

## VILLAGE OF BOSTON HEIGHTS

### COUNCIL MEETING - 7:00PM OCTOBER 9, 2013 AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

**ALSO: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford, Engineer Dave Krock**

Antal X - Baxter X - D.Blakeney X - G.Blakeney X - Fenn X - Polyak X

APPROVAL OF AGENDA

**APPROVED "as amended" -- several resolutions appeared on the final agenda that weren't on the posted draft**

CORRESPONDENCE

**Mayor Goncy, accompanied by Chief Ray Heatwall, commended Police Officers Ross and Span for their lifesaving actions in response to an emergency call.**

**The Mayor also announced that Cuyahoga Valley National Park had remitted \$240,000 to the Village toward repairs to W. Hines Hill Road; this in conjunction with the completion of the Krejci Dump cleanup project.**

APPROVAL OF MINUTES:

September 11, 2013 **No corrections, minutes approved for both public meeting & Council meeting**

OPEN FORUM

**NONE**

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ORDINANCES

ORDINANCE 2013-10-23  
(First Reading)

**ADOPTED: ORD 2013-10-23**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 123.01,  
CHANGING THE ITEMIZATION OF POSTING PLACES WITHIN  
THE VILLAGE AND DECLARING AN EMERGENCY

**NOTE: At the urging of Mrs. Blakeney, Mayor Goncy explained that the posting places were now to be: Village Hall, Village Fire Station, Clarion Inn, BP station (Rt 303 and Akron-Cleveland Rd) and Baymont Suites.**

RESOLUTIONS

RESOLUTION 2013-10-47      RESOLUTION AUTHORIZING THE MAYOR TO SELL THE  
(First Reading)              VILLAGE'S 1983 MAC FIRE ENGINE AND DECLARING AN  
EMERGENCY

**ADOPTED: RES 2013-10-47**

**NOTE: Mayor Goncy explained that the the engine was older than recommended for fire equipment, and its sale would make room for new equipment to be provided by Valley Fire District. Any sale would still have to be researched, however - nothing is pending.**

RESOLUTION 2013-10-48      RESOLUTION AUTHORIZING THE MAYOR TO DONATE TWO  
(First Reading)              POLICE CRUISER LIGHT BARS TO THE VILLAGE OF  
PENINSULA AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-48**

RESOLUTION 2013-10-49      A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL  
(First Reading)              OFFICER OF THE VILLAGE TO ENTER INTO AN AGREEMENT  
WITH THE STATE AUDITOR REGARDING ITS LOCAL  
GOVERNMENT SERVICES AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-49**

**NOTE: The agreement, which can be read below, appears to pay the State Auditor \$6K to straighten out the Village books since the change from Clerk-Treasurer to Fiscal Officer management. The former Clerk-Treasurer Carol Zeman had earlier made some remarks to Council about accounting errors, but any connection is unknown.**

RESOLUTION 2013-10-50      A RESOLUTION APPROVING SUPPLEMENTAL  
(First Reading)              APPROPRIATIONS (#4), REQUESTING AN UPDATED  
CERTIFICATE OF ESTIMATED RESOURCES AND DECLARING  
AN EMERGENCY

**ADOPTED: RES 2013-10-50**

**NOTE: In response to a query from Mr. Polyak, Fiscal Officer Klingenberg confirmed that this adjustment was to account for monies received from the Cuyahoga Valley National Park for repairs to W. Hines Hill Road.**

RESOLUTION 2013-10-51  
(First Reading)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A POLICE DISPATCH CONTRACT WITH THE VILLAGE OF RICHFIELD AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-51**

**NOTE:** This appears to be connected with the change in fire service to the Valley Fire District under contract; it is unclear whether this applies to police dispatch as well. It had been stated in earlier meetings that police dispatch would stay with Macedonia at least until that contract ran out. Mr. Fenn asked if various highlighted changes were in fact part of the contract to be approved; the Solicitor said that they were, although Richfield had yet to explicitly agree with those changes. Text of the draft agreement can be found below.

