

**VILLAGE OF BOSTON HEIGHTS
COUNCIL MEETING AGENDA
WEDNESDAY, DECEMBER 11, 2013
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ALSO: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford (late), 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 and removed since the draft agenda)

OPEN FORUM

NONE

CORRESPONDENCE

Mayor Goncy noted that Police Officer Matt Devlin had resigned, apparently taking his K-9 dog Bella with him (Bella having been just incorporated into the Boston Heights Police Department in October). He also noted that ODOT was soliciting funding requests for near-Turnpike roadway improvements; the Engineer would pursue that. The Mayor also stated that the Engineer had sent a letter to the West Hines Hill area residents to update them on the status of that roadway's reconstruction project, some of which will be completed in the Spring of 2014.

APPROVAL OF MINUTES:

Minutes of November 13, 2013 - Regular Council Meeting - APPROVED

Minutes of November 26, 2013 - Special Council Meeting - APPROVED (w/ Polyak abstaining)

ORDINANCES:

ORDINANCE 2013-12-30
(First Reading)

AN ORDINANCE ADOPTING THE EMPLOYEE POLICY AND
PROCEDURE BOOKLET AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-30

ORDINANCE 2013-12-31
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE 181.11
AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-31

ED. NOTE: Chapter 181 establishes the Village's hotel tax, and this particular section allocates that tax's disbursement. Currently the first \$5K of the 1st quarter hotel tax (collected in the following quarter) goes to the Park Fund, and the rest, including all the 4th quarter tax (specified) and 2nd and 3rd quarter tax (by default), goes to the General Fund. This ordinance changes the scheme to a flat first \$15K per year going to the Park Fund, with the balance to the General Fund.

NOTE: Mr. Fenn asked for an explanation; Mayor Gony explained that this restores an earlier allocation of the hotel tax to fund the Village Park's operations. (It was changed by Ordinance 10-2004 from \$5K for each of the first three quarters to the Park Fund to the above-noted scheme.) This is a permanent change to the Codified Ordinances, not a temporary measure.

~~ORDINANCE 2013-12-32~~
~~(First Reading)~~

~~AN ORDINANCE AMENDING CODIFIED ORDINANCE 133.011
REGARDING THE APPOINTMENT AND CONFIRMATION, AND
DUTIES OF THE FISCAL OFFICER AND DECLARING AN
EMERGENCY~~

ED. NOTE: In response to our question at the recent Finance meeting, we were informed that the Fiscal Officer position will be changed from a year-to-year appointment to a permanent appointment.

This proposed ordinance was removed from the final Council agenda.

~~ORDINANCE 2013-12-33~~
~~(First Reading)~~

~~AN ORDINANCE AMENDING CODIFIED ORDINANCE 171.03
REGARDING THE APPOINTMENT AND CONFIRMATION OF
THE CLERK OF MAYOR'S COURT AND DECLARING AN
EMERGENCY~~

ED. NOTE: In response to our question at the recent Finance meeting, we were informed that the Office Clerk position will be changed from a year-to-year appointment that includes Clerk of Mayor's Court duties to a permanent appointment directly as Clerk of Mayor's Court.

This proposed ordinance was removed from the final Council agenda.

ORDINANCE 2013-12-34
(First Reading)

AN ORDINANCE REGARDING THE EMPLOYMENT BENEFITS
AND AMENDING CODIFIED ORDINANCES 147.03, 147.04,
147.05, 147.14 AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-34

ED. NOTE: According to discussion at the recent Finance meeting, this measure will change the vacation, sick time, and compensation time policies for Village employees. We do not yet have the details on this proposed change.

ORDINANCE 2013-12-35
(First Reading)

AN ORDINANCE APPROVING ONE EARLY RETIREMENT
INCENTIVE PLAN AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-35

NOTE: Mr. Antal asked for an explanation. Solicitor Marshal Pitchford explained that this creates a one-year opportunity for certain qualifying employee(s) to retire via the PERS (State Public Employee Retirement System) at a certain level of service and age. He was circumspect about the specifics, but did note that this measure was related to "other legal matters" being pursued at this time. The one-time plan was not yet finalized in that it had not been approved by PERS. His projection was that it would be offered to the qualifying personnel from 14 Feb'14- 15 Feb'15. Mr. Antal asked about funding specifics; Mr. Pitchford would only state that the Village would make some payments under this plan, and that those payments would be in an "acceptable range".

ORDINANCE 2013-12-36
(First Reading)

ORDINANCE ESTABLISHING THE POSITION OF MAYOR'S
CLERK FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE
JANUARY 1, 2014 AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-36

ED. NOTE: In response to our question at the recent Finance meeting, we were informed that a new position of Mayor's Clerk will be created for assignment of miscellaneous Village office functions, and as a flexible assistant for the Fiscal Officer and Clerk of Mayor's Court. This new position actually appears to simply re-label for the former "Office Clerk" position and add a few additional duties.

NOTE: Mr. Fenn asked about the assignment of this Mayor's Clerk to fill the statutory role of Internal Auditor. This led to a discussion of that role as an independent check on the Fiscal Officer's bookkeeping.

ORDINANCE 2013-12-37
(First Reading)

AN ORDINANCE AMENDING CODIFIED ORDINANCE
121.012(d)(1) CHANGING THE MEETING DATE OF REGULAR
COUNCIL MEETINGS AND DECLARING AN EMERGENCY

ADOPTED: ORD 2013-12-37

ED. NOTE: According to discussion at the recent Finance meeting, regular Council meetings will be changed from the long-standing 2nd Wednesday to be on the 2nd Tuesday of each month (starting in February -- the Jan'14 meeting is on the FIRST Tuesday, according to the attached schedule of meeting dates.)

NOTE: Mr. Baxter asked about the reasons for this change. Mayor Goncy stated that this would align the schedules for regular Council and regular Financial Committee meetings to both be on Tuesdays. Mr. Polyak asked if the two new Council members for 2014+ were consulted; Fiscal Officer Klingenberg said only that they were informed of the change.

RESOLUTIONS:

RESOLUTION 2013-11-59
(Second 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

ADOPTED: RES 2013-11-59

ED. NOTE: This agreement was approved by the Planning Commission at its November 6, 2013 meeting, superseding 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.

Last month, the 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.

NOTE: Solicitor Pitchford stated that the property owner had since signed off on the agreement; presumably further proposal was received.

RESOLUTION 2013-12-66
(First Reading)

A RESOLUTION CONFIRMING THE APPOINTMENT OF
KATHLEEN MAY TO THE ZONING BOARD OF APPEALS AND
DECLARING AN EMERGENCY

HELD FOR SECOND READING

NOTE: Mayor Goncy stated that he had confirmed Ms. May's interest in continuing on the BZA. Mr. Blakeney asked about her attendance; BZA Chair William Hinkle noted that Ms. May had attended one of the three 2013 meetings, but many more in earlier, busier, years, and endorsed her re-appointment. Mr. Blakeney asked the Mayor if he had solicited other interested residents; Mr. Goncy said he had not, since Ms. May was qualified. Mr. Blakeney asked Council to defer confirmation of the appointment to allow the Mayor to consider other candidates in the interest of involving more residents on Village boards.

RESOLUTION 2013-12-67
(First Reading)

A RESOLUTION OF SUPPORT AND PARTICIPATION IN THE
BRANDYWINE CREEK WATERSHED BALANCED GROWTH
PLAN, AND DECLARING AN EMERGENCY

ADOPTED: RES 2013-12-67

NOTE: Mr. Fenn asked if anything is different than what is done now in the watershed. Mayor Goncy stated that this is envisioned to be a multi-community agreement that would help coordinate regulations between the Brandywine Creek communities. Mr. Fenn asked whether the Army Corps of Engineers already handles all this. Mr. Goncy replied that the ACE does not provide all desirable protections for the watershed. Engineer Dave Krock added that this kind of multi-community agreement also provides further funding opportunities for watershed maintenance.

ED. NOTE: This "Brandywine Creek Watershed Balanced Growth Plan" can be found here:

<http://www.balancedgrowth.ohio.gov/Portals/0/BG%20Planning/Brandywine%20BGP%2013DEC04.pdf>

RESOLUTION 2013-12-68
(First Reading)

A RESOLUTION APPROVING THE TEMPORARY
APPROPRIATIONS FOR 2014 AND DECLARING AN
EMERGENCY

ADOPTED: RES 2013-12-68

NOTE: Mr. Polyak asked about the size of some of the 'placeholder' appropriations for 2014. Fiscal Officer Betty Klingenberg stated that these appropriations was just detailed enough to "get the books started" and will be further refined, once she receives further information on 2014 funding.

RESOLUTION 2013-12-69
(First Reading)

A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO
REQUEST ADVANCES ON THE LOCAL TAX REVENUES
THROUGH SUMMIT COUNTY

ADOPTED: RES 2013-12-69

NOTE: Fiscal Officer Betty Klingenberg noted that because of the small scale of the Village's property tax revenues, the Village has not previously received any such requested advances -- but asks anyhow as a matter of policy.

ED. NOTE: This is likely the reason that previous Clerk-Treasurers did not make these annual requests at all.

~~RESOLUTION 2013-12-70
(First Reading)~~

~~RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH JAMES ROBINSON AND DECLARING
AN EMERGENCY~~

~~**ED. NOTE: Mr. Robinson is the former Road Superintendent and Fire Chief.
However, see Res. 2013-12-71 below and possibly Ord. 2013-12-35
above.**~~

~~This proposed ordinance was removed from the final Council agenda.~~

~~RESOLUTION 2013-12-71
(First Reading)~~

~~RESOLUTION UNWINDING COUNCIL'S MOTION APPROVING
THE MAYOR'S DECISION TO TERMINATE JAMES ROBINSON~~

~~**ED. NOTE: Mr. Robinson is the former Road Superintendent and Fire Chief.
However, see Res. 2013-12-70 above and possibly Ord. 2013-12-35
above.**~~

~~This proposed ordinance was removed from the final Council agenda.~~

RESOLUTION 2013-12-72
(First Reading)

ADOPTED: RES 2013-12-72

RESOLUTION APPOINTING THE MAYOR'S CLERK FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

NOTE: Mayor Goncy stated that Lisa Spraggins, already a part-time employee at the Village Hall offices, was being appointed to this new post. This was a yearly appointment, The Mayor's Clerk would be able to serve in both the Fiscal Officer's and Deputy Clerk of Mayor's Court offices, or as required..

ED. NOTE: It is not clear how this appointment can be effective January 1st, as the enabling ordinance 2013-12-36 (above) sets the appointment period as starting from the Thursday following the 2nd Wednesday of January.

RESOLUTION 2013-12-73
(First Reading)

ADOPTED: RES 2013-12-73

RESOLUTION APPOINTING BETTY KLINGENBERG THE FISCAL OFFICER FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

ED. NOTE: It is not clear how this appointment can be effective January 1st, as the Village's Codified Ordinances establish the appointment period as starting from the Thursday following the 2nd Wednesday of January.

RESOLUTION 2013-12-74
(First Reading)

ADOPTED: RES 2013-12-74

RESOLUTION APPOINTING KATHRYN ENOVITCH CLERK OF THE MAYOR'S COURT FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

ED. NOTE: It is not clear what statutory position is filled by this appointment, given Ordinance 2013-12-36 (above) and Resolution 2013-12-72 (above).

