



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, December 21, 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	Kevin Rufener
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**

Swearing-In Ceremony – Kevin Rufener - Ward 4 Councilperson
 Newly Appointed by Mayor Kline

- 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 of December 7, 2022.
- VIII. Public Hearings**
- IX. Unfinished Business**
- 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

ORDINANCE 2022-61

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING THE ELECTRIC RATES ADDING A FIXED MONTHLY DEBT SERVICE CHARGE

MOTION

Sponsor: Councilperson Spletzer

A Motion to consider the request from the Verlay Condominium and Verlay II Condominium Associations to Accept East River Road, which Is Currently a Private Drive, as a dedicated Village Street.

MOTION

Sponsor: Councilperson Stimpert

A Motion to discuss the open seat on the Joint Newton Falls Fire District Board.

RESOLUTION 46-2022

Sponsor: Councilperson Spletzer

A RESOLUTION ESTABLISHING THE ANNUAL OPERATING BUDGET AND SETTING FORTH THE APPROPRIATIONS FOR 2023

RESOLUTION 47-2022

Sponsor: Councilperson Baryak

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE VARIOUS CONTRACTS WITH PAN AMERICAN INSURANCE GROUP FOR EMPLOYEE HEALTH CARE INSURANCE AND BENEFITS

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 2022-62

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS SPECIFIED HEREIN FOR THE PURCHASE OF CHEMICALS NEEDED BY THE VILLAGE OF NEWTON FALLS WATER PLANT FOR THE CALENDAR YEAR 2023.

ORDINANCE 2022-63

Co-Sponsors: Councilpersons Spletzer, Baryak, & Fetterolf

AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE AND REQUESTING THAT SAID AMENDMENTS BE CERTIFIED TO THE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE MAY 2, 2023 PRIMARY/SPECIAL ELECTION BALLOT

ORDINANCE 2022-64

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT SERVICES, INC. FOR THE ADMINISTRATION OF THE RLF HOME REPAIR PROGRAM

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



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, December 7, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS		CITY ADMINISTRATION	
Ward 1	Gideon “Bud” Fetterolf	City Manager	Pamela Priddy
Ward 2	John Baryak	Law Director	Brad Bryan
Ward 3	Tesa Spletzer	Finance Director	Sean Housley
Ward 4	VACANT	City Clerk	Michael Acomb
At- Large	Julie Stimpert		
Mayor	Kenneth Kline		

I. Call to Order

Mayor Kline called the meeting to order at 6:01 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent: None

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

Staff Absent: None

Mayor Kline announced that Ordinance 2022-61 would be removed from the agenda because an incorrect version was provided to the public.

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

Mayor Kline read the proclamation in its entirety.

Mayor Kline called for a motion to make the proclamation.

Moved by: Ms. Stimpert

Seconded by: Ms. Spletzer

Mr. Baryak, as a fellow Marine stated his appreciation for Mr. Hanzas. Mr.

Fetterolf recalled his memories of Mr. Hanzas and expressed his respect. He thanked Mrs. Hanzas for allowing Council to provide the recognition. Mayor

Kline expressed his respect and thanks to Mr. Hanzas for his service and sacrifice.

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

The motion passed 4-0.

V. Public Comments (Agenda Items Only)

Brenda Persino – Oak Knoll

She asked Council to table Ordinance 2022-58 and called for Town Hall Meeting. She urged Council to solicit feedback from all members of the police department.

Unidentifiable Resident

She spoke of several concerns regarding Ordinance 2022-58, including a Chief Fixler not being consulted and that homeowner's insurance rates would increase 25-30% without a police department.

Unidentifiable Resident

As a long-time resident, she spoke in support of the police department and against Ordinance 2022-58. She spoke on several topics including, a recent meeting regarding the police department may have violated the Sunshine Law, the status of current Chief of Police, and the future of the current assets from the Newton Falls police department if it were to no longer exist. She spoke against the City Manager. She spoke against the Trumbull County Sheriff's Department. She spoke in support of maintaining security in the schools.

Justin Christopher - Newton Falls Schools Interim Superintendent

He thanked the police department for their partnership. He spoke in support of the school resource officers in the high school and urged Council to find a way to maintain the SROs.

Dan Skinner – 109 Windham Road

He summarized recent break-in attempts at his place of business. He cited faster response times between the police compared to the Sheriff. He stated his belief that the County would not protect the Village the same as the Newton Falls Police Department. He expressed appreciation for his staff and Ofc. Steve Lyden in helping to prevent a potentially illegal sale of a firearm to a person with allegedly bad intentions. He spoke in support of the school resource officers.

Julie Lemon – 609 Ridge Road

She spoke in support of the police department and against Ordinance 2022-58. She urged and advocated for Council to revisit keeping a smaller version of the current police department. She urged Council to table Ordinance 2022-58 until an option that includes keeping the department can be identified.

Phillip Beer – 509 Ravenna Road

He spoke in support of the police department and against Ordinance 2022-58. He stated his belief that the Charter states that Council must provide a police department that is led by a Chief, who holds sole power over his department. He spoke against this Council's management of money. He spoke in support of reducing the police department, but not eliminating it without a vote of the people.

Adam Zimmermann – 515 Lemae Avenue

He noticed that Ordinance 2022-56 was mistakenly included in the agenda packet. He spoke against Ordinances 2022-60 and 2022-58. He spoke about the difference in perceived quality and timeliness of records requests placed in Windham vs. Newton Falls. He urged Council to listen to the Windham Police Chief speak tonight regarding his proposal to provide police services. He stated that the City Manager does not have authority to form a police committee. He urged Ms. Spletzer to abstain from voting on legislation related to the police department. He

pledged his allegiance to Chief Fixler.

John Richards – 212 Albert Street

He urged Council to treat the voters with respect. He spoke in support of those residents who voted against the levy and who cited inflation and economic hardships for their vote. He spoke against Ordinance 2022-58 and urged Council to review other options for keeping the police department. He cited that the county is supporting the Sheriff's department with federal funds the same way that Newton Falls did in the past. He warned that Council will be held in infamy for disbanding the police department.

Chelsea Harper – 515 High Street

She spoke against Ordinance 2022-58 and in support of keeping the police department and school resource officers.

Richard Zamecnik - 242 Oak Knoll

As a former two-term councilperson, he recounted his experience and the hiring of Chief Fixler. He spoke in support of partnering with Windham instead of the County for police services due to financial trouble in the County budget. He urged Council to include the current chief in the decision. He spoke against raising water rates. He wanted to know why the Village is struggling financially when it seemed that there was plenty of money in the past.

Tracy Hurst – 613 Ophelia Avenue

She urged Council to conduct further research regarding the proposal from Windham for police services. She urged Council to retain all Village-owned police-related assets in case any future agreement needs to be cancelled. She urged Council to accept information that may be presented from the public. She spoke in support of the possibility of a part-time police department.

Jeff Derry – 217 Bane

He urged Council to fully consider a partnership with Windham for police services. He stated the expectations of the public to receive explanations and hoped that a decision to disband the police department is not retribution for not passing a levy.

Carolyn Flynt – 16 Grant Street

She urged transparency and expressed concern about a lack of information to the public. She spoke about many other topics, including the perceived poor performance of the current village prosecutor, negative views of the sheriff contract, and concerns with Newton Falls officers patrolling the Village alone. She urged for better communication from the administration and Council.

James Williamson – Newton Falls Joint Fire District Chief

He spoke in support of the police department. He stated that EMTs and firemen will not enter a scene until it is deemed to be safe by an officer of the law. He urged Council to explore all options to keep the local police department intact.

Christopher Granchie – 14 East Broad

He spoke in support of the police department and alleged that Council and the administration fabricated a budget problem with the police department stating further that such problem did not exist until new taxes couldn't be passed. He admonished Council for not serving the community.

Brian Kropp – 247 Elizabeth Street

He spoke against 2022-58 and 2022-60. He spoke against City Council stating an overall lack of support for them by himself and the community. He spoke against the ordinances alleging a concerted effort to prevent Chief Fixler from returning to the police department and a personal vendetta against Chief Fixler by the city manager.

Samantha Kropp – 247 Elizabeth Street

She continued to read Mr. Kropp's prepared statements. She alleged that a proposal from Windham to provide police services has been suppressed for weeks and that members of Council have refused to consider it. She stated that Council has lost the faith of the people due to alleged violations of their oath. She demanded the resignations of all members of Council, except Ms. Stimpert.

Don Placer - 342 Oak Knoll Avenue

He spoke against the Ordinances 2022-58 and 2022-60. He spoke against the recent treatment of the police officers by the city manager. He stated his belief that the police officers are no longer performing their duties at the direction of the city manager. He stated his belief that the levy was designed to fail so that Council could cut the police department. He urged council to represent the wishes of the public and remove the city manager from her position or resign immediately.

Harold Firster - 3440 West River Road

He identified himself as a retired agent of the Trumbull County Sheriff's Office. He urged Council to slow down and be sure that every alternative has been thoroughly vetted before dissolving the police department adding caution that the action cannot be undone.

Unidentifiable Resident – 216 Ashlynn Court

She spoke in support of Chief Garinger and the Windham PD. She expressed concern that Council seems to not be listening to the public. [A member of the audience disrupted the meeting. He and another member of the audience were removed from Council Chambers]. She expressed frustration with the disruption that interrupted her speech tonight. She expressed disappointment in Council for not considering support from Windham as an option for Newton Falls. She addressed the city manager directly and admonished her for poor leadership. She cited less safety and lower property values as reasons to not disband the police department.

Nathan Lueders – 1674 Campbell Road

He spoke in support of the police officers present at the meeting.

Jamie Kline – 312 Ridge Road

She stated that Chief Fixler should be kept, any criminal charges against Newton Falls police officers should be dropped, Windham should be considered to provide police services, and \$400,000 from the police budget for next year should be spent according to the wishes of the public.

Steve Simpson – 420 Ravenna Road

He spoke in support of the police department in Newton Falls and against the Trumbull County Sheriff's Department citing slow response times by the Sheriff, including the length of time it took to arrest a Newton Falls resident in recent case of child abuse.

Denny Cottrell – 16 Grant Street

He spoke on many topics, including support of the Newton Falls Police Department and his preference to have a part-time department, better communication from council and

administration citing Facebook as a poor source of information, and against Interim Chief Foor who is rumored to have stated publicly that he will not work and is telling everyone that the police department will no longer protect and serve the community. He spoke against the Trumbull County Sheriff's Department being able to effectively protect the citizens.

Unidentifiable Resident - Mahoning Court

He stated that a robbery occurred last night because no officers were on duty. He urged Council to keep the police department to ensure safety of the public. He stated his respect for the police department.

Chief Garringer – Windham Police Department

Chief Garringer stated the reasons he approached the village administration to provide police services. He explained his experience as an officer and stated his belief that once a department closes, it never re-opens. He expressed his intentions to support Newton Falls until the village can afford to maintain a department. He stated that he has the blessing of the Windham mayor, and City Council to engage in discussions with the intent of helping the Newton Falls Police Department. He expressed hope that an agreement can be reached.

VI. Reports

a. Mayor

b. Council Members

- i. Ward 1 – Mr. Fetterolf attended a TIB meeting and expressed that the investments are performing. He expressed support for the finance director. The Planning and Zoning meeting discussed the sign ordinance and the treatment center/addiction houses legislation. He expressed his belief that Council wants a Newton Falls Police Department and he supports the officers, particularly as a former officer. He stated that Council has looked at many options and the money is not available to maintain the department. He urged people to support money-based solutions, including a levy or an income tax. He stated his belief that the sheriff department provides the most value for the money at this time.
- ii. Ward 2 – Mr. Baryak stated Ms. Priddy's leadership has resulted in the Pasquale property being completely mitigated. He stated that annexation will occur and the ground will be broken in the Spring. He spoke about Congress Park which received a grant. He stated that grants are being secured. He referred to the budget reports from the finance department and stated that Council will present the numbers that support a lack of funds. He stated that Council has had this information for over a month. He spoke in support of those that voted no for the levy due to hardship. He summarized how \$400,000 dollars isn't enough to run the police department with benefits and pensions. He expressed the desire to get the most value for the Village. He stated that the police department is not being dissolved and that it can be brought back.
- iii. Ward 3 – Ms. Spletzer stated that the November 22 meeting for Parks and Recreation was cancelled due to a lack of quorum. She attended the TIB meeting and agreed that the investments are performing favorably. No changes in the investment strategy are warranted at this time.
- iv. At-Large – Ms. Stimpert stated that the Fire Board will hold a meeting on Tuesday, December 27 at 6pm at the Township building. When asked by

Mr. Baryak, she stated that she informed Council about a bathroom upgrade at a station several months ago.

- c. Finance Director
 - i. Mr. Housley stated the November is closed and Council has the reports. He continues to implement the 2022 Tax Program. He is working Saturdays to call residents. He urged residents to call RITA directly and work out the issues if they can.
- d. Law Director
 - i. No report
- e. City Manager
 - i. No report

Changes To Tonight's Agenda

Mayor Kline called for a motion to add a motion to research and create a plan to be presented at the next meeting to operate a part-time police department based on the available budget until the police levy can be placed back on the ballot for the May 2023 election. Ms. Stimpert asked if a town hall meeting could be held. Mayor Kline replied that a caucus could be held prior to the meeting. Ms. Stimpert expressed concern about the words "part-time". The Mayor responded that the intent would be to operate a department with the available money. Ms. Stimpert stated a desire to allow the voices of all members of Council to be heard.

Moved by: Ms. Stimpert

Seconded by: None

VII. Approval of Previous Minutes

Mayor Kline called for a motion to approve the Regular Meeting Minutes of November 16, 2022.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

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

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

No comments.

ORDINANCE 2022-57

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING THE WATER RATES EFFECTIVE JANUARY 1, 2023

No comments.

IX. Unfinished 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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

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

ORDINANCE 2022-57

Sponsor: Councilperson Baryak

AN ORDINANCE AMENDING THE WATER RATES EFFECTIVE JANUARY 1, 2023

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

X. New Business

MOTION

Sponsor: Councilperson Stimpert

A motion to direct the Council Clerk to advertise immediately to the residents of Newton Falls via the website and social media and to accept letters of interest addressed to the Council Clerk and/or Mayor until 4:00 pm on December 15 for the open board member seat on the Newton Falls Joint Fire District Board for the open term beginning on January 1, 2023 and ending on December 31, 2025.

