



NEWTON FALLS CITY COUNCIL
REGULAR MEETING AGENDA
 Wednesday, September 20, 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	John Baryak

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

- I. **Call to Order**
- II. **Pledge of Allegiance / Silent Prayer**
- III. **Roll Call**
- IV. **Changes To Tonight's Agenda**
- V. **Special Presentations by Staff Members or Invited Consultants**
- VI. **Public Comments (Agenda Items Only)**
- VII. **Reports**
 - a. Mayor
 - b. Council Members
 - c. Finance Director
 - d. Law Director
 - e. City Manager

- VIII. **Approval of Previous Minutes**
 - Regular Meeting Minutes August 2, 2023
 - Special Meeting Minutes August 14, 2023
 - Regular Meeting Minutes September 6, 2023

- IX. **Public Hearings**
 - ORDINANCE 2023-31** *Sponsor: Councilperson Fetterolf*
 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUOTE OF
 PRO-TECH SYSTEMS GROUP, INC. FOR A WATER TREATMENT PLANT
 PROGRAMMABLE LOGIC CONTROLLER REMOTE TERMINAL UNIT UPGRADE

- ORDINANCE 2023-34** *Sponsor: Councilperson Spletzer*
 AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE
 APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND
 AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE
 OF RESOURCES WITH THE COUNTY AUDITOR

ORDINANCE 2023-35

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

ORDINANCE 2023-36

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE AUTHORIZING AN AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

X. Unfinished Business

ORDINANCE 2023-30

Sponsor: Councilperson Spletzer

AN EMERGENCY ORDINANCE REAPPOINTING BRADRIC BRYAN AS THE DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DIRECTOR OF LAW AGREEMENT

ORDINANCE 2023-31

Sponsor: Councilperson Fetterolf

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUOTE OF PRO-TECH SYSTEMS GROUP, INC. FOR A WATER TREATMENT PLANT PROGRAMMABLE LOGIC CONTROLLER REMOTE TERMINAL UNIT UPGRADE

ORDINANCE 2023-34

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

ORDINANCE 2023-35

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

ORDINANCE 2023-36

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE AUTHORIZING AN AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

XI. New Business

ORDINANCE 2023-37

Sponsor: Councilpersons Spletzer, Fetterolf

AN ORDINANCE ESTABLISHING SECTION 153.03 OF THE ADMINISTRATIVE CODE PERTAINING TO CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS AND SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES

ORDINANCE 2023-38

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF KIRILA CONTRACTORS, INC. FOR THE SR 5 & SR 534 SANITARY FORCEMAIN LATERAL SERVICE SEWER PROJECT

ORDINANCE 2023-39

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

MOTION

Sponsor: Councilperson Spletzer

A Motion to schedule Trick or Treat for Saturday, October 28, 2023 from 4:00pm-6:00pm

MOTION

Sponsor: Councilpersons Fetterolf

A Motion to Appoint Pamela Priddy to the Unpaid Position of Director of the Department of Historic Sites & Structures.

- XII. Public Comments**
- XIII. Closing Remarks**
- XIV. Motion to Recess into Executive Session (If Necessary)**
- XV. Adjournment**



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, August 2, 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 6:01 pm.

II. Pledge of Allegiance / Silent Prayer

III. Roll Call

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

Council Absent: None

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

Staff Absent: None

Changes To Tonight's Agenda

No Changes

IV. Special Presentations by Staff Members or Invited Consultants

none

V. Public Comments (Agenda Items Only)

Julie Lemon – 609 Ridge Road

She discussed appropriations and wondered why this one is \$419,000 over the original budget since March. She spoke against a flower fund. She pointed out the changes she noticed and expressed concern about the spending of money. She asked for the July 8 Special Meeting Minutes to not approve the meeting minutes alleging it to be an illegal meeting. She asked Council to order the City Manager to return Heritage Accord's sign.

Ms. Speltzer made a point of order to compel Ms. Lemon to address the Chair when making comments.

Adam Zimmermann – 515 Lemae Avenue

He spoke against the income tax resolutions citing Section 19 and referendum on the ordinances. He stated that Council cannot certify ordinances that won't take effect for 30

days. He spoke regarding the appointment of Mr. Donato and wondered why the term expiration was not caught by the administration. He spoke against the Community Center ordinance and against non-residents being on a city committee. He spoke against the addition of another zoning administrator.

Rick Kerlin – 1009 Woodglen

He spoke in favor of Ordinance 2023-26. He spoke in support of the current plans and the opening of the community center.

VI. Reports

- a. Mayor – Mr. Kline – He held many discussions with residents. He held meetings with residents and goes door-to-door 2-3 times each week. Broadstreet Vintage was the Mayor's Choice.
- b. Council Members
 - i. Ward 1 – Mr. Fetterolf – no report.
 - ii. Ward 2 – Mr. Baryak – no report.
 - iii. Ward 3 – Ms. Spletzer – She attended the July 25 Parks and Recreation Meeting. The next meeting is August 23 at 5:30pm. Mayor Kline asked for them to address the playgrounds.
 - iv. Ward 4 – Mr. Rufener – He received information from the Chamber of Commerce and announced the variety of events that they have planned this month. These events can be found online. He asked people to contact the Commerce Association directly with questions.
 - v. At-Large – Ms. Stimpert – On July 25, the Fire Board voted to place a levy on the November ballot. The next meeting is August 15.
- c. Finance Director – Mr. Housley – July is closed, and reports have been sent to Council and should be on the website tonight or tomorrow. June is reconciled. Mayor Kline asked about the senior lunches and to provide the account number. It has its own account but is part of the general fund. Mr. Housley agreed to send the Mayor the audit trails. The Mayor stated that he wants answers for residents. Mr. Housley stated that it will appear on the revenue report and the expense report. A monthly audit trail will detail all the activity.
- d. Law Director – Mr. Bryan – no report.

Mayor Kline agreed to allow Mr. Baryak to address the mayor. He stated that a new road needs to be installed with new drainage on Ophelia Street.
- e. City Manager – Ms. Priddy – She stated on several topics including, (1) the NOPEC Grant which will be used to light the rest of the walkway through the city park and speakers will be installed downtown to allow music to be played and she is exploring the potential for outdoor, free WIFI downtown; (2) She is trying to schedule a meeting with Mr. Mayfield on Ophelia Street; (3) She is trying to change the confusion with trash cans as a result of the transition from Ohio Valley to Kimball; (4) The dam meeting was today. The OHM review of the dams revealed them to be in bad shape and different funding options are being explored, including grants and various types of loans. It may be prudent to upgrade the water plant to protect the water source. The dam issues have been in existence since 2014; (5) Dunkin Donuts is moving forward, but the result of a traffic study is pending and annexation cannot happen until it is received and

studied; (6) Council can expect an ordinance for the supervisors and options for handling credit hours.

- i. Mr. Baryak spoke about the dams. He attended the meeting and understood that one of the dams is in the worst possible shape. Immediate attention is required.

VII. Approval of Previous Minutes

Regular Meeting Minutes July 5, 2023

Special Meeting Minutes July 8, 2023

Regular Meeting Minutes July 19, 2023

Mayor Kline asked Mr. Bryan about the July 8 Meeting minutes and if they can be done as a slate. Mr. Bryan stated that Council can choose to pass the minutes as they wish.

Ms. Stimpert asked if pending litigation prevents their approval of the minutes, Mr. Bryan replied “no” and suggested they vote on them.

Mayor Kline called for a motion to approve the minutes for each of the meetings.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

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 2023-21

Sponsor: Councilperson Baryak

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

Julie Lemon – 609 Ridge Road

She spoke in support of police, fire, and EMS ... and the Sherriff's Department. She spoke against a tax increase citing poor use of current tax dollars and a lack of trust in this Council.

ORDINANCE 2023-22

Sponsor: Councilperson Spletzer

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

No comments.

ORDINANCE 2023-23

Sponsor: Councilperson Fetterolf

AN ORDINANCE ESTABLISHING SECTION 153.01 OF THE ADMINISTRATIVE CODE PERTAINING TO ADVERTISING OR SOLICITING FOR CANDIDATES FOR SUPERVISORY POSITIONS

No comments.

IX. Unfinished Business

ORDINANCE 2023-21

Sponsor: Councilperson Baryak

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

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak spoke in support of the ordinance. He explained he pulled his previous ordinance to protect the police department, and no other person brought something forward to replace it. He spoke of the need to protect the older population. He urged people to vote the way they wish.

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

The ordinance passed 5-0.

ORDINANCE 2023-22

Sponsor: Councilperson Spletzer

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

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Rufener spoke in support of the public decision on this topic. He also stated that there is no plan and 0.25% needs to have a plan. Mr. Baryak spoke in support of the ordinance citing the need to have more people working on the roads. Mr. Housley clarified that money from this issue would be able to be used for anything related to the stated purpose and that OHM is writing a plan. Mr. Rufener clarified that personnel is not stated exclusively in the ordinance. Mr. Bryan stated that the money can go towards manpower if they are working on the things listed in the ordinance as appropriate usage for the money. Mr. Baryak spoke in support of the ordinance citing the need to generate income so that grants be secured.

