

VILLAGE OF BOSTON HEIGHTS
45 E. Boston Mills Road
Hudson, OH 44236

REGULAR COUNCIL MEETING
OF
March 9, 2011 - 8:00 PM

AGENDA
ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
MINUTES PRESENTED FOR CHANGE OR CORRECTION OR ADOPTION
CORRESPONDENCE
AUDIENCE PARTICIPATION

ORDINANCE E-2011	AN ORDINANCE CONSENTING TO AND AUTHORIZING THE VILLAGE COUNCIL OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE HEMINGWAY AT BOSTON HEIGHTS I, LLC IN ACCORDANCE WITH THE COMMUNITY REINVESTMENT AREA AS SET FORTH IN OHIO REVISED CODE SECTIONS 3735.66 AND DECLARING AN EMERGENCY
ORDINANCE F-2011	AN ORDINANCE APPROVING THE PERMANENT ANNUAL APPROPRIATIONS FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2011 AND DECLARING AN EMERGENCY
ORDINANCE G-2011	AN ORDINANCE AMENDING TITLE THREE-LEGISLATIVE, CHAPTER 121 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON, OHIO AND DECLARING AN EMERGENCY
ORDINANCE H- 2011	AN ORDINANCE AMENDING THE PAY SCALE FOR THE ELECTED OFFICIALS OF THE VILLAGE OF BOSTON HEIGHTS, OHIO
ORDINANCE I-2011	AN ORDINANCE CREATING A POSITION OF VILLAGE FISCAL OFFICER IN ACCORDANCE WITH THE PROVISIONS OF SECTION 733.262 OF THE OHIO REVISED CODE AND ABOLISHING THE POSITION OF VILLAGE CLERK-TREASURER
RESOLUTION J-2011	A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE VILLAGE OF BOSTON HEIGHTS TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE ADDITION TO THE EXISTING FIRE STATION AND DECLARING AN EMERGENCY

RESOLUTION K - 2011

**A RESOLUTION AUTHORIZING THE
CLERK-TREASURER OF THE VILLAGE OF
BOSTON HEIGHTS TO POST NOTICE FOR
A PUBLIC HEARING FOR THE CHANGE OF
POSITION FROM ELECTED CLERK-
TREASURER TO APPOINTED FISCAL
OFFICER**

MOTIONS:

- APPROVAL OF THE JANUARY 2011 FINANCIAL STATEMENT

COMMITTEE REPORTS
OLD BUSINESS
NEW BUSINESS
ADJOURN

CAROL ZEMAN, CLERK-TREASURER

AN ORDINANCE CONSENTING TO AND
AUTHORIZING THE VILLAGE COUNCIL OF
BOSTON HEIGHTS TO ENTER INTO AN
AGREEMENT WITH THE HEMINGWAY AT BOSTON
HEIGHTS, LLC IN ACCORDANCE WITH THE
COMMUNITY REINVESTMENT AREA AS SET
FORTH IN OHIO REVISED CODE SECTIONS 3735
AND DECLARING AN EMERGENCY

WHEREAS, the Village Council has by Ordinance (10-2008) designated a Community Reinvestment Area consisting of the entire Village of Boston Heights pursuant to Chapter 3735 of the Ohio Revised Code, and authorized the County of Summit to include the entire Village of Boston Heights in the Community Reinvestment Area pursuant to Ohio Revised Code Section 3735.

WHEREAS, the area as designated has been certified by the Director of the Ohio Department of Development; and

WHEREAS, the Village of Boston Heights is desirous of encouraging as much investment in job creation and retention as possible; and

WHEREAS, the Village of Boston Heights by its Village Council will consider tax incentive agreements submitted in compliance with Ohio Revised Code Section 5709.82 et seq.; and

WHEREAS, the Hudson City School District has been notified in accordance with the law and has given its support for the tax abatements set forth in the agreement attached as Exhibit "A"; and

WHEREAS, on March 1, 2011 the Director of the Ohio Department of Development granted a time waiver pursuant to his authority under Ohio Revised Code section 3735.673.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, State of Ohio:

Section 1: That this Council hereby gives its approval to the agreement by and between the Village of Boston Heights and Hemingway at Boston Heights, LLC attached hereto as Exhibit "A" and authorizes the Mayor to execute said agreement.