RESOLUTION 2013-10-52  
(First Reading)

A RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT TO PARTICIPATE IN AND WITH THE SUMMIT COUNTY CRIME SCENE UNIT AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-52**

RESOLUTION 2013-10-53  
(First Reading)

A RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT TO PARTICIPATE IN AND WITH THE SUMMIT COUNTY METROPOLITAN CRASH TEAM PROGRAM AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-53**

**NOTE:** Chief Heatwall said one officer would be assigned to this unit, and the unit in turn would assist on crashes within the Village. Mr. Polyak commended the Chief for seeking out these opportunities for the Village's Police Department.

RESOLUTION 2013-10-54  
(First Reading)

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE THE APPOINTMENT OF K-9 TO VILLAGE POLICE DEPARTMENT AND DECLARING AN EMERGENCY

**ADOPTED: RES 2013-10-54**

**NOTE:** The Mayor swore in Bella the dog and her master, and attached her badge.

## REPORTS

MAYOR

B. GONCY

Mayor Goncy announced that Village Trick-or-Treat hours would be 6-8PM on Halloween, October 31, 2013. Village safety forces would be out in strength. The Thanksgiving Senior Dinner will be 1-3PM Saturday, November 23, 2013 at the Village Hall; invitations were going out but others should contact the Village Hall. Santa Delivery would be managed by Valley Fire District this year, at noon on Sunday, December 8, 2013 -- packages to be at the Village Hall by 4PM on Thursday, December 5, 2013. The W. Hines Hill repair project continues apace, as does the Village Hall parking lot paving project.

FISCAL OFFICER

B. KLINGENBERG

MOTION (to accept) September Financial Reports **ACCEPTED**

COMMITTEE MEETING REPORTS

SAFETY COMMITTEE

F. BAXTER

Next meeting **6PM, Tuesday, October 15, 2013 at the Village Hall**

ROAD COMMITTEE

D. BLAKENEY

Next meeting **5PM, Monday, October 14, 2013 at the Village Hall**

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

No meeting this month; next meeting **7PM, Thursday, November 7, 2013 at the Village Hall**

Recreational Advisory Commission (Park Board) to consider **2014 park and pool fees.**

VALLEY FIRE DISTRICT

G. BLAKENEY

Mr. Blakeney was assigned to be the Village's liaison with Valley Fire District. He reported that they had held a successful and well-attended public introduction this past Sunday, though only half of Council showed up. Valley had cleaned up the Village's Fire Station, is working on an inventory, and has moved in some furniture for staffing personnel. Next VFD meeting is **5PM, October 10, 2013 at the Valley Fire Station.**

CEMETERY TRUSTEES

R. FENN

[CEMETERY COMMITTEE]

Cemetery Association met **October 10, 2013**; work session at the Cemetery on **October 19, 2013.**

A testimonial dinner will be held for Village safety personnel on **December 2, 2013.**

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

An organizational meeting was held before the previous Financial Committee meeting.

PLANNING COMMISSION / BZA

D. POLYAK

[ZONING COMMITTEE]

Reported on **BZA variances and PC approvals at meeting of October 2, 2013.**

ENGINEER

DAVE KROCK

Paver bricks will be installed at the Village Hall parking lot starting this week. West Hines Hill Road's western section is being paved this week, and subsurface work has begun on the eastern section (Wooded View to Olde Eight). Residents will be notified of schedules and developments. Some work will likely be carried over until Spring 2014. AMATS project applications are due October 18; Engineer Krock suggests applying for paving of Olde Eight Road and Akron-Cleveland Road; the latter may be combinable with the anticipated work on the bridge there. This would be 80/20% grant money, circa 2018. The chip-and-seal work on Akron-Peninsula Road will be delayed until Spring 2014; he has confirmed that the present grant would still pay for that project in the later time frame.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

**ADMINISTRATIVE HEARING**

**After a brief recess, Council reconvened and Mayor Goncy handed the gavel over to Council President Pro Tempore Don Polyak. Mr. Polyak stated that the hearing was to consider an appeal of the August 29, 2013 termination of employment of James Robinson -- presumably as Road Superintendent, though this was not stated explicitly. Mr. Robinson had also been the Village' Fire Chief. Council then voted to enter executive session "to discuss employment matters." Mr. Polyak later reported that Council returned to public session and voted 6-0 to uphold Mayor Goncy's termination of Mr. Robinson's employment.**

**EXECUTIVE SESSION**

**Mr. Polyak later reported that Council had subsequently voted to enter a separate executive session, which Solicitor Marshal Pitchford had earlier mentioned would be for discussion of pending litigation.**

**ADJOURN**

NOTICE

The complete text of each such Ordinance or Resolution may be obtained or viewed at the Boston Heights Village Hall, 45 East Boston Mills Road in the Office of the Fiscal Officer during office hours.

VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2013-10-23  
FIRST READING / **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 123.01, CHANGING THE  
ITEMIZATION OF POSTING PLACES WITHIN THE VILLAGE AND  
DECLARING AN EMERGENCY**

WHEREAS, the Village Fiscal Officer has responsibility for journalizing, maintaining, preserving and posting certain ordinances and resolutions passed by this Council; and,

WHEREAS, one of the current Village posting places has closed its business;

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

**Section 1:** That Codified Ordinance 123.01 be and is hereby amended to state as follows:

The following locations are hereby declared to be public posting places for publication of all ordinances and resolutions passed by Council:

- (a) The Village Fire Station
- (b) Clarion Inn;
- (c) Baymont Inn;
- (d) BP Station on Route 303;
- (e) Village Hall.

**Section 2:** That all Resolutions and Ordinances which are in conflict with this Ordinance are hereby replaced and/or amended.

**Section 3:** 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 4:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community due to the need to lawfully post certain resolutions and ordinances and shall take effect and be in force from and after its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2013-10-23** 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 9th day of October, 2013.

\_\_\_\_\_  
BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-47  
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE MAYOR TO SELL THE VILLAGE'S 1983 MAC  
FIRE ENGINE AND DECLARING AN EMERGENCY**

WHEREAS; The Village owns a 1983 Mac Fire Engine that it no longer needed for municipal purposes and it is in the best interests of the Village to sell the 1983 Mac Fire Engine.

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

**Section 1:** That the 1983 Mac Fire Engine owned by the Village is no longer needed for municipal purposes and it is in the best interests of the Village of Boston Heights and its operations to sell its 1983 Mac Fire Engine.

**Section 2:** That the Mayor and Fiscal Officer are hereby authorized and directed to sell the 1983 Mac Fire Engine in a reasonably commercial fashion.

**Section 3:** That the Mayor is authorized to enter into a written contract with the highest and best bidder after an advertisement for an amount less than two or more than four consecutive weeks in a newspaper of general circulation within the Village. Internet auction of the Mac Fire Engine is permitted if the Mayor determines that it is in the best interest of the Village to sell the fire engine by way of the internet. Such an auction shall not be less than ten (10) calendar days, including Saturdays, Sundays, and any holidays. The Mayor may contract with a specific auction representative, whose identity is not yet presently known. If the Mayor elects to sell the fire engine by way of internet auction, advertising for the internet auction is hereby directed and shall be accomplished in accordance with the Ohio Revised Code on this topic.

**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 of the Village residents and to allow for the continued operations of the Village Fire Department and other departments and shall therefore take effect and be in force from and immediately after its passage.



PASSED:

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BILL GONCY, Mayor

ATTEST:

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BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-47** 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 9th day of October, 2013.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-48  
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE MAYOR TO DONATE TWO POLICE CRUISER  
LIGHT BARS TO THE VILLAGE OF PENINSULA AND DECLARING AN  
EMERGENCY**

WHEREAS; The Village owns two police cruiser lite bars that it no longer needed for municipal purposes and now desires to donate to the Village of Peninsula; and,

WHEREAS; It is in the best interests of the Village to donate the two police cruiser lite bars to the Village of Peninsula as they are presently being under-utilized.

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

**Section 1:** That two police cruiser lite bars owned by the Village are no longer needed for municipal purposes and it is in the best interests of the Village of Boston Heights and its operations to donate the two police cruiser lite bars to the Village of Peninsula.