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

The ordinance passed 5-0.

ORDINANCE 2023-23

Sponsor: Councilperson Fetterolf

AN ORDINANCE ESTABLISHING SECTION 153.01 OF THE ADMINISTRATIVE CODE PERTAINING TO ADVERTISING OR SOLICITING FOR CANDIDATES FOR SUPERVISORY POSITIONS

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: None

The ordinance failed due to the lack of second to the motion.

X. New Business

RESOLUTION 30-2023

Sponsor: Councilperson Baryak

A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-21 TO THE TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

Mayor Kline called for a motion to adopt the resolution.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Baryak addressed the law director if the ballot can be achieved. Mr. Bryan stated that Mr. Zimmermann's comments were correct. He stated that the ordinances can be used in this resolution and a ballot issue is the same as a referendum action. The Board of Elections have previously agreed with that stance and will accept it. Mr. Baryak referred to the Sheriff's report and noticed that calls are increasing.

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

The resolution passed 5-0.

RESOLUTION 31-2023

Sponsor: Councilperson Spletzer

A RESOLUTION CERTIFYING THE MUNICIPAL INCOME TAX INCREASE AMENDMENT ADOPTED IN VILLAGE ORDINANCE NO. 2023-22 TO THE TRUMBULL COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE BALLOT FOR CONSIDERATION OF THE ELECTORATE AT THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

Mayor Kline called for a motion to adopt the resolution.

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 resolution passed 5-0.

RESOLUTION 32-2023

Sponsor: Councilperson Spletzer

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

Mayor Kline called for a motion to adopt the resolution.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Ms. Spletzer spoke in support of this "housekeeping" measure on property taxes.

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

The resolution passed 5-0.

ORDINANCE 2023-25

Sponsor: Councilperson Fetterolf

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT FOR PROSECUTION SERVICES

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Mr. Baryak

Ms. Stimpert asked for the reasoning for the amendment. Mr. Bryan stated that the prosecutor determined that his original contract was for less than the prosecutor than he replaced. This will allow for the contract to be with the firm so that he has support to perform the necessary work. This represents a \$5600 increase per year and a final per diem of \$400 per day. The judge has provided good reviews and comments about the new prosecutor. Mr. Baryak stated his belief that the new prosecutor is doing a great job.

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

The ordinance passed 5-0. First Reading.

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

Moved by: Mr. Baryak

Seconded by: Mr. Fetterolf

No discussion.

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

The ordinance passed 5-0. Final Reading.

ORDINANCE 2023-26

Sponsor: Councilperson Spletzer

AN ORDINANCE ESTABLISHING CHAPTER 144 OF THE ADMINISTRATIVE CODE AND THE DEPARTMENT OF HISTORIC SITES AND STRUCTURES

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Ms. Stimpert asked for clarification of which historical sites and structures are being considered. Mr. Fetterolf stated that this would include buildings and structures that are already recognized as historical sites. The intent is to remove them from the "political arena" and include them as part of the City. Ms. Stimpert stated that putting these things in city control places them in the "political arena". Mr. Fetterolf spoke in support of city control of these places. Mr. Rufener clarified that the sites and structures owned by the city are the only pieces of property that this applies to...and the community center is the only piece of property. He spoke against the ordinance citing a cease-and-desist order regarding city actions towards Heritage Accord. Ms. Priddy stated that the stone pavilion in the park is also part of this ordinance. The established committee would be charged with keeping track of the covered bridge and efforts to improve it.

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

The ordinance passed 3-2. First Reading.

ORDINANCE 2023-27

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPOINT AN ASSISTANT ZONING ADMINISTRATOR

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

Mr. Baryak asked the city manager to comment. The city manager commented that upcoming ordinances would require a second zoning administrator who might be hired when/if the ordinance passes and when/if the work load warrants it.. She clarified that this position would work evenings and weekends. Mr. Baryak spoke in support of hiring a new administrator and alluded that one may have already been identified. Ms. Stimpert asked for clarification. Ms. Priddy stated an applicant came forward when he applied for a planning and zoning commission seat. Mr. Fetterolf stated that this position will address various property uses and more complex issues. Mr. Baryak spoke in support of this position to address absentee landlords. Mayor Kline asked for clarification on the point of the ordinance. Mr. Bryan stated that this is intended to simply create the position as specified in the ordinance.

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

The ordinance passed 4-1. First Reading.

ORDINANCE 2023-28

Sponsor: Councilperson Fetterolf

AN ORDINANCE DECLARING THE WINDHAM STREET PERMANENT PARCEL NO. 53-055300 AND 53-055400 PROPERTIES NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTIES FOR SALE AND REQUEST SEALED BIDS FOR THE PURCHASE OF THE PROPERTIES

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Mr. Fetterolf spoke in support of the ordinance and clarified the locations of the properties. He also stated that the properties were donated in 2020 to the city by the owners of the time, without restrictions, who agreed that the city could do as it sees fit. He recommended adding a minimum tax value to the properties. Ms. Stimpert stated that pictures of the property need to be included with the advertisement. She asked for pictures to be provided to Council.

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

The ordinance passed 5-0. First Reading.

ORDINANCE 2023-29

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer clarified several items in the Exhibit, including \$25,000 for a court case that was dropped and the expense for the digger truck. Mr. Housley reminded council that the general fund reserve transferred money to the general fund in 2021. Reimbursements will now be made to the general fund reserve

from the general to repay that advance. He added that the PO for the digger truck was increased to show the lender that a reserve exists. Ms. Stimpert questioned the increase in the flower fund. Mr. Housley noted that current expenses are \$700 and an increase was made to allow for any anticipated expenses through the end of the year. Ms. Stimpert asked if it was proper for the council to vote without considering the month-end reports. Mr. Housley stated the appropriations ordinances are not fully dependent on the month-end reports. Mr. Fetterolf noted that the finance director is certifying that the money is available to do these things. Mr. Housley agreed and added that negative cash balances are very bad and action must be taken when that occurs. He stated that his job is to forecast and anticipate needs.

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

The ordinance passed 4-1. First Reading.

MOTION

Sponsor: Councilperson Spletzer

A motion to appoint John Donato to the Parks and Recreation Commission for the term expiring on 12/31/2025.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Stimpert noted that more than one person has applied.

Ms. Stimpert made a motion to amend the motion to be a motion to interview all applicants at the next regular meeting. Seconded by Mr. Rufener.

No further discussion.

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

The motion as amended passed 4-1.

Ms. Priddy stated that she believes one of the applicants is ineligible to serve on the commission due to being an immediate family member of a member of the Council and should not be interviewed.

Ms. Stimpert made a motion to withdraw the motion as amended. 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 motion passed 5-0. The Motion as Amended was withdrawn.

Mayor Kline called for discussion regarding the original motion to appoint Mr. Donato.

Mr. Baryak spoke in support of Mr. Donato and anyone else that wants to step up and help the community.

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

The motion passed 5-0. Mr. Donato was appointed to the commission.

MOTION

Sponsor: Councilperson Spletzer

A Motion to Cancel the August 16, 2023 Regular Council Meeting as Authorized by Article III, Section 6 of the Charter

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Ms. Spletzer spoke in support of taking a break in August. Mr. Baryak agreed and stated that a special meeting could be called if necessary.

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

The motion passed 5-0.

XI. Public Comments

Julie Lemon – 609 Ridge Road

She spoke against the Council's actions tonight, including the vote on Ordinance 2023-26. She spoke against the possession of Heritage Accord's sign and against tax increases. She spoke in support of renters and the rehabilitation houses.

Pat Benetis

She read a prepared statement and included prepared statements intended for July 5.

Adam Zimmermann – 525 Lemae

He thanked Mr. Bryan for his explanations regarding the tax resolutions. He spoke against townships residents serving on city committees. He spoke against "seed money" for grants. He spoke against Ordinance 2023-26. He spoke against the potential new zoning administrator prior to approval for creation of the position. He wondered why sealed bids are needed to sell the properties on tonight's agenda, but not the Annex Building.

Vonda Vencel

She spoke in response to a public records request by Julie Lemon regarding her employment with the city. She stated she is not an employee, but a volunteer who uses her own supplies. She stated her belief that some people are holding the city back and Julie Lemon is one of them. She stated her belief that the city is a good place and needs good people to speak up and step up to work for the community.

Steve Simpson – 420 Ravenna Road

He spoke against Ordinance 2023-26 and worried about it affecting private properties. He encouraged anyone who wishes and is eligible to add their properties to the list of historic places. He asked who is handling the trash pickup this week.

Matthew Mezsaros

He thanked the city manager, the Council, and Mayor for their efforts to improve the city. He stated that he has never taken any pay from the city.