Mayor Kline call for a motion to pass to the motion.

Ms. Stimpert explained that the morale of the employees in the Joint Fire District is excellent, and she hopes that a resident will submit application. Ms. Spletzer asked for clarification, and it was stated by Ms. Stimpert that this advertisement is to fill the seat vacated by Mr. Irons.

Moved by: Ms. Stimpert

Seconded by: Ms. Spletzer

No further discussion.

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

RESOLUTION 45-2022

Sponsor: Councilperson Spletzer

A RESOLUTION AUTHORIZING THE TRUMBULL COUNTY AUDITOR AND/OR TREASURER, IN THE YEAR 2023, TO ADVANCE TO THE VILLAGE MONIES TO WHICH THE VILLAGE IS ENTITLED FROM THE PROCEEDS OF TAX LEVIES FOR THE TAX YEAR 2022

Mayor Kline called for a motion to pass the resolution.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer explained that the resolution would allow the Village to make an application to receive money early and prior to April 2023.

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

The resolution passed 4-0.

ORDINANCE 2022-58

Sponsor: Councilperson Baryak

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TRUMBULL COUNTY SHERIFF FOR POLICE FUNCTIONS AND PROTECTION SERVICES

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

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Ms. Stimpert expressed concern no citizen shared support for this ordinance tonight. Citing not having enough information to vote, she spoke against the ordinance. She stated that her recent requests for more information went unanswered. Ms. Priddy stated that the committees are set, and those committees must bring issues and information to Council, which is what is being done tonight. She announced that Mr. Baryak is on the "police committee" and Mr. Fetterolf is on the "admin/finance committee". Mr. Baryak stated that the budget has been available for months and no questions have been raised until tonight. Ms. Stimpert stated that a committee might have reviewed the budget and the options; but she hasn't been educated and the people need to be educated before a vote should take place. Mr. Baryak stated that it has been known publicly since January that the Village only had enough money for this year. Mr. Baryak asked the city manager to speak. Mr. Fetterolf agreed with Mr. Baryak. He stated further that the committees worked hard to consider all options and included the finance director in those discussions.

Mayor Kline called for a motion to waive council rules to allow more than three (3) minutes to Ms. Priddy for her remarks on the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No further discussion.

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

The motion passed 4-0. Council rules were waived.

Ms. Priddy invited the law director and the finance director to speak up at any time. She stated that the Public Safety Committee has been fully engaged and informed and that Ordinance 2022-58 is the recommendation of that committee. She presented the various options (Included with the minutes) which included the following: (1) A part-time department of 3 officers that provides 120/168 hours per week of coverage costs \$528,472.98; (2) a part time department with 2 officers that provides 80/168 hours of coverage costs \$424,884.98; (3) the Trumbull County Sheriff that provides 160/168 hours of coverage costs \$400,000. She summarized the value added features offered by the Sheriff's Department only, including meeting the budget requirements, swat team, detective unit, crisis intervention team, dive team, 24 hour supervisor, Trumbull County 911, and a willingness to hire Newton Falls officers; and (4) the Windham Police Department provides 168/168 hours of coverage and costs \$603,000 without the value added features offered by the Sheriff.

Regarding a part-time department, she stated that the costs do not include holidays, vacations, coverage for time off, etc.... The law director spoke against part-time department citing (1) liability issues, including the difficulty to in operating part-time department citing that very few communities do it; (2)

finding and retaining officers is a problem everywhere, and (3) mutual aid agreements would likely become very difficult to maintain or may incur charges from the other community. Ms. Priddy stated that this problem has been reviewed and studied continually. She spoke in support of the Newton Falls Police Department and the goal of keeping the police department intact. She shared the 2023 election schedule and urged that the next two meeting agenda need to have with a police or income tax levy on it to keep the police department. She stated her belief that the police department could be brought back with passage of a levy and that any agreements for 2023 could be cancelable so that can happen. She stated further that no assets would be turned over to the County. She urged council to choose an option, including the consideration of a new tax, as they have been presented and as soon as possible. The law director stated that the police department has been dependent on CARES Act money which no longer exists. Mr. Baryak asked if the county would hire the Newton Falls officers. It was stated that the county agreed they would need to apply but would be given preference. Mr. Baryak reiterated that any agreement could be cancelled with 60 days' notice. Ms. Spletzer reiterated that a part-time department of 3 officers that provides 120/168 hours per week of coverage costs \$528,472.98

Ms. Stimpert asked for full list of committee members who considered these options and if that list contained any active or retired officers. She stated her belief that a proper committee should include those people. She also stated that if many questions remain about the Windham option, then why aren't those being answered before Council is being asked to decide. She asked many questions about the sheriff department proposal, including (1) will the Sheriff respond if called?, (2) aren't all the value added options offered by the Sheriff available anyway?, and (3) in what place in the order of business does the Sheriff prioritize road patrol?

Mr. Fetterolf stated that Mr. Baryak, Mr. Fetterolf, Ms. Priddy, Mr. Bryan, and Mr. Housley were the members of the committees. He stated that the Sheriff will hire Newton Falls officers and the High School SRO will be billed in-full to the county sheriff. He pointed out that Windham is in different county, on a different radio system, including the inefficient management of 911 calls for this community. He urged the public to pass as income tax. Mr. Housley stated that 168 hours of coverage costs approximately \$900,000. Mayor Kline spoke against Ordinance 2022-58 citing concerns with getting officers back if they are hired by other departments. He warned this would happen and urged the public to pass something at the ballot. Mr. Housley added that operationally there are no substitutes to cover vacations and sick leave or competitive wages available to the Newton Falls officers. He stated that a staffing dilemma exists with a part-time department and Windham and Trumbull County are the only viable options to provide coverage. Mayor Kline is afraid for the schools, and he advocated for a levy in May. A resident asked where the money will go if a levy passes. The law director clarified that the levy funds are restricted to be used for police department operations.

Mayor Kline called for a motion to to reinstate council rules.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

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

The motion passed 3-1.

Ms. Stimpert asked if the active are lawsuits being paid from the police department budget, including any legal fees. Mr. Housley stated he would need to audit the trail; but stated his belief that expenses for Mr. Schrader, former law director, may have been potentially charged to the police budget because he performed some services on behalf of the police department and a detailed review of invoices would have justified it. Other than that, he stated his belief that no legal fees are being paid from that budget.

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

Seconded by: Ms. Stimpert

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

Adam Zimmerman – 515 Lemae Avenue

Unidentifiable Resident

Tracy Hurst – Ophelia Street

Samantha Kropp – 247 Elizabeth

She attended the Zoom TIB Meeting and alleged it to be an illegal meeting. She stated her belief that the committee meetings haven't been publicly noticed. She spoke against the law director, city manager, Councilperson Baryak, and Council, in general. She suggested that a town hall meeting should have been held to handle the presentation from tonight. She spoke in favor of public participation in the decision-making process. The law director stated that the TIB heard a presentation from the Village's investment adviser via Zoom for the convenience of the Meeder Group, no action was taken, and it was a presentation for the benefit of the Board. The meeting was publicly noticed, published, and the public had access to the meeting.

Jamie Kline – Ridge Road

She spoke against Council's action on Ordinance 2022-58 and their discussion of other topics when the police department is at risk of being lost.

Dave Hanson – 27 Canal

He presented a copy of the audit and cited various budget numbers. He spoke against increased taxes. He spoke against the law director, the finance director, and the city manager.

Julie Lemon – 609 Ridge Road

She spoke against the passage of 2022-58 and in support of the Charter changes that will take effect regarding the usage of emergency ordinances by Council.

Chris Granchie – 14 E. Broad

He advised Council that the community does not trust Council. He stated his belief that their resignations, except Ms. Stimpert, would pass any levy. He addressed Mr. Baryak directly regarding past executive session discussions. He made allegations that caused in his resignation from Council. He stated his belief that Ordinance 2022-58 did not pass and asked for clarification on that point.

Nick Kepich – 512 South Canal

He holds a position on the commerce association and owns a business in town. He commented on the unity of the village residents on the police department. He spoke against the presentation and the way it was shown to the audience. He encouraged council to consider the long-term effects of their decisions.

Jessica Donato – 520 West River Blvd.

She expressed concern with the community and its behavior. She moved from Chardon and is worried about school shootings without the Newton Falls Police Department.

Jeff Derry – 217 Bane

He stated that levies don't pass when Council can't be trusted. He stated confusion with how the police was funded prior to ARPA money and wondered where that money has gone. He also stated his belief that as citizen wages increase, so does local tax funding; so where is the money?

Brian Kropp – 247 Elizabeth Street

He cited a state law and stated his belief that teleconferences are illegal. He spoke against the finance director and the law director.

Unidentifiable Resident - Employee of the Newton Falls Schools

She expressed her worry about the kids' safety without an SRO. She expressed embarrassment and prays for safety in Newton Falls.

Tim Stinson – 253 Arlington

He asked why the village investments cannot be used to pay for a police department. He stated his belief that the police levy was worded strangely. He stated his understanding that a successful levy would not have generated enough to pay for the

police department. He encouraged Council to repeal 2022-58 and sell the investments. Mr. Bryan stated that the certificate for the failed levy was for \$260,000 and an emergency ordinance requires a $\frac{3}{4}$ affirmative vote of Council pursuant to the Ohio Supreme Court and the Newton Falls Charter. He affirmed the passage of 2022-58

Sandra Novotny – 231 S. Center Street

She spoke against Council, alleged that they ignored her letter of interest in the 4th Ward Seat on Council, and distributed a copy of her letter of interest.

Tom Carson – 4196 Salt Springs

He asked the Law Director to say when the last day of the police officers will be. Ms. Priddy stated that it would be December 31, 2022 based on the January 1, 2023 agreement with the sheriff department.

Unidentifiable Resident – 216 Ashlyn Court

She expressed appreciation for Mayor Kline and Ms. Stimpert as she feels that they listen to the public. She expressed disappointment that Windham was not considered legitimately. She called for a town hall meeting where the representatives from the county and Windham can speak to the facts. She alleged wrongdoing and lying by Council and the administration.

Chelsea Harper - 515 High Street

She apologized for yelling earlier. She spoke in support of the police officers and expressed disappointment in Council and its decisions regarding the police department and other staff related decisions. She spoke against the Trumbull County Sheriff Department. She expressed her belief that a failed levy was presented as a threat to the public.

Nate Lueders – 1674 Campbell Road

He summarized a previous experience with the sheriff's department in which they did not show up when called. He expressed concern for the police officers who have lost jobs. He spoke against Ms. Spletzer and Ms. Priddy as Village officials.

Unidentifiable Resident

She spoke against the action taken on Ordinance 2022-58. She admonished Council for not consulting Chief Fixler.

Brenda Persino – Ward 3

She spoke against the action taken on 2022-58, including her anger that the officers have lost their jobs. She called for Ms. Spletzer's resignation.

Unidentifiable Resident

She spoke against the action taken by Council on Ordinance 2022-58

Chief Fixler

He stated that he was not consulted regarding the budget. He summarized that he was reinstated by a judge on October 4 and his belief that the Sheriff only hires full time officers and only one person seems to have been promised a job.

Unidentifiable Resident - 2566 West River Road

He moved from Texas and this is his first meeting. He feels that methods of removal for public officers should be taken because the public does not feel safe. He wished for these meetings to be more appropriate for kids and public safety.

Dan Skinner – 105 Windham

As a business owner, he has announced that his business is leaving Newton Falls.

Nicholas Lamtman – 5632 Liberty Avenue

He spoke in support of representation and representative governments. He spoke in support of the people of Newton Falls but his belief that this Council does not represent the people and is corrupt. He spoke against Mayor Kline and he expressed disappointment that Council has acted without the support of the people.

XII. Closing Remarks

Ward 1 - Mr. Fetterolf expressed disappointment with the accusations made against him and Council.

Ward 2 - Mr. Baryak stated that had the levy passed in the past election, it might have come up short; but that money would have allowed the Village to keep things moving. He stated his plans to discuss at the next Council meeting “where the money went” citing \$462,000 illegally moved out of the the electric fund. Mr. Baryak spoke against previous administration and staff, including the Police Chief. He expressed hope that a police levy would be passed in 2023. He stated the Council is not permitted to spend village money to promote a levy. He spoke in support of a levy and expressed hope that it might be passed.

Ward 3 - Ms. Spletzer spoke in support of tonight’s presentation for the police coverage options and did not find any of them viable. She expressed hope for a community that would work together. She stated that she voted for the option she thought was best.

At-Large – Ms. Stimpert spoke against the passage of Emergency Ordinance 2022-58 and wondered how a decision could be made so quickly by the others. She explained that she attempted to get information about the Windham PD starting on Friday. She explained that she requested information, struggled to receive information, but then saw all the information on social media that Windham had released. She expressed frustration with her treatment by city administration.

City Manager – Ms. Priddy addressed Ms. Stimpert directly regarding her not following protocol for requesting information. She stated that the information from Facebook was not from her and that those emails were between Acting Newton Falls Chief Foor and Windham Chief Garinger. She stated that she does not have ready access to the emails of other people and she cannot produce them in an instant. She spoke about the conversation that she had with Chief Garinger prior to today’s meeting in which Chief Garinger agreed to \$400,000 as the negotiated price.

MOTION

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

Mayor Kline called for a motion to adjourn into executive session. No motion was made.

☒ 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 type="checkbox"/> Dismissal	<input type="checkbox"/> Discipline
<input type="checkbox"/> Promotion	<input type="checkbox"/> Demotion	<input checked="" type="checkbox"/> Compensation	

<input type="checkbox"/> 2. Purchase or Sale of Property	<input type="checkbox"/> 6. Security Matters
<input checked="" type="checkbox"/> 3. Pending or Imminent Court Action	<input type="checkbox"/> 7. Hospital Trade Secrets
<input type="checkbox"/> 4. Collective Bargaining Matters	<input type="checkbox"/> 8. Confidential Business Information of an Applicant for Economic Development Assistance
<input type="checkbox"/> 5. Matters Required to be Kept Confidential – Contract Negotiations	<input type="checkbox"/> 9. Veterans Service Commission Applications

XIII. Adjournment

Mayor Kline called for a motion to adjourn the regular meeting at 9:55 pm.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

The motion passed 4-0. The meeting was adjourned.