Section 2: That this Council has been given approval by the County of Summit Council which has delegated to the Council of Boston Heights such powers and duties to negotiate and administer agreements in the Community Reinvestment Area.

Section 3: That this Council gives its approval to the Alternative Compensation Agreement by and between the Village of Boston Heights and the Hudson City School District, attached hereto as Exhibit "B" within the Community Reinvestment Area Agreement which sets for the terms of compensation to the School District from the Village as a result of the tax incentive agreement and authorizes the Mayor to execute said Agreement.

Section 4: 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 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 5: For the reason state in the preamble hereto, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the Village, and for the reason that concerns efficient operations of the Village and shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor or at the earliest period allow by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance -2011 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 9th day of March, 2011

CAROL ZEMAN, Clerk of the Village of
Boston Heights

COMMUNITY REINVESTMENT AREA AGREEMENT

This Agreement (the "Agreement") is made and entered into by and among the **Village of Boston Heights, Ohio**, a municipal corporation with its main offices located at 45 East Boston Hills Road, Hudson, Ohio 44236 (hereinafter referred to as the "Village") **Hemingway at Boston Heights, LLC**, an Ohio limited liability company with its main offices located at 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241 (hereinafter referred to as the "Property Owner") and **Paychex North America, Inc.**, a Delaware corporation, with its main offices located at 911 Panorama Trail South, Rochester, New York 14625 (hereinafter referred to as "Paychex"; and together with Property Owner hereinafter collectively referred to as the "Applicants").

WITNESSETH

WHEREAS, the Village has encouraged the development of real property and the acquisition of personal property located in certain area designated as a Community Reinvestment Area; and

WHEREAS, the Council of the Village of Boston Heights, Ohio by Resolution 10-2008 adopted September 10, 2008 designated that certain area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Resolution No. 10-2008 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, Property Owner is desirous of building and Paychex is desirous of leasing an approximately 25,000 square foot, single story office building on approximately 4.2 acres of vacant land located on Hines Hill Road within the Village of Boston Heights, Ohio and within the boundaries of the aforementioned Community Reinvestment Area to house the business operations of Paychex (hereinafter referred to as the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Village having the appropriate authority for the stated type of project is desirous of providing the Applicants with incentives available for the development of the Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Applicants have submitted to the Village a proposal agreement application a copy of which is attached hereto and incorporated herein as Exhibit A (hereinafter referred to as the "Application"); and

WHEREAS, the Property Owner has submitted the required application fee of \$750.00 made payable to the Department of Development with the Application to be forwarded to said Department of Development with a copy of this Agreement; and

WHEREAS, the Mayor of the Village has investigated the Application and has recommended the same to the Council of the Village of Boston Heights for approval on the basis that the Applicants are qualified by financial responsibility and business experience to **create** and **preserve** employment opportunities in said Community Reinvestment Area and improve the economic climate of the Village; and

WHEREAS, the project site as proposed by the Applicants is located in the Hudson City School District and the Board of Education of the Hudson City School District has been notified in accordance with Section 5709.83 and been given a copy of the Application; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained.

PROVISIONS

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. The Property Owner shall develop and cause the construction of and Paychex shall lease from Project Owner an approximately 25,000 square foot, single story office building on approximately 4.2 acres of vacant land on Hines Hill Road.
2. The Project will involve a total real property investment by the Property Owner of \$2,258,500.00, plus or minus 10%.
3. The Project will begin March 1, 2011 and will be completed by October 1, 2011.
4. Within 12 months after the date of occupancy, Paychex shall relocate 140 full-time jobs and 7 part time jobs to the Project from 2 other Ohio communities in order to increase efficiency and lower operating expenses by consolidating certain operations within the State of Ohio.
5. The Project will create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the Village.
6. The total investment of this Project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures by the Property Owner.

7. The Village hereby grants a tax exemption for real property improvements made to the Project site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts, which shall commence with the tax year 2012 (payable in 2013) and not extend beyond the tax year 2021 (payable in 2022):.