Mr. Kerlin – 1009 Woodglen

He thanked Council and the city manager for beautifying the community. He stated that he has never taken any pay from the city for his efforts to help. He spoke against those who think otherwise. He defended all other volunteers and expressed pride in being an unpaid volunteer.

XII. Closing Remarks

- a. Mayor – Mr. Kline – He thanked the residents for their participation tonight.

b. Council Members

- i. Ward 1 – Mr. Fetterolf – He stated that three members of Council are not suing the city. He stated that Betras is defending the city council against charges made against it.
 - ii. Ward 2 – Mr. Baryak – He stated that he believes in his efforts to give back to the community. He spoke against those who are working against the city just because they cannot get credit for the good things that are happening. He also spoke against previous actions and deals that were made by prior Councils and administrations. He expressed his pleasure and pride to serve.
 - iii. Ward 3 – Ms. Spletzer – no report.
 - iv. Ward 4 – Mr. Rufener – no report.
 - v. At-Large – Ms. Stimpert – no report.
- c. City Manager – Ms. Priddy – Ms. Priddy addressed a few things, including Kimball will be picking up trash this week and Ohio Valley is still finishing their last pickup. She also addressed concerns about the Veterans Bench Program and the Senior Kitchen, including a reminder that all the efforts are voluntary, unpaid, and a source of pride for those who support it. She explained that she bought about a \$10,000 freezer for \$2,200 and a \$6,000 oven for \$700 at an auction and Mr. Housley certified that the money was available. She wants to make a commercial kitchen. She paid nearly \$1000 from her own pocket to cover the cost of a UHaul and a broken window that was accidentally broken. She has invested another \$1000 in personal donations for the bench project from her own accounts.

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

XIV. Adjournment

Mayor Kline asked for a motion to adjourn the 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 meeting was adjourned at 7:59 pm.

APPROVED:

John Baryak, Acting Mayor

ATTEST:

Michael Acomb, Council Clerk

Patrica Benetis, Ward One Candidate
Integrity, Honesty, Transparency, and Frugality
August 2, 2023

I was not going to have anything to say at the meeting tonight as I was sure that other constituents in the audience would adequately cover the items on tonight's agenda.

When I read the Tribune this morning, I knew that I had to give my opinion on the goings on of this council. Approximately nine (9) or ten (10) months ago we were advised by Council that there was no money for a Newton Falls Police Department so they decided to abandon our own police department and go with the Trumbull County Sherriff Department. They did this even though the majority of their constituents were vastly against it. Since then much money has been spent for a variety of law suits and other expenditures that should not have taken place due to the fact that we were short of money. Two of my pet peeves was that wonderful(?) Motivational speaker in the amount of \$5,000 and having two police chiefs because even though Chief Fixler's doctor said he was physically able to perform his duties, CM Priddy said otherwise. Water over the bridge.

Now, another lawsuit is looming. Against the advice of their own law director, whom the three members of this council hired, they proceeded with Atty David Betras. I am sure the services of Atty Betras costs quite a large sum of money. The ridiculousness is hard to comprehend. The election is only three months away and then the citizens of Newton Falls will have their say at the ballot box. Another frivolous lawsuit by the three "intelligent" members of this council. I wish there was a way to charge Mr. John Baryak, Mr. Gideon Fetterolf and Ms. Tesa Spletzer for the cost of Atty David Betras. Maybe then, they would not be in such a rush to remove Mayor Kenneth Kline.

One of the reasons the three want to remove Maor Kenneth Kline is because he can't control the meeting. There is one member of council that no one can control. I don't think I need say his name here. It is always his way, coming out of his seat to holler out a constituent, making faces, turning his back on a prayer, etc. He is the reason that I called the deputies twice. After one meeting he called me "Dementia". And he is one of the ones calling for the removal of Mayor Kline.

Another item that certainly upset me was when members of council, CM Pam Priddy and others caused the damage to the Community Center. If there is a way, I hope the Heritage Committee sues each and everyone separately for the damage. Putting holes in doors, cutting off locks, breaking down doors, that was certainly beyond words.

I am so afraid of all the havoc the three might still put our city through before the end of their term. Such a sad state of affairs.

I am attaching the two pages that I was going to present after the July 5th meeting due to the cancellation of the meeting. This is the meeting where I did call the deputies because of the action of a councilman.

Patricia Benetis
Ward One Candidate
Integrity, Honesty, Transparency, Frugality
July 5, 2023

My letter that I sent to City Manager Pamela Priddy on June 28, 2023 asking for some consideration concerning the Silver Sneakers program and my follow-up concerning my feelings on how it was handled is on the reverse side. I am not going to read it tonight because the way I read, my remarks would probably take up my allotted three (3) minutes

My concerns still have not been addressed. Now, because of the smaller space allotted to the Silver Sneakers' program, no one can sit on the back bench that is not in the Silver Sneakers' program. It is rather unsafe as sometimes we are working with weights or swinging our arms doing our exercises and one of the non-participants might get hurt. It has now become, it seems, that one of our participants now has to ask the non-participants that they need to go and sit at the table with the chairs all set up. Of course, this new practice has taken away our space.

This now causes another problem. They then go sit at the table for the remainder of Silver Sneakers Class. They get bored and start looking around at the handouts, etc. Nothing really wrong but today it is only one. Who knows what tomorrow brings.

When I went to class on Friday, I was nicely told that my chair needed to be moved up so people could go behind my chair and not through the class. I moved my chair as it really didn't matter that much. Guess what? One of the City Manager's cronies cut right through the class again. Courtesy People Courtesy.

Lunch is served from 12:00 to 1:00. 99% of the time the Silver Sneakers class is over by 11:30. People are known to arrive shortly after 11:00, 11:05 to be exact. They then have nothing to do.

Someone suggested that there should be a sign posted on the door to the Great Room stating that there is a class in session from 10:30 to 11:30. That would be great but I don't see that happening.

I don't see why the tables need to be set up ahead of time. There are eight tables and approximately 48 chairs needed. Most of the participants in the Silver Sneakers' program help set up the chairs. It takes approximately five (5) minutes to set everything up.

A gentleman said that I was wrong about something that I had presented to Council and attendees at the June 22nd meeting. He first interrupted me when I was given my allotted three (3) minutes. Maybe I needed to put it in easier terms.

Per Chief Gene Fixler: Only Newton Falls Police Officers can issue traffic citations and other violations, using the Municipal Ordinances. So, as example, a speeding ticket is issued under city/village ordinance 333.03 for 12 miles over the speed limit. The total fine collected if the citation is waivable is \$185, as listed on the online court Waiver Fine Schedule. This \$185 includes Court Costs and a fee to the state. The actual fine however is approximately \$65 of the \$185, and that is returned to the city General Fund.

Citizens of Newton Falls:

I wrote Newton Falls City Manager Pam Priddy an email asking for courteous manners directed toward the Silver Sneakers group. All I asked was that instead of interrupting the Participants of Silver Sneakers that they use the hallway where her office is located instead of coming through our class from 10:30 to 11:30. I sent that letter yesterday evening and when I went there this morning at 10:20 a table was already set up for lunch. I was informed that Silver Sneakers only needs to use half the room. She of course blamed the manager for SCOPE instead of just nicely going along with my suggestion. Since she decided to make a big deal of it, I am attaching the email that I sent her yesterday.

I would like to make a request concerning the Silver Sneakers program sponsored by SCOPE in the Great Room.

I know that I am not the only one that feels this way, but most people complain to each other and not try to do anything to correct the matter.

I, along with many others, do not appreciate people coming in and out while we are participating in the exercises for the day. I know that there is more than one door to get in and out of the courtyard and kitchen. In emergencies ok, but not just the daily goings on.

I certainly am not against the Lunch Program held every Monday, Wednesday and Friday but I do not feel that it is necessary for all the interruptions that go on during the Silver Sneakers class. This certainly would not go on if you were having a meeting, except in an emergency.

Why can't they come down the other hall where your office is located? Why can't they get the list of participants for lunch before 10:30? I have yet to see anyone signing the list after 10:15 or so. Why do they have to check the Silver Sneakers list? Why do they have to get change out of the Silver Sneakers box? This last Monday the young lady that helps out, which I think is great, walked in front of the instructor while the instructor was giving directions four times. Silver Sneakers is a bonafide class. We are paying for the class, either by insurance or cash.

It was very disturbing to the class last Memorial Day. People kept coming in and out of the Courtyard. There is another door on the other side. It may be a little longer, but nevertheless it is there. The young lady was very upset when I would close the door. If it was not closed the door would open and one of the participants had to worry about hitting the door during some the exercises. In fact her purse was stepped on and no "Sorry" or anything like that. There was constant interruptions throughout the class.

I feel the Silver Sneakers is treated like a recess. Everybody can come and go as they please. Yes, it is a shortcut, but I feel courtesy should prevail. So it takes a couple extra steps.

