

**VILLAGE OF BOSTON HEIGHTS**

**45 E. Boston Mills Road  
Hudson, OH 44236**

RECORDS COMMISSION MEETING 7:45 PM

REGULAR COUNCIL MEETING OF  
OCTOBER 12, 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 M- 2011**

**AN ORDINANCE AMENDING THE BUSINESS  
REGULATION CODE OF THE CODIFIED ORDINANCES  
OF THE VILLAGE OF BOSTON HEIGHTS TO REPLACE  
CHAPTER 711 ENTITLED "ENTERTAINMENT DEVICE  
ARCADES"**

**ORDINANCE Y-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 AA-2011**

**A RESOLUTION ACCEPTING THE AMOUNTS AND  
RATES AS DETERMINED BY THE BUDGET COMMISSION  
AND AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY FISCAL OFFICER  
AND DECLARING AN EMERGENCY**

**RESOLUTION BB-2011**

**A RESOLUTION ACCEPTING CONTRACT AND  
SECURITIES FOR DEPOSIT OF PUBLIC MONEY AND  
DECLARING AN EMERGENCY.**

**RESOLUTION CC - 2011**

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE  
OF THE VILLAGE OF BOSTON HEIGHTS TO ENTER  
INTO AN AGREEMENT WITH THE SUMMIT COUNTY  
OVI TASK FORCE FOR 2011/2012 TO REDUCE THE  
NUMBER OF ALCOHOL AND DRUG RELATED CRASHES  
AND DECLARING AN EMERGENCY**

**RESOLUTION DD-2011**

**A RESOLUTION AUTHORIZING THE MAYOR AND THE  
CLERK-TREASURER TO PURCHASE FIVE (5) POLICE  
CRUISERS AND TO TRADE-IN CURRENTLY OWNED  
POLICE CRUISERS TO OFFSET THE COST OF THE FIVE  
(5) NEW CRUISERS AND DECLARING AN EMERGENCY**

• MOTION TO APPROVE THE AUGUST 2011 FINANCIAL STATEMENT

COMMITTEE REPORTS

OLD BUSINESS

NEW BUSINESS

ADJOURN

CAROL ZEMAN, CLERK-TREASURER

AN ORDINANCE AMENDING THE BUSINESS  
REGULATION CODE OF THE CODIFIED  
ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS TO REPLACE  
CHAPTER 711 ENTITLED "ENTERTAINMENT DEVICE ARCADES"

WHEREAS, The Planning Commission of the Village of Boston Heights has reviewed and recommended the replacement of Chapter 711 of the Village's Business Regulation Code as per Exhibit A (copy attached); and

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

Section 1: That the existing Chapter 711 of the Codified Ordinances of the Village of Boston Heights is hereby repealed in its entirety and replaced with the Planning Commission recommended replacement as per the attached Exhibit A.

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 full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That 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 10th day of October 12, 2011

**CHAPTER 711**  
**Entertainment Device Arcades**

- 711.01 Applicability.**
- 711.02 Definitions.**
- 711.03 License application; requirements.**
- 711.04 License fees; transfer and display; disposition of fees.**
- 711.05 License revocation; hearing procedure.**
- 711.06 Location.**
- 711.07 Hours of Operation**
- 711.08 Miscellaneous operating requirements.**
- 711.09 Administrative Agent**
- 711.98 Severability.**
- 711.99 Penalties.**

**SECTION 711.01 APPLICABILITY.**

This Chapter shall apply to the operation of entertainment devices that are lawfully operated pursuant to the Ohio Revised Code and does not legalize or license any operation of a device that is unlawful to operate pursuant to the Ohio Revised Code. This Chapter shall apply to all entertainment device arcades that operate or propose to operate in the Village of Boston Heights.

**SECTION 711.02 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Entertainment device arcade" means any business, establishment, room or place where four or more entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premise or at the same time or a later time.
- (b) "Entertainment device" means any mechanical, electronic, video or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a person, for the purpose of playing a game, viewing a video display, hearing an audio transmission or reading entries or outcomes from any other kind of device. "Entertainment device" does not include any vending machine, juke box, audio book, video player or any device that gives anything of value where the only value given, directly or indirectly, is a video or audio transmission or the playing of a game.

- (c) "Anything of value" means cash, cash equivalents, tangible objects, credits to play, sweepstakes entry points and any other tangibles or intangibles, no matter how slight. Anything of value includes playing a game, viewing a video display, hearing an audio transmission, and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an entertainment device, is deemed to have given value for the access to the entertainment device.
- (d) "Operator" means any person or organization that owns, controls, operates, promotes or maintains or knowingly engages in conduct that facilitates the operation of an entertainment device arcade or the entertainment devices in an entertainment device arcade.
- (e) "Law enforcement agency" means the Village of Boston Heights Police Department or other law enforcement agency with appropriate jurisdiction.
- (f) "Administrative Agent" means the agent or department responsible for the administration of the regulations delineated within this Chapter under the terms of Section 711.09.

**SECTION 711.03 LICENSE APPLICATION; REQUIREMENTS.**

- (a) No person, partnership, corporation, or other entity shall operate or conduct an entertainment device arcade without first obtaining an annual license to operate therefore from the Administrative Agent. The license to operate shall first be obtained prior to the initial operation of the entertainment device arcade and annually thereafter, with the subsequent annual application and associated fee due prior to the 1st day of January of each calendar year.
- (b) Every person, partnership, corporation, organization or other entity desiring to operate or conduct an entertainment device arcade shall make an application in writing to the Administrative Agent. Such application shall include a non-refundable application fee of \$500.00 payable to the Clerk-Treasurer of the Village of Boston Heights, and which application shall provide each of the following:
  - (1) The name and federal tax identification number under which the business is to be conducted;
  - (2) The location where the business is conducted, with a description of the premises, including a scaled diagram;
  - (3) The name, address, and government issued photo identification of any manager, supervisor, and all other employees;
  - (4) The name, address, and government issued photo identification of the owner or owners of the entertainment devices;
  - (5) The name, address, government issued photo identification and principal occupation of every person with an interest in the business. If the business is conducted by:

