

VILLAGE OF BOSTON HEIGHTS

COUNCIL MEETING - 7:00PM

NOVEMBER 13, 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

Motion to Amend Agenda as presented to Council

APPROVED w/o amendment (but several items were added since the draft agenda)

OPEN FORUM

NONE

CORRESPONDENCE

Mayor Goncy introduced Officer Josh Irv (sp?), one of three new officers on the Village Police Department. The officer made a few remarks of introduction. The Mayor also noted that Officer Daniel Davis had completed Summit County Crisis Intervention training.

Fiscal Officer Klingenberg noted that the Village had received \$19K of federal reimbursement for the Akron-Peninsula Road refurbishment project (presumably via the Cuyahoga Valley National Park).

APPROVAL OF MINUTES:

Minutes of October 9, 2013 - Regular Council Meeting

APPROVED w/ minor corrections

Minutes of October 22, 2013 - Special Council Meeting

APPROVED

ORDINANCES

ORDINANCE 2013-11-24
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 133.05 (C) TO INCREASE COPYING CHARGES FOR DOCUMENTS IN RESPONSE TO A PUBLIC DOCUMENT REQUEST AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-24

NOTE: Fiscal Officer Betty Klingenberg stated that a new contract for the Village Hall's primary copier has raised the per-page fee to 7.5 cents, and therefore was requesting a change to 10 cents per page for requested copies. In response to various Council inquiries, including those of Mr. Polyak, Solicitor Pitchford noted that purely electronic documents should be emailed without charge, but scanned and/or printed documents incur a per-page charge.

ORDINANCE 2013-11-25
(First Reading)

AN ORDINANCE AUTHORIZING THE NUMBER OF ROAD DEPARTMENT ASSISTANTS RETROACTIVELY AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-25

NOTE: Mr. Polyak asked whether this measure would require any changes in appropriations for the Village's Road Department. Fiscal Officer Betty Klingenberg said: no.

ORDINANCE 2013-11-26
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 141.01(B) REGARDING THE HIRING OF ROAD DEPARTMENT EMPLOYEES AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-26

NOTE: Solicitor Pitchford stated that this measure would clarify the Road Department hiring process, placing the hiring authority with the Mayor, with consent of Council. Mr. Polyak asked whether the Mayor was confident that this will allow adequate oversight and discipline within the department. The Mayor said: yes.

ORDINANCE 2013-11-27
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 521.08 REGARDING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, AND OTHER MATTERS AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-27

NOTE: Mr. Antal asked what had prompted this measure. Solicitor Pitchford stated that this was at the request of Police Chief Heatwall, who asked that the Village ordinance be changed to accord with the O.R.C.

ORDINANCE 2013-11-28
(First Reading)

AN ORDINANCE AUTHORIZING THE VILLAGE TO OFFER A REWARD FOR THE LOSS AND/OR DESTRUCTION OF VILLAGE PROPERTY AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-28

NOTE: Mr. Antal asked for assurance that a responsible party could not himself claim a reward. Mr. Fenn said that was the case. There was no statement or discussion of what particular occurrence, if any, had prompted this measure.

ORDINANCE 2013-11-29
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 331.42
REGARDING LITTERING FROM A MOTOR VEHICLE AND
DECLARING AN EMERGENCY

ADOPTED: ORD 2013-11-29

NOTE: This is related to Ordinance 2013-11-27, above. Mr. Baxter asked about the schedule of fine; the Solicitor explained that this was defined by the level of misdemeanor.

RESOLUTIONS

RESOLUTION 2013-11-56
(First Reading)

A RESOLUTION AUTHORIZING CHIEF OF POLICE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY OVI TASK FORCE TO REDUCE THE NUMBER OF ALCOHOL AND DRUG-RELATED CRASHES AJD RETROACTIVE TO OCTOBER 1, 2013 AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-11-56

RESOLUTION 2013-11-57
(First Reading)

A RESOLUTION APPOINTING CHARLES PICKERING AS THE ROAD DEPARTMENT SUPERINTENDENT AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-11-57

NOTE: Mr. Polyak asked whether all of Council had met Mr. Pickering. The consensus appeared to be "yes". Mrs. Blakeny noted that he would be reporting at the upcoming Road Committee meeting, and would have several reports of interest to Council about the status of the Road Department.