YEARS OF TAX EXEMPTION: 10 years

AMOUNT OF TAX EXEMPTION: 100%

8. The Applicants shall file the appropriate tax forms with the Fiscal Officer to effect and maintain the tax exemption granted under this Agreement.
9. The Village has provided the tax exemption granted under this Agreement based upon the projection that the Project will create an annual payroll of approximately \$8,000,000.00 for each year of the term of the tax exemption granted herein, plus or minus 10% (the "Annual Payroll"). If Paychex fails to meet 80% of the Annual Payroll in any calendar year of the tax exemption, the percentage of tax exemption granted under this Agreement for such calendar year may be reduced by an appropriate percentage as recommended by the Tax Incentive Review Council and approved by the Legislative body.
10. If the Project does not proceed as set forth in this Agreement or within any approved extension period, the Village may terminate or modify the tax exemptions granted under this Agreement upon recommendation of the Economic Development Committee of the Village.
11. The Applicants shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate compliance with the Agreement, including returns filed pursuant to section 3711.02 of the Ohio Revised Code if requested.
12. Paychex shall pay an annual fee to the Village equal to the greater of: (i) 1% of the dollar value of the incentive received pursuant to the tax exemption granted under this Agreement; or (ii) \$500.00. The fee shall be paid once per year on or before January 5th of each year the Agreement is effective in the form of a check made payable to the Clerk-Treasurer of the Village of Boston Heights. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 3735.671(D) of the revised code exclusively for the purposes of performing the duties prescribed under that section.
13. The Applicants shall ensure that such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such Project are paid and shall file all tax reports and returns as required by law. If such taxes are not timely paid or such returns and reports are not timely filed, all incentives are rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

14. The Village shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
15. If for any reason the Community Reinvestment Area designation expires, or the Director of the Ohio Department of Development revokes certification of the area, or the Village revokes designation of the area, the tax exemptions granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Applicants materially fail to fulfill their obligations under this Agreement and the Village elects to terminate or modify the tax exemptions granted under this Agreement upon recommendation of the Economic Development Committee of the Village and Tax Incentive Review Council with approval of the Village council.
16. If the Applicants materially fail to fulfill their obligations under this Agreement, or if the Village determines that the certification as to delinquent taxes provided below is fraudulent, the Village may terminate or modify the tax exemptions granted under this Agreement upon recommendation of the Economic Development Committee of the Village and Tax Incentive Review Council and approval of Council.
17. Applicants hereby certify that at the time this Agreement is executed, they do not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio and does not owe delinquent taxes for which Applicants are liable under Chapter 5733, 5735, 5739, 5741,5743,5747, or 5753 of the Revised Code, or if such delinquent taxes are owed, Applicants currently are paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, Applicants have not filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Applicants. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.
18. Applicants affirmatively covenant that they do not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State, (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are not past due, whether the amounts owed are being contested in a court of law or not.
19. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Applicants, any successors, or any related member (as those defined in Section 3735.671 of the Ohio Revised Code) have violated the prohibition against entering into this Agreement under

Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

20. Applicants affirmatively covenant that they have made no false statement to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Applicants has knowingly made a false statement to the State or local political subdivision to obtain Community Reinvestment Area incentives, such responsible party shall be required to immediately return all benefits received under this Agreement and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66C(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC Section 2921.13(D)(1), which is punishable by a fine of not more than \$1,000.00 and/or a term of imprisonment or not more than 6 months.
21. This Agreement is not transferable or assignable without the express, written approval of the Village, which approval shall not be unreasonably withheld, conditioned or delayed, and any such assignment shall operate to release the transferring Property Owner from any and all liability hereunder. The Village acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary, affiliate of the Property Owner or to any third party as long as with respect to all or any part of such proposed transfers or assignments the proposed transferee or assignee adequately and sufficiently demonstrates to the Village's reasonable satisfaction, its financial ability, business experience and intentions.
22. The Village may terminate or modify the tax exemptions granted under this Agreement and may also require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement upon the occurrence of any of the following: (i) Paychex vacates or terminates its operations at the Project during the 10 year period beginning on the effective date of this Agreement; (ii) or within ten (10) days from the date the Applicants are notified by Hudson City School District that any tax certification provided by Applicants is fraudulent. In such event, the Village may (absent any legislative action, resolution or court ordered mandate to the contrary) collect any and all repayments of taxes due under this Agreement directly from the Applicants.

[Signatures appear on the following page]

IN TESTIMONY HEREOF, Landlord and Tenant have caused this Lease to be signed in multiples as of the date indicated below.