- A. A sole proprietorship, the name, address, government issued photo identification and principal occupation of that individual;
  - B. A firm, limited liability company or partnership, the names, addresses, government issued photo identification and principal occupations of each member of the firm or partnership; or,
  - C. A corporation, the names, addresses, government issued photo identifications and principal occupations of all officers and shareholders and the statutory agent.
- (6) If a corporation or limited liability company, a certificate of good standing from the Ohio Secretary of State;
- (7) The name, description, model number and serial number of each entertainment device on the premises and any other device on the premises that is necessary to the operation of the entertainment device;
- (8)
- A. A list of each separate prize that may be given out and each separate dollar amount that may be given; and,
  - B. The odds of winning any offered prize or dollar amount awarded for the participation in any game, activity, program, scheme or play, use or participation in any way in an entertainment device or participating in any other activity or promotion in the entertainment device arcade, whether or not the determination of the giving of the thing of value or the delivery of the thing of value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location.
- (9) The name and address of any and all persons, businesses or organizations that provide games, computer software, equipment, or services or operate devices linked to the licensee's entertainment devices or to devices necessary to operate the entertainment devices, whether any such provisions are sold, leased or licensed; and,
- (10) A certificate or report, provided by an Authorized Independent Testing Laboratory, identifying the components of the entertainment devices and related systems, identifying the operational characteristics of the entertainment device and systems and verifying that each entertainment device identified in 711.03(b)(7), above, and the software therein, is either a skill-based amusement machine, as defined in Section 2915.01 of the Ohio Revised Code, or is part of a sweepstakes game format. If the certificate or report verifies that the entertainment device and the software therein is part of a sweepstakes game format, the certificate or report shall verify the following information:
- A. The sweepstakes game is governed by official rules, which are clearly posted and available to customers.

- B. Sweepstakes entries are provided to customers upon purchase of a good or service, for which consideration is paid, and no consideration is paid for the sweepstakes entry itself. Additionally, the sweepstakes game provides for a method of free entry upon request, and the chance of winning the sweepstakes game does not vary between free entries and entries received as a result of purchase.
  - C. The total number of entries, the number of winning and losing entries and the number and nature of prizes of the sweepstakes game are finite, predetermined and established prior to the start of the sweepstakes. Additionally, all winning and losing entries are predetermined prior to the start of the sweepstakes game and the entries cannot be changed or modified once the sweepstakes game begins.
  - D. The sweepstakes game contains no element of skill and the customer has no ability to alter or affect the outcome or results of the sweepstakes game.
- (c) The Administrative Agent shall publish, within sixty (60) days after the enactment of this ordinance a list of Authorized Independent Testing Laboratories, and shall keep said list updated and current at all times.
  - (d) Only certificates or reports from the entities listed by the Administrative Agent as Authorized Independent Testing Laboratories shall satisfy the requirements of this Section. Said certificate or report shall be provided to the Administrative Agent for each entertainment device prior to an operator placing the device into service.

The certificate or report for an Authorized Independent Testing Laboratory required herein shall be updated annually for each entertainment device and the updated certificate or report shall be provided at the time of each annual application, and shall contain the information required in this subsection.
  - (e) Any update to an entertainment device, or the software therein, during the course of the year shall be reviewed and inspected by an Authorized Independent Testing Laboratory, and a certificate or report from the Authorized Independent Testing Laboratory shall be filed with the Administrative Agent prior to the operator placing the device in service, and shall contain the information required in this subsection.
  - (f) No entertainment device shall be lawfully operated unless it is certified to meet the requirements of this subsection.
  - (g) Duty to keep information current. The person, partnership, corporation, or other entity operating or conducting an entertainment device arcade shall have a continuing duty to inform the Administrative Agent as to changes in the

information required in this section.

- (h) Rejection or approval of application. The Administrative Agent shall reject or preliminarily approve an application within ten (10) business days of receipt. If rejected, the Administrative Agent shall notify the applicant in writing, with reasons for rejection. If the application is preliminarily approved, the Administrative Agent shall notify the applicant in writing of said preliminary approval. Upon notification of preliminary approval, applicant shall pay to the Clerk-Treasurer of the Village the semi-annual license fee due in conjunction with the initial or annual application for each entertainment device that will be located on the premises during the following semi-annual period. Upon notification of receipt of said semi-annual license fee, the Administrative Agent shall grant final approval of the application and shall issue a license to operate. No person shall operate an entertainment device arcade, until such final approval is granted and said license to operate is issued, unless otherwise permitted herein.
  
- (i) Prohibition as a result of conviction: fire inspection. The Administrative Agent shall not issue a license to any person, partnership, corporation, or other entity if any of the persons with an interest in the business or if any of the employees of the business have been convicted of a violation of a federal or state statute or of any local ordinance pertaining to gambling or other crime of moral turpitude within five years preceding the application. Also, as a prerequisite to the issuance of such license, an inspection shall be made of the premises by the Village of Boston Heights Fire Department and Zoning Inspector to seek and obtain the approval of said department.
  
- (j) Right of entry for inspection. The entertainment device arcade shall be open to inspection and viewing of operations by the Administrative Agent, fire department personnel, Zoning Inspector, and health department personnel at all times that the arcade is open for business. Law enforcement agency officers may accompany officials from the Administrative Agent, fire department, Zoning Inspector, and health department on any official business or inspection to the extent authorized by this Chapter of these Codified Ordinances. No operator shall fail to immediately permit entry to any such officials.
  
- (k) Suspension or revocation of license. Failure to register or pay a license fee for an entertainment device shall be grounds for immediate suspension or revocation of the license for the entertainment device arcade and said device shall be seized and forfeited to the Village of Boston Heights.