APPROVED:

Kenneth Kline, Mayor

ATTEST:

Michael Acomb, City Clerk



PART TIME POLICE DEPT 2023
120 HRS PER WEEK
ANNUAL COST

CHIEF	\$126,172.60
SGT	\$114,252.38
OFFICER	\$103,589.00
OP COST	\$184,460.00
TOTAL COST	\$528,473.98

WAGES INCLUDE HEALTH INSURANCE & PENSION

48 HOURS PER WEEK NOT COVERED

DELAYED RESPONSE
OR
NO RESPONSE

2023 BUDGET AMOUNT **\$400,000.00**
OVER BUDGET BY **\$128,473.98**

NO OTHER FUNDING AVAILABLE TO PAY
FOR SHIFTS NOT COVERED



**PART TIME POLICE DEPT
2023**

**80 HRS PER WEEK
ANNUAL COST**

CHIEF	\$126,172.60
SGT	\$114,252.38
OP COST	\$184,460.00
TOTAL COST	\$424,884.98

WAGES INCLUDE HEALTH INSURANCE & PENSION

**88 HOURS PER WEEK
NOT COVERED
DELAYED RESPONSE**

2023 BUDGET AMOUNT \$400,000.00
OVER BUDGET BY \$ 24,884.98

**OR
NO RESPONSE**

**NO OTHER FUNDING AVAILABLE TO PAY
FOR SHIFTS NOT COVERED**

**TRUMBULL COUNTY SHERIFF
2023**

160 HRS PER WEEK

ANNUAL COST

\$400,000.00

**8 HRS PER WK NOT
COVERED**

SWAT TEAM

DETECTIVE UNIT

CRISIS INTERVENTION TEAM

DIVE TEAM

HOMICIDE TASK FORCE

24 HOUR SUPERVISOR

TRUMBULL COUNTY 911

WILLING TO HIRE

NFPD EMPLOYEES

2023 BUDGET AMOUNT \$400,000.00

MEETS BUDGET REQUIREMENTS

*** WILL RESPOND TO CALLS DURING THE 8
HOUR GAP IN COVERAGE AS NEEDED
WITH DEPUTIES COVERING THE COUNTY**

WINDHAM POLICE DEPT.

2023

168 HRS PER WEEK

ANNUAL COST

\$603,000.00

\$489,000.00 POLICE

\$114,000.00 SRO

UNANSWERED QUESTIONS

NFPD VEHICLE MAINTENANCE

LIABILITY INSURANCE

LAW SUIT INDEMNIFICATION

COST OF OUT OF COUNTY 911

LIABILITY INSURANCE FOR

WINDHAM OFFICERS

2023 BUDGET AMOUNT

\$400,000.00

OVER BUDGET

\$ 203,000.00

From: City Manager
Sent: Wednesday, December 7, 2022 9:09 AM
To: City Administrator
Subject: FW: FW: Windham Police Proposal

Pamela S. Priddy

City Manager
Village of Newton Falls
330-872-0806
Email: citymanager@newtonfallsoh.gov

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From: Richard Garinger <rgaringer.wpd@gmail.com>
Sent: Tuesday, December 6, 2022 4:01 PM
To: City Manager <CityManager@newtonfallsoh.gov>
Subject: Re: FW: Windham Police Proposal

Ms. Priddy,

I appreciate the questions and realize that some of these have not been discussed. We came over attempting to help with what we perceived was Newton Falls losing 24 hour protection. Being the city manager you know as well as I do that some of questions about police services that you asked are provided free of charge (to municipal police departments) by the local County Sheriff's Office, i.e. Swat team, Dive team, and Drug Task Force (Which we would absolutely consider being a part of). In addition to this our department at Windham is a full - service police department that successfully investigates and sends for prosecution all major and minor crimes committed within our jurisdictional boundaries up to and including homicide, it would be unfeasible and unrealistic to expect a municipal police department the size of Newton Falls to pay for a dedicated homicide task force based on the number of homicides that are processed in the Village each year.

We have multiple officer's certified in Crisis Intervention Team Training (which I believe is what you meant by the **Criminal Intervention Team?**), these officers have successfully completed a 40 hour training course put together by NAMI, which addresses how officers respond to persons in crisis. In addition to this we currently have 2 officers who have received the award from The Portage County Mental Health and Recovery Board for Crisis Intervention Team Officer of the year.

We do have and will offer to your village 24 hour supervision in the form of Chief, Lieutenant, Corporal, and OIC, in addition to this senior supervision is available by telephone and electronic communications 24 hours a day. We have 3 veteran FTO's for the department who typically work 40 hours a week on various shifts.

In regards to your questions addressing finances, you had advised us that the sheriff's office would potentially be receiving \$489,000 to respond to calls for service utilizing non dedicated deputies up to 40 hours a week, our position is, and has been, that we would be able to provide one officer within city limits 24 hours a day, with up to an additional 2 officers available to respond quickly in the event that such a response is needed. This dedicated village officer will be utilized for patrol duties only and will not be authorized to work extra details while on duty, those extra details will be staffed by off duty personnel only. In addition to this we are willing to work with the school district to provide the same level of service that has been provided by the police department for the school district by providing School Resource Officers through the department providing the school continues with the current MOU..

As for question 9, I have been and continue to be transparent with all aspects of this process. As a prospective employer, I understand the importance of vetting both myself and my officers during this process and I stand behind my reputation as well as my officers backgrounds through this process. My record of leadership, and dedication to my department, as well as the communities which I have served speaks for itself. If you have any specific questions regarding any of this I would be more than happy to discuss this with you. If we progress further into these discussions I will provide any and all documentation pertinent to the hiring process as outlined by your policy or charter.

It would be unfortunate if none of your officers choose to continue to serve the community of Newton Falls, however, I believe that some, if not most of these officers have a dedication to their community and would love the opportunity to continue to provide community based police services to residents of Newton Falls. In the event that this does not happen, I have a plan in place to ensure that both communities receive the required police coverage outlined by our village council and the contract we enter with Newton Falls. My officers, if assigned to your community, will provide the professional and dedicated police service your community deserves. If we fail to provide this service to your community we would be in violation of the agreed upon contract.

As for question number 11, Although Windham is smaller in area than Newton Falls, our community, as yours, recognizes the importance of having a robust, competent, and dedicated police force to patrol the village. Keeping that in mind our department has staffing at or above your current levels and would have no problem providing the contractually agreed upon services to provide the same level of exceptional protection to Newton falls as well. The contract is your guarantee, however, if through some hypothetical circumstance we could not provide those services, you would maintain retention of all of your equipment. In essence Newton Falls would have the option to fund the police department again at a later date without having to start from scratch.

I have spoken to both our village solicitor as well as doing research myself and both of us agree that there is absolutely no difficulties in crossing over counties, in fact, Mogadore is a perfect example of this as they fall within both Portage and Summit Counties. Again, we also can't forget the fact that we will have 1 officer staffed in your community 24 hours a day, so there will not necessarily be a response through Portage and Trumble counties with all calls for service.

To simply answer your question, yes. In fact, I have the full approval and support from our Mayor, Village Council, Village Administrator and Village Solicitor. I have and will continue to keep all parties informed at every stage of this process as we believe honest and open communication is the true basis of our success.

The answer to question 14 can be found in the answer to your previous question (#13), but in short the answer is yes.

I am well aware that there is not a proposal attached to the **outline** that I provided last night. I believe this answer has been addressed above, however, I can provide additional clarification and insight. It is not possible at this stage to provide you with a complete proposal based on the lack of information and communication I have received up to this point from Newton Falls. I am unable to draft a complete and precise document at this time based on the lack of communication and transparency relating to finances.

Once again, the answer to question 16 would be discussed, agreed upon and then drafted into the proposal, however, I can provide you with the best possible answers to your questions. Logically, combining resources is a good idea, however, the details to this question would also need to be discussed so the most accurate and fitting proposal can be presented. Lastly, I am not sure how I am able to provide you price and purchase points for items I have never seen or been made aware of. If you attached a detailed inventory list to this email including the item, pertinent details, condition, etc, it did not attach.

As I have stated before there will be Police coverage in Newton Falls 24 hours a day, 7 days a week. The minimum coverage would be one Officer, however, this does not include the additional Officers that would also be on shift. Again, I can appreciate this question, however, I am unable to give you solidified numbers on staffing based on Newton Falls lack of communication thus far in regard to finances.

The answer to question 18, again, depends on the details of the contract, however, at this point there would not be a need for the Officer(s) in Newton Falls to leave Newton Falls outside of extenuating circumstances (ie. mutual aid agreements, prisoner transports, mental health transport, an Officer Down, etc). I appreciate the 'finer' detailed questions, however, they are mute points at this point in the process based on the unwillingness to provide details required for me to truly provide Newton Falls with the best possible contract. My number one goal is to provide the residents of Newton Falls with the public safety services they deserve.

The SROs main job is to provide educational and safety services to the School District. SROs are an intricate part of the Schools, and I firmly believe that SROs are an essential component in keeping our students, staff, and visitors safe year round. The SROs impact within the schools is far greater than just safety and their continued presence in the schools is of paramount importance to me and I would be working out the staffing with the schools.

Again as far as paying for the SROs, per your statement at our meeting, you said Newton Falls is currently receiving 114,000/year from the schools, outside of the police department budget, for 2 school resource officers, this is something that I would have to discuss with the school system before making any type of solid commitment.

Questions 22 and 23 are something, that again, are finer points that would be included in a contract negotiation, we would have to be provided with all of the police department's budget and expenditures which has not happened up to this point.

Windham does have an OPOTA firing range as well as 3 certified OPOTA police firearms instructors with combined experience of over 50 years police firearms training. In addition to this we also have trainers certified in less than lethal options as well as SORAT.

We would be happy to provide you a copy of our police and procedure manual, the manual is rather large and would be difficult to send in an email so we can set up a time for us to get together to provide a copy.

As the City Manager, I am sure you are aware, the officers that patrol Newton Falls would be enforcing the law according to the village ordinance or ORC as applicable.

You refer to the terms "call numbers/report numbers", however, you are describing radio dispatch codes and signals so I will address both. Your call numbers will remain the same; those are the numbers assigned by dispatch to identify a particular incident that resulted in a police response. The radio codes and signals will not be an issue either since Streetsboro dispatch uses plain talk, meaning they do not use radio codes. In addition to this our officers have been trained in the usage of the Buckeye Sheriffs Association codes and signals alleviating any communication issues between our department and the sheriffs office.

And Finally as we have discussed at length, Windham is proposing to provide police services to Newton Falls for a contractually agreed upon length of time, it is our position that by doing so Newton Falls would have the ability to reinstate their own police department, for some of the reasons stated above, at a later date if the village finances were in a position to allow them to do so.

In closing I would like to state that from the beginning of this process my only goal was to help you, and the Newton Falls administration provide the residents with complete, dedicated, and competent police coverage. Unfortunately, as of this date we have not received any of the department's detailed budget information to tailor a proposal. Once this information is provided I'm sure that it will become apparent that our service will provide Newton Falls not only with superior police protection for the money but will allow Newton Falls to reinstate their own police department in the future.

On Tue, Dec 6, 2022 at 8:58 AM City Manager <CityManager@newtonfallsoh.gov> wrote:

See below

Pamela S. Priddy

City Manager

Village of Newton Falls

330-872-0806

Email: citymanager@newtonfallsoh.gov

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From: City Manager <CityManager@newtonfallsoh.gov>

Sent: Tuesday, December 6, 2022 4:19 AM

To: City Manager <CityManager@newtonfallsoh.gov>

Subject: Re: Windham Police Proposal

Mr Garinger

I appreciate the fact that you submitted this proposal. Please note that I did return your call yesterday and was told you were out on patrol and would return my call. I didn't hear back from you.

Having said that your proposal fails to mention a number of items that were discussed. I would appreciate additional information regarding this proposal.

1. Does your department have a SWAT team?
2. Does your department have a Detective Unit?
3. Does your department have a Homicide Task Force?
4. Does your department have a Dive Team?
5. Does your department have a Criminal Intervention Team?
6. Does your department have a drug task force?
7. Does your department have 24 hour supervisors?
8. Your proposal fails to mention the amount of monies that Windham is wanting from our village.
As I recall you wanted the \$400k that Newton Falls would be paying the Sheriff's office. Based on my calculations and what you said you paid your current officers. The numbers do not add up. It appears that NF would just be supplementing the budget of Windham's police department.
9. Your proposal fails to provide any information as to your history (which I have made some public records requests) It also does not contain any bios of any of the current officers of your staff.
10. Your proposals fails to mention what occurs if none of the Newton Falls Officers want to work for Windham, which is very likely.
11. Based upon on conversations your village is much smaller then NF by more than half what guarantee does NF have that Windham would continue police services in the future.
12. The proposal fails to mention the difficulties of crossing over counties. If our community is calling 911 how would those calls get routed to you? As I recall you indicated they would have to call Streesboro for dispatch. Also you told Brian you would get him your cost for this service I don't see where you provided this information to him or myself.
13. Has your Mayor and council been made aware of your proposal?
14. Do you have the full authority to enter into these services without your councils approval.
15. There is no proposed agreement attached to what you have submitted.
16. You indicate that you would be using all of NF equipment. Is Windham purchasing it from NF? If so at what price?
17. Your proposal fails to mention the number of officers that will be in stationed in NF daily. As I recall from our meeting you said there would be 2 per shift and there are 3 shifts.
18. Will those officers be leaving NF to assist Windham with calls?
19. Your proposal indicates that there would be SROs within our schools. Currently there are 2 SROs. Are these officers in addition to the officers that would be patrolling our streets?
20. As I am understanding your proposal you want additional monies for the SROs that would be in the schools? This was never mentioned in our previous conversations. So it would be the \$400k plus what the school would pay for SROs.
21. Who is responsible for the maintenance of the NF equipment? If NF is, is the cost in addition to the \$400k that would be paid to Windham?
22. If you are using NF equipment who is paying for the liability coverage?
23. Is the village of Windham responsible for any lawsuits that may arise? Or are you expecting NF to carry that coverage and coverage officer's that don't work for us?
24. Does Windham have an OPOTA firing range?
25. I would like a copy of the Windham police manual to see how it matches up to ours
26. Is Windham going to enforce the ordinances that are in place for the Village of NF?

