

**VILLAGE OF BOSTON HEIGHTS  
COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 7, 2014  
7:00 PM**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

R.Antal X- B.Bartko X - J.Miller X- G.Blakeney X- R.Fenn X- D.Polyak X

APPROVAL OF AGENDA

Motion to Amend Agenda as presented to Council

**APPROVED** (several items were added and removed since the posted "draft" agenda)

OPEN FORUM

Sarah Fenderbosch of Olde Eight Road asked Council to consider 'creative solutions' to speeding traffic on northern Olde Eight Road. She suggested speed meters, speed cameras, or a reduced speed limit (from 35MPH). She was hoping this could be addressed before commercial development at Hines Hill Road.

Dawn Blakeney of Sholle Drive asked Council what it was going to do about 'illegal dumping' at a property adjacent to her neighborhood. This was a reference to activity at the Brumfield property on Olde Eight Road, which was the subject of a Stipulated Permanent Injunction in May 2012 (case CV-2003-11-6883). She expressed concern about water well impacts, and suggested the Village should rescind the use variance that allows a landscaping business on this residential property. Village Engineer Dave Krock said the Mayor had been trying to set up a meeting with the property owner. Mayor Goncy confirmed that, stating that he was trying to set that meeting at the subject property, and will ask the Engineer and Solicitor to attend.

Carol Fenn of Olde Eight Road asked newly-seated Council member Bob Bartko whether he knew anything about missing photographs from the Village's Fire Station. Mr. Bartko said he did not, but agreed to look into it.

CORRESPONDENCE -- NONE

APPROVAL OF MINUTES:

Minutes of December 11, 2013 - Regular Council Meeting -- **APPROVED**

---

ORDINANCES

ORDINANCE 2014-1-1  
(First Reading)

**ADOPTED: ORD 2014-1-1**

AN ORDINANCE AUTHORIZING SUBMISSION OF PILT PROPORTIONATE GRANT APPLICATION AND DECLARING AN EMERGENCY

**NOTE: Fiscal Officer Betty Klingenberg explained that this completes the paperwork necessary to claim about \$1500 in Payment in Lieu of Taxes from the Federal Government, primarily associated with the National Park.**

ORDINANCE 2014-1-2  
(First Reading)

**ADOPTED: ORD 2014-1-2**

AN ORDINANCE APPROPRIATING SIMPLE INTERESTS IN PARCEL 17 SH, U.T., BEING 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:** Engineer Krock explained that this is in connection with the Akron-Cleveland Road bridge rebuilding project, expected to take place this year. Solicitor Pitchford explained that this is the next step in the Village's acquisition of necessary right-of-way from private owners, should eminent domain become necessary. See also Res. 2013-12-78 last month. He noted that three property owners had settled on sale of easements, and this applied to a fourth owner's properties. He added that it was entirely possible that a settlement would yet be reached before eminent domain proceedings were necessary, but that otherwise this would enable such a suit to be filed at the end of January. He urged passage, to keep the project on schedule. He also explained that if a suit became necessary, it would be a "quick take" that would not impact the project schedule, and would involve depositing the appraised \$6723 payment in escrow with the court until final settlement.

---

## RESOLUTIONS

RESOLUTION 2013-12-66  
(Second Reading)

**ADOPTED: RES 2013-12-66**

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

**NOTE:** In response to a question by Councilor Janet Miller, Mayor Gonyc stated that, since last month's meeting, he had considered one other candidate who turned out to have no interest in the BZA position, and had not had any other inquiries. He reviewed the meeting records over recent years and was satisfied with Ms. May's attendance. In response to a question from Councilor Ron Fenn, BZA Chair Bill Hinkle affirmed his endorsement of Ms. May's re-appointment. Council concurred.

RESOLUTION 2014-1-1  
(First Reading)

**ADOPTED: RES 2014-1-1**  
With Mr. Blakeney voting NO  
All others YES

RESOLUTION ELECTING PRESIDENT PRO TEMPORE OF THE COUNCIL OF THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

**NOTE:** Councilor Janet Miller expressed surprise that current Council President Pro Tempore Don Polyak was already written into the resolution; she had expected a nomination procedure as in previous years. However, there were no amendments offered for other nominations. Councilor Glen Blakeney voted NO on the resolution, all other members YES.