I don't want to bring this matter up at the next Council Meeting, so I hope you will address this hopefully by Friday.

Sincerely,

Patricia Benetis



NEWTON FALLS CITY COUNCIL
SPECIAL MEETING MINUTES
 Monday, August 14, 2023; 4:30 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 Rufener, Councilperson Stimpert, Mayor Kline

Council Absent: None

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

Staff Absent: None

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

No public comments.

V. Public Hearings

ORDINANCE 2023-26

Sponsor: Councilperson Spletzer

AN ORDINANCE ESTABLISHING CHAPTER 144 OF THE ADMINISTRATIVE CODE AND THE DEPARTMENT OF HISTORIC SITES AND STRUCTURES

Rick Kerlin – 1009 Woodglen

He spoke in support of the ordinance. He believes the ordinance gives the people a chance to move the community center forward. He spoke in support of the efforts of the city manager and the grant writer to earn the grant and believes this ordinance strengthens these efforts.

ORDINANCE 2023-27

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPOINT AN ASSISTANT ZONING ADMINISTRATOR

No comments.

ORDINANCE 2023-28

Sponsor: Councilperson Fetterolf

AN ORDINANCE DECLARING THE WINDHAM STREET PERMANENT PARCEL NO. 53-055300 AND 53-055400 PROPERTIES NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTIES FOR SALE AND REQUEST SEALED BIDS FOR THE PURCHASE OF THE PROPERTIES

No comments.

ORDINANCE 2023-29

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

No comments.

VI. New Business

ORDINANCE 2023-26

Sponsor: Councilperson Spletzer

AN ORDINANCE ESTABLISHING CHAPTER 144 OF THE ADMINISTRATIVE CODE AND THE DEPARTMENT OF HISTORIC SITES AND STRUCTURES

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Mr. Rufener reiterated his comments from the prior meeting. He stated his belief that this board is unnecessary.

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

The ordinance passed 3-2.

ORDINANCE 2023-27

Sponsor: Councilperson Baryak

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPOINT AN ASSISTANT ZONING ADMINISTRATOR

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Baryak

Seconded by: Ms. Spletzer

Mr. Rufener asked if the position would be advertised. He strongly urged it to be advertised and applicants to be interviewed. He spoke against the position being already filled prior to advertisement. Mr. Baryak spoke in support. Mr. Bryan stated that Council does not approve the hiring, they only create the position. The hiring is handled by the city manager. Mr. Baryak spoke in support of the position citing his desire to improve the community.

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

The ordinance passed 3-2.

ORDINANCE 2023-28

Sponsor: Councilperson Fetterolf

AN ORDINANCE DECLARING THE WINDHAM STREET PERMANENT PARCEL NO. 53-055300 AND 53-055400 PROPERTIES NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE CITY MANAGER TO ADVERTISE THE PROPERTIES FOR SALE AND REQUEST SEALED BIDS FOR THE PURCHASE OF THE PROPERTIES

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Mr. Fetterolf

Seconded by: Ms. Spletzer

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.

ORDINANCE 2023-29

Sponsor: Councilperson Spletzer

AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE OF RESOURCES WITH THE COUNTY AUDITOR

Mayor Kline called for a motion to adopt the ordinance.

Moved by: Ms. Spletzer

Seconded by: Mr. Fetterolf

No discussion.

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

The ordinance passed 3-2.

MOTION

Sponsor: Councilpersons Baryak, Fetterolf, Rufener

A Motion to Approve the Newton Falls Municipal Court's Request to Hire Former Village Councilperson Mike Serotko as a Court Bailiff or Security Guard in Accordance with Codified Ordinance Section 121.02(c)

Mayor Kline called for a motion to pass the motion.

Moved by: Ms. Spletzer

Seconded by: Mr. Baryak

Mr. Rufener spoke in support of the motion. He spoke about Ordinance 2021-11 and decided that is situation is different as this position is pre-existing within the Court and is not a position that is being created. He spoke in support of Mr. Serotko being compensated for his services. Mr. Fetterolf stated this is a position under the Court. He spoke in support of Mr. Serotko personally and professionally. Mr. Baryak spoke in support of the Judge's effort to cut expenses and he spoke in support of Mr. Serotko working part-time. Ms. Stimpert asked Mr. Bryan why this is on the agenda if Ordinance 2021-11 is on the agenda. Mr. Bryan stated that he would be a Village employee. She spoke against the motion citing an inconsistency with the handling of previous cases. Mr. Bryan clarified that members of commissions are not considered employees.

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

The motion passed 4-1.

VII. Motion to Recess into Executive Session (If Necessary)

No motion.

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

Rick Kerlin – 1009 Woodglen

He spoke against Mr. Rufener's comments regarding Ordinance 2023-26. He restated his belief that the ordinance provides the most effective way to save the community center and also the fastest way to achieve the goal. He thanked Council for their vote.

Mike Serotko

He thanked Council for their time and consideration.

IX. Adjournment

Mayor Kline called for a motion to adjourn the meeting.

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 motion passed 5-0. The meeting was adjourned at 4:53 pm.

APPROVED:

John Baryak, Acting Mayor

ATTEST:

Michael Acomb, Council Clerk



NEWTON FALLS CITY COUNCIL
REGULAR MEETING MINUTES
 Wednesday, September 6, 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	
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 Rufener, Councilperson Stimpert, Mayor Kline
 Council Absent: None
 Staff Present: City Manager Priddy, Clerk Acomb, Finance Director Housley
 Staff Absent: Law Director Bryan
- IV. **Changes To Tonight's Agenda**
 Mr. Baryak made a request to remove Ordinances 2023-22 and 2023-23 from the agenda. They were removed without objection.
- V. **Special Presentations by Staff Members or Invited Consultants**
 None.
- VI. **Public Comments (Agenda Items Only)**
 Adam Zimmermann – 515 Lemae Avenue
 He spoke against Ordinance 2023-36. He spoke against the members of Council who he believes will vote yes tonight. He spoke against the proposed raise in compensation. He spoke against the roofing ordinances. He requested that the Council vote on the times for trick or treat as recommended by Parks and Recreation.

 Julie Lemon – 609 Ridge Road
 She spoke against the emergency clause of Ordinance 2023-30 and the proposed level of compensation citing a lack of funding to support it. She spoke against Ordinance 2023-36 stating disagreement with the proposed level of compensation and vacation time. She asked for a list of accomplishments to support the offering of a contract. She urged Council to vote no citing overspending by Council.

Patricia Benetis – 70 West 8th Street

She read a prepared statement included with these minutes.

Brenda Persino – Oak Knoll

She spoke against Ordinance 2023-36 and Council's apparent support of it. She stated a lack of funds as a reason to not support the contract and stated a preference to spend money on the sidewalks, parks, and a police department. She spoke against the proposed level of compensation.

Brian Axiotis – 315 Adams Street

He spoke against Ordinance 2023-36. He stated the city manager's prior work history should prevent Council from approving the employment agreement. He spoke against her experience as a city manager.

Condie Bright –

He spoke against Ordinance 2023-36 and the contents of the proposed agreement. He wondered if it was based off contracts in communities of similar size. He spoke against the amount of vacation and the ability to appointment an assistant.

Rick Kerlin – 1009 Woodglen

He spoke in support of Ordinance 2023-36. He spoke in support of the city manager and her list of accomplishments, including millions of dollars of grant money that she has secured for the Village. He noted that health benefits are not listed in the contract and she worked for six months without pay. He stated his belief that she has earned this contract and urged Council to vote yes.

Matthew Meszaros

He spoke in support of the city manager, council, and the administration.

A verbal altercation between two members of the audience began. Profanity was used and the sheriff separated the two. Ms. Spletzer and Mr. Baryak each called points of order several times for the mayor to stop disruptions to the meeting. Mayor Kline refused to acknowledge their points of order. Instead, he chastised Mr. Baryak for disrupting the meeting with his points of order. He ordered Mr. Baryak to leave the meeting and ordered the sheriff deputy to eject Mr. Baryak. Simultaneously, members of the audience called out to voice displeasure with the multiple disruptions from the audience and the conflict between Mayor Kline and Mr. Baryak. Mr. Baryak refused to leave the room.

Ms. Spletzer made a motion to overrule the chair's decision to expel Mr. Baryak from the meeting. Seconded by Mr. Fetterolf.

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

The motion passed 4-1.

A long pause in the meeting ensued. Finally, Ms. Spletzer made a motion at 6:36 pm to recess for 10 minutes. Seconded by Mr. Baryak.

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

The motion passed 5-0.

Ms. Spletzer made a motion to resume the meeting at approximately 6:50 pm. Seconded by Mr. Baryak.

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

The motion passed 5-0.

Mr. Baryak made a motion to adjourn the meeting. Seconded by Mr. Fetterolf.

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

The motion passed 4-1. The meeting was adjourned at 6:51 pm.