**SECTION 711.04 LICENSE FEES; TRANSFER AND DISPLAY; DISPOSITION OF FEES.**

- (a) License fees. The non-refundable annual license fee, payable to the Clerk-

Treasurer of the Village at the time of initial or annual application to the Administrative Agent, shall be \$1,000.00 for each entertainment device arcade location for each calendar year or any part thereof. Additionally, a semi-annual non-refundable license fee of \$200.00 shall be paid to the Clerk-Treasurer of the Village for each entertainment device that will be located on the premises during the following semi-annual period. The semi-annual license fee for each entertainment device shall be paid upon preliminary approval of the initial or annual application and no later than June 1st of each calendar year, or, if the entertainment device is brought to the premises following the payment of the semi-annual license fee, prior to such time as the entertainment device is brought to or operating on the premises. For purposes of determining licensing fees, each device that is operable by one person, or having an independently viewable video or similar display screen, is a separate entertainment device. The Clerk-Treasurer shall notify the Administrative Agent upon the receipt of such fees.

- (b) Non-transferability; display. Licenses issued under this article shall not be transferable to any other person, partnership, corporation, or other entity and the business may be conducted only at the location for which the license is issued. The license must be so placed as to be made conspicuously visible and shall list each entertainment device with serial number.
- (c) Disposition of license fees. License fees received by the Village of Boston Heights shall be deposited into the General Fund of the Village.

#### **SECTION 711.05 LICENSE REVOCATION; HEARING PROCEDURE.**

- (a) Creation of commission. An Entertainment Device Arcade License Review Commission is hereby created to hear complaints concerning entertainment device arcade licenses. The Commission shall consist of the Mayor or his/her designee, the President pro tempore of the Village Council or his/her designee and the Clerk-Treasurer of the Village or his/her designee.
- (b) Revocation or suspension of license. A license may be suspended or revoked at any time by the Commission on satisfactory proof that violation of the laws of the State of Ohio, the Codified Ordinances of the Village of Boston Heights or this Chapter occurs or has occurred at an entertainment device arcade. In addition to any license suspension, the Commission may assess the licensee a penalty fee of not less than \$500.00 or more than \$1,000.00 for any violation of this Chapter. Each day a continuing violation exists shall constitute a separate violation for purpose of assessing penalty fees. Suspensions, revocations and assessments of penalty fees by the Commission are in addition to and separate from any criminal liability and does not preclude criminal prosecution for any violation of this Chapter or other Village Ordinances or other applicable laws. Penalty fees shall be disposed of in the same manner as license fees as set forth in Section 711.04(c).
- (c) Submission of complaint; regular inspection. Any resident of the Village of



Boston Heights may submit a written notice of complaint to the Administrative Agent concerning any entertainment device arcade located within the Village. The notice of complaint shall include the name of the resident, the address of the location, the Administrative Agent's device identification number, if known, and the specific reasons why the complainant is complaining. The Administrative Agent and/or the law enforcement agency responsible for policing the Village shall regularly inspect the premises, the operation, the entertainment devices and the licensee's records and may issue a notice of complaint to the licensee for any violations.

- (d) Interview of complainant. The Administrative Agent shall interview the resident complainant, as set forth in subpart (c), and inquire as to the specific reasons for the complaint. The Administrative Agent may dismiss the complaint if it is determined that:
  - (1) The specific reasons listed in the complaint are not proper grounds for suspension or revocation of the license; or
  - (2) There are not substantial credible facts to support the complaint.
- (e) No appeal from dismissal of complaint. No appeal shall lie from the decision of the Administrative Agent to dismiss a resident complaint.
- (f) Fact-finding conference. If the complaint is not dismissed by the Administrative Agent, it will then notify the licensee and the owner of the devices on the premises, as listed on the license application, that a complaint has been filed and will set a date for a fact-finding conference on the matter. Extensions will be granted and necessary investigations will be conducted at the discretion of the Administrative Agent and it may request the assistance of the law enforcement agency to assist in the investigation. For the purpose of conducting the investigation, the Administrative Agent and any assisting law enforcement agency officer shall have access to the entertainment device arcade and the records of the licensee during all times that the entertainment devices are available for play.
- (g) Resolution of complaint. At the time of the fact-finding conference, the complainant, the licensee, and the owner of the devices will meet and attempt to amicably resolve the situation. If the complainant, licensee, and the owner can reach an amicable solution, the Administrative Agent shall issue a written notice directing the licensee to comply with the agreed resolution of the complaint.
- (h) Referral to the Commission. After a fact-finding conference, if the parties cannot agree upon an amicable solution to the problem, the Administrative Agent shall transmit the complaint, together with its recommendation thereon, to the Entertainment Device Arcade License Review Commission. The Administrative Agent recommendation may be for dismissal of the complaint, suspension of the license and assessment penalty fees, and/or revocation of the license.

- (i) Hearing. The Commission may accept, reject, or modify the recommendation of the Administrative Agent. The complainant, the licensee and the owner of the devices, as listed on the license application, shall be notified in advance by certified mail of the day on which the Commission is to consider the complaint; and they may, if they so choose, be present during consideration of the complaint. Consideration of the complaint before the Commission shall be a public hearing which shall be held within 30 days after said notice is given. The licensee shall have the right to be represented by counsel, and have the right to examine and cross-examine witnesses. The Commission shall enter its decision the day of hearing. In the event of a decision and ruling adverse to the licensee, the licensee shall have the right to appeal such decision and ruling to a court of competent jurisdiction under authority of and pursuant to the provisions of Chapter 2506 of the Ohio Revised Code.
- (j) Other enforcement actions. The complaint process set forth in this section is separate and distinct from any law enforcement action taken to enforce the laws of the State of Ohio or the Codified Ordinances of the Village of Boston Heights and this Chapter, and is not a condition precedent or otherwise an impediment to enforcement of said laws by criminal prosecution.

