



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, January 4, 2023; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

CITY COUNCIL MEMBERS	
Ward 1	Gideon 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**
- 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 21, 2022

VIII. Public Hearings

ORDINANCE 2022-56 *Sponsor: Councilperson Fetterolf*
 AN 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 2022-61 *Sponsor: Councilperson Baryak*
 AN ORDINANCE AMENDING THE ELECTRIC RATES ADDING A FIXED MONTHLY
 DEBT SERVICE CHARGE

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 2022-64

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

IX. Unfinished Business

ORDINANCE 2022-56

Sponsor: Councilperson Fetterolf

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X. New Business

MOTION

Sponsor: Mayor Kline

A Motion to appoint a member of Council to the position of Council Vice-President.

ORDINANCE 2023-01

Sponsor: Councilperson Spletzer

AN ORDINANCE AMENDING RANGE 21E OF THE VILLAGE HOURLY WAGE RATE SCHEDULE FOR JOB CLASS & PAY GRADE EMPLOYEES

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 21, 2022; 6:00 PM
 COUNCIL CHAMBERS
 612 WEST BROAD STREET

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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

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

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent: None

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

Staff Absent: City Administrator Smeiles

IV. Special Presentations by Staff Members or Invited Consultants

Swearing-In Ceremony – Kevin Rufener - Ward 4 Councilperson

Newly Appointed by Mayor Kline

Mr. Bryan swore Mr. Rufener into office at 6:02 pm.

V. Public Comments (Agenda Items Only)

Julie Lemon – 609 Ridge Road

She spoke against the emergency clause of Emergency Ordinance 2022-56. She spoke in support of Mr. Bryan handling all legal business. She spoke against the passage of Ordinance 2022-58 as an emergency ordinance.

John Richards – 212 Albert Street

He spoke against the emergency clause of Emergency Ordinance 2022-56.

Patricia Benetis

She cited the police budgets for the past three years, noting decreasing budgets over those times. She asked to know why the numbers are greater in 2022. She spoke in

support of the police department and against having two Chiefs. She spoke against the City Manager and Councilpersons Baryak, Fetterolf, and Spletzer. She noted that gift cards were missing from the gifts to the police officers. She spoke against the new cruiser received for the department.

Brian Axiotis – 315 Adams Streets

He spoke against Ordinance 2022-61. He called for a sunset date for the debt service charge. He spoke against the motion to accept East River Road as a Village Street noting that the budget doesn't support accepting more streets. He spoke against an increase in income tax.

Adam Zimmermann – 515 Lemae Avenue

He spoke against the appointment of Mr. Rufener by Mayor Kline. He spoke against bringing the Verlay Condos into the Village noting that it was not originally brought in because it did not meet Newton Falls standards for roads. He spoke against an increase in the income tax.

Richard Montague – 2033 East River Road

As the Chairman of the Verlay Condo Association, he thanked Council for their consideration and spoke in support of the passage of the motion citing it as a common practice across America and that the residents are part of Newton Falls and should benefit from the support of the Village. He wished everyone Happy Holidays.

Jim – 2033 East River Road #13

He spoke in support of the motion related to Verlay Condos. He spoke about the need for streetlights and hoped Council would support the residents.

Nancy Pagano - #1

He spoke in support of the motion related to Verlay Condos. She also spoke about the need for streetlights that would increase the safety of the area for residents.

Ken – 2033 East River Road

He identified himself as the developer of Verlay Condos. He stated that this has been a request for 19 years. He stated that the road met city standards at the time of installation. He advocated for the passage of the Motion citing \$7 million that are paid in taxes from that development. He noted that the road is much wider than other streets in the city and urged Council to pass the motion.

Denny Cottrell – 16 Grant Street

He asked several questions about the assets of the police department, including the current use of the new police cruiser and the plan for the vests worn by the officers. He addressed the potential theft of gift cards from the gifts for the police officers and wondered if it was being investigated.