VILLAGE:

Village of Boston Heights, Ohio

By: _____
Bill Goncy, Mayor

Date: _____

Pursuant to Village of Boston Heights, Ohio Ordinance No. _____ passed the _____ day of March, 2011.

Approved as to form:

Constance A. Hesske, Esq.
Village Solicitor

PROPERTY OWNER:

Hemingway at Boston Heights, LLC An Ohio limited liability company

By: _____
Gregory M. Geis
Its Authorized Representative

Date: _____

PAYCHEX:

Paychex North America, Inc., A Delaware corporation

By: _____
Print: _____
Title: _____
Date: _____

EXHIBIT A

CRAA Application Agreement
(See attached)

Alternative Compensation Agreement

This Agreement (the "Agreement") is made and entered into by and between the Village of Boston Heights, Ohio, a municipal corporation with its main offices located at 45 East Boston Hills Road, Hudson, Ohio 44236 (hereinafter referred to as the "Village") and the Hudson City School District, 2400 Hudson-Aurora Road, Hudson, Ohio 44236 (hereinafter referred to as the "School Board").

WITNESSETH

WHEREAS, WHEREAS, the Council of the Village, Ohio by Resolution 10-2008 adopted September 10, 2008 designated that certain area within the Village as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Resolution No. 10-2008 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, the Village is desirous of providing incentives to Hemingway at Boston Heights, LLC, an Ohio limited liability company ("Hemingway"), as the owner, and Paychex North America, Inc., a Delaware corporation ("Paychex"; and together with Hemingway collectively referred to herein as the "Applicants"), as occupant, for the development of an approximately 25,000 square foot, single story office building on approximately 4.2 acres of vacant land located on Hines Hill Road within the Village of Boston Heights, Ohio and within the boundaries of the aforementioned Community Reinvestment Area to house the business operations of Paychex (hereinafter referred to as the "Project") under Chapter 3735 of the Ohio Revised Code, as set forth in the CRA Application filed by Applicants (a copy of which is attached hereto as Exhibit A) and the proposed CRA Agreement (a copy of which is attached hereto as Exhibit B), both of which are incorporated by reference as if fully rewritten herein; and

WHEREAS, the Village has provided the School Board with notice pursuant to Sections 3735.671(A) and 5709.83 of the Ohio Revised Code by service of a copy of the proposed CRA Agreement and the CRA Application and the School Board acknowledges timely receipt of such documents; and

WHEREAS, the Council for the Village certifies that it has submitted good faith estimates pursuant to 3735.671(c) to the School Board and the School Board acknowledges receipt of same; and

WHEREAS, under the Ohio Revised Code, including Sections 5709.82 (school district compensation provision) and 3735.671, the School Board may be entitled to compensation for tax revenue lost due to property tax exemptions granted under the CRA Agreement; and

WHEREAS, under the Ohio Revised Code, any political subdivision that grants an exemption for real or tangible property tax under specific statutory programs, including Chapter 3735 of the Ohio Revised Code (community reinvestment areas), may enter into an agreement with an effected school district whereby the school district agrees to forego certain rights to said compensation; and

WHEREAS, the School Board is desirous of approving the proposed CRA Agreement between the Village and the Applicants; and

WHEREAS, the School Board hereby agrees to forego any right or claim to compensation that it may have as a result of the aforementioned incentives extended to Applicant as a result of the Project, except as provided in this Agreement; and

WHEREAS, the School Board and the Village have agreed pursuant to Section 5709.82 of the Ohio Revised Code that in consideration of the School Board's approval of the CRA Agreement, the School Board will receive such portion of the Village's annual income tax revenue generated as a result of the Project so as to compensate the School Board for tax revenue lost due to property tax exemptions granted under the CRA Agreement.

PROVISIONS

THEREFORE, the Parties hereby agree as follows:

1. That the School Board hereby approves the proposed CRA Agreement between the Village and the Applicants in substantially the same form as attached hereto as Exhibit B; and
2. That the School Board will forego any right or claim to compensation that it might have as a result of the Project and/or the aforementioned incentives extended to the Applicants; provided that for the period of the CRA Agreement, the School Board shall receive such portion of the Village's annual income tax revenue generated as a result of the Project so as to compensate the School Board for tax revenue lost due to property tax exemptions granted under the CRA Agreement (the 'Compensation Payment").