#### **SECTION 711.06 LOCATION.**

- (a) Limitation on location. No license shall be granted to an entertainment device arcade that operates any entertainment device within 500 feet from the boundaries of a parcel of real estate having situated on it a residential dwelling, hotel, motel, tourist house, school, hospital, nursing home, public administrative or any public safety building, public library, public playground, or any establishment that has been issued a liquor permit by the State of Ohio.
- (b) Exception: change in ownership. This article shall not apply to any entertainment device arcade locations in existence at the time of the passage of this ordinance, and shall not apply to any duly licensed entertainment device arcade locations in existence at the time a school, public library, public playground, or any establishment that has been issued a liquor permit by the State of Ohio moves within 500 feet of said entertainment device arcade. However, any change in ownership of the entertainment device arcade or change in location will remove said entertainment device arcade from this exception. "Change in ownership" in the case of a partnership or corporation for the purpose of this section means more than 50 percent change in partners or shareholders from the partners or shareholders owning the partnership or corporation as of the date the school, public library, or public playground moves within five hundred feet of said entertainment device arcade.

#### **SECTION 711.07 HOURS OF OPERATION.**

- (a) Entertainment device arcades shall operate only between the hours set forth below:

Fridays and Saturdays	10:00am to 2:00am of the following day
Sundays	1:00pm to 12:00am Monday morning
All Other Days	10:00am to 12:00am of the following day

- (b) No operator shall permit any person to operate any entertainment device during any time other than specified herein.

**SECTION 711.08 MISCELLANEOUS OPERATING REQUIREMENTS.**

- (a) Supervision of entertainment devices. Any entertainment device arcade shall have an adult who is 21 years of age or over on the premises and supervising at all times the entertainment devices during all hours of operation.
- (b) Square-footage. The interior of the entertainment device arcade shall provide a minimum area of 50 square feet per entertainment device in each room in which entertainment devices are located.
- (c) No alcoholic beverages. No operator shall permit the sale, possession or consumption of alcoholic beverages on the premises of an entertainment device arcade.
- (d) Public peace. No operator shall fail to maintain order and quiet on the premises so as not to violate the public peace.
- (e) No minors. No persons under the age of eighteen years shall be permitted on the premises of any entertainment device arcade.
- (f) Photo identification. The operator shall require a photo identification of every person to whom anything of value is given in connection with the entertainment device arcade and, if the dollar value of the thing given to a person is \$600.00 or more, the operator shall make and maintain a copy of the person's photo identification and shall record the person's name and home address and a description of the thing given, a stated dollar value of the thing given, the date and time of the giving and, if an entertainment device is involved in the circumstances of the giving, the serial number or other identifying description of the device. By the second Tuesday of each month the operator shall cause to be delivered to the Administrative Agent a copy of the record of things given to persons together with the above required information given during the preceding month. If the records pertaining to photo identification contain social security numbers or drivers license numbers, the operator and the Administrative Agent shall not disclose those numbers to anyone except as required by the laws of the State of Ohio and the United States government.
- (g) Posting. The operator shall post in a conspicuous place on the premises in the

room where the entertainment devices are located in no less than twenty point type:

- (1) Each separate prize that may be given and each separate dollar amount that might be given;
  - (2) The odds as stated in the filing with the Administrative Agent, as required in Section 711.03(b)(10);
  - (3) A complete statement of the rules and conditions pertaining to the giving of any prizes or anything of value to any person, whether or not the determination the giving of the thing of value or the delivery of the thing of value occurs totally within the confines of the premises or requires some event, occurrence or happening at another location, and the method of free entry for any sweepstakes game; and,
  - (4) That no person under the age of 18 shall be permitted on these premises. This notice shall be posted in no less than 72 point type.
- (h) Device Identification. On each entertainment device, a sticker, if issued by the Administrative Agent, shall be placed on each device indicating that it has been registered by the operator with the Administrative Agent, and bearing a unique identification number for that device.
- (i) Records. The operator shall keep a complete set of all records of the operations taking place at the premises at all times, including all federal, state and local tax records, all records of payments and receipts, all records of expenses and revenues of the operation, all banking records, all contracts, leases and agreements affecting the premises, equipment and operation, all personnel records and all other records pertaining to the business, which shall be available for inspection and copying by any entity provided a right of entry under subsection 711.03(j). Records more than 10 years old are exempt from this requirement.
- (j) Correct information. No applicant shall make a false or incorrect statement in an application for an entertainment device arcade license and no operator shall fail to update the information supplied to the Administrative Agent to reflect existing operations as required in Section 711.03(b).
- (k) Reporting of Internet Time. Any entertainment device arcade that engages in the sale of internet time or computer usage time or telephone service time in exchange for anything of value shall provide to the Administrative Agent, no later than the 2nd Tuesday of each month a report detailing the daily amount of time sold in the preceding calendar month.
- (l) Strict liability for violations. It is the intent of this Chapter that operators are strictly liable for any violations of this Chapter.

### **SECTION 711.09 ADMINISTRATIVE AGENT**

The Mayor of the Village of Boston Heights, with the consent of Council, shall contract with a qualified independent agent which shall act as the Administrative Agent for the purposes of this Chapter.

### **SECTION 711.98 SEVERABILITY.**

In the event any provision of Sections 711.01-711.99 shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

### **SECTION 711.99 PENALTIES.**

- (a) Minor misdemeanor. Whoever violates or fails to comply with any of the provisions of this Chapter, for which no penalty is otherwise provided, is guilty of a minor misdemeanor and shall be fined not more than \$150.00 for each offense, said fine shall not be reduced or suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
  
- (b) Failure to obtain or operating without a license. Whoever violates or fails to comply with the requirement to obtain a license for an entertainment device arcade or an entertainment device as provided in this Chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250.00, or imprisoned not more than 30 days or both, for each offense, provided said fine shall not be reduced or suspended. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

## Amendments to Entertainment Device Legislation

### First Amendment

Add a subpart 11 to Section 711.03(b), which would read:

(11) A certificate or report, from an agency approved by the Ohio Attorney General's Office's Bureau of Criminal Identification and Investigation (BCI), listing the results of a criminal background check for each manager, supervisor, employee and owner of the applicant. Prior to or upon application, each manager, supervisor, employee, and owner shall report for fingerprinting and submittal of a request for a such a background check. All costs associated with securing this pre-application background check are the sole responsibility of the applicant.