VI. Reports

- a. Mayor - no report
- b. Ward 1 – Mr. Fetterolf – no report

- c. Ward 2 – Mr. Baryak – He announced that a \$2.9 million loan with total forgiveness has been acquired for the Scott Street Sewer Project. He thanked the city manager for her efforts. He announced the river will be cleaned up. He stated that there are other efforts being made that will announced later.
- d. Ward 3 – Ms. Spletzer – She spoke in support of the motion related to the Verlay Condos. She wished a happy anniversary to the Mayor and his wife.
- e. Ward 4 – Mr. Rufener – no report
- f. At-Large – Ms. Stimpert – no report
- g. Finance Director - Mr. Housley – He stated that most communications have been addressed from taxpayers. He stated that \$4950 were charged to the police department for services performed by the previous law director. He encouraged Council ask questions during the budget discussion.
- h. Law Director – Mr. Bryan - He spoke regarding Emergency Ordinance 2022-56 and noted that the ordinance is written properly and Council has the choice to use the emergency clause. He noted the language in 2022-56 complies with the new charter amendment related to emergency ordinances.
- i. City Manager – Ms. Priddy - She spoke on several topics. She addressed Ms. Benetis’ comments regarding the police budgets. She stated that the budgets were over budget at year end in both previous years cited by Ms. Benetis. However, in 2022, the actual budget was under budget. She restated the Scott Street Sewer Project forgiveness loan is provided by the EPA. Overall, her goal is to have the County cover all the connection fees through a grant. Updates will be forthcoming. The Village has applied for three additional grants in conjunction with other communities with similar needs. Updates will be forthcoming. Mr. Baryak shared several examples of how spending has been misspent in the past by prior administrations and councils. He stated that Council is working within the budget provided by the citizens. He spoke in support of the grants for the connection fees. He thanked the public. Mr. Rufener inquired about the police budget for 2022 and the role that was played by the ARPA funds. Ms. Priddy stated that the Village was short \$200,000 and that gap was filled with ARPA funds, which are no longer available. Ms. Priddy stated that the police budget was always at about \$700-900K and that federal CARES ACT money was used in 2020 also.

Changes To Tonight’s Agenda

VII. Approval of Previous Minutes

Regular Meeting Minutes of December 7, 2022.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

No discussion.

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

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

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer stated that the finance director has provided a cost impact for each of the departments in the general fund. She stated that the impact is minimal and streamlines the payroll process. She spoke in favor of the ordinance. Mr. Fetterolf spoke in support of the ordinance as an effort to retain employees and to express appreciation for those employees and their efforts. He agreed with Ms. Spletzer's comments and expected future adjustments. Mr. Rufener spoke in support of the employees and the ordinance and the need to remain competitive. Ms. Stimpert spoke in support of the ordinance as a long time coming. Ms. Priddy stated that the employees are present and she asked them to stand and be recognized. Ms. Priddy stated that employees are approaching retirement age and the need to acquire new employees is urgent. She spoke in appreciation and urged Council to pass the ordinance. She also urged Council to adjust the pay schedule rules to allow for the city manager to meet the offered salaries by other employers who attempt hire a Newton Falls employee away. She expressed hope that the pay schedules are reviewed every year.

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

The ordinance passed 5-0.

ORDINANCE 2022-61

Sponsor: Councilperson Baryak

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak stated his sponsorship and asked the city manager and finance director to comment.

Mayor Kline, at the suggestion of the city manager, called for a motion to suspend council rules so that Mr. George could address Council.

Moved by: Ms. Stimpert

Seconded by: Mr. Rufener

No discussion.

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

The motion passed 5-0. Council rules were suspended at 6:51 pm.