APPROVED:

John Baryak, Acting Mayor

ATTEST:

Michael Acomb, Council Clerk

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-30
SPONSOR: Councilperson Spletzer

**AN EMERGENCY ORDINANCE REAPPOINTING BRADRIC BRYAN AS THE
DIRECTOR OF LAW AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A
DIRECTOR OF LAW AGREEMENT**

WHEREAS, Mr. Bryan was hired as the Newton Falls Director of Law, effective April 14, 2022, pursuant to an Agreement that was authorized by Council and executed by the City Manager in accordance with Ordinance No. 2022-19; and

WHEREAS, on July 6, 2023, Mr. Bryan submitted a letter of resignation with 60 days' notice that was effective the end of the day on September 4, 2023; and

WHEREAS, in order to allow the City Manager and Council to have additional time to identify and hire a new Director of Law and maintain legal representation for the Village while that process continues, the City Manager and Council are requesting Mr. Bryan to continue to serve as the Village Director of Law until December 31, 2023.

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

SECTION 1. That Council hereby and herein appoints Mr. Bryan as the Director of Law, effective September 7, 2023 through December 31, 2023, and authorizes the City Manager to enter into the attached Director of Law Agreement, or an agreement that is substantially similar thereto.

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

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, and welfare of the residents of the Village of Newton Falls for the reason that it is necessary for the Village to properly appoint a Director of Law on an immediate basis to ensure that upcoming, continuing, and arising legal matters are promptly handled. Therefore, this Ordinance shall take immediate effect upon its passage pursuant to Newton Falls Charter Article III, Section 21.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

ORDINANCE NO. 2023-30
PAGE TWO

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

DIRECTOR OF LAW AGREEMENT

This Agreement is entered into this 7th day of September, 2023, by and between the Village of Newton Falls, Ohio (“Newton Falls”), an Ohio municipal corporation, and Bradric Bryan (“Attorney”), 22050 Mastick Road, Fairview Park, Ohio 44126, an attorney licensed to practice law in the State of Ohio, collectively referred to as the “Parties”.

WHEREAS, Attorney was hired as the Newton Falls Director of Law, effective April 14, 2022, pursuant to an Agreement that was authorized by Council and executed by the City Manager in accordance with Ordinance No. 2022-19; and

WHEREAS, on July 6, 2023, Attorney submitted a letter of resignation with 60 days’ notice that was effective the end of the day on September 4, 2023; and

WHEREAS, in order to allow the City Manager and Council to have additional time to identify and hire a new Director of Law and maintain legal representation for the Village while that process continues, the City Manager and Council requested Attorney to continue to serve as the Village Director of Law until December 31, 2023.

NOW, THEREFORE, Newton Falls and Attorney hereby enter into the within Agreement for Attorney to serve as its Director of Law under the supervision of the City Manager in accordance with the provisions of the Newton Falls Charter and the following terms and conditions.

1. Scope of Work and Compensation. Mr. Bryan shall regularly attend Regular Council Meetings and Special and other meetings requested by the City Manager and Council and perform all other necessary legal work within the scope of duties for the Director of Law set forth in the Newton Falls Charter, unless otherwise authorized by Council or required by law and with the exception of matters necessitated by contractual obligations (including litigation matters for which insurance counsel has been appointed). As compensation for undertaking the duties of the Director of Law, Attorney shall be paid a fixed monthly salary of \$7,750 per month, pro-rated for the month of September, 2023 based upon the September 7, 2023 effective date, with Attorney being included in the Ohio Public Employees Retirement System. Attorney shall be considered a part-time employee and shall not be entitled to any other employee benefits except as specified herein. Attorney shall cover his own expenses in the performance of his duties with the exception of expenses approved in advance by the City Manager or Council such as court or other government filing fees, court reporter or deposition costs, expert fees, and the like.

2. Term and Termination. This Agreement shall be effective as of September 7, 2023 and cover the term of September 7, 2023 through December 31, 2023. This Agreement shall automatically expire as of the end of the day on December 31, 2023. The Agreement may be terminated by either party during the above term: (a) immediately for cause; or (b) at will and without cause with the provision of thirty (30) days’ written notice to the other party.

Attorney

Newton Falls

Bradric T. Bryan

Pamela S. Priddy, City Manager

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-31
SPONSOR: Councilperson Fetterolf

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE QUOTE
OF PRO-TECH SYSTEMS GROUP, INC. FOR A WATER TREATMENT PLANT
PROGRAMMABLE LOGIC CONTROLLER REMOTE TERMINAL UNIT UPGRADE**

WHEREAS, the Village Water Treatment Plant's system control and data acquisition ("SCADA") system, located in the Water Treatment Plant basement, requires a programmable logic controller remote terminal unit ("PLC-RTU") upgrade and a new fiberglass enclosure to protect the new system; and

WHEREAS, quotes for the above work from qualified vendors were solicited, and the Water Department Supervisor and City Manager have determined that the August 16, 2023 quote of Pro-Tech Systems Group, Inc. of Akron, Ohio should be accepted.

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 accept the attached August 16, 2023 quote from Pro-Tech Systems Group, Inc. in the amount of \$30,245 for a Water Treatment Plant PLC-RTU upgrade, new fiberglass enclosure to protect the system, and associated work and services as set forth therein.

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.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form

Law Director



August 16, 2023
Q222481

ORD 2023-31
Exhibit A
Page 1 of 4

123 E. WATERLOO RD.
AKRON, OH 44319
TELEPHONE: (330) 773-9828
FAX: (330) 773-9928
EMAIL: CHRIS@PTEINC.COM

Subject: Newton Falls WTP PLC-RTU Upgrade

Thank you for an opportunity to provide a quotation for the Newton Falls WTP PLC-RTU Upgrade. Pro-Tech Systems Group is quoting the following equipment per the following items:

- Upgrade the PLC-RTU in the Basement to Current Components
- New Enclosure will be Fiberglass to eliminate the effects of corrosion.
- PLC Programming
- Installation by Others
- Startup and Commissioning

Pro-Tech Systems Group Price	<u>\$30,245.00</u>
-------------------------------------	---------------------------

***Instrumentation Calibration and Startup**

- On-Site Instrumentation Calibration and Controls Startup is Based on (1) mobilization for (8) hours. If instrumentation, Control Panels or Network Components are not ready for Scheduled Startup and additional mobilizations will be required, additional costs will be incurred.

*The contract price for this Municipal construction project has been calculated based on the current prices for the component building materials. However, the market for the instrumentation and controls materials that are hereafter specified is considered to be volatile, and sudden price increases could occur. Pro-Tech Systems Group, Inc. agrees to use our best efforts to obtain the lowest possible prices from available building material suppliers, but should there be an increase in the prices of these specified materials that are purchased after execution of contract for use in this Municipal construction project, the Builder agrees to pay that cost increase to the Pro-Tech Systems Group, Inc. Any claim by the Pro-Tech Systems Group, Inc. for payment of a cost increase, as provided above, shall require written notice delivered by the Builder to the Owner stating the increased cost, the instrumentation and control material or materials in question, and the source of supply, supported by invoices or bills of sale.



August 16, 2023
Q222481

ORD 2023-31
Exhibit A
Page 2 of 4

123 E. WATERLOO RD.
AKRON, OH 44319
TELEPHONE: (330) 773-9828
FAX: (330) 773-9928
EMAIL: CHRIS@PTEINC.COM

Standard Exclusions

Our scope EXCLUDES the mounting/installation of all devices (enclosures, instruments, field devices, etc); Field and interconnect wiring drawings; Conduit schedules; All piping (including spool pieces), conduit, wiring, cabling, and mounting hardware; Phone lines, radio towers, repeaters, poles, masts, and mounting; Installation and termination of all wiring and cabling; Furniture.

Standard Terms and Conditions of Sale

We offer our standard **TERMS AND CONDITIONS OF SALE** as Attachment 1. Issuance of an order or acceptance of this proposal constitutes acceptance of the included conditions and all conditions in Attachment 1.

Standard lead times

Submittals – 8-10 weeks

Panels – 6-10 weeks from date of release

Long lead items involving instrumentation will be clarified during the submittal process.

Many of Pro-Tech Systems Groups suppliers have advised that until further notice they reserve the right to amend the delivery date, the price and the scope or quantity of supply and/or other terms and conditions set out in their offer or quotation to the extent affected by the Covid-19 pandemic. Be advised the Pro-Tech Systems Group, Inc. considers the Covid-19 related changes imposed by our manufacturers and suppliers as outside of its reasonable control and subject to Force Majeure provisions.

This quote is valid for a period of 30 days. If you have any questions concerning this quotation, please call.

Best Regards,

A handwritten signature in black ink, appearing to read "CVIAR", is written over a horizontal line.