27. As I understand it Portage and Trumbull County use different "call numbers/report numbers" how is this going to be handled. We don't want someone coming out for an air plane crash when it is actually according to our 911 a burglary?
28. When you were hear I discussed maintaining our own police department, it appears according to this proposal that everyone would work for Windham?

As you had indicated in your email this is not by any means an exhaustive list of my questions but now that you have submitted a formal proposal it is a list of my current questions, I am sure there will be more to come. I apologize for any misspellings or punctuations as I was typing this on my cell phone at 4:20 this am.

Pam

Sent from my iPhone

On Dec 6, 2022, at 12:04 AM, Richard Garinger <rgaringer.wpd@gmail.com> wrote:

Pam,

I tried to reach out to you today (Monday, December 5, 2022) but to no avail. The purpose of my attempt to reach you was to further discuss and outline the parameters of the proposal we had previously discussed via our in-person meeting, phone calls and emails. I wanted to do this prior to your meeting with the Police Board which you said was set to meet on Wednesday, December 7, 2022. Please find the below items as an outline of services we are able to offer you and citizens of Newton Falls. Please keep in mind this is by **no** means an **all-inclusive** list but rather a strong outline.

- Contract:
 - Provide 24-hour-a-day/seven-day-a-week coverage for the Village of Newton Falls.
-

- Maintain dedicated officers and cruisers in Newton Falls (and/or floating supervisor).
 - Ensure that responses to all calls can continue to be made in a timely manner.
 - Calls and/or investigations resulting in potential criminal charges (both misdemeanor and felony) will be investigated and/or brought to closure via prosecution.
 - Provide police assistance to Fire/EMS calls and minimize response time of a first responder being on-scene. This allows for Fire/EMS to arrive at a safe scene and also provides additional assistance when needed.
 - Conduct business and vacation checks, as well as extra patrols.
 - Have quick access to additional resources – an average of two Windham Police Department officers are on patrol during all shifts (to include Supervisors and SROs). This allows for additional resources to be on-scene within minutes.
 - Use current Officers intimate knowledge of the Village and it's residents. This helps to ensure and build community relationships and trust.
- Continued use of current SROs and school funding.
 - Utilization of current NFPD vehicles and equipment (Windham Vehicles and Equipment will also be utilized).
 - The Windham Chief of Police has discretion on which current NFPD Officers will be offered positions, however, a minimum of five (5) currently employed Full-Time Officers will be offered positions.
 - Note: This is five OFFERS not mandatory slots, which means if an Officer is deemed ineligible for hire by the Windham Police Department they will not be offered a position.
 - Note: Current Part-Time offers for employment will be at the discretion of the Windham Chief of Police.
 - New and Current Officers will be subjected to training checks to ensure all are in compliance with the most up-to-date certifications (ie. Taser, LEADS, and Firearms).
 - Police Chief or another designee will attend all council meetings for the Village of Newton Falls
 - The WPD shall have full and complete authority within the limits of Newton Falls to enforce all state/local statutes as they regard the health, safety and morals of those within Newton Falls.

- The Windham Police Department will maintain accurate reports and call numbers as they relate to the Village of Newton Falls. The numbers will be readily available and provided at each council meeting by the Chief and/or a department designee.

Again, as stated before, these items are not all inclusive at this time, however, they provide a strong outline of the services we are able to provide Newton Falls on a 24/7, 365 basis.

It should also be noted that we are fortunate in the fact that we do not have to patrol a whole county but instead only a small portion, which in turn allows us to build strong community ties, allows for us to have minimal response times, and realistically allows us to provide better all around coverage.

I will forward this to the Mayor, Council, Law Director, and Police board if you send me the board members emails.

Thank you in advance,

Chief Richard M. Garinger

Windham Police Department

9083 N. Main St..

Windham, Ohio 44288

(330) 326-2212

Rgaringer.wpd@gmail.com

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Chief Richard M. Garinger
Windham Police Department

2023 OHIO ELECTIONS CALENDAR

2023		
Aug. 08	Special Election may be held. Polls open from 6:30 a.m. to 7:30 p.m. If voter, or voter's minor child is hospitalized because of accident or medical emergency, voter may apply for an absentee ballot until 3 p.m. Absentee ballots, returned in person or via a method other than U.S. Mail, must be received by the boards of elections by close of polls	Reference R.C. 3501.01, .32 R.C. 3509.08 R.C. 3509.05, 3511.11
Aug. 09	Constitutional amendments proposed by joint resolution of General Assembly must be filed with Secretary of State (90 days before general election) Nominating petitions of candidates in nonpartisan races must be filed by 4 p.m. (90 days before general election)	OH Const. XVI, §1 R.C. 1907.13, 3513.259, .263
Local questions and issues for Nov. 7 general election, including local option petitions, must be certified to or filed with boards of elections by 4 p.m. (90 days before general election)		
Aug. 14*	Political party or independent candidate nominating committees must certify name of person to fill vacancy on Nov. 7 general election ballot caused by withdrawal or disqualification of candidate by 4 p.m. (86 days before general election)	R.C. 3513.31
Aug. 18	Absentee ballots for Aug. 8 special election returned by U.S. Mail must be postmarked no later than Aug. 7 and received by boards of elections by this date to be counted (10 days after special election)	R.C. 3509.05, 3511.11
Aug. 19	UOCAVA absentee ballots for Aug. 8 special election must be received by boards of elections by this date to be counted (10 days after special election)	R.C. 3511.11
Aug. 19	Boards of elections may begin official canvass of Aug. 8 special election ballots (11 days after special election)	R.C. 3505.32
Aug. 21	Boards of elections must certify the validity and sufficiency of candidates' petitions in nonpartisan races (78 days before general election)	R.C. 3513.263
Boards of elections must certify the validity and sufficiency of local option petitions (78 days before general election)		
Aug. 23	Boards of elections must begin official canvass of Aug. 8 special election ballots no later than this date (15 days after special election)	R.C. 4301.33, .331, .332, .333, .334, 4305.14
Aug. 25	Protests against candidates for nonpartisan office must be filed by this date (74 days before general election)	R.C. 3505.32
Protests against local option petitions must be filed by 4 p.m. (74 days before general election)		
Aug. 28*	Write-in candidates must file declarations of intent by 4 p.m. (72 days before general election)	R.C. 3513.041
Aug. 29	Form of official ballots for Nov. 7 general election must be certified by Secretary of State to boards of elections (70 days before general election)	R.C. 3505.01
Board of elections of most populous county of a multi-county district must certify names of all candidates to other boards of elections (70 days before general election)		
Boards of elections must complete canvass of Aug. 8 special election ballots no later than this date (21 days after special election)		
Sep. 01	Protests against write-in candidates for general election must be filed by 4 p.m. (67 days before general election)	R.C. 3505.32
Sep. 08	Boards of elections must schedule a program for instruction of precinct election officials (within 60 days before general election)	R.C. 3513.041
Sep. 22	UOCAVA absentee ballots for Nov. 7 general election must be ready (46 days before general election)	R.C. 3501.27
Boards of elections must update and publish notices of Nov. 7 general election and provide the notices to federal write-in absentee voters upon request (no later than 46 days before general election)		
Sep. 26	Boards of elections must advertise in newspaper(s) the places, dates, times, qualifications, and methods for voter registration (6 weeks before general election)	R.C. 3511.16
Oct. 18*	Deadline for voter registration for Nov. 7 general election (30 days before general election)	R.C. 3503.12
Deadline to file corrections and challenges to precinct voter registration lists (30 days before general election)		
Oct. 11	Non-UOCAVA absentee ballots for Nov. 7 general election must be ready (first day after close of voter registration)	R.C. 3503.24
Oct. 16	Secretary of State and boards of elections must send notice to candidates required to pre-general campaign finance reports	R.C. 3509.01
Oct. 18	Committees advocating or opposing issues on Nov. 7 general election ballot must file by 4 p.m. to be recognized as a committee to appoint observers (20 days before general election)	R.C. 3517.11
Oct. 24	Boards of elections must prepare precinct voter registration lists for general election (14 days before general election)	R.C. 3505.21
Oct. 26	Last day for certain local option petitioners to send street listings to Division of Liquor Control (55 days before Dec. 20 petition filing deadline for March 19 presidential primary election)	R.C. 3503.23
Pre-general election campaign finance reports must be filed by certain candidate, political action committees, caucus committees (legislative campaign funds), and political parties by 4 p.m. (12 days before general election) detailing contributions and expenditure through Oct. 18, 2023		
Oct. 27	Deadline for political parties, groups of candidates and issue committees to file notice of observer appointments (11 days before general election)	R.C. 4301.33, 4305.14
Oct. 28	Boards of elections must give public notice of Nov. 7 general election (10 days before general election)	R.C. 3517.10
Oct. 30*	Certificate to fill vacancy on Nov. 7 general election ballot caused by death of candidate nominated at primary election whose name is on ballot in more than one county (10 days before general election)	R.C. 3505.21
Nov. 02	Certificate to fill vacancy on Nov. 7 general election ballot caused by death of independent or nonpartisan candidate prior to Oct. 28 (10 days before general election) must be filed by 4 p.m. (5 days before general election)	R.C. 3501.03
Certificate to fill vacancy on Nov. 7 general election ballot caused by death of candidate nominated at primary election whose name is on ballot in only one county must be filed by 4 p.m. (5 days before general election)		
Nov. 04	Applications for absentee ballots to be mailed for Nov. 7 general election must be received by boards of elections by noon (3 days before general election)	R.C. 3513.31
Nov. 06	Amendments to observer appointments must be filed by 4 p.m. (day before general election)	R.C. 3513.31
Boards of elections must submit verification forms of handicapped accessible parking and handicapped accessible polling locations to the Secretary of State's Office (no later than day before general election)		
Nov. 07	General Election Day. Polls open from 6:30 a.m. to 7:30 p.m. If voter, or voter's minor child is hospitalized because of accident or medical emergency, voter may apply for an absentee ballot until 3 p.m. Absentee ballots, returned in person or via a method other than U.S. Mail, must be received by the boards of elections by close of polls	R.C. 3509.03, .08, 3511.02 R.C. 3505.21 R.C. 3501.29
Nov. 17	Absentee ballots returned by U.S. Mail must be postmarked no later than Nov. 6 and received by boards of elections by this date to be counted (10 days after general election)	R.C. 3501.01, .32 R.C. 3509.08 R.C. 3509.05, 3511.11
UOCAVA absentee ballots must be received by boards of elections by this date to be counted (10 days after general election)		
Nov. 18	Boards of elections may begin official canvass of Nov. 7 general election ballots (11 days after general election)	R.C. 3511.11
Nov. 22	Boards of elections must begin official canvass of Nov. 7 general election ballots no later than this date (15 days after general election)	R.C. 3505.32
Nov. 28	Boards of elections must complete canvass of Nov. 7 general election ballots no later than this date (21 days after general election)	R.C. 3505.32
Dec. 05	Secretary of State and boards of elections must send notice to candidates required to file post-general election campaign finance reports	R.C. 3517.11
Dec. 15	Post general election campaign finance reports must be filed by candidates, political action committees, caucus committees (legislative campaign funds), and political parties by 4 p.m. (38 days after general election) detailing contributions and expenditures through Dec. 8, 2023	R.C. 3517.10
Dec. 20	Constitutional amendments proposed by joint resolution of the General Assembly must be filed with Secretary of State (90 days before presidential primary election) Declarations of candidacy for partisan candidates must be filed by 4 p.m. (90 days before presidential primary election)	OH Const. XVI, §1 R.C. 3513.05
Local questions and issues for primary election, including local option petitions, must be certified to or filed with boards of elections by 4 p.m. (90 days before presidential primary election)		
Applications for absentee ballots for 2024 presidential primary election may be accepted (90 days before presidential primary election)		
Declarations of candidacy for presidential delegates and alternates to a party's national convention must be filed by 4 p.m. (90 days before presidential primary election)		
2024		
Jan. 01	Applications for absentee ballots for all elections held in 2024 may be accepted (first day of the year)	R.C. 3509.03, 3511.02
Jan. 02*	Boards of elections must certify the validity and sufficiency of partisan candidates' petitions (78 days before primary election)	R.C. 3513.05
Boards of elections must certify the validity and sufficiency of local option petitions (78 days before primary election)		
Jan. 08*	Write-in candidates for presidential primary election must file declarations of intent by 4 p.m. (72 days before primary election)	R.C. 4301.33, .331, .332, .333, .334, 4305.14
Recounts and Election Contests		
Application for a recount must be filed not later than 5 days after official results are declared		
A petition contesting an election must be filed in the appropriate court within 15 days after the official results are declared or, if a recount of the election is conducted, within 10 days after the official results of a recount are declared		

*Note: In some instances, the statutory deadline falls on a day when the offices of the Secretary of State and boards of elections are closed. In those instances, the deadlines are extended, pursuant to R.C. 1.14, to the next succeeding day when the appropriate office is open for regular business hours. The preceding dates reflect the extended deadline. Please note that "UOCAVA" is an acronym for Uniformed & Overseas Citizens Absentee Voting Act to refer to those voters who are uniformed and/or overseas. "Non-UOCAVA" refers to voters who are not uniformed or overseas voters.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 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**

WHEREAS, in order to attract and retain qualified and/or experienced employees, Council and the City Manager have determined it is necessary to amend the Job Class & Pay Grade and Hourly Wage Rate Schedules for positions within the Public Works and Finance Departments as set forth herein.

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

SECTION 1. That Council hereby amends the Job Class & Pay Grade and Hourly Wage Rate Schedules for positions within the Public Works Department and Finance Department, effective January 1, 2023, as set forth in the attachment hereto that is incorporated herein by reference. The amended Job Class & Pay Grade Schedule is attached as Ex. A, the amended Hourly Wage Rate Schedule adding Range 21 is attached as Ex. B, and the existing Job Class & Pay Grade Schedule that is being amended is attached as Ex. C.

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 indicated herein.