Mr. George corrected misinformation in the community that this ordinance is designed to force residents to repay the \$462,000 that was previously transferred from the electric fund. He made it clear that the purpose of this ordinance is to pay for the AMI System – a \$3M loan. He outlined the terms of the loan with the final payment in 2030. He stated that the new rate study will likely absorb the fee; but the electric rates will be adjusted regardless. Mr. Rufener asked for the status of the AMI project. Mr. George stated that 1500 meters are still awaiting delivery in 2023 due to the pandemic and the shortage of microchips. The law director is researching the ability to push the supplier legally to provide the

product since a debt is being incurred. Mr. Baryak asked the status of the contract and the city manager stated that \$800K remains to be paid on the contract. The Village has been billed for what is installed. Ms. Stimpert asked for clarification regarding the billing and stated that all residential and commercial customers will pay the fee. She advocated for future legislation to give the discount back to the residents if a legal “push” on the supplier is successful. The law director agreed.

Mayor Kline called for a motion to resume council rules.

Moved by: Mr. Baryak
No discussion.

Seconded by: Ms. Spletzer

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

The motion passed 5-0. Council rules were resumed at 6:57 pm.

Mayor Kline called for the roll to pass the ordinance.

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

The ordinance passed 5-0.

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.

Mayor Kline called for a motion to consider the request.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

Ms. Spletzer advocated for the motion noting that June, 2021 was the first communication from Verlay to the city manager and that this motion represents the very first step of Council considering the request and the purpose is to get council to agree to consider it. Mr. Rufener spoke against the motion and that this goes back to 2006 and that the original developer intended it to be a private association. He stated that he wanted to verify that they are up to standard as supported by the various department heads. Ms. Stimpert stated her agreement with Mr. Rufener’s statements. Mayor Kline asked if the motion can be tabled. Mr. Baryak asked if the electric department would be required to pay for streetlights. Ms. Priddy answered yes and stated that department heads have told her that city standards are not met currently and that streetlights can cost as much as \$90K and that major work needs to be performed on other areas. Mr. Fetterolf spoke against the motion citing that this private property does not meet city standards. Ms. Stimpert asked for a report to be given to the private property owner stating where they are sub-standard. Ms. Priddy advocated that Council moves to consider the request so that more information can be provided. Ms. Spletzer outlined her understanding of the expectations of the association and their priority is on the lighting only. She advocated that Council continues to collect information by passing this motion. Mr. Baryak spoke against the motion until the private developer can show that they are up to Village standards in all areas.

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

The motion failed 2-3.

MOTION

Sponsor: Councilperson Stimpert

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

Mayor Kline called for a motion to discuss the open seat.

Moved by: Ms. Stimpert

Seconded by: Mr. Rufener

Ms. Stimpert stated that three very good applicants were found. Mayor Kline asked if action can be taken. The law director stated his expectation that the process would be discussed and decided because of this motion.

Ms. Stimpert called for a motion to amend the Motion to appoint Linda Grunder to the open seat on the Joint Newton Falls Fire District Board.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

No discussion.

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

The motion to amend the Motion passed 5-0.

Mayor Kline called for a motion to pass the Motion as Amended.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert spoke in support of Ms. Grunder noting the Grunder family history of involvement with the Fire Board.

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

The motion to pass the Motion as Amended passed 5-0. Ms. Grunder was appointed to the Fire Board.

RESOLUTION 46-2022

Sponsor: Councilperson Spletzer

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

Mayor Kline called for a motion to pass the resolution.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Housley summarized the budget noting that it is smaller than that of 2020 and 2021 and 2022. Mr. Rufener asked for clarification regarding the police line items. He asked to know why those are there if council is contracting with Trumbull County. Mr. Housley summarized that \$64,000 is wages for a Chief, \$410,000 is for Sheriff contract with a buffer, \$17,000 for utilities for police department facility, which cannot go away, \$2400 for gasoline for the Chief. He also noted police pension costs for the Chief stating that all the expenses for the Chief are required if the Village is legally bound to keep one.

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

The resolution passed 5-0.

