

**VILLAGE OF BOSTON HEIGHTS  
COUNCIL MEETING AGENDA  
TUESDAY, FEBRUARY 11, 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 **ABSENT** - B.Bartko **X** - J.Miller **X**- G.Blakeney **X**- R.Fenn **X**- D.Polyak **X**

APPROVAL OF AGENDA

**APPROVED**

OPEN FORUM

Joe Rock of Parkside Court (in Wooded View Estates) asked the Village to erect a Neighborhood Watch sign at the entrance to his development. He stated that he makes it a practice of roaming the neighborhood. Mayor Goncy said he would look into it, and ask the Safety Committee to take up the matter with the Chief of Police. Councilor Glen Blakeny, chair of that committee, pledged to take it up at the next meeting. The Mayor suggested that it might be necessary to actually have a formal Watch organization in place, perhaps with the support of the property owners' association. Councilor Don Polyak noted that Wooded View still does not have an operational homeowner's association.

Newly-elected Councilor Bob Bartko made a lengthy statement, which he wanted "on the record", in which he objected to his Council committee assignments, the conduct of the Planning Commission and Board of Zoning Appeals meetings, the unannounced cancellation of the Lands and Building Committee meeting, the cost of a grease gun and snow plow purchased by the Road Department, and various other matters. He demanded copies of a list of Zoning Code chapters from the Village's Codified Ordinances. Mr. Bartko also commented on the Village's contract with Valley Fire District, alluding to the Village forming or joining a Fire District, and wanted to know whether the Village "has a Fire Department." Mr. Bartko further stated his belief that the Mayor was "a dictator", with the connivance of the Solicitor. He also stated his objection to the planned Arhaus development.

Mayor Goncy and Solicitor Pitchford addressed Mr. Bartko's comments about the Fire Department as follows: the Village is not part of the Valley Fire District, but rather contracts with Valley for fire protection and EMS services, and rents the Village's fire equipment to them. All members of the Village's own Fire Department were laid off when that contract went into force, but the contract stipulated that all existing members of the Boston Heights Fire Department would be offered positions with Valley Fire District, within the requirements of state law.

Regarding the PC/BZA and Zoning Code chapters, Mayor Goncy noted that the Planning Commission and Board of Zoning Appeals are separate bodies independent of Council or its committees, and each has a single elected Council member on it (specifically, Don Polyak). Council members not acting as part of these bodies are not seated with those bodies while in session. Mr. Polyak pointed out that several of the sections of Zoning Code mentioned "do not exist" as they are not in the Code, but only draft documents prepared by the Village's legal interns for discussion by the PC. Mr. Polyak and Ms. Klingenberg agreed to obtain copies of the relevant documents for Mr. Bartko. Solicitor Pitchford also explained that the existing Zoning Code, and all of the Village's Codified Ordinances, are published on the Walter Drane website, and explained how to find them online and how to use Google for that purpose.

Mr. Goncy did not address the question of dictatorship.

Councilor Janet Miller, who chairs the Lands and Buildings Committee, apologized for the lack of notice on the cancellation of the February meeting. Mayor Goncy noted that he had since met with Mrs. Miller to brief her on some of the issues that committee had been dealing with in 2013.

Cindy Palumbo, of Olde Eight Road, asked whether any noise or pollution studies were being done in connection with the Arhaus development planned for the the former Boston Hills golf course. Village Engineer Dave Krock stated that there were a number of such studies and plans required by the site plan approval of the Planning Commission, including noise baseline study. These are being done by contractors engaged by the developer, not the Village. They will be reviewed at the time of the final site plan approval. The Village has stipulated that through truck traffic will from or to the facility will be barred from Olde Eight Road. Ms. Palumbo also wanted to know about a fueling station shown on the site plan; Mr. Krock,, Mr. Goncy, and Solicitor Pitchford variously noted that the station does appear on the approved plans near the southwest corner of the site, but that it is not necessarily going to be built in the first phase of the project. It would be a diesel fueling facility, set well back from the public roadways.

## CORRESPONDENCE

Mayor Goncy announced that ReWorks (Summit County Solid Waste Authority) was preparing a customized recycling brochure for Boston Heights. He also reported that the Summit County Health District had submitted its report on inspection of the Village's stormwater outflows, and that was available for inspection. He distributed information on upcoming Public Records training offered by the State of Ohio; Councilor Don Polyak added that this training was *mandatory* for all elected officials, once per term. The Mayor also reported that a Village Boy Scout, Douglas Mcle, had built a bridge for the Village's park as part of his Eagle Scout project. The Mayor noted that students at St. Barnabas School had sent thanks to the Village's police officers who had done an outreach program for their classes.

## APPROVAL OF MINUTES:

Minutes of January 7, 2014 -- **APPROVED**

Minutes of January 28, 2014 -- **APPROVED w/ corrections**

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## ORDINANCES

ORDINANCE 2014-2-4  
(First Reading)

**Suspension of 3-reading rule failed (Antal absent, Miller no, all others yes). First Reading.**

ORDINANCE AMENDING SECTION 337.31 OF THE CODIFIED ORDINANCES ON THE SUBJECT OF PROHIBITING "TEXTING" WHILE DRIVING, AND DECLARING AN EMERGENCY

**NOTE: Solicitor Pitchford explained that this brings the previously-enacted anti-texting ordinance into conformance with the current state law.**

**NOTE: The current Village ordinance was Ord. 2013-3-8 (April 2013) and may be found here:**

[Http://www.bostonheights.org/Village/Council/Agenda/VBHCO-Agenda-130410.pdf#PAGE=2](http://www.bostonheights.org/Village/Council/Agenda/VBHCO-Agenda-130410.pdf#PAGE=2)

**A comparison shows that the change removes the Village's attempt to make texting-while-driving a primary (stoppable) offense.**

ORDINANCE 2014-2-5  
(First Reading)

**ADOPTED: ORD 2014-2-5**

ORDINANCE REGARDING THE MEMBERSHIP OF THE  
CEMETERY TRUSTEES, AMENDING CODIFIED ORDINANCE  
951.01. AND DECLARING AN EMERGENCY

**NOTE: Councilor Ron Fenn explained that this corrects a long-standing error in the Village's ordinances so that they will now conform to state law. Cemetery Trustees now clearly have 6-year staggered terms.**

ORDINANCE 2014-2-6  
(First Reading)

**ADOPTED: ORD 2014-2-6**

ORDINANCE AMENDING AND CHANGING TRAFFIC /  
CRIMINAL FINES AND COSTS, AND FEES IN THE MAYOR'S  
COURT IN THE VILLAGE OF BOSTON HEIGHTS.

