

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

REGULAR COUNCIL MEETING OF
September 14, 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 W-2011** **AN ORDINANCE INCREASING TRAFFIC FINES AND COURT COSTS IN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY.**
- ORDINANCE X-2011** **AN ORDINANCE AMENDING THE PERMANENT ANNUAL APPROPRIATIONS ORDINANCE (ORDINANCE 7-2011) FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2011 AND DECLARING AN EMERGENCY.**
- RESOLUTION Y -2011** **A RESOLUTION CONFIRMING THE PROMOTION AND APPOINTMENT OF RAYMOND HEATWALL TO THE POSITION OF LIEUTENANT WITHIN THE POLICE DEPARTMENT OF THE VILLAGE OF BOSTON HEIGHTS, OHIO AND DECLARING AN EMERGENCY.**
- RESOLUTION Z-2011** **A RESOLUTION GIVING CONSENT TO THE STATE OF OHIO TO DO REPAIRS TO THE SLIDE ON SR303 WITHIN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AND EMERGENCY**

- MOTION TO APPROVE THE JULY 2011 FINANCIAL STATEMENT

COMMITTEE REPORTS
OLD BUSINESS
NEW BUSINESS
ADJOURN

CAROL ZEMAN, CLERK-TREASURER

AN ORDINANCE INCREASING TRAFFIC FINES AND COURT
COSTS IN
THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN
EMERGENCY.

WHEREAS, the Safety One Committee of the Police Department and Mayors Court for the Village of Boston Heights have recommended that Traffic/Criminal Fines, Costs and Fees be increased.

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

Section 1: That the traffic/criminal fines, costs and fees contained on Exhibit A attached hereto shall be adopted as the traffic/criminal fines, costs and fees for the Village of Boston Heights effective October 1, 2011.

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 council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this of the residents of the Village of Boston Heights and to insure proper operation of the Mayor's Court and shall take effect and be in force on 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 14th day of September, 2011

VILLAGE OF BOSTON HEIGHTS

Mayor's Court

45 E. Boston Mills Road

Boston Heights, OH

44236

Monday-Friday 8:00 AM.-4:00PM. Closed 12:30-1:00 PM.

WAIVER SCHEDULE

VIOLATION	FINE	BASIC COST	STATE COST	TOTAL
Speed 1 -30 mph over limit	\$3.00 per mile over limit	48.00	39.00	varies
Speed 31 + mph over limit	Mandatory Court Appearance			
Red light/stop sign	40.00	48.00	39.00	127.00
Weaving/improper lane change	40.00	48.00	39.00	127.00
Following too close	40.00	48.00	39.00	127.00
Impeding traffic	40.00	48.00	39.00	127.00
Illegal U-Turn	40.00	48.00	39.00	127.00
Failure to yield	40.00	48.00	39.00	127.00
Left of center	40.00	48.00	39.00	127.00
Squealing tires	40.00	48.00	39.00	127.00
Improper backing	40.00	48.00	39.00	127.00
ACD AJ Accident	Mandatory Court Appearance			
Driving on closed street	40.00	48.00	39.00	127.00
Insecure load	50.00	48.00	39.00	137.00
No through trucks	100.00	48.00	39.00	187.00
Expired operator's license	25.00	48.00	39.00	112.00
31 -90 days	35.00	48.00	39.00	122.00
91-179 days	45.00	48.00	39.00	132.00
Over 180 days	Mandatory Court Appearance			
No operator's license	Mandatory Court Appearance			
Fictitious Plates	Mandatory Court Appearance			
Improper registration	35.00	48.00	39.00	122.00
Expired plates/One plate	25.00	48.00	39.00	112.00
Equipment violation	25.00	48.00	39.00	112.00
Approaching a stationary public safety vehicle	100.00	48.00	39.00	187.00
Open container	100.00	58.00	29.00	187.00
Child restraint	75.00	48.00	39.00	162.00
Seat belts-driver	30.00	48.00	10.00	88.00
Seat belts-passenger	20.00	48.00	10.00	78.00
Handicap parking	100.00			100.00
Fire lane/gen.parking	25.00			25.00
Casual Littering	100.00	58.00	29.00	187.00

Waiver amounts not listed - contact the Clerk of Courts office at (330) 650-4111 x 200

AN ORDINANCE AMENDING THE PERMANENT ANNUAL
APPROPRIATIONS ORDINANCE (ORDINANCE 7 - 2011) FOR THE
VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2011 AND
DECLARING AN EMERGENCY

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

SECTION 1: The Permanent Annual Appropriations for the Village of Boston Heights (Ordinance 7 - 2011) for the year 2011 are hereby amended to reflect the changes as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

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 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 Boston Heights, County of Summit, State of Ohio at a meeting on the 14th day of September, 2011.