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

Mayor Kline called for a motion to pass the resolution.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak asked Ms. Priddy to speak. She summarized that the Village went to market and this vendor represents the best choice as to price and value while preserving the current plan. There will be no plan design changes with this resolution. This plan represents an expense of \$680k compared to \$800K thanks to last year's changes. Spousal coverage could be added in the future prior to January 31, 2023. Ms. Stimpert stated a desire for information on the spousal payback for her sponsorship on that matter in January.

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

The resolution passed 5-0.

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Mr. Fetterolf spoke in support of the ordinance citing that it is intended to be used on an "as needed" basis in the event that the Law Director becomes a witness in a lawsuit where he cannot represent the city due to conflict of interest. He stated that there is no cost to the city for passing the ordinance; but only if their services are used. Mr. Baryak spoke in support of the ordinance to be prepared immediately should the services be needed. Mr. Rufener made a motion to remove the emergency clause. He spoke against emergency clauses in all legislation. The law director stated that the emergency clause, as written, is proper and legal.

A motion to amend the ordinance to remove the word "emergency" from the title and to remove the emergency clause from the ordinance and replace that clause with the standard clause used for regular ordinances.

Moved by: Mr. Rufener

Seconded by: Ms. Spletzer

No discussion.

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

The Motion to Amend the ordinance was passed 4-0.

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

Moved by: Mr. Rufener

Seconded by: Ms. Spletzer

Mr. Rufener spoke against the emergency clause and in support of the public's ability to speak. The law director clarified that Council decides how to pass legislation and that the emergency clause states a legal reason and can be used if Council chooses to do so.

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

The ordinance was passed as amended 4-0. First Reading.

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.

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Rufener

Seconded by: Mr. Baryak

Mr. Baryak stated that ordinance is done every year and that the Village went out for bid for each of the chemicals. City manager agreed and described the public bid process. The law director stated that there are four (4) contracts.

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

The ordinance passed 5-0. First Reading

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

Mr. Rufener spoke against the ordinance because there is no information for which to vote. He urged for education and communication with the public. He stated that there is a need to understand how the recommendation was made. Mr. Fetterolf spoke in support of the ordinance citing the immediate need and that Newton Falls is one of the last few communities that are not at 2% and it would allow for the police department to return. He noted that collections would begin in 2024. Mayor Kline spoke against the ordinance citing that inflation and utility increases prevent him from supporting it. He advocated for a police levy instead. Ms. Stimpert spoke against the ordinance citing a lack of information. Ms. Spletzer spoke in support of the ordinance citing the income tax rate being set in 1966 and should have been increased 20-30 years ago. She stated her belief that not being a 2% has contributed to the funding problems in Newton Falls. She stated her belief that the income tax increase is the only way to move forward. She summarized the elections deadlines that are required and fast approaching, so time is of the essence. Ms. Priddy spoke in support of the income tax, noting that a police levy would need to be 8-9 mills to cover the full police budget (payable only by property owners) and an income tax would cover the police budget (payable by property owners AND those who work in the Village). Mr. Baryak stated that the forgiveness would remain intact. He spoke in support of all who live and work in the Village to assist with the expense. He stated that an income tax is better than a police levy. Mr. Fetterolf stated that sales of city assets are not viable solutions because the sale of assets can't be deposited into the general fund. Mr. Rufener stated that he is not against the ordinance; he simply wants more information to ensure that the entire community is educated before something like this gets passed. Mr. Housley addressed Mr. Rufener and stated that RITA believes that approximately \$880,000 would be raised without the burden being placed solely on residents (property owners). Mr. Housley stated further that if the Village adds the \$440,000 that is being allocated for the sheriff department, then \$1.2 million would be available for the department. Ms. Stimpert asked for what guarantee is there that the police department will return

if the income tax passes. Mr. Housley stated that this money will go straight to the general fund forever. Mr. Bryan stated that council would have to decide if and when the police department returns. Mr. Housley suggested a special revenue fund for the additional income tax for the sole purpose of funding the police department. Mr. Bryan recommended an amendment today if Council chooses to do that. Mr. Housley explained that the 1% could be placed into a special revenue fund for police only and the general fund would be obligated to contribute to the special revenue fund in the event the special fund comes up short. Mr. Baryak spoke in support of those who work in the Village to share the cost as they benefit. Mr. Housley stated that the special fund would be subject to audit from the State which would ensure that the money will always be spent properly. Ms. Stimpert advocated for an amendment to increase the income tax by 0.5% instead of 1% in order to use that new tax money with the already appropriated \$440,000 from the Sheriff's contract to restart the department. She suggested this smaller tax increase be re-evaluated after a year of collections is complete. Mayor Kline stated that it was determined that 1% is necessary to revive the police department.