**Section 2:** That the Mayor is hereby authorized and directed to donate two police cruiser lite bars to the Village of Peninsula. All actions previously taken by Council, the Mayor and/or the Fiscal Officer to this end are hereby ratified.

**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 of the Village residents and to allow for the continued operations of the Village Police Department and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

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BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-48** 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 9th day of October, 2013.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-49  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER OF THE VILLAGE TO ENTER INTO AN AGREEMENT WITH THE STATE AUDITOR REGARDING ITS LOCAL GOVERNMENT SERVICES AND DECLARING AN EMERGENCY**

WHEREAS, The Village of Boston Heights desires to contract with the Auditor of State to prepare a proof of cash, propose adjustment to book balances and to assist in reconciling the Village's general operating account for the period April 1, 2012 through the present.

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

**Section 1:** That the Mayor and Fiscal Officer are hereby authorized to enter into a Local Government Services Agreement in a form similar in substance to the agreement attached hereto as Exhibit "A." To the extent that efforts by the Mayor and/or Fiscal Officer and actions have been taken to move this process forward to date, such conduct is hereby ratified.

**Section 2:** 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 peace, health and safety and welfare of the community, to allow for the appropriate and immediate accounting of Village records, to meet the State Auditor's October 11, 2013 deadline, and to otherwise comply with the requirements of the Ohio Revised Code. The Resolution shall take effect and be in force from and after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-49** 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 9th day of October, 2013.

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BETTY KLINGENBERG, FISCAL OFFICER

**EXHIBIT A, RESOLUTION 2013-10-49: AGREEMENT WITH AUDITOR OF STATE**

**BHO Editor's note:**

Scanned replica of content, not representative of original format

Image of the original letter here:

[http://www.bostonheights.org//Village/Council/Agenda/VBH\\_Auditor-of-State-of-Ohio\\_LGSS\\_Agreement\\_20131009.pdf](http://www.bostonheights.org//Village/Council/Agenda/VBH_Auditor-of-State-of-Ohio_LGSS_Agreement_20131009.pdf)

Dave Yost • Auditor of State  
Local Government Services Section  
88 East Broad Street, Fourth Floor, Columbus, Ohio 43215-3506  
Phone: 614-466-4717 or 800-345-2519 Fax: 614-728-8027  
[www.ohioauditor.gov](http://www.ohioauditor.gov)

September 17, 2013

Ms. Betty B. Klingenberg, Fiscal Officer  
Village of Boston Heights  
45 E. Boston Mills Road  
Hudson, Ohio 44236

Dear Ms. Klingenberg:

The purpose of this letter is to confirm our understanding of the services to be provided by the Local Government Services Section of the office of the Auditor of State to the Village of Boston Heights.

We will prepare a proof of cash, propose adjustments to book balances and assist in reconciling the general operating account for the period April 1, 2012 through the end of the most current month that LGS is in reconciling.

It is the responsibility of the Village to provide all the source materials necessary to complete this project, such as computer printouts, bank statements, canceled checks, invoices, county auditor settlements, deposit slips, and any other records necessary.

The Village remains responsible for the reconciliation. It is therefore the responsibility of the Village to be in a position in fact and appearance to make informed judgments while reviewing, evaluating, and approving the services provided under this engagement. It is also the Village's responsibility to design, implement and maintain internal controls, including monitoring ongoing activities.

To demonstrate the Village is fulfilling these responsibilities, the following safeguards will be observed. The Village will designate a management level individual to be the primary contact accountable for overseeing this engagement and who will take responsibility for the appropriateness of the results of this engagement. The Village will provide documentation to support that individual's knowledge and capability to perform this function. This documentation

may include education and training related to the matters covered in this engagement. We will meet with this individual periodically to update our progress and to allow the individual to monitor engagement performance to ensure it meets management's objectives. This individual will perform all management functions and make all management decisions related to this conversion and compilation and will accept full responsibility for such decisions. Accordingly, this individual will review and approve all proposed adjustments before they are entered in the conversion software. Finally, this individual will evaluate the adequacy of the services performed under this engagement by the Local Government Services Section of the Office of the Auditor of State.

