



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING AGENDA**  
 Wednesday, February 1, 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**

Annual Reports

- 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 January 18, 2023

VIII. **Public Hearings**

ORDINANCE 2023-03

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AMENDING SECTIONS 121.01(d) and 121.02(b) OF THE  
 CODIFIED ORDINANCES RELATING TO THE TIME AND DATE OF REGULAR  
 COUNCIL MEETINGS AND METHOD AND DEADLINE FOR DELIVERY OF  
 COUNCIL MEETING AGENDAS TO THE MAYOR AND COUNCIL

- IX. **Unfinished Business**

ORDINANCE 2023-03

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AMENDING SECTIONS 121.01(d) and 121.02(b) OF THE CODIFIED ORDINANCES RELATING TO THE TIME AND DATE OF REGULAR COUNCIL MEETINGS AND METHOD AND DEADLINE FOR DELIVERY OF COUNCIL MEETING AGENDAS TO THE MAYOR AND COUNCIL

**X. New Business**

RESOLUTION 01-2023

*Co-sponsors: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, Rufener, & Stimpert*

A RESOLUTION HONORING SEARGENT BRIAN FOOR FOR 30 YEARS OF SERVICE TO NEWTON FALLS

RESOLUTION 02-2023

*Co-sponsors: Mayor Kline, Councilpersons Fetterolf, Baryak, Spletzer, Rufener, & Stimpert*

A RESOLUTION HONORING WATER TREATMENT DEPARTMENT EMPLOYEE RAY KOVACS FOR 31 YEARS OF SERVICE TO NEWTON FALLS

ORDINANCE 2023-04

*Sponsor: Mayor Kline*

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING, AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NEWTON FALLS, OHIO

ORDINANCE 2023-06

*Sponsor: Councilperson Baryak*

AN ORDINANCE AMENDING CHAPTER 701 OF THE BUSINESS REGULATION CODE PERTAINING TO ADVERTISING AND HANDBILLS, CIRCULARS, FLYERS, NEWSPAPERS, MAGAZINES, AND LIKE ITEMS AND MATERIALS

ORDINANCE 2023-07

*Sponsor: Councilperson Baryak*

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEREX UTILITIES, INC. TO PURCHASE A TEREX COMMANDER 4047 HYDRAULIC ROTATING DIGGER DERRICK FOR THE ELECTRIC DEPARTMENT

APPOINTMENTS TO THE CHARTER REVIEW COMMISSION

**XI. Public Comments**

**XII. Closing Remarks**

**XIII. Motion to Recess into Executive Session (If Necessary)**

**XIV. Adjournment**



NEWTON FALLS CITY COUNCIL  
**REGULAR MEETING MINUTES**  
Wednesday, January 18, 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**

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; City Administrator Smeiles

Staff Absent: None

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

None

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

Adam Zimmermann – 515 Lemae Avenue

He spoke on several items, including Ordinances 2022-53 and 2022-63 wondering why both are not presented tonight for Public Hearing. He spoke against Ordinance 2023-02. He spoke against the appointment of Mr. Kren to the Civil Service Commission citing a lack of advertisement of the position. He spoke against the meeting minutes of January 4, 2023 citing a missing Exhibit A for the appointments of councilpersons to committees and commissions and urged Council to not approve them. He thanked Council for the updated format of the meeting agendas related to executive sessions.

Julie Lemon – 609 Ridge Road

She spoke about 2023-02 questioning the ballot language and wondering why the special fund isn't included in the language. She spoke on Ordinance 2022-53 and wondered if subcontractors were also included in the pay raises.

John Richards – 212 Albert Street

He asked for the lights about the council seats to be turned off so they no longer blink.

## **VI. Reports**

- a. Mayor
- b. Council Members
  - i. Ward 1 – none
  - ii. Ward 2 – Mr. Baryak – He announced that Economic Development met with Mr. George to discuss the layout of the electric poles. He attended a meeting with the County Commissioners on the Scott Street Sewer Project stating there is more to be done but the project will cost the Village no money. He expressed appreciation for the support of the county.
  - iii. Ward 3 – Ms. Spletzer – She announced a Parks and Recreation meeting will be held on January 24 at 6:00 pm. She read the ballot language for Ordinance 2023-02 and clarified that a special revenue fund is stated in the language and ear marks the new proposed 1% for the police department.
  - iv. Ward 4 – Mr. Rufener – He stated that February 1 is the deadline to pull petitions for the May election. He encouraged others to pull petitions and run for office.
  - v. At-Large – Ms. Stimpert – The Fire Board organizational meeting will be held on January 19 at Township Hall at 5:30pm.
- c. Finance Director – Mr. Housley – He spoke about the raises being applied to subcontractors stating that they are considered vendors and not subject to the raises for employees. He also stated that Council received finance department reports and he educated Council regarding the types of reports and what they represent. He recommended that Council look at the bank report each month and the statement of cash position. He announced that expense reports/budgets will be posted to the website each month by the Council Clerk with the approval of the City Manager. He clarified how to read the various reports. He discussed the revenue reports and stated that they will also be posted to the website. The Audit Trial Reports will also be posted to the website. Ms. Stimpert clarified that there no independent contractors in the finance department. He stated that vendors and subcontractors are different than independent contractors and are not eligible for pay increases. The finance department does have independent contractors that work for the department. Ms. Stimpert asked about the reconciliation company. Mr. Housley and Mr. Bryan stated that it is Lemon and Associates and have been used at least since 2021. Mr. Housley stated that they are critical to the Village and should be continued to be used as an independent third-party that monitors Village banking activity.
- d. Law Director – Mr. Bryan – He elaborated on the change in format for the meeting agenda regarding the executive session as it was his recommendation to Council. He clarified that Council can still go into executive session is someone makes a proper motion for an allowable reason under the law during a meeting.
- e. City Manager – Ms. Priddy – She spoke on several topics including the shipment of smart meters which will be sent in April and June. They will be installed in July, if all are received. She noted issues with the water meters and has asked the law director to investigate the contract for a legal resolution. She announced the Scott Street Sewer Project will use an income survey from residents and \$750,000 can be applied for in grants with \$200,000-\$250,000 to be used for connection fees. The County agreed to finance the remaining balance of the project if the Village doesn't get all the grant money (total grants with no repayment). She spoke about a retirement at the Water Plant and anticipates another one in June where a Class 3 license is needed, but a consultant will be needed to cover a period of time to allow a current employee to get that license. She also spoke about the Neighborhood Watch Program and stated that the County is not 100% behind the project but plans to meet with the residents to ensure they meet the requirements for such a program. Mr. Baryak spoke about the Scott Street Sewer Project and

thanked the Village administration for working to complete the project. He reiterated that the County will support the project financially, so the Village pays no money. Ms. Stimpert asked about the timeframe to earn the Class 3 license and Ms. Priddy stated that it can take 6-12 months. Ms. Priddy also stated that the Village subcontractor for technology is working on the technical issues with Ms. Stimpert's email address.

### **Changes To Tonight's Agenda**

Mayor Kline called for a motion to make changes to the agenda. No motion was made.

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

Special Meeting Minutes of December 29, 2022

Regular Meeting Minutes of January 4, 2023

Mayor Kline called for a motion to approve the Regular Meeting Minutes of December 29, 2022 and January 4, 2023.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer called for a motion to amend the minutes of January 4, 2023 to add Exhibit A to the minutes citing that it had been presented to Council at the January 4, 2023 meeting and was approved by Council. Seconded by: Mr. Baryak

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. The minutes of January 4, 2023 were amended.

Mayor Kline called for a motion to approve the Regular Meeting Minutes of December 29, 2022 and the amended minutes of January 4, 2023.

Moved by: Ms. Spletzer

Seconded by: Ms. Stimpert

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 minutes were approved.