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

Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Laborer	0	Maintenance	Public Works	0	Good physical condition-COL w/6 months. Experience-able to perform laborer tasks	11
Maintenance Worker	1	Maintenance	Public Works	1	COL-all laborer skills & qualifications- operates front loader	14
Maintenance Worker	2	Maintenance	Public Works	3	All MW 1 skills & licenses- operates backhoe-streetsweeper-roller-flush truck-jackhammer/comp-installs tile-supervisory skills	16
Maintenance Worker	3	Maintenance	Public Works	5	All MW 2 skills & licenses- operates all equipment & vehicles-knowledge of street/storm sewer maintenance-maintain records/reports	17
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
MRO Apprentice	0	Water Distribution	Public Works	0	Good physical conditions- not color blind-COL w/6 months experience- mechanical aptitude-prepares/maintains records/reports-3 years max. in- grade	11
Maintenance Relief Operator	1	Water Distribution	Public Works	2	OH class 1(supply)-CDL-op lab certificate-basic knowledge of water chemistry-distribution-plant operation-& purification	14
Maintenance Relief Operator	2	Water Distribution	Public Works	3	MRO skills-licenses & certifications-backflow certificate-thorough knowledge water chemical, distribution, plant operation & procedures	16
Maintenance Relief Operator	3	Water Distribution	Public Works	5	MRO 2 skills, licenses & certifications-thorough knowledge plant systems/ops, distribution system & procedures	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Water Operator Apprentice	0	Water Plant	Public Works	0	Good physical condition-not color blind-3 yrs. Max in-grade-mechanical aptitude-prepares/maintains records/reports-basic math skills-able to obtain lab cert.	11
Water Plant Operator	1	Water Plant	Public Works	2	OH class 1(supply)& operational lab certificate-mts all ap. Op. requirements-basic knowledge water/chemical purification-pumps/valves- able to read/interpret & respond to meters, gauges and graphs	14
Water Plant Operator	2	Water Plant	Public Works	3	All OP 1 skills, licenses & certificates-thorough knowledge of all water chemistry/purification, plant procedures & operations	16
Water Plant Operator	3	Water Plant	Public Works	5	All OP 2 skills, licenses & certificates, thorough knowledge of all plant systems, pumps, valve & meters-able to prepare all reports	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Wastewater Apprentice Operator	0	WPC	Public Works	0	Good physical condition-not color blind-COL with 6 months experience & 3 years max in-grade	11
Wastewater Operator	1	WPC	Public Works	2	OH Class 1-VWV, COL-basic knowledge WWTP methods & WTR chemicals-plant-pumps/lifts-able to read/interpret meters, gauges and graphs & to operate VWV system/equipment	14
Wastewater Operator	2	WPC	Public Works	3	All WWPT Op1 skills licenses & certifications-able to do lab analysis & make taps- thorough knowledge WTR chemical-WWTP/procedures- basic knowledge boilers/valves	16
Wastewater Operator	3	WPC	Public Works	5	All WWPT Op2 skills, licenses & certificates- thorough knowledge of all WWTP systems, pumps, valves & meters-able to prepare/maintain reports/records.	18
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Lineman Apprentice	1	Electric	Public Works	0	Good physical health-min 1 year in-grade & max 2 year in-grade-general electrical aptitude-knowledge of basic math-able to follow written/oral instructions	10

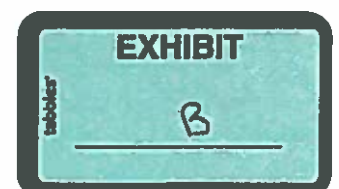
EXHIBIT

A

Lineman Apprentice	2	Electric	Public Works	1	Min 1 year as apprentice-1st year Amp Ohio Merchant Training or equivalent- CDL & able to operate all electric equip/vehicles, set, climb & dress a 40' pole, install anchors & guys, basic knowledge of interior wiring, able to read & interpret basic wiring diagrams, ability to test all types of electric meters, thorough knowledge of electric policy/procedures, safety rules/regulations, performs wiring on voltages up to 600, able to trim trees around service wires	11
Lineman	1	Electric	Public Works	2	All Lineman Apprentice 2 skills, licenses& certificates-2yr Amp Ohio Merchant Lineman Training- basic knowledge of NF electric system	13
Lineman	2	Electric	Public Works	3	All Lineman 1 skills, licenses & certificates- 3yr Amp Ohio Merchant Lineman Training-extensive knowledge of NF electrical system	15
Lineman	3	Electric	Public Works	4	All Lineman 2 skills, licenses & certificates-4yr Amp Ohio Merchant Lineman Training	17
Lineman	0	Electric	Public Works	5	All Lineman 3 skills, licenses & certificates- Amp Ohio Journeyman Lineman certificate, lineman-"crew leader"- thorough knowledge of NF electric system	21
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Clerk	1	Any	Finance	0	Good physical condition-1+ year office experience-basic math skills-English-bookkeeping skills-able to operate office equipment-work with the public- & maintain confidentiality	6
Clerk	2	Assigned	Finance	4	All Clerk1 skills, licenses & certificates & able to maintain accounts, perform procedures specific to the assigned division open & close office	7
Clerk	3	Assigned	Finance	8	All clerk 2 skills, licenses & certificates-able to establish/maintain all reports/records-meet deadlines- run the assigned division in the supervisors absence	9

City of Newton Falls
Schedule "A"
Hourly Rate Schedule

Range 6	A	B	C	D	E	Range 14	A	B	C	D	E
	15.55	15.95	16.31	16.72	17.18		19.18	19.76	20.34	20.99	21.64
Range 7	A	B	C	D	E	Range 15	A	B	C	D	E
	15.99	16.31	16.72	17.18	17.64		19.76	20.34	20.99	21.64	22.36
Range 8	A	B	C	D	E	Range 16	A	B	C	D	E
	16.38	16.72	17.18	17.64	18.13		20.34	20.99	21.64	22.36	23.03
Range 9	A	B	C	D	E	Range 17	A	B	C	D	E
	16.69	17.17	17.65	18.15	18.70		20.99	21.64	22.36	23.03	23.79
Range 10	A	B	C	D	E	Range 18	A	B	C	D	E
	17.18	17.64	18.13	18.66	19.18		21.64	22.36	23.03	23.67	24.60
Range 11	A	B	C	D	E	Range 19	A	B	C	D	E
	17.64	18.13	18.66	19.18	19.76		22.36	22.90	23.79	24.60	25.42
Range 12	A	B	C	D	E	Range 20	A	B	C	D	E
	18.13	18.66	19.18	19.76	20.34		23.03	23.79	24.60	25.42	26.29
Range 13	A	B	C	D	E	Range 21	A	B	C	D	E
	18.66	19.18	19.76	20.34	20.97		25.65	26.38	27.14	27.92	28.75



Position Laborer	CLASS 0	DIVISION Maintenance	DEPARTMENT Public Works	MIN YRS EXP 0	MINIMUM SKILL SET Good physical condition-COL w/6 months. Experience-able to perform laborer tasks	PAY GRADE 9
Maintenance Worker	1	Maintenance	Public Works	1	COL-all laborer skills & qualifications- operates front loader	12
Maintenance Worker	2	Maintenance	Public Works	4	All MW 1 skills & licenses- operates backhoe-streetsweeper-roller-flush truck-jackhammer/comp-installs tile-supervisory skills	13
Maintenance Worker	3	Maintenance	Public Works	8	All MW 2 skills & licenses- operates all equipment & vehicles-knowledge of street/storm sewer maintenance-maintain records/reports	14
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
MRO Apprentice	0	Water Distribution	Public Works	0	Good physical conditions- not color blind-COL w/6 months experience- mechanical aptitude-prepares/maintains records/reports-3 years max. in- grade	10
Maintenance Relief Worker	1	Water Distribution	Public Works	2	OH class 1(supply)-CDL-op lab certificate-basic knowledge of water chemistry-distribution-plant operation-& purification	11
Maintenance Relief Worker	2	Water Distribution	Public Works	4	MRO skills-licenses & certifications-backflow certificate-thorough knowledge water chemical, distribution, plant operation & procedures	13
Maintenance Relief Worker	3	Water Distribution	Public Works	6	MRO 2 skills, licenses & certifications-thorough knowledge plant systems/ops, distribution system & procedures	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Water Operator Apprentice	0	Water Plant	Public Works	0	Good physical condition-not color blind-3 yrs. Max in-grade-mechanical aptitude-prepares/maintains records/reports-basic math skills-able to obtain lab cert.	10
Water Plant Operator	1	Water Plant	Public Works	2	OH class 1(supply)& operational lab certificate-mts all ap. Op. requirements-basic knowledge water/chemical purification-pumps/valves- able to read/interpret & respond to meters, gauges and graphs	11
Water Plant Operator	2	Water Plant	Public Works	4	All OP 1 skills, licenses& certifications-thorough knowledge of all water chemistry/purification, plant procedures & operations	13
Water Plant Operator	3	Water Plant	Public Works	6	All OP 2 skills, licenses & certificates, thorough knowledge of all plant systems, pumps, valve & meters-able to prepare all reports	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Wastewater Op Apprentice	0	WPC	Public Works	0	Good physical condition-not color blind-COL with 6 months experience & 3 years max in-grade	10
Wastewater Operator	1	WPC	Public Works	2	OH Class 1-WW, COL-basic knowledge WWT methods & WTR chemicals-plant-pumps/lifts-able to read/interpret meters, gauges and graphs & to operate WW system/equipment	11
Wastewater Operator	2	WPC	Public Works	4	All WWPT Op1 skills licenses & certifications-able to do lab analysis & make taps- thorough knowledge WTR chemical-WWTP/procedures- basic knowledge boilers/valves	13
Wastewater Operator	3	WPC	Public Works	8	All WWPT Op2 skills, licenses & certificates- thorough knowledge of all WWTP systems, pumps, valves & meters-able to prepare/maintain reports/records.	15
Position	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Lineman Apprentice	1	Electric	Public Works	0	Good physical health-min 1 year in-grade & max 2 year in-grade-general electrical aptitude-knowledge of basic math-able to follow written/oral instructions	10

EXHIBIT

C

Lineman Apprentice	2	Electric	Public Works	1	Min 1 year as apprentice-1st year Amp Ohio Merchant Training or equivalent- CDL & able to operate all electric equip/vehicles, set, climb & dress a 40' pole, install anchors & guys, basic knowledge of interior wiring, able to read & interpret basic wiring diagrams, ability to test all types of electric meters, thorough knowledge of electric policy/procedures, safety rules/ regulations, performs wiring on voltages up to 600, able to trim trees around service wires	11
Lineman	1	Electric	Public Works	2	All Lineman Apprentice 2 skills, licenses& certificates-2yr Amp Ohio Merchant Lineman Training-basic knowledge of NF electric system	13
Lineman	2	Electric	Public Works	4	All Lineman 1skills, licenses & certificates- 3yr Amp Ohio Merchant Lineman Training-extensive knowledge of NF electrical system	15
Lineman	3	Electric	Public Works	6	All Lineman 2 skills, licenses & certificates-4yr Amp Ohio Merchant Lineman Training	17
Senior Lineman	0	Electric	Public Works	8	All Lineman 3 skills, licenses & certificates- Amp Ohio Journeyman Lineman certificate, lineman-"crew leader"- thorough knowledge of NF electric system	20
Posillon	CLASS	DIVISION	DEPARTMENT	MIN YRS EXP	MINIMUM SKILL SET	PAY GRADE
Clerk	1	Any	Finance	0	Good physical condition-1+ year office experience-basic math skills-English-bookkeeping skills-able to operate office equipment-work with the public- & maintain confidentiality	6
Clerk	2	Assigned	Finance	4	All Clerk1 skills, licenses & certificates & able to maintain accounts, perform procedures specific to the assigned division open & close office	7
Clerk	3	Assigned	Finance	8	All clerk 2 skills, licenses & certificates-able to establish/maintain all reports/records-meet deadlines- run the assigned division in the supervisors absence	9

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-61
SPONSOR: Councilperson Baryak

AN ORDINANCE AMENDING THE ELECTRIC RATES ADDING A FIXED MONTHLY DEBT SERVICE CHARGE

WHEREAS, the Village's electric service engineering consultant, Sawvel & Associates, Inc., has calculated the fixed monthly service charges necessary for the Village to meet its debt service obligations, including the allocated AMI annual debt service; and

WHEREAS, Council desires to implement the recommended electric rate fixed monthly service charges as calculated by the consultant.

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

SECTION 1. That Council hereby and herein implements the following electric rate fixed monthly service charges:

Residential \$4.25/mo.

Commercial \$15.15/mo.

Municipal \$18.35/mo.

Industrial \$515.00/mo.

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

Y
P
M
INC.

Young's Property Management

1461 South Blvd. • Kent, OH 44240-6233
330-297-1696

November 30, 2022

Attn: City Manager, Pamela S. Priddy
City of Newton Falls Municipal Center
612 W. Broad Street
Newton Falls, OH 44444

Dear Mrs. Priddy:

I represent the Verlay Condominium Association. On the Association's behalf, I am contacting you regarding the dedication of East River Road.

As I believe you are aware, East River Road is a private road that crosses several parcels, most of which are the Association's Common Element property. As submitted to your predecessor, David M. Lynch, back on June 22, 2021, I have again enclosed a petition to dedicate East River Road containing the signature of every Association member of both Verlay Condominium Association and Verlay II Condominium Association. We ask that you deliver the petition to Newton Falls City Council for its consideration.

I thank you for taking the time to review this matter and for helping to facilitate the dedication process. Should you have any questions or wish to further discuss this matter, please do not hesitate to telephone me.

Sincerely yours,



Harold Young, Managing Agent
Verlay Condominium Association

HY/by

Enclosure

cc: Mayor, Ken Kline

Council Members: Tesa Spletzer, Julie Stimpert, John Baryak, and Gideon Fetterolf

Law Director, Brad Bryan

Board of Directors, Verlay Condominium Association

L&V Associates, LLC, Ken Layshock

file

Specializing in Condominium & Homeowner Association Management

PETITION

City of Newton Falls, Ohio

June 22, 2021

To the Council of the City of Newton Falls, Ohio:


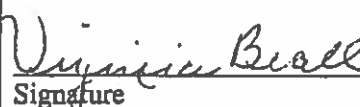
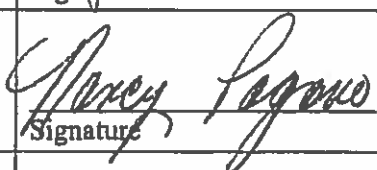
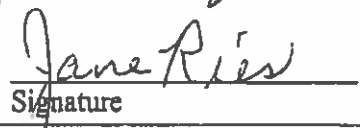
We are owners of 100% of the area and lots and lands to be transferred to the City through dedication as the road currently exists. We petition the Council to accept title to the entire length of East River Road AS-IS.