Chris Viar
Project Estimator



August 16, 2023
Q222481

ORD 2023-31
Exhibit A
Page 3 of 4

123 E. WATERLOO RD.
AKRON, OH 44319
TELEPHONE: (330) 773-9828
FAX: (330) 773-9928
EMAIL: CHRIS@PTEINC.COM

Pro-Tech Systems Group Terms and Conditions

ACCEPTANCE of this Order is expressly conditioned on Buyer's agreement that the terms and conditions set forth herein, together with any plans or specifications approved in writing by Pro-Tech Systems Group, are the sole terms and conditions of the Order and constitute a contract representing the entire agreement of the parties with respect to the subject matter thereof. No amendment, modification or waiver of the terms and conditions of this order shall be binding on Pro-Tech Systems Group, unless made in writing and signed by an authorized representative of Pro-Tech Systems Group. Any additional or different terms and conditions contained in Buyer's proper orders or responses to the Order shall be deemed objected to by Pro-Tech Systems Group without need of further notice of objections and shall not be effective or binding unless assented to in writing signed by an authorized representative of Pro-Tech Systems Group. Buyer shall be deemed to have assented to all terms and conditions contained herein upon performance or part performance by Pro-Tech Systems Group under this contract. Should there be a conflict with any terms or conditions in any contract or purchase order used by Buyer, the terms and conditions herein shall prevail.

TERMS OF PAYMENT: 20% Payment on customer receipt of submittals, 80% Payment on multiple invoices. Net cash thirty (30) days, with a discount of one percent (1%) net cash ten (10) days allowed. A service charge of one and one-half percent (1 1/2%) per month will be added to unpaid balances after thirty (30) days. If Buyer's financial condition at any time does not justify continuance of the work to be performed by Pro-Tech Systems Group hereunder on the agreed terms of payment, Pro-Tech Systems Group may require full or partial payment in advance. In the event Buyer's bankruptcy or insolvency or in the event any proceeding is brought against Buyer, voluntarily or involuntarily, under the bankruptcy or any insolvency laws, Pro-Tech Systems Group shall be entitled to cancel any order then outstanding at any time during the period allowed for filing claims against the estate of Buyer and shall receive reimbursement for its proper cancellation charges. Pro-Tech Systems Group's rights under this provision are in addition to any other rights available to it at law or in equity.

RETAINAGE: Pro-Tech Systems Group, Inc., Inc will allow a maximum retainage of 4% on labor only, payable within 30 days of completion of Pro-Tech Systems Group, Inc. work.

TAXES: The price quoted in this contract does not include any taxes and in the event taxes of any nature are assessed, they shall be added to the price herein, unless Buyer is exempt from tax and demonstrates such exemption to the satisfaction of Pro-Tech Systems Group.

WARRANTIES: Pro-Tech Systems Group warrants to Buyer that equipment furnished pursuant to this contract will be free from defects in material, workmanship and title and will be of the kind and quality specified in Pro-Tech Systems Group's quotation.

The foregoing equipment warranties (excluding the warranty of title) shall terminate one (1) year after the date of completion of the work or shipment of the part, requiring correction under this warranty.

Pro-Tech Systems Group warrants to Buyer that software furnished pursuant to this contract will be free from defects and will be of the kind and quality specified in Pro-Tech Systems Group's quotation.

The foregoing software warranties (excluding the warranty of title) shall terminate ninety (90) days after the date of completion of the work or shipment of the part, requiring correction under this warranty.

If any product covered by this contract fails to meet the foregoing warranties (except title), Buyer's exclusive remedies shall be for Pro-Tech Systems Group to correct any such failure by either (at the option of Pro-Tech Systems Group) replacing defective parts or repairing any defective parts of the equipment. Pro-Tech Systems Group shall not be responsible for providing working access to the defect, including the removal, disassembly, replacement or reinstallation of any equipment, materials or structures. Any portion which does not so conform will be corrected by Pro-Tech Systems Group upon notification by the purchaser. Upon expiration of the warranty period, all liability of Pro-Tech Systems Group for its equipment and services shall terminate.

Pro-Tech Systems Group limits its warranty on components not manufactured by Pro-Tech Systems Group to the conditions and duration of warranty offered to Pro-Tech Systems Group by the component manufacturer.

DISCLAIMER AND INTELLECTUAL PROPERTY STATEMENT: The materials comprising these documents are provided by Pro-Tech Systems Group, Inc. ("PTSG") as a service to its customers on an "as-is, as-available" basis for informational purposes only. PTSG assumes no responsibility for any errors or omissions in these materials. PTSG makes no commitment to update the information contained herein.

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PTSG's names and logos and all related trademarks, trade names, and other intellectual property are the property of PTSG and cannot be used without its express prior written permission.

NO CLAIMS FOR DIRECT OR CONSEQUENTIAL DAMAGES SHALL BE ALLOWED.

PRO-TECH SYSTEMS GROUP DISCLAIMS ANY MERCHANTABILITY OR WARRANTY OF FITNESS FOR ANY PARTICULAR USE WITH RESPECT TO THE PRODUCTS BEING SOLD PURSUANT TO THIS CONTACT. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION OF THE FACT OF THIS CONTRACT.

LIMITATION OF LIABILITY: Pro-Tech Systems Group shall not be liable for special, incidental, or consequential damages under any circumstances, including, but not limited to, loss of profits or revenue, loss of use of equipment, or cost of temporary equipment. Pro-Tech Systems Group's maximum liability, whether based in contract, tort (including negligence), or otherwise shall not exceed the price of this contract.

Unless otherwise specifically agreed to in writing by an authorized officer of Pro-Tech Systems Group, no Buyer, representative or any other person shall have the right to examine or audit Pro-Tech Systems Group's cost accounts, books, or records of any kind on any matter, or be entitled to or have control over any engineering or production prints, drawings, or technical data which Pro-Tech Systems Group, in its sole discretion, may consider in whole or in part, proprietary to Pro-Tech Systems Group.

DELAYS: Pro-Tech Systems Group will not be liable for any delay in the performance of this contract or for any damages suffered by Buyer by reason of such delay, when such delay is directly or indirectly caused by or in any manner arises from fires, floods, accidents, riots, acts of God, war, governmental interference or embargoes, strikes, labor difficulties, shortage of labor, fuel, power, materials or supplies, transportation delays or other cause or causes (whether or not similar in nature to any of those herein above specified) beyond its control.

QUOTATIONS: This quotation will expire thirty (30) days from its date unless otherwise stated in the quotation or extended in writing by Pro-Tech Systems Group.

PRICE POLICY: Prices are net to all purchasers. Prices are firm for contracts completed within one (1) year from the date of quotation. Equipment or services delivered beyond one (1) year from date of quotation will be subject to price escalation of one-half percent (1/2%) per month or greater based on supplier increases.

DELIVERY: Unless otherwise specified by Pro-Tech Systems Group delivery will be made and title passed F O B point of shipment to Buyer. Risks of loss or damage pass to Buyer on delivery. If products are to be delivered by Pro-Tech Systems Group, such products are to be received and unloaded by Buyer at Buyer's expense and risk.

GOVERNING LAW: The law of the State of Ohio shall govern the validity, performance, interpretation and the effect of this agreement.

AMENDMENTS: This contract may not be modified nor rescinded in any manner except by the written agreement of both Buyer and Pro-Tech Systems Group.

Upon acceptance of the agreement Pro-Tech Systems Group will require a full set of plans and specs w/ addendums, project start and completion dates, and a project schedule.

The above Standard Terms and Conditions are accepted:

By: _____
Title: _____
Date: _____

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-34
SPONSOR: Councilperson Spletzer

**AN ORDINANCE AUTHORIZING CERTAIN AMENDMENTS TO THE
APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND
AUTHORIZING THE FINANCE DIRECTOR TO AMEND AND FILE A CERTIFICATE
OF RESOURCES WITH THE COUNTY AUDITOR**

WHEREAS, as a result of certain occurrences, information, and expenditures, amendments to the Year 2023 Appropriations and transfers of items already appropriated for the Year 2023 are desired and required; and

WHEREAS, this Ordinance incorporates funding sources and expenditures that originated after the most recent Certificate of Resources was issued; and

WHEREAS, the appropriation amendments authorizes an update of the Certificate of Resources to be filed with the Trumbull County Auditor.

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

SECTION 1. That the Exhibit attached hereto hereby amends the current appropriations for fiscal year 2023. Any funds not listed in this exhibit shall remain intact as previously listed and appropriated.