### **VIII. Public Hearings**

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

No public comment.

ORDINANCE 2023-01

*Sponsor: Councilperson Spletzer*

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

No public comment.

### **IX. Unfinished 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. Rufener

No discussion.

Roll Call Vote: Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes  
The ordinance passed 5-0. Final Reading.

ORDINANCE 2023-01

*Sponsor: Councilperson Spletzer*

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

Mayor Kline called for a motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

No discussion.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes  
The ordinance passed 5-0. Final Reading.

## **X. New Business**

### **MOTION**

*Sponsor: Mayor Kline*

A motion to reappoint Mike Kren to the Civil Service Commission for a new 6-year term that expires on December 31, 2028.

Mayor Kline called for a motion to pass the motion.

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Rufener asked was this opening advertised and were there any other applicants. Mr. Bryan stated it was not advertised, that Mr. Kren was appointed to fill a vacant seat in October, and that he was interested in being reappointed. Ms. Stimpert spoke against the Motion and urged Council to advertise the opening, interview applicants, and appoint later.

Roll Call Vote: Ms. Stimpert-no; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-no  
The motion passed 3-2.

ORDINANCE 2023-02

*Sponsor: Councilperson Baryak*

AN EMERGENCY ORDINANCE REPEALING ORDINANCE NO. 2022-63, WHICH AMENDED SECTION 191.01(B)(1) AND THE PREAMBLE OF SECTION 191.03 OF THE NEWTON FALLS TAX CODE SUBJECT TO APPROVAL OF THE ELECTORATE (THE NEWTON FALLS MUNICIPAL INCOME TAX RATE), AND REQUESTED 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: Mr. Baryak

Seconded by: Mr. Fetterolf

Mr. Baryak spoke in support of the ordinance to allow the public to have the most time possible to comment, question, and learn about the ordinance. He stated that it is being passed as an emergency so that it can be removed from the May ballot. Mr. Bryan confirmed Mr. Baryak's statement. Ms. Stimpert questioned the necessity of this ordinance if the ordinance that it repeals was not passed legally. Mr. Bryan clarified that it did pass, but with controversy. He recommends that Council exercise an abundance of caution to pass this ordinance in order to (1) clearly state that Council wants it off the ballot and (2) provide something legal to the Board of Election to ensure that Ordinance 2022-63 is truly repealed, not in effect, and the issue is removed from the ballot. Mayor Kline stated his agreement that this is the best course of action. Mr. Fetterolf spoke in support of the ordinance to allow the public to speak at length about the tax situation and present alternative solutions. Ms. Spletzer spoke against the ordinance stating that the intent of this ordinance is to place the issue on the ballot in November clarifying that a special fund will be used to set aside 1% of the total income tax into that fund. She urged Council to act sooner than November. Mr. Baryak acknowledged the public may want to try something else and stated his support in giving them time to do so. Mayor Kline spoke in support of the

ordinance and suggested that multiple town hall meetings and caucuses should be scheduled between now and May or November, depending on the vote.

Roll Call Vote: Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-no  
The ordinance passed 4-1. First Reading.

Mayor Kline called for a motion to pass the ordinance on second and final reading.

Moved by: Mr. Baryak

Seconded by: Mr. Rufener

No discussion.

Roll Call Vote: Ms. Spletzer-no; Mr. Rufener-yes; Ms. Stimpert-yes; Mr. Fetterolf-yes; Mr. Baryak-yes  
The ordinance passed 4-1. Second and Final Reading.

ORDINANCE 2023-03

*Sponsor: Councilperson Spletzer*

AN ORDINANCE AMENDING SECTIONS 121.01(a) and (d) and 121.02(b) OF THE CODIFIED ORDINANCES RELATING TO THE TIME AND DATE OF ORGANIZATIONAL AND REGULAR COUNCIL MEETINGS AND METHOD AND DEADLINE FOR DELIVERY OF COUNCIL MEETING AGENDAS TO THE MAYOR AND COUNCIL

Mayor Kline called for a motion to pass the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer, with assistance from the law director for clarification purposes only, made a motion to amend the ordinance to remove (1) "121.01(a)" and the reference to the organizational Council Meeting from the title, (2) the reference to Section 121.01(a) and the reference to the organizational Council Meeting from the WHEREAS clause, and (3) the reference to Section 121.01(a) in SECTION 1 of the ordinance.

Mayor Kline called for a second to the motion to amend the ordinance. Seconded by: Mr. Rufener.

Ms. Stimpert reminded Council that Wednesdays were supposed to be temporarily set as the day for regular meetings with an expectation that they return to Mondays. Mr. Bryan clarified that the content of this ordinance is not contained in the Charter, with the exception of the Section 121.01(a) and the references to the organizational meeting. He stated further that the proposed amendment, as stated, removes those things from the ordinance. She asked for clarification regarding Council's access to the agendas. Mr. Bryan stated the deadline to publicly publish the agendas would be Monday, but Council would receive a draft on Saturday mornings to allow time for review by councilpersons and any changes, revisions, or amendments to occur prior to the public release of the agenda. Mayor Kline stated that the public would still have the same number of hours to review the agenda as they have currently. Ms. Spletzer clarified that Council would receive a draft agenda on Saturday and final version would be released on Monday. Ms. Stimpert asked if the proposed ordinance would state that sequence. Mr. Bryan confirmed that this would not be stated in the ordinance.

Roll Call Vote: Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-no; Mr. Fetterolf-yes  
The motion passed 4-1. The ordinance was amended.

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: Mr. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-no  
The ordinance passed, as amended, 4-1. First Reading.

## **XI. Public Comments**

Brenda Persino – 226 Oak Knoll

She submitted to the Council Clerk a recall petition for Councilperson Spletzer. The Clerk stated that he would review the submission and issue a receipt after the meeting. She asked Council to clarify what the additional 1% from the proposed tax increase would be used for and if a police department would be reinstated in 2024 and how that might happen.

Adam Zimmermann – 515 Lemae Avenue

He spoke against the handling of the water department retirements and against the hiring of an outside consultant. He spoke against the reappointment of Mr. Kren to the Civil Service Commission as being improperly handled. He spoke against the law director's handling of ordinances 2022-63 and 2023-02. He also spoke about ice sculptures and urged Council to take advantage of economic development opportunities.

Julie Lemon – 609 Ridge Road

She thanked the finance director for answering her questions. She spoke against the appointment of Mr. Kren as being improperly handled.

David Hanson – 20 S. Canal

He spoke against the use of spreadsheets to capture the Village budget. He urged Council to review every paper invoice and receipt. He spoke against the City Manager stating that she was a “convicted embezzler, a felon” and stated further “everybody up here should be looking real hard, dismissed without prejudice with the FBI, I’ll stand right behind it.” He asked to see the spreadsheets and supporting documents for all budget reports.

## **XII. Closing Remarks**

Ward 1 – Mr. Fetterolf – He spoke in support of a tax increase. He urged the public to present solutions instead of complaints.

Ward 2 – Mr. Baryak – He spoke in support of the appointment of Mr. Kren stating a similar situation occurred with the appointment of another member of a different commission. He spoke against the former mayor and councilmembers who he claims mishandled several property acquisitions under the guise of economic development, including the purchase of smart meters. He spoke in support of the Sheriff's Department doing an outstanding job. He spoke in support of the City Manager. He spoke against the vindictive nature of some residents. He urged the public to get involved by running for office and offering solutions to problems.

Ward 3 – Ms. Spletzer – She announced the current openings on all commissions.

Ward 4 – Mr. Rufener – He reiterated the openings on commissions and announced the job openings currently posted on the Village website. He encouraged all residents to find a way to get involved.