3. That one half of said annual payments shall be made on or before June 30th and on or before December 31st of each year, relating to the exemption year created by the CRA Agreement. For example, the exemption year commences in 2012 and the payments hereunder would commence in the calendar year 2013 during which the 2012 real estate taxes are payable.

[Signatures appear on the following page]

IN WITNESS WHEREOF, this Agreement is being executed and is effective as of this ____ day of March, 2011.

VILLAGE:

Village of Boston Heights, Ohio

By: _____
Bill Goncy,
Mayor
Date: _____

Pursuant to Village of Boston Heights, Ohio Ordinance No. _____ passed the ____ day of March, 2011.

Approved as to form:

Constance A. Hesske, Esq.
Village Solicitor

HUDSON:

Hudson City School District

By: _____
Title: _____
Date: _____

Pursuant to Hudson City School Board Resolution dated the ____ day of March, 2011.

Approved as to form:

**HUDSON CITY SCHOOL DISTRICT
TREASURER'S OFFICE**

BOARD OF EDUCATION:

David Zuro, President
Steven DiMauro, Vice-President
Patricia Engelman
Gary Mushock
Joy York

2386 Hudson-Aurora Road
Hudson, OH 44236-2322

ADMINISTRATORS:

Bart Griffith, Treasurer/CFO
Elaine Speakman, Supervisor of
Budgeting and Payroll Accounting

March 2, 2011

To Whom It May Concern:

The following resolution was passed by the Board of Education of the Hudson City School District at the February 28, 2011 regular meeting.

Whereas, the Village of Boston Heights notified this Board by letter dated February 16, 2011 that it intended at its Village Council meeting on March 9, 2011 to enter into a Community Reinvestment Agreement with Hemmingway at Boston Heights, LLC and Paychex North America, Inc. exempting from taxation certain improvements to be constructed on 4.2 acres of land on Hines Hill Road.

Whereas, this Board is willing to approve said Agreement on condition that a Compensation Agreement be entered between the Village and the Board whereby the Village agrees to pay the Board annually at the time of tax distributions an amount equal to the taxes the Board would have received from said improvements if same had not been exempted from taxation.

Now Therefore, it is resolved by the Hudson City Board of Education:

1. The Community Reinvestment Agreement between the Village of Boston Heights and Hemmingway at Boston Heights, LLC and Paychex North America, Inc. is hereby approved on condition that a Compensation Agreement be entered between the Village and the Board whereby the Village agrees to pay the Board annually, at the time of tax distributions, an amount equal to the taxes the Board would have received from improvements to be constructed on 4.2 acres on Hines Hill Road if same had not been exempted from taxation.
2. The Treasurer/CFO is hereby authorized to certify this resolution to the Village of Boston Heights.
3. The Superintendent and Treasurer/CFO are hereby authorized to negotiate and execute a Compensation Agreement with the Village of Boston Heights consistent with this resolution.

Motion: Joy York

Second: Steven DiMauro

Vote: Mrs. Engelman, yes; Mrs. York, yes; Mr. Zuro, yes; Mr. DiMauro, yes.

Motion Approved.

11-02-28-03

I certify the foregoing resolution is a true and correct copy of that which appears in the minutes of the Board of Education.

Sincerely,

(signed)

Bart Griffith
Treasurer

OHIO Department of Development

John R. Kasich - Governor - Mark D. Kvamme - Director

OHIO'S COMMUNITY REINVESTMENT AREA PROGRAM
RELOCATION NOTICE - MODIFICATION
VILLAGE OF BOSTON HEIGHTS - CRA NO. 061-25942-02

Upon examination of (a) the request for modification of the Ohio Community Reinvestment Area thirty-day Relocation Notice provision submitted by the Village of Boston Heights on February 22, 2011 (b) relocation notice letters by the solicitor for the Village of Boston Heights sent to the President of the City of Warrensville Heights Council and the President Pro Tem of the City of Green's Council demonstrating an intent to enter into a Community Reinvestment Area agreement between the Village of Boston Heights, Hemmingway of Boston Heights I, LLC and PAYCHEX, Inc.; (c) a review of the findings of the staff of this Department, I have determined that a thirty-day notice period would likely jeopardize the realization of the project and the issuance of a waiver reducing the required notice period from thirty to fifteen days is necessary.