RESOLUTION 2014-1-2  
(First Reading)

**ADOPTED: RES 2014-1-2**

RESOLUTION DESIGNATING MEMBERS OF THE BOSTON HEIGHTS COUNCIL TO VARIOUS COUNCIL COMMITTEES AND DECLARING AN EMERGENCY

**NOTE: Mayor Goncy explained that the provisional committee assignments were made by considering the committee requests of each Council member, and further balancing the assignments equally. Priority was given to members who had already served on a given committee. There were no amendments offered for modifications of memberships.**

RESOLUTION 2014-1-3  
(First Reading)

**ADOPTED: RES 2014-1-3**

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SUMMIT AKRON SOLID WASTE MANAGEMENT AUTHORITY

**NOTE: Mayor Goncy explained that this was an annual confirmation of the local solid waste plan from SASWMA <http://www.saswma.org/> and that it is primarily concerned with recycling. A copy of the Plan can be found here: <http://www.saswma.org/plan.htm> (though it is not clear whether this is the most recent or current version). Note that the Plan covers all solid waste disposal streams, including transfer to landfill -- not just recycling issues.**

RESOLUTION 2014-1-4

**WITHDRAWN**

RESOLUTION 2014-1-5  
(First Reading)

**ADOPTED: RES 2014-1-5**

A RESOLUTION APPOINTING THE CEMETERY SEXTON FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2014 AND DECLARING AN EMERGENCY

**NOTE: Mayor Goncy explained that he was re-appointing Mr. Toney Garibay, who had started on the job last year. Councilor Ron Fenn, representing Council's Cemetery Committee (and no doubt privy to the Cemetery Trustees views) endorsed Mr. Garibay's re-appointment.**

REPORTS

**MAYOR**

B. GONCY

Mayor Bill Goncy announced that on 30 December 2013 he had sworn in Alexander McKinley as an auxiliary police officer for the Village. He also reported that Mr. Garibay, the Fairview Cemetery sexton, had submitted a year-end report on the Cemetery activities for 2013; he also noted that the County had finally refunded property taxes that had been improperly assessed against the cemetery. The Mayor also reported: \$5K had been received in the sale of the Village's old Mac fire truck; a year-end report on the paper recycling bin had been received, including monies paid to the Village; April will be Summit County Child and Family Awareness Month, and Council members may volunteer for various boards; the Village's application for AMATS funding for road paving had been well-scored, and grants for that purpose will be decided upon shortly..

**FISCAL OFFICER**

B. KLINGENBERG

MOTION: Meeting -November 12, 2014 (Date Change)

Fiscal Officer Betty Klingenberg asked for and received a Council motion to change the November regular meeting date to 12 November 2014, to avoid the Tuesday holiday. She also reported that Ms. Lisa Spraggins had left Village employ for another job, and that a new Village Officials directory is pending revision for the new year.

**COMMITTEE REPORTS:**

**SAFETY COMMITTEE**

G. BLAKENEY

Mr. Blakeney stated that Safety Committee meetings would continue to be at 6PM on each 3rd Tuesday, commencing 21 January 2014. Liaison with Valley Fire District would be carried out in conjunction with the Safety Committee.

**ROADS COMMITTEE**

R. FENN

Mr. Fenn stated that Roads Committee meetings would continue to be at 5PM on each 3rd Monday, commencing 20 January 2014. The Committee would start by looking at equipment needs for the Roads Department.

**LANDS AND BUILDINGS COMMITTEE / PARK**

J.MILLER

Ms. Miller had not yet decided on a schedule for Lands and Buildings Committee meetings, but would coordinate with the members of the Recreational Advisory Commission (Park Board), and would get an update from Mr. Blakeney on the status of these two bodies.

**CEMETERY TRUSTEES**

R. FENN

[CEMETERY COMMITTEE]

Mr. Fenn expected no meetings until March.

**ECONOMIC DEVELOPMENT COMMITTEE**

R. ANTAL

Mr. Antal reported that he, the Mayor, and the Solicitor had met with Arhaus Furniture executives and Premier Development representatives to review the status of the Arhaus development, and note residents' concerns.