At-Large – Ms. Stimpert – No report

City Manager – Ms. Priddy – She addressed the water department situation and clarified that she was informed in December regarding the retirement of an employee and that the superintendent was surprised, as well. She spoke in support of the recent actions of council to establish lines of succession within the departments and to support it with pay increases. She stated her belief that Council wishes to continue the water plant rather than buy water from some other source. She stated that a plan to manage the retirements and keep the plant running was created quickly and a consultant is the best solution to assist Mr. Hawkins, who will also retire this year. She spoke about her positive relationships with Village employees and gave an example. She spoke in support of the development of Village employees as professionals. Mr. Baryak added that Mr. Hawkins might stay to help with the transition at the water plant.

Mayor – Mr. Kline – He thanked Council for a good business meeting and the public for their participation. He clarified the purpose for repealing 2022-63. He spoke about the intention of Council to bring the police department back with an approval of the proposed increase in taxes.

## **XIII. Motion to Recess into Executive Session (If Necessary)**

No motion was made.



**XIV. 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. Fetterolf-yes; Mr. Baryak-yes; Ms. Spletzer-yes; Mr. Rufener-yes; Ms. Stimpert-yes

The motion passed 5-0. The regular meeting was adjourned at 7:30pm.

APPROVED:

---

Kenneth Kline, Mayor

ATTEST:

---

Michael Acomb, Council Clerk

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-03  
SPONSOR: Councilperson Spletzer

**AN ORDINANCE AMENDING SECTIONS 121.01(d) and 121.02(b) OF THE  
CODIFIED ORDINANCES RELATING TO THE TIME AND DATE OF REGULAR  
COUNCIL MEETINGS AND METHOD AND DEADLINE FOR DELIVERY OF  
COUNCIL MEETING AGENDAS TO THE MAYOR AND COUNCIL**

WHEREAS, Council desires to amend Sections 121.01(d) and 121.02(b) of the Codified Ordinances relating to the time and date of Regular Council Meetings and method and deadline for delivery of Council meeting agendas to the Mayor and Council, in order to make the language of those sections conform to the current approved meeting schedule and method of delivery of the agendas.

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

SECTION 1. That Sections 121.01(d) and 121.02(b) of the Village Administrative Code are hereby amended as set forth in the attachment hereto that is incorporated herein by reference.

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

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

PASSED IN COUNCIL THIS 1st DAY OF FEBRUARY, 2023.

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

Attest:

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

Approved as to Legal Form.

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

## 121.01 MEETINGS.

\* \* \*

(d) Regular Meetings. Regular Meetings of the Council shall be held on the first and third ~~Monday~~ Wednesday of each calendar month at ~~7~~6:00 p.m. local time. During the months of July and August Council may, at its discretion, dispense with one of the regularly scheduled monthly Council meetings. Regular meeting dates that are in conflict with other activities, such as legal holidays, may be changed by the Council at a previous meeting. Council shall designate the time and/or date of the meeting change.

\* \* \*

## 121.02 OFFICERS AND STAFF.

\* \* \*

(b) Council Staff. The City Manager, the City Clerk, the Director of Law, and the Director of Finance shall constitute the Council staff. The City Manager shall be the executive officer of the staff. The City Manager, with the help of the Council staff, the Mayor and Council, shall prepare the agenda for each regular and special Council meeting, together with necessary documentation. The agenda and such documentation shall be delivered to the Mayor and Council members, ~~at~~ via email or to their residence or place of business, by noon ~~Saturday~~ Monday prior to the ~~Monday~~ Wednesday Council meeting. Any addition to the prepared agenda governing the meeting shall be approved by a majority vote of Council members present, before it can be added to the agenda.

\* \* \*

VILLAGE OF NEWTON FALLS, OHIO

RESOLUTION NO.: 01-2023

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

**A RESOLUTION HONORING  
SEARGENT BRIAN FOOR  
FOR 30 YEARS OF SERVICE TO NEWTON FALLS**

WHEREAS, Mr. Brian Foor has retired as a long-time and dedicated employee of the Newton Falls Police Department after thirty years of service to Newton Falls; and

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

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

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby congratulate Mr. Foor on his retirement and thank him for his 30 years of service to the community.

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

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

PASSED IN COUNCIL THIS 1<sup>st</sup> DAY OF FEBRUARY, 2022.

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

Attest:

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

Approved as to Legal Form.

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

VILLAGE OF NEWTON FALLS, OHIO

RESOLUTION NO.: 02-2023

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

**A RESOLUTION HONORING WATER TREATMENT DEPARTMENT EMPLOYEE  
RAY KOVACS  
FOR 31 YEARS OF SERVICE TO NEWTON FALLS**

WHEREAS, Mr. Ray Kovacs has retired as a long-time and dedicated employee of the Newton Falls Street Department after thirty-one years of service to Newton Falls; and

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

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

SECTION 1. That the Mayor and Council of Newton Falls, on their behalf and on behalf of the Officials, Employees, and Citizens of the Village, hereby congratulate Mr. Kovacs on his retirement and thank him for his 31 years of service to the community.

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

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

PASSED IN COUNCIL THIS 1<sup>st</sup> DAY OF FEBRUARY, 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.: 2023-04  
SPONSOR: Mayor Kline

**AN ORDINANCE APPROVING THE RECODIFICATION, EDITING,  
AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE  
VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF  
NEWTON FALLS, OHIO**

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Newton Falls, Ohio; and

WHEREAS, Council desires to amend the Village Codified Ordinances accordingly.

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

SECTION 1. That the editing, arrangement, and numbering of those ordinances and resolutions enacted by Council from November 5, 2021 through December 1, 2022, are hereby approved and adopted as printed in the 2022 Replacement Pages to the Codified Ordinances prepared for the Village by the Walter Drane Company so as to achieve uniformity of style and classification.

SECTION 2. That the following sections of the Traffic, General Offenses, and Fire Prevention Code, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly:

<u>Administrative Code</u>	
101.03	Rules of Construction. (Amended)
<u>Traffic Code</u>	
303.082	Private Tow-Away Zones. (Amended)
303.083	Impounding Vehicles on Public Property. (Added)
337.10	Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
<u>General Offenses Code</u>	
513.01	Drug Abuse Control Definitions. (Amended)
513.15	Sale of Dextromethorphan. (Added)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game; Prohibitions. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)

ORDINANCE NO. 2023-04  
PAGE TWO

- 517.14 Instant Bingo Conduct by a Veteran's or Fraternal Organization. (Amended)
- 517.15 Skill-Based Amusement Machines. (Amended)
- 517.16 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.19 Hazing Prohibited. (Added)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.10 Possessing Replica Firearm in School. (Amended)
- 549.12 Concealed Handgun Licenses; Possession of Revoked or Suspended License; Additional Restrictions; Posting Signs Prohibiting Possession. (Added)

Fire Prevention Code

- 1519.01 Fireworks Definitions. (Amended)
- 1519.04 Possession, Sale or Discharge Prohibited; Exceptions. (Amended)
- 1519.05 Application. (Amended)
- 1519.06 Safety Requirements for Fireworks Showroom Structures. (Added)
- 1519.07 Manufacturing or Wholesale Sale without a License; Prohibitions. (Added)
- 1519.08 Purchase to Comply with Law; Unauthorized Purchases. (Added)

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

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

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-06  
SPONSOR: Councilperson Baryak

**AN ORDINANCE AMENDING CHAPTER 701 OF THE BUSINESS REGULATION CODE PERTAINING TO ADVERTISING AND HANDBILLS, CIRCULARS, FLYERS, NEWSPAPERS, MAGAZINES, AND LIKE ITEMS AND MATERIALS**

WHEREAS, in order to reduce the amount of litter and unwanted paper materials in the Village and enhance the general appearance of the Village, Council desires to amend Chapter 701 of the Business Regulation Code pertaining to advertising and handbills, circulars, flyers, newspapers, magazines, and like items and materials .