Accordingly, pursuant to Ohio Revised Code Section 3735.673, I hereby modify the Relocation Notice requirement from thirty to fifteen days. The Village of Boston Heights, Hemmingway of Boston Heights I, LLC and PAYCHEX, Inc. may proceed in finalizing a Community Reinvestment Area Agreement subject to the provisions noted above and the requirements of the Ohio Community Reinvestment Area law.

Executed at Columbus, Ohio this 4th day of March, 2011.

Mark Kvamme
Director
Ohio Department of Development

By: (signed) *Robert P. Stempfer*
Name: Robert P. Stempfer
Title: Interim Chief Legal Counsel

AN ORDINANCE APPROVING THE
PERMANENT ANNUAL APPROPRIATIONS
FOR THE VILLAGE OF BOSTON HEIGHTS
FOR THE YEAR 2011 AND DECLARING AN
EMERGENCY

BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio:

Section 1: The Permanent Annual Appropriations for the Village of Boston Heights for the year 2011 as attached hereto as Exhibit "A" are hereby approved and adopted by the Council of the Village of Boston Heights, Ohio.

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable 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 immediate preservation of the public peace, health, safety and the daily operations of the municipal departments and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance -2011 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 9th day of March 2011.

CAROL ZEMAN, Clerk of the Village of Boston Heights

ANNUAL APPROPRIATION ORDINANCE 2011			
GENERAL FUND			
PROGRAM I - SECURITY OF PERSONS AND PROPERTY			
			2011
POLICE LAW ENFORCEMENT			
	Salaries/Wages		395,000.00
	Benefits		143,000.00
	Uniform Allow.		
	Contractual		
	Supplies		
	Capital Outlay		
			701,250.00
FIRE FIGHTING, PREVENTION & INSPECTION			
	Salaries/Wages		33,000.00
	Benefits		3,500.00
	Contractual		
	Supplies		
			72,500.00
Street Lighting			
Traffic Signals			
TOTAL PROGRAM I			783,000.00
PROGRAM II - PUBLIC HEALTH AND HUMAN SERVICES			
Pymt to Cty Health District			
			24,202.74
TOTAL PROGRAM II			24,202.74
PROGRAM IV - COMMUNITY ENVIRONMENT			
Planning/Zoning/Bldg/Elec.			
	Salaries/Wages		25,000.00
	Benefits		3,750.00
	Contractual		
	Supplies		
Engineering			28,750.00
TOTAL PROGRAM IV			28,750.00
PROGRAM VI - TRANSPORTATION			
	Salaries/Wages		117,000.00
	Benefits		47,500.00
	Contractual		
	Supplies		
	Capital Outlay		
TOTAL PROGRAM VI			267,500.00

PROGRAM VII - GENERAL GOVERNMENT				2011	
Mayor					
	Salaries /Wages			16,600.00	
	Benefits			2,550.00	
	Contractual				
	Supplies				
				20,150.00	
Council					
	Salaries/Wages			18,000.00	
	Benefits			2,800.00	
				20,800.00	
Clerk of Courts					
	Salaries/Wages			65,000.00	
	Benefits			18,500.00	
	Contractual				
	Supplies				
				85,500.00	
Clerk-Treasurer					
	Salaries/Wages			50,500.00	
	Benefits			9,200.00	
	Contractual				
	Supplies				
				61,500.00	
Land & Buildings					
	Salaries/Wages				
	Benefits				
	Contractual				
	Supplies				
	EMS Service				
	Capital Outlay				
Auditor & Treasurer					
Delinquent Collections					
State Examiners Fees					
Election Fees/Solid Was					
Solicitor					
Worker's Compensation					
Charges & Service Fees					
Loan Payment/Interest					
Transfer to Park					
TOTAL PROGRAM VII				504,150.00	
GRAND TOTAL GENERAL FUND				1,607,602.74	
Certificate of Estimated Resources				2,525,247.43	
				804,953.15	
Total Available for Expenditures				1,720,294.28	
Difference				112,691.54	

