

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

REGULAR COUNCIL MEETING
OF
January 11, 2012 - 8:00 PM

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

- ORDINANCE B - 2012** AN ORDINANCE AMENDING BOSTON HEIGHTS CODIFIED ORDINANCE CHAPTER 145 TO CORRECT REFERENCES TO "PARK AND PROPERTY COMMITTEE OF THE COUNCIL" AND DECLARING AN EMERGENCY.
- ORDINANCE C - 2012** AN ORDINANCE AMENDING BOSTON HEIGHTS CODIFIED ORDINANCE CHAPTER 133, SECTION 133.06 TO INCLUDE ADDITIONAL ITEMS FOR VILLAGE CHARGES.
- ORDINANCE D - 2012** AN ORDINANCE CREATING SECTION 133.061 WITHIN CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY.
- RESOLUTION KK - 2011** A RESOLUTION PROVIDING FOR THE EMPLOYMENT OF AN ASSISTANT OFFICE CLERK FOR THE VILLAGE OF BOSTON HEIGHTS, OHIO, FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.
- RESOLUTION C - 2012** A RESOLUTION PROVIDING FOR THE SOLICITOR FOR THE VILLAGE OF BOSTON HEIGHTS, OHIO AND DECLARING AN EMERGENCY.
- RESOLUTION D - 2012** A RESOLUTION AUTHORIZING THE CLERK OF MAYOR'S COURT OF THE VILLAGE OF BOSTON HEIGHTS TO INCREASE THE PROCESSING FEE FOR ELECTRONIC COMMERCE AND DECLARING AN EMERGENCY.
- RESOLUTION E - 2012** A RESOLUTION AUTHORIZING THE ENGINEER OF THE VILLAGE OF BOSTON HEIGHTS TO FILE AN APPLICATION FOR NATURE WORKS FINANCIAL ASSISTANCE WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY.

* MOTION TO APPROVE THE NOVEMBER 2011 FINANCIAL STATEMENT

COMMITTEE REPORTS
OLD BUSINESS
NEW BUSINESS
ADJOURN
CAROL ZEMAN, CLERK-TREASURER

ORDINANCE AMENDING BOSTON HEIGHTS CODIFIED
ORDINANCE CHAPTER 145 TO CORRECT REFERENCES TO
"PARK AND PROPERTY COMMITTEE OF THE COUNCIL"
AND DECLARING AN EMERGENCY

WHEREAS; The Council of the Village of Boston Heights has duly adopted Chapter 145 of its Codified Ordinances; and,

WHEREAS; the Council of Boston Heights has adopted Codified Ordinance 121.02(c)(1)(E), which creates the "Lands and Buildings Committee;" and,

WHEREAS; Chapter 145 of the Codified Ordinances of the Village of Boston Heights should be amended to reflect the change of the committee name;

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

Section 1: That Chapter 145 of the Codified Ordinances of the Village of Boston Heights be amended as set forth in Exhibit "A," with the stricken language being repealed and the language in all capital letters being added.

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 to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately 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 ____-2012 was duly passed by the Council of the Village of Boston Heights, County of Summit State of Ohio at a meeting of Council on this 11th day of January, 2012.

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

145.01 CREATION

There is hereby created a Recreation Advisory Commission to aid and assist the members of Council in preparing and promoting the recreation program within the Municipality.

(Ord. 6-1987. Passed 1-17-87.)

145.02 MEMBERSHIP; TERM.

- a) The Recreation Advisory Commission shall have not more than nine members who shall be appointed by the Mayor. The terms of the Commission members shall be for a period of four years with the exception of the year 1987 in which three members of the Commission shall be appointed for a term of four years and four members of the Commission shall be appointed for a term of two years, and thereafter all members of the Commission shall be appointed for a term of four years.
- b) In the event a member may be unable to serve his or her full term, the Mayor shall appoint a person to complete that term. If the Mayor fails to make an appointment within thirty days of the vacancy, Council shall then appoint a person to complete the term of the Commission member.
- c) The Mayor and the three members of the ~~Park and Property Committee~~ LANDS AND BUILDINGS COMMITTEE of the Council shall sit as ex-officio members of the Recreation Advisory Commission. The ex-officio members shall attend meetings and may add their input, however, they shall have no vote on the Recreation Advisory Commission.
(Ord. 6-1987. Passed 1-17-87; Ord. 4-2000. Passed 2-9-00.)