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

SECTION 1. That Council hereby and herein amends Chapter 701 of the Business Regulation Code pertaining to advertising and handbills, circulars, flyers, newspapers, magazines, and like items and materials, as set forth in the attachment hereto that is incorporated herein by reference.

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

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

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

Attest:

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

Approved as to Legal Form.

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



## CHAPTER 701

### **Advertising and Handbills, Circulars, Flyers, Newsletters, Newspapers, Magazines, and Like Items or Materials**

**701.01 License required.**

**701.02 License application and fee.**

**701.03 Exceptions.**

**701.99 Penalty.**

#### **701.01 LICENSE REQUIRED.**

(a) No person shall post, distribute or circulate advertising matter by way of signs, handbills, circulars, flyers, newsletters, magazines, or like items or materials ~~or cards on or upon~~ the streets, ~~avenues~~ or other public places in the City Municipality, without first having obtained from the City Manager a license permitting the same.

(b) No person shall leave or deposit any advertising matter, handbill, circular, flyer, newsletter, newspaper, magazine, or like item or material on private property without first obtaining the consent of the property owner or tenant and a license permitting the same from the City Manager. In the event such consent from the property owner or tenant and license is obtained, such items shall not be left in a driveway, yard, or other outdoor area on the property, unless it is deposited in a permanently erected paper or magazine box, holder, or slot, or inside an outer door.

#### **701.02 LICENSE AND APPLICATION FEE.**

(a) The City Manager is authorized and empowered to allow, sign and issue licenses for the purposes stated in Section 701.01. The fee for such license shall be two-hundred fifty dollars (\$250).

(b) All licenses issued under the provisions of this chapter shall expire on December 31 of each year in which they are issued, and the City Manager, for good cause, may revoke any license.

#### **701.03 EXCEPTIONS.**

Nothing in this chapter shall ~~apply to the~~ require a license for or prevent the distribution of materials advertising ~~of~~ any charitable, benevolent, religious or civic event, work or project, ~~or to the posting of advertising matter in or upon the windows or property of any resident or business concern of the City, or to the distribution of any recognized newspaper to paid subscribers,~~ or the distribution of any items sent in the U.S. mails. Any such items delivered to or on private property by charitable, benevolent, religious or civic organizations shall not be left in a driveway, yard, or other outdoor area on the property, unless it is deposited in a permanently erected paper or magazine box, holder, or slot, or inside an outer door. This chapter does not apply to the distribution of newspapers to paid subscribers.

#### **701.04 PENALTY.**

Whoever violates this section is guilty of a misdemeanor of the fourth degree ~~any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).~~

VILLAGE OF NEWTON FALLS, OHIO  
ORDINANCE NO.: 2023-07  
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN  
AGREEMENT WITH TEREX UTILITIES, INC. TO PURCHASE A TEREX  
COMMANDER 4047 HYDRAULIC ROTATING DIGGER DERRICK FOR THE  
ELECTRIC DEPARTMENT**

WHEREAS, the Village Electric Department needs to replace its hydraulic rotating digger derrick and has investigated the available options for purchasing that piece of equipment; and

WHEREAS, the Electric Department has determined that a Terex Commander 4047 model offered by Terex Utilities, Inc. of Watertown, South Dakota, at the Sourcewell cooperative purchasing Contract #110421-TER price, is the most suitable equipment for the Department's needs at the best price; and

WHEREAS, Council desires to authorize the purchase of said equipment.

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

SECTION 1. That Council hereby and herein authorizes the City Manager to execute all documents necessary to effectuate the purchase of a Terex Commander 4047 Hydraulic Rotating Digger Derrick with a turntable winch for the Electric Department, at the Sourcewell cooperative purchasing Contract #110421-TER price, in accordance with the quote and specifications that are attached hereto and incorporated herein by reference.

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

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

ORDINANCE NO.: 2023-07  
PAGE TWO

---

Kenneth A. Kline, Mayor

Attest:

---

Michael Acomb, Clerk of Council

Approved as to Legal Form.

---

Bradric T. Bryan, Law Director



**TEREX**

CUSTOMER ORDER ACKNOWLEDGEMENT

Terex Utilities, Inc. • 3140 15th Avenue SE • Watertown, SD 57201 • Phone: 605-882-4000

Source: Well 110421-TER

Date: 1/26/2023

Quote Number: QU23073 Unit: C4047

City of Newton Falls  
53 East Church Street  
Newton Falls OH, 44444  
330-442-7115

Attention: William George

Quoted price is based on an "as-built" copy of below attached reference build with the below attached change orders and additional changes (if applicable) included.

Baseline Price: \$350,027

Grand Total Each: \$350,027

This written description and attached specifications represents Terex South Dakota, INC. and shall not be released, disclosed, nor duplicated without the written permission of Terex South Dakota, INC.

Prices are subject to change until shipment. Applicable taxes and surcharges to be added. Taxes, shipping, handling and lead times are estimates and subject to change. Quoted prices are based on total package and subject to change if all items not purchased. All prices quoted are in U.S. dollars unless otherwise specified. Payment by cash or certified check only. Chassis price based off current pricing available at time of quote. Pricing is subject to change based on vehicle sourcing; final price to be confirmed prior to time of invoice. Chassis payment is due within 30 days of chassis receipt at our facility. Quote withdrawn after 30 days.

Please ensure the accuracy of the specifications and drawings you provide. Changes made after receipt of order may incur additional charges. If you are trading equipment in, you warrant that: You have good title to the trade-in; it is free of all liens and encumbrances; all information you have provided related to the trade-in is true and correct.

Terex purchased chassis through Terex preferred International Dealer will include at no additional cost a special tow package for 12 months/unlimited mileage to nearest International Dealership for a warrantable failure. Coverage limited to \$550 per incident. Roadside assistance call 1-800-448-7825

Terex purchased chassis through Terex preferred Freightliner Dealer will include at no additional cost a special tow package for 12 months/unlimited mileage/KM extended towing coverage \$550 cap FEX applies. Roadside assistance call 1-800-FTL-HELP

Notes:

- 1) Delivery Terms are: CPT Destination
- 2) Terms: Net 30 days
- 3) Delivery days from receipt of order shall be 480/770

Buyer hereby agrees to purchase the products in this quotation, subject to acceptance by Seller. Buyer has read and agrees to Seller's Terms and Conditions of Sale.

Terex Utilities Inc.

Nathan Weyer  
Sales Coordinator

Al Green  
Account Manager

**⚠ WARNING** Cancer and Reproductive Harm  
www.P65Warnings.ca.gov

Accepted By: \_\_\_\_\_

PO Number: \_\_\_\_\_

Quantity: \_\_\_\_\_

Grand Total: \_\_\_\_\_

Date: \_\_\_\_\_



Terex Utilities, Inc.  
3140 15<sup>th</sup> Ave SE, Watertown, SD 57201  
Phone: 605-882-4000 Fax: 605-882-1842

ORD 2023-07  
Exhibit A  
Page 2 of 14

Quotation  
Page 1

01/31/2022

Quote Number: QU16904-13

**CITY OF NEWTON FALLS**  
53 E. CHURCH ST.  
NEWTON FALLS, OH 44444  
Attention: WILLIAM GEORGE

Phone: (330)442-7115

### Qty. Description

#### UNIT

- 1 One (1) new Terex Commander 4047 model hydraulic rotating digger derrick with a turntable winch.

#### Design Criteria:

- \* Design criteria is in accordance with current industry and engineering standards applicable and accepted for structural and hydraulic design.
- \* Meets ANSI/ASSE A10.31-2019.

#### Elevation:

- \* From +80 degrees above horizontal to -20 degrees below horizontal.

#### Dual Lift Cylinders:

- \* Double-acting cylinders with chrome plated rods and integral holding valves. Trapezoid mounting design offers greater boom support and stability providing less wear and longer life. Either cylinder can hold the rated lifting capacity of the derrick.