**PLANNING COMMISSION / BZA**

D. POLYAK

[ZONING COMMITTEE]

Mr. Polyak reported that the Planning Commission had approved the Arhaus site plan, with some contingencies. A resident of Meghan's Lane expressed some concerns about noise from the facility. Mr. Polyak also noted that the Comprehensive Zoning Plan Committee would be meeting next Wednesday, 15 January 2014, at 7PM.

**ENGINEER**

D. KROCK

village Engineer Dave Krock reported that ODOT was still pushing for a 2-month closure of the Olde 8 intersection with State Route 303 during the upcoming bridge reconstruction project nearby, over the Bike & Hike Trail. ODOT's view is that this would alleviate the expected traffic backups on Route 303 while the bridge is signaled for one-way traffic. Council seemed generally opposed to this closure, but Mayor Goncy floated the idea of trying to extract some quid pro quo from ODOT in return for the closure, perhaps as local-share funding for paving projects. Engineer Krock agreed to pass along the Village government's views on the matter. The Engineer also distributed a funding summary for various road projects in the Village, noting that all had come in under budget.

## **OLD BUSINESS**

Mr. Blakeney reported that he was having difficulty with his Village-assigned email and in getting into the Village's work-in-progress website. Mr. Polyak didn't know of any problems, but referred him to the Village's IT consultant.

## **NEW BUSINESS**

Mayor Goncy noted that there will be a Special Meeting of Council just before the next Finance Committee meeting (see below) on the Arhaus CRA tax incentive agreement. Solicitor Pitchford noted that this will be the fourth public meeting at which the development was discussed.

NOTE: Special Meeting on Tuesday, January 28, at 6:30 PM for  
"CONSIDERATION OF AN ORDINANCE AUTHORIZING REAL PROPERTY TAX  
EXEMPTIONS WITH RESPECT TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE  
OF BOSTON HEIGHTS COMMUNITY REINVESTMENT AREA FOR THE PURPOSE OF  
ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THAT AREA.; AUTHORIZING  
THE MAYOR TO EXECUTE AND DELIVER A COMMUNITY REINVESTMENT AREA  
WITH HOMEWORKS, INC, DBA ARHAUS; AUTHORIZING THE MAYOR TO EXECUTE  
AND DELIVER A COMMUNITY REINVESTMENT AREA COMPENSATION  
AGREEMENT WITH THE BOARD OF EDUCATION OF THE HUDSON CITY SCHOOL  
DISTRICT, AND DECLARING AN EMERGENCY"

## **EXECUTIVE SESSION**

Solicitor Pitchford asked for and Council adopted a motion to go into Executive Session to discuss "imminent and pending litigation and economic development incentives."

## **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: 2014-1-1  
FIRST READING / **ADOPTED**

**AN ORDINANCE AUTHORIZING SUBMISSION OF PILT PROPORTIONATE  
GRANT APPLICATION 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 Mayor is hereby authorized and directed to enter into a contract and submit the grant agreement with Summit County, Ohio for Tax Year 2012 PILT Distribution.

Section 2: That the Mayor is hereby are, authorized and directed to sign all necessary documents with retroactive application if necessary, to submit the annual agreement and secure the proportionate share of the discretionary Payment in Lieu of Taxes (PILT) as appropriate.

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 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 **2014-1-1** 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 7th day of January, 2014.

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

**EXHIBIT A: ORDINANCE NO: 2014-1-1**

# COUNTY OF SUMMIT, OHIO

**Russell M. Pry, Executive**

175 S. Main Street • Akron, Ohio 44308-1308 • 330.643.2510 • fax: 330.643.2507 • www.co.summit.oh.us

December 12, 2013

Betty Klingenberg, Fiscal Officer  
Village of Boston Heights  
45 E. Boston Mills Rd.  
Hudson, OH 44236

**Re: Tax Year 2012 PILT Distribution**

Dear Ms. Klingenberg,

Please find enclosed a grant agreement between the County and the Village of Boston Heights whereby the County will distribute to your community a proportionate share of the discretionary Payment in Lieu of Taxes (PILT) funds for Tax Year 2012 that the County receives from the federal government for lands acquired for the Cuyahoga Valley National Park. The County has distributed these funds since Tax Year 2008 to political subdivisions impacted by the federal government's acquisition of park lands.