### Second Amendment

Add additional language to the first full unnumbered paragraph after Section 711.03(b)(1-1), which will read after amended as follows (additional sentence in bold and underlined):

The Administrative Agent shall publish, within sixty (60) days after the enactment of this ordinance, a list of Authorized Independent Testing Laboratories, and shall keep said list updated and current at all times. **To be considered an authorized independent testing laboratory must be authorized to test regulated gaming equipment by at least one state government gaming regulatory agency.** Only certificates or reports from the entities listed by the Administrative Agent as Authorized Independent Testing Laboratories shall satisfy the requirements of this Section. Said certificate or report shall be provided to the Administrative Agent for each entertainment device prior to an operator placing the device into service.

ORDINANCE Y

OCTOBER 12, 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

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 12th day of October, 2011.

Carol Zeman, Clerk of the Village of Boston Heights

ANNUAL APPROPRIATION ORDINANCE 2011		AMENDED	AMENDED
GENERAL FUND		APPROP.	APPROP.
PROGRAM I - SECURITY OF PERSONS AND PROPERTY		ORD. 23-2011	ORD. -2011
		5TH AMENDMENT	8TH AMENDMENT
POLICE LAW ENFORCEMENT		2011	
	Appropriation		
Salaries/Wages		395,000.00	
Benefits		143,000.00	
Uniform Allow.			
Contractual			
Supplies			
Capital Outlay			
		<b>701,250.00</b>	
FIRE FIGHTING, PREVENTION & INSPECTION			
Salaries/Wages		33,000.00	
Benefits		3,500.00	
Contractual			
Supplies			
Capital Outlay			
		<b>172,500.00</b>	
Street Lighting			
Traffic Signals			
<b>TOTAL PROGRAM I</b>		<b>873,750.00</b>	
PROGRAM II - PUBLIC HEALTH AND HUMAN SERVICES			
Pymt to City Health District		24,202.74	
<b>TOTAL PROGRAM II</b>		<b>24,202.74</b>	
PROGRAM IV - COMMUNITY ENVIRONMENT			
Planning/Zoning/Blgd/Elec.			
Salaries/Wages		25,000.00	
Benefits		3,750.00	
Contractual			
Supplies			
<b>TOTAL PROGRAM IV</b>		<b>28,750.00</b>	



## Appropriations

## PROGRAM VI - TRANSPORTATION

Salaries/Wages	117,000.00
Benefits	47,500.00
Contractual	
Supplies	
Capital Outlay	
<b>TOTAL PROGRAM VI</b>	<b>267,500.00</b>

## PROGRAM VII - GENERAL GOVERNMENT

Salaries/Wages	16,600.00
Benefits	2,550.00
Contractual	
Supplies	
<b>TOTAL PROGRAM VII</b>	<b>20,150.00</b>

Mayor

Council

Salaries/Wages	18,000.00
Benefits	2,800.00
<b>TOTAL PROGRAM VIII</b>	<b>20,800.00</b>

Clerk of Courts

Salaries/Wages	65,000.00
Benefits	18,500.00
Contractual	
Supplies	
Capital Outlay	
<b>TOTAL PROGRAM IX</b>	<b>83,500.00</b>

Clerk-Treasurer

Salaries/Wages	50,500.00
Benefits	9,200.00
Contractual	
Supplies	
<b>TOTAL PROGRAM X</b>	<b>61,500.00</b>

Land & Buildings		
Salaries/Wages		
Benefits		
Contractual		
Supplies		
EMS Service		
Capital Outlay		
Auditor & Treasurer Fees		
Delinquent Collections		
State Examiners Fees		
Election Fees/Solid Waste		
Solicitor		
Worker's Compensation		
Charges & Service Fees		
Loan Payments/Interest		
Transfer to Park		
<b>TOTAL PROGRAM VII</b>	<b>616,841.54</b>	<b>666,841.54</b>
<b>GRAND TOTAL GENERAL FUND</b>	<b>1,811,044.29</b>	
Certificate of Estimated Resources	2,525,247.43	
Less Reserve Amount	654,953.15	
Total Available for Expenditures	1,870,294.28	
Difference	59,250.00	

2011  
Appropriations

Street Construction, Maintenance & Repair Fund

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  
     212  
     Contractual  
     230  
     Supplies  
     240  
     Capital Outlay  
     250  
     Transfer

Fund Total

19,000.00  
 3,500.00  
 3,200.00

32,000.00

## Appropriations

<b>Road Levy</b>		
Contractual Services	230	
Supplies	240	
Auditors Fees	230	
Del. Ad. & Coll.	230	
Dretac Fees	230	
Loan Payment	250	
<b>Total Fund</b>		<b>453,950.00</b>
<b>Fire Levy (99N)</b>		
Contractual	230	
Supplies	240	
Auditors Fees	230	
Del. Ad. & Coll.	230	
Dretac Fees	230	
Capital Outlay	250	
Loan Payment	250	
<b>Fund Total</b>		<b>306,900.00</b>
<b>Fire Levy (09RE) Capital</b>		
Contractual	230	
Supplies	240	
Auditors Fees	230	
Del. Ad. & Coll.	230	
Dretac Fees	230	
Capital Outlay	250	
<b>Total</b>		<b>69,250.00</b>

2011

## Appropriations

## Fire Levy (05K) Operating

Salaries	211	73,000.00
Benefits	212	16,000.00
Contractual Services	230	
Auditors Fees	230	
Del. Ad. & Conf.	230	
Drelac Fees	230	
<b>Total</b>		<b>89,200.00</b>

