmental Studies, etc.)
    - Architectural, Engineering, and Planning Design Services (Plans & Specifications)
    - Public Bidding & Award Services
    - Construction Administration, Management, Inspection & Testing (CA/CM/CI)
    - Criteria Engineer/Architect Services (per ORC 153.692)
    - GIS Services
  - Typical Architectural, Engineering, and Planning Design Projects requiring Professional Services:
    - Streets, Waterlines, Sanitary Sewers, Storm Sewers, Bridges and Culverts
    - Downtown redevelopment, trails, parks, and recreation
    - Police, fire, and administrative/municipal buildings, and facilities
    - Other publicly owned infrastructure projects
  - Professional Services Contracts shall have the following:
    - Detailed Scope of Services, Itemized Pricing, and Project Schedule
    - No work shall commence without written authorization to proceed by Municipality
- **Fee for Services:**
  - OHM shall invoice monthly, for work completed on Professional Services Contracts.
  - If changes in the Scope of Services for a project are made necessary, a revised price proposal and schedule shall be provided to Municipality for approval, prior to proceeding with the work.

## **Task #4 Private Sector Development**

---

- **Overview:**
  - This task has been provided in the proposal to allow the Municipality to hire OHM to perform plan review and construction inspection on private sector development projects within Municipality.
    - For Conflict of Interest reasons, OHM shall not perform services for private sector developments within Municipality.
  - OHM will utilize the Professional Review Account (PRA) Program to provide professional services representation on behalf of Municipality, for Private Sector Development Projects.
  - **Professional Review Account (PRA) Program Overview:**
    - OHM shall work with the Municipality to setup the PRA Account.
    - On behalf of the Municipality OHM shall:
      - Request an initial deposit to the PRA Account by the Developer/Owner/Representative
      - Request additional deposits to the PRA Account, throughout the duration of the project, as necessitated by project costs.
      - Grant no approvals until all requested deposits are made.
    - The cost of the PRA services shall be tracked and itemized for invoicing to Municipality.
    - Municipality shall pay OHM for such services via the PRA Account deposits.
    - In the event that Deposits are not received in a timely manner, Municipality and OHM shall work cooperatively to seek deposits via other means, including direct communications regarding past due deposits, stopping work on the project, collections, etc.
- **Scope of Services:**
  - On behalf of the Municipality OHM shall:
    - Review construction plans, plats, easements, surveys, etc., required for the construction of new developments, utilities, building additions, etc.
    - Provide construction administration services, including pre-construction meetings, shop drawing review, progress meetings, punch-list items, etc.
    - Provide construction inspection and testing services to verify that the public infrastructure is being constructed to Municipality standards.
    - Coordinate with the bonding companies and financial institutions to guarantee the proper completion of all construction.
- **Fee for Services:**
  - OHM shall invoice monthly, for work completed on Private Sector Development task(s).
  - This deposit-based system (PRA) assures that the Developer/Owner/Representative pays in advance for all professional services reviews. Since all fees should be paid via the PRA Account, there should be no net cost to the Municipality.
  - Fees to perform professional reviews and construction administration, management & inspection will be charged at OHM's standard hourly rates.

### Fee Schedule

<i><b>Task</b></i>	<i><b>Description</b></i>	<i><b>2023</b></i>	<i><b>2024</b></i>
<i><b>Task #1</b></i>	<i><b>Municipal Engineering Services</b></i>	<i><b>\$3,000 monthly \$36,000 annually</b></i>	<i><b>\$3,300 monthly \$39,600 annually</b></i>
<i><b>Task #2</b></i>	<i><b>General Engineering Services</b></i>	<i><b>Specific Contract for each Project (Separate Approval Required)</b></i>	
<i><b>Task #3</b></i>	<i><b>Professional Services Contracts</b></i>	<i><b>Specific Contract for each Project (Separate Approval Required)</b></i>	
<i><b>Task #4</b></i>	<i><b>Private Sector Developments</b></i>	<i><b>No Net Cost to Municipality (100% Developer Cost)</b></i>	

#### Executive Summary of Tasks:

**Task #1:** This includes the Village Engineer role, as outlined in Village Ordinance, and the scope of services outlined in this proposal.

**Task #2:** This includes those small tasks and small projects (under \$50k) that OHM, with its intimate knowledge of the Village and its infrastructure, can perform more efficiently and cost effectively than others, and therefore is to the benefit of the Village from the standpoint of cost savings and timely response.

**Task #3:** This includes the ability for the Village to hire OHM for the purposes of Planning, Design, and/or Construction Engineering Services on public infrastructure projects such as Buildings, Parks & Recreation, Streets, Public Utilities, and other publicly owned infrastructure or publicly funded projects of any type.