Please execute the enclosed agreement in triplicate and return the same to my attention. I will then obtain the signature of the County Executive and forward a fully executed agreement to your attention.

Also enclosed is a check in the amount contained in the agreement.

Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

*[signed]*

Jason D. Dodson, Esq.  
Chief of Staff

**AGREEMENT**  
**between the**  
**COUNTY OF SUMMIT, OHIO**  
**and the**  
**VILLAGE OF BOSTON HEIGHTS, OHIO**  
**(Tax Year 2012)**

THIS AGREEMENT is made as of the last date of signature below by and between the County of Summit, Ohio (the "COUNTY") and the Village of Boston Heights, Ohio (the "GRANTEE").

Whereas, the federal government has created, established, and expanded the Cuyahoga Valley National Park ("CVNP") within Summit County, Ohio, and a portion of the CVNP lands are situated within Grantee's boundaries; and

Whereas, because the CVNP lands are owned by the federal government, ordinary real estate taxes for those lands are not paid or collected, and, instead, a Payment in Lieu of Taxes ("PILT") is paid to the COUNTY for a period of time after the acquisition of each parcel of land by the federal government; and

Whereas, pursuant to Ohio law, the COUNTY has sole discretion on how to use and/or distribute the PILT funds it receives; and

Whereas, the COUNTY has decided to distribute the PILT funds for Tax Year 2012 to the communities where the CVNP lands are located, in the manner set forth on Exhibit A, attached hereto, which takes into account both the amount of CVNP lands within each community and the percentage of each community's lands that are CVNP land; and

Whereas, using the calculation set forth on Exhibit A, the COUNTY intends to distribute the sum of \$1,540.40 to GRANTEE.

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      PURPOSE.**

The COUNTY agrees to pay to the GRANTEE \$1,540.40 as its share of the PILT funds collected by the County for Tax Year 2012. GRANTEE understands and agrees that said distribution is solely within the discretion of the County and that the method for distribution set forth on Exhibit A is also solely within County's discretion.

**SECTION 2      USE OF GRANT FUNDS**

The GRANTEE shall deposit said funds into the operating account(s) of the GRANTEE and shall use the same for any governmental purpose for which GRANTEE may use funds as set forth in the Ohio Revised Code.

**SECTION 3      ACCOUNTABILITY FOR GRANT PROPERTY.**

The GRANTEE must maintain effective internal control and accountability for all grant cash, real and personal property and other assets. All grant property must be only used for the purpose authorized in this Agreement.



#### **SECTION 4 PAYMENTS.**

Upon execution of this Agreement by all Parties, the COUNTY will pay to the GRANTEE and amount not to exceed \$1,540.40.

#### **SECTION 5 REPORTS AND RECORDS.**

The GRANTEE agrees to maintain and provide to the COUNTY upon demand the following reports and records:

- Accounting and fiscal records adequate to allow the COUNTY and/or State of Ohio to audit and verify that the funds provided under this Agreement are used for the purpose(s) stated in this Agreement.
- Other records and reports as required by the COUNTY to enable it to comply with local, state, and federal statutes and regulations.
- The GRANTEE shall maintain all records related to this Agreement for 3 years after the COUNTY makes final payment hereunder and all other pending matters are closed. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the GRANTEE shall retain the records until completion of the action and all issues which arise from it or until the end of the 3-year period, whichever is later.

The COUNTY shall have the right of access to any pertinent book, document, paper or other records of the GRANTEE which are pertinent to grant in order to make audits or examinations.

#### **SECTION 6 COUNTY OF SUMMIT ORDINANCES.**

The GRANTEE agrees to and shall abide by the terms and conditions of the Codified Ordinances of the County of Summit, Ohio, as amended, which are hereby incorporated in this Agreement as if fully rewritten.