## Computer Fund

Salaries	211	
Benefits	212	
Contractual	230	
Supplies	240	
Capital Outlay	250	
<b>Fund Total</b>		<b>22,000.00</b>

## Law Enforcement Trust Fund

Contractual	230	
Supplies	240	
<b>Fund Total</b>		<b>300.00</b>

## Cemetery Trust Fund

Contractual		
Supplies		
<b>Fund Total</b>		<b>1,500.00</b>

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

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

The Council of the Village of Boston Heights, Summit County, Ohio, met in regular session on the 12th day of October, 2011 at the office of Council with the following members present:

The adoption of the following Resolution was moved by

WHEREAS, this Council in accordance with the provisions of law have previously adopted a Tax Budget for the next succeeding fiscal year commencing with January 1, 2012; and

WHEREAS, the budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation;

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

That the amounts and rates as determined by the Budget Commission in its certifications be and the same hereby are accepted.

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said Village that rate each tax necessary to be levied within and without the ten mill limitation as attached hereto as an Exhibit.

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.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and the safety of the residents of the Village of Boston Heights and to insure the continuing operations of the Village of Boston Heights in the Fiscal year 2012 and to meet the County of Summit's deadline of November , 2011.

RESOLUTION AA

BILL GONCY, MAYOR

OCTOBER 12, 2011

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 and State of Ohio at a meeting of Council on the 12th day of October, 2011.

CAROL ZEMAN, Clerk of the Village of Boston Heights, Ohio



**SUMMIT COUNTY BOARD COMMISSION CERTIFICATION OF TAX LEVY  
(ORC Sections 5705.34 & 5705.35)**

POLITICAL ENTITY:

**Boston Heights Village**

REVISED ESTIMATE

REFLECTS CHANGES MADE TO RESIAG/COMM & IND VALUATIONS

SOURCE: TENTATIVE ABSTRACT OF REAL PROPERTY FOR TAX YEAR 2011

Tax Year 2011/Collection Year 2012

LEVIES INSIDE and OUTSIDE 1% MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: OCTOBER 7, 2011

1. RESIAG REAL VALUE	52,903,134
2. OTHER REAL VALUE	11,371,476
3. TOTAL RESIAG & OTHER REAL VALUE	64,274,610
4. PUBLIC UTILITY PERSONAL VALUE	1,470,300
5. TOTAL REAL & PUBLIC UTILITY VALUE	65,744,910

FUND TYPE CLT FUND #	PURPOSE	Authorized by the Voters on MO/DAY/YR	Number of Years Levy to Run	Tax Year		Maximum Rate Authorized to be Levied	REDUCTION FACTOR		EFFECTIVE RATE TO BE LEVIED		RESIAG	OTHER	PUBLIC UTILITY	TOTAL
				Begins/Ends	Begins/Ends		RESIAG OTHER	RESIAG OTHER						
ROAD IMPROVEMENT 78 00	Current Expense	Repl/Dec 11/07/06	5	07/11	06/12	2.75	0.005984 0.004094	2.733599 2.738742			\$144,616	\$31,144	\$4,043	\$179,803
FIRE PROTECTION 34 00	Perm Imp	Repl/Dec 11/03/09	5	09/13	10/14	0.50	0.000000 0.004094	0.500000 0.497853			\$26,452	\$5,662	\$735	\$32,849
FIRE & EMS 40 00	Current Expense	Additional 11/5/2009	3	09/11	10/12	0.75	0.000000 0.004094	0.750000 0.746830			\$39,515	\$8,494	\$1,103	\$49,112
GENERAL 01 00	Inside					1.00		1.000000 1.000000			\$95,226	\$20,469	\$2,647	\$118,342
CAPITAL PROJECTS 16 00	Inside					0.30		0.300000 0.300000			\$15,871	\$3,411	\$441	\$19,723
<b>TOTALS</b>						<b>6.10</b>		<b>6.983599 6.983625</b>			<b>\$321,680</b>	<b>\$69,160</b>	<b>\$8,969</b>	<b>\$399,809</b>

A RESOLUTION ACCEPTING  
CONTRACT AND SECURITIES  
FOR DEPOSIT OF PUBLIC MONEY  
AND DECLARING AN  
EMERGENCY.

WHEREAS, on this date this Council of the Village of Boston Heights, Ohio has designated FIRST MERIT BANK, N.A. AND JP MORGAN CHASE as public depositories for the active, inactive and interim funds, either or both, subject to the control of said Council and the Clerk-Treasurer of the Village; and

WHEREAS, the said financial institutions have now delivered to the said Council the contract and provisions for security as provided by law and the same having been examined by said Council and found in all respects good and sufficient as required by law.

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

Section 1: The contracts and their provisions for security be accepted and the award to said financial institutions to become depositories for the active, inactive and interim funds of the Village of Boston Heights be and the same hereby are accepted and confirmed effective December 1, 2011 and ending November 30, 2016.

Section 2: 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

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 BB, 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 12th day of October 12, 2011.

CAROL ZEMAN, Clerk of the Village of Boston Heights, Ohio

\*\*\*\* ADDITIONAL SUPPORTING DOCUMENTS NOT SHOWN: FirstMerit Bank NA, JPMorgan Chase Bank NA \*\*\*\*

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY OVI TASK FORCE FOR 2011/2012 TO REDUCE THE NUMBER OF ALCOHOL AND DRUG RELATED CRASHES AND DECLARING AN EMERGENCY.

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

Section 1: That the Chief of Police of the Village of Boston Heights is here by authorized to enter into an agreement with the Summit County OVI Task Force for a period beginning October 1, 2011 through September 30, 2012 to reduce the number of alcohol and drug related crashes, said agreement is attached hereto as Exhibit "A" 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 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.

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Boston Heights, and for the further reason that this joint venture is necessary for the upcoming Holiday Season to promote safety on the roadways

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 Boston Heights, County of Summit, State of Ohio, as a meeting on the 12th day of October, 2011.