RESOLUTION 2013-12-75
(First Reading)

ADOPTED: RES 2013-12-75

RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO ENTER A MEMORANDUM OF UNDERSTANDING BETWEEN SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT AND THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

NOTE: In response to a question from Council, the Mayor suggested this was a renewal of an annual agreement with the Health District for health-related services. However, it is actually an agreement specifically to provide storm water pollution regulation and inspection services within the Village.

RESOLUTION 2013-12-76
(First Reading)

ADOPTED: RES 2013-12-76

RESOLUTION ESTABLISHING THE USE RATE AND RENTAL RATES FOR THE VILLAGE OF BOSTON HEIGHTS POOL, PARK, PAVILION AND KITCHEN FOR THE YEAR 2014 AND DECLARING AN EMERGENCY

NOTE: Mr. Blakeney stated that park rates are going up 10%, for the first time in several years.

RESOLUTION 2013-12-77
(First Reading)

ADOPTED: RES 2013-12-77

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE CONTRACT WITH THE SUMMIT COUNTY DEFENDER'S OFFICE AND DECLARING AN EMERGENCY

NOTE: Fiscal Officer Klingenberg stated that this was an annual contract.

RESOLUTION 2013-12-78
(First Reading)

ADOPTED: RES 2013-12-78

RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE VILLAGE OF BOSTON HEIGHTS TO APPROPRIATE FEE SIMPLE INTEREST IN PARCEL 17 SH, U.T., A STANDARD HIGHWAY EASEMENT, A UTILITY EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT IN CONNECTION WITH A ROADWAY IMPROVEMENT AND BRIDGE PROJECT, AND DECLARING AN EMERGENCY

NOTE: Solicitor Pitchford distributed details of this measure to Council members, and explained that this begins an appropriation process for right-of-way acquisition in connection with the Akron-Cleveland Road Bridge replacement project. Negotiations are ongoing.

REPORTS:

MAYOR

B. GONCY

Mayor Goncy thanked departing Council members Frank Baxter and Dawn Blakeney for their contributions and service to the Village.

FISCAL OFFICER

B. KLINGENBERG

Fiscal Officer Klingenberg noted that the Village had received a \$600 bonus from Worker's Compensation, and a settlement for claims due to damage to Village property on Route 8.

COMMITTEE MEETING REPORTS

SAFETY COMMITTEE

F. BAXTER

Frank Baxter set the next Safety meeting for 17 Dec'13 (later cancelled). He thanks the residents for their confidence.

ROAD COMMITTEE

D. BLAKENEY

Dawn Blakeney stated that there would not be a December Roads meeting, but that the Engineer and Road Superintendent would be working on 2014 requirements. She also extended her thanks for her term on Council.

LANDS & BUILDINGS COMMITTEE / PARK

G. BLAKENEY

Glen Blakeney stated that there was no report until the January meetings .

VALLEY FIRE DISTRICT

G. BLAKENEY

Mr. Blakeney reported on the Fire District's activity for the month, and that they had carried out Santa Delivery for the Village this past weekend. (This was previously the purview of the Boston Heights Fire Department.)

CEMETERY TRUSTEES

R. FENN

[CEMETERY COMMITTEE]

Ron Fenn stated that there was no report until the January meeting(s) .

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

Ron Antal stated that there was no report until the January meeting .

PLANNING COMMISSION / BZA

D. POLYAK

[ZONING COMMITTEE]

Don Polyak reported on a very swift Planning Commission meeting wherein a retail store on Chittenden was approved.

ENGINEER

DAVE KROCK

Engineer Dave Krock reported that final paving had been completed on West Hines Hill Road, and residents there notified of the finalization plans for Spring 2014.

OLD BUSINESS

NEW BUSINESS

Mayor Goncy announced that Arhaus Furniture was proposing to move its headquarters to the Village, and that its current home of Walton Hills was being so notified, in connection with a proposed tax abatement. It was expected that about 250 jobs would move to the Village, with an additional 100 jobs being added over time. The Mayor anticipated a "green and community-responsible facility. A press release was planned for the next day, and more information would be forthcoming.

SWEARING IN OF NEW COUNCIL MEMBERS BY JUDGE LISA COATES

Judge Coates conducted the swearing in of new Council members Janet Miller and Robert Bartko. She also did the same for re-elected Council member Don Polyak and for Ron Fenn, who was elected for his own term after completing the term of the late Ray McFall.

EXECUTIVE SESSION

NONE

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: 2013-12-30
FIRST READING/ **ADOPTED**

**AN ORDINANCE ADOPTING THE EMPLOYEE POLICY AND PROCEDURE
BOOKLET AND DECLARING AN EMERGENCY**

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 document attached hereto as Exhibit "A" is hereby adopted and approved as the Village's Employee Policy and Procedure Booklet. The policies and procedures as stated therein shall become effective January 1, 2014.

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 welfare of the community and shall take effect and be in force from and after its passage.

PASSED:

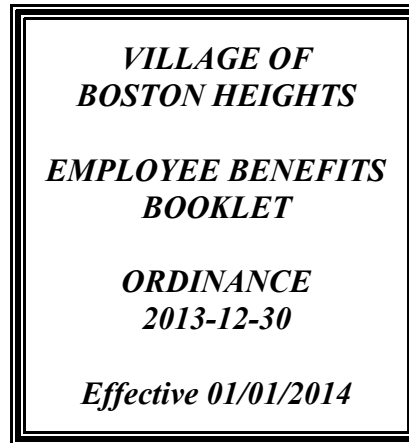
BILL GONCY, Mayor

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 **2013-12-30** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: ORDINANCE NO: 2013-12-30



**VILLAGE OF BOSTON HEIGHTS
EMPLOYEE POLICY AND PROCEDURE BOOKLET**

01/01/2014

The complete and unabridged Manual is available through each department for reference. The information contained in this abbreviated booklet will assist the employee in his day-to-day questions.

A. EMPLOYEE RECORDS

A personnel file shall be established for each employee. Personnel files are public records as defined by ORC 149.43. Records are maintained in the Finance Department and shall be released according to the law. Upon written notice, each employee shall have the right to examine his personnel file on non-work time.

B. PROBATIONARY PERIOD

An employee's probationary period for a new or promotion position shall be 6 months. The probationary period will involve periodic performance evaluations. As may occur after completion of the probationary period, the employee and the Village each have the right to terminate employment during this probationary period without advance notice and without cause.

C. PAYDATES

Village employees are paid according to their pay schedules and are distributed the Thursday after the close of the pay period. Direct Deposit is required for all employees. The exception is the final paycheck, which will be in the form of a check and will require the employee to sign off on that final payroll.

D. OVERTIME

Overtime may be necessary from time to time. Overtime is established by working over 40 hours per week. All overtime must be approved in advance by the Supervisor or the Mayor. (Sick time taken during the week is not considered time worked, as the employee must work 40 hours - Vacation and Holidays are considered time worked).

Call out of employees for emergency situations (snow plow, post storm, etc.) shall be paid a minimum of two (2) hours counted at the time the employee arrives at the Village.

E. COMPENSATORY TIME

Compensatory time will no longer be accumulated. Any compensatory time in affect at the time of the enforcement of this booklet, shall be taken as the employee elects by July 1,2014. Compensatory time will not be used in the calculation of overtime.

F. PAYROLL DEDUCTIONS

Deductions are made from the employee's paycheck as required by law, and are itemized on the pay statement. An example of the deduction are as follows:

1. OPERS - Deferral deduction
2. OP & F - Deferral deduction
3. Federal Taxes
4. Ohio State Taxes
5. Municipal Income Tax - R.I.T.A.
6. Employee's contribution to healthcare (if applicable)
7. Deferred Compensation
8. Wage Garnishment
9. Miscellaneous deductions, if approved by the Fiscal Officer

G. DRUG-FREE WORKPLACE

The Village is committed to a Drug Free Workplace and will take measures to ensure that its employees are free from the effects of alcohol and/or illegal drugs at all times while on duty.

H. JOB SAFETY

Employees are entitled to work in a safe, well-organized and harassment-free environment and to be treated with respect.

I. WORKER'S COMPENSATION

It is the policy of the Village of Boston Heights to conduct all of its operations and activities in a manner that ensures a healthy and safe work environment for all employees. All employees and management must be dedicated to reducing the risk of injury and illness for our safety policies to succeed.

If an employee has an accident, please follow the instructions previously distributed and attached to this booklet.

J. CREDIT CARD/PURCHASE CARDS

The Mayor and Fiscal Officer shall identify those employees whose day-to-day responsibilities require access to a Village credit card. The Village credit is issued solely for the purpose of conducting Village business and IS NOT to be used for any personal expenses.

K. TRAVEL AND EXPENSE REIMBURSEMENT

Village employees may be entitled to reasonable reimbursement for expenses incurred while traveling on official Village business. All official travel must be approved in writing in advance.

TRAVEL: The Village employee may use his/her personal cars when traveling outside of Boston Heights. If using personal car, the actual mileage from the Village Hall to the authorized destination should be reported and will be reimbursed at the IRS mileage standard rate. Parking incurred at the destination and highway tolls are reimbursable at the actual amount. Receipts for the above are required.

MEALS: For any period of 24-hours or more that an employee travels outside the Village to carry out official Village business will be reimbursed for the meals that are ordinary and necessary for the time away. Tips at the rate of up to 15% may be included. Alcohol is not included as a reimbursable expense.

LODGING: Hotel/Motel reservations are paid by the Village. When making the reservation, please note that the Villager is tax exempt. A tax exempt form and a check for the stay at a hotel will be given to the employee to take with him/her.

L. INSURANCE BENEFITS

Regular full time employees may be eligible for medical, dental, and life insurance. Part time employees may be entitled to medical insurance coverage as determined by the Affordable Care Act.

M. VACATION, SICK TIME, LEAVE ABSENCES

Full time employees receive a vacation benefit on their anniversary date, as follows and are approved in advance by completing a Request For Leave Form.

<u>Length of Service</u>	<u>Vacation Hours Earned</u>
6 months	40 Hours
1 - 5 Years	80 Hours
6 - 11 Years	120 Hours
12 or more Years	160 Hours

The supervisor and/or Mayor have the right to accept or deny requested vacation. The Request for Leave form must be used when requesting any time from work and is taken at 1 hour intervals. Vacation must be used by the anniversary date, as it is then lost. Exceptions may be approved by the Mayor. At the time, the employee leaves the Village, the vacation balance shall be paid to the employee.

M. HOLIDAYS:

Regular full time employees receive 8 hours of holiday pay for each of the following Holidays:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Columbus Day	2nd Monday in October
Veterans Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25th

If a holiday falls on a Saturday, the Friday preceding shall be observed; and if the holiday falls on a Sunday, the following day (Monday) shall be observed.

N. SICK TIME:

Each full time employee is entitled to 4.6 hours of sick time for every 80 hours worked in a pay period. Taking sick time during the week is not calculated as time worked. Time worked during the 40-hour week will be calculated at .058 times the hours worked. Sick time accumulation is capped at 960 hours, and is to be taken at 1 hour increments.

A Request for Leave form must be completed when an employee is taking sick time (either before or immediately upon return to work). Sick time may be used for these reasons:

- Illness Injury
- Pregnancy-related condition
- Exposure to a contagious disease
- Physician's appointment/medical test
- The above for a member of the employee's immediate family

Sick time shall be taken at 1 hour intervals. Except for an emergency, the employee may not have family members notify his/her supervisor.

