

VILLAGE OF BOSTON HEIGHTS
45 E. Boston Mills Road
Hudson, OH 44236
REGULAR COUNCIL MEETING
OF
February 8, 2012 - 8:00 PM

AGENDA

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

- ORDINANCE E-2012** **AN ORDINANCE APPROVING THE PERMANENT ANNUAL APPROPRIATIONS FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.**
- RESOLUTION F-2012** **A RESOLUTION PROVIDING FOR THE EMPLOYMENT OF THE FISCAL OFFICER FOR THE VILLAGE OF BOSTON HEIGHTS, OHIO FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.**
- RESOLUTION G-2012** **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH DOROTHY M. SOLES AND SUSAN M. BELAIR RE: CERTAIN CEMETERY LOTS AND DECLARING AN EMERGENCY.**

- MOTION TO APPROVE THE DECEMBER 2011 FINANCIAL STATEMENT
- MOTION TO APPROVE THE DISPOSAL OF THE POLICE CAR AS A SALVAGE TITLED ONLY VEHICLE.

COMMITTEE REPORTS
OLD BUSINESS
NEW BUSINESS
ADJOURN

CAROL ZEMAN, CLERK-TREASURER

ORDINANCE APPROVING THE PERMANENT ANNUAL APPROPRIATIONS FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2012 AND DECLARING AN EMERGENCY.

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

Section 1 : The Permanent Annual Appropriations for the Village of Boston Heights for the year 2012 as attached hereto as Exhibit "A" are hereby approved and adopted by the Council of the Village of Boston Heights, Ohio.

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

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and the daily operations of the municipal departments and shall take effect and be in force from and after its passage.

PASSED:

BILL GONCY, MAYOR

ATTEST:

CAROL ZEMAN, Clerk-Treasurer

I, CAROL ZEMAN, Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing Ordinance __-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 8th day of FEBRUARY, 2012.

ANNUAL APPROPRIATION ORDINANCE 2012		AMENDED	AMENDED	AMENDED	AMENDED
GENERAL FUND		APPROP.	APPROP.	APPROP.	APPROP.
PROGRAM I - SECURITY OF PERSONS AND PROPERTY		ORD. - 2012	ORD. - 2012	ORD. - 2012	ORD. - 2012
	2012	1ST AMENDMENT	2nd AMENDMENT	3rd AMENDMENT	4TH AMENDMENT
POLICE LAW ENFORCEMENT					
	Appropriation				
Salaries/Wages	425,000.00				
Benefits	163,000.00				
Uniform Allow.					
Contractual					
Supplies					
Capital Outlay					
	826,480.75				
FIRE FIGHTING, PREVENTION & INSPECTION					
Salaries/Wages	-				
Benefits	-				
Contractual					
Supplies					
Capital Outlay					
	31,974.92				
Street Lighting					
Traffic Signals					
TOTAL PROGRAM I	868,205.67				
PROGRAM II - PUBLIC HEALTH AND HUMAN SERVICES					
Pymt to Cty Health District	24,219.98				
TOTAL PROGRAM II	24,219.98				

2012
Appropriations

PROGRAM IV - COMMUNITY ENVIRONMENT

Planning/Zoning/Bldg/Elec.

Salaries/Wages	3,500.00
Benefits	600.00
Contractual	
Supplies	

Engineering

TOTAL PROGRAM IV 54,100.00

PROGRAM VI - TRANSPORTATION

Salaries/Wages	123,000.00
Benefits	53,000.00
Contractual	
Supplies	
Capital Outlay	

TOTAL PROGRAM VI 189,300.00

PROGRAM VII - GENERAL GOVERNMENT

Mayor

Salaries/Wages	16,613.70
Benefits	2,800.00
Contractual	
Supplies	

21,413.70

Council

Salaries/Wages	18,000.00
Benefits	2,800.00

20,800.00

		2012
		Appropriations
Clerk of Courts		
	Salaries/Wages	65,000.00
	Benefits	18,500.00
	Contractual	
	Supplies	
	Capital Outlay	
		84,300.00
Clerk-Treasurer		
	Salaries/Wages	53,600.00
	Benefits	9,500.00
	Contractual	
	Supplies	
		64,850.00
Land & Buildings		
	Salaries/Wages	-
	Benefits	-
	Contractual	
	Supplies	
	EMS Service	
	Capital Outlay	-
		155,857.00
Auditor & Treasurer Fees		
Delinquent Collections		
State Examiners Fees		-
Election Fees/Solid Waste		
Solicitor		
Worker's Compensation		
Charges & Service Fees		
Loan Payment/Interest		-
Transfer to Park		
TOTAL PROGRAM VII		574,016.79

GRAND TOTAL GENERAL FUND	1,709,842.44
Certificate of Estimated Resources	2,266,609.64
Less Reserve Amount	556,767.20
Total Available for Expenditures	1,709,842.44
Difference	-