We, individually, and collectively, and for our successors and assigns, further consent and request that all legislation required to be enacted to permit the road dedication to commence immediately to be enacted at one City Council meeting.

We, individually and collectively, agree that we will not contest, in a judicial or administrative proceeding, the dedication of our property to the City.

We further represent and agree that the signatories to this Petition have full right and authority to sign this Petition and no other signatures or approvals are required.

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Petitioner (Property Owner)	Signature (and Title if Petitioner is not an Individual)	Parcel Number(s)
Daniel + Earla Dionisio	 Signature	2033 East River Rd #2 Parcel #53-265187
Virginia Beall	 Signature	2033 East River Rd #4 Parcel #53-265188
Angelo + Nancy Pagano	 Signature	2033 East River Rd #1 Parcel #53-265189
Jane Ries	 Signature	2033 East River Rd #3 Parcel #53-265190

Ron + Carol Platt	<u>Carol A. Platt</u> Signature	2033 East River Rd #5 Parcel #53-265226
Lewis + Valerie Myers	<u>Valerie Myers</u> Signature	2033 East River Rd #7 Parcel #53-265227
Rita Sano	<u>Rita Sano</u> Signature	2033 East River Rd #13 Parcel #53-265228
James + Barbara Hash	<u>Barbara Hash</u> Signature	2033 East River Rd #15 Parcel #53-265229
Evelyn Antal	<u>Evelyn P. Antal</u> Signature	2033 East River Rd #17 Parcel #53-265230

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Don Baker	<u>Don Baker</u> Signature	2033 East River Rd #19 Parcel #53-265231
Bob + Carol Nagy	<u>Carol Nagy</u> Signature	2033 East River Rd #12 Parcel #53-265225
Alton + Emilia Cooley	<u>Alton Cooley</u> Signature	2033 East River Rd #26 Parcel #53-265224
Alberta Sabo	<u>Alberta Sabo</u> Signature	2033 East River Rd #22 Parcel #53-265238
Paul + Yvonne Almashy	<u>Paul Almashy</u> Signature	2033 East River Rd #30 Parcel #53-265239

Gary + Mary Ann Pavlik	<u>Gary Pavlik</u> Signature	2033 East River Rd #42 Parcel #53-265240
Doris McCollum	<u>Doris McCollum</u> Signature	2033 East River Rd #21 Parcel #53-265241
Eleanor Benich	<u>Eleanor S. Benich</u> Signature	2033 East River Rd #23 Parcel #53-265242
Carol King	<u>Carol King</u> Signature	2033 East River Rd #46 Parcel #53-265243

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Ronald + Janet Reid	<u>Janet Reid</u> Signature	2033 East River Rd #47 Parcel #53-265244
Michael Hodgkiss	<u>Michael Hodgkiss</u> Signature	2033 East River Rd #48 Parcel #53-265245
Patricia Moorehead	<u>Patricia Moorehead</u> Signature	2033 East River Rd #49 Parcel #53-265246
Madeline Hoffman	<u>Madeline Hoffman</u> Signature	2033 East River Rd #25 Parcel #53-265248
Dollie Ronyak	<u>Dollie Ronyak</u> Signature	2033 East River Rd #27 Parcel #53-265249

Brenda Cadle	<u>Brenda Cadle</u> Signature	2033 East River Rd #44 Parcel #53-265252
Robert Smith	<u>Robert Smith</u> Signature	2033 East River Rd #38A Parcel #53-265267
Donna Manovich	<u>Donna Manovich</u> Signature	2033 East River Rd #32 Parcel #53-265254
Richard + Marie Monteville	<u>R. & M. Monteville</u> Signature	2033 East River Rd #34 Parcel #53-265234
Thomas + Sally De Angelo	<u>Sally De Angelo</u> Signature	2033 East River Rd #36 Parcel # 53-265262
Jean Taylor	<u>Jean Taylor</u> Signature	2033 East River Rd #11 Parcel # 53-265236
George + Betty Kreimbrenk	<u>Wenson Trehaner Betty Kreimbrenk</u> Signature George	2033 East River Rd #9 Parcel # 53-265235
Kenneth Layshock Charles Verbanic L&V Associates	<u>Kenneth Layshock</u> Signature	State Route 534 Parcel # 53-264990
Janet Watters Donna Swope	<u>Janet R Watters</u> Signature	2033 East River Rd #37A Verlay II Parcel # 53-265292
Joyce Almasby	<u>Joyce Almasby</u> Signature	2033 East River Rd #37B Verlay II Parcel # 53-265295

Gary + Amy Martin	<u>Gary & Amy</u> Signature	2033 East River Rd #29 Parcel #53-265280
Kenneth Pigott	<u>Kenneth Pigott</u> Signature	2033 East River Rd #31 Parcel #53-265281
Patricia Chepke	<u>Patricia Chepke</u> Signature	2033 East River Rd #24 Parcel #53-264263
Jennifer Russ	<u>J. Russ</u> Signature	2033 East River Rd #33 Parcel #53-265264

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Rachel Brown	<u>Rachel Brown</u> Signature	2033 East River Rd #35 Parcel #53-265265
James + Belinda Lazor	 Signature	2033 East River Rd #20 Parcel #53-265266
Bob + Marianne Cabosky	<u>Robert Cabosky/mc Marianne Cabosky</u> Signature	2033 East River Rd #50 Parcel #53-265250
John Gordon	<u>John Gordon</u> Signature	2033 East River Rd #51 Parcel #53-265251
Marilyn Bates	<u>Marilyn Bates</u> Signature	2033 East River Rd #45 Parcel #53-265253

Gary + Amy Martin	_____ Signature	2033 East River Rd #29 Parcel #53-265280
Kenneth Pigott	_____ Signature	2033 East River Rd #31 Parcel #53-265281
Patricia Chepke	_____ Signature	2033 East River Rd #24 Parcel #53-264263
Jennifer Russ	_____ Signature	2033 East River Rd #33 Parcel #53-265264

This Petition may be signed in several counterparts, each of which shall be deemed an original.

Rachel Brown	_____ Signature	2033 East River Rd #35 Parcel #53-265265
James + Belinda Lazor	<i>Belinda A Lazor</i> <i>James A Lazor</i> Signature	2033 East River Rd #20 Parcel #53-265266
Bob + Marianne Cabosky	_____ Signature	2033 East River Rd #50 Parcel #53-265250
John Gordon	_____ Signature	2033 East River Rd #51 Parcel #53-265251
Marilyn Bates	_____ Signature	2033 East River Rd #45 Parcel #53-265253

December 14, 2022

Michael Acomb
City Clerk
612 West Broad Street
Newton Falls, Ohio 44444

Dear Mr. Acomb,

My name is Steven Lyden and I am writing this letter to announce to you, my interest in the open board seat on the Newton Falls Joint Fire District Board for the term *beginning on January 1, 2023 and ending on December 31, 2025.*

I was born and raised in Newton Falls and graduated from the Newton Falls High School in 2008. In 2010, I enlisted in the United States Army, serving until 2015 when I was medically retired. In 2016, I attended the police academy at the Youngstown State University and also in 2016, I began my career as a police officer with the Newton Falls Police Department. I worked for the Newton Falls Police Department until April of 2022. Service to my country, community, the public, and fellow first responders is very important to me.

I am a village resident, residing at 226 Medley Avenue, Newton Falls, Ohio 44444.

Thank you for your time and consideration in this matter.

Respectfully,

Steven Lyden
(931) 472-4619
steven.lyden21@gmail.com

City Clerk

612 W. Broad St.

Newton Falls, OH 44444

Dear City Clerk,

I would like to be considered for the open position on the Fire Board. I retired from the City of Newton Falls Utility Office in 2019 after 31 years of service. I am a lifelong Newton Falls resident.

My father, Kenneth McGregor, was instrumental in the creation of the NFJFD and served as Board Chairman. I was employed by the District for about 2 years as Financial Secretary. My duties included payroll, accounts payable & receivables, and recording secretary for the meetings. I enjoyed working for the District very much.

If you have any questions, please feel free to contact me.

Sincerely,

Linda Grunder

479 Ridge Rd. #F1

Newton Falls, OH 44444

(330) 442-5701

Lindagrunder@gmail.com

Mike Acomb

From: azimmermann197@gmail.com
Sent: Wednesday, December 14, 2022 8:18 PM
To: Mike Acomb
Cc: sandranfjfd@gmail.com; johnn@ironeaglerecycling.com; nfjfdchief43@gmail.com
Subject: Fire Board letter of interest

Mr. Acomb.

With this letter I am formally declaring my interest for the open seat on the Newton Falls Joint Fire District board.

I was a member of the board when I was on City Council in 2020/2021.

I helped get the levy passed to provide much needed funding for the district.

I am very interested in returning to this position to help to make our Joint Fire District a stronger entity.

Please submit this letter to council.

Regards,

Adam

Adam Zimmermann

azimmermann197@gmail.com

(330) 307-6790

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 46-2022
SPONSOR: Councilperson Spletzer

**A RESOLUTION ESTABLISHING THE ANNUAL OPERATING BUDGET AND
SETTING FORTH THE APPROPRIATIONS FOR 2023**

WHEREAS, at the direction of and with the assistance of the City Manager, Sean Housley, the Finance Director, has prepared the attached Annual Operating Budget and Appropriations for 2023; and

WHEREAS, Council deems it necessary and proper to exercise its authority over the budget and appropriations by authorizing and certifying the within Annual Operating Budget and Appropriation Resolution for 2023.

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

SECTION 1. That Council hereby adopts the attached Annual Operating Budget and Appropriations as the Annual Operating Budget and Appropriations for the Village of Newton Falls for the calendar year 2023.

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

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

SECTION 4. That this Resolution shall take effect immediately upon adoption in accordance with Article III, Section 22 of the Charter of Newton Falls.

PASSED IN COUNCIL THIS 21st DAY OF DECEMBER, 2022.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

2023 ORIGINAL APPROPRIATIONS, EXHIBIT A

CITY OF NEWTON FALLS		NFY Proposed Appropriations
100	General Fund	
POLICE		
Personal Services	Legal Level	68,032.12
Other Operations	Legal Level	431,400.00
	Total:	499,432.12
Police Support		
Personal Services	Legal Level	-
Other Operations	Legal Level	-
	Total:	-
FIRE		
Other Operations	Legal Level	75,228.11
	Total:	75,228.11
ZONING		
Personal Services	Legal Level	45,520.80
Other Operations	Legal Level	34,500.00
	Total:	80,020.80
CITY ADMINISTRATION		
Personal Services	Legal Level	85,044.20
Other Operations	Legal Level	55,472.59
	Total:	140,516.79
Council		
Personal Services	Legal Level	9,528.63
Other Operations	Legal Level	15,329.28
	Total:	24,857.91
MUNICIPAL COURT		
Personal Services	Legal Level	702,277.34
Other Operations	Legal Level	32,484.00
	Total:	734,761.34
FINANCE		
Personal Services	Legal Level	98,799.96
Other Operations	Legal Level	34,137.32
	Total:	132,937.27
BOARDS & COMMISSIONS		
Personal Services	Legal Level	200.00
Other Operations	Legal Level	300.00
	Total:	500.00
LAW		
Personal Services	Legal Level	63,714.70
Other Operations	Legal Level	5,017.71
	Total:	68,732.41
BUILDING & LANDS MAINTENANCE		
Personal Services	Legal Level	32,792.00

2023 ORIGINAL APPROPRIATIONS, EXHIBIT A

CITY OF NEWTON FALLS		NFY Proposed Appropriations
Other Operations	Legal Level	53,400.00
	Total:	86,192.00
TRANSFERS OUT		
Other Operations	Legal Level	161,400.00
	Total:	161,400.00
100	Total:	2,004,578.75
201 STREET CMR		
Personal Services	Legal Level	396,550.00
Other Operations	Legal Level	77,050.00
201	Total:	473,600.00
202 STATE HIGHWAY IMPRO		
Other Operations	Legal Level	7,000.00
202	Total:	7,000.00
203 PERMISSIVE AUTO		
Other Operations	Legal Level	108,850.00
203	Total:	108,850.00
204 PARK AND RECREATION		
Personal Services	Legal Level	1,870.00
Other Operations	Legal Level	23,300.00
204	Total:	25,170.00
208 DRUG LAW ENFORCEMEN		
Other Operations	Legal Level	1,000.00
208	Total:	1,000.00
215 INDIGENT DRIVERS		
Other Operations	Legal Level	7,000.00
215	Total:	7,000.00
217 ECONOMIC/HILP		
Other Operations	Legal Level	20,000.00
217	Total:	20,000.00
218 LAW LIBRARY		
Other Operations	Legal Level	15,000.00
218	Total:	15,000.00

2023 ORIGINAL APPROPRIATIONS, EXHIBIT A

CITY OF NEWTON FALLS		NFY Proposed Appropriations
219	ENFORCEMENT AND EDU	
Other Operations	Legal Level	8,500.00
219	Total:	8,500.00
220	SPECIAL LEVY POLICE	
Personal Services	Legal Level	16,474.00
Other Operations	Legal Level	316.00
220	Total:	16,790.00
221	INCOME TAX	
Other Operations	Legal Level	940,110.00
221	Total:	940,110.00
222	COURT COMPUTERIZATI	
Other Operations	Legal Level	117,000.00
222	Total:	117,000.00
223	COURT GENERAL SPECI	
Personal Services	Legal Level	84,058.72
Other Operations	Legal Level	12,240.00
223	Total:	96,298.72
224	COURT SECURITY/DIVE	
Other Operations	Legal Level	5,410.00
224	Total:	5,410.00
225	INDIGENT DRIVERS AL	
Other Operations	Legal Level	10,000.00
225	Total:	10,000.00
234	ONE OHIO OPIOID SET	
Personal Services	Legal Level	-
Other Operations	Legal Level	3,155.00
233	Total:	3,155.00
400	CAPITAL IMPROVEMENT	
Other Operations	Legal Level	61,229.00
400	Total:	61,229.00
410	AMI METERING PROJECT	
Other Operations	Legal Level	150,000.00