At the time, the employee leaves the Village, the sick time balance shall be paid at one quarter of the balance to the employee

O. BEREAVEMENT LEAVE:

In the event of the death of a member of an employee's immediate family, eligible full time employee is entitled to 1 paid day of Bereavement Leave. The employee may be granted up to 3 paid days of bereavement at the discretion of the Mayor. A copy of the death notice is to be turned into the Fiscal Officer with the Request for Leave form for verification of the requested bereavement days.

P. IMMEDIATE FAMILY

Immediate family is defined as follows:

- Spouse
- Child
- Grandchild
- Parent
- Grandparent
- Sibling
- Brother-in-Law
- Sister-in-Law
- Father-in-Law
- Mother-in-Law
- Stepparent
- Stepchild
- Stepsibling
- Any legal guardian who stands in place of a parent to the employee

Date: _____

I, _____ (Name of Employee) have read and understand the Village of Boston Heights Employee Booklet, effective January 1, 2014, and given to me on _____ (Date).

I have been made aware that the Manual contains a more inclusive description of the policies and procedures and I may review this Manual upon request.

Signature Date

Witness Date

CC: Employee Personnel File

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-12-31
FIRST READING/ **ADOPTED**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 181.11 AND
DECLARING AN EMERGENCY**

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 181.11 be and is hereby amended to state as follows:

All of the monies received under the provisions of Chapter 181 shall be collected and dispersed as follows:

- a) Effective January 1, 2014, the first \$15,000 of funds collected during the calendar year shall be deposited to the Park Fund to be utilized for the Boston Heights recreational area and other such purposes as permitted for that fund.
- b) Effective January 1, 2014, all funds collected beyond the \$15,000 as set forth in subpart (a) herein shall be deposited into the General Fund of the Village to be utilized for the operation of the Village.

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 pressing, year-end financial needs of the Village 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 **2013-12-31** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-12-34
FIRST READING/ **ADOPTED**

**AN ORDINANCE REGARDING THE EMPLOYMENT BENEFITS AND
AMENDING CODIFIED ORDINANCES 147.03, 147.04, 147.05, 147.14
AND DECLARING AN EMERGENCY**

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, effective January 1, 2014, Codified Ordinance 147.03 be and is hereby amended to state as follows:

147.03 WORK WEEK; OVERTIME.

- (a) Standard Work Week. The standard work week for full-time employees shall be forty hours beginning Monday 12:01 a.m. and ending Sunday at 12:00 p.m.
- (1) Compensation shall be recorded and paid in fifteen (15) minute increments.
 - (2) All time cards shall reflect the start and end time of the actual hours worked,
- (b) Overtime Work.
- (1) Members of the Village work force, except police officers shall be compensated at a rate of one and one-half times the employee's wage rate for hours worked in excess of the standard forty hour work week.
 - (2) Full-time members of the Police Department shall be compensated at a rate of one and one-half times the employee's wage rate for hours worked in excess of eighty hours in the standard two-week pay period. For purposes of determining overtime hours of full-time members of the Police Department, the fourteen day period commences Monday at 12:01 a.m. and ends fourteen days later at 12:00 p.m. Sunday.
 - (3) Overtime work shall be performed and compensated for only when authorized by the Police Chief and Mayor for members of the Police Department, the Road Superintendent and Mayor for Service department personnel, and the Mayor for the Fiscal Officer, Mayor's Clerk and Clerk of Court. Paid holidays, sick days, vacation days and bereavement days are

to be counted as a regular hour(s) day(s) working when computing overtime hours.

(4) No employee, department head or supervisor shall schedule or permit an employee to work overtime without the prior approval of the Mayor, or in his or her absence, the President Pro Tempore of Council.

Section 2: That, effective January 1, 2014, Codified Ordinance 147.04 be and is hereby amended to state as follows:

147.04 HOLIDAYS.

(a) The following days during the calendar year are hereby declared to be the official paid holidays of all full-time employees of the Village:

- | | | |
|------|------------------------|---------------------------|
| (1) | New Year's Day | January 1 |
| (2) | Martin Luther King Day | 3rd Monday in January |
| (3) | President's Day | 3rd Monday in February |
| (4) | Good Friday | Friday before Easter |
| (5) | Memorial Day | Last Monday in May |
| (6) | Independence Day | July 4th |
| (7) | Labor Day | First Monday in September |
| (8) | Columbus Day | 2nd Monday in October |
| (9) | Veterans' Days | November 11th |
| (10) | Thanksgiving Day | 4th Thursday in November |
| (11) | Day after Thanksgiving | 4th Friday in November |
| (12) | Christmas Day | December 25th |

Section 3: That, effective January 1, 2014, Codified Ordinance 147.05 be and is hereby amended to state as follows:

147.05 VACATIONS.

(a) All full-time employees of the Village shall be entitled to the following schedule of vacation with pay:

<u>Length of Service</u>	<u>Vacation Hours Earned</u>
After 6 months	40 hours
1-5 years	80 hours
6-11 years	120 hours
12 or more years	160 hours

The employee's supervisor and/or Mayor have the right to accept or deny requested vacation. The Request for Leave form must be used when requesting any time from work and is taken at 1 hour intervals. Vacation must be used by the employee's anniversary date, as it is then lost. Exceptions may be approved by the Mayor. At the time the

employee leaves the Village, the vacation balance shall be paid to the employee.

(b) All full-time employees of the Village who have accumulated any vacation time must utilize such vacation time within a twelve month period following its accumulation or it will be forfeited.

Section 4: That, effective January 1, 2014, Codified Ordinance 147.14 be and is hereby amended to state as follows:

147.14 BEREAVEMENT LEAVE.

In the event of the death of a full-time employee's immediate family, said employee shall be granted three paid days of bereavement. A copy of the death notice is to be turned in to the Fiscal Officer with a Request for Leave Form for verification of the requested bereavement days. An additional two days of bereavement leave may be granted the employee at the sole discretion of the Mayor. For purposes of this section, a member of immediate family shall be as follows: husband, wife, child, mother, father, brother, sister, grandmother, grandfather, stepbrother, step-sister, step-mother, step-father, mother-in-law, and/or father-in-law.

Section 5: That all Resolutions and Ordinances which are in conflict with this Ordinance are hereby replaced and/or amended.

Section 6: 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 7: 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 and the need to adapt employee benefit situations at the beginning of the new year, and for the ongoing safe and legal operation of the Village, 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 **2013-12-34** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-12-35
FIRST READING/ **ADOPTED**

**AN ORDINANCE APPROVING EARLY RETIREMENT INCENTIVE PLAN AND
DECLARING AN EMERGENCY**

WHEREAS, Pursuant to 145.297 of the Ohio Revised Code, municipalities such as the Village of Boston Heights may establish a Retirement Incentive Plan for its eligible employees.

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

Section 1: That the written, one year voluntary Early Retirement Incentive Plan, attached hereto as Exhibit "A," be hereby approved and adopted, subject to the approval of the Ohio Public Employment Retirement System.

Section 2: The Mayor, Council President Tempore and/or Fiscal Officer are hereby authorized to execute all documents, including, but limited to any and all forms and/or contracts for payment plans, and to make all payments necessary to administer this ERI Plan,

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, safety of the Village residents and to allow for the continued operations of the Village Mayor's Office, Road 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 **2013-12-35** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: ORDINANCE NO: 2013-12-35

VILLAGE OF BOSTON HEIGHTS RETIREMENT INCENTIVE PLAN

1. **Plan Name.** The name of the Plan shall be, the Village of Boston Heights Retirement Incentive Plan, hereinafter referred to as the "Plan,"
2. **Enabling Resolution and Governing Law.** The Plan was approved by Village Council in Ord. 2013-12-35 and is based on the provisions of Section 145.297, O.R.C. as amended, and Administrative Rule 145-2-42.
3. **Plan Period.** The Plan shall begin on February 15, 2014 and terminate on February 14, 2015.
4. **Terms.**
 - A. The Plan shall be the only retirement incentive plan in effect for eligible civilian employees of the Village of Boston Heights.
 - B. Participation in the Plan is voluntary and shall be available to one hundred percent (100%) of civilian employees of the Village of Boston Heights who are members of OPERS on February 15, 2014.
 - C. Pursuant to the terms of the Plan, service credit for each participating employee shall be purchased by the Village of Boston Heights in an amount equal to one (1) year of service credit.
5. **Eligibility Requirements.** Any employee of the Village of Boston Heights eligible to participate in the Plan shall meet the following criteria:
 - A. The employee is or will be eligible to retire under Section 145.32, 145.34, 147.37, or 145.33(A), O.R.C., on or before the date of termination of the Plan. Service credit to be purchased for the employee under the Plan shall be included in making this determination for eligibility.
 - B. The employee agrees to retire under Section 143.32, 145.34, 145.37 or 145.33(A), O.R.C., within ninety (90) days after receiving notice from the Ohio Public Employees Retirement System that service credit has been purchased for the employee pursuant to the Plan.
6. **Notice.** The Plan shall be in effect for a minimum of one (1) year. All employees and the Ohio Public Employees Retirement System will receive written notice thirty (30) days in advance of the proposed termination date of the Plan.

7. **Grievance Procedure.** All grievances which may arise out of the interpretation or application of this Plan shall be resolved pursuant to the following:
- A. **Definition:** A grievance may be started by the employee at Step One (1), as set forth below. Grievances must be started within fourteen (14) days following the occurrence that initiated the dispute. Saturdays, Sundays and holidays are to be included as part of the fourteen days. However, when the 14th day falls on a Saturday, Sunday or holiday, the employee has until the next regular work day to file the grievance.
 - B. **Step 1:** An employee who has a dispute under the Plan may elect to discuss the matter with the Finance Director or his/her designee within three (3) days after the occurrence initiating the dispute. If such discussion takes place, the Finance Director or his/her designee shall have three (3) days to respond to the employee from the date the discussion takes place.
 - C. **Step 2:** If the employee is not satisfied by the response of the Finance Director or his/her designee, the employee shall submit the grievance in writing to the Law Department (Solicitor), within fourteen (14) days of the date of the occurrence initiating the dispute. This grievance must be specific about the nature of grievance, remedies pursued; remedy sought, and must be signed and dated by the employee and receipted by the Law Department. The Law Department shall have ten (10) days from receipt to arrange a meeting, if necessary, and shall have no more than five (5) days to answer in writing from the date of the meeting, if necessary.
 - D. **Step 3:** If the employee is not satisfied by the answer of the Law Department, within ten (10) days from the date of receipt of the answer, the employee must request of the Law Department that it submit the dispute to the American Arbitration Association for arbitration under the American Arbitration Association rules. This request must be in writing and must be signed and dated by the employee and receipted in writing by the Law Department. The Law Department shall have fourteen (14) days from receipt of the request to transmit it to the American Arbitration Association for further processing.
 - E. **Arbitration:** Arbitration under the Plan is by American Arbitration Association rules. The Law Department and employee will be directly contacted for all instructions. All arbitrations shall be held at the Village Hall. The employee is entitled to representation of counsel in all steps including arbitration at the employee's sole cost and expense.

The arbitration shall attempt to conduct a hearing on the grievance within sixty (6.0) days from selection. If the question of arbitrability is raised, it shall be dealt with first by the arbitrator. The arbitrator shall have thirty (30) days from conclusion of the hearing to submit his/her written decision to the parties. Said decision is final and binding on the parties.