#### **SECTION 7 FEDERAL, STATE AND LOCAL LAWS.**

The GRANTEE agrees to abide by all Federal, State and local laws, statutes, resolutions, ordinances, rules and/or regulations applicable to this Agreement.

#### **SECTION 8 SUCCESSORS AND ASSIGNMENT.**

The COUNTY and the GRANTEE each binds itself and its successors, executors, administrators, and assigns to the terms, conditions, and covenants of this Agreement. Neither the COUNTY nor the GRANTEE shall assign or transfer its rights, interests, duties, or obligations under this Agreement without the express written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto.

#### **SECTION 9 NOTICES.**

Any notice required or permitted under this Agreement shall be given in writing and shall be deemed to have been given when personally delivered to any officer of the party receiving notice or when posted in the United States mail by certified mail addressed to the last known address of the party being served.

#### **SECTION 15 LAW OF OHIO.**

This Agreement shall be construed and enforced in accordance with the laws of the State of Ohio, without giving effect to its conflict of laws principles. The parties agree that any legal action, suit, or proceeding that arises out of this Agreement shall be brought solely and exclusively in the COUNTY of Summit Court of Common Pleas.

**SECTION 16 ENTIRE AGREEMENT, MODIFICATION AND SEVERABILITY.**

This written Agreement represents the entire agreement between the parties and supersedes all previous agreements, written and oral, between the parties. This Agreement shall not be modified except in writing signed by both parties. In the event any provision of this Agreement is determined to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of other provisions in the Agreement which shall be severable.

The parties hereunto have caused this AGREEMENT to be executed in triplicate on the day and year of the last signature below.

**VILLAGE OF BOSTON HEIGHTS, OHIO  
"GRANTEE"**

*BILL GONCY*  
By: **BILL GONCY**  
Its: **MAYOR**

Date: **JANUARY 22, 2014**

Approved as to form:

*MP*  
Marshal Pitchford, Village Solicitor

**1/28/14**  
Date

**COUNTY OF SUMMIT, OHIO  
"COUNTY"**

*RUSSELL M. PRY* by xxx  
By: Russell M. Pry  
Summit County Executive

Date: **2/12/14**

APPROVED AS TO FORM:

*DEBORAH S. MATZ* by xxx  
By: Deborah S. Matz  
Director, Department of Law, Insurance  
and Risk Management

Date: **2/12/14**

**% of Political Subdivision and % of Total Park Acreage**

POLITICAL SUBDIVISIONS	Total Acreage	Park Acreage	Column F	Column G	Column H	Column I	Allocation
			Percentage of Political Subdivision	Percentage of Total Park Acreage	Weighted Factor	Percentage of Weighted Factor	
<b>AMOUNT TO BE ALLOCATED</b>							<b>\$30,139.00</b>
BATH TWP	14,385.6	481.6	3.3478%	3.0289%	0.001	0.25%	\$73.90
BOSTON TWP	9,695.9	6,384.1	65.8433%	40.1518%	0.264	63.93%	\$19,267.78
PENINSULA VILLAGE	2,826.1	1,523.3	53.9011%	9.5806%	0.052	12.49%	\$3,763.62
BOSTON HEIGHTS VILLAGE	4,466.8	1,225.2	27.4290%	7.7057%	0.021	5.11%	\$1,540.40
CUYAHOGA FALLS CITY	16,586.3	2,607.9	15.7232%	16.4020%	0.025	6.24%	\$1,879.55
NORTHFIELD CENTER TWP	3,422.2	177.7	5.1926%	1.1176%	0.001	0.14%	\$42.30
RICHFIELD TWP	10,429.1	1,478.1	14.1728%	9.2963%	0.013	3.19%	\$960.24
SAGAMORE HILLS TWP	7,177	2,022	28.1733%	12.7171%	0.036	8.66%	\$2,611.20
Total	68,989	15,899.9		100.0000%	0.414	100.00%	\$30,139.00

Col F Park acreage within political subdivision compared to political subdivision's total acreage.
Col G Park acreage within political subdivision compared to the total park acreage. Tax districts are then combined for park acreage is within the political subdivision
Col H Column F multiplied by Column G
Col I The each weighted factor is then compared to the weighted total for a weighted percentage. The weighted percentage of each political subdivision is used for allocating money.

VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2014-1-2  
FIRST READING/ **ADOPTED**

**AN ORDINANCE APPROPRIATING SIMPLE FEE INTERESTS IN PARCEL 17 SH, U, T,  
BEING 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 property described herein is necessary for the construction of a new 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, 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 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, on December 11, 2013, this Council adopted Resolution No. 2013-12-78, declaring the necessity and intention of the Village to appropriate the subject property interests, and has so notified the owners in accordance with law;

WHEREAS, the Village of Boston Heights, has engaged 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 IT ORDAINED, by the Council of the Village of Boston Heights, County of Summit, State of Ohio as follows:

Section 1: That the 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, are hereby appropriated for the public purpose of the construction of a new 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, pursuant to the laws of the Village of Boston Heights.

Section 2: That Village Council hereby fixes the value of the aforesaid property interests, being a Permanent Standard Highway Easement, Permanent Utility Easement, and Temporary Construction Easement in and on said property at a total of Six Thousand Seven Hundred Twenty-Three and no/00 Dollars (\$6,723.00), which sum shall be deposited with the Summit County, Probate Division for the use and benefit of the owners of the property appropriated; and that upon such deposit, the Village of Boston Heights shall take possession of an enter upon the property pursuant to law.

Section 3: That the Council finds that the within appropriations is necessary for the public purpose as stated in Section 1 of this Ordinance, that the Village has been unable to agree with the owners of the property in question as to the proper price to be paid, and that the Village, therefore, intends to obtain immediate possession of the property interests, which are necessary for the stated public purposes.

Section 4: That the Solicitor and Law Department are authorized and directed to file a petition for appropriation in a court of competent jurisdiction, and later to have a jury impaneled to assess the final compensation to be paid for the property interests described above, all in accordance with law.

Section 5: That the sum of Six Thousand Seven Hundred Twenty-Three and no/00 Dollars (\$6,723.00), be and is hereby appropriated from the Village of Boston Heights General Fund, Federal Highway Safety Funds, Ohio Public Works Funding and any other Federal, State or local funds available for the Project; and the Village Fiscal Officer be and is hereby authorized and directed to cause the aforesaid sum to be deposited with the court as contemplated by this Ordinance.

Section 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and 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 7: That this Ordinance 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 immediately necessary to obtain the aforesaid property interests and commence proceedings to appropriate 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, comply with all State and Federal funding requirements in a timely manner, 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 Ordinance **2014-1-2** 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 7th day of January, 2014.

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

**EXHIBIT A: ORDINANCE NO: 2014-1-2**

**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: ORDINANCE NO: 2014-1-2**

**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 corner 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 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 06/28/13 and stamped]*

Edward J. Miller  
Professional Surveyor No. 8250

**EXHIBIT C: ORDINANCE NO: 2014-1-2**

**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 fiie 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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-12-66  
SECOND READING / **ADOPTED**

**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 7th day of January, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-1-1  
FIRST READING / **ADOPTED**

**RESOLUTION ELECTING PRESIDENT PRO TEMPORE OF THE COUNCIL OF THE  
VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code Section 731.10 provides:

At the first meeting in January of each year the legislative authority of a Village shall immediately proceed to elect a President Pro Tempore from its own number, who shall serve until the first meeting in January next after his or her election.

WHEREAS, Ohio Revised Code Section 731.10 provides further that:

When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the President Pro Tempore shall be the acting Mayor, and shall have the same powers and perform the same duties as the Mayor.

NOW THEREFORE be it resolved by the Council of the Village of Boston Heights, County of Summit and State of Ohio:

Section 1: That Donald Polyak is hereby elected and appointed as President Pro Tempore of the Council of the Village of Boston Heights, County of Summit, State of Ohio for the year 2014 and shall serve until Council's first meeting in January 2015.

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 Council 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 **2014-1-1** 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 7th day of January, 2014.