#### Steel Lower Boom:

- \* The boom is a fabricated box utilizing high-strength steel plates.

#### Steel Intermediate Boom:

- \* Fabricated box constructed of high strength steel. Powered by a double acting hydraulic cylinder equipped with integral holding valves on both extend and retract ports.

#### Fiberglass Hydraulic Upper Boom:

- \* Capable of lifting the hydraulic capacity of the derrick in all positions.
- \* Tested and rated for line voltage up to and including 46 KV AC.
- \* Tapered non-metallic rollers mounted at the end of the intermediate boom support the fiberglass boom under load minimizing scratches and abrasions. The sides of the fiberglass boom are supported and guided by non-metallic rollers to reduce tracking.

#### Continuous And Unrestricted Rotation:

- \* A hydraulic rotary manifold provides a rotating oil distribution system for continuous and unrestricted rotation.

#### Miscellaneous:

- \* Relief valves to protect the derrick circuits and digger-winch circuits.
- \* Hydraulic hoses are equipped with permanent type hose fittings.
- \* A custom load chart stating actual lifting capacity considering all final options, chassis, body,

**Qty. Description**

- outriggers, and other fixed equipment with capacity based on completed unit stability is included.
- \* A boom-angle indicator and decal are mounted on each side of the lower boom.
  - \* All metallic components of the complete digger derrick device are prime painted.
  - \* Two complete manuals providing operational and maintenance procedures, and a replacement parts listing.
  - \* Warning decals provided with unit.

**Turntable Winch Including Transferrable Pole Buddy Assembly:**

- \* 15,000 lb. bare drum capacity worm gear winch equipped with hydraulic counterbalance valve mounted on the derrick turntable. Equipped with flanged pole buddy transferrable from intermediate boom to upper boom.

**Bare Boom Lift Capacities:**

- \* Boom Angle: All Booms Retracted
- \* Maximum Elevation 24750 lbs.
- \* 10 Ft. Radius 11000 lbs.

**Work Zone Capacities:**

- Median Digging Radius 20.5 ft.
- Digging Capacity at Median Radius 2542 lbs.
- Lift Capacity at Median Radius 4524 lbs.

**Sheave Height:**

- \* With intermediate boom extended, 38.6 ft. at maximum elevation.
- \* With upper boom extended, 47.4 ft. at maximum elevation.
- \* Dimensions are based on a 40" chassis frame height.

**Load Radius:**

- \* 28.5 ft. from C/L of rotation, at 0 degree, intermediate boom extended.
- \* 37.5 ft. from C/L of rotation, at 0 degree, upper boom extended.

**1 RH Open Front Command Post With Dual Joystick Pilot Operated Controls:**

- \* Controls have integral interlock switches and adjustable arm rests.
- \* Right hand joystick operates all boom function of up/down and extensions.
- \* Left hand joystick operates digger, winch and turntable rotation functions.
- \* Control joysticks include electrical interlocks that activate a hydraulic dump valve that provides flow to main control valve.
- \* Red Emergency stop plunger.
- \* Two Speed auger switch.
- \* Glycerin filled pressure gauge is provided to monitor system pressure.
- \* Permanent type control decals are provided.
- \* Adjustable cushioned operator seat is provided as standard and includes side rails.
- \* Hydraulic foot throttle.
- \* Includes a control and horn.
- \* Stop/start at control station.

Note: Full Pressure Upper Controls Not-Applicable for application, use Radio Controls.

**1 Operator LED light at controls at command post.**

**1 Pole Guide For Transferable Pole Buddy with Interlock:**

**Qty. Description**

- \* Hydraulic cylinders equipped with holding valves operate the tilt and open/close on pole guide arms.
- \* Pole guide hoses are contained in a chain type carrier, installed on the side of the boom.
- \* Transfers from the end of the intermediate boom to the end of the upper boom and vice versa.
- \* The pole guide is installed on the transferable pole buddy flange assembly.
- \* Protects both the pole guide and the boom from accidental damage caused by extending the upper boom while the pole guide is on the intermediate boom and tilted downward. Includes actuating plunger and two poppet valves.

**1 Pole Claw Arms:**

- \* Unique circular design of arms that handle poles up to 23 inch diameter.

**1 Load Moment Limiter (Hydraulic Overload Protection) for Boom and Rotation systems:**

- \* An Operator aid to prevent damage to the derrick by stopping selected functions if an over load occurs. The functions necessary to eliminate the overload condition remain operational, to relieve the cause of overload.
- \* Disables boom down, boom extend, winch up, and digger dig when boom lift or rotation senses an overloaded condition.
- \* The system is fully automatic relative to the operation and re-set functions.

**Pressure Gauge with Color Zone Ring for Load Moment Limiter:**

- \* A indicator gauge which provides an indicator when approaching maximum capacity.

**1 Worm Gear Rotation:**

- \* Provided by worm gear drive through reversible hydraulic motor. Worm gear drive powers a special design long life hardened "shear ball" ball bearing rotation gear.

**1 Customer Declined, Anti-Two Block.**

- \* Purchaser is aware of OSHA Crane and Derrick standard, subpart CC for construction (1926.1416).

**1 12,000 ft-lb Two Speed Digger With Hydraulic Shift (ESK 76BA):**

- \* Planetary gear drive powered by reversible hydraulic motor.
- \* Telescopic trombone tube is provided to shift the two-speed digger hydraulically.

**1 LH Auger Storage and Digger Hanger:**

- \* Digger hanger bracket is box section and is equipped with a transfer protection system, auger stowage bracket with self latching auger catch and hydraulic auger release.
- \* The auger stowage bracket stores up to a 24" diameter auger, in the standard position.
- \* Digger storage protection system to protect the auger storage cable from damage caused by over-winding. Oil from the digger system is returned to tank before the cable is over-stressed.

**1 Nylon 1" flat webbing strap for auger roll-up.****1 Solid Hex Auger Shaft with Coupler:**

- \* 60" long x 2-5/8" hex auger shaft with auger adjustment holes.

**1 Terex Texoma 10" TXC (carbide tooth auger) x 104" long - 60" of 5/16" flighting, 2 5/8" hex bushing. Rollup dish and cable pin welded in place and auger painted Terex Red.****1 Pedestal:**

- \* Square constructed pedestal has access holes for maintenance of hydraulic plumbing.

**Qty. Description**

- 1 Pump For Use (Required Approximate 120% PTO):  
Tandem vane high efficiency 3000 psi rated hydraulic pump providing 40 gallons per minute combined flow.
  - \* Provides 16 gallons per minute to boom functions and 24 gallons per minute to digger/winch functions and combines flow when boom is not in operation providing 40 gallons per minute to digger/winch at 1600 rpm engine speed, boom extension is faster than winch.
  - \* Provides up to 6 gallons per minute for tools at 700 rpm engine speed.
  - \* Includes pump kit.FOR GENERAL ONLY: With the use of Radio Controls.
- 1 Hydraulic Reservoir:  
50 gallon hydraulic oil reservoir includes 10 micron replaceable cartridge type return line filter mounted in reservoir with bypass valve incorporated in filter to prevent restricted flow.
  - \* A 100 mesh in screen in filter cap. A 40 mesh screen included in tank outlet and a 2 1/2" full flow ball type shut off valve.
  - \* Relief valves to protect the derrick circuits and digger-winch circuits.
- 1 Extra Heavy Duty A-Frame Outriggers with swivel type stabilizer pads. (8348)
- 1 Heavy Duty A-Frame Outriggers with swivel type stabilizer pads. (9283)
- 1 Controls For 2-Sets Of Outriggers And Auxiliary Tool Outlets Below Rotation (Diggers):
  - \* Recessed at rear of truck each side for ease of view for outrigger placement.
  - \* Includes switches and alarm for outrigger in motion alarm.
- 1 High Pressure code to obtain 3000 psi at outriggers.  
Note - this is on A-frames and Radial outriggers for Digger Derricks.
- 1 Adjustable flow divider for auxiliary tool outlets below rotation.
- 1 Outrigger Interlock:
  - \* To operate the boom the outriggers must be extended.
- 1 Subframe constructed with an open center.
- 1 Tie Down Kit.
- 1 Remote Sensor Bracket:
  - \* Bracket to be used with the Williams remote sensor. Installed to supply sensor to work with truck engine.
- 1 Terex Advanced Chassis Controller:
  - \* Multiplexed system to include: Controller, LCD Screen, Manual and Schematics.
  - \* Standard Options: Diagnostics, Status Screens, Event Log, Hours Meter, Selectable Button Labels, System Alerts and System Test.
  - \* Programmable settings allow installer to customize/select options need for their application.
  - \* Back-up Camera ready.
  - \* Screw terminal-type connections and enclosure to cover connections.
  - \* Recommended on Class 6 and above chassis with multiple outputs
  - \* The PTO hour is standard. The engine hour meter is standard (When available). This is a message