Mayor Kline called for a Motion to Amend the ordinance to state that the new 1% will be placed into a special revenue fund solely dedicated to expenses for the police department. Mr. Bryan outlined the actual language changes that would be written into the amendment, including the revised ballot language.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Stimpert asked for clarification of the language. Mr. Bryan provided clarification. Mr. Fetterolf spoke against the amendment citing risks that handcuff future councils with respect to budget creation. Mr. Housley clarified that no study was conducted, but RITA certified the dollar amount that would be raised (\$880,000) and that has been referred to as a "study". He cautioned that the tax would increase over time as expenses increase. He added that as the tax base grows, then tax revenue grows, so it should sustain the department. Mr. Housley stated that Council would still need to pass annual budgets and would not lose control over the budget each year.

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

The Motion to Amend passed 5-0.

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

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

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

The ordinance passed as amended 5-0. First Reading.

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak asked the city manager to speak. She stated that \$145,000 has been

identified in an account that represents previously acquired grant money for neighborhood development allowing residents to take out low-interest loans. This would re-establish the agreement so that these loans can be made available to residents. Ms. Spletzer stated this is account 217. Mr. Fetterolf stated that interest rates are desirable and spoke in support of the ordinance. Ms. Priddy stated that low-balance, low-rate loans are the best for residents. Ms. Spletzer spoke to clarify how the loans are decided by RLF.

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

The ordinance passed 5-0. First Reading.

XI. Public Comments

Julie Lemon – 609 Ridge Road

She spoke in support of Mr. Rufener's comments about emergency ordinances. She addressed Mr. Fetterolf directly regarding her request for his resignation. She urged him to publicly resign.

Patricia Benetis

She spoke on several topics including the rumor that police officers were told to not write citations, her support for the Windham Police Department proposal, and Council's perceived refusal to listen to the people and Ms. Stimpert. She spoke in support of recalls and called for resignations of Councilpersons Fetterolf, Baryak, and Spletzer. She spoke in support of Ms. Stimpert. She thanked Mr. Rufener for taking the position for Ward 4.

Adam Zimmermann – 515 Lemae Avenue

He spoke about voting thresholds for emergency ordinances and stated that Council must be consistent in its application of those thresholds. He expressed disappointment that Sgt. Foor is on sick leave. He spoke in support of economic development but stated his belief that the Village is not prepared for it.

Chelsea Harper – 515 High Street

She spoke about several topics, including her frustration with Council's approach to solving the funding problem of the police department. She spoke against a 1% increase in income tax. She spoke in support of increased wages for Village employees.

XII. Closing Remarks

Ward 1 - Mr. Fetterolf – He announced that he not running for council in the next election. He encouraged others to run.

Ward 2 – Mr. Baryak – He spoke in support of having a police department. He lamented that some residents seem never satisfied. He welcomed Mr. Rufener. He stated that the law director makes the determination regarding voting thresholds. He spoke in support of Mr. Fetterolf. He spoke of his love of Newton Falls. He expressed thanks for those who have supported him personally this past week.

Ward 3 – Ms. Spletzer – She thanked Council and Council Staff for working together on the amended version of 2022-63. She believes it is the best option.

Ward 4 – Mr. Rufener – He expressed thanks for the opportunity to serve and encouraged all to contact him. He announced that meet-n-greets will occur with him.