	2012
Street Construction, Maintenance & Repair Fund	Appropriations

Street Maint & Repair	
230 Contractual	
240 Supplies	
Equipment Purchase	-
Capital Outlay	
Total:	81,000.00

Street Cleaning, Snow & Ice Removal	
240 Supplies	
Total	
County Permissive Tax	
Fund Total	141,000.00

State Highway Fund	
Traffic Signals Sign, Etc.	
230 Contractual	
230 Traffic Signals	
250 Capital Outlay	
Fund Total	44,900.00

Parks and Recreation Fund

Salaries & Wages	211	18,000.00
Benefits	212	2,900.00
Contractual	230	
Supplies	240	
Capital Outlay	250	
Transfer		-
Fund Total		29,600.00

Road Levy

Contractual Services	230	
Supplies	240	
Auditors Fees	230	
Del Ad & Coll.	230	
Dretac Fees	230	
Loan Payment	250	
Total Fund		610,915.00

Fire Levy (99N)

Contractual	230	
Supplies	240	
Auditors Fees	230	
Del. Ad. & Coll.	230	
Dretac Fees	230	
Capital Outlay	250	
Loan Payment	250	
Fund Total		76,605.78

**2012
Appropriations**

Fire Levy (09RE) Capital

Contractual	230	
Supplies	240	
Auditors Fees	230	
Del Ad & Coll.	230	
Dretac Fees	230	
Capital Outlay	250	
Total		33,730.00

Fire Levy (09N) Operating

Salaries	211	71,700.00
Benefits	212	7,500.00
Contractual Services	230	
Auditors Fees	230	
Del. Ad. & Coll	230	
Dretac Fees	230	
Total		80,265.00

Computer Fund

Salaries	211	-
Benefits	212	-
Contractual	230	
Supplies	240	
Capital Outlay	250	
Fund Total		28,300.00

Law Enforcement Trust Fund

Contractual	230	
Supplies	240	
Fund Total		2,700.00

2012
Appropriations

Cemetery Trust Fund

Contractual		
Supplies		
Fund Total		1,500.00

Refundable Performance Bond Fund

Contractual	230	48,727.58	
Fund Total			48,727.58

Capital Projects Fund

Contractual	230		
Supplies	240		
Auditors Fees	230		
Del Ad & Coll.	230		
Dretac Fees	230		
Capital Outlay	250		
Fund Total			28,150.00

Federal Forfeiture Fund

A RESOLUTION PROVIDING FOR THE
EMPLOYMENT OF THE FISCAL OFFICER 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 the Mayor' s appointment of **Melinda A. Valahovic** is hereby approved and she is thus appointed to the position of Fiscal Officer for the remaining of 2012, as provided in Boston Heights Codified Ordinance Chapter 133.

Section 2: That effective 4/01/2012, Melinda A. Valahovic shall assume and fulfill the duties imposed upon her by virtue of her respective position according to the Ordinances of the Village of Boston Heights, Ohio and the Statutes of the State of Ohio.

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

Section 4: 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 8th day of February, 2012

A RESOLUTION AUTHORIZING THE MAYOR
OF THE VILLAGE OF BOSTON HEIGHTS TO
ENTER INTO AN AGREEMENT WITH
DOROTHY M. SOLES AND SUSAN M. BELAIR
RE: CERTAIN CEMETERY LOTS 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 the Mayor of the Village of Boston Heights is hereby
authorized to enter into the contract with Dorothy Soles and Susan M. Belair.
Said contract is attached hereto as Exhibit A.

Section 2: That the agreement allows the Village to repurchase
certain lots in the Garden of Angels in the Village Cemetery, allows for the
Village to adjust the headstone on Lot 29 in the Garden of Angels, and
otherwise resolves any and all outstanding claims between the parties.

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

Section 4: This Resolution is hereby declared to be an emergency
measure necessary for the immediate preservation of the public peace,
health, safety and for the further reason this measure is necessary in order to
ensure 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 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 8th day of February, 2012.

VILLAGE OF BOSTON HEIGHTS
AGREEMENT WITH RESPECT TO
GUARDIAN OF ANGELS CEMETERY LOTS 29, 30, 39, AND 40

THIS PURCHASE AGREEMENT (the "Agreement") is entered into as of the 8th day of February, 2012 between the Village of Boston Heights and the Fairview Cemetery Trustees, 45 East Boston Mills Road, Hudson, Ohio, 44236 (hereinafter "the Village") and Susan M. Belair, PO Box 23565, Ft. Lauderdale, FL 33307, and, Dorothy M. Soles, 1093 E. Parkway, Akron, Ohio 44312.