2023 ORIGINAL APPROPRIATIONS, EXHIBIT A

CITY OF NEWTON FALLS	NFY Proposed Appropriations
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410	Total:	150,000.00
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501	WATER OPERATING
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Personal Services	Legal Level	544,075.00
Other Operations	Legal Level	762,150.00
501	Total:	1,306,225.00

501	WATER DISTRIBUTION
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Personal Services	Legal Level	462,800.00
Other Operations	Legal Level	440,000.00
501	Total:	902,800.00

502	SEWER OPERATING
-----	-----------------

Personal Services	Legal Level	487,310.00
Other Operations	Legal Level	878,380.41
502	Total:	1,365,690.41

503	ELECTRIC OPERATING
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Personal Services	Legal Level	513,900.00
Other Operations	Legal Level	5,549,900.00
503	Total:	6,063,800.00

504	STORMWATER OPERATING
-----	----------------------

Other Operations	Legal Level	103,789.00
504	Total:	103,789.00

508	GUARANTEE TRUST
-----	-----------------

Other Operations	Legal Level	33,500.00
508	Total:	33,500.00

510	REFUSE
-----	--------

Other Operations	Legal Level	334,600.00
510	Total:	334,600.00

514	UTILITY OFFICE
-----	----------------

Personal Services	Legal Level	163,068.24
Other Operations	Legal Level	103,400.00
514	Total:	266,468.24

516	SEWER DEBT
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Other Operations	Legal Level	184,595.52
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CITY OF NEWTON FALLS		NFY Proposed Appropriations
516	Total:	184,595.52
517	ELECTRIC DEBT	
Other Operations	Legal Level	260,500.00
517	Total:	260,500.00
519	WATER DEBT SERVICE	
Other Operations	Legal Level	272,130.00
519	Total:	272,130.00
521	DEBT RETIRE 2020 BON	
Other Operations	Legal Level	385,199.00
521	Total:	385,199.00
602	EMPLOYEE BENEFITS	
Other Operations	Legal Level	1,000,000.00
602	Total:	1,000,000.00
705	TRUMBULL COUNTY CAPI	
Other Operations	Legal Level	8,500.00
705	Total:	8,500.00
709	FLOWER FUND	
Other Operations	Legal Level	5,000.00
709	Total:	5,000.00
711	FIRE/TWNSP FUEL	
Other Operations	Legal Level	33,800.00
711	Total:	33,800.00
Grand Total:		16,597,288.65

VILLAGE OF NEWTON FALLS, OHIO
RESOLUTION NO.: 47-2022
SPONSOR:

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND
EXECUTE VARIOUS CONTRACTS WITH PAN AMERICAN INSURANCE GROUP
FOR EMPLOYEE HEALTH CARE INSURANCE AND BENEFITS**

WHEREAS, with the assistance of the Village's employee health insurance broker, the Village obtained quotes for employee health insurance coverage for 2023; and

WHEREAS, Council determines that the attached proposal from Pan American Insurance Group provides the best coverage for the best price when taking into account the Village's employee benefit needs and short-term and long-range benefit strategies; and

WHEREAS, funds have been appropriated to pay for the coverage proposed herein in the Village's 2023 Budget.

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 enter into and execute various agreements with Pan American Insurance Group for employee health care insurance and benefits as provided in the proposal that is attached hereto.

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 21st DAY OF DECEMBER, 2022.

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

PROPOSAL FOR:
City of Newton Falls Ohio
 Provided by:
WJL ADMINISTRATIVE SERVICES, LLC

RES 47-2022
Exhibit A
Page 1 of 1

Carrier:	Pan American	Best Rating:	A
Specific Deductible:	\$30,000	Stop Loss	
Contract Type:	15/12	Eff Date:	1/1/2023
Plan Design:	Current Plan		

Fixed Cost	Number	Rate	Monthly	Annually
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SPECIFIC PREMIUM - MEDICAL & RX

Employee	7	\$329.51	\$2,306.57	\$27,678.84
EE/CH	3	\$569.65	\$1,708.95	\$20,507.40
EE/SP	15	\$641.71	\$9,625.65	\$115,507.80
Family	9	\$956.45	\$8,608.05	\$103,296.60

AGGREGATE PREMIUM

Employee	34	\$29.87	\$1,015.58	\$12,186.96
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Subtotal - Premiums

			\$23,264.80	\$279,177.60
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Administration (per employee)

Medical	34	\$40.00	\$1,360.00	\$16,320.00
Dental	34		\$0.00	\$0.00
PPO (per employee)	34	\$19.50	\$663.00	\$7,956.00
UR (per employee)	34	\$1.50	\$51.00	\$612.00
Broker Fee (per employee)	34		\$0.00	\$0.00
Life/AD&D (per employee)	34		\$0.00	\$0.00

Annual Plan Costs

Printing Costs (Booklets)

TOTAL FIXED COSTS	\$25,338.80	\$304,065.60
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Medical Claims & RX (Expected Costs)

Employee		\$0.00	\$0.00	
Family		\$0.00	\$0.00	

Total Expected Medical Claims	\$0.00	\$0.00
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Total Expected Medical (Fixed + Expected)	\$25,338.80	\$304,065.60
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Medical Claims & RX (Maximum)

Employee	7	\$453.81	\$3,176.67	\$38,120.04
EE/CH	3	\$800.07	\$2,400.21	\$28,802.52
EE/SP	15	\$903.98	\$13,559.70	\$162,716.40
Family	9	\$1,357.79	\$12,220.11	\$146,641.32

Total Maximum Medical Claims	\$31,356.69	\$376,280.28
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Total Maximum Medical (Fixed +Maximum)	\$56,695.49	\$680,345.88
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Total Annual Maximum Cost (Medical & RX)		
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Employee	\$874.19			
EE/CH	\$1,460.59			
EE/SP	\$1,636.56			
Family	\$2,405.11			
			\$56,695.49	

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 21ST DAY OF DECEMBER, 2022

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director



Betras, Kopp & Markota

6630 Seville Drive / Canfield, Ohio 44406

Tel: (330) 746-8484 / Fax: (330) 702-8280

bkmlaws.com

DAVID J. BETRAS, ESQ.*
dbetras@bkmlaws.com

*Licensed in Ohio & Pennsylvania

December 6, 2022

Village of Newton Falls, Ohio
c/o Pamela S. Priddy, City Manager
612 West Broad Street
Newton Falls, Ohio 44444

**RE: RETAINER AGREEMENT
Village of Newton Falls, Ohio**

Dear Councilmembers:

The Village of Newton Falls, Ohio (hereinafter "the Village") has the need for services of a law firm with the particular training, ability, knowledge, and experience possessed by the law firm of Betras, Kopp & Markota, LLC (hereinafter "the Firm"). The Village has determined that the Firm is qualified and capable of performing the professional services as the Village does require, under the terms and condition set forth in this Agreement. It is the purpose of this Agreement to establish the terms and conditions of employment of the Firm. In consideration of the matters described above, and of the mutual benefits and obligations set forth in this Agreement, the parties agree as follows:

1. Purpose of Employment. The Village employs David J. Betras, Esq. and the law firm of Kopp & Markota, LLC to provide legal representation. As the Village's Legal Counsel, the Firm shall:
 - (a) Provide appropriate oral and written legal advice and opinions pertaining to litigation and other matters determined by the Village and Firm.
 - (b) Review minutes, findings and decisions documents, motions, resolutions, ordinances, contracts, leases, purchase agreements and other legally binding agreements, consistent with existing laws, statutes, administrative rules, and regulations.
 - (c) Represent the Village in litigation matters determined by the Village and Firm, which may involve written letters, correspondence, document

review, legal research, drafting of pleadings, motions and discovery documents, attending and conducting depositions, and representation in court proceedings related the litigation matters, including trials. The Village expressly understands that this Agreement does not provide representation for any appeal that may arise out of any litigation matters. A separate retainer agreement and legal fee must be agreed upon prior to the Firm undertaking or performing appellate services on your behalf.

- (d) Communicate with Village Representatives through in-person meetings, telephone conferences, and/or email correspondence.
 - (e) Advise and assist the Village in matters involving municipal corporation law, Ohio Revised Code, elections, special elections, and state laws governing public leasing, purchasing and contracting, code development and enforcement, intergovernmental agreements, federal civil rights and related state and federal issues and employment matters.
2. Compensation. The Village shall be charged an hourly rate for the Firm's legal services. Charges will be made in 0.1-minute increments. Billing for the services rendered and expenses will be monthly and will be identified as to Council or City Manager. The Firm's billing shall include the following: (i) Date; (ii) Hours; (iii) Topic or area of service; (iv) Description of service (e.g., conference, letter, phone, research, etc.); (v). Fee; and (vi) Firm member completing the service.
3. The Village agrees the hourly rate shall be \$300.00 per hour for legal services performed by David J. Betras, Esq. and Brian P. Kopp, Esq., \$250.00 per hour for legal services performed by Justin A. Markota, Esq., \$125.00 per hour for legal services performed by associate attorneys, \$85.00 per hour for paralegal services, and \$75.00 per hour for travel time incurred by the Firm's attorneys (the "Hourly Rate"). The Village agrees and understands the Hourly Rate shall include the tasks described in Subparts (a)-(e) identified in Section 1.

Furthermore, if any action must be taken to enforce the terms of this Agreement, or the subject matter of this representation agreement, the prevailing party(s) will be entitled to its attorney fees and costs. The exclusive venue for any action to enforce this Agreement shall be Trumbull County, Ohio.

4. Costs. The Village is responsible to pay for the costs incurred by the Firm incurred in connection with the performance of the Firm's duties as City attorneys and general counsel. The Village authorizes the Firm to undertake and/or incur such costs as the Firm deems necessary in order to perform legal services and/or continue representation during any period related to this Agreement.

The possible costs include, but are not limited to, such items as photographs, filing fees, costs of serving summons and subpoenas, court reporter fees, jury lists, exhibits, deposition costs, engagement of expert witnesses, investigation expenses and witness fees. The Firm

will make every effort to keep costs at an absolute minimum consistent with the requirements of the case and/or authorized task.

5. The Village acknowledges that the Firm has made no guarantees as to the outcome of any matters, for which the Firm has been retained, as all expressions relative to the outcome are only the Firm's opinion. Furthermore, the Village realizes that it is impossible to know the result or even the likely result because so much depends upon factors which cannot be determined at this time. The firm may handle other matters on the Village's behalf which are not described in this Agreement upon the execution of a separate retainer agreement signed by both parties.
6. Non-reliance. The Firm has made no representations to the Village. The Village has not relied on any representations which are not contained in this Agreement.
7. Notice. Any notices required under this Agreement shall be in writing and shall be deemed to have been duly served if delivered at or sent by registered or certified mail to the address of the person for whom it is specified in this agreement.
8. Law to Govern Contract. The laws of the State of Ohio shall govern the construction and interpretation of this Agreement.
9. Entire Understanding between Parties. This Agreement is the entire agreement between us and shall not be amended or modified except in writing signed by both parties.
10. Withdrawal. The Firm shall have the right to terminate its representation of the Village in the following circumstances:
 - (a) Failure to make payments required by this Agreement;
 - (b) Failure to follow the Firm's legal advice;
 - (c) If the Village has misrepresented or failed to disclose material facts to the Firm; and
 - (d) If after research of the claim, facts are discovered which demonstrate that the alleged claims are not supported by the law or facts;

The undersigned has signed this statement and received a signed copy for reference.

The Village's agreement to this engagement constitutes acceptance of the foregoing terms and conditions. If any of them are unacceptable, please advise us now so that we can resolve any differences and proceed with a clear, complete, and consistent understanding of our relationship. If the terms set forth above are satisfactory, please indicate your acceptance by signing the enclosed copy of this letter on behalf of all parties in the space provided and returning the signed copy to us.

YOUR SIGNATURES BELOW WILL AUTHORIZE OUR FIRM TO CONTINUE WITH THIS MATTER.

Once again, we are grateful for the opportunity to work with you in connection with this matter, and we look forward to a mutually satisfactory relationship.

Respectfully yours,
BETRAS, KOPP & MARKOTA, LLC

DAVID J. BETRAS, ESQ.

By: _____
Name: [Name], [Title] on behalf of the Village of
Newton Fall, Ohio

By: _____
Name: [Name], [Title] on behalf of the Village of
Newton Fall, Ohio

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-62
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO
CONTRACTS SPECIFIED HEREIN FOR THE PURCHASE OF CHEMICALS NEEDED
BY THE VILLAGE OF NEWTON FALLS WATER PLANT FOR THE CALENDAR
YEAR 2023.**

WHEREAS, It is necessary for the Village to contract for the purchase of chemicals needed for the Water Plant; and

WHEREAS, the contracts were properly advertised pursuant to law, and a bid opening was conducted on Wednesday, December 7, 2022; and

WHEREAS, the Village Water Plant Supervisor has reviewed the bids and determined that the entities listed below submitted the lowest/best bid for each of the chemicals listed; and

WHEREAS, Council has/will appropriate funds for the purchase of these chemicals in the 2023 appropriations ordinance.

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 enter into contracts with the following companies who are herein declared to be the lowest/best bidders for the purchase of the specified chemicals needed by the Village of Newton Falls Water Plant for the year 2023, and the terms and conditions of the provision of such chemicals shall be in conformity with the sealed bids submitted to the Village of Newton Falls and the contracts attached hereto.

Sal Chemical Company, Weirton, WV

Potassium Permanganate (KMnO_4)	\$2.82/lb.
--	------------

Bonded Chemicals, Columbus, OH

Activated Carbon Watercarb 800	\$128.00/100 lbs.
Activated Carbon CB5	\$125.00/100 lbs.
Hydrofluosilicic Acid	\$38.40/100 lbs.

Aquamark, Chesterland, OH

AQ-722 Aluminum Chlorhydrate	\$.485/lb.
------------------------------	------------

JCI Jones Chemicals, Barberton, OH

Caustic Soda 50%	\$39.20/100 lb. (cwt)
Chlorine	\$122.67/100 lb.