- F. **Costs.** All costs of representation and/or witnesses shall be borne by the party initiating the expense. Arbitration fees, except for the initial fee to be paid by both parties, are at the expense of the loser of the arbitration except as above noted.
- G. **Time Limits.** If the grievant fails to properly advance his/her dispute at any step within the time limits as set above, the grievance will automatically be considered to have died and the matter will be resolved in the Village's favor. Grievances resolved because of employee forfeiture shall not serve as precedence.

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-12-36
FIRST READING/ **ADOPTED**

**ORDINANCE ESTABLISHING THE POSITION OF MAYOR'S CLERK FOR THE
VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014
AND DECLARING AN EMERGENCY**

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

Section 1: That effective January 1, 2014, Codified Ordinance 131.04 be amended as follows:

131.04 MAYOR'S CLERK.

- (a) The position of Mayor's Clerk is hereby established.
- (b) That the Mayor's Clerk shall be appointed in January of each year for a term of one year to commence at 12:00 am on the Thursday following the second Wednesday of January each year and running until 11:59 pm on the second Wednesday of January the following year. The appointment of the Mayor's Clerk shall be made by the Mayor and confirmed by the Village Council by a majority vote on or before the second Wednesday of January. If for any reason the Mayor fails to appoint a Mayor's Clerk and/or the Village Council fails to confirm the Mayor's appointee, the individual holding the office and/or its equivalent shall holdover in that position until the Mayor appoints and the Village Council confirms a qualified individual.
- (c) Were the position of the Mayor's Clerk to become vacant, for any reason, the Mayor may appoint a person to serve as Mayor's Clerk as provided in subpart (b) herein.
- (d) The duties and responsibilities of the person appointed to the position of Mayor's Clerk are as follows:
 - (1) To be on duty forty hours per week in the Village Hall in quarters to be provided by Council. The office shall be kept open during regular business hours as designated by the Mayor.
 - (2) The Mayor's Clerk shall act as a deputy clerk of the Mayor's Court, keeping dockets, files, accepting and receiving fines, costs, bail bonds, and supply the Mayor with all clerical aid and assist the Mayor in the disbursing of any monies received on behalf of the court. Such funds shall be properly accounted for.

- (3) The Mayor's Clerk shall act as an assistant Fiscal Officer and shall have the same responsibilities and duties as provided in Codified Ordinance 133.012.
 - (4) The Mayor's Clerk shall also act and have the responsibilities of the Internal Auditor, when that position is not filled, as set forth in Codified Ordinance 133.04.
 - (5) The Mayor's Clerk shall attend to and answer the telephone during regular business hours.
 - (6) The Mayor's Clerk shall receive, maintain, file and answer all correspondences of the Village at the request of the Mayor.
 - (7) The Mayor's Clerk shall be responsible for all record keeping for the Village's boards and commissions, and shall keep their dockets, files, accept and receive deposits and costs, which are to be tendered to the Fiscal Officer for deposit.
 - (8) At all times, the Mayor's Clerk shall serve under the direction of the Mayor, not the Fiscal Officer or the Clerk of Court.
- (e) The person appointed to the office of the Mayor's Clerk shall be entitled to sick leave and vacation pay as authorized by Village ordinance. In addition to working forty hours per week, the Mayor's Clerk shall be available on each court night and shall be paid two hours' court time.

Section 2: That effective January 1, 2014, Codified Ordinance 131.05 be amended as follows:

131.05 ASSISTANT OF MAYOR'S CLERK OF COURT.

The position of Assistant Mayor's Clerk is hereby established and redefined so as to provide for a Part-Time and/or Substitute Clerk to be appointed by the Mayor and confirmed by Council. The Assistant Clerk of Mayor's Court shall be appointed and confirmed at the first regularly scheduled Village council Meeting in January of each year to serve a one (1) year term. Whenever it is necessary to have a substitute in the place of the Mayor's Clerk, when that individual cannot work due to illness, vacation or other reasonable excuse authorized by the Mayor, the Assistant Clerk of Mayor's Court shall work in the place of the Mayor's Clerk. The Assistant Clerk of Mayor's Court may also be called in to work by the Mayor at times when an extra person is needed to complete the necessary work of the Mayor's Clerk, that for the reason of volume or other matters, the Mayor's Clerk is unable to take care of such items in a timely manner.

Section 3: That effective January 1, 2014, Codified Ordinance 133.012 be amended as follows:

133.012 ASSISTANT FISCAL OFFICER.

The position of Assistant Fiscal Officer is hereby established and defined so as to provide for a Part-Time or Substitute Fiscal Officer, to be appointed by the Mayor and confirmed by Council in the same fashion as the Fiscal Officer. The Assistant Fiscal Officer shall, whenever it is necessary to have a substitute in the place of the Fiscal Officer, when that individual cannot work due to illness, vacation or other reasonable excuse authorized by the Mayor, work in the place of the Fiscal Officer. The Assistant Fiscal Officer may also be called in to work by the Mayor at times when an additional person is needed to complete the necessary work of the Fiscal Officer, that for the reason of volume or other matters, the Fiscal Officer is unable to take care of such items in a timely manner.

Section 4: That effective January 1, 2014, Codified Ordinance 133.03 be hereby amended as follows:

133.03 AUDIT OF MAYOR'S COURT.

- (a) The Mayor's Clerk shall audit the books of the Mayor's Court at least once a month and shall prepare a report relating to the results of such audit,
- (b) The Mayor's Clerk shall provide each member of Council with a copy of the monthly report of the audit of the books and accounts of the Mayor's Court,
- (c) The Mayor's Clerk shall prepare and deliver to members of the Finance Committee of Council accurate statements as to the status of each and every account of the Village, each and every month, at the regularly scheduled Finance Committee meeting. Such financial statements shall be reviewed and approved by the Assistant Fiscal Officer and/or the Internal Auditor of the Village prior to issuance to any member of Council.

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 foil 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, safety of the Village residents and to allow for the continued operations of the Village Office and Mayor's Court 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 **2013-12-36** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
ORDINANCE NO: 2013-12-37
FIRST READING/ **ADOPTED**

AN ORDINANCE AMENDING CODIFIED ORDINANCE 121.012(d)(1) CHANGING THE MEETING DATE OF REGULAR COUNCIL MEETINGS AND DECLARING AN EMERGENCY

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 121.02(d)(1) be and is hereby amended to state as follows:

Regular meetings of council shall be in the Council Chambers at 7:00 pm on the second Tuesday of each month.

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 MI 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 welfare of the community 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 **2013-12-37** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: ORDINANCE NO: 2013-12-37

VILLAGE OF BOSTON HEIGHTS
45 E. Boston Mills Road * Boston Heights, Ohio 44236
Phone 330.650.4111 * Fax 330.655.9578

**2014 SCHEDULED COUNCIL MEETINGS
7:00 PM**

COUNCIL MEETING

FINANCE MEETING

JANUARY 7, 2014 (Organizational Meeting)

JANUARY 28, 2014

FEBRUARY 11, 2014

FEBRUARY 25, 2014

MARCH 11, 2014

MARCH 25, 2014

APRIL 8, 2014

APRIL 22, 2014

MAY 13, 2014

MAY 27, 2014

JUNE 10, 2014

JUNE 24, 2014

JULY 8, 2014

JULY 22, 2014

AUGUST 12, 2014

AUGUST 26, 2014

SEPTEMBER 9, 2014

SEPTEMBER 23, 2014

OCTOBER 14, 2014

OCTOBER 28, 2014

~~NOVEMBER 11, 2014~~ note: changed Jan'14 to avoid holiday

NOVEMBER 12, 2014

NOVEMBER 25, 2014

DECEMBER 9, 2014

DECEMBER 23, 2014

JANUARY 6, 2015 (Organizational Meeting)

VILLAGE OF BOSTON HEIGHTS

RESOLUTION NO: 2013-11-59

SECOND READING / **ADOPTED** [note: also approved by the Planning Commission: Nov. 6, 2013]

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

WHEREAS, there has been an ongoing dispute with Ninth Fairway, LLC with respect to occupation and demolition of the clubhouse situated at 124 East I lines Hill Road; and,

WHEREAS, the Village and Ninth Fairway, LLC have agreed to resolve the dispute by way of an agreement.

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

Section 1: That upon the signature of the Chairman or duly appointed representative of the Village Planning Commission, the Mayor is authorized and directed to execute an Agreement, substantially similar in substance and form, as the letter attached hereto as Exhibit "A."

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 through the abatement of a perceived nuisance, the avoidance of imminent litigation, 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 **2013-11-59** 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 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-11-59

ROETZEL

FOCUSED ON WHAT MATTERS TO YOU

222 South Main Street
Akron, OH 44308
DIRECT DIAL: 330.849.6698
PHONE 330.376.2700 FAX 330.376.4577
mpitchford@ralaw.com
WWW.RALAW.COM

October 31, 2013

VIA EMAIL & U.S. MAIL

Kevin M. Brokaw
General Counsel
Ninth Fairway, LLC
10020 Aurora Hudson Road
Streetsboro, OH 44241

**Re: Real Property Owned by Ninth Fairway, LLC located at 124
East Hines Hill Road in the Village of Boston Heights, Ohio
(the "Property")**

Dear Mr. Brokaw:

On behalf of the Village of Boston Heights and with respect to the "Property" referenced above, please allow this letter to serve as an agreement between the Village and Ninth Fairway, LLC with respect to the clubhouse situated there.

During August 2011, the Village Planning Commission approved Ninth Fairway, LLC's site plan for and related to the "Property." As part of and as a condition to that approval, an occupation or demolition deadline of September 1, 2012 was established for the clubhouse situated on those premises. The use of the driving range also had to be discontinued.

As recently discussed, the Village of Boston Heights delivered a letter to Ninth Fairway, dated June 25, 2013, wherein the Village asserted the requirement that Ninth Fairway demolish the existing clubhouse on the "Property" on or before September 2012. That date has long since passed without occupancy or demolition. The Village views the ongoing existence of the building as a violation of that requirement and as a nuisance.

Nevertheless, in order to avoid administrative hearings and litigation with respect to these issues, the parties hereby agree that the clubhouse on the "Property" may remain standing, subject to all state and local laws and ordinances, only until December 31, 2016. By that time, Ninth Fairway shall have demolished the building. Ninth Fairway bears all responsibility for removing any occupant prior to that date and for procuring any applicable permits required for demolition. Ninth Fairway shall assure that demolition debris is properly removed from the site and the site safely restored to grade. There will be no further extensions and modifications to this agreement or deadline.

Should Ninth Fairway fail to have the building demolished by that date, with all debris safely removed from the site and the site safely restored to grade, the Village is hereby granted by Ninth Fairway the unfettered and exclusive right to enter onto the "Property" and demolish the clubhouse and remove or dispose of on-site all debris on January 1, 2017, or any date thereafter. All expenses incurred by the Village in connection with the demolition, clean up, debris handling, and site grading shall be the responsibility of Ninth Fairway, shall be paid to the Village upon demand, and shall bear interest until paid at the statutory rate for interest on judgments. Such amount due with interest shall also be a lien upon the property until paid in full as provided by applicable law, including the Village's Codified ordinances. In the event the Village shall engage legal counsel to enforce this letter agreement, Ninth Fairway shall be responsible for all reasonable legal fees and costs of enforcement.