At-Large – Ms. Stimpert – She stated that the Fire Board Meeting is December 27 – 6:00pm.

Mayor Kline – He thanked Council for their productivity. He thanked the public for their good, respectful behavior tonight. He explained the voting thresholds for emergency ordinances and that they can change depending on how many seats are filled on Council.

MOTION

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

Mayor Kline called for a motion to adjourn into executive session.

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 |

No motion was made.

Mayor Kline called for a motion to schedule a special meeting on Thursday, December 29 at 4:30 pm at the Municipal Center.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Housley stated that the meeting was necessary to allow the 2022 budget to be properly closed out with amendments to the Year 2022 Appropriation Ordinance. Mr. Bryan advocated for placing Ordinance 2022-53 onto the agenda. Mr. Bryan advocated for placing Ordinance 2022-63 onto the agenda citing the very short timeline related to the May election should Council need to file with the Board of Elections to ensure it gets placed on the ballot properly. The law director clarified that the purpose of the meeting would be to consider, take action upon, and/or adopt the noted legislation, specifically Ordinance 2022-53, 2022-63, and what would be become 2022-65 to amend the Year 2022 Appropriation Ordinance.

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

The motion passed 5-0.

XIII. Adjournment

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

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

No discussion.

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

The motion passed 5-0. The regular meeting was adjourned at 8:38 pm.

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

AN 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 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



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.: 2022-61
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:

<u>Residential \$4.25/mo.</u>	<u>Municipal \$18.35/mo.</u>
<u>Commercial \$15.15/mo.</u>	<u>Industrial \$515.00/mo.</u>

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 4TH DAY OF JANUARY, 2023

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

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

<u>Sal Chemical Company, Weirton, WV</u>	
Potassium Permanganate (KM _n O ₄)	\$2.82/lb.
<u>Bonded Chemicals, Columbus, OH</u>	
Activated Carbon Watercarb 800	\$128.00/100 lbs.
Activated Carbon CB5	\$125.00/100 lbs.
Hydrofluosilicic Acid	\$38.40/100 lbs.
<u>Aquamark, Chesterland, OH</u>	
AQ-722 Aluminum Chlorhydrate	\$.485/lb.
<u>JCI Jones Chemicals, Barberton, OH</u>	
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 4TH DAY OF JANUARY, 2023.

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

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*:

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

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

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:

CONTRACT
Agreement

AGREEMENT made and entered into this 5th day of January, 2023
between *THE CITY OF NEWTON FALLS*
and
Sal Chemical
(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: *Sal Chemical*
DATE(s) OF CONTRACT: *2023*
TYPE OF CONTRACT: *Chemical*
ORDINANCE/RESOLUTION: *Ordinance 2022-62*
COST: *Potassium Permanganate (KM_nO₄) – \$2.82/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

Sal Chemical

612 West Broad Street
Newton Falls, OH 4444
Signed:

3036 Birch Drive
Weirton, WV 26062
Signed:

Date:

Date:

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 4th DAY OF JANUARY, 2023

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.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-01
SPONSOR: Councilperson Spletzer

AN ORDINANCE AMENDING RANGE 21E OF THE VILLAGE HOURLY WAGE RATE SCHEDULE FOR JOB CLASS & PAY GRADE EMPLOYEES

WHEREAS, on December 29, 2022, Council adopted Ordinance 2022-53, which amended the Job Class & Pay Grade and Hourly Wage Rate Schedules; and

WHEREAS, the Electric Department Superintendent and City Manager desire to amend the wage rate listed for Range 21E of the Hourly Wage Rate Schedule in order to make that pay rate for qualifying Electric Department employees more equitable with comparable employees in other Village Departments.

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

SECTION 1. That Council hereby amends Range 21E of the Hourly Wage Rate Schedule as set forth in the attachment hereto that is incorporated herein by reference.

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

SECTION 3. That this Ordinance shall be effective as indicated herein.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023

Kenneth A. Kline, Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Bradric T. Bryan, Law Director

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 31.00