All documents provided to LGS in connection with our services including financial records and reports, payroll records, employee rosters, health and medical records, tax records, etc. must be redacted of any personal information before submission. Personal information is defined as social security numbers, dates of birth, drivers' license numbers or financial institution account numbers associated with an individual. The Village shall redact all personal information from electronic records before they are transmitted to LGS. This information should be: fully blacked out in all paper documents prior to sending them to LGS. If personal information cannot be redacted from any records or documents, the Village must identify these records to LGS prior to their submission.

If redacting this personal information impairs the ability of LGS to provide the contracted services, the Village and the Auditor of State's Office will consider these exceptions on a case-by-case basis. Additionally, if redacting this information creates hardship on the Village in terms of resources, recordkeeping or other issues, the Village and LGS may collaborate on alternative methods of providing the Village's data to LGS without compromising the personal information on individuals served or employed by the Village.

All work papers prepared by the Office of the Auditor of State will remain the property of the Auditor of State. Accordingly, we are responsible for their care and custody. At the conclusion of the contract, we will provide copies of any of the work papers you would like to have for your records. However, the work papers should not be regarded as a part of, or a substitute for, your accounting records.

Management is responsible for identifying and ensuring that the Village complies with the laws and regulations applicable to its activities. Management is also responsible to prevent and detect fraud. Our engagement cannot be relied upon to disclose errors, fraud, or illegal acts that may exist. However, we will inform the appropriate level of management of any material errors and of any evidence or information that comes to our attention during the performance of our compilation procedures that fraud may have occurred. In addition, we will report to you any evidence or information that comes to our attention during the performance of our compilation procedures regarding illegal acts that may have occurred, unless they are clearly inconsequential.

If we provide the services offered in this engagement letter, and during the course of the engagement we determine there are significant adjustments needed, the Auditor of State's Office will no longer be independent with respect to Village of Boston Heights.

It is estimated that 120 hours will be needed to complete this project. Our fees for these services will be billed monthly to Village of Boston Heights at a rate of \$50 per hour, and the total cost is not anticipated to exceed \$6,000. If additional time or services should be necessary, we will notify the Village of Boston Heights regarding any amendment to this contract that may be required.

Upon a 30 day written notice, either party may terminate this Agreement for any reason, Such notice shall be sent by U.S. mail or by personal delivery to Auditor of State, Local Government Services Section, 88 East Broad Street, Fourth Floor, Columbus, Ohio 43215-3506. In the event of such termination, the Auditor of State shall be compensated at the contractually agreed-upon rate for any and all work done to the date of such notice.

If you are in agreement with the terms of this contract, please have this engagement letter signed and certified in the appropriate places and return it to me no later than October 11, 2013. If we do not hear from you by October 11, 2013, we will assume that Village of Boston Heights does not wish to contract the services of the Local Government Services Section of the Office of the Auditor of State. Should you have any questions, do not hesitate to contact Nita Hendryx, Chief Project Managerial (800) 443.9271.

Sincerely,  
DAVE YOST  
Auditor of State  
*[signed: Unice S. Smith]*  
Unice S. Smith  
Chief of Local Government Services

We desire the Auditor of State's office to perform the services described above and agree to the terms and conditions set forth in this letter.

VILLAGE OF BOSTON HEIGHTS

Resolution: 2013-10-49

Date: By: *[signed: Bill Goncy]*  
Bill Goncy, Mayor

It is hereby certified that the amount of \$ 6000.00 required to pay this contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of the \_\_\_\_ Fund, free from any obligation or certification now outstanding.

Date: 10-9-13 *[signed: Betty Klingenberg]*  
Betty B. Klingenberg, Fiscal Officer

cc: Nita R. Hendryx, Chief Project Manager  
Joey Jones, Chief Auditor



VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-50  
FIRST READING / **ADOPTED**

**A RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATIONS (#4),  
REQUESTING AN UPDATED CERTIFICATE OF ESTIMATED RESOURCES AND  
DECLARING AN EMERGENCY**

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

**Section 1:** The Village's Permanent Annual Appropriations for the year 2013 are hereby supplemented, and the Supplement Permanent Appropriations (#4) for the Village of Boston Heights for the year 2013 as attached hereto as Exhibit "A" are hereby approved and adopted by the Council of the Village of Boston Heights, Ohio. In particular, the Road Levy Fund is to be increased by \$440,000, with the Village having received \$240,000 from United States Government (the Department of the Interior/Cuyahoga Valley National Park) and \$200,000 from EQ. All prior resolutions on the subject of Permanent Appropriations for 2013 are hereby supplemented to reflect and incorporate the information contained in Exhibit "A."