This Agreement shall be enforceable against all successors and assigns of Ninth Fairway and who may become owners of the subject property, A Memorandum of Agreement or Affidavit of Facts in recordable form referring to these obligations of Ninth Fairway shall be recorded concurrent with the execution hereof.

As the foregoing represents the total agreement with regard to the ongoing existence of the clubhouse at the subject "Property," please have the Acknowledgement, Acceptance and Agreement below executed and return this letter to my attention. Nothing herein, shall be construed to waive or alter any requirements of any applicable laws, rules, regulations or ordinances.

Thank you in advance for your cooperation in this regard. Please feel free to contact me should you have any questions or concerns.

Sincerely,
ROETZEL & ANDRESS, LPA
[signed]
Marshal M. Pitchford

[CON'D. ON NEXT PAGE]

Ninth Fairway, LLC
an Ohio limited liability company

By: _____

Title: _____

Date: _____

Village of Boston Heights

By: _____

Title: _____

Date: _____

Village Planning Commission

By: _____

Title: _____

Date: _____

Approved as to Form:

By: _____
Marshal M. Pitchford

Title: Solicitor, Village of Boston Heights

Date: _____

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-66
FIRST READING / HELD FOR 2nd READING

A RESOLUTION CONFIRMING THE APPOINTMENT OF KATHLEEN MAY TO THE ZONING BOARD OF APPEALS AND DECLARING AN EMERGENCY

WHEREAS, a vacancy will exist on the Board of Zoning Appeals, January 1, 2014; and,

WHEREAS, the Mayor of the Village of Boston Heights has recommended the appointment of Kathleen May to fill the vacancy on the Zoning Board of Appeals that will exist on January 1, 2014;

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

Section 1: That the appointment of Kathleen May to a four-year terms on the Boston Heights Board of Zoning Appeals, as recommended by the Mayor of the Village of Boston Heights be and is hereby confirmed by the Council of the Village of Boston Heights.

Section 2: Said appointment shall become effective beginning January 1, 2014, and shall last through December 31, 2017.

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 Board of Zoning Appeals 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 Resolution **2013-12-66** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-67
FIRST READING / **ADOPTED**

ED. NOTE: This "Brandywine Creek Watershed Balanced Growth Plan" can be found here:

<http://www.balancedgrowth.ohio.gov/Portals/0/BG%20Planning/Brandywine%20BGP%2013DEC04.pdf>

**A RESOLUTION OF SUPPORT AND PARTICIPATION IN THE BRANDYWINE
CREEK WATERSHED BALANCED GROWTH PLAN, AND DECLARING AN
EMERGENCY**

WHEREAS, Brandywine Creek and its tributaries run through and drain a portion of this community, its waters eventually flowing into the Cuyahoga River; and,

WHEREAS, the Brandywine Creek Watershed provides important economic and environmental benefits to this community, contains places for education, recreation, exercise and enjoyment, and is a natural feature around which to organize citizen stewardship and involvement in the betterment of this community and those with which we share the Watershed; and,

WHEREAS, coordinated planning and stewardship by the Watershed communities, community organizations, institutions and individuals are important in order to be able to protect and enhance Brandywine Creek and its tributaries in this community; and,

WHEREAS, the Village of Boston Heights supports collaborative Watershed stewardship, and wishes to become a part of the revitalization, restoration and protection of this natural resource, and responsible economic development; and,

WHEREAS, the Village of Boston Heights has reviewed the Brandywine Creek Watershed Balanced Growth Plan.

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

Section 1: The Village acknowledges the recommendations contained in the Brandywine Creek Watershed Balanced Growth Plan and will endeavor to incorporate them in undertaking community development to the best of its ability.

Section 2: The Village will consider changes to its regulations and policies as recommended in the Plan and to act on the findings of additional natural resource and land use data, as practicable.

Section 3: The Village understands that the Priority Conservation Areas and Priority Development Areas will guide State of Ohio Agencies' activities and programs and will serve as the basis for special incentive programs to be directed to the Brandywine Watershed and the governmental jurisdictions within it.

Section 4: The Village will continue to collaborate with other Watershed communities and the Cuyahoga River Community Planning Organization, which is directed to seek endorsement of this Balanced Growth Plan by the Ohio Lake Erie Commission in order to permit the local governments in the Watershed to seek the benefits and incentives provided by this endorsement.

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, including both economic and environmental benefits to this community, 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 **2013-12-67** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-68
FIRST READING / **ADOPTED**

**A RESOLUTION APPROVING THE TEMPORARY APPROPRIATIONS FOR 2014
AND DECLARING AN EMERGENCY**

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

SECTION 1: The Temporary Annual Appropriations for the Village of Boston Heights for the year 2014 as attached hereto, as Exhibit "A" are hereby approved and adopted by the Council of the Village of Boston Heights, Ohio.

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 meetings 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 of the Ohio Revised Code.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

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 **2013-12-68** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-12-68

VILLAGE OF BOSTON HEIGHTS

2014 TEMPORARY APPROPRIATIONS

FUND	STATEMENT OF FUND ACTIVITY SUBMITTED TO S.C. 07/2013 (NOT INCLUDED 12/31 BALANCES)	12/31/2013 ENCUMBRANCES (AT YEAR END) (NOT YET KNOWN)	ESTIMATED CASH BALANCE - 12/31/2013	ESTIMATED TEMPORARY APPROPRIATIONS FOR 2014 THROUGH 03/31/2014	AMENDED CERTIFICATE RECEIVED BY S.C. (NOT TO RECEIVE UNTIL AT LEAST 12/08/2013)
GENERAL	\$ 853,711.00		\$ 853,711.00	\$ 600,000.00	
BO1: STREET CONSTRUCTION	\$ 22,094.00		\$ 22,094.00	\$ 22,000.00	
BO2: STATE HIGHWAY	\$ 56,084.00		\$ 56,084.00	\$ 56,000.00	
BO4: PARK FUND	\$ 13,005.00		\$ 13,005.00	\$ 13,000.00	
BO8: ROAD LEVY (ROAD & BRIDGE)	\$ 196,899.00		\$ 196,899.00	\$ 140,000.00	
BO9: FIRE LEVY	-		-		
BO10: COMPUTER FUND	\$ 12,547.00		\$ 12,547.00	\$ 12,500.00	
BO12: 09RE FIRE/EMS CAPITAL	\$ 7,727.00		\$ 7,727.00	\$ 7,000.00	
B013: FIRE/EMS 09N OPERATING	\$ 30,639.00		\$ 30,639.00	\$ 30,500.00	
D01: BRIDGE CONSTRUCTION (FEDERAL)	-		-		
D03: CAPITAL PROJECTS	\$ 20,000.00		\$ 20,000.00	40,000.00	
G04: UNCLAIMED FUNDS	\$ 9,546.36		\$ 9,546.36	\$ 9,546.36	
G05: CEMETERY TRUST FUND	\$ 68,411.00		\$ 65,000.00	\$ 65,000.00	
G06: REFUNDABLE PERF. BONDS	\$ 3,000.00		\$ 3,000.00	\$ 3,000.00	
G08: LAW ENFORCEMENT TRUST	\$ 1,651.00		\$ 2,000.00	\$ 1,500.00	
TOTAL FOR ALL FUNDS	\$ 1,295,308.36		\$ 1,295,308.36	\$ 1,000,040.36	
PURPOSE OF APPROVING - TO OPEN 2014 BOOKS, DO PAYROLL AND FIRST YEAR INVOICES AND PREPARE FOR PERMANENT APPROPRIATIONS 03/31/2014					

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-69
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO REQUEST ADVANCES ON
THE LOCAL TAX REVENUES THROUGH SUMMIT COUNTY**

WHEREAS, pursuant to the Ohio Revised Code Section 321.34, all local authorities entitled to advancement of funds must submit a Resolution authorizing advances of local taxes each year; and

WHEREAS, the Village Council of Boston Heights finds that it is in the best interest of the Village of Boston Heights to request advancement of local taxes from the Summit County Fiscal Officer;

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

SECTION 1 That the Summit County Fiscal Officer be, and hereby is, requested to pay to the Village Fiscal Officer such funds as may be available for distribution by said County Fiscal Officer,

SECTION 2 That the Mayor and the Village Fiscal Officer be, and hereby are, authorized and directed to sign the necessary documents to secure such advances and also the secondary documents to secure such advances and the semi-annual settlement for the 2013 tax year with the County Fiscal Officer payable during the calendar year 2014,

SECTION 3 That the authorization herein conferred shall extend to any advances for the year 2013 tax year that may be required to be paid in calendar year 2014,

SECTION 4 The Village Fiscal Officer be and is hereby authorized and directed to forward a certified copy of this Resolution to the Summit County Fiscal officer as may be necessary to make this Resolution effective,

SECTION 5 This Resolution shall take effect and be in force from and after the earliest period allowed by law,

SECTION 6 That this Council hereby finds and determined 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 meeting open to the public, in full compliance with the with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

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 **2013-12-69** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-72
FIRST READING / **ADOPTED**

RESOLUTION APPOINTING THE MAYOR'S CLERK FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

EDITOR'S NOTE: **We have not yet received the text of this resolution.**

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 **2013-12-72** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-73
FIRST READING / **ADOPTED**

**RESOLUTION APPOINTING BETTY KLINGENBERG THE FISCAL OFFICER FOR THE
VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND DECLARING AN
EMERGENCY**

WHEREAS, Village Council finds it is in the. general interest of the Village and its residents to appoint Betty Klingenberg as Fiscal Officer; and,

WHEREAS, the Mayor has found it to be in the general interest of the Village to appoint Betty Klingenberg as Fiscal Officer.

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

Section 1: That the Mayor's appointment of Betty Klingenberg is hereby approved and she is thus appointed to the position of Fiscal Officer, as provided in Boston Heights Codified Ordinance Chapter 133 and as otherwise provided herein.

Section 2: That effective January 1, 2014, Betty Klingenberg shall assume and fulfill the duties imposed upon her by virtue of her position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Fiscal Office 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 Resolution **2013-12-73** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-74
FIRST READING / **ADOPTED**

**RESOLUTION APPOINTING KATHRYN ENOVITCH CLERK OF THE MAYOR'S COURT
FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE JANUARY 1, 2014, AND
DECLARING AN EMERGENCY**

WHEREAS, Village Council finds it is in the general interest of the Village .and its residents to appoint Kathryn Enovitch as Clerk of Mayor's Court; and,

WHEREAS, the Mayor has found it in the general interest of the Village to appoint Kathryn Enovitch as Clerk of the Mayor's Court:

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

Section 1: That the Mayor's appointment of Kathryn Enovitch is hereby approved and she is thus appointed to the position of Clerk of Mayor's Court as provided in Boston Heights Codified Ordinance Chapter 131 and herein.

Section 2: That effective January 1, 2014, Kathryn Enovitch shall assume and fulfill the duties imposed upon her by virtue of her position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Mayor's Court 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 Resolution **2013-12-74** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-75
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO ENTER A
MEMORANDUM OF UNDERSTANDING BETWEEN SUMMIT COUNTY COMBINED
GENERAL HEALTH DISTRICT AND THE VILLAGE OF BOSTON HEIGHTS 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 the Mayor to authorize a memorandum of understanding between the Summit
County Combined General Health District and the Village of Boston Heights **COULD NOT
HEAR ANY OF THIS....**

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the
immediate preservation of the public peace, health, safety of the Village residents and to allow
for the continued operations of the Village Mayor's Court 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 Resolution **2013-12-75** was duly passed by the
Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this
11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-12-75

BOARD OF HEALTH CONTRACT/AGREEMENT COVER SHEET

TYPE OF CONTRACT

Provide screening and sampling services for the monitoring of storm water pollution as well as enforcement of regulations prohibiting illicit discharges.