**NOTE: Solicitor Pitchford explained that the Village's Clerk of Mayor's Court had researched prevailing fines and court costs in area communities and suggested these revisions. Mayor Gony further noted that only a few fines and fees were added or changed. One point of interest was a new fee for failing to adhere to an agreed payment plan for traffic fines. The Solicitor also noted, with reference to a citizen's inquiry earlier in the evening, that disobeying a "No Thru Trucks" sign had a \$100 fine.**

**NOTE: This was not titled and read as an emergency measure, but the ordinance itself is so titled and written. So maybe it goes into effect on 1 March 2014 or maybe 13 March 2014 (if 30 days, non-emergency).**

ORDINANCE 2014-2-7  
(First Reading)

**ADOPTED: ORD 2014-2-7**

ORDINANCE AUTHORIZING EXPENDITURES FOR PURCHASE  
OF FLOWERS, FOOD AND OTHER ITEMS FROM THE GENERAL  
FUND WITH A LIMIT AND DECLARING AN EMERGENCY

**NOTE: Fiscal Officer Klingenberg explained that this codified historic practice of sending flowers for funerals and the like. These will be budgeted as "miscellaneous" expenses, and limited to \$50. As amended, this measure was set retroactive to 1 September 2013.**

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## RESOLUTIONS

RESOLUTION 2014-2-6  
(First Reading)

**ADOPTED: RES 2014-2-6**

RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE  
IN THE STAR PLUS INVESTMENT PROGRAM WITH THE  
TREASURER OF THE STATE OF OHIO, AND DECLARING AN  
EMERGENCY

**NOTE: Fiscal Officer Klingenberg explained that this was a state-run investment fund that offered advantageous rates for (temporarily) unused funds. The Village had been authorized to use the program but was unable to meet the \$500K minimum; that has been changed to a \$250K minimum, so the Village might now be able to participate.**

RESOLUTION 2014-2-7  
(First Reading)

**ADOPTED: RES 2014-2-7**

RESOLUTION REPEALING RESOLUTION 2013-6-27, AND  
DECLARING AN EMERGENCY

**NOTE: Solicitor Pitchford explained that the previous resolution had committed Village matching funds for a grant that was not received. This cancels that commitment.**

RESOLUTION 2014-2-4  
(First Reading)

**ADOPTED: RES 2014-2-4**

A RESOLUTION AMENDING THE PERMANENT  
APPROPRIATIONS FOR THE VILLAGE OF BOSTON HEIGHTS  
FOR THE YEAR 2013 AND DECLARING AN EMERGENCY

**NOTE: This has originally appeared on the January agenda but was removed by amendment.**

**Councilor Bob Bartko asked for an explanation of this measure. F.O. Klingenberg explained that this measure is part of the statutory finalization of the Village's 2013 accounting. It matches the appropriations to what was actually received and spent. This information is required to be sent to the County.**

RESOLUTION 2014-2-9  
(First Reading)

**ADOPTED: RES 2014-2-9**

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH PATRICK REALTY CORP. REGARDING  
CERTAIN EASEMENTS RELATED TO THE  
AKRON-CLEVELAND ROAD AND THE BRIDGE THEREUPON,  
AND DECLARING AN EMERGENCY

**NOTE: Solicitor Pitchford explained that this reflected an agreement between the Village and owner of the billboard on Akron-Cleveland Road for right-of-way needed for the bridge project on that roadway. Council had previously authorized an eminent domain proceeding, if required. Mr. Pitchford noted that the Village's own insurance policy was providing a rider to insure the property in question during the project, as was requested by the owner. F.O. Klingenberg pointed out that this was being paid for by a small credit due the Village on that policy.**

RESOLUTION 2014-2-10  
(First Reading)

**ADOPTED: RES 2014-2-10**

A RESOLUTION AND APPOINTING KROCK ESSER ENGINEERING, INC. AS VILLAGE ENGINEER AND ZONING INSPECTOR, AUTHORIZING THE MAYOR TO ENTER INTO A REVISED CONTRACT, AND DECLARING AN EMERGENCY

**NOTE:**Councilor Don Polyak endorsed the job that Krock-Esser was doing as the Village's Engineer and Zoning Inspector. Vlg Engineer Dave Krock thanked Council for its support but noted that this measure merely amended the existing contract to modify the terms of the Zoning Inspector service. (Specifically, that change appears to reduce the number of Zoning Inspector drive-throughs during winter months.)

RESOLUTION 2014-2-11  
(First Reading)

**ADOPTED: RES 2014-2-11**

RESOLUTION GIVING CONSENT AUTHORIZING BRIDGE INSPECTION PROGRAM SERVICES, AND DECLARING AN EMERGENCY

**NOTE:** Mayor Goncy and Vlg. Engineer Krock explained that ODOT was offering a 3-year program of 'free' bridge inspection services, which would normally cost the Village \$3K-5K per bridge. Mr. Krock added that the Akron-Cleveland Road bridge was the only one owned by the Village and subject to this agreement.

RESOLUTION 2014-2-12  
(First Reading)

**ADOPTED: RES 2014-2-12**

RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SUMMIT SOIL AND WATER CONSERVATION DISTRICT AND DECLARING AN EMERGENCY

**NOTE:** Mayor Goncy stated that this was the annual agreement that engages Summit Soil and Water to assist the Village in its stormwater regulatory obligations. (Specifically, under the NPDES (National Pollutant Discharge Elimination System) Phase II Storm Water Permit.)

**ED.NOTE:** This agreement appears to replace the memorandum of agreement adopted by Resolution 15-2012 (3/27/2012), though the resolution does not actually state this explicitly.

REPORTS

**MAYOR**

B. GONCY

Mayor Bill Goncy stated that all his reports had been made under CORRESPONDENCE, earlier.

**FISCAL OFFICER**

B. KLINGENBERG

Fiscal Officer Betty Klingenberg reported that the Village had received a third insurance payment for accident-related damage to the Village's guardrails.

**COMMITTEE REPORTS:**

**SAFETY COMMITTEE / VALLEY FIRE DISTRICT**

G. BLAKENEY

Mr. Blakeney set the next Safety meeting for 6PM 18 Feb'14. He relayed the Valley Fire District's response report on the recent gas well fire on Hines Hill Road: they responded 6 minutes after receiving the 911 dispatch, with support from Richfield and Hudson fire departments. Earlier reports of response by Bath appeared to be incorrect. (ED. NOTE: A resident had earlier notified Council of a 20-minute delay in response to his E-911 call from a non-land-line phone, due to mishandling of the location by the County dispatch center.) The Village Police Department is now back to 5 cruisers on the road, with one cruiser totalled in an accident and a new SUV being purchased, partially with the insurance settlement.

**ROADS COMMITTEE**

R. FENN

Mr. Fenn reported that the Road Committee met on 20 Jan'14 and discussed equipment repairs, maintenance and tools. The next meeting will be 5PM 17 Feb'14. The Village is about ½ through its salt allocation for the year, with smaller deliveries continuing to avoid filling the salt shed too full. Repairs to that shed are anticipated later this year. The Mayor also added that a new snow plow was purchased for one of the current trucks that would allow it to be moved to a newer truck within the next few years.