RECITALS

WHEREAS, Dorothy M. Soles and Susan Belair purchased Lot No. 29 in the Garden of Angels Portion of the Fairview Cemetery, Boston Heights, Ohio;

WHEREAS, Dorothy M. Soles purchased Lots 30, 39, and 40 of the Garden of Angels Portion of Fairview Cemetery during September, 2007 and now wishes to sell them back to the Village;

WHEREAS, the headstone placed on Garden of Angels Lot 29 is not in compliance with the Village of Boston Heights Codified Ordinance 951.04;

WHEREAS, it has been the Village's policy and is now law that the graves in the Garden of Angels Portion of the Fairview Cemetery shall not to pre-sold and must be sold in succession;

WHEREAS, pursuant to Resolution 8 - 2012 passed February 8, 2012, the Village Council has authorized the Mayor to execute this Agreement;

WHEREAS, the parties hereto desire that the headstone of Garden of Angels Lot 29 to be brought into compliance and to otherwise resolve all legal issues related to these matters;

WHEREAS, the parties hereto to resolve and settle all legal issues related to these matters;

NOW, THEREFORE, it is agreed:

1. **PROPERTY:** Dorothy M. Soles agrees to sell and the Village agrees to buy Garden of Angels Lots 30, 39, and 40. The property shall include the land, all easements, hereditaments, appurtenances and permanent fixtures thereunto belonging in their present condition.

2. **CONDITION AND ADJUSTMENT OF LOT 29:** Dorothy M. Soles and Susan M. Belair agree that the Village may, at the Village's own cost, effort and expense, adjust the headstone on Garden of Angels Lot 29 so that it is flat and flush with the ground, which would bring it into conformance with Codified Ordinance 951.04 as it currently is written.

3. **CONSIDERATION:** Within 30 days of the delivery to the Village of this Agreement, once it has been signed by Dorothy M. Soles and Susan Belair, the Village shall pay Dorothy M. Soles the sum of One Hundred and Five and no/00 Dollars (\$105.00), the receipt and sufficiency of which is hereby acknowledged by Dorothy M. Soles and Susan Belair. The amounts stated herein are in full consideration for this Agreement and the parties voluntarily accept said sums for the purpose of making the full and final compromise adjustment and settlement.

4. **MUTUAL RELEASE:** The parties hereto, and on behalf of themselves and their respective agents, successors, heirs, executors, administrators, employees and assigns do hereby release and hold harmless, cancel, forgive and forever discharge the other parties hereto, the irrespective successors and assigns, officers, partners, agents, employees, and attorneys, representatives, and agents from all actions, claims, demands, damages, obligations, liabilities, controversies and executions of any kind or nature whatsoever, including but not limited to those matters arising out of the purchase of Garden of Angels Lots 30, 39, and 40 and the placement and adjustment of the headstone on Garden of Angel Lot 29, whether such claims arose at law or inequity, whether known or unknown, matured or immature, director, contingent, whether liquidated or unliquidated, whether suspected or not, which have arisen, may have arisen and/or shall arise by reason of any matter caused whatsoever from the first day of the world to and including the date of this Agreement.

5. **NO ADMISSION.** It is further understood and agreed by all parties that payment and acceptance of the aforementioned sum is for any claim and the payment of said sum is not an admission of responsibility, liability, coverage by any party.

6. **OPPORTUNITY TO INVESTIGATE AND NO DURESS.** The parties further acknowledge that each of them has fully executed this Agreement after an infinite investigation without any duress or undue influence, that each has had the opportunity to seek the advice of defending counsel and that each understands the contents herein.

7. **CONSTRUCTION.** The parties also acknowledge that in the event of any misunderstanding, ambiguity or dispute concerning this Agreement's provisions or interpretation, no rule of construction shall be applied that will result in having this Agreement interpreted against or in favor of any party by virtue of the identity, interest or affiliation of its preparer.

8. **CONTROLLING LAW AND VENUE.** This Agreement is governed by the laws of the state of Ohio and hereunder shall be litigated in the courts situated in Summit County, Ohio.

9. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties. There are **NO OTHER** conditions, representations, warranties or agreements,

expressed or implied

10. **PARTIES BOUND AND BENEFITED.** The agreement resulting from the acceptance of this offer shall bind and benefit the parties hereto and their respective heirs, personal representatives, successors and assigns. Dorothy M. Soles and Susan Belair shall have no right to assign this agreement without the express written consent of the Village Solicitor and the Village Mayor.

11. **CONDITION OF PROPERTY:** It is expressly agreed and understood that the Village is purchasing the property in its "AS IS" present physical condition. The Village waives and releases any claim it has or may have against Dorothy M, Soles and/or Susan Belair relating in any way to the condition of the subject Garden of Angels Lots and anything thereon or therein.

12. **WARRANTY AS TO UNDERSTANDING.** The parties hereby declare that each has read this Agreement and fully understand the terms of the same.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the ____ day of February, 2012.

DOROTHY M. SOLES

SUSAN M. BELAIR

VILLAGE OF BOSTON HEIGHTS

By: _____
HONORABLE BILL GONCY
MAYOR

Approved as to form:

MARSHAL M. PITCHFORD
SOLICITOR
VILLAGE OF BOSTON HEIGHTS