RESOLUTION 2013-11-58
(First Reading)

A RESOLUTION PROVIDING CONSENT, AUTHORIZING
PAVEMENT REPLACEMENT ON STATE ROUTE 8 AND
DECLARING AN EMERGENCY

ADOPTED: RES 2013-11-58

NOTE: Mr. Polyak asked for an overview and estimate of costs. Village Engineer Dave Krock stated that the state of Ohio was paying 100% of the cost of the project from just north of Route 303 south to Graham Road. Only a small part of that is within Boston Heights.

RESOLUTION 2013-11-59
(First Reading)

RESOLUTION AUTHORIZING THE MAYOR AND THE
CHAIRMAN OF THE PLANNING COMMISSION TO EXECUTE A
SETTLEMENT AGREEMENT WITH NINTH FAIRWAY, LLC
AND DECLARING AN EMERGENCY

**RULES SUSPENDED,
MOTION TO ADOPT,
FIRST READING ONLY**

NOTE: This agreement was approved by the Planning Commission at its November 6, 2013 meeting, superceding its original mandate that the old driving range building be torn down or placed in legal use by September 2012. This agreement would extend the life of the building until the end of 2016 and no further.

Solicitor Pitchford related the history of the issue, dating from earlier this year. Mr. Blakeney opined that "2016 is too long" and stated his view that the issue should have been resolved much more quickly. Mayor Goncy noted that this timeline allowed the owner to offer a three-year lease, which was deemed more practical than a shorter timeline. Council consensus was to hold off on this matter until the December meeting to see if another proposal is offered by the property owner, as has been discussed.

RESOLUTION 2013-11-60
(First Reading)

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR
FEDERAL SURFACE TRANSPORTATION PROGRAM (STP)
FUNDS PROGRAMMED BY THE AKRON METROPOLITAN
AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE
OLDE EIGHT ROAD (PHASE 1) WITH PAVEMENT REPAIRS
AND RESURFACING, AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-11-60

NOTE: It was stated that this applied to work on Olde Eight Road north of Boston Mills Rd. Mr. Polyak said he was in favor of making the application but wanted Council to note that this project, if funded, would require a Village commitment of \$450K from the Road Fund, which residents had been led to believe would be largely used for residential road repairs in the immediate future. Engineer Dave Krock noted that the funding decisions would be made in February 2014 with disbursement 2015-2018. Mrs. Blakeney stated that the money would be well spent on this project regardless of earlier planning. Mr. Blakeney wondered whether the reorganized Road Department would save some money from the Road Fund by doing more now-contracted drainage work.

RESOLUTION 2013-11-61
(First Reading)

ADOPTED: RES 2013-11-61

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE OLDE EIGHT ROAD (PHASE 2) WITH PAVEMENT REPAIRS AND RESURFACING, AND DECLARING AN EMERGENCY

NOTE: This is for the section of Olde Eight Road south of Boston Mills Rd.

RESOLUTION 2013-11-62
(First Reading)

ADOPTED: RES 2013-11-62

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE AKRON-CLEVELAND ROAD WITH PAVEMENT REPAIRS AND RESURFACING, AND DECLARING AN EMERGENCY

NOTE: Mr. Baxter asked whether any grant money received for work on this stretch of road south of Route 303 could be credit to work elsewhere in the Village to the extent that it duplicated paving by then completed on the proposed new bridge. Engineer Dave Krock said: no, probably not, as any granted funding would be earmarked for that area alone.