**LANDS AND BUILDINGS COMMITTEE / PARK**

J. MILLER

No meeting was held this month.

**CEMETERY TRUSTEES**

R. FENN

**[CEMETERY COMMITTEE]**

Mr. Fenn reported that the Cemetery Trustees will meet at 6:30PM 3 March 2014, followed by the Fairview Cemetery Association which will be planning an Easter Egg Hunt. Mayor Goncy relayed a request by the Boston Heights Foundation Trustees to meet with the Cemetery Trustees at that meeting.

**ECONOMIC DEVELOPMENT COMMITTEE**

R. ANTAL

Mr. Antal was absent, hence no report.

**PLANNING COMMISSION / BZA**

D. POLYAK

**[ZONING COMMITTEE]**

Mr. Polyak reported that the Board of Zoning Appeals had met on 5 Feb'14 and, after re-electing Bill Hinkle as chair, granted a variance for a temporary development sign for the Parkview residential development off Olde Eight Road. The Planning Commission coordinated with the Village Solicitor's new legal intern to further a project of updating the Village's Zoning Code. Mr. Polyak added that the Comprehensive Zoning Plan Committee hoped to provide Council members with a draft Plan by the Finance meeting.

**ENGINEER**

D. KROCK

village Engineer Dave Krock reported that ODOT is no longer planning a closure of Olde Eight Road at Route 303 during bridge repairs on 303. He reiterated that the Village had received an allocation of about \$1.5M (in Federal funds, from AMATS) to pave Olde Eight Road and Akron-Cleveland Road. He is re-applying for a grant to repair the Walters Road culvert and some other drainage issues in the area, and is optimistic about receiving those funds this year. Mr. Krock distributed a brief overview and timeline for the "Hine Hill Corridor" infrastructure projects that are connected to the Arhaus development. This includes extension of water lines in the northwest of the Village, which will involve an opt-in program for Village residents in the area. He stated that Arhaus expected to be 'under roof' by the end of 2014, and any significant reconstruction of E. Hines Hill Road will wait until after that construction phase was complete. The Village had already received a \$359K grant from Ohio Dept. of Development for such Hines Hill Road improvements and hoped to get a similar amount from ODOT; however, further funding will be required. The Solicitor will work on enabling legislation. Mr. Krock anticipates applying for Hines Hill bikeway grant funding, hopefully with the Arhaus developer's investment in the bikeway acting as the Village's local funding contribution.

From the audience, Teri Slane of Slanes Lane, who had arrived at the meeting at about 7:45PM, asked if she could ask some questions about the Arhaus project. Mayor Goncy allowed her to continue, despite this being well outside the Public Forum part of the Council meeting. Ms. Slane is resident on Slane's Lane, adjacent to the north side of the former Boston Hills golf course, and the Arhaus project. She was critical of the Village's publicity for the various public meetings that have already been held on this project, and for what she said was lack of direct notification of adjacent property owners. Solicitor Pitchford noted that the court settlement agreement governing this property changes the rules quite a bit from those normally applied to Village zoning issues. Ms. Slane also wanted a statement from the Village authorities as to whether the planned water mains extension was "compensatory" from the Arhaus project developers. Vig. Engineer Krock replied that water mains in that area of the Village had been previously established as a priority project, of substantial interest to the residents there, but that funding had not been available. Mr. Fenn added that this project made that funding available. Ms. Slane wanted to know why Slane's Lane was not among those roads planned to receive water service; Mr. Krock replied that Slane's Lane was a private road, not a public roadway. Ms. Slane then stated that Slane's Lane already had water mains service anyway, but that as an adjacent property owner she wanted "compensation" for this project going in next door. She also asked whether the modified agreement had changed the northern buffer area of the project site; Mr. Krock said that to his recollection the northern buffer area was still the same depth, but the western (Olde Eight) buffer area was reduced in exchange for more intensive landscaping and mounding. Ms. Slane was also critical of the administrative amendment procedure used to allow the Arhaus development under the court settlement agreement. (It is interesting to note that Ms. Slane was on Council at the time that agreement was approved in 2008, but was absent from the 11 May 2008 meeting where the second, final, approval was resolved.)

## **OLD BUSINESS**

**NONE**

## **NEW BUSINESS**

Mayor Goncy announced a Special Council Meeting at 6:30PM 25 February 2014, before the Finance Committee meeting. Based on remarks earlier in the evening, this may be related to the residential opt-in plan for water mains extension down Olde Eight Road.

Councilor Don Polyak announced that the Village's Boston Heights Foundation planned to explore the idea of setting up a welcoming group (presumably for new residents).

## **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: 2014-2-4  
FIRST READING/ 3-READING RULE NOT SUSPENDED, 1ST READING ONLY

**ORDINANCE AMENDING SECTION 337.31 OF THE CODIFIED  
ORDINANCES ON THE SUBJECT OF PROHIBITING "TEXTING" WHILE  
DRIVING AND DECLARING AN EMERGENCY**

WHEREAS; The Council for the Village of Boston heights desires to protect its residents and those who operate on roadways open to the public; and,

WHEREAS; "texting" while driving a motor vehicle is highly dangerous and places the driver and the motoring public at large at risk.

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

**Section 1:** That Codified Ordinance 337.31 be amended to replace Section 1(D) and add Section 1(E) as follows:

(D) Notwithstanding any provision of the law to the contrary, no law enforcement office shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (A) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) Whoever violates division (A) of this section is guilty of a minor misdemeanor.

**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 conformity with Ohio Revised Code Section 4511.204 and preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Police Department and other departments and shall therefore take effect and be in force from and immediately after its passage.



PASSED:

\_\_\_\_\_  
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 **2014-2-4** 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2014-2-5  
FIRST READING/ **ADOPTED**

**ORDINANCE REGARDING THE MEMBERSHIP OF THE CEMETERY OF  
TRUSTEES AMENDING CODIFIED ORDINANCE 951.01  
AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights, Ohio operates and maintains Fairview Cemetery.

WHEREAS, the Village of Boston Heights, Ohio has established pursuant to the Ohio Revised Code the Cemetery Board of Trustees.

WHEREAS, the Village of Boston Heights, Ohio needs clarification as to Trustee terms that are not required and in need of being brought into conformance with the Ohio Revised Code.

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 951.01 be amended to state as follows:

**Board of Cemetery Trustees Established**

(a) The Board of Cemetery Trustees is hereby established. Such Board consists of three members. Each member shall serve for a six year term. Each member shall be appointed by the Mayor, and approved by a majority of Council. At the first regular meeting of Council, each year in which a vacancy exists the Mayor shall appoint one new member, biennially as the positions become vacant.