**Section 2:** That an updated certificate of estimated resources is requested.

**Section 3:** That this supplement is necessary to reflect the aforementioned \$240,000 and \$200,000 deposits, which funds are expressly dedicated and intended to be used for the reconstruction and repair of Hines Hill Road.

**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 peace, health, safety of the Village residents and to allow for the continued operations of the Village and its departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-50** 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 9th day of October, 2013.

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BETTY KLINGENBERG, FISCAL OFFICER

Resolution 2013-10-50 Exhibit A

Village of Boston Heights

Request for Certified Funds from Summit County

ROAD LEVY FUND - BO8	CERTIFICATE OF ESTIMATED RESOURCES (09/25/2013)	RECEIPTS AS OF 10/01/2013	EXPENDITURES AS OF 10/01/2013	REQUESTED INCREASE FOR ROAD LEVY FUND	REQUESTED PERMANENT APPROPRIATION THROUGH 12/31/2013
	\$390,526.75	\$619,563.16	\$47,224.76	\$836,526.75	\$600,000.00
		(\$200,000 from EQ for the Krejci Fund)			
		(\$240,000 from CVNP)			
		(Above monies for the Hines Hill Road Project)			

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-51  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A POLICE  
DISPATCH CONTRACT WITH THE VILLAGE OF RICHFIELD AND DECLARING  
AN EMERGENCY**

WHEREAS, one of the primary obligations and responsibilities of the Village Council is the safety and protection of the Village of Boston Heights residents; and,

WHEREAS, the Village of Boston Heights currently operates a police department that has recently upgraded its radios to 800[M]HZ; and,

WHEREAS, the Village of Richfield dispatch center utilizes the 800 [M]HZ frequency; and,

WHEREAS, the Village of Boston Heights currently has fire protection and emergency medical dispatch through the Village of Richfield, under a contract with the Valley Fire District; and,

WHEREAS, the Village of Richfield has put forth, a proposal that will provide police, dispatch and related services to the Village of Boston Heights on a twenty-four (24) hour, seven (7) days a week basis with full time professional staffing.

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

**Section 1:** That the Mayor is hereby authorized and directed to enter into a three (3) year police dispatch contract with the Village of Richfield. The contract shall be in a form substantially similar to the agreement attached hereto as Exhibit "A."

**Section 2:** That the subject dispatch contract attached hereto is being entered pursuant to Ohio law, including but not limited to Ohio Revised Code 9.482.

**Section 3:** That the Mayor and Village Fiscal Officer are hereby authorized and directed to carry out all necessary actions in order to implement the subject Police Dispatch Agreement and the terms of this Resolution.

**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 and safety and welfare of the community for the reason that improved communications between safety forces can be achieved through this arrangement because of the improved technology through the use of 800 [M]HZ radios and the fact that fire and emergency medical dispatch services to the Village are already being provided by Richfield, and to otherwise comply with the requirements of the Ohio Revised Code. It shall take effect and be in force from and after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-51** 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 9th day of October, 2013.

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BETTY KLINGENBERG, FISCAL OFFICER

**EXHIBIT A, RESOLUTION 2013-10-51: RICHFIELD DISPATCH AGREEMENT**

**DISPATCH SERVICE AGREEMENT**

Pursuant to R.C. 737.04 and 737.041, together with the exercise of the powers set forth in the Village of Richfield Charter and other provisions of Ohio law, this Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between the Village of Richfield, Ohio (“Richfield”) and the Village of Boston Heights, Ohio (“Boston Heights”)

In consideration of the mutual promises herein contained, the parties agree as follows:

1. Purpose. Richfield agrees to provide 24-hour, seven day per week dispatching services for the area served by the Boston Heights Police Department.
2. Term. The term of this Agreement shall be three years beginning January 1, 2014 and shall continue in force and effect until and including December 31, 2016. The agreement may be renewed but only upon the written agreement of both parties prior to December 31, 2016.
3. Price. Boston Heights agrees to pay Richfield the following installments:
  - a. 1st year \$60,000.00, payable as \$15,000.00 due on each of the following dates: January 1, 2014, April 1, 2014, July 1, 2014 and October 1, 2014.
  - b. 2nd year \$61,800, payable as \$15,450.00 due on each of the following dates: January 1, 2015, April 1, 2015, July 1, 2015 and October 1, 2015.
  - c. 3rd year \$63,654, payable as \$15,913.50 due on each of the following dates: January 1, 2016, April 1, 2016, July 1, 2016 and October 1, 2016.
4. Hold Harmless. Boston Heights agrees to hold Richfield, its employees, elected officials, members of the Richfield Police Department, including its chief of police, police officers and dispatchers individually harmless from any and all liability arising out of performance of this Agreement by Richfield.
5. Insurance. During the term of this Agreement, Boston Heights shall purchase and keep in place general liability insurance of not less than \$3,000,000 (\$1,000,000 general liability and \$2,000,000 liability umbrella coverage) insuring against liability as a result of any act or omission of Boston Heights or its officers or employees.
6. Cancellation. Either party may cancel the services of this Agreement with or without cause with at least 90 days written notice to the other party. In addition, in the event that Boston Heights is more than 30 days late with respect to any payment due under Section 3, above, Richfield may, in its discretion, terminate this Agreement upon thirty (30) days written notice to Boston Heights.

7. Modification. No modification to this Agreement shall be effective unless made in writing and signed by both parties.
8. Assignment. Neither party may assign this Agreement without the written consent of the other party.
9. Severability. The provisions of this Agreement are severable. If any provision of this Agreement is declared void or invalid by any court of competent jurisdiction, all other provisions of this Agreement remain binding.
10. Notices. Notices issued pursuant to or relating to this Agreement shall be provided, in a writing delivered by (1) U.S. Mail or overnight delivery, and, (2) by electronic mail to the Mayor of the municipality to whom the notice is directed, with an electronic copy to the Chief of Police or equivalent of that municipality.
11. Entire Agreement. This Agreement is the entire understanding of the parties with respect to Police Dispatch. Any promise or condition not contained in this Agreement is not binding on the parties.
12. Authorization. This Agreement is entered into pursuant to Resolution No. \_\_\_\_-2013 of the Village of Richfield and Resolution No. \_\_\_\_\_ of the Village of Boston Heights, Summit County, Ohio.

IN WITNESS WHEREOF, the parties have executed this Agreement at Richfield, Ohio as of the date first above written.

VILLAGE OF RICHFIELD

By:  
Its Mayor

And:  
Its Finance Director

Approved as to form:

\_\_\_\_\_

Village Solicitor, Richfield

VILLAGE OF BOSTON HEIGHTS

By:  
Its Mayor

And:  
Its Fiscal Officer

Street Address  
City, State, Zip  
Telephone Number

Approved as to form:

\_\_\_\_\_

Village Solicitor, Boston Heights

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-52  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT TO PARTICIPATE IN AND WITH THE SUMMIT COUNTY CRIME SCENE UNIT AND DECLARING AN EMERGENCY**

WHEREAS, one of the primary obligations and responsibilities of the Village Council is the safety and protection of the Village of Boston Heights resident; and,

WHEREAS, the Village of Boston Heights currently operates a police department; and,

WHEREAS, The Summit County Crime Scene Unit is an integral part of the Summit County Sheriffs Investigations Division; and,

WHEREAS, The Summit County Crime Scene Unit is responsible for the collection of physical evidence through photography, physical crime scene search, recovery of latent fingerprints and the collection of physical evidence; and,

WHEREAS, The Summit County Sheriff Crime Scene Technicians are a highly trained group of individuals who, using their knowledge, skills and abilities recover visible and invisible evidence using the latest technology available; and,

WHEREAS, The Village and the Sheriffs Office Crime Scene Unit firmly believes and has long recognized that multi-jurisdictional, multi-agency investigations reap major benefits in combating broad-based criminal activities; and,

WHEREAS, The Village and the Sheriffs Office Crime Scene Unit firmly believes that in any major crime investigation, the special need for intelligence, specialized personnel and equipment, and additional resources often can be addressed more fully and efficiently through a cooperative multi-jurisdictional approach; and,

WHEREAS, Working with the Summit County Crime Scene Unit will lead to better training and expertise for the Village Police Department and will foster a safer community in Boston Heights and throughout the county.