REPORTS

MAYOR
NONE

B. GONCY

FISCAL OFFICER
NONE

B. KLINGENBERG

COMMITTEE MEETING REPORTS

SAFETY COMMITTEE

F. BAXTER

NO REPORT - next meeting, upcoming Tuesday 6PM

ROAD COMMITTEE

D. BLAKENEY

Road Department conditions are reported to be must more disorganized than previous management had been reporting. Next meeting, upcoming Monday 5PM

LANDS AND BUILDINGS COMMITTEE

G. BLAKENEY

Committee met Nov. 7, 2013 and discussed fixing the Village Hall front steps, Service Buidling roof replacement and Police Station doorbells. The Park Board is looking at across-the-board 10% rate increases for the Park next year , and in the face of \$9K+ of pool repairs needed, whether the Village Pool should be abandoned. Also, additional lifeguard training and on-the-job discipline will be carried out.

VALLEY FIRE DISTRICT

G. BLAKENEY

Further meeting will be held with Valley Fire District on fire inspections within the Village. In October, the VFD had 27 call responses, of which 10 were from the Boston Heights Fire Station. Average response time was 6.43 minutes.

CEMETERY TRUSTEES

R. FENN

[CEMETERY COMMITTEE]

The Cemetery Trustees did not in fact meet as planned in early November. The Cemetery Association was planning a dinner of thanks for Village employees in early December.

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

NO REPORT -no meeting

PLANNING COMMISSION / BZA

D. POLYAK

[ZONING COMMITTEE]

Reported on approvals and discussions at November PC meeting. Both Mayor Gony and Mrs. Blakeny extolled the grand opening of Steinway Pianos this past Saturday in the Village.

ENGINEER

DAVE KROCK

The Engineer reported that the Village Hall paving project was essentially complete and under budget. The Hines Hill Road rebuild project was progressing well and would complete paving this week with final grading and seeding next Spring. ODOT was proposing to close Olde 8 Road at Route 303 during repairs to the Route 303 bridge over the Bike & Hike Trail, which would also disrupt Route 303 traffic. Council was against such a closure, and the Engineer said it was subject to further discussions. The pending SWFF grant for improvements in the Park was still in question.

OLD BUSINESS

NEW BUSINESS

Solicitor Marshal Pitchford stated that he had a lead on another "extern" (i.e. Intern) from the Case Law School for legal work on behalf of the Village.

EXECUTIVE SESSION

Executive session was moved for purpose of discussing non-public economic development plans and possible expenditure of public funds. (Note: this is a newly-permitted reason for executive sessions under Ohio law.)

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: 2013-11-24
FIRST READING/ **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
133.05(C) TO INCREASE COPYING CHARGES FOR DOCUMENTS IN RESPONSE
TO A PUBLIC DOCUMENT REQUEST AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights currently charges for the printing and/or copying of records to be made available pursuant to public documents requests in hard copy; and,

WHEREAS, the Village Administration incurs actual expense in the printing and copying of documents.

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

Section 1: That Codified Ordinance 133.05(c)(1) be amended to state as follows:

A charge of \$.10 per page will be made for any record that is copied for delivery in hard format or that must be scanned for the provision of such record via electronic mail (email).

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 and safety and to institute without delay, reasonable costs and charges for the administration of the Village in this time of limited funding, 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 **2013-11-24** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-11-25
FIRST READING/ **ADOPTED**

AN ORDINANCE AUTHORIZING THE NUMBER OF ROAD DEPARTMENT ASSISTANTS RETROACTIVELY AND DECLARING AN EMERGENCY

WHEREAS, Codified Ordinance 141.02 establishes that the Village Council determines the number of full-time, part-time, and seasonal employees of the Village's Road/Service Department; and,

WHEREAS, Upon the advice and information reported by the Mayor,

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 the Village shall have one Road Superintendent as provided in Codified Ordinance 141.01. That individual shall serve on a full-time basis.

Section 2: That the Village may have two additional full-time employees to serve as Assistants in the Village Road Department.

Section 3: That the Village may have one additional seasonal employee to serve as an Assistant in the Village Road Department. This person is to be hired on a part or full-time basis. The seasonal employee shall be and is hereby only authorized to work between the months of April and November of each year.

Section 4: That the Village shall have additional part-time, emergency employees to assist the Village Road Department. These additional, emergency part-time employees shall be and hereby are authorized to assist in plowing and snow removal of the Village streets and roadways in the event that the full-time employees of the Road Department are not available. These individuals can be appointed by the Road Superintendent with the express consent of the Mayor.