(b) In the case of a vacancy in the Board of Cemetery Trustees by reason of death, disability, or removal from office of a member, the Mayor shall appoint a member to fill such vacancy. An appointment to fill a vacancy shall be made at the first meeting of council after such vacancy has been brought to the attention of the Mayor and Council.

(c) The Mayor may remove from office any member of the Board of Cemetery Trustees for misconduct, neglect of duty, or malfeasance in office.

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

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Cemetery 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2014-2-5** 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 11th day of February, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2014-2-6  
FIRST READING / **ADOPTED**

**ORDINANCE AMENDING AND CHANGING TRAFFIC/CRIMINAL FINES AND COSTS AND FEES IN THE MAYORS COURT IN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY**

WHEREAS, the Mayor of the Village of Boston Heights has recommended that Traffic/Criminal Fines, Costs, and Fees for the Village's Mayor's Court be amended and changed.

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 traffic/criminal fines, costs and fees contained on Exhibit "A," attached hereto, shall be and are hereby adopted as the traffic/criminal fines, costs and fees for the Village of Boston Heights effective March 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, safety of the Village residents and to allow for the continued operations of the Village Administration 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2014-2-6** 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 February, 2014.

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

**EXHIBIT A: ORDINANCE 2014-2-6****VILLAGE OF BOSTON HEIGHTS MAYOR'S COURT**

45 E. Boston Mills Road, Boston Heights, Ohio 44236

Monday-Friday 8:00 AM.-4:00PM.

**WAIVER SCHEDULE**

| <b>VIOLATION</b>                | <b>FINE</b>                | <b>BASIC COST</b> | <b>STATE COST</b> | <b>TOTAL</b> |
|---------------------------------|----------------------------|-------------------|-------------------|--------------|
| Speed 1 -30 mph over limit      | \$3.00 per mile over limit | \$48.00           | \$39.00           | varies       |
| Speed 31 + mph over limit       | Mandatory Court Appearance |                   |                   |              |
| Red light/stop sign             | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Weaving/improper lane change    | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Following too close             | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Impeding traffic                | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Illegal U-Turn                  | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Failure to yield                | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Left of center                  | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Squealing tires                 | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Improper backing                | \$40.00                    | \$48.00           |                   | \$127.00     |
| ACDA/Accident                   | Mandatory Court Appearance |                   |                   |              |
| Driving on closed street        | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| Insecure load                   | \$50.00                    | \$48.00           | \$39.00           | \$137.00     |
| No through trucks               | \$100.00                   | \$48.00           | \$39.00           | \$187.00     |
| Expired operator's license      |                            |                   |                   |              |
| 0-90 days                       | \$40.00                    | \$48.00           | \$39.00           | \$127.00     |
| 91-179 days                     | \$45.00                    | \$48.00           | \$39.00           | \$132.00     |
| Over 180 days                   | Mandatory Court Appearance |                   |                   |              |
| No operator's license           | Mandatory Court Appearance |                   |                   |              |
| Driving Under Suspension        | Mandatory Court Appearance |                   |                   |              |
| Fictitious Plates               | Mandatory Court Appearance |                   |                   |              |
| Improper registration           | \$35.00                    | \$48.00           | \$39.00           | \$122.00     |
| Expired plates / One plate      | \$35.00                    | \$48.00           | \$39.00           | \$122.00     |
| Equipment violation             | \$35.00                    | \$48.00           | \$39.00           | \$122.00     |
| Approaching a stationary public | \$100.00                   | \$48.00           | \$39.00           | \$187.00     |
| Open container                  | \$100.00                   | \$58.00           | \$29.00           | \$187.00     |
| Child restraint                 | \$75.00                    | \$48.00           | \$39.00           | \$162.00     |
| Seat belts - driver             | \$30.00                    | \$48.00           | \$10.00           | \$88.00      |
| Seat belts - passenger          | \$20.00                    | \$48.00           | \$10.00           | \$78.00      |
| Handicap parking                | \$100.00                   |                   |                   | \$100.00     |
| Fire lane/General parking       | \$25.00                    |                   |                   | \$25.00      |
| Casual Littering                | \$100.00                   | \$58.00           | \$29.00           | \$187.00     |
| <b>Fees:</b>                    |                            |                   |                   |              |
| Continuance                     | \$5.00                     |                   |                   |              |
| Payment Plan                    | \$10.00                    |                   |                   |              |
| Late Fee                        | \$5.00                     |                   |                   |              |
| Credit Card Process Fee         | \$5.00                     |                   |                   |              |

*Waiver amounts not listed - contact the Clerk of Mayor's Court***Revised 2/14**

VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2014-2-7  
FIRST READING / **ADOPTED**

**ORDINANCE AUTHORIZING EXPENDITURES FOR PURCHASE OF FLOWERS,  
FOOD AND OTHER ITEMS FROM THE GENERAL FUND WITH A LIMIT AND  
DECLARING AN EMERGENCY**

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

Section 1: That the Mayor and/or Fiscal Officer are hereby authorized and directed to establish a "flower fund" which the Village budget for the purpose of purchasing flowers, food, or other tangible items for the purpose of providing such items when deemed appropriate in the interests of the Village and the community, with an effective date retroactive to September 1, 2013. The Village may transfer funds from the general fund to any other fund of the Village as provided under the Ohio Revised Code Section.

Section 2: That the Mayor and/or Fiscal Officer are hereby authorized and directed to expend up to \$50.00 per expenditure, from the "flower fund" herein established.

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 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2014-2-7** 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 February, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-6  
FIRST READING / **ADOPTED**

**A RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE STAR PLUS INVESTMENT PROGRAM WITH THE TREASURER OF THE STATE OF OHIO, 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 and Fiscal Officer are hereby authorized and directed to execute all necessary paperwork so that the Village may participate in the Treasurer of the State of Ohio's Star Plus Investment Program.

Section 2: That the 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 the Village Employees to participate in the Treasurer of the State of Ohio Star Plus Investment Program 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-6** 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 February, 2014.

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

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-7  
FIRST READING / **ADOPTED**

**RESOLUTION REPEALING RESOLUTION 2013-6-27  
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 Resolution **2013-6-26 [????!!!]**, passed by Council on June 12, 2013, be hereby rescinded and repealed in its entirety as the intended, underlying grant was not awarded to the Village.

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 to allow for the immediate clarification of the Village financial records, and to allow for the continued operations of the Village 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-7** 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 February, 2014.

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



**EXHIBIT: RESOLUTION 2014-2-7**  
VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2013-6-27  
FIRST READING / **ADOPTED**

**REPEALED 2/11/2014**  
**RES 2014-2-7**

**A RESOLUTION TO APPROVE TRANSFER FROM THE GENERAL FUND TO  
PARK FUND FOR THE ODNR/SWIF GRANT AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Boston Heights, County of Summit, State of Ohio has been awarded a SWIF grant from the Ohio Department of Natural Resources;

WHEREAS, the Village has committed \$5,000 from its Park Fund for that purpose.