CAROL ZEMAN, Clerk of the Village of Boston Heights, Ohio

**AGREEMENT BETWEEN THE SUMMIT COUNTY SHERIFF'S OFFICE  
AND  
SUMMIT COUNTY OVI TASK FORCE MEMBER**

This agreement is hereby made between the Summit County Sheriff's Office and the Village of Boston Heights hereinafter referred to as "contractor."

**I. SCOPE OF WORK**

The contractor shall actively participate as a member of the Summit County OVI Task Force and provide coordinated overtime **alcohol-related** enforcement as pre-approved by the Summit County OVI Task Force and the Summit County Sheriffs Office. As a member of the OVI Task Force, the contractor will participate in monthly Task Force meetings and will provide the Task Force with an update of the Contractor's overtime enforcement activity for the reporting period.

Overtime alcohol-related enforcement efforts will be comprised of national/state and local blitzes, concentrated saturation patrols (increased enforcement in concentrated locations), and sobriety checkpoints. Overtime enforcement activity performed under this agreement shall in no way replace or meet the overtime enforcement performance requirements as approved in any other GR-1 grant agreement(s) between the Ohio Department of Public Safety/Office of Criminal Justice Services - Traffic Safety (OCJS - TS) and the Contractor.

The Contractor shall participate in planning and conducting countywide and localized media events/activities, highlighting the Summit County OVI Task Force's initiatives as it relates to the reduction of alcohol-related crashes in the county.

The Contractor will assure that all enforcement personnel to be involved in approved alcohol-related overtime enforcement activity will be certified in the appropriate type of training (i.e., Detection Apprehension and Prosecution/ADAP or Standard Field Sobriety testing - along with checkpoint training). Documentation of appropriate certifications for grant employees will be maintained by the Contractor and will be made available to the Summit County Sheriffs Office and /or the OCJS - TS upon request.

No equipment purchases shall be approved under this agreement except as pre-approved by the Summit County Sheriffs Office and OCJS - TS.

**II. SUMMIT COUNTY SHERIFF'S OFFICE AGENT**

For the purpose of this task force agreement, the Contractor shall be responsible to Summit County Sheriffs Office and/or its assigned designee. The Contractor acknowledges that all reports and other required documentation shall be submitted to the Summit County Sheriffs Office and that the directions for implementation of the defined activity shall be approved by this authority.

### **III. PERIOD OF PERFORMANCE**

This agreement shall be binding and effective as of the date of this agreement through September 30, 2012. Funding of this agreement is dependant upon the availability of federal funding as appropriated and obligated by the U.S. Congress to the U.S. Department of Transportation for FFY 2012. Should any changes in federal funding adversely affect the OCJS - TS/Summit County Sheriffs Office reserves the right to revise or terminate any previously approved agreement in writing.

### **IV. REPORTS**

The Contractor shall submit complete and proper documentation as follows:

1. The Summit County OVI Task Force, Actual Cost Reimbursement Claim Form (GR-11)
2. The Summit County OVI Task Force, Report of Direct Labor Form (GR- 12)
3. OCJS - TS Law Enforcement Activity Report / Step Program Form (GR-24A)
4. OCJS - TS Law Enforcement Activity Report / Monthly Summary Narrative form (GR-24B)
5. GI-ISO Law Enforcement Activity Report / DUI Checkpoint Activity Form (GR- 24C)

### **V. REIMBURSEMENT**

This agreement shall operate on an "actual cost" reimbursement basis. The cost must be incurred by the Contractor. Upon submission of all completed and proper reports as indicated in section IV, the Contractor shall be reimbursed for the actual overtime alcohol-related enforcement activity dedicated to the Summit County OVI Task Force initiatives and as approved by the Summit County Sheriffs Office.

### **VI. SPECIAL PROVISIONS**

It is hereby agreed that the Summit County Sheriffs Office and the Contractor shall abide by the following OCJS - TS Provisions.

Note: In these provisions, hereinafter, the "grantee" refers to the OCJS - TS and "sub-grantee" refers to Summit County Sheriff's Office.

**PROVISION 1**

**SECURITY AGREEMENT DISCLAIMER**

The sub-grantee warrants that he has not employed or retained any company or person other than a bona fide employee working solely of the Consultant to solicit or secure this agreement, and that he has not paid or has not agreed to pay any fee, commission, percentage, brokerage fee, or other considerations contingent upon or resulting from the awarding or making of this agreement. For breach or violation of this warrant, the State, in conjunction with the sub-grantee, shall have the full right to annul this agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

Either party may terminate this agreement by giving the other party written advance notice of its election to do so. If the contract is canceled under this provision, the sub-grantee shall reimburse the contractor for all work completed and in progress to that date. Upon termination and final payment, all design materials, artwork and any other items / products developed by the Contractor shall become the property of the sub-grantee.

**PROVISION 2**

**REPORTING REQUIREMENTS**

Performance reports will be required to be submitted by the Contractor as frequently as required by the sub-grantee. Performance reports shall include brief information on (1) a comparison of actual accomplishments to the objectives establishes for the period and can include a computation of the cost per unit of output (2) the reasons for slippage if established objectives were not met (3) additional pertinent information including analysis and explanation of cost overruns or high unit cost.

**PROVISION 3**

**PATENT RIGHTS/COPYRIGHTS**

Neither the Contractor nor any of the Contractor's employees, agents, subcontractors or assigns shall make a disclosure of the purpose of securing a patent or copyright in the United States or any other country for any product resulting from this agreement unless such disclosure is approved in writing by the sub-grantee prior to application for the patent/copyright in the event that such patent/copyright is obtained, the Contractor shall provide the sub-grantee instrumentality contributing financial support to the work covered by this agreement to make use of the subject of the said patent/copyright disclosure without payment.