145.03 DUTIES.

The Recreation Advisory Commission shall have the following duties:

- a) The Commission shall choose from its own group a chairperson and a recording secretary. Minutes shall be kept of each meeting and filed with the Clerk of the Village.
- b) The Commission shall meet at least once a month from March until August, and at least once every two months for the balance of the year. The first meeting of each year shall be an organizational meeting held with the Mayor and the ~~Park and Property Committee of Council~~ LANDS AND BUILDINGS COMMITTEE.
- c) To study and make plans for the initial development of the cultural and recreational program most beneficial to the Municipality and its inhabitants during the present year and report the results of the study to Council.
- d) It shall prepare a long-range program designed to meet such needs in the future through an orderly progression of an increasing recreational program necessary to health, education and welfare of the residents of the Municipality.

- e) The Commission shall recommend and adopt as its recommendation to Council a financial program so designed as to remain within the budget provided by Council for its annual appropriated moneys for recreational purposes. Along these lines, it may make recommendations to Council relative to finances of the park and fees to be charged. However, the decision on the amount of fees to be charged to residents for use of the park and the amount of money to be spent on salaries and staff at a park is totally within the discretion of Council. Council also as a whole, after recommendations from the ~~Park and Property Committee~~ LANDS AND BUILDINGS COMMITTEE, shall make all decisions relating to staffing of the park facility for each season that it is open.
(Ord. 6-1987. Passed I -17-87.)

145.04 EXPENSES

Members of the Recreation Advisory Commission shall serve without compensation, but upon approval of Council, shall be compensated for any reasonable expenses incurred while serving on such Recreation Advisory Commission.

(Ord. 6-1987. Passed 1-17-87.)

ORDINANCE AMENDING BOSTON HEIGHTS CODIFIED
ORDINANCE CHAPTER 133, SECTION 133.06 TO INCLUDE
ADDITIONAL ITEMS FOR VILLAGE CHARGES.

WHEREAS; The Council of the Village of Boston Heights has duly adopted
Codified Ordinance Chapter 133, Section 133.06; and,

WHEREAS; the Village incurs charges for checks due to closed accounts,
insufficient funds, stop payments and/or charge backs;

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

Section 1: That Codified Ordinance a Chapter 133, Section 133.06 of the Codified
Ordinances of the Village of Boston Heights shall be amended to state as follows:

133.06 CHARGE FOR NON-SUFFICIENT FUND CHECKS

Any individual or entity who tenders a check to the Village of Boston Heights that
is processed and reported to (1) be from an account with insufficient funds, (2)
be from a closed account, (3) be from an account that cannot be located, and/or
(4) have had a stop payment order placed upon it, for any reason shall be
charged a Forty Dollar (\$40.00) fee by the Village of Boston Heights to cover the
costs that the Village of Boston Heights incurs in bank, employee and
administration expenses as a result of accepting the individual or entity check.
The Clerk-Treasurer shall deposit this fee in the general fund of the Village of
Boston Heights. The village solicitor is hereby authorized to take whatever
means necessary to collect said fee.

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 to allow for
the continued operations of the Village departments and shall therefore take effect and be in
force from and immediately 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 ___-2012 was duly passed by the
Council of the Village of Boston Heights, County of Summit State of Ohio at a meeting of
Council on this 11th day of January, 2012.