ORD 2023-07

Exhibit A

Page 6 of 14

**Qty. Description**

we get from the truck Data link. All trucks except Ford give us the Engine hours. So if it's a Ford, we just display PTO hours.

1 American flag displayed on unit.

1 Factory Warranty

1 Warranty Travel - One Year.

**\*\* ADDITIONAL INFORMATION \*\***

Travel Warranty for the area of:

City of Newton Falls

53 E Church St.

Newton Falls Ohio 44444

1 Clevis for two part line attachment.

**\*\* ALTERED FROM STANDARD \*\***

1 .

**BODY, INSTALLATION****\*\* BODY INFORMATION \*\***

1 Body 144in flat bed with 40 in transverse

1 Install Derrick Over Rear Axle And Install All Associated Components:

\* Final test and inspect completed unit including stability and dielectric testing per manufacturers requirements.

1 Hose and fittings to connect the hydraulic system from the oil reservoir to the pump and unit.

1 Power take off with indicator light for automatic transmission.

1 DOT Inspection.

1 Set chassis parameters.

1 Back-up alarm to sound when the vehicle is shifted into reverse.

4 Laminated wood outrigger pad 24" x 24" x 2-1/4" with rope handle.

\* Includes outrigger pad storage.

under CS 1ST VERTICAL & SS 1ST VERT

4 Pendulum style retainer.

4 Rubber wheel chocks with eye bolt.

ORD 2023-07  
Exhibit A  
Page 7 of 14

**Qty. Description**

- 1 Grab handles as necessary for 3-point contact.
- 1 Fixed access step mounted on command post.
- 2 Mud flap with logo 30" tall.  
Note: Trim As-Required.
- 1 A mounting kit for under 45" flatbed frame height for a pair of mud flaps.
- 1 Bracket for storing grounding cable.
- 1 2/0 Black Electrical Cable used for grounding per ASTM F855-04:
  - \* 50' of multi-strand flexible copper cable, three grounding lugs, two ferrules and grounding clamp.
  - \* Three point grounding system for grounding vehicle during work operations.
  - \* Cable must be fully removed from bracket before use.NOTE! Purchaser to verify this meets their company's requirements for fault current.

CS UNDER REAR TAILSHELF

- 1 Chain Storage with recess of the subframe.
- 1 Boom rest.
- 1 Front pole carrier kit bunk style with a ratchet with 2" wide webbing tie down strap to secure pole and pole bunk arm weldment.

SS

- 1 Rear pole carrier assembly 20-24" bunk style, removable and bed mount.

Street Side

- 1 Digger Derrick dual position boom rest saddle.
- 1 Truck-Lite LED 9-lamp DOT Lighting Package:
  - \* Complies with FMVSS 108
  - \* Includes required lights, junction box and wiring harness.
- 1 Lighted license plate bracket kit with LED light.
- 2 110 volt outlet with GFI.

(1) REAR SS TAILSHELF (1) SS 1ST VERT

- 1 Dimensions 2400N inverter, 2400W continuous, 120VAC, Up to 20A.

**Qty. Description**

SS 1ST VERT

- 2 Inverter Spacer Tube
- 2 Amber strobe light (LED) with 4" tall & 6" dia. lens, and branch guard.  
(2) TOP Mounted on boom rest
- 1 Remote engine stop/start And two speed control from rear of vehicle.
- 1 15 ton pintle hook:
  - \* Safety chain eyes.
  - "Pintle hook brackets and attachment methods are designed to meet the associated pintle hook ratings. They are not designed for recovery purposes. If recovery attachments are required, please order the appropriate tow eyes."
- 1 ICC rear bumper.
- 1 7-prong trailer socket.  
NOTE: Stop & turn signal lights on combined circuit.
- 1 Oil tank mounting for external reservoirs.
- 60 Fill with Hydraulic oil for general purpose use.
  - \* Refer to the product maintenance manual for specific type to be used.
- 1 1 1/8" x 150' Samson, 2-IN-1 Stable Braid uncoated rope.
- 1 Crosby, Hook and Jam, Swivel, 8.5 ton w/Latch Assy.
- 1 Hannay spring loaded hydraulic hose reel with 4-way roller assembly with 50' of 1/2" Hose Set.
  - \* Quick disconnect HTMA male and female flush faced couplers and dust covers.
  - \* Installed on hose reel with ball stop.

REAR TAILSHEL

- 1 Safety Kit consists of the following:
  - \* 5-lb ABC fire extinguisher with bracket.
  - \* James King triangle reflector kit.
- 1 Rear view vision 2.5" round red marker light camera & 5" monitor system.

CS REAR TAILSHELF

- 1 MY-TE Winch 30-12 capstan drive 12V with hand control with a 10' cord.

ORD 2023-07  
Exhibit A  
Page 9 of 14

**Qty. Description**  
CS REAR TAILSHELF

- 1 Swivel base for MY-TE 30-12 capstan drive.
- 1 Paint C4000 derrick one color.
- 1 Paint body floor with non-skid paint.
- 1 Paint compartment top with non-skid paint.

CHASSIS

- 1 Freightliner M2 106 4x2 (Spec # 85)
  - \* 33,000 lbs GVWR
  - \* Wheelbase 189", CA 123", axle to frame 100"
  - \* 14,600-lb capacity front axle
  - \* 21,000-lb capacity locking rear axle
  - \* Cummins B6.7 (6.7L) 300 HP @ 2,600 rpm, torque 660 lb-ft @ 1,600 rpm
  - \* Allison 3500 RDS wide ratio, 5-speed automatic transmission with double overdrive
  - \* L0006EY White Elite EY

SPECIAL CHARGES

- 1 Delivery to Customer.
- 1 First Article Inspection, Digital

OPTIONS:


ADD

**ORD 2023-07**

**Exhibit A**

**Page 10 of 14**

1. Federal Excise Tax will be added if certificate is not supplied with order.
2. The following items must be considered by the purchaser if not already included:  
Back-up Alarm \$150.00; Strobe Light \$525.00; Wheel Chocks \$110.00;  
Outrigger Pads \$200.00 to \$650.00 (based on pad size & type); Truck Grounding Cable \$550.00;  
Barricade Kit \$895.00; Hydraulic Over Load Protection (derrick only, price will vary  
based on final option selection); Boom / Boom Stow Interlock \$700.00; Engine Stop / Start  
\$200.00 to \$795.00 (based on unit model); Auxiliary Let Down \$1500.00; and Platform  
Liner \$380.00 to \$625.00 (based on platform size).
3. Terex Utilities, Inc. strongly recommends all installation accessories be located up front in  
front in the quote or secondarily on the approved engineering drawing. Any accessories located  
or relocated during manufacturing may be subject to additional charges.
4. Terex Utilities, Inc. - Offers In-service Training.
5. Terex Utilities, Inc. - Assembly in Watertown, South Dakota is ISO 9001:2000 Certified.