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

COMPANY	CHECK/BID BOND	CAUSTIC SODA	CHLORINE	HYDRO FLUOSILIC ACID 25%	ACTIVATED CARBON - WATERCARB 800	ACTIVATED CARBON - CB5	KMNO-4	AQ 722 - ACH	
Sal Chemical Company	YES	\$53.25/100 lbs	-	\$45.00/100 lbs	-	-	\$2.82/lb	-	
Aquamark, Inc.	YES	-	-	-	-	-	-	\$.485/lb plus fuel surcharge	
Shannon Chemicals	YES	-	-	-	-	-	\$3.43/lb	-	
JCI Jones Chemicals, Inc.	YES	\$39.20/100 lbs	122.67/100 lbs	-	-	-	-	-	
Bonded Chemicals, Inc.	YES	\$39.60/100 lbs	\$189/100 lbs	\$38.40/100 lbs	\$128/100 lbs	\$125/100 lbs	\$4.35/lb	-	

CONTRACT
Agreement

AGREEMENT made and entered into this 5th day of January, 2023
between *THE CITY OF NEWTON FALLS*
and
Aquamark, Inc.
(hereinafter called the Contractor).

IT IS MUTUALLY AGREED between the parties that
THE CONTRACTOR will furnish, and the City will accept,
for the engagement hereinafter described,
the services of providing the named chemicals to *THE CITY OF NEWTON FALLS*:

NAME OF CONTRACTOR: *Aquamark, Inc.*

DATE(s) OF CONTRACT: *2023*

TYPE OF CONTRACT: *Chemical*

ORDINANCE/RESOLUTION: *Ordinance 2022-62*

COST: *AQ-722 Aluminum Chlorhydrate - \$.485/lb plus fuel surcharge*

It is understood that the Contractor executes this agreement as an independent contractor and is not an employee of the City.

SPECIAL PROVISIONS: *Terms: Net Thirty (30) Days*
 Bid Price is firm for one (1) year
 Bid price includes delivery

City of Newton Falls
Pamela Priddy, City Manager

Aquamark, Inc.

612 West Broad Street
Newton Falls, OH 4444
Signed:

PO Box 773
Chesterland, OH 44026
Signed:

Date:

Date:

CONTRACT
Agreement

ORD 2022-62
Exhibit A
Page 3 of 5

AGREEMENT made and entered into this 5th day of January, 2023
between *THE CITY OF NEWTON FALLS*
and
Bonded Chemicals, Inc
(hereinafter called the Contractor).

IT IS MUTUALLY AGREED between the parties that
THE CONTRACTOR will furnish, and the City will accept,
for the engagement hereinafter described,

the services of providing the named chemicals to *THE CITY OF NEWTON FALLS*:

<i>NAME OF CONTRACTOR:</i>	<i>Bonded Chemicals, Inc.</i>
<i>DATE(s) OF CONTRACT:</i>	<i>2023</i>
<i>TYPE OF CONTRACT:</i>	<i>Chemical</i>
<i>ORDINANCE/RESOLUTION:</i>	<i>Ordinance 2022-62</i>
<i>COST:</i>	<i>Activated Carbon-Watercarb 800 - \$128.00/100 lbs.</i> <i>Activated Carbon-CB5 - \$125.00/100 lbs.</i> <i>Hydrofluosilicic Acid - \$38.40/100 lbs.</i>

It is understood that the Contractor executes this agreement as an independent contractor and is not an employee of the City.

<i>SPECIAL PROVISIONS:</i>	<i>Terms: Net Thirty (30) Days</i> <i>Bid Price is firm for one (1) year</i> <i>Bid price includes delivery</i>
----------------------------	---

City of Newton Falls
Pamela Priddy, City Manager

Bonded Chemicals, Inc.

612 West Broad Street
Newton Falls, OH 4444
Signed:

2645 Charter Street
Columbus, OH 43228
Signed:

Date:

Date:

CONTRACT
Agreement

AGREEMENT made and entered into this 5th day of January, 2023
between *THE CITY OF NEWTON FALLS*
and
JCI Jones Chemicals, Inc.
(hereinafter called the Contractor).

IT IS MUTUALLY AGREED between the parties that
THE CONTRACTOR will furnish, and the City will accept,
for the engagement hereinafter described,
the services of providing the named chemicals to *THE CITY OF NEWTON FALLS*:

NAME OF CONTRACTOR: *JCI Jones Chemicals, Inc.*
DATE(s) OF CONTRACT: *2023*
TYPE OF CONTRACT: *Chemical*
ORDINANCE/RESOLUTION: *Ordinance 2022-62*
COST: *Caustic Soda 50% - \$39.20/100 lb (cwt)*
Chlorine - \$122.67/100 lb

It is understood that the Contractor executes this agreement as an independent contractor and is not an employee of the City.

SPECIAL PROVISIONS: *Terms: Net Thirty (30) Days*
Bid Price is firm for one (1) year
Bid price includes delivery

City of Newton Falls
Pamela Priddy, City Manager

JCI Jones Chemicals, Inc.

612 West Broad Street
Newton Falls, OH 4444
Signed:

2500 Vanderhoof Road
Barberton, OH 44203
Signed:

Date:

Date:

ORD 2022-62
Exhibit A
Page 5 of 5

IT IS MUTUALLY AGREED between the parties that
THE CONTRACTOR will furnish, and the City will accept,
for the engagement hereinafter described,

NAME OF CONTRACTOR:	Sal Chemical
DATE(s) OF CONTRACT:	2023
TYPE OF CONTRACT:	Chemical
ORDINANCE/RESOLUTION:	Ordinance 2022-62
COST:	Potassium Permanganate (KM_nO_4) – \$2.82/lb

SPECIAL PROVISIONS: *Terms: Net Thirty (30) Days*
Bid Price is firm for one (1) year
Bid price includes delivery

Sal Chemical

3036 Birch Drive
Weirton, WV 26062
Signed:

Date:

VILLAGE OF NEWTON FALLS, OHIO

ORDINANCE NO.: 2022-63

SPONSOR: Councilpersons Spletzer, Baryak, & Fetterolf

AN ORDINANCE AMENDING SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE RELATING TO THE NEWTON FALLS MUNICIPAL INCOME TAX RATE AND REQUESTING THAT SAID AMENDMENTS BE CERTIFIED TO THE COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE MAY 2, 2023 PRIMARY/SPECIAL ELECTION BALLOT

WHEREAS, Council has determined that additional revenues are necessary to maintain regular and customary municipal services and operations; and

WEREAS, Newton Falls' present one percent municipal tax rate is the lowest municipal tax rate in the greater surrounding area; and

WHEREAS, Council desires to amend Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code to raise the Newton Falls municipal income tax rate from one percent to two percent; and

WHEREAS, pursuant to Article VIII, Section 2 of the Charter of Newton Falls, an increase of in the Newton Falls municipal income tax rate to a rate in excess of one percent requires approval by a vote of the people before it can go into effect.

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

SECTION 1. That Council hereby and herein amends Section 191.01(B)(1) and the preamble of Section 191.03 of the Newton Falls Tax Code, relating to the Newton Falls municipal income tax rate, as indicated in the attachment hereto that is incorporated herein by reference.

SECTION 2. That the rest and remainder of the above sections of the Newton Falls Tax Code and the Newton Falls Codified Ordinances shall remain as presently drafted unless inconsistent herewith.

SECTION 3. That the tax rate amendments set forth in this Ordinance shall become effective January 1, 2024, upon approval of the amendments by the electorate at the May 2, 2023 Primary/Special Election.

SECTION 4. That the Clerk of Council is hereby directed to timely submit a certified copy of this Ordinance to the Trumbull County Board of Elections so that this Newton Falls municipal tax rate amendment issue can be placed on the May, 2022 Primary/Special Election ballot for the voters' approval pursuant to law.

SECTION 5. That Council requests the ballot language for this tax code amendment issue prepared by the County Board of Elections to read as follows:

PROPOSED TAX LEVY

VILLAGE OF NEWTON FALLS

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance providing for an increase in the Newton Falls municipal income tax rate from one percent (1%) to two percent (2%), as of January 1, 2024, be adopted?

FOR THE TAX LEVY: _____

AGAINST THE TAX LEVY: _____

SECTION 6. 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 7. 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

191.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

* * *

- (B)(1) The annual tax is levied at a rate of ~~one~~ two percent (~~1.0%~~ 2.0%). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Newton Falls. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

* * *

191.03 IMPOSITION OF TAX.

The income tax levied by Newton Falls at a rate of ~~one~~ two percent (~~1.0~~ 2.0%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in Newton Falls.

* * *

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2022-64
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
ADMINISTRATIVE AGREEMENT WITH NEIGHBORHOOD DEVELOPMENT
SERVICES, INC. FOR THE ADMINISTRATION OF THE RLF HOME REPAIR
PROGRAM**

WHEREAS, the Village desires to retain Neighborhood Development Services, Inc. ("NDS") to provide assistance with the administration and implementation requirements for the RLF Home Repair Program; and

WHEREAS, it is necessary for the Village and NDS to enter into an administrative agreement for the provision of the above 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 agreement, or an agreement substantially similar thereto, with Neighborhood Development Services, Inc., for administration and implementation requirement services for the RLF Home Repair Program.

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

ADMINISTRATIVE AGREEMENT
between
NEIGHBORHOOD DEVELOPMENT SERVICES, INC
and the
CITY OF NEWTON FALLS
for the administration
of the RLF HOME REPAIR PROGRAM

ORD 2022-64
Exhibit A
Page 1 of 6

This Agreement is made and entered into by and between Neighborhood Development Services, Inc. ("NDS") and the City of Newton Falls ("CITY") and is contingent upon available funds from the City's Housing Revolving Loan Fund.

WITNESSETH

WHEREAS, the CITY desires to employ the services of NDS for the purpose of providing assistance with the administrative and implementation requirements in connection with the above-mentioned program and

NOW THEREFORE, for the mutual considerations contained and specified herein, NDS and the CITY do hereby agree as follows:

SCOPE OF SERVICES

NDS shall perform the duties of the program as outlined and specified herein:

1. Prepare the paperwork and documentation necessary to receive a release of funds from OCD including Environmental Review, if required.
2. Prepare the necessary contracts and systems required to implement the activities.
3. Assist the City in preparation of any necessary reports as required by OCD.
4. Assist in the disbursement of funds, including the documentation required, to assure the appropriate work was completed including:
 - a. Preparation of all necessary documents.
 - b. Maintain an adequate number of pre-approved contractors to complete the construction work.
5. Develop and maintain files that document OCD and HUD Compliance for all the activities for a period of 4 years after the activity is completed.
6. Supervise all rehab activities including:
 - a. Applications for Assistance
 - b. Income Qualification, Verification of Insurance
 - c. Scope of Work
 - d. Cost Estimates
 - e. Bid Process
 - f. Contracts, Mortgages, Notes
 - g. Inspection of Work

- h. Processing Payments
- i. Case Management thru Warranty Period

7. Take all necessary actions to ensure the City's compliance with the provisions of the RLF requirements.

It is expressly understood that the above scope of services does not in any way relieve the City of any of its responsibilities as per OCD requirements.

COMPENSATION and PROJECT TERMS

Project Soft Costs shall be billed according to the schedule attached as Exhibit A and made a part of hereto. The total project soft costs are estimated to be the following:

Home Repair \$3,000 No Lead, and \$3,800 Lead per completed job

Program Budget will be determined by the RLF amount. Estimated number of projects projected to be 6 to 7 as listed on the attached Exhibit B.

Following Current Chip Guidelines projects will be completed as Grants, as listed on attached Exhibit C.

TERMS AND CONDITIONS

Amendments

The CITY, at any time, by written notice to NDS, may modify the scope or quantity of the services to be furnished. If such changes cause an increase or decrease in the amount of services to be furnished by NDS, or in the time required for their performance of the services, the original Agreement shall be modified by mutual written consent of the parties accordingly.

Termination of Agreement for Cause

If NDS shall fail to fulfill in a timely and proper manner, the obligations under the proposal, or if NDS should violate any of the covenants, agreements, or stipulations of the Agreement, the CITY shall thereupon have the right to terminate the Agreement by giving written notice to NDS of such termination and specifying the effective date of such termination. In the event of termination, all finished or unfinished documents, data, studies, and reports prepared by NDS under the Agreement shall become the property of the CITY and NDS under the Agreement shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Termination of Agreement for Convenience of CITY

The CITY may terminate the Agreement at any time for convenience by a notice in writing to NDS. NDS shall be reimbursed for all expenses incurred by NDS during the Agreement period which are directly attributable to the incomplete portion of the services covered by the Agreement.

Interest of Certain Officials

No Member of, or Delegate of the Congress of the United States shall be admitted to any share or part of the Agreement or to any benefit to arise therefrom.

No elected official of the CITY, who exercises functions or responsibilities in connection with the carrying out of the work to which the Agreement would pertain, and no other officer or employee of the above mentioned Communities who exercises any such functions or responsibilities shall have any private interest, direct or indirect, in the proposed Agreement which is incompatible or in conflict with the discharge or fulfillment of his functions and responsibilities in connection with the carrying out of the work to which the Agreement would pertain.

NDS and those in direct or indirect employment shall not have any private interest, direct or indirect in the proposed Agreement which is incompatible or in conflict with the discharge of work related to this Agreement.

Access to Records

The authorized representatives and agents of the Department of Housing and Urban Development and OCD shall be permitted to inspect all records relevant to this Agreement. NDS shall maintain all records relevant to this Agreement as required by law.

Federal Requirements

NDS shall comply on behalf of the CITY with all applicable federal rules, regulations and requirements in the administration and implementation of the activities specified herein.

PROVISIONS OF LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to be inserted herein and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the Agreement shall forthwith be physically amended to make such insertion or correction.

IN WITNESS WHEREOF, the CITY and NDS have executed this Agreement this

_____ day of _____, 2023.

CITY OF NEWTON FALLS

BY: _____

TITLE: City Manager

NEIGHBORHOOD DEVELOPMENT SERVICES, INC.

BY: _____

TITLE: Executive Director

Exhibit A: Soft Cost Schedule

Income Qualify	395.00
Initial Inspection	240.00
Specs/ Work Write-up	450.00- No Lead \$1,250- Lead
Bid	800.00
Contract Closing	315.00
Monitoring	350.00
Case Management	450.00
Total	3,000 (No Lead) 3,800 (Lead)

Exhibit B: Program Budget

Opening Account Balance	143,000.00
Estimated Cost Per Job (hard & soft)	22,000.00
Estimated # of Jobs	6-7

Exhibit C: Loan Terms

Following the current CHIP guidelines, Home Repairs would be full Grant.