		2011		
Street Construction, Maintenance & Repair Fund		Appropriations		
Street Maint. & Repair				
	230 Contractual			
	240 Supplies			
	Equipment Purchase			
	Capital Outlay			
Total				
Street Cleaning, Snow & Ice Removal				
	240 Supplies			
Total				
County Permissive Tax				
Fund Total		105,000.00		
State Highway Fund				
Traffic Signals Sign, Etc.				
	230 Contractual			
	230 Traffic Signals			
	250 Capital Outlay			
Fund Total		31,000.00		
Parks and Recreation Fund				
Salaries & Wages	211	19,000.00		3,200.00
Benefits	212	3,500.00		
Contractual	230			
Supplies	240			
Capital Outlay	250			
Transfer			10,000.00	5,000.00
Fund Total		32,000.00		

RESOLUTION Y- 2011

September 14, 2011

A RESOLUTION CONFIRMING THE
PROMOTION AND APPOINTMENT OF RAYMOND HEATWALL
TO THE POSITION OF LIEUTENANT WITHIN THE POLICE
DEPARTMENT OF THE VILLAGE OF BOSTON HEIGHTS, OHIO
AND DECLARING AN EMERGENCY

WHEREAS, Raymond Heatwall has been recommended by the Police Chief and approved by the Mayor to fill the position of Lieutenant in the Police Department of the Village of Boston Heights, Ohio

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit and State of Ohio that the appointment of Raymond Heatwall to the position of Lieutenant be confirmed subject to all provisions and conditions established under law and as further set out in the Codified Ordinances of the Village of Boston Heights, including, but not limited to the appropriate probation period for such an appointment.

Section 1: 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 of Section 121.22 of the Ohio Revised Code.

Section 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and for the continuing emergency operations of the Police Department within the Village of Boston Heights.

BILLGONCY, 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 of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on the 14th day of September, 2011.

VILLAGE OF BOSTON HEIGHTS

Boston Heights Police Department



45 East Boston Mills Rd.
Boston Heights, Ohio 44236

August 18, 2011

Mayor Bill Goncy
Village of Boston
Heights

Mayor Goncy,

After evaluations of the candidates for the position of Lieutenant it is my recommendation that Sergeant Raymond L. Heatwall be promoted to the rank of Lieutenant.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Varga III".

Joseph A. Varga III

Chief of
Police

VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road 0 Boston Hts., Ohio 44236 Phone 330.650.4111 Fax
330.655.9578

August 23, 2011

Carol Zeman, Clerk-Treasurer

Carol,

I hereby agree with the recommendation of Chief Joe Varga to promote Sergeant Raymond L. Heatwall to the rank of Lieutenant.

Sincerely,

A handwritten signature in cursive script that reads "Bill Goncy". The signature is written in black ink and is positioned above the printed name of the Mayor.

Mayor Bill Goncy

A RESOLUTION GIVING CONSENT TO THE STATE OF OHIO TO DO REPAIRS TO THE SLIDE ON SR303 WITHIN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the State has identified the need for project POR/SUM-IR480/SR303 Slide, PID No. 91440 hereinafter known as the repair of slide on SR303 within the Village limits and:

NOW THEREFORE, be it ordained by Council of the Village of Boston Heights, Summit County, Ohio:

SECTION 1: Being in the public interest, the Village of Boston Heights gives consent to the director of Transportation to complete the above described project.

SECTION 2: The Village of Boston Heights shall cooperate with the Director of Transportation in the above described project and agrees to participate in the cost of construction within the Village limits only for work performed after November 16, 2011. The Village agrees to pay twenty percent (20%) for the work performed after said date, which funds will represent the twenty percent (20%) Federal matching requirement.

SECTION 3: The Village of Boston Heights further agrees to pay one hundred percent (100%) of the cost of those features requested by the Village which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 4: Upon completion of the described Project, and unless otherwise agreed, the Village shall:

1. Provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to 23 USC 116
2. Provide ample financial provisions, as necessary, for the maintenance of the described Project
3. Maintain the right-of-way, keeping it free of obstructions
4. Hold said right-of way inviolate for public highway purposes.

SECTION 5: The Mayor of said Village of Boston Heights is hereby empowered on behalf of the Council of the Village of Boston Heights to enter into contract with ODOT pre-qualified consultants for the preliminary engineering phase of the Project and to enter into contracts with the director of Transportation necessary to complete the above described project.

Upon the request of ODOT, the Mayor is also empowered to assign all rights, title, and interests of the Village of Boston Heights to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The Village of Boston Heights agrees that if Federal Funds are used to pay the cost of any consultant contract, the Village of Boston Heights shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the Village of Boston Heights agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require as a scope of services clause, that all plans prepared by the consultant contracts. The Village of Boston Heights agrees to require, a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The Village of Boston Heights agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION 6: This Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution 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.

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 of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on the 14th day of September 14, 2011

CAROL ZEMAN, Clerk of the Village
Of Boston Heights