**Task #4:** This task provides for professional plan review and construction engineering services for Private Sector Developments within the Village.

### Contract Term

Contract Term shall be for two (2) consecutive calendar years, commencing on January 1, 2023 and terminating on December 31, 2024.

### Termination Clause

Upon 90 days advance written notice, either contracted party (Municipality or OHM), may request termination of the contract. The termination date shall be the last day of any month, a minimum of 90 days from the date of written notice. The timeframe shown in this Termination Clause shall take precedent and override the timeframe shown in the main agreement. All contract requirements and payment requirements shall apply through the final date of termination.

### Terms and Conditions

The Terms and Conditions attached herein shall be in effect for the entirety of the Contract Term shown above. The Terms and Conditions shall also be considered a part of any and all future contracts associated with Task #2, #3, and #4 for the duration of those contracts.

### Authorization

#### OHM Advisors



David G. Krock, PE  
Vice President

#### Village of Newton Falls

\_\_\_\_\_  
Village Manager

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
Date

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-56  
SPONSOR: Councilperson Fetterolf

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BETRAS, KOPP & MARKOTA FOR THE PROVISION OF LEGAL SERVICES TO THE VILLAGE ON AN AS NEEDED BASIS**

WHEREAS, the Village desires to enter into an agreement with a law firm for the provision of legal services to the Village on an as needed basis when requested; and

WHEREAS, Betras, Kopp, & Markota ("BK&M"), is a law firm located in Canfield, Ohio that has the experience, expertise, and ability to provide those services.

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

SECTION 1. That Council hereby authorizes the City Manager to enter into the attached Retainer Agreement, or an agreement substantially similar thereto, with BK&M, setting forth the terms and conditions for the provision of legal services to the Village on an as needed basis when requested.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that Council desires to have this agreement in place as soon as possible in case such services are needed promptly, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS 16<sup>th</sup> DAY OF NOVEMBER, 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.: 2022-57  
SPONSOR: Councilperson Baryak

**AN ORDINANCE AMENDING THE WATER RATES EFFECTIVE JANUARY 1, 2023**

WHEREAS, in 2020, the Village retained Arcadis to perform a Water Rate Study and provide rate recommendations for the years 2022 through 2026; and

WHEREAS, Arcadis performed the requested study in 2021 and made recommendations for rate amendments for the above years; and

WHEREAS, based upon the above study, the Village desires to amend the Water Rates in accordance with Arcadis' recommendations, effective January 1, 2023.

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

SECTION 1. That Council hereby and herein amends the Water Rates, effective January 1, 2023, as set forth in the attachment hereto that is incorporated herein by reference.

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

SECTION 3. That this Ordinance 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**  
**Water Rates**  
**Effective 1/1/2023**  
**Ord. No. 2022-57**

**Monthly Service Charge**

<u>Meter Size</u>	<u>Inside Municipal Limits</u>		<u>Outside Municipal Limits</u>	
5/8"	<del>\$18.17</del>	<u>\$19.26</u>	<del>\$25.41</del>	<u>\$26.93</u>
1"	<del>\$25.41</del>	<u>\$26.93</u>	<del>\$35.73</del>	<u>\$37.87</u>
1-1/2"	<del>\$32.69</del>	<u>\$34.65</u>	<del>\$45.76</del>	<u>\$48.51</u>
2"	<del>\$52.67</del>	<u>\$55.83</u>	<del>\$73.74</del>	<u>\$78.16</u>
3"	<del>\$199.75</del>	<u>\$211.74</u>	<del>\$279.66</del>	<u>\$296.44</u>
4"	<del>\$254.24</del>	<u>\$269.49</u>	<del>\$355.91</del>	<u>\$377.26</u>
6"	<del>\$381.34</del>	<u>\$404.22</u>	<del>\$533.87</del>	<u>\$565.90</u>

**Commodity Charge (Per 1,000 Gallons Per Month)**

<u>Gallons</u>	<u>Inside Municipal Limits</u>		<u>Outside Municipal Limits</u>	
First 8,000 gallons	<del>\$5.20</del>	<u>\$5.51</u>	<del>\$7.28</del>	<u>\$7.72</u>
Next 9,000 gallons	<del>\$5.18</del>	<u>\$5.49</u>	<del>\$7.24</del>	<u>\$7.67</u>
Over 17,000 gallons	<del>\$5.14</del>	<u>\$5.45</u>	<del>\$7.19</del>	<u>\$7.62</u>