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

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

ORDINANCE NO. 2023-34
PAGE TWO

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

CITY OF NEWTON FALLS		2023 Current Appropriations	2023 Proposed Appropriations	Difference
100	General Fund			
POLICE				
Other Operations	Legal Level	441,200.00	447,200.00	6,000.00
	Total:	727,484.12	733,484.12	6,000.00
ZONING				
Personal Services	Legal Level	46,020.80	55,520.80	9,500.00
	Total:	80,020.80	89,520.80	9,500.00
LAW				
Personal Services	Legal Level	63,816.76	68,075.84	4,259.08
	Total:	81,750.74	86,009.82	4,259.08
BUILDING & LANDS MAINTENANCE				
Other Operations	Legal Level	103,400.02	131,400.02	28,000.00
	Total:	135,558.02	163,558.02	28,000.00
TRANSFERS / ADVANCES OUT				
Other Operations	Legal Level	78,500.00	98,500.00	20,000.00
	Total:	78,500.00	98,500.00	20,000.00
100	Total:	2,216,656.51	2,284,415.59	67,759.08
201	STREET CMR			
Other Operations	Legal Level	77,050.00	90,750.00	13,700.00
201	Total:	477,800.00	491,500.00	13,700.00
204	PARK AND RECREATION			
Other Operations	Legal Level	29,800.00	34,000.00	4,200.00
204	Total:	31,670.00	35,870.00	4,200.00
204	PARK AND RECREATION / Community Center			
Other Operations	Legal Level	-	20,000.00	20,000.00
204	Total:	-	20,000.00	20,000.00
222	COURT COMPUTERIZATI			
Other Operations	Legal Level	117,000.00	135,000.00	18,000.00
222	Total:	117,000.00	135,000.00	18,000.00
501	WATER OPERATING			
Personal Services	Legal Level	544,075.00	563,075.00	19,000.00
Other Operations	Legal Level	762,150.00	928,950.00	166,800.00
501	Total (Water Operating):	1,306,225.00	1,492,025.00	185,800.00
501	WATER DISTRIBUTION			
Other Operations	Legal Level	437,700.00	447,400.00	9,700.00
501	Total (Water Distribution):	902,800.00	912,500.00	9,700.00

CITY OF NEWTON FALLS		2023 Current Appropriations	2023 Proposed Appropriations	Difference
<hr/>				
503	ELECTRIC OPERATING			
Other Operations	Legal Level	5,897,428.00	5,941,428.00	44,000.00
503	Total:	6,413,828.00	6,457,828.00	44,000.00
<hr/>				
Grand Total:		17,424,238.07	17,787,397.15	363,159.08

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-35
SPONSOR: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

WHEREAS, as the result of certain occurrences, information, and expenditures, a transfer between Village funds is desired and required.

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

SECTION 1. That Council hereby and herein authorizes the transfer of \$20,000 from the General Fund (100) to the Parks and Recreation Fund (204).

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-36
SPONSOR: Councilpersons Spletzer and Fetterolf

AN ORDINANCE AUTHORIZING AN AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

WHEREAS, the City Manager has been performing the duties of the City Manager position for period in excess of two (2) years, establishing a remarkable record for efficiency in government for the City of Newton Falls; and

WHEREAS, the City desires to enter into an amended contract with the City Manager to engage the City Manager to carry out those duties as may be required under the provisions of the City's Charter.

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

SECTION 1. That Council hereby and herein authorizes the attached Amended City Manager Employment Agreement.

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.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

AMENDED CITY MANAGER EMPLOYMENT AGREEMENT

This AMENDED AGREEMENT ("Agreement") is made and entered into this 20th day of October, 2023 by and between the City of Newton Falls, a municipal corporation organized and existing under the laws of the State of Ohio, hereinafter referred to as "City", and Pamela S. Priddy, hereinafter referred to as the "City Manager"

WHEREAS, the City Manager has been performing the duties of the City Manager position for a period in excess of two (2) years, establishing a remarkable record for efficiency in government for the City of Newton Falls, Ohio; and

WHEREAS, the City desires to enter into an amended contract with the City Manager to engage the City Manager to carry out those duties as may be required under the provisions of the City's Charter.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1: Duties.

- (a) The City Manager shall perform the duties outlined in the Newton Falls City Charter.
- (b) The City Manager shall also have the authority to hire a Professional Assistant of her choosing for the period of time governed by this contract. That Professional Assistant shall only be hired or terminated at the discretion of the City Manager. The term indicated in Section 2 of this Agreement shall apply to the Professional Assistant's Agreement. The salary arrangement with the Professional Assistant shall be negotiated by the City Manager and be subject to the approval of Council.

Section 2: Term:

The term of this Agreement shall commence on October 20, 2023 and expire upon the completion of all of the following projects (the Scott Street Sewer Project, the Community Center Renovation Project, the River Grant Project, and the 2024 Road Project), or a period of 48 months ending on October 19, 2027, whichever is sooner. The Newton Falls Council may terminate this Agreement prior to its expiration date with sixty (60) days' written notice. If Council terminates this Agreement prior to its expiration date, the City Manager shall be entitled to a minimum severance payment equal to the total amount due for the remaining months left on this contract through October 19, 2027, unless the City Manager materially breaches this contract by the commission of misfeasance, malfeasance, or nonfeasance in office or being convicted of a felony. Any severance payment owed under this Agreement shall be paid in a lump sum unless otherwise agreed to by the City and the City Manager.

Section 3: Compensation:

- (a) The City Manager shall receive a \$90,000 annual salary, prorated as of the effective date of this Agreement, and not be entitled to overtime.
- (b) Except as expressly stated in this Agreement, City Manager shall be eligible to receive the same fringe benefits and across the board raises to which other non-union employees are entitled.
- (c) The City Manager shall be entitled to six weeks of vacation leave per calendar year.

Section 5: Modification:

This Agreement may be modified only by mutual agreement of the parties hereto, provided, however, that any such modification shall be reduced to writing.

Section 6: Indemnification:

The City Manager shall be covered under the Village public officials' liability insurance policy. The City shall indemnify and hold the City Manager harmless for any claims, damages, and liability arising out of the exercise of her authority within the scope of her duties and services provided herein.

Section 7: General Provisions:

(a) Integration. This Agreement sets forth and establishes the entire understanding between the City and the City Manager relating to the employment of the City Manager by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties, by mutual written agreement, may amend any provision of this Agreement during the term of the Agreement. Such amendments shall be incorporated and made a part of this Agreement.

(b) Binding Effect. This Agreement shall be binding on the City and the City Manager, as well as their heirs, assigns, executors, personal representatives, and successors in interest.

(c) Effective Date. This Agreement shall have an effective date of October 20, 2023.

(d) Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date indicated next to their signatures.

CITY

CITY MANAGER

Acting Mayor John Baryak

Pamela S. Priddy

Date

Date

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-37
SPONSOR: Councilpersons Spletzer, Fetterolf

**AN ORDINANCE ESTABLISHING SECTION 153.03 OF THE ADMINISTRATIVE
CODE PERTAINING TO CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS
AND SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES**

WHEREAS, due to work demands within specific pay periods, Full-Time Village Department Heads and Superintendents that are on salary are often unable to flex their time within that specific pay period; and

WHEREAS, Council desires to permit those Department Heads and Superintendents to accrue and cash out credit hours if, due to work demands, they are unable to flex their time within a specific pay period.

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

SECTION 1. That Council hereby and herein enacts Section 153.03 of the Administrative Code, titled Credit Hours for Full-Time Department Heads and Department Superintendents Who Are Salaried Employees, 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.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

**153.03 CREDIT HOURS FOR FULL-TIME DEPARTMENT HEADS AND
DEPARTMENT SUPERINTENDENTS WHO ARE SALARIED EMPLOYEES.**

(a) Full-Time Department Heads and Department Superintendents who are salaried employees and are required to work more than eight hours in any day during any pay period, with the knowledge and approval of the City Manager, shall be permitted to flex their work schedules during the same pay period, with the permission of the City Manager, in order to reduce their work schedule during that pay period by any hours worked in excess of eight hours in any day during that pay period. Such flex hours shall be credited on an hour to hour basis for any hours worked in excess of eight hours in any day during the pay period.

(b) In the event that due to work demands with respect to their position and/or denial of permission to flex their schedules by the City Manager, any Full-Time Department Head or Superintendent is unable to flex their schedule within any pay period to account for hours worked in excess of eight hours in any day during the pay period, such employee shall earn "credit hours" for those hours worked in excess of eight hours in any day during the pay period. Such employee shall earn one and one-half credit hours for each hour worked in excess of eight hours in any day and may not accumulate more than seventy-five (75) credit hours without using such hours as paid leave. Any credit hours accumulated shall be used prior to utilizing any vacation leave. Unused credit hours may not be carried over from year to year. An employee earning credit hours may cash out earned credit hours by providing notice to the City Manager and Director of Finance prior to the end of each calendar quarter of their desire to cash out any unused earned credit hours for that quarter. In that event, such employee shall be paid out for any unused credit hours earned during that quarter in the second pay period of the month for the month following the end of each quarter.