PARTIES TO THE AGREEMENT (Who it is between):

SCPH and Village of Boston Heights (hereinafter the Community)

NAME, TITLE AND ADDRESS WHERE CONTRACT IS TO BE MAILED FOR EXECUTION: Please return to Caroline Terakedis, R.S. / Water Quality Group in Barberton as she will deliver the contract in person.

Village of Boston Heights

CONTRACT TERM (Dates):

January 1, 2014 to December 31, 2018

NOT TO EXCEED AMOUNT:

\$4,369.42 over the term of the contract

PARTY TO WHOM THE AMOUNT IS PAYABLE:

SCPH

SERVICES TO BE PROVIDED:

To provide regulation and/or services for the monitoring of storm water pollution and/or enforcement of regulations prohibiting illicit discharges to the municipal separate storm sewer system (hereafter MS4) of the Community.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE SUMMIT COUNTY COMBINED
GENERAL HEALTH DISTRICT AND THE VILLAGE OF BOSTON HEIGHTS, SUMMIT
COUNTY, OHIO**

FOR STORM WATER SERVICES FOR THE YEARS 2014 THROUGH 2018

THIS AGREEMENT IS MADE this 18th day of NOVEMBER, 2013 by and between the Summit County Combined General Health District (hereafter SCIID) and the Village of Boston Heights (hereafter the Community) to provide regulation and/or services for the monitoring of storm water pollution and/or enforcement of regulations prohibiting illicit discharges to the Municipal Separate Storm Sewer System (hereafter the MS4) of the Community.

DUTIES AND RESPONSIBILITIES

Communities of the SCHD

The SCHD will provide the following storm water management services:

Outfall and Dry Weather Screening and Sampling:

SCHD will complete dry weather MS4 outfall monitoring, sampling, and testing of each MS4 outfall identified by the Community, SCHD will conduct dry weather observational screening of each outfall, at least once during the term of this agreement. Observations will be documented in accordance with the Summit County Illicit Discharge Detection and Elimination Program [IDDE] Plan. Where flow is present, SCHD will conduct field testing in accordance with the IDDE Plan. The fee for dry weather observation, documentation and field testing will be **\$40.00 per outfall** the first year and a 3 % increase each year of the agreement. The Community has approximately 21 outfalls that need to be screened at least once over the 5 year period of this agreement. SCHD will coordinate with the Community as to which year or years the screening will be conducted. Where flow is present the SCHD may also collect a sample for a laboratory testing of bacteria. The laboratory collection and testing fee will be **\$35.00 per sample collected** the first year and a 3% increase each year of the agreement. SCHD invoice the Community for screening and sampling services within 60 days of completion of the work in each year of the agreement. Payment of the sampling and testing fees will be due within sixty (60) days of billing. Total maximum screening and sampling costs for the term of the agreement will be as follows:

	Maximum # Activities	2014-2018 Cost
Outfalls to be Screened	21	\$891.93
Bacterial Sampling	15	\$557.46

[See Appendix A for annual breakdown and explanation of costs].

IDDE Regulation. Prioritization. Pollutant Source Tracing. Complaint Investigation and Enforcement:

SCHD will apply Chapter 1250: Illicit Discharge and Illegal Connection Control regulation found in the Environmental Health Code of the SCHD to the entire land area of the Community in accordance with the IDDE Plan. SCHD will locate priority areas for source tracing and enforcement in accordance with the IDDE Plan. The urbanized land area for the Community is calculated at 2 square miles. The total IDDE cost over the 5 year agreement is \$2,920.02. SCHD will invoice the Community by April 1st of each year of the agreement according to Appendix A. Payment is expected within 60 days of receipt. See Appendix A for annual breakdown and explanation of costs.

SCHD will prepare the annual report, as it applies to the activities of this agreement for Ohio EPA permit requirements found in the NPDES Permit number OHQ000002, due by April 1st following each year of the agreement.

COMMITMENTS OF THE COMMUNITIES

The Community will provide pertinent data on the location and description of each MS4 outfall. The Community is to provide assistance where heavy or specialized equipment has been determined to be necessary by both the Community and the SCHD in order to execute the duties of this agreement. The Community will prioritize and be responsible for corrections to MS4 structures owned by the Community where it has been necessary to comply with the storm water regulations. The Community will be responsible for educating their employees and citizens on illicit discharge restrictions and best method practices. The Community will assist the SCHD in gathering and collating permit reporting data where this data source originates with the Community. The Community will maintain and update the MS4 maps required by the NPDES Permit.

INVESTMENT

Total annual costs for outfall and dry weather screening and sampling and IDDE regulation, prioritization, source tracing, complaint investigation, and enforcement for the 5 year term of this Agreement will be the sum of the IDDE annual cost and the screening and sampling costs conducted in that calendar year. See Appendix A for annual breakdown and explanation of costs. The total maximum cost over the 5 year term is \$4,369.42.

TERM

The term of this agreement shall be from January 1, 2014 to December 31, 2018. Either party may cancel this Agreement, for cause, with sixty (60) days written notice to the other party of such intent, when either the progress or results achieved under this Agreement is unacceptable to either party. Prior to cancellation of this Agreement, a meeting will be held by the parties to discuss issues of concern and seek resolution. If this Agreement is cancelled by the parties prior to completion, the SCHD, within twenty (20) days, shall submit a certified final progress report if a percentage of work completed by the date of cancellation. The Community will pay the SCHD for the work completed as certified in this statement, subject to the provisions of this Agreement. In the event that the Community is notified that the funding is terminated for any reason, the Community shall immediately notify the SCHD of the termination of funding.

IN WITNESS THEREOF, the parties hereto have caused this agreement to be executed on the day and year written below:

Summit County Combined General Health District

[signed: Gene Nixon]

Gene Nixon, Health Commissioner

[11/16/13]

Date

Village of Boston Heights, Summit County, Ohio

[signed: David Krock]

Dave Krock, Village Engineer

[11/18/13]

Date

Approved as to form:

[signed: Lesley A. Walter 11/5/13]

Assistant Prosecuting Attorney
Summit County, Ohio

Approved as to form:

MP

Marshal Pitchford, Village Solicitor

12/17/2013

Boston Heights

APPENDIX A

MOU for Storm Water Services for the Years 2014 through 2018

Activity	Number of Total Units	Number of Units/Year	2014	2015	2016	2017	2018	contract cost
Screening Cost	21 Total Outfalls	4.2 per year	168.00	173.04	178.23	183.58	189.09	891.93
Sampling Cost	Up to 15 Samples	3 per year	105.00	108.15	111.39	114.74	118.18	557.46
IDDE Cost	2 Square Miles	2 each year	550.00	566.50	583.50	601.00	619.03	2,920.02
Maximum Annual Cost			823.00	847.69	873.12	899.31	926.29	4,369.42

Annual Cost per Unit Breakdown	2014	2015	2016	2017	2018
Cost per Outfall	40.00	41.20	42.44	43.71	45.02
Cost per Sample	35.00	36.05	37.13	38.25	39.39
Cost per Sq. Mile	275.00	283.25	291.75	300.50	309.51

Note: The annual screening and sampling costs are estimations assuming 20% of the screening/sampling is done each year. If all screening/sampling is done in 2014, no sampling will be charged in subsequent years and the total screening/sampling cost will be billed in 2014. Scheduling of the sampling will be worked out with the community representative. If all sampling is completed in 2018, the costs will not exceed the agreed upon contract cost.

Please call or email with questions or concerns
 Caroline Terakedis, R.S.
 Cterakedis@schd.org
 330 926-5697

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-76
FIRST READING / **ADOPTED**

**RESOLUTION ESTABLISHING THE USE RATE AND RENTAL RATES FOR THE
VILLAGE OF BOSTON HEIGHTS POOL, PARK, PAVILION AND KITCHEN FOR THE
YEAR 2014 AND DECLARING AN EMERGENCY**

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

Section 1: That the Use Rate and Rental Rate for the Village of Boston Heights pools, park, and pavilion as outlined in the attached Exhibits be adopted for the year ~~2013~~ [2014], beginning May 9, ~~2013~~ [2014] and thereafter.

Section 2: The Recreation Advisory Commission shall require a Fifty Dollar (\$50.00) deposit to be refunded once a Village representative, or agent has reported to the Fiscal Officer that the pavilion, kitchen and/or other facility remains in an acceptable condition after the subject use. If the pertinent facility is not returned to the Village in such a fashion, the deposit shall be forfeited and the Village may assess any further costs to the user as may be reasonable to return the facility to an acceptable condition.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to allow for the continued operations of the Village Parks.

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 **2013-12-76** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-12-76

THE VILLAGE OF

BOSTON HEIGHTS

45 East Boston Mills Road

Hudson, OH 44236

Phone: 330-650-4111

**MATTHEWS THOMAS PARK PAVILION
POOL MEMBERSHIP
SEASON: May 26,2014 Through September 1,2014**

MEMBERSHIP FEE	RESIDENT	NON-RESIDENT
Senior Single	\$30.00	\$50.00
Senior Couple	\$50.00	\$75.00
Single (Over 18)	\$100.00	\$220.00
Couple	\$125.00	\$265.00
Family (6 or Less)	\$145.00	\$310.00
Family (7 or More)	\$170.00	\$365.00
Guest	\$5.00	\$5.00

* All rates include 3% Admissions Tax

* Couple and Family memberships require residency in the same household. Babysitters, governesses, nannies, and au pairs are not considered part of a family membership.

* Any resident/non-resident between the ages of 18-21 years of age still residing at home may join under the plan

THE VILLAGE OF
BOSTON HEIGHTS

45 East Boston Mills Road

Hudson, OH 44236

Phone: 330-650-4111

**MATTHEWS THOMAS PARK PAVILION
PAVILION/KITCHEN RENTAL**

<i>PAVILION</i>		<i>PAVILION AND KITCHEN</i>	
RESIDENT	\$115.00	RESIDENT	\$170.00
NON-RESIDENT	\$170.00	NON-RESIDENT	\$200.00

A \$50.00 REFUNDABLE DEPOSIT (SEPARATE CASH OR CHECK) DEPOSIT IS
REQUIRED WITH ANY RENTAL. 3% Admission tax is included in the rental fee.
Reservation is confirmed when payment has been received in full.