**Sprinkler Systems (Fire Suppression)**

	<u>Inside Municipal Limits</u>		<u>Outside Municipal Limits</u>	
Flat Rate Per Month	<del>\$43.47</del>	<u>\$46.08</u>	<del>\$60.83</del>	<u>\$64.48</u>

**BULK WATER**

<u>Gallons Monthly</u>	<u>Rate</u>	
Less Than 49,999	<del>\$10.00</del>	<u>\$10.60</u> per 1,000 gallons
50,000 and Above	<del>\$8.56</del>	<u>\$9.07</u> per 1,000 gallons

**Flat Fee Debt Service Rider**

Flat Rate Per Month Per Benefit User	<del>\$5.37</del>	<u>\$5.69</u>
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VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-58  
SPONSOR: Councilperson Baryak

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER  
INTO AN AGREEMENT WITH TRUMBULL COUNTY/THE TRUMBULL COUNTY  
SHERIFF'S OFFICE FOR POLICE PROTECTION SERVICES**

WHEREAS, a tax levy for the benefit of police services was defeated by the Village electorate at the recent November 8, 2022 General Election; and

WHEREAS, due to the absence of Federal ARPA funds that can be used to offset police officer salaries going forward into 2023, the absence of police levy funds, the Village's difficulty with attracting and retaining police officers, and the current financial condition of the Village; Council desires to contract with Trumbull County/the Trumbull County Sheriff's Department for the provision of police protection services in the Village.

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

SECTION 1. That Council hereby authorizes the City Manager to enter into the attached Agreement, or an agreement substantially similar thereto, with Trumbull County/the Trumbull County Sheriff's Department, setting forth the terms and conditions for the provision of police protection services in the Village.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village for the reason that Council feels it is immediately necessary for the proper protection of persons in the Village and the operation of the Village, and therefore, this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article III, Section 21.



ORDINANCE NO. 2022-58  
PAGE TWO

PASSED IN COUNCIL THIS 16<sup>th</sup> DAY OF NOVEMBER, 2022

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Kenneth A. Kline, Mayor

Attest:

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Michael Acomb, Clerk of Council

Approved as to Legal Form.

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Bradric T. Bryan, Law Director

## AGREEMENT

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **Paul S. Monroe, Trumbull County Sheriff**, hereinafter referred to as “Sheriff” and **Village of Newton Falls**, hereinafter referred to as “Village,” witnesseth as follows:

**WHEREAS**, the parties desire to enter into a contract for police protection and service as authorized under Ohio Revised Code Section 311.29; and

**WHEREAS**, the parties desire to set forth in this Agreement the specific duties and responsibilities to be assumed by each party hereunder jointly and severally; and

**WHEREAS**, the parties desire to set forth the compensatory arrangement to serve as consideration for the basis of this Agreement;

**NOW, THEREFORE**, the parties agree as follows:

### **ARTICLE I** **Term of Agreement**

This Agreement shall become effective immediately upon the date first above written and shall be in full force and effect continuously throughout the twelve (12) months following, specifically from: December 1, 2022 through November 30, 2023.

### **ARTICLE II** **Terms of Service**

1. Sheriff agrees to furnish four (4) duly qualified deputies sheriff to provide police protection and service to all geographic locations under the jurisdiction and control of Village, specifically, to wit, such area known as Village of Newton Falls, Ohio, with the understanding that such deputies shall be subject to use by Sheriff in other locations within the county only in the event of times of emergency as shall be determined in the sole discretion of Sheriff.
2. Said deputies so furnished shall be trained by Sheriff in accordance with the provisions of the Ohio Peace Officers Training Council and as Sheriff otherwise requires. Supervision and discipline of said deputies shall be the responsibility of Sheriff.
3. Said deputies shall provide police protection and services to the residents of Village for a total of one hundred and sixty (160) hours per week with the time of the hours of work to be determined upon mutual written agreement of the parties hereto. Any overtime

required on an as needed basis shall be incorporated in and part of the contract price as set forth in Article III of this Agreement and not invoiced as additional hourly payment.

4. Sheriff shall on a monthly basis furnish Village with a monthly activity report showing the names of the deputies assigned, hours and dates worked, as well as a breakdown of the calls for service to which the deputies responded.

5. Sheriff shall provide the cruiser, equipment, uniform, side arms, regular standard equipment, and training for the deputies assigned to protect and serve the residents of Village and such shall be similar to that furnished for other deputies under the employ of Sheriff. Further, the costs of the provided cruiser, equipment, uniform, side arms, regular standard equipment, and training for the deputies assigned to protect and serve the residents of Village shall be incorporated in and part of the contract price set forth in Article III of this Agreement.