---

BETTY KLINGENBERG, FISCAL OFFICER

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-1-2  
FIRST READING / **ADOPTED**

**RESOLUTION DESIGNATING MEMBERS OF THE BOSTON HEIGHTS COUNCIL  
TO VARIOUS COUNCIL COMMITTEES AND DECLARING AN EMERGENCY**

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

Section 1: That the CEMETERY COMMITTEE for the year 2014 shall consist of the following council members: Councilman **Ron Fenn, Chairman**, and Council persons Glen Blakeney and Janet Miller.

Section 2: That the FINANCIAL COMMITTEE for the year 2014 shall consist of the following council members: Councilman **Don Polyak, Chairman**, and Council persons Ron Antal and Ron Fenn.

Section 3: That the PUBLIC SAFETY COMMITTEE for the year 2014 shall consist of the following Council persons: **Glen Blakeney, Chairman**, and Council persons Ron Fenn and Ron Antal. Further, **Glen Blakeney** shall be the liaison to the Valley Fire District.

Section 4: That the LANDS AND BUILDING COMMITTEE for the year 2014 shall consist of the following Council members: Councilwoman **Janet Miller, Chairman**, and Council persons Bob Bartko and Ron Antal.

Section 5: That the ROADS COMMITTEE for the year 2014 shall consist of the following Council members: Councilman **Ron Fenn, Chairman**, and Council persons Bob Bartko and Don Polyak.

Section 6: That the PLANNING AND ZONING COMMITTEE for the year 2014 shall consist of the following Council members: Councilman, **Don Polyak, Chairman**, and Council persons Glen Blakeney and Bob Bartko.

Section 7: That the PLANNING COMMISSION appointee for the year 2014 shall be Council person, **Don Polyak**.

Section 8: That the ECONOMIC DEVELOPMENT COMMITTEE for the year 2014 shall consist of the following Council members: **Ron Antal, Chairman**, and Council persons Janet Miller and Don Polyak.

Section 9: 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 10: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and for the further reason this measure is necessary in order to ensure the daily operations of the Village departments 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 Resolution **2014-1-2** 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 7th day of January, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-1-3  
FIRST READING / **ADOPTED**

**A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE  
SUMMIT AKRON SOLID WASTE MANAGEMENT AUTHORITY AND DECLARING  
AN EMERGENCY**

WHEREAS, the Village of Boston Heights is located within the Summit Akron Solid Waste Management Authority.

WHEREAS, the Summit Akron Solid Waste Management Authority Board of Trustees prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53 3734.54 and 3734.55.

WHEREAS, the Summit Akron Solid Waste Management Authority has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District.

WHEREAS, the Village of Boston Heights must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan.

NOW, Therefore, Be It Resolved by the Council of the Village of Boston Heights of Summit County, Ohio as follows:

Section 1: The Village of Boston Heights approves the Summit Akron Solid Waste Management Authority Solid Waste Management Plan.

Section 2: The Fiscal Officer is hereby directed to send the Authority a copy of this Resolution to the attention of Yolanda Walker, Executive Director, Summit Akron Solid Waste Authority, 12 East Exchange Street 3rd Floor, Akron, Ohio 44308.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 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 **2014-1-3** 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 7th day of January, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-1-5  
FIRST READING / **ADOPTED**

**A RESOLUTION FOR THE APPOINTMENT OF CEMETERY SEXTON FOR THE  
VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2014  
AND DECLARING AN EMERGENCY.**

WHEREAS, Village Council finds it is in: the general interest of the Village and its residents to appoint Toney Garibay as the Cemetery Sexton.

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

**Section 1:** That **Toney Garibay** is hereby appointed to the position of Cemetery Sexton for the Village of Boston Heights, Ohio for the year 2014, through the first meeting of Council in 2015;

**Section 2:** That effective January 7, 2014, said Cemetery Sexton shall assume and fulfill the duties imposed upon him by virtue of his respective position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio;

**Section 3:** That if the Village shall contract with an outside agency or entity for these services by anyone other than the individual appointed hereunder, then, with 30 days advance notice from the Village, such appointment shall be terminated;

**Section 4:** 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 meetings open to the public in full compliance with the applicable legal requirement including Section 121.22 of the Ohio Revised Code:

**Section 5:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Cemetery and other departments and shall therefore take affect 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 **2014-1-5** 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 7th day of January, 2014.

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