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

**Section 1:** That the Mayor and/or Fiscal Officer are hereby authorized and directed to transfer \$5,000 from the Village General Fund to the Park Fund for the purpose of satisfying all requirements and obligations of the Village so that it can accept and proceed with the project for which the Village has been granted a SWIF grant by the Ohio Department of Natural Resources.

**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 T.I.R.C. and other departments and shall therefore take effect and be in force from and immediately after its passage.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-4  
FIRST READING / **ADOPTED**

**A RESOLUTION AMENDING THE PERMANENT ANNUAL  
APPROPRIATIONS FOR THE VILLAGE OF BOSTON HEIGHTS FOR  
THE YEAR 2013 AND DECLARING AN EMERGENCY**

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

**Section 1:** The Permanent Annual Appropriations for the Village of Boston Heights for the year 2013 are hereby amended to reflect any and all changes necessary to balance the accounts within each fund as needed.

**Section 2:** That the Fiscal Officer of the Village of Boston Heights is approved to make any changes necessary to comply with the requirements of the Auditor of the State of Ohio. The Fiscal Officer is also authorized to recertify any excess revenues with the Summit County Auditor's office for the above-mentioned amendment to the appropriations.

**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 121.12 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 the daily operations of the municipal departments and shall take effect and be in force from and after its passage.

PASSED:

\_\_\_\_\_  
BILL GONCY, MAYOR

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-4** 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 11nd day of February, 2014.

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

**EXHIBITS: RESOLUTION 2014-2-4**

| VILLAGE OF BOSTON HEIGHTS |                                | 2013 PERMANENT APPROPRIATIONS   |          |   |   |                                |                                     | RESOLUTION #2014-2-4 |
|---------------------------|--------------------------------|---|----------|---|---|--------------------------------|-------------------------------------|----------------------|
|                           |                                | VILLAGE OF BOSTON HEIGHTS - SUMMIT COUNTY, OH                           |          |   |   |                                |                                     |                      |
|                           |                                | CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES |          |   |   |                                |                                     |                      |
|                           |                                | FOR 2013 - RESOLUTION NO: 2014-2-4 - BETTY KLINGENBERG, FISCAL OFFICER  |          |   |   |                                |                                     |                      |
| FUND TYPE/NAME            | CASH BALANCE AS OF 12/31/ 2013 | SUBTRACT ENCUMBRANCES AS OF 12/31/ 2013                                 | ADVANCES | CARRYOVER BALANCES AVAILABLE FOR APPROPRIATIONS | ADD: RECEIPTS FROM CERTIFICATE OF RESOURCES | ADD/SUBTRACT REQUESTED CHANGES | TOTAL AMOUNT AVAILABLE AND BALANCES |                      |
| GENERAL FUND              | \$ 1,018,767.19                | \$ (18,472.32)  | \$ -     | \$ 1,000,294.87                                 | \$ 1,713,003.74                             |                                | \$ 2,713,298.61                     |                      |
| SPECIAL FUND              | \$ 629,585.71                  | \$ (6,611.77)   |          | \$ 266,917.00                                   | \$ 889,890.94                               | \$ 82,000.00                   | \$ 971,890.94                       |                      |
| DEBT SERVICE              | \$ -                           | \$ -  | \$ -     | \$ -  | \$ -  | \$ -                           | \$ -                                |                      |
| CAPITAL PROJECTS          | \$ 40,837.79                   | \$ -  | \$ -     | \$ 40,837.79                                    | \$ 20,019.00                                |                                | \$ 60,856.79                        |                      |
| ENTERPRISE                | \$ 79,918.85                   | \$ -  | \$ -     | \$ -  | \$ 1,000.00                                 |                                | \$ 80,918.85                        |                      |
| INTERNAL SVC.             |                                |   |          |   |   |                                |                                     |                      |
| FIDUCIARY                 |                                |   |          |   |   |                                |                                     |                      |
|                           |                                |   |          |   |   |                                |                                     |                      |
|                           |                                |   |          |   |   |                                |                                     |                      |
|                           |                                |   |          |   |   |                                |                                     |                      |
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|                           |                                |   |          |   |   |                                |                                     |                      |
|                           |                                |   |          |   |   |                                |                                     |                      |
|                           |                                |   |          |   |   |                                |                                     |                      |
| TOTAL ALL FUNDS           | \$ 1,769,109.54                | \$ (25,084.09)  | \$ -     | \$ 1,000,294.87                                 | \$ 2,000,939.74                             | \$ 82,000.00                   | \$ 3,826,965.19                     |                      |

**EXHIBITS: RESOLUTION 2014-2-4**

| VILLAGE OF BOSTON HEIGHTS    |                                | 2013 PERMANENT APPROPRIATIONS           |          |   |   | RESOLUTION #2014-2-4           |                                     |
|------------------------------|--------------------------------|---|----------|---|---|--------------------------------|-------------------------------------|
| FUND TYPE/NAME               | CASH BALANCE AS OF 12/31/ 2013 | SUBTRACT ENCUMBRANCES AS OF 12/31/ 2013 | ADVANCES | CARRYOVER BALANCES AVAILABLE FOR APPROPRIATIONS | ADD: RECEIPTS FROM CERTIFICATE OF RESOURCES | ADD/SUBTRACT REQUESTED CHANGES | TOTAL AMOUNT AVAILABLE AND BALANCES |
| GENERAL FUND                 | \$ 1,018,767.19                | \$ (18,472.32)                          | \$ -     | \$ 1,000,294.87                                 | \$ 1,713,003.74                             |                                | \$ 2,713,298.61                     |
| TOTAL GENERAL                | \$ 1,018,767.19                | \$ (18,472.32)                          | \$ -     | \$ 1,000,294.87                                 | \$ 1,713,003.74                             |                                | \$ 2,713,298.61                     |
| SPECIAL REVENUE              |                                |   |          |   |   |                                |                                     |
| ROAD & BRIDGE                | \$ 412,069.49                  | \$ (606.77)                             | \$ -     | \$ 411,462.72                                   | \$ 183,505.00                               |                                | \$ 594,967.72                       |
| STREET CONST.                | \$ 104,861.20                  | \$ (6,005.00)                           |          | \$ 98,856.20                                    |   | \$ 40,000.00                   | \$ 138,856.20                       |
| STATE HIGHWAY                | \$ 53,386.78                   | \$ -                                    | \$ -     | \$ 53,386.78                                    |   | \$ 12,000.00                   | \$ 65,386.78                        |
| PARK                         | \$ 1,697.08                    | \$ -                                    | \$ -     | \$ 1,697.08                                     |   | \$ 30,000.00                   | \$ 31,697.08                        |
| LAW ENFORCEMNT               | \$ 1,818.13                    | \$ -                                    | \$ -     | \$ 1,818.13                                     |   |                                | \$ 1,818.13                         |
| COMPUTER                     | \$ 20,304.73                   | \$ -                                    |          | \$ 20,304.73                                    |   |                                | \$ 20,304.73                        |
| FIRE LEVY                    | \$ 15,352.62                   | \$ -                                    | \$ -     | \$ 15,352.62                                    | \$ 50,047.00                                |                                | \$ 65,399.62                        |
| FIRE/EMS (CAP)               | \$ 20,059.15                   | \$ -                                    | \$ -     | \$ 20,059.15                                    | \$ 33,365.00                                |                                | \$ 53,424.15                        |
| FIRE LEVY (OLD)              | \$ 36.53                       | \$ -                                    | \$ -     | \$ 36.53  | \$ -  | \$ -                           | \$ 36.53                            |
| TOTAL SPECIAL REVENUE        | \$ 629,585.71                  | \$ (6,611.77)                           | \$ -     | \$ 622,973.94                                   | \$ 266,917.00                               | \$ 82,000.00                   | \$ 971,890.94                       |
| NON-BUDGETARY (PASS-THROUGH) |                                |   |          |   |   |                                |                                     |
| CAPITAL BRIDGE CONSTRUCTION  | 0                              |   |          | 0   |   |                                | 0                                   |
|                              |                                |   |          |   |   |                                |                                     |
|                              |                                |   |          |   |   |                                |                                     |
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|                              |                                |   |          |   |   |                                |                                     |
|                              |                                |   |          |   |   |                                |                                     |
| VILLAGE OF BOSTON HEIGHTS    |                                |   |          | 2013 PERMANENT APPROPRIATIONS                   |   |                                | RESOLUTION #2014-2-4                |





VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-9  
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER A CONTRACT WITH PATRICK REALTY CORP. REGARDING CERTAIN EASEMENTS RELATED TO THE CONSTRUCTION AND IMPROVEMENTS ALONG AKRON-CLEVELAND ROAD AND THE BRIDGE THEREUPON 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 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, permanent easements and temporary work easements on parts of Permanent Parcel Nos. 17 SH, 17 U, 17 T, must be obtained so that the Roadway Improvement and Bridge Project can be timely completed; and,

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 agreement.

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

Section 1: That the Mayor is hereby authorized and directed to enter into an agreement with Patrick Realty Corp. in substantially the same form as the document attached hereto as Exhibit "A."

Easements:

Section 2: The Mayor and/or Fiscal Officer hereby authorized to execute all documents and to expend all funds necessary to fulfill the purposes of this Agreement.

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 Engineer and other public entities and other departments, and to ensure that the bridge project stays on schedule, avoids delays that will result in conventional financial costs, and reasonably resolve and avoid any litigation, 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-9** 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 February, 2014.

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



VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-10  
FIRST READING / **ADOPTED**

**KROCK ESSER ENGINEERING, INC. AS VILLAGE ENGINEER AND ZONING  
INSPECTOR, AUTHORIZING THE MAYOR TO ENTER INTO A REVISED  
CONTRACT AND DECLARING AN EMERGENCY**

A RESOLUTION AUTHORIZING AND APPOINTING BE IT RESOLVED by the Council of the Village of Boston Heights, County of Summit and State of Ohio:

**Section 1:** That Krock Esser Engineering, Inc. was previously appointed to the position of Village Engineer/Street Commissioner for the Village of Boston Heights, Ohio for December 2013 and the years 2014 and 2015.

**Section 2:** The Mayor is hereby authorized and directed to enter into the agreement attached hereto as Exhibit "A," retroactively and prospectively for the term of January 1, 2014 through December 31, 2015. The attached agreement supersedes the prior agreement authorized by the Village on November 26, 2013. That prior agreement is hereby rescinded consistent with its terms and those of Resolution 2013-11-64.

**Section 3:** Should the rates for services be increased by the Village Engineer or any Inspectors appointed hereunder during the term of this appointment and agreement, such appointment hereunder shall be subject for review.

**Section 4:** That all Resolutions and Ordinances which are in conflict with this Resolution are hereby replaced and/or rescinded to the extent they conflict.

**Section 5:** 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 6:** 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 Engineer, Street Commissioner and Zoning Inspector 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-10** 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 February, 2014.

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

**Krock \* Esser**

**Krock Esser Engineering, Inc.**

3030 West Streetsboro Road, Richfield, OH 44286 Office: 330.657.2145 Website: www.krockesser.com

**RE: Boston Heights Village Engineer**  
*Contract for 2014 & 2015*

The following scope of services, price proposal, and schedule of services represent our understanding of the needs of the Village, based upon prior discussions, meetings, and/or additional information made available at the time of this proposal. We look forward to our role in your community.

**Proposal Outline**

Proposal Outline..... 1

Identification..... 1

Task #1 Standard Engineering Services..... 2

Task #2 Zoning & Street Commissioner Services..... 3

Task #3 Professional Design Service Contracts..... 4

Task #4 Private Sector Developments..... 4

Price Proposal..... 5

Contract Term..... 6

Termination Clause..... 6

Authorization..... 6

**Identification**

The parties of the Agreement shall be referred to within this document as follows:

- \* "Village" shall refer to the Village of Boston Heights, Summit County, Ohio
- \* "Engineer" shall refer to Krock Esser Engineering, Inc.

## **Task # 1 Standard Engineering Services**

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- Provide an Engineer in your community for a Set Price, Set Hours, and Set Duties.
- The following services are included:
  - ◆ Total Hours of Service
    - 8 hours per week (average) (50 weeks/year) @ \$60/hr = \$2,000/month
    - Hours will likely be higher during the peak construction season and emergency situations, and may be lower during the off-peak/winter months, etc.
    - However, the price is set and will not change.
  - ◆ Office Hours at the Village Municipal Center
    - Monday thru Thursday: TBD - in coordination with Village Staff
    - Friday; As necessary to meet with residents or monitor projects
    - Saturday / Sunday: Special Projects or Emergency Situations Only
  - ◆ Meeting Hours (as requested or necessary)
    - Attendance of Council Meetings, as required
    - Attendance of Planning Commission, Zoning Meetings, as required
    - Special meetings at the Village Municipal Center
    - Special meetings to attend on behalf of the Village, at neighboring communities, counties, or state agencies. (MPO, County, ODOT, Soil & Water, etc.)
    - Special meetings with funding agencies for project grants and loans
  - ◆ Office Hours at KEE's Corporate Office
    - Coordination of Village Issues, Grant Applications, Report Preparation, etc.
  - ◆ Technical Advisor on engineering issues referred from the Mayor, Council, Committees, or other Village Departments (Finance, Service, Economic Development, Building, Law).
  - ◆ Represent the Village to advise property owners on problems pertaining to engineering, as they may relate to public sewers, waterlines, drainage patterns, and building grades.
  - ◆ Represent the Village on issues related to the National Flood Insurance Program.
  - ◆ Prepare the Annual Report to Ohio EPA regarding NPDES Phase 2 Permit (MS4).
  - ◆ Review and prepare preliminary sketches, layouts, estimates, or reports, concerning potential future capital improvement projects or repair projects.
  - ◆ Review and prepare funding applications for various funding sources and projects.
    - Assist the Village in preparation of resources necessary to work with the various funding agencies such as CDBG, OPWC, ODNR, FEMA, EPA, OWDA, ODOT, or the Federal government via appropriations including:
      - Low-To-Moderate Income Studies
      - Capital Improvement Plans
      - Utility Rate Structures
  - ◆ Work with the Village administrative staff to organize, manage, and update, all Village Engineering related files, standards, and details.
  - ◆ Field review all projects, issues, and emergency situations.
  - ◆ Provide a report to Council regarding the status of all engineering related matters