6. Any injury incurred by the assigned deputies while providing services for Village shall be processed through the Office of the Sheriff as part of the county coverage with the Ohio Bureau of Workers' Compensation. Further, all costs of worker's compensation coverage for the assigned deputies shall be incorporated in and part of the contract price set forth in Article III of this Agreement.

### **ARTICLE III**

#### **Compensation and Payment**

As consideration for the deputy services provided hereunder, Village shall pay to Sheriff the monetary value of those services and related costs, specifically, to wit: \$400,000.00 for a total of one hundred and sixty (160) hours of weekly dedicated service at the assigned deputies' hourly rate to include hazard duty, P.E.R.S, Medicare, life insurance, health insurance and longevity, as well as Sheriff's cost to provide the necessary cruiser, equipment, uniform, side arms, regular standard equipment, and training for the assigned deputies and related worker's compensation insurance costs. Payment for any overtime incurred by deputies providing such services shall be incorporated within the contract price and not separately invoiced.

All personnel benefits due and owing deputy sheriff personnel providing security services to Village shall be the responsibility of Sheriff, including but not limited to, specifically, to wit: clothing allowance, leave time earned, and any necessary unemployment compensation.

The payment due and owing Sheriff for the security services provided hereunder by assigned deputies shall be paid to the Trumbull County Treasurer, to be credited to a special fund to be known as the "sheriff's policing revolving fund," on a monthly basis in equal monthly installments.

**ARTICLE IV  
Termination**

Either party may terminate this Agreement at any time upon sixty (60) days' written notice transmitted by certified mail or by personal delivery to the other respective party. Payment made for services yet to be delivered shall be refunded by Sheriff to Village.

Notice shall be deemed delivered on the date of personal service or the date of mailing, if transmitted by certified mail.

**ARTICLE V  
Severability**

If any provision, or portion thereof, of this Agreement is, or becomes, invalid under any applicable statute or rule of law, it is to be deemed stricken and the rest of this Agreement shall remain in full force and effect.

**ARTICLE VI  
Governing Law**

This Agreement shall be governed by the laws of the State of Ohio.

**ARTICLE VII  
Non-Waiver**

Nothing in this Agreement, including without limitation the insurance provisions provided herein, shall in any way serve to supersede, waive, limit and/or otherwise affect any rights, privileges and/or immunities afforded to either party under applicable law, including but not limited to, those contained in Chapter 2744 of the Revised Code of the State of Ohio.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written and shall become effective as stated herein.

\_\_\_\_\_  
Paul S. Monroe  
Trumbull County Sheriff

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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Village of Newton Falls

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Witness

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Witness

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2022-59  
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.**

WHEREAS, it is necessary to make appropriations for the current expenses and other expenditures for the Village of Newton Falls, Ohio, for the fiscal year ending December 31, 2022; and

WHEREAS, this Ordinance has funding sources that originated after the original Certificate of Resources was issued; and

WHEREAS, the re-appropriations will require an update of the Certificate of Resources to be filed with the Trumbull County Auditor.

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

SECTION 1. That "Exhibit A" attached hereto as if fully rewritten herein amends "Exhibit A" of Ordinance 2021-37 and shall be the appropriations for the funds designated for the fiscal year ending December 31, 2022 for the Village of Newton Falls. Any funds not listed in this exhibit shall remain intact as previously amended or as listed in Ordinance 2021-37.

SECTION 2. That the Village Director of Finance is hereby authorized to draw warrants on the Village Treasury for payment of the foregoing appropriations, upon receiving proper certification and vouchers thereof, and no salaries or wages shall be paid except to persons employed by authority of and in accordance with law or ordinance.

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Newton Falls for the reason that this Ordinance is required by law and is immediately necessary to permit expenditures related to the provision of Village operations and services, and that this Ordinance shall take immediate effect upon its passage, pursuant to Newton Falls Charter Article V, Section 21.

PASSED IN COUNCIL THIS 16<sup>th</sup> DAY OF NOVEMBER, 2022

\_\_\_\_\_  
Kenneth A. Kline, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director

CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
100	General Fund			
POLICE				
Personal Services	Legal Level	378,694.96	461,694.96	83,000.00
Other Operations	Legal Level	132,200.00	133,000.00	800.00
	Total:	510,894.96	594,694.96	83,800.00
Police Support				
Personal Services	Legal Level	14,560.00	14,560.00	-
Other Operations	Legal Level	30,000.00	36,900.00	6,900.00
	Total:	44,560.00	51,460.00	6,900.00
FIRE				
Other Operations	Legal Level	73,037.00	72,963.00	(74.00)
	Total:	73,037.00	72,963.00	(74.00)
ZONING				
Other Operations	Legal Level	42,500.00	37,500.00	(5,000.00)
	Total:	100,244.97	95,244.97	(5,000.00)
CITY ADMINISTRATION				
Personal Services	Legal Level	40,274.71	39,892.51	(382.20)
Other Operations	Legal Level	53,706.07	55,472.59	1,766.52
	Total:	93,980.78	95,365.10	1,384.32
Council				
Other Operations	Legal Level	16,855.02	15,329.28	(1,525.74)
	Total:	26,383.65	24,857.91	(1,525.74)
FINANCE				
Personal Services	Legal Level	70,051.62	67,822.76	(2,228.86)
Other Operations	Legal Level	25,125.63	34,137.30	9,011.67
	Total:	95,177.25	101,960.06	6,782.81
BOARDS & COMMISSIONS				
Personal Services	Legal Level	800.00	200.00	(600.00)
	Total:	1,100.00	500.00	(600.00)
LAW				
Other Operations	Legal Level	89,395.05	83,335.71	(6,059.34)
	Total:	129,335.68	123,276.34	(6,059.34)
BUILDING & LANDS MAINTENANCE				
Other Operations	Legal Level	506,986.40	477,986.40	(29,000.00)
	Total:	542,017.40	513,017.40	(29,000.00)
TRANSFERS OUT				
Other Operations	Legal Level	203,067.00	188,067.00	(15,000.00)
	Total:	203,067.00	188,067.00	(15,000.00)
100	Total:	2,460,026.69	2,501,634.73	41,608.04
220	SPECIAL LEVY POLICE			
Personal Services	Legal Level	17,634.00	16,474.00	(1,160.00)
220	Total:	17,950.00	16,790.00	(1,160.00)
223	COURT GENERAL SPECI			
Other Operations	Legal Level	10,000.00	12,240.00	2,240.00



CITY OF NEWTON FALLS		2022 Current Appropriations	2022 Proposed Appropriations	Difference
223	Total:	49,539.00	51,779.00	2,240.00
224	COURT SECURITY/DIVE			
Other Operations	Legal Level	5,000.00	5,410.00	410.00
224	Total:	5,000.00	5,410.00	410.00
234	ONE OHIO OPIOID SET			
Other Operations	Legal Level	-	3,155.00	3,155.00
233	Total:	-	3,155.00	3,155.00
501	WATER OPERATING			
Other Operations	Legal Level	678,100.00	707,750.00	29,650.00
501	Total:	1,164,450.00	1,194,100.00	29,650.00
502	SEWER OPERATING			
Other Operations	Legal Level	946,520.00	1,031,446.59	84,926.59
502	Total:	1,433,830.00	1,518,756.59	84,926.59
514	UTILITY OFFICE			
Other Operations	Legal Level	85,800.00	116,400.00	30,600.00
514	Total:	244,331.00	274,931.00	30,600.00
Grand Total:		17,625,414.41	17,816,844.04	191,429.63

Note: Amounts Exclude 12/31/2021 Outstanding Encumbrances, which is a change from prior appropriations measurers.

VILLAGE OF NEWTON FALLS, OHIO  
RESOLUTION NO.: 44-2022  
SPONSOR: Councilperson Fetterolf

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PERMIT THE NEWTON FALLS AA GROUP LED BY ROBERT ROBINSON TO UTILIZE THE VILLAGE HALL LOBBY SPACE FOR ITS MEETINGS AND SETTING A FEE THEREFOR**

WHEREAS, the Newton Falls AA Group led by Robert Robinson has met at the Newton Falls Village Hall building for the past several years; and

WHEREAS, the above group desires to continue to meet at Village Hall in 2023, 2024, and 2025; and

WHEREAS, Council feels the aforementioned meetings are an asset to the community and constitute a worthy use of Village Hall.

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

SECTION 1. That Council hereby authorizes the City Manager to permit the Newton Falls AA Group led by Robert Robinson to utilize the Village Hall great room space outside of the Council Chambers on Thursday nights from 6:30 p.m. to 9:30 p.m. The fee payable to the Village for the Newton Falls AA group's use of the Village Hall great room space in 2023, 2024, and 2025 shall be \$50 per month.

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

SECTION 3. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 16<sup>th</sup> DAY OF NOVEMBER, 2022.

\_\_\_\_\_  
Kenneth A. Kline, Mayor

Attest:

\_\_\_\_\_  
Michael Acomb, Clerk of Council

Approved as to Legal Form.

\_\_\_\_\_  
Bradric T. Bryan, Law Director