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-38
SPONSOR: Councilperson Baryak

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF
KIRILA CONTRACTORS, INC. FOR THE SR 5 & SR 534 SANITARY FORCEMAIN
LATERAL SERVICE SEWER PROJECT**

WHEREAS, the Village prepared bid instructions and specifications for the SR 5 & SR 534 Sanitary Forcemain Lateral Service Sewer Project and put the project out for bid; and

WHEREAS, the bid opening for the project was held on September 12, 2023, and Supervisor Novotny is recommending that the Village accept the September 12, 2023 bid of Kirila Contractors, Inc. as the lowest and best bid for the project.

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 accept the attached September 12, 2023 bid from Kirila Contractors, Inc. in the amount of \$27,485 for the SR 5 & SR 534 Sanitary Forcemain Lateral Service Sewer Project.

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.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director

PROPOSAL

SR 5 & SR 534 SANITARY
FORCEMAIN LATERAL SERVICE

NEWTON FALLS, OHIO

September 12, _____, 20 23

The undersigned, KIRILA CONTRACTORS, INC.

after having carefully examined and investigated the site for the construction of the above entitled Improvements with all its appurtenances and incidental work and, in addition, having read and studied and understood all the plans, specifications and Contract Documents and accepting the same as sufficient to indicate and convey understanding of all the conditions and requirements under the Contract which will be executed for such work, do hereby propose to comply with all the requirements of the Contract and the intent thereof, to furnish all materials, supplies, management and supervision, labor, appliances, plant and equipment, facilities and incidentals, and all shop drawings and samples, and to perform and construct said work inclusive of all appurtenances incidental thereto, in strict compliance with all of the Contract Documents for said work within the time hereinafter stipulated for prices written in the following proposal form.

It is understood, further, that the quantities are those which will be used in determining the total amount of each proposal for this improvement and for the purpose of determining the lowest bidder, but it is understood and agreed that these quantities are approximate only, and that the Contractor to whom the Contract is awarded shall not be entitled to any claim for loss of profits, or for other damages, should the quantity of work done prove to be greater than is herein given in said estimated quantity.

The undersigned hereby acknowledges receipt of and acceptance of the following Addenda:

Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1. Bidder has familiarized itself with the nature and extent of the contract documents, work, site, locality, ODOT Permit, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing the work.
2. Bidder has studied carefully all drawings and physical conditions of the project site which are identified in the General Conditions, and accepts the determination of the extent of the technical data contained in such reports and drawings upon which Bidder is entitled to rely.
3. Bidder has reviewed and checked all information and data shown or indicated in the contract documents with respect to existing underground facilities at or contiguous to the site and assumes responsibility for the accurate location of said underground facilities. No additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said underground facilities are or will be required by Bidder in order to perform and furnish the work at the contract price, within the contract time and in accordance with the other terms and conditions of the contract documents.
4. Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms & conditions of the contract documents.
5. Bidder has given Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the contract documents and the written resolution thereof by Engineer is acceptable to Bidder.
6. This bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other bidder or over owner.
7. In case of discrepancy, the price written in words will govern.

The Bidder proposes to complete the work for:

() General Contract for

\$ TWENTY-SEVEN THOUSAND, FOUR HUNDRED EIGHTY-FIVE
DOLLARS AND ZERO CENTS; \$ 27,485.00
(Written in Words) (Figures)
KIRILA CONTRACTORS, INC. By William Kirila, Jr.
(Contractor)

Contractor Contact Name: William Kirila, Jr.

Email: bill@kirila.com

Phone: (330) 448-4055

SCOPE OF WORK: Project consists of installation of 3" HDPE DR 9 sanitary forcemain from existing sanitary manhole located at the SW corner of the intersection of SR 5 and SR 534 to service properties on the SE and NE corners of the intersection and is to be in accordance with contract drawings and ODOT permit.

MAJOR WORK COMPONENTS: Coring existing manhole and installing watertight connection, 120 LF of 3" forcemain by open cut, 245 LF of 3" forcemain by HDD, all necessary pipe fittings, clearing & grubbing, all required tree removal, installation of two (2) end marking posts. 10 CY of Item 304, and seeding restoration.

Forcemain to be air pressure tested prior to acceptance. Shop drawings to be furnished upon request.

ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS

WE. Ronald Ferraro and Union Insurance Company DO HEREBY
(Name of Insurance Agent and Insurance Company)

ACKNOWLEDGE THAT KIRILA CONTRACTORS INC.

WILL MEET THE NECESSARY INSURANCE REQUIREMENTS IN THE
AMOUNTS AS SET FORTH IN THESE CONTRACT DOCUMENTS AND
SPECIFICATIONS.

SIGNATURE OF AGENT



SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY
OF September, 2023.

Kimberly A. Trobok
NOTARY PUBLIC

Kimberly A. Trobok
Notary Public - State of Ohio
My commission expires October 2025

BIDDER SHALL INSERT INSURANCE AFFIDAVIT

INSURANCE REQUIREMENTS

Kirila Contractors, Inc. Contractor shall indemnify and save harmless Newton Falls and its agents and employees from all suits or actions for personal injuries including death or property damages caused by negligent acts, errors or admissions of or its agents or employees arising out of the work of this contract.

Additionally, all Contractors must be required to add the following language to their own insurance policies:

Additional insured, ATIMA (as their interest may appear): Newton Falls

NON-COLLUSION AFFIDAVIT

(This Affidavit is part of the Proposal)

STATE OF OHIO)

COUNTY OF TRUMBULL)

William Kirila, Jr.

being first duly sworn, deposes and says that he is Vice-President

(President, Secretary, etc.)

of KIRILA CONTRACTORS, INC.

the part who made the foregoing proposal or bid; that such bid was genuine and not collusive; that said bidder did not collude, conspire, connive, or agree, directly or indirectly, with any bidder or person, that such other person should refrain from bidding, or submit a sham bid and did not in any manner, directly or indirectly seek by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against Newton Falls, any person interested in the proposed Contract; and that all statements contained in said Proposal of bid are true and further, that such bidder did not directly or indirectly submit this bid, or the contents thereof, or divulge information, or data relative thereto any association or to any member or agent thereof.

William Kirila, Jr.

AFFIANT William Kirila, Jr.

Sworn to and subscribed before me this 12th day of September, 20 23.

Kimberly A. Trobek

Kimberly A. Trobek
Notary Public - State of Ohio

NOTARY PUBLIC IN AND FOR commission expires Oct 30, 20 23

Trumbull County, Ohio

My Commission Expires October 30, 2023
(SEAL)

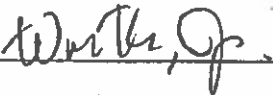
FILL IN AND RETURN WITH BID.

CERTIFICATION

SITE AND CONTRACT DOCUMENT INSPECTION

The undersigned bidder certifies that he has thoroughly examined the site and informed himself fully regarding the conditions under which he will be obligated to operate and that in any way affect the Work, and knows, understands and accepts the existing conditions.

The undersigned bidder further certifies that he has thoroughly reviewed the Contract Documents and has had the opportunity, as provided in the Instructions to Bidders, to ask questions of the Engineer concerning the Contract Documents. Failure to submit this certification with the bid shall result in the rejection of that bid.

BIDDER KIRILA CONTRACTORS, INC.
BY 
NAME AND TITLE William Kirila, Jr. - Vice-President

BIDDER'S AFFIDAVIT
PERSONAL PROPERTY TAX DELINQUENCY *

Newton Falls
612 W. Broad Street
Newton Falls, OH 44444

Reference: SR 5 and SR 534 Sanitary Forcemain Lateral Service

Dear Sir:

(A) The undersigned hereby certifies that the party to whom contract award is being considered was not charged with any delinquent personal property tax on the general tax list of personal property for Trumbull County, Ohio at the time of the bid opening for the above referenced project.

(B) The undersigned hereby certifies that the party to whom contract award is being considered has been charged with a delinquency regarding personal property tax on the general tax list of personal property for Trumbull County, Ohio at the time of bid opening for the SR 5 and SR 534 Sanitary Forcemain Lateral Service project. The amount of the due and unpaid delinquent taxes, including any due and unpaid penalties and interest thereon is Zero.

It is understood that, by law, this statement is to be signed by the party whose bid has been tentatively accepted, and must be affirmed under oath. The law also requires that his statement is to be submitted to the Owner and this statement must be incorporated into the pending contract before any payment can be made under the subject contract.

KIRILA CONTRACTORS, INC.

Name of Corporation



President Ronald Kirila



Secretary Robert J. Kirila

VILLAGE OF NEWTON FALLS, OHIO
ORDINANCE NO.: 2023-39
SPONSOR: Councilperson Spletzer

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS

WHEREAS, as the result of certain occurrences, information, and expenditures, a transfer between Village funds is desired and required.

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

SECTION 1. That Council hereby and herein authorizes the transfer of \$47,737 from the General Fund (100) to the Sewer Operating Fund (502).

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

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

PASSED IN COUNCIL THIS _____ DAY OF _____, 2023.

John Baryak, Acting Mayor

Attest:

Michael Acomb, Clerk of Council

Approved as to Legal Form.

Law Director