**PROVISION 4**

**AUDIT PRACTICES**

The Contractor agrees access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

**PROVISION 5**

**EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.)**

The sub-grantee and contractor must abide by all E.E.O. regulations, including but not limited to, Executive Order 11264 of September 24, 1965 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 of October 13, 1967 and as Supplemented in Department of Labor regulations. (41 CFR Chapter 60) and section 3(a)(2)(c) of the UMT Act of 1934, as amended, which prohibits the use of exclusionary or discriminatory specification.

**PROVISION 6**

**CERTIFICATION REGARDING LOBBYING**

None of the funds under this program will be used for any activity specifically designed to urge or influence a Federal, State, or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any Federal, State, or local legislative body. Such activities include both direct and indirect (e.g. "grassroots") lobbying activities, with one exception. This does not preclude an official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, as long as this activity is documented in writing.

**PROVISION 7**

**LABOR RELATIONS**

The sub-grantee and contractor must comply with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department Of Labor Regulations (29 CRF, Part 5).

**PROVISION 8**

**ASSURANCES REGARDING THE PARENT AGREEMENT**

The provisions of this agreement include all the terms and conditions and assurances of the sub-grantee, and are attached hereto as an Appendix. (The sub-grantee shall attach the parent agreement.)

**PROVISION 9**

**RECORD RETENTION**

The sub-grantee and contractor shall retain all required records for three years after grantee or sub-grantees make final payments and all other pending matters are closed.

**PROVISION 10**

**LIABILITY DISCLAIMERS**

With this agreement, the sub-grantee and contractor disclaims the Office of Criminal Justice Services - Traffic Safety , The Ohio Department of Public Safety, and the Federal Government (e.g., National Highway Traffic Safety Administration, Federal Highway Administration) from liability for workman's compensation, FICA, unemployment compensation, "wages or materials liens," or other payment of any employer/employee relationship.

**PROVISION 11      LINE OF CREDIT**

That the sub-grantee or contractor shall carry a credit line on the cover or first page of any report that reads substantially as follows:

"Funding provided in part or solely by the:  
National Highway Traffic Safety Administration  
Federal Highway Administration  
Ohio Department of Public Safety  
Office of Criminal Justice Services - Traffic Safety "

Studies evaluations, etc., shall also include the following disclaimer. "The opinions, findings, and conclusions expressed in the publication are those of the author and not necessarily those of, the National Highway Traffic Safety Administration, Federal Highway Administration, Ohio Department of Public Safety and the Office of Criminal Justice Services - Traffic Safety.

**VII.      TERMINATION OF AGREEMENT**

It is hereby agreed that the Summit County Sheriffs Office and the Contractor shall abide by the following OCJS - TS Provisions.

Either party may terminate this Agreement by giving the other party fourteen (14) days notice of its election to do so with a written notice of cancellation to follow.

This agreement is hereby executed this 12th day of October, 2011

Summit County OVI Task Force Member      Summit County Sheriff

By: \_\_\_\_\_  
*(authorizing official)*

By:

Title:

Title:

Date:

Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Marshal Pitchford, Solicitor



RESOLUTION DD - 2011

OCTOBER 12, 2011

A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO PURCHASE FIVE (5) POLICE CRUISERS AND TO TRADE-IN CURRENTLY OWNED POLICE CRUISERS TO OFFSET THE COST OF THE FIVE (5) NEW CRUISERS AND DECLARING AN EMERGENCY

WHEREAS, the Village of Boston Heights is currently in need of five (5) new police cruisers due to the age and mileage of five of the cruisers currently in its fleet; and

WHEREAS, the Village of Boston Heights has received a quote of \$113,685.00 for the price of five (5) new police cruisers from Coughlin Cars; and

WHEREAS, the Village of Boston Heights has received a quote of \$6,000.00 for each police cruiser that is used as a trade-in towards the purchase of five (5) new police cruisers, totaling \$30,000.00; and

WHEREAS, the police cruiser outfitting package per cruiser is \$4,840.00, totaling \$24,200.00 for five (5) cruiser outfitting packages.

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 Mayor, Police Chief and Clerk-Treasurer are hereby authorized to sign and execute any and all paperwork necessary for the purchase of five (5) police cruisers from Coughlin Cars.

Section 2: That the Mayor and the Clerk-Treasurer are hereby authorized to trade-in five (5) currently owned police cruisers to Coughlin Cars, for the trade in value of \$30,000.00, and have all five (5) new police cruisers outfitted with the standard cruiser outfitting package for a total cost of \$24,200.00, for a net total cost of \$107,885.00 for five (5) new police cars.

Section 3: That the Mayor, Clerk-Treasurer, and Police Chief are hereby authorized to sign and execute all additional documents from Coughlin Cars required to complete the purchase of the five (5) new police cruisers and the trade-ins of the currently owned cruisers.

Section 4: 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.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Boston Heights, and for the continued daily operations of the Police Department.

RESOLUTION DD - 2011

OCTOBER 12, 2011

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 Boston Heights, County of Summit, State of Ohio as a meeting on the 12th day of October, 2011.

CAROL ZEMAN, Clerk of the Village of Boston Heights, Ohio

<u>Cruiser</u>	<u>2011 Ford Crown Victoria</u>	<u>2012 Dodge Charger</u>
<u>Price per car</u>	\$22,250.00	\$22,737.00
<u>Price per trade in</u>	\$5,000.00	\$6,000.00
		Installed with NEW light bars, cages push bumpers, consoles, MDT mounts speaker, siren head
<u>Total</u>	\$86,250.00	\$107,885.00 ✓
<u>Decals</u>	\$365.00 x 5 = \$1825.00	\$365.00 x 5 = \$1825.00
<u>Regular Install</u>	\$1,400.00 x 5 = \$7,000.00	\$400.00 x 5 = \$2,000.00
		Radio, Video Camera, Gun locks, install
<u>Warranty</u>	3/36,000	5/100,000
<u>TOTAL</u>	\$95,075.00	\$111,710.00

-- Coughlinesas