Additional Changes (Included in Base Price)		
Date	1/26/23	
Quote #	QU23073	
Customer Name	City of Newton Falls	
No.	Description	Selling Price
1	X-Boost Option: *Optional capacity control system for increased lifting capability at higher boom angles to meet customer specifications for 10' capacities. *Increases capacities an average of 17% on C4000 Series Digger Derrick.	Included
2	Terex Texoma 18" TXC Carbide Tooth auger x104" - 60" of 5/16" flighting, 2 1/2" hex bushing. Rollup dish and cable pin welded in place and auger painted Terex Red (ILO of 10" Auger)	Included
3	120' of 1", nylon rope, 2-IN-1 (ILO 1 1/8 X 150')	Included
4		Included
5		Included
6		Included
7		Included
8		Included
9		Included
10		Included
11		Included
12		Included
		

Quotation Number Q44250A

To:	Terex Utilities	Date:	1/25/2022
Attn:	Nathan Weber		
Customer:	City of Newton Falls		
Spec Number:	N/A	Customer Service Rep:	
State:	Unknown		
Engine Type:	Diesel	Outside Sales:	
Crane/Unit Model:	C4047		
Chassis:	Freightliner	Reference:	
Axle Configuration:	DRW (4x4)	Same As:	DB51999

**Flatbed:**

144" Long x 94" wide flatbed with 12 gauge hot rolled treadplate floor with  
3" Formed crossmembers on 12 inch centers

Valve mounting plates on SS and CS of flatbed

Four (4) D - Ring tie downs 4 1/2" dia. mounted in floor of bed area 10-40 IN .

4" High steel flat perimeter retainer, corners notched, welded to flatbed.

**CM 4047 4X4 Subframe**

Dakota Bodies Welded and Wet Painted Black Subframe Assembly

- For use with C4047 installed on 4 X 4 Chassis

- Body will be installed on Subframe prior to Shipment with the following:

Qty. 4 HBOLT 5/8"-11 x 2.5" GR5 ZP (#15313)

Qty. 4 USS Flat Washer 5/8" x 1.75" ZP (#33016)

Qty. 4 NUT, Nylon Lock, 5/8"-11" ZP (#37188)

- Terex Supplied Parts:

Qty. 1 Subframe Weldment (#1000108) Weld On / Installed

Qty. 1 Socket / Wrapper (#447134) Weld On / Installed

Qty. 1 Front Plate (#429240) Weld On / Installed

Qty. 2 Digger Shear Plates (#443991) Weld On / Installed

Qty. 1 A-Frame Front Jack with Club Feet (#475723) Weld On / Installed

Qty. 1 A-Frame Rear Jack with Club Feet (#9152187) Weld On / Installed

Qty. 4 Vertical Bolt Subframe Tie Down Brackets (#496673) Weld On / Installed

- Dakota Bodies Supplied Parts:

Qty. 2 Cap. Socket / Wrapper for Tube (Weld On / Installed)

Qty. 2 Front Body Mount Angles (#361511H) Weld On / Installed

Qty. 1 Grounding Angle (Weld On / Installed)

Qty. 2 Rear Body Tie Down Brackets (#361531H) Weld On / Installed

Qty. 1 Strobe Light Wiring Channel (Weld On / Installed)

Qty. 1 Hose Pass Through Plate (Weld On / Installed)

- Boom Rest #65381008 Provided and Installed by Dakota Bodies

**Possum Belly Storage:**

- Possum belly storage at rear with drop down door
  - Possum belly storage door installed.
  - Rear 14" of subframe to be Spoon and banjo storage
  - 102" Stop in possum belly
- Hose Tunnel Pass Through cutout ILO of round cutout

**Tailshelf Rear Lighting:**

- 94" Wide Terex tube style lightbar at rear of tailshelf - No lights
  - Light Cutouts for Strobe Lights
- NO LIGHTS PROVIDED

**Transverse Compartment**

**40 inches long x 48 inches high x 94 inches wide**

**Body Dimensions:**

48 Inches - Compartment height  
24 Inches - Compartment depth  
31 Inches - top of floor to top of body.

**Body Materials:**

16 gauge galvaneal. - Main body material  
12 gauge hot rolled treadplate compartment tops  
18 gauge galvaneal - Inner door panels  
18 gauge galvaneal - Outer door panels

- 5/16" Stainless Steel continuous rod - Door Hinge Rod.
- **Stainless Steel - Door Hinges**

14 gauge galvaneal - Front bulkhead with Pin Access Cover  
18 gauge galvanized - Shelving & dividers.

**Accessories:**

- Stainless steel two point automotive paddle latch with rotary door latch.
  - Stud mounted latches have hidden fasteners inside the door.
- Chain stops on all doors.
- Automotive bulb type weatherstripping. Installed
- Include bolt holes with tap blocks for mounting to flatbed and lifting the transverse

**Transverse Compartment Top Rail Package:**

- Top rail package installed on top of transverse compartment - NO EXPANDED METAL  
**12" high all at front and 8" high on sides**

**Streetside Compartmentation**

**1st Vertical:**

- 40" Wide x 48" High x 24" Deep
- Compartment will have Barn Style Overlapping Doors
    - Two (2) Point Stainless Steel Automotive Rotary Latch (#30991)
    - Inner Door will have Lever Arm Handle (#30976) with Upper Rotary Latch
  - Four (4) 1/2" round stock fixed material hooks 2-0-2.



## **Curbside Compartmentation**

### **1st Vertical:**

40" Wide x 48" High x 24" Deep

- Compartment will have Barn Style Overlapping Doors
  - Two (2) Point Stainless Steel Automotive Rotary Latch (#30991)
  - Inner Door will have Lever Arm Handle (#30975) with Upper Rotary Latch

### **Front 20"**

- Transverse compartment to include a tool board and track.
- Full height and depth divider through transverse compartment

### **Rearward 20"**

- Transverse compartment with One (1) fixed through shelf over drawer set..
- Three (3) drawers each include a latch and are mounted on 42 inch 250 lbs. capacity roller bearing slides.
  - Top Drawer 4" H x 14" W x 43" D with adjustable cross width dividers on 6" centers
  - Middle Drawer 6" H x 14" W x 43" D with adjustable cross width dividers on 6" centers.
  - Bottom Drawer 6" H x 14" W x 43" D with adjustable cross width dividers on 6" centers.

### **Bolt-In Curb Side Access 24" Wide**

Hinged Gripstrut access steps to bed area with

- One (1) Small Stainless Steel slam style paddle latch.
- Two (2) Gas assist door openers.
- Back to be removable and bolt on with Two (2) vents - One at top and one at bottom centered
- 12 gauge galvanized risers and side kickplates.