Carol Zeman, Clerk of the Village of Boston Heights

AN ORDINANCE CREATING SECTION 133.061 WITHIN CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BOSTON HEIGHTS TO ALLOW THE VILLAGE TO LEVY A FEE WHEN A CREDIT CARD PAYMENT IS LATER CHARGED BACK AND DECLARING AN EMERGENCY

WHEREAS; The Council of the Village of Boston Heights allows individuals to make payments to the Village for certain charges, fees, fines and other items; and,

WHEREAS; the Village incurs charges for credit card charge backs when the owner of the credit card later challenges the charge for various reasons;

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

Section 1: That Codified Ordinance Section 133.061 of the Codified Ordinances of the Village of Boston Heights be established and state as follows:

133.061 CHARGE FOR CREDIT CARD CHARGE BACKS

Any individual or entity who tenders payment to the Village of Boston Heights by credit card and that payment is later charged back to the Village for any reason shall be charged a Forty Dollar (\$40.00) fee by the Village of Boston Heights to cover the costs that the Village of Boston Heights incurs in bank, employee and administration expenses as a result of accepting the payment by credit card. The Clerk-Treasurer shall deposit this fee in the general fund of the Village of Boston Heights. The village solicitor is hereby authorized to take whatever means necessary to collect said fee.

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 to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately 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____-2012 was duly passed by the Council of the Village of Boston Heights, County of Summit State of Ohio at a meeting of Council on this 11th day of January, 2012.

Carol Zeman, Clerk of the Village of Boston Heights

A RESOLUTION PROVIDING FOR THE
EMPLOYMENT OF ASSISTANT OFFICE CLERK FOR
THE VILLAGE OF BOSTON HEIGHTS, OHIO, FOR
THE YEAR 2012 AND DECLARING AN EMERGENCY

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

Section 1: That Richard Huber is hereby appointed to the position of Assistant Office Clerk for the Village of Boston Heights, Ohio for the year 2012.

Section 2: That effective 1/03/2012, Richard Huber shall assume and fulfill the duties imposed upon him by virtue of his respective position according to the Ordinances of the Village of Boston Heights, Ohio and the Statutes of the State of Ohio.

Section 3: Should the Village contract with an outside agency for the services of the individuals appointed hereunder, then, with 30 days advance notice from the Village, such appointments shall be terminated.

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.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to allow for the continued operations of the Village departments.

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 -2012 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 11th day of January, 2012.

CAROL ZEMAN, Clerk of the Village of
Boston Heights

A RESOLUTION APPOINTING MARSHAL
PITCHFORD AS SOLICITOR FOR THE
VILLAGE OF BOSTON HEIGHTS, OHIO AND
DECLARING AN EMERGENCY

WHEREAS, Section 705.11 of the Ohio Revised Code provides that the Village shall have a Solicitor, and Section 733.48 of the Ohio Revised Code designates this Council as the appointing authority for such Solicitor and legal counsel; and,

WHEREAS, the services herein described are necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village and its inhabitants; and,

WHEREAS, the services herein described are professional, personal services not subject to competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, Ohio that:

Section 1: That Attorney Marshal Pitchford is hereby hired as the Solicitor of the Village of Boston Heights for the period beginning February 1, 2012 through January 31, 2014. The Solicitor and his designees' hourly rate shall be One Hundred, Thirty-Five and no/100 Dollars (\$135.00). The Solicitor shall bill monthly. Should the time accrued in any given month total less than 31 hours, that month's fee shall be Four Thousand One Hundred Sixty Five and no/100 Dollars (\$4,165.00). Actual costs shall be billed and paid separate and apart from attorney fees. The Solicitor and his designees shall track their time in one tenth (0.1) hour increments. Either party may terminate this Agreement without reason, by providing written notice to the other party no less than 90 days prior to the intended termination date. Fees and costs shall be billed and payable monthly upon presentation to the Clerk-Treasurer of an itemized statement or upon such other terms as may be agreeable with the Mayor, Clerk-Treasurer, and Attorney Marshal Pitchford, except as provided below in Section 2.

Section 2: That Attorney Marshal Pitchford, or his qualified designee, whom shall receive a salary of \$400.00 per month, shall serve as the Prosecutor for the Mayor's Court held in the Village of Boston Heights. The Village of Boston Heights shall pay the employer share of OPERS contributions for this monthly salary and that of Attorney Pitchford if a different attorney is designated as Prosecutor.