Section 5: That all employees of the Village Road Department shall comply with Codified Ordinance 141.01(c).

Section 6: That the effective date of this Ordinance shall be retroactive to October 1, 2013.

Section 7: That all ordinances and resolutions by the Village Council that predate this Ordinance and that are in conflict with the terms and provisions herein are hereby rescinded and repealed.

Section 8: 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 9: That this Ordinance 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 Service Department and other departments and shall therefore take effect and be in force from and immediately 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 **2013-11-25** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-11-26
FIRST READING/ **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 141.01(B)
REGARDING THE HIRING OF ROAD DEPARTMENT EMPLOYEES
AND DECLARING AN EMERGENCY**

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

Section 1: That Codified Ordinance 141.01(b) shall be amended to state as follows:

The Mayor, with the consent of Council, shall be responsible for hiring the Road Department Superintendent. The Mayor, with the consent of Council, shall also be responsible for the hiring of all other Road Department employees and assistants, whether it be full-time, part-time or seasonal employees that may be necessary to assist the Road Department Superintendent in the completion of his duties. The Road Department Superintendent may hire, with express consent of the Mayor, additional part-time emergency employees to assist in plowing and snow and ice removal or other emergency related to the Village's roads and infrastructure. These emergency employees are not to be placed on any regular schedule and may only work when other Village employees are not available or when an emergency, as defined herein, arises.

The Road Superintendent shall be in charge of, responsible for, and is hereby authorized with the advice and consent of the Mayor, to handle all disciplinary matters as provided in Codified Ordinance 147.17 and, Road Department policies and procedures, and/or Village employment policies and procedures.

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 and safety and to institute without delay, appropriate hiring procedures for the administration of the Village Road Department as winter approaches, 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 **2013-11-26** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-11-27
FIRST READING/ **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
521.08 REGARDING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK,
AND OTHER MATTERS AND DECLARING AN EMERGENCY**

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

Section 1: That Codified Ordinance 521.08 shall be amended to state as follows:

(a) No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies:

(1) The person is directed to do so by a public official as part of a litter collective drive.

(2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements;

(3) The person is issued a permit or license covering the litter pursuant to Chapter 3734 or 6111 of the Revised Code.

(b) No person, without privilege to do so, shall knowingly deposit litter, or cause it to be deposited, in a litter receptacle located on any public property or on any private property not owned by the person unless one of the following applies:

(1) The litter was generated or located on the property on which the litter receptacle is located.

(2) The person is directed to do so by a public official as part of a litter collection drive;

(3) The person is directed to do so by a person whom the person reasonably believes to have the privilege to use the litter receptacle;

(4) The litter consists of any of the following:

(a) The contents of a litter bag or container of a type and size customarily carried and used in a motor vehicle.

(b) The contents of an ash tray of a type customarily installed or carried and used in a motor vehicle;

(c) Beverage containers and food sacks, wrappings, and containers of a type and in an amount that reasonably may be

expected to be generated during routine commuting or business or recreational travel by a motor vehicle;

(d) Beverage containers, food sacks, wrappings, containers, and other materials of a type and in an amount that reasonably may be expected to be generated during a routine day by a person and deposited in a litter receptacle by a casual passerby.

(c)

(1) As used in division (B)(1) of this section, "public property" includes any private property open to the public for the conduct of business, the provision of a service, or upon the payment of a fee, but does not include any private property to which the public otherwise does not have a right of access.

(2) As used in division (B)(4) of this section, "casual passerby" means a person who does not have depositing litter in a litter receptacle as the person's primary reason for traveling to or by the property on which the litter receptacle is located.

(d) As used in this section:

(1) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(2) "Deposit" means to throw, drop, discard, or place.

(3) "Litter receptacle" means a dumpster, trash can, trash bin, garbage can, or similar container in which litter is deposited for removal.