Fire Levy (99N)				2011	
				Appropriations	
Contractual		230			
Supplies		240			
Auditors Fees		230			
Del. Ad. & Coll.		230			
		230			
Capital Outlay		250			
Loan Payment		250			
Fund Total				306,900.00	
Fire Levy (09RE) Capital					
Contractual		230			
Supplies		240			
Auditors Fees		230			
Del. Ad. & Coll.		230			
Dretac Fees		230			
Capital Outlay		250			
Total				69,250.00	
Fire Levy (09N) Operating					
Salaries		211		73,000.00	
Benefits		212		15,000.00	
Contractual Services		230			
Auditors Fees		230			
Del. Ad. & Coll.		230			
Dretac Fees		230			
Total				89,200.00	
Computer Fund					
Salaries		211			
Benefits		212			
Contractual		230			
Supplies		240			
Capital Outlay		250			
Fund Total				22,000.00	
Law Enforcement Trust Fund					
Contractual		230			
Supplies		240			
Fund Total				300.00	
Cemetery Trust Fund					
Contractual					
Fund Total				1,500.00	

				2011	
Refundable Performance Bond Fund				Appropriations	
Contractual	230	48,727.58			
Fund Total				48,727.58	
Capital Projects Fund					
Contractual	230				
Supplies	240				
Auditors Fees	230				
Del. Ad & Coll.	230				
Dretac Fees	230				
Capital Outlay	250				
Fund Total				43,440.00	
Federal Forfeiture Fund					

AN ORDINANCE AMENDING TITLE THREE -
LEGISLATIVE, CHAPTER 121 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF BOSTON
HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the Council has determined to amend the provisions of Title Three -
Legislative, Chapter 121 of the Codified Ordinances of the Village of Boston Heights.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of
Boston Heights, County of Summit and State of Ohio:

Section 1: That Chapter 121, Section 121.02(c)(1) Standing Committees shall be
replaced to provide as follows:

121.02 STANDING COMMITTEES

The Standing Committees of Council are:

- A Finance Committee
- B Road Committee
- C Safety I Police
- D Safety II Fire
- E Lands and Buildings
- F Cemetery Committee
- G Planning and Zoning Committee
- H Economic Development Committee (EDC)

Section 2: That all other provisions of Chapter 121 not specifically
amended herein shall remain in full force and effect.

Section 3: That this Ordinance is hereby declared an emergency measure
necessary for the preservation of the public peace, and safety of the residents of the
Village of Boston Heights and to insure orderly operations of Village all functions
through the standing Committees and shall take effect immediately upon its passage.

Section 4: That this Council hereby finds and determines that all formal actions
relative to the adoption of this Resolution were taken in an open meeting of this Council
and that all deliberations of this Council which resulted in formal action were taken in
meetings open to the public, in full compliance with the applicable legal requirements
including Section 121.22 of the Ohio Revised Code.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County,
Ohio, do hereby certify that the foregoing Ordinance - 2011 was duly passed by the
Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting
of Council on the 9th day of March, 2011.

CAROL ZEMAN, Clerk of the Village of
Boston Heights

AN ORDINANCE AMENDING THE PAY SCALE FOR THE ELECTED OFFICIALS OF THE VILLAGE OF BOSTON HEIGHTS, OHIO

BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, State of Ohio:

Section 1: That the pay scale for the Clerk-Treasurer of the Village of Boston Heights is hereby increased and amended as follows:

- A. Term beginning April 1, 2012-Annual Salary-\$40,206.60
- B. April 1, 2013, provided Clerk-Treasurer has one year certificate from State of Ohio, otherwise no increase - \$41,412.80
- C. April 1, 2014, provided Clerk-Treasurer has two year certificate from State of Ohio, otherwise no increase - \$42,655.19
- D. April 1, 2015, provided Clerk-Treasurer has three year certificate from State of Ohio, otherwise no increase - \$43,934.85

Should the Clerk-Treasurer hold a one, two or three year certificate the Clerk-Treasurer must maintain his or her certifications prior to any annual salary advance on the schedule outlined above.

Section 2: That the pay scale for the Mayor of the Village of Boston Heights is hereby increased and amended as follows:

- A. Term beginning January 1,2012- \$17,112.12
- B. Term beginning January 1,2013- \$17,625.49
- C. Term beginning January 1,2014- \$18,154.26
- D. Term beginning January 1, 2015 - \$18,698.89

Section 3: That the pay scale for members of Council of the Village of Boston Heights is hereby increased and amended as follows:

- A. For Council terms beginning January 1, 2012 members shall receive \$250.00 per month.
- B. For Council terms beginning January 1, 2014 members shall receive \$250.00 per month.