NAME _____

ADDRESS _____

PHONE(S) _____

REQUESTED DATE OF RENTAL _____

CHECK# _____ CASH _____

RECEIPT # _____

Pavilion and/or kitchen has been inspected after use and refundable monies may be returned

BY _____ DATE _____

THE VILLAGE OF
BOSTON HEIGHTS

45 East Boston Mills Road

Hudson, OH 44236

Phone: 330-650-4111

**MATTHEWS THOMAS PARK PAVILION
BALL FIELD RENTAL AGREEMENT**

The Village of Boston Heights agrees that the Organization may use the field at the Matthews-Thomas Park on the following date:

MONTH	DAY	DATE	TIME
_____	Sunday _____	_____	_____
	Monday _____	_____	_____
	Tuesday _____	_____	_____
	Wednesday _____	_____	_____
	Thursday _____	_____	_____
	Friday _____	_____	_____
	Saturday _____	_____	_____

MONTH	DAY	DATE	TIME
_____	Sunday _____	_____	_____
	Monday _____	_____	_____
	Tuesday _____	_____	_____
	Wednesday _____	_____	_____
	Thursday _____	_____	_____
	Friday _____	_____	_____
	Saturday _____	_____	_____

* Please use the back of this form for additional months/dates

Name of Organization _____ Contact _____

Address _____

Phone No(s): _____

**MATTHEWS THOMAS PARK PAVILION
BALL FIELD RENTAL AGREEMENT**

CHECK # _____ CASH _____

RECEIPT# _____

The said Organization agrees to pay to the Village in advance of each month the following rates:

1 Day Per Week _____ *\$30.00* *2 Days Per Week* _____ *\$55.00*

3 Days Per Week _____ *\$85.00*

*** No additional charge when requesting more than 3 days per week.**

The Organization agrees to clean up the field at the end of each usage.

The Organization agrees to dispose of their garbage after use, not leaving it on the field, and shall be responsible for any and all damage caused to the field by its members, guests, or additional users.

The Organization shall indemnify and hold the Village of Boston Heights harmless from all claims or lawsuits that may arise from the Organization, its members, guest, or other authorized users' use of the field(s).

Dated this _____ day of _____, 2014.

Village of Boston Heights

Organization

By _____

By _____

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-77
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE CONTRACT WITH
THE SUMMIT COUNTY DEFENDER'S OFFICE AND DECLARING AN EMERGENCY**

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

Section 1: That the Mayor is hereby authorized and directed to enter into a contract with the Summit County Public Defender's Office for 2014. Said contract is attached hereto as Exhibit A.

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

Section 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Police Department, Mayor's Court, 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 Resolution **2013-12-77** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-12-77

**LEGAL DEFENDERS OFFICE
OF SUMMIT COUNTY, OHIO INC**

ONE CASCADE PLAZA - SUITE 1940 - AKRON, OHIO 44308
Phone (330) 434-3461 - Fax (330) 434-3371

JOSEPH S. KODISH
Director
PATTI M. SCHACHTER
Deputy Director

Staff Attorneys
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JAMES D. BERNHARDT

December 3, 2013

Ms. Carol Zeman
Clerk-Treasurer
Village of Boston Heights
45 E. Boston Mills Rd.
Hudson Ohio 44236

RE: Contract Services
Indigent Defense - Legal Defender Office

Dear Ms. Zeman:

Enclosed please find the original and three copies of the proposed Agreement between Village of Boston Heights and the Legal Defender Office of Summit County, Ohio, Inc., relative to indigent defense; Please ***return all copies*** to us after they've been signed. The original and one copy will be returned to you once they have **all** been signed by the State Public Defender Office.

As stated in this Agreement, all cases opened in this office between January 1, 2014 and December 31, 2014 will be billed at \$160.00 per case.

Please be advised that the enclosed contract is the same contract that has been signed by every jurisdiction for which we are doing work within the County, other than the City of Akron. If, after reviewing this Agreement, you have any questions please feel free to call my office.

Your truly,
[signed]
Janean Ray
Office Manager

AGREEMENT

This Agreement made at the VILLAGE OF BOSTON HEIGHTS , Ohio on this _____ day of _____, _____, by and between the VILLAGE OF BOSTON HEIGHTS , Ohio, acting by and through its Mayor (or designee) duly authorized by Ordinance/Resolution No. _____, _____, passed by the Council of the VILLAGE OF BOSTON HEIGHTS , Ohio on the _____ day of _____, _____, hereinafter referred to as the VILLAGE and the Summit County Public Defender's Commission, One Cascade Plaza Suite 1940, Akron, Ohio hereinafter referred to as the DEFENDER.

WITNESSETH:

WHEREAS, the VILLAGE has entered into an agreement to obtain the services of the DEFENDER to provide legal counsel to indigent persons charged with loss of liberty offenses in its municipal jurisdiction for 2014; and

WHEREAS, pursuant to Chapter 120 of the Ohio Revised Code and Administrative Code 120-1-09 it is necessary to enter into this Agreement in order for said County to obtain reimbursement pursuant to Chapter 120 and Administrative Rule 120-1-09 of the Ohio Administrative Code.

NOW, THEREFORE, in consideration of the mutual covenants, promises, conditions, and terms to be kept and performed, it is agreed between the parties as follows:

Section 1. The DEFENDER shall provide counsel in the Stow Municipal Court to persons charged with a violation of the Codified Ordinances of the VILLAGE OF BOSTON HEIGHTS , Ohio, and who meet all the following specifications:

- a. The judge has determined in accordance with Subsection D of Rule 44 of the Ohio Rules of Criminal Procedure that such person is unable to obtain legal counsel.
- b. Such person has not waived the right to counsel in accordance with Rule 43 (C) of the Ohio Rules of Criminal Procedure.

- c. The judge determines that a sentence of confinement may be imposed on such person should he be convicted.
- d. Defines "eligible person" as an individual who at the time this need is determined, to be indigent in accordance with Sections 120.05 and 120.15 of the Ohio Revised Code and Section 120-1-03 of the Ohio Administrative Code and other rules and standards established by the Ohio Public Defender and the Commission.

Section 2. The VILLAGE shall pay to the DEFENDER a fee for the services provided in Section 1 of the Agreement of One Hundred Sixty Dollars (\$160.00) per case for all cases opened between January 1, 2014 through December 31, 2014.

a. The parties hereto agree that said representation of such indigent person shall not exceed the fee schedule in effect and adopted by Summit County, Ohio (said fee schedule currently allows payment of up to \$750.00 per case as and for a trial.)

Section 3. The DEFENDER shall send semi-annual statements to the VILLAGE certifying the number of cases completed during the preceding months.

Section 4. The Agreement shall expire on December 31, 2014.

Section 5. In the event the VILLAGE does not renew this Agreement, the VILLAGE agrees to pay the DEFENDER the amount of One Hundred-Sixty Dollars (\$160.00) per pending case upon the completion of said case.

Section 6. Should the DEFENDER be succeeded by a county defender organized in accordance with the Ohio Revised Code, the DEFENDER may assign its duties under this assignment and -shall not be made by either party without the prior written consent of the other; provided, however, that the DEFENDER is expressly authorized to provide the services described in Section 1 through the Legal Defender Office of Summit County, Ohio Inc.

Section 7. Should the DEFENDER or any other entity receive reimbursement for the services performed by the DEFENDER, the DEFENDER shall insure the VILLAGE receives its prorated share of such reimbursement through credit toward the VILLAGE'S payment and/or payments, direct or indirect, to the VILLAGE.

Section 8. The DEFENDER shall defend and hold harmless the VILLAGE from any and all claims or liability resulting from the services performed by the DEFENDER under the contract.

Section 9. All amendments to this Agreement shall be in writing and signed by both parties.

Section 10. This contract shall be subject to the approval of the Ohio Public Defender Commission.

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written.

IN THE PRESENCE OF:

VILLAGE OF BOSTON HEIGHTS

Witness

_____/_____
Mayor (or designee) Date

Witness

SUMMIT COUNTY PUBLIC
DEFENDER COMMISSION

Approved as to legal form
and correctness:

_____/_____
Philip Lloyd, Trustee Date
(or designee)

_____/_____
Law Director Date

OHIO PUBLIC DEFENDER
COMMISSIONER

_____/_____

CERTIFICATE OF DIRECTOR OF FINANCE

I hereby certify that certificates will be furnished on payment orders issued by the _____ under this contract and that sufficient money is in the treasury under this contract and that sufficient money is in the treasury or in the process of collection to the credit of the appropriate fund or division to discharge the VILLAGES's obligation under this contract as authorized by Ordinance/Resolution No. _____, _____ .

Director of Finance

VILLAGE OF BOSTON HEIGHTS
RESOLUTION NO: 2013-12-78
FIRST READING / **ADOPTED**

RESOLUTION DECLARING THE NECESSITY AND INTENTION OF THE VILLAGE OF BOSTON HEIGHTS TO APPROPRIATE FEE SIMPLE INTEREST IN PARCEL 17 SH, U, T, A STANDARD HIGHWAY EASEMENT, A UTILITY EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT IN CONNECTION WITH A ROADWAY IMPROVEMENT AND BRIDGE PROJECT, AND DECLARING AN EMERGENCY

WHEREAS, the Council of the Village of Boston Heights desires to promote public health, safety and welfare of the community through the expeditious completion of the Roadway Improvement and Bridge Project, which is supported with Village funds, state and federal funding; and

WHEREAS, The Ohio Revised Code, in Sections 719.01 and other provisions, provides that a municipal corporation may appropriate certain, real property for various public purposes; and

WHEREAS, the Council of the Village of Boston Heights has determined upon recommendation by the Administration, that the above-described property is necessary for the construction of anew bridge on Akron-Cleveland Road to be used for municipal purposes and to open, widen, straighten, changing the grade of, and extend the road conjunction with the plan construction of said bridge; and

WHEREAS, the Council of the Village of Boston Heights desires to promote public health, safety and welfare of the community through the expeditious completion of the Roadway Improvement and Bridge Project, which is supported with Village funds, state and federal funding; and

WHEREAS, fee simple interests permanent easements and temporary work easements on parts of Permanent Parcel Nos. 17 SH, 17 U, 17 T, must be appropriated so that the Roadway Improvement and Bridge Project can be timely completed; and

WHEREAS, the Village of Boston Heights, has been unable to engage in good faith negotiations with the owner of Permanent Parcel Nos. 17 SH, 17 U, 17 T and/or has reached an impasse in negotiations, in an attempt to acquire the required property interests by agreements.

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

Section 1: That this Council considers it necessary and declares its intention to appropriate for the Roadway Improvement and Bridge Project, and improvement purposes:

fee simple interests being a permanent standard highway easement, permanent utility easement and temporary construction easement in and to the premises known as parts of Permanent Parcel Nos. 17 SH, 17 U, 17 T, and as specifically described in attached Exhibits "A," "B," and "C", "which are incorporated herein by reference

Section 2: That the Mayor be and is hereby authorized and directed to cause written notice of the passage of this Resolution to be given to the owner and persons in possession or having an interest of record in the premises. The notice shall be served and returned according to law.

Section 3: That the funds for the purposes of this Resolution have been or are hereby appropriated and shall be paid from the Village of Boston Heights General Fund, Federal

Highway Safety Funds, Ohio Public Works, Commission Funding, and any other Federal, State or local funds made available for the Project.

Section 4: All formal actions of this Council related to this Resolution and all deliberations of the 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 immediately necessary for the preservation of the public peace, health, safety and welfare of the Village, and for the further reason that it is necessary to obtain the aforesaid property interests and commence proceedings for appropriation of such property interests, in order to make improvements to the Roadway Improvement and Bridge Project, to ensure safety in movement of vehicles and traffic with the Village of Boston Heights, and conserve public funds 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 Resolution **2013-12-78** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 11th day of December, 2013.

BETTY KLINGENBERG, FISCAL OFFICER

EXHIBIT A: RESOLUTION NO: 2013-12-78

EXHIBIT A

LPA RX 871 SH
Ver. Date 04/25/2013

Rev. 06/09
PID 86154

PARCEL 17-SH
SUM-AKRON CLEVELAND ROAD
PERPETUAL EASEMENT FOR HIGHWAY PURPOSES
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
VILLAGE OF BOSTON HEIGHTS, SUMMIT COUNTY, OHIO

An exclusive perpetual easement for public highway and road purposes, including; but not limited to any utility construction, relocation and/or utility maintenance work deemed appropriate by (he Village Of Boston Heights, Summit County, Ohio, its successors and assigns forever.