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 and safety 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 **2013-11-27** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-11-28
FIRST READING/ **ADOPTED**

**AN ORDINANCE AUTHORIZING THE VILLAGE TO OFFER A REWARD FOR THE
LOSS AND/OR DESTRUCTION OF VILLAGE PROPERTY
AND DECLARING AN EMERGENCY**

WHEREAS, it is in the best interests of the Village to reduce crime; and,

WHEREAS, it is in the interest of the Village to solve crimes against the Village and its residents; and,

WHEREAS, it is in the interest of the Village to apprehend and convict those individuals that steal from or deface its property; and,

WHEREAS, a reward for information leading to the apprehension and conviction of a suspected offender serves a public and municipal purpose.

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

Section 1: That Codified Ordinance 501.13 is hereby established and shall state as follows:

(a) The Information and Crime Stopper Reward Fund is hereby authorized and established for the purpose of encouraging persons having knowledge of illegal activities in the Village to relay that information to the Police Department.

(b) The Information and Crime Stopper Reward Fund may be, used to provide rewards not to exceed \$1,500 to persons who provide information leading to the detection, apprehension, and/or conviction of persons who have committed illegal acts within the Village.

(c) The Information and Crime Stopper Reward Fund may also be used to provide rewards not to exceed \$2,500 for the detection, apprehension, and convictions of persons who commit the act of theft, criminal damaging, vandalism, or other act to or on Village property.

(d) The Information and Crime Stopper Reward Fund shall be administered by a committee consisting of (1) the Mayor; (2) Council President and, (3) the Chief of Police. The Committee shall meet and consider the merit of each request for an award. All actions of the committee shall require an affirmative vote of all three members. All decisions of the committee shall be final.

(e) The powers and the duties of the Crime Stopper Reward Fund Committee shall be to:

(1) Authorize, by vote, the payment of rewards to informants based on the following:

- (a) the nature of the information provided by the individual;
- (b) when the individual provided the information to the Police Department;
- (c) whether the information provided was already known to the Police Department; and,
- (d) the circumstances as to how the individual became aware of the information.

(2) Establish procedures to protect the identities of informants and supervise the payment of rewards to those informants;

(3) Establish and advertise specific awards for information leading to the detection, arrest, and/or conviction of persons perpetrating specific crimes;

(4) If the Committee decides that an award should be made, it shall, also set the dollar amount; and,

(5) Only one reward shall be paid for any given criminal act.

(f) Members of law enforcement and investigative agencies, victims of crime, Village employees and the members of the immediate families, and any other person with a vested interest in specific cases are prohibited from receiving rewards from the fund.

Section 2: The fund hereby established for the Village will be published in the annual budget. This fund shall increase public vigilance, stimulate individual interest in detecting and preventing crimes in a total comprehensive effort, eradicate and minimize and solve crimes which provide immediate total community response and exhaust every effort to solve all offenses which might otherwise remain unsolved.

Section 3: The money or payment of any reward pursuant to this Ordinance shall be and is hereby appropriated from the General Fund of the Village.

Section 4: That this legislative authority finds and determines that the public interest would be served by the establishment of any Information and Crime Stoppers Reward Program,

Section 5: 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 6: 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 through the use of a reward program in preventing and solving crimes by 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:

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 **2013-11-28** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-11-29
FIRST READING / **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE
331.42 REGARDING LITTERING FROM A MOTOR VEHICLE AND
DECLARING AN EMERGENCY**

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

Section 1: That Codified Ordinance 331.42 shall be amended to state as follows:

- (a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operation upon any street, road, or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (b) No operator of a motor vehicle in operation upon any street, road, or highway shall allow litter to be thrown, dropped, discarded, or "deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.
- (c) Whoever violates division (A) or (B) of this section is guilty of a minor misdemeanor.
- (d) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature.

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 and safety 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 **2013-11-29** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-56
FIRST READING / **ADOPTED**

A RESOLUTION AUTHORIZING CHIEF OF POLICE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY OVI TASK FORCE TO REDUCE THE NUMBER OF ALCOHOL AND DRUG-RELATED CRASHES AND RETROACTIVE TO OCTOBER 1, 2013 AND DECLARING AN EMERGENCY

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

Section 1: That the Mayor, the Chief of Police, and/or the Mayor's designee of the Village of Boston Heights is hereby authorized to enter into an agreement, retroactively, with the Summit County OVI Task Force for a period beginning October 1, 2013 through September 30, 2014 to reduce the number of alcohol and drug-related crashes. The agreement to be entered 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: 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 shall therefore take immediate effect upon 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 **2013-11-56** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

RESOLUTION 2013-11-56 EXHIBIT A:

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

This agreement is hereby made between the Summit County Sheriffs Office and The *VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT* 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.