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

**Section 1:** That the Village Police Department is hereby authorized and directed to participate in the Summit County Crime Scene Unit.

**Section 2:** That the Mayor, Fiscal Officer, Police Chief and members of the Police Department, as determined by the Police Chief, are hereby authorized and directed to take all necessary actions to fulfill the directive and intent of this Resolution.



**Section 3:** 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 4:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community to allow for the participation in the County Crime Scene Investigation Unit making this and surrounding communities safer, and to otherwise comply with the requirements of the Ohio Revised Code. It shall take effect and be in force from and after its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-52** 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 9th day of October, 2013.

\_\_\_\_\_  
BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-53  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT TO PARTICIPATE IN AND WITH THE SUMMIT COUNTY METROPOLITAN CRASH TEAM PROGRAM AND DECLARING AN EMERGENCY**

WHEREAS, one of the primary obligations and responsibilities of the Village Council is the safety and protection of the Village of Boston Heights residents; and,

WHEREAS, The Village of Boston Heights currently operates a police department; and,

WHEREAS, The Summit County Crash Team was formed in 2000; and,

WHEREAS, The Summit County Crash Team investigates fatal and serious injury crashes, hit skip crashes and other large or complicated crash investigations; and,

WHEREAS, The Summit County Crash Team is on call 24 hours a day, 365 days a year and is available to assist any other agency in Summit County; and,

WHEREAS, Working with the Summit County Crash Team will lead to better training and expertise within the Village Police Department and foster a safer community in Boston Heights and throughout the county.

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

**Section 1:** That the Village Police Department is hereby authorized and directed to collaborate with and participate in the Summit County Crash Team Unit.

**Section 2:** That the Mayor, Fiscal Officer, Police Chief and members of the Police Department, as determined by the Police Chief, are hereby authorized and directed to take all necessary actions to fulfill the directive and intent of this Resolution.

**Section 3:** 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 4:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and welfare of the community to allow for the participation in the County Crash Team Unit making this and surrounding communities safer, and to otherwise comply with the requirements of the Ohio Revised Code. This Resolution shall take effect and be in force from and after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-53** 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 9th day of October, 2013.

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BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-10-54  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE THE APPOINTMENT OF K-9 TO VILLAGE POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

WHEREAS, One of the primary obligations and responsibilities of the Village Council is the safety and protection of the Village of Boston Heights residents; and,

WHEREAS, The Village of Boston Heights currently operates a police department; and,

WHEREAS, There is a need for a K-9 certified in narcotic detection, tracking, evidence recovery, criminal, apprehension, building and area searches; and,

WHEREAS, The canine Bella is certified by the State of Ohio in Narcotic Detection, tracking, evidence recovery, criminal apprehension, handler protection, building and area searches, and obedience; and,

WHEREAS, The canine Bella was trained by Pat Matarrese with the Northeast Ohio Canine Academy, an OPOTA accredited school and northeast Ohio, working dog association in Diamond, Ohio.

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

**Section 1:** That the Mayor is hereby authorized and directed to approve the appointment of canine Bella as K-9 for the Police Department for the Village of Boston Heights.

**Section 2:** That the Mayor, Village Fiscal Officer, and Police Chief are hereby authorized and directed to carry out all necessary actions in order to implement the appointment of canine Bella as K-9 for the Village Police Department.

**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 and safety and welfare of the community through the use of a K-9 in the Village Police Department and to otherwise comply with the requirements of the Ohio Revised Code. It shall take effect and be in force from and after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2013-10-54** 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 9th day of October, 2013.

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BETTY KLINGENBERG, FISCAL OFFICER