## **Task #2 Zoning & Street Commissioner Services**

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- The following services are included:
  - ◆ Total Hours of "Base Service"
    - 3 hours per week (average) (26 weeks/year) @ \$40/hr = \$250/month
      - November, December, January, February, March (5 months)
        - (1) Drive-thru per month (5 Total)
      - April thru October (7 months)
        - (3) Drive-thru's per month (21 Total)
      - 2013 Historical Data shows 12 hours average/month.
    - Weekly Drive-thru & Visual Review of entire Village (All streets)
    - Weekly Report of Findings
      - Zoning Report - violations, issues, ongoing work
      - Streets Report - pavement, drainage, signs, etc.
    - Action Items contained in the Streets Report will be sent to the Mayor and Street Department Superintendent for their review and work priority list.
    - Action Items contained in the Zoning Report will be Addressed by the Zoning Inspector (KEE) under the "Miscellaneous Services" Section.
  - ◆ Total Hours of "Miscellaneous Services":
    - 3 hours per week (average) (50 weeks/year) @ \$40/hr = \$500/month
      - 2013 Historical Data shows 14 hours average/month.
      - Services Include:
        - Phone Calls & Meetings with Applicants at Village Hall
        - Violation Letters
        - Inspections & Re-Inspections
        - BZA Meetings & Planning Commission Meetings
        - Specific Field/Site Reviews that cannot take place during the weekly drive-thru of the Village, etc.

### **Task #3 Professional Design Service Contracts**

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- This Task covers Professional Design Service Contracts, such as:
  - ◆ Pre-Design Services (Survey, Environmental, Traffic, Geotechnical, etc.)
  - ◆ Engineering Design Services (Construction Plans & Specifications)
  - ◆ Public Bidding & Award Services
  - ◆ Construction Administration, Management, Inspection & Testing (CA/CM/CI)
  - ◆ Reports & Studies (Flood Studies, Traffic Studies, Environmental Studies, etc.)
  - ◆ Criteria Engineer/Architect Services (per ORC 153.692)
- Typical Engineering Design Projects requiring Professional Design Services:
  - ◆ Streets, Waterlines, Sanitary Sewers, Storm Sewers, Bridges and Culverts
  - ◆ Other publicly owned infrastructure projects
- Prior to commencing work, all Professional Design Service Contracts shall have the following:
  - ◆ Detailed Scope of Services, Itemized Pricing, and Project Schedule
  - ◆ Council Authorization to Proceed
- If changes in the Scope of Services for a project are necessary, a revised price proposal and schedule shall be provided to the Village for approval, prior to proceeding with the work.

### **Task #4 Private Sector Developments**

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- Engineer will utilize its "ERA / CRA" Program to provide professional engineering representation on behalf of the Village, for all Private Sector Development Projects, at no cost to the Village.
- The following services are included:
  - ◆ The Engineer shall review all engineering plans, plats, easements, etc., required for the construction of new developments, utilities, or building additions.
  - ◆ The Engineer shall provide construction administration services, including pre-construction meetings, shop drawing review, progress meetings, and punch-list items.
  - ◆ The Engineer shall provide construction inspection and testing services to verify that the public infrastructure is being constructed to Village standards.
  - ◆ The Engineer shall coordinate with the bonding companies and financial institutions to guarantee the proper completion of all construction.
- **Engineering Review Account (ERA) & Construction Review Account (CRA) Program:**
  - ◆ The Engineer shall work with the Village to setup the ERA/ CRA Accounts.
  - ◆ The Engineer shall require an initial deposit to the ERA/CRA Account by the Developer.
  - ◆ The Engineer shall require additional deposits to the ERA / CRA Account, as necessary, throughout the duration of the project, by the Developer.
  - ◆ The Engineer shall grant no approvals until all requested deposits are made.
  - ◆ The cost of the ERA / CRA services shall be tracked and itemized for invoicing to the Village.
  - ◆ Village shall pay the Engineer for such services via the ERA / CRA Account deposits.
- This deposit-based system (ERA/CRA) guarantees that the Developer pays in advance for all Village Engineer reviews. There is no cost and no risk to the Village.

**Price Proposal**

| <i>Description</i>                                       | <i>Rates</i>                       |
|--|------------------------------------|
| <i>Task #1 Standard Engineering Services</i>             | \$ 2,000 /month<br>\$ 24,000 /year |
| <i>Task #2 Zoning &amp; Street Commissioner Services</i> | \$ 750 /month<br>\$ 9,000 /year    |
| <i>Subtotal (Task #1 and Task #2)</i>                    | \$ 2,750 /month<br>\$33,000 /year  |
| <i>Task #3 Professional Design Service Contracts</i>     | \$ Fixed Price per Project         |
| <i>Task #4 Private Sector Developments</i>               | \$ Developer Cost                  |
| <i>Description of Personnel</i>                          | <i>Rates</i>                       |
| <u>Engineering Services</u>                              |                                    |
| <i>Principal Partner</i>                                 | \$ 130 /hr                         |
| <i>Registered Engineer</i>                               | \$ 110 /hr                         |
| <i>Senior Designer</i>                                   | \$ 90 /hr                          |
| <i>Designer 3</i>  | \$ 80 /hr                          |
| <i>Designer 2</i>  | \$ 60 /hr                          |
| <i>Designer 1</i>  | \$ 50 /hr                          |
| <u>Planning &amp; Landscape Architecture</u>             |                                    |
| <i>Landscape Architect/Land Planner</i>                  | \$ 100 /hr                         |
| <i>Landscape Designer</i>                                | \$ 75 /hr                          |
| <u>Construction Services (CA/CM/CI)</u>                  |                                    |
| <i>Construction Engineer</i>                             | \$ 100 /hr                         |
| <i>Construction Manager</i>                              | \$ 80 /hr                          |
| <i>Construction Inspector 2</i>                          | \$ 56 /hr                          |
| <i>Construction Inspector 1</i>                          | \$ 46 /hr                          |
| <u>Surveying Services</u>                                |                                    |
| <i>Registered Surveyor</i>                               | \$ 90 /hr                          |
| <i>Survey Crew</i>                                       | \$ 125 /hr                         |
| <u>Administrative Services</u>                           |                                    |
| <i>Office Administration</i>                             | \$40                               |

**Contract Term**

Contract shall commence on January 1, 2014 and terminate on December 31, 2015.