RESOLUTION 2013-11-56 EXHIBIT A:

III. PERIOD OF PERFORMANCE

This agreement shall be binding and effective as of the date of this agreement through September 30, 2014. 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 2014. 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 Sheriff's 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.

RESOLUTION 2013-11-56 EXHIBIT A:

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 established 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.

RESOLUTION 2013-11-56 EXHIBIT A:

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.

RESOLUTION 2013-11-56 EXHIBIT A:

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

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 _____ day of _____, 2013

Summit County OVI Task Force Member

Summit County Sheriff

By: *R. Heatwall*

By:

Title: *Chief of Police*

Title:

Date: *10-22-2013*

Date:

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-57
FIRST READING / **ADOPTED**

**A RESOLUTION APPOINTING CHARLES PICKERING AS THE ROAD
DEPARTMENT SUPERINTENDENT AND DECLARING AN EMERGENCY**

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

Section 1: That Charles Pickering be hereby appointed the full-time Road Superintendent as provided in Codified Ordinance 141.01. The effective date of this Resolution shall be retroactive to October 24, 2013.

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 and safety and welfare of the community, and the administration of the Village Road 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:

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 **2013-11-57** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-58
FIRST READING / **ADOPTED**

**A RESOLUTION PROVIDING CONSENT, AUTHORIZING PAVEMENT
REPLACEMENT ON STATE ROUTE 8 AND DECLARING AN EMERGENCY**

WHEREAS; The Council for the Village of Boston Heights has identified the need for pavement replacement on State Route 8 from the Village's southern limits to just north of State Route 303 (SLM 13.30).

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

Section 1: That the Village hereby consents to the Ohio Director of Transportation to complete the pavement replacement on State Route 8 from the Village's southern limits to just north of State Route 303 (SLM 13.30),

Section 2: That the Village shall cooperate with the Director of Transportation in the above-described project as follows:

(A) The State shall assume and bear 100 percent of all of the costs of the improvement.

(B) The Council for the Village of Boston Heights further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the Village which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

Section 3: That the Village hereby agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The Village also understands that right-of-way costs include eligible utility costs.

Section 4: That the Village shall, upon completion of the described Project, and unless otherwise agreed, (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and, (4) hold said right-of-way inviolate for public highway purposes.

Section 5: 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 6: 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, the immediate provision of the necessary consent so that the Project can be accomplished without delay or extra costs, 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 **2013-11-58** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICE

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-59
FIRST READING / **no action**

**RESOLUTION AUTHORIZING THE MAYOR AND THE CHAIRMAN OF THE
PLANNING COMMISSION TO EXECUTE A SETTLEMENT AGREEMENT WITH
NINTH FAIRWAY, LLC AND DECLARING AN EMERGENCY**

EDITOR'S NOTE: **There was no action taken on this measure this month, but see the December 2013
meeting notes for the adopted resolution and agreement.**

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 **2013-11-59** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-60
FIRST READING / **ADOPTED**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE OLD EIGHT ROAD (PHASE 1) WITH PAVEMENT REPAIRS AND RESURFACING, AND DECLARING AN EMERGENCY

WHEREAS, Olde Eight Road (Phase 1) is an important street in the Village; and,

WHEREAS, Olde Eight Road (Phase 1) is in need of Resurfacing & Repair; and,

WHEREAS, Olde Eight Road (Phase 1) is a high priority project within the Village.