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Being a parcel of land lying on the left side of the ceaterline of right of way of Akron Cleveland Road as shown on a centerline survey plat made in 1952 for the Ohio Department of Transportation titled "SUM-8-19.93/SUM-303-10.36" as recorded in Plat Book 44, Page 169 of the records of Summit County, Ohio:

Situated in the State of Ohio, County of Summit, Village of Boston Heights, lying in Lot 6 East of the Cuyahoga River, Township 4, Range 11 of the Connecticut Western Reserve, being on, over, and across Lot 12 as shown on the plat entitled "Inter-Urban Subdivision" of record in Plat Book 28, Pages 32 and 33 and conveyed as Parcel 9 to Patrick Realty Corp. by deed of record in Official Record 48, Page 246, (all references are to the records of the Recorder's Office, Summit County, Ohio) and being more particularly described as follows:

BEGINNING, FOR REFERENCE, at a corner common to said Lot 12 and Lot 11 as shown on said "Inter-Urban Subdivision", at the southeasterly corner of said Patrick Really Corp. tract, a northeasterly comer the tract conveyed to Dale Perez by deed of record in Reception Number 55447041 and Reception Number 54735722, and in a southwesterly line of the tract conveyed as Parcel No. 17 to Ohio Edison Company by deed of record in Deed Book 4989, Page 1, located 25.73 feet left of centerline station 295+97.18 for Akron Cleveland Road;

thence North 51 degrees 52 minutes 48 seconds West, with a northeasterly line of said Lot 12, said Patrick Realty Corp. tract and said southwesterly line, a distance of 52.09 feet, to an iron pin set, being the *TRUE POINT OF BEGINNING*, located 60.00 feet left of centerline station 296+36.41 for Akron Cleveland Road;

thence South 10 degrees 44 minutes 48 seconds East, across said Lot 12 with the existing westerly right-of-way line of Akron Cleveland Road, a distance of 31.41 feet, to an iron pin set, located 60.00 feet left of centerline station 296+05.00 for Akron Cleveland Road;

thence North 54 degrees 06 minutes 36 seconds. West, across said Lot 12, a distance of 123.79 feet, to an iron pin set, located 145.00 feet left of centerline station 296+95.00 for Akron Cleveland Road;

thence North 10 degrees 44 minutes 48 seconds West, across said Lot 12, a distance of 38.73 feet, to an iron pin set in the northeasterly line of said Lot 12 and in the southwesterly line of said Ohio Edison Company tract, located 145.00 feet left of centerline station 297+33.73 for Akron Cleveland Road;

thence South 51 degrees 52 minutes 48 seconds East, with the line common to said Lot 12 and said Ohio Edison Company tract, a distance of 129.22 feet, to the *TRUE POINT OF BEGINNING*, containing 0.068 acre, more or less, from Auditor's Parcel Number 1300319.

Iron pins set, as shown on said Right of Way plans, in the above description are 3/4 inch steel rod, thirty (30) inches long with a 1 1/2" diameter aluminum cap stamped "ODOT R/W"

The bearings shown on this plat are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected CORS base stations in the National Spatial Reference System. The portion of the centerline of Akron-Cleveland Road, having a bearing of North 10 degrees 44 minutes 48 seconds West, is designated the "basis of bearing" for this survey.

This description was prepared by Edward J. Miller, Registered Surveyor No. 8250, based upon a survey by Evans, Mechwart, Hambleton & Tilton, Inc. in November 2011.

EVANS, MECHWART, HAMBLETON & TILTON, INC

[signed and dated 06/21/13 and stamped]

Edward J. Miller
Professional Surveyor No. 8250

EXHIBIT B: RESOLUTION NO: 2013-12-78

EXHIBIT B

RX 282 U
Ver. Date 06/27/2013

Rev. 06/09
PID 86154

PARCEL 17-U
SUM-AKRON CLEVELAND ROAD
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
SUNOCO PIPELINE, L.P.

The first paragraph(s) must be fully customized for the particular utility company and utility type (gas, water, electric, multi-purpose, etc.).

[Surveyor's description of the premises follows]

Being a parcel of land lying on the left side of the centerline of right of way of Akron Cleveland Road as shown on a centerline survey plat made in 1952 for the Ohio Department of Transportation titled "SUM-8-19.93/SUM-303-10.36" as recorded in Plat Book 44, Page 169 of the records of Summit County, Ohio:

Situated in the State of Ohio, County of Summit, Village of Boston Heights, lying in Lot 6 East of the Cuyahoga River, Township 4, Range 11 of the Connecticut Western Reserve, being on, over, mid across Lot 12 as shown on the plat entitled "Inter-Uiban Subdivision" of record in Plat Book 28, Pages 32 and 33 and conveyed as Parcel 9 to Patrick Realty Coup, by deed of record in Official Record 48, Page 246, (all references are to the records of the Recorder's Office, Summit County, Ohio) and being more particularly described as follows:

BEGINNING at the southeasterly comer of said Lot 12 and the northeasterly comer of Lot 11 as shown on said "Inter-Urban Subdivision" conveyed to Dale Perez by deed of record in Reception Number 55447041 and Reception Number 54735722, located 25.73 feet left of centerline station 295+97.18 for Akron Cleveland Road;

thence South 49 degrees 13 minutes 32 seconds West, with the line common to said Lots 11 and 12, a distance of 50.95 feet, to a point, located 69.85 feet left of centerline station 295+71.68 for Akron Cleveland Road;

thence across said Lot 12, the following courses:

North 51 degrees 52 minutes 48 seconds West, a distance of 15.43 feet, to a point, located 80.00 feet left of centerline station 295+83.30 for Akron Cleveland Road;

North 10 degrees 44 minutes 48 seconds West, a distance of 38.00 feet, to a point, located 80.00 feet left of centerline station 296+21.30 for Akron Cleveland Road;

North 51 degrees 52 minutes 48 seconds West, a distance of 210.84 feet, to a point on the westerly line of said Lot 12, located 218.69 feet left of centerline station 297+80.10 for Akron Cleveland Road;

thence North 27 degrees 28 minutes 16 seconds West, with said westerly line, a distance of 60.50 feet, to a point at the northernmost comer thereof, located 236.10 feet left of centerline station 298+38.04 for Akron Cleveland Road;

thence South 51 degrees 52 minutes 48 seconds East, with the easterly line of said Lot 12, a distance of 319.80 feet, to the *POINT OF BEGINNING*, containing 0.185 acre, more or less, of which 0.023 acre lies within the present roadway occupied, from Auditor's Parcel Number 1300319.

The bearings shown on this plat are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected CORS base stations in fee National Spatial Reference System. The portion of the centerline of Akron-Cleveland Road, having a bearing of North 10 degrees 44 minutes 48 seconds West, is designated the "basis of bearing" for this survey.

This description was prepared by Edward J. Miller, Registered Surveyor No. 8250, based upon a survey by Evans, Mechwart, Hambleton & Tilton, Inc. in November 2011.

EVANS, MECHWART, HAMBLETON & TILTON, INC

[signed and dated 06/28/13 and stamped]

Edward J. Miller
Professional Surveyor No. 8250

EXHIBIT C: RESOLUTION NO: 2013-12-78

EXHIBIT C

LPA RX 282 T
Ver. Date 04/25/2013

Rev. 07/09
PID 86154

PARCEL 17-T
SUM-AKRON CLEVELAND ROAD
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT ACCESS FOR TEMPORARY BIKE AND HIKE TRAIL, GRADING &
DRAINAGE AND REMOVE A BILLBOARD
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
VILLAGE OF BOSTON HEIGHTS, SUMMIT COUNTY, OHIO

[Surveyor's description of the premises follows]

Being a parcel of land lying on the left side of the centerline of right of way of Akron Cleveland Road as shown on a centerline survey plat made in 1952 for the Ohio Department of Transportation titled "SUM-8-19.93/SUM-303-10.36" as recorded in Plat Book 44, Page 169 of the records of Summit County, Ohio:

Situated in the State of Ohio, County of Summit, Village of Boston Heights, lying in Lot 6 East of the Cuyahoga River; Township 4, Range 11 of the Connecticut Western Reserve, being on, over, and across Lot 12 as shown on the plat entitled "Inter-Urban Subdivision" of record in Flat Book 28, Pages 32 and 33 and conveyed as Parcel 9 to Patrick Realty Corp. by deed of record in Official Record 48, Page 246, (all references are to the records of the Recorder's Office, Summit County, Ohio) and being more particularly described as follows:

BEGINNING at the southwesterly corner of said Lot 12 and the northwesterly corner of Lot 11 as shown on said "Inter-Urban Subdivision" conveyed to Dale Perez by deed of record in Reception Number 55447041 and Reception Number 54735722, located 143.31 feet left of centerline station 295+29.22 for Akron Cleveland Road;

thence North 27 degrees 28 minutes 16 seconds West, with the westerly line of said Lot 12, a distance of 322.46 feet, to the northernmost corner of said Lot 12, located 236.10 feet left of centerline station 298+38.04 for Akron Cleveland Road;

thence South 51 degrees 52 minutes 48 seconds East, with the easterly line of said Lot 12, a distance of 138.49 feet, to an iron pin set on the proposed standard highway easement for Akron Cleveland Road, located 145.00 feet left of centerline station 297+33.73 for Akron Cleveland Road;

thence across said Lot 12 with said proposed standard highway easement; the following courses:

South 10 degrees 44 minutes 48 seconds East, a distance of 38.73 feet, to an iron pin set, located 145.00 feet left of centerline station 296+95.00 for Akron Cleveland Road; and

South 54 degrees 06 minutes 36 seconds East, a distance of 123.79 feet, to an iron pin set on the existing westerly standard highway easement of Akron Cleveland Road, located 60.00 feet left of centerline station 296+05.00 for Akron Cleveland Road;

thence South 10 degrees 44 minutes 48 seconds East, across said Lot 12 with said existing westerly standard highway easement, a distance of 27.63 feet, to the line common to said Lots 11 and 12, located 60.00 feet left of centerline station 295+77.37 for Akron Cleveland Road;

thence South 49 degrees 13 minutes 32 seconds West, with said common line, a distance of 96.22 feet, to the *POINT OF BEGINNING*, containing 0.397 acre, more or less, from Auditor's Parcel Number 1300319.

Iron pins set, as shown on said Right of Way plans, in the above description are 3/4 inch steel rod, thirty (30) inches long with a 1 1/2" diameter aluminum cap stamped "ODOT R/W"

The bearings shown on this plat are based on the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected CORS base stations in fee National Spatial Reference System. The portion of the centerline of Akron-Cleveland Road, having a bearing of North 10 degrees 44 minutes 48 seconds West, is designated the "basis of bearing" for this survey.

This description was prepared by Edward J. Miller, Registered Surveyor No. 8250, based upon a survey by Evans, Mechwart, Hambleton & Tilton, Inc. in November 2011.

EVANS, MECHWART, HAMBLETON & TILTON, INC

[signed and dated 06/21/13 and stamped]

Edward J. Miller
Professional Surveyor No. 8250