Section 3: That Attorney Marshal Pitchford, as Solicitor of the Village of Boston Heights, may appoint or designate assistants to handle certain matters in the representation of the Village and at his sole discretion. The hourly rate of those appointments shall be the same as in Section 1 unless otherwise approved by Council.

Section 4: That Attorney Marshal Pitchford, as Solicitor, or his qualified designee, shall possess all the powers and duties incumbent upon legal counsel for villages as provided by General law and by Ordinances of the Village of Boston Heights, including but not limited to:

- (a) the prosecution and defense of any legal matter in which the Village or any of its officers or employees are parties, by virtue of the good faith performance of their official duties in Village service or employment;
- (b) attendance at Mayor's Court, Council meeting, Council Committee meetings, and meetings of the Village committees, Commissions and/or boards as required by members of Council;
- (c) the preparation of legal papers and documents upon request of Council and/or the Mayor;
- (d) the preparation of all petitions, legislation and certificates; and,

(e) legal services appropriate to the administration of improvement projects authorized by the Mayor and/or by Council, paid in whole or in part by special assessments, including the preparation of notes, bonds, and bond transcripts, the issuance and sale of bonds, the acquisitions of rights of way by institutions or appropriation proceedings and the preparation in assessments.

In performance of such powers and duties, the Solicitor is authorized to retain, on behalf of the Village, counsel experienced in highly specialized areas of the law. The hourly rate of these appointments shall be the same as in Section 1 unless otherwise approved by Council.

Section 5: This Resolution 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 of Boston Heights and for the purposes of providing continuing uninterrupted legal assistance for the Village of Boston Heights and shall supersede any prior passed legislation which may be similar in content.

Section 6: 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, Village of Boston Heights, Ohio

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__- 2012 was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of January, 2012.

CAROL ZEMAN, Clerk
Village of Boston Heights, Ohio

RESOLUTION AUTHORIZING THE CLERK OF MAYOR'S COURT OF THE VILLAGE OF BOSTON HEIGHTS TO INCREASE THE PROCESSING FEE FOR ELECTRONIC COMMERCE AND DECLARING AN EMERGENCY

WHEREAS; The Council of the Village of Boston Heights allows individuals to make payments to the Village for certain charges, fees, fines and other items; and,

WHEREAS; the Village incurs charges and additional office and administrative expense when processing payments by electronic commerce for various reasons; and,

WHEREAS; the charges and additional office and administrative expense when processing payments by electronic commerce have increased over time;

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Boston Heights, Ohio as follows:

Section 1: That the Village Mayor's Court and the Village's other administrative offices are hereby authorized to charge a processing fee of Five Dollars and no/00 (\$5.00) for each electronic commerce payment and/or transaction to cover the costs that the Village of Boston Heights incurs in bank, employee and administration expenses as a result of accepting the payment in that fashion.

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, safety and to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately 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 Resolution____-2012 was duly passed by the Council of the Village of Boston Heights, County of Summit State of Ohio at a meeting of Council on this 11th day of January, 2012.

Carol Zeman, Clerk of the Village of Boston Heights

A RESOLUTION AUTHORIZING THE ENGINEER OF THE VILLAGE OF BOSTON HEIGHTS TO FILE AN APPLICATION FOR NATURE WORKS FINANCIAL ASSISTANCE WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio Nature Works Program, and;

WHEREAS, the Village of Boston Heights desires financial assistance under the Nature Works Program.

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

Section 1: That the Council of the Village of Boston Heights approves filing an application for financial assistance with Nature Works through the Ohio Department of Natural Resources.

Section 2: That the Mayor is hereby authorized and directed to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required in becoming eligible for possible financial assistance.

Section 3: That the Council of the Village of Boston Heights does agree to obligate five thousand dollars (\$5,000.00), [two thousand five hundred dollars {\$2,500.00) from the Park Fund and two thousand five hundred dollars(\$2,500.00) from the General Fund] in funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Nature Works Program.

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.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to allow for the financial assistance application to be filed in a timely fashion and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Resolution ____-2012 was duly passed by the Council of the Village of Boston Heights, County of Summit State of Ohio at a meeting of Council on this 11th day of January, 2012.

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