One (1) grabhandle on the transverse of the side access

One (1) Rubber belt type access step under the side access steps. (Ship loose)

- Removable Lasered Flat tailgate 4" high installed at top of side access
- Includes pins and lanyards

### **Bolt-on Grabhandles: Bolt on/Installed**

- Three (3) Terex P#615161 bolt on grabhandle for installation on flatbed
  - One (1) at side access
  - Two (2) at rear on Curbside
- Painted same as body

### **Wheel Chock Storage: Bolt on/Installed**

- Four (4) TEREX under body V-style wheel chock holders made of 12 gauge treadplate. (Ship Loose.)
- Bolt-on style chock holders with pendulum retainers
- Painted same as body

### **Outrigger Pad Holders: Bolt on/Installed**

- Two (2) Double stacked under body mounted outrigger pad holders. (Ship Loose.)
- Includes pendulum retainers
- 25"D Wide x 26" Deep x 9" High overall
- Painted same as body

### **Access Steps: Bolt on/Installed**

- One (1) Terex P#65338332 Cable type access step under the tailshell - Curbside (Ship loose)
  - Bolt-on style steps
- Painted same as body

### **Bed Area Step: Bolt on/Installed**

- 2-step command post ladder with formed 10ga sides
- Painted same as body

### **Paint: Flatbed and T40**

Powdercoat Complete, Taffeta White DWS9-20001; PC0020  
Paint the Complete Bed Area Same as Body  
Subframe and Outriggers Painted Gloss Black

## **Charter Review Commission Applicants 2023**

Condie Bright

Catie Karl

Rick Kerlin

Julie Lemon

Bruce Moore

John Richards

Craig Womer

Adam Zimmermann

## **Mike Acomb**

---

**From:** City Administrator  
**Sent:** Tuesday, January 17, 2023 1:42 PM  
**To:** Mike Acomb  
**Subject:** Charter Review Applicant

**Mike,**

**Mr. Condie Bright called today and wants to be on the Charter Review Commission. His phone number is 330-442-1805 and his email: con41234@aol.com**

**Respectfully,  
Julie Smeiles  
330-872-0806 ext. 2113**

**This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive mail for the addressee), you should not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please so advise the sender by reply e-mail and delete this message. Thank you for your cooperation.**

Sent from [Mail](#) for Windows

## Mike Acomb

---

**From:** Eitac Karl <eitaclrak@gmail.com>  
**Sent:** Thursday, January 12, 2023 12:46 PM  
**To:** Mike Acomb; Kenneth Kline; bbryan@gbs-llp.com  
**Subject:** Charter Review Committee

Good Morning,

I would like to put My name in for a seat on this Charter Review Committee. Catie Karl. 330-646-0411.

Thank you for your consideration this time around. I look forward to hearing from you.

Sincerely,

Catie Karl

[eitaclrak@gmail.com](mailto:eitaclrak@gmail.com)

## Mike Acomb

---

**From:** Santa Rick <nfsanta01@gmail.com>  
**Sent:** Thursday, January 12, 2023 10:27 AM  
**To:** Mike Acomb  
**Subject:** Fwd: Delivery Status Notification (Failure)

----- Forwarded message -----

From: **Mail Delivery Subsystem** <[mailer-daemon@googlemail.com](mailto:mailer-daemon@googlemail.com)>  
Date: Thu, Jan 12, 2023 at 10:21 AM  
Subject: Delivery Status Notification (Failure)  
To: <[nfsanta01@gmail.com](mailto:nfsanta01@gmail.com)>



### Address not found

Your message wasn't delivered to **cityclerk@cinewtonfalls.oh.us** because the domain [cinewtonfalls.oh.us](https://cinewtonfalls.oh.us) couldn't be found. Check for typos or unnecessary spaces and try again.

[LEARN MORE](#)

The response was:

DNS Error: DNS type 'mx' lookup of [cinewtonfalls.oh.us](https://cinewtonfalls.oh.us) responded with code NXDOMAIN Domain name not found: [cinewtonfalls.oh.us](https://cinewtonfalls.oh.us) Learn more at <https://support.google.com/mail/?p=BadRcptDomain>

----- Forwarded message -----

From: Santa Rick <[nfsanta01@gmail.com](mailto:nfsanta01@gmail.com)>

To: City Administrator <[cityadmin@newtonfallsoh.gov](mailto:cityadmin@newtonfallsoh.gov)>, [cityclerk@cinewtonfalls.oh.us](mailto:cityclerk@cinewtonfalls.oh.us)

Cc:

Bcc:

Date: Thu, 12 Jan 2023 10:21:33 -0500

Subject: Charter review

Dear Clerk , please be advised that I am formally asking that I be considered for the charter review committee convening this year . I am a citizen of Newton Falls and have served on the last charter review committee.

Sincerely, Richard Kerlin [1009 Woodglen Ave., Newton Falls, OH](mailto:1009 Woodglen Ave., Newton Falls, OH) ,330-993-7872

**Mike Acomb**

---

**From:** City Administrator  
**Sent:** Monday, January 23, 2023 2:13 PM  
**To:** Mike Acomb  
**Cc:** vallenbrenda22@gmail.com  
**Subject:** Charter Review Applicant

Mike,  
Brenda Kren came in and requested to be considered for the Charter Review Commission.  
Her email vallenbrenda22@gmail.com.

Respectfully,  
Julie Smeiles  
330-872-0806 ext. 2113

This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive mail for the addressee), you should not use, copy or disclose to anyone this message or any information contained in this message. If you have received this message in error, please so advise the sender by reply e-mail and delete this message. Thank you for your cooperation.

Sent from [Mail](#) for Windows

## Mike Acomb

---

**From:** Julie Lemon <julielemon63@gmail.com>  
**Sent:** Friday, January 20, 2023 12:39 AM  
**To:** Mike Acomb  
**Cc:** Kenneth Kline  
**Subject:** 2023 Charter Review Letter of Interest

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

To: Newton Falls Council

Re: 2023 Charter Review Letter of Interest

Honorable Mayor Kline & Councilmembers

I am rendering this letter of interest and asking the council for their consideration for a position on the upcoming 2023 NF Charter Review Commission. I had the distinct pleasure of serving on the Special Charter Review Commission last year where I served as the Secretary of the Commission. It was an honor to serve with my fellow members last year. My previous experience on the Charter Review Commission has taught me many things, the one thing that I looked forward to every meeting was gathering around a table and sharing thoughts and ideas and sometimes even having very serious debates with each other. The one thing that held true throughout every meeting is that each member of the Commission gave their time, energy and massive efforts to work together, compromise when possible, in the end to come up with proposed charter amendment changes that we were comfortable and proud to present to our community. We were able to get 4 out of 7 proposed amendments changes passed in the November 2022 general election.

I feel that there is still so much work that can be done. I am a citizen that believes in the charter and its ability to guide our government whether it be legislative or administrative.

I respectfully submit my request and humbly ask for your consideration in this matter, as it would be an honor to serve on this Commission once again.

Sincerely,  
Julie Lemon  
609 Ridge Rd Apt 320  
Newton Falls, Ohio 44444  
330-942-4589

--  
Julie Lemon



## Mike Acomb

---

**From:** BRUCE MOORE <bmoore2806@aol.com>  
**Sent:** Monday, January 16, 2023 9:21 PM  
**To:** Mike Acomb  
**Subject:** Charter review committee.

Hello,

I would like to submit my name for inclusion on the upcoming charter review committee.

My name is: Bruce Moore  
348 E. Broad Street  
Newton Falls, Ohio  
330-883-4631

We, my family and I, moved to Newton Falls in April 1993.

I had the honor of serving on last year's charter review committee. Working with the other committee members was very productive and meaningful.

If selected, I promise to work with other committee members for a better Newton Falls.

Sincerely,

Bruce Moore

Sent from my iPhone

## Mike Acomb

---

**From:** John Richards <rich9904@hotmail.com>  
**Sent:** Tuesday, January 10, 2023 10:18 AM  
**To:** Mike Acomb  
**Subject:** Charter Review

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

I am requesting that I be considered for the 2023 Charter Review Commission.

John Richards  
212 Albert St  
Newton Falls, OH  
330 872 0351

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

## Mike Acomb

---

**From:** azimmermann197@gmail.com  
**Sent:** Sunday, January 8, 2023 8:20 PM  
**To:** Mike Acomb  
**Subject:** Letter of interest for Charter Review Commission

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Mr. Acomb,

Please consider this my letter of interest for the Charter Review Commission.

Regards,

Adam

*Adam Zimmermann*  
[azimmermann197@gmail.com](mailto:azimmermann197@gmail.com)  
(330) 307-6790