Section 4: All other terms and conditions providing for compensation and/or benefits provided in other duly enacted ordinances or resolutions that are not specifically modified by this Ordinance shall continue in full force and effect.

Section 5: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of Council and that all deliberations of this Council and of any of its

ORDINANCE H-2011

MARCH 9, 2011

committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6: This Ordinance was duly adopted and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance - 2011 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 9th day of March, 2011

AN ORDINANCE CREATING A POSITION OF VILLAGE FISCAL OFFICER IN ACCORDANCE WITH THE PROVISIONS OF SECTION 733.262 OF THE OHIO REVISED CODE AND ABOLISHING THE POSITION OF VILLAGE CLERK-TREASURER

WHEREAS, Section 733.262 of the Ohio Revised Code empowers this Council to create the position of Village Fiscal Officer, and

WHEREAS, it is the judgment of this Council that the interest of the citizens of the Village will be better served through the creation of the position of Village Fiscal Officer.

NOWHEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, County of Summit, Ohio, that:

1. In accordance with Section 733.262 of the Ohio Revised Code, there is hereby created the position of Village Fiscal Officer effective April 1, 2012.

2. The Village Fiscal Officer shall have those powers, duties, and functions as provided by the general laws of the State of Ohio; and in addition other duties consistent with the nature of the office that are provided for by Village ordinance.

3. The elected position of Village Clerk-Treasurer is eliminated pursuant to Ohio Revised Code Section 733.262 so that no election for the office of Village Clerk-Treasurer for the Village of Boston Heights is held after the passage of this Ordinance.

Section 1: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 2: This Ordinance was duly adopted and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance -2011 was duly passed by the council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 9th day of March, 2011

A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE VILLAGE OF BOSTON HEIGHTS TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE ADDITION TO THE EXISTING FIRE STATION AND DECLARING AN EMERGENCY

WHEREAS, the Village of Boston Heights has identified the need for the addition to the existing Fire Station:

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit and State of Ohio:

Section 1: That the Clerk-Treasurer is authorized to advertise for bids for the construction of an addition to the Fire Station. Specifications for said bids will be available at the Village Hall and via the internet as indicated in the posting.

Section 2: That sealed bids must be received at the Village Hall by the date specified in the posting.

Section 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to be able to submit the posting for bids to take advantage of the 2011 building season.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution -2011, was duly passed by the Council on the 9th day of March 2011.

CAROL ZEMAN, Clerk of the Village
of Boston Heights

A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE VILLAGE OF BOSTON HEIGHTS TO POST NOTICE FOR A PUBLIC HEARING FOR THE CHANGE OF POSITION FROM ELECTED CLERK-TREASURER TO APPOINTED FISCAL OFFICER

WHEREAS, the Village of Boston Heights has identified the need for a change in the position of the financial officer of the Village of Boston Heights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit and State of Ohio:

Section 1: That the Clerk-Treasurer is authorized to post in a publication of general circulation throughout the Village of Boston Heights the notice of a Public Hearing attached hereto as Exhibit "A"

Section 2: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and to institute without delay the notice to the public of a change in the elected positions within the Village of Boston Heights.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution -2011, was duly passed by the Council on the 9th day of March 2011.

CAROL ZEMAN, Clerk of the Village
of Boston Heights

PUBLIC NOTICE

Notice is hereby given that the Village of Boston Heights will be holding a Public Meeting regarding the change from an elected Clerk-Treasurer position to an appointed Fiscal Officer position.

Please refer to ORC code 733.262 for further information regarding this financial position.

This meeting will be held on March 16, 2011 at the Village Hall at 45 E. Boston Mills Rd., Boston Hts., OH 44236 at 7:00 pm .

Should you have any further questions, please contact the Clerk-Treasurer, Carol Zeman at 330-650-4111 (Akron) or 330-656-2575 (Cleveland) or e-mail at czeman@windstream.net

Village of Boston Heights

Carol Zeman, Clerk-Treasurer