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

SECTION 1. That the Mayor is hereby authorized to apply for Federal Surface Transportation Program (STP) Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) for the following Resurfacing Project:

- (1) Olde Eight - Phase 1 Resurfacing; Work will consist of pavement planning 3" of asphalt, followed by approximately 20% of pavement repair, 3" of asphalt resurfacing, signing, and pavement marking; Project Limits: South End: Boston Mills Road, North End: Northern Corporation Limit; and Estimated Cost \$913,500; (\$696,000 Federal and \$217,500 Local).

SECTION 2. That the Village of Boston Heights acknowledges and understands the AMATS "Funding Policy Guidelines" and confirms to the best of its knowledge that the information contained in the project application is accurate, that it intends to diligently pursue that project, and, that a local share is required to match federal funds,

SECTION 3. That it is hereby found and determined that all formal actions of the Council concerning and relating ..to the passage of this Resolution were taken 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 meeting open to the public and in compliance with the law,

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety convenience and welfare of the Village of Boston Heights and the inhabitants thereof, for the reason that it is to apply for this funding within the next 14 days. It shall be in full force and effect from and after its passage and approval.

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 **2013-11-60** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-61
FIRST READING / **ADOPTED**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE OLDE EIGHT ROAD (PHASE 2) WITH PAVEMENT REPAIRS AND RESURFACING, AND DECLARING AN EMERGENCY

WHEREAS, Olde Eight Road (Phase 2) is an important street in the Village, and,

WHEREAS, Olde Eight Road (Phase 2) is in need of Resurfacing & Repair; and,

WHEREAS, Olde Eight Road (Phase 2) is a high priority project within the Village.

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

SECTION 1. That the Mayor is hereby authorized to apply for Federal Surface Transportation Program (STP) Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) for the following Resurfacing; Project:

- (1) Olde Eight - Phase 2 Resurfacing; Work will consist of pavement planning 3" of asphalt, followed by approximately 20% of pavement repair, 3" of asphalt resurfacing, signing, and pavement marking; Project Limits: South End: SR 303, North End: Boston Mills Road; and Estimated Cost \$1,008,000; (\$768,000 Federal and \$240,000 Local).

SECTION 2. That the Village of Boston Heights acknowledges and understands the AMATS "Funding Policy Guidelines" and confirms to the best of its knowledge that the information contained in the project application is accurate, that it intends to diligently pursue that project, and that a local share is required to match federal funds.

SECTION 3. That it is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were taken 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 meeting open to the public and in compliance with the law.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety convenience and welfare of the Village of Boston Heights and the inhabitants thereof, for the reason that it is to apply for this funding within the next 14 days. This Resolution shall be in full force and effect from and after its passage and approval.

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 **2013-11-61** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-11-62
FIRST READING / **ADOPTED**

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE AKRON-CLEVELAND ROAD WITH PAVEMENT REPAIRS AND RESURFACING, AND DECLARING AN EMERGENCY

WHEREAS, Akron-Cleveland Road is an important street in the Village; and,

WHEREAS, Akron-Cleveland Road is in need of Resurfacing & Repair; and,

WHEREAS, Akron-Cleveland Road is the highest priority project within the Village.

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

SECTION 1. That the Mayor is hereby authorized to apply for Federal Surface Transportation Program (STP) Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) for the following Resurfacing Project:

- (1) Akron-Cleveland Road Resurfacing; Work will consist of pavement planning 3" of asphalt, followed by approximately 20% of pavement repair, 3" of asphalt resurfacing, signing, and pavement marking; Project Limits: South End: Southern Corporation Limit, North End: SR 303; and Estimated Cost \$325,500; (\$248,000 Federal and \$77,500 Local).

SECTION 2. That the Village of Boston Heights acknowledges and understands the AMATS "Funding Policy Guidelines" and confirms to the best of its knowledge that the information contained in the project application is accurate, that it intends to diligently pursue that project, and that a local share is required to match federal funds.

SECTION 3. That it is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were taken 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 meeting open to the public and in compliance with the law,

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety convenience and welfare of the Village of Boston Heights and the inhabitants thereof, for the reason that it is to apply for this funding within the next 14 days. This Resolution shall be in full force and effect from and after its passage and approval.

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 **2013-11-62** 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 13th day of November, 2013.

BETTY KLINGENBERG, FISCAL OFFICER