**Termination Clause**

Upon 60 days advance written notice, either contracted party (Village or Engineer), may request termination of the contract. The termination date shall be the last day of any month, a minimum of 60 days from the date of written notice. All contract requirements and payment requirements shall apply through the final date of termination.

**Authorization**

**Krock Esser Engineering Inc.**

\_\_\_\_\_  
**David G. Krock, PE**  
**Vice President**

\_\_\_\_\_  
**Eugene P. Esser, PE, PS**  
**President**

**Village of Boston Heights**

*[Bill Goncy]*                      *2/25/14*  
**Name**                                      **Date**

*[MP]*                                      *2/25/14*  
**Name**                                      **Date**



VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-11  
FIRST READING / **ADOPTED**

**RESOLUTION GIVING CONSENT AUTHORIZING BRIDGE INSPECTION  
PROGRAM SERVICES AND DECLARING AN EMERGENCY**

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

**Section 1:** That the Council for the Village of Boston Heights has determined the need for the Bridge Inspection Services related to the Akron-Cleveland Road Bridge project, to wit: PID #97103. These services will involve bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan developments.

**Section 2:** Being in the public interest, the Village of Boston Heights namely, gives consent to the Director of Transportation to complete the above-described project and services.

**Section 3:** The Village of Boston Heights shall cooperate with the Ohio Director of Transportation in the above-described project as follows:

- (A) The State shall assume and bear 100 percent of all of the cost for the Bridge Inspection Program Services requested by the Village and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit "A"), which is incorporated herein.
- (B) The Village of Boston Heights agrees to pay 100 percent of the cost of those features which are not included in Exhibit "A."

**Section 4:** That the Village of Boston Heights agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

**Section 5:** That the Mayor and/or Fiscal Officer are hereby authorized to enter into contracts with the Ohio Director of Transportation which are necessary to complete the Bridge Inspection Program Services as described herein.

**Section 6:** 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 7:** That this Resolution is hereby declared to be an emergency measure necessary to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

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

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-11** 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 February, 2014.

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

# EXHIBIT A: RESOLUTION 2014-2-11

General Engineering Services Scope of Services  
Central Office, Office of Structural Engineering  
PID No. 97103

Scope of Services Meeting Date: \*\*/\*\*/\*\*  
Approved Final Scope of Services Minutes Date: \*\*/\*\*/\*\*

GENERAL ENGINEERING SERVICES  
Central Office, Office of Structural Engineering  
Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for major bridge inspection services, which may include but are not limited to the following:

#### Task 1 - Scour Tasks

Task 1A - Scour Critical Assessment  
Task 1B - Scour Plan-of-Action

#### Task 2 - Load Rating Tasks

Task 2A - Field Measurements for Load Rating  
Task 2B - Load Rating Calculations  
Task 2C - Field Measurements for Gusset Plates  
Task 2D - Load Rating and Analysis of Gusset Plates

#### Task 3 - SMS/BMS Structure Inventory and Review

#### Task 4 - Inspection Procedures

Task 4A - Fracture Critical Plan  
Task 4B - Underwater Inspection Procedures

#### Task 5 - Bridge Inspection

Task 5A - Routine Bridge Inspection  
Task 5B - Fracture Critical Inspection  
Task 5C - Underwater Dive Inspection

PAGE 1 of 16

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Second Edition 2011 interim with revisions, AASHTO Publication
- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 03-001
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NH1-10-027, Publication Year: 2010
- ODOT Bridge and Appraisal Coding Guide, Latest Version
- ODOT Bridge Design Manual, Latest Version

All work shall be performed on an actual cost basis. The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders.

The duration of the agreement will be thirty-six (36) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in SMS/BMS.

The project will be divided into four sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities will have the option to opt into or out of this program. The sub-projects have the following general geographic areas, general characteristics, and maximum contract values for all municipal bridges with municipal inspection responsibility obtained from BMS data as of October 2013:

Project: SP01 - District (1, 2, & 3), Total Structures = 530

| Type                         | Span =< 20 | 20' < Span =< 60 | 60' < Span =< 200' | Span > 200' | Total |
|------------------------------|------------|------------------|--------------------|-------------|-------|
| Single Span                  | 78         | 137              | 33                 | 0           | 248   |
| Multi-Span                   | 3          | 6                | 50                 | 31          | 90    |
| Culvert                      | 154        | 35               | 1                  | 0           | 190   |
| Truss                        | 0          | 1                | 1                  | 0           | 2     |
| Underwater Inspection        | 0          | 0                | 0                  | 2           | 2     |
| Fracture Critical Inspection | 0          | 0                | 2                  | 0           | 2     |

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## EXHIBIT A: RESOLUTION 2014-2-11

Project: SP02 - District (4, 11, & 12), Total Structures = 416

| Type                         | Span =< 20 | 20' < Span =< 60 | 60' < Span =< 200' | Span > 200' | Total |
|------------------------------|------------|------------------|--------------------|-------------|-------|
| Single Span                  | 31         | 112              | 26                 | 0           | 169   |
| Multi-Span                   | 0          | 7                | 54                 | 45          | 106   |
| Culvert                      | 100        | 33               | 2                  | 0           | 135   |
| Truss                        | 1          | 2                | 4                  | 4*          | 6     |
| Underwater Inspection        | 0          | 0                | 1                  | 4           | 5     |
| Fracture Critical Inspection | 2          | 1                | 3                  | 5           | 11    |

\* Includes 4 movable steel truss structures

Project: SP03 - District (5, 6, & 10), Total Structures = 576

| Type                         | Span =< 20 | 20' < Span =< 60 | 60' < Span =< 200' | Span > 200' | Total |
|------------------------------|------------|------------------|--------------------|-------------|-------|
| Single Span                  | 86         | 103              | 29                 | 0           | 218   |
| Multi-Span                   | 1          | 6                | 42                 | 34          | 83    |
| Culvert                      | 181        | 81               | 6                  | 0           | 268   |
| Truss                        | 0          | 0                | 7                  | 0           | 7     |
| Underwater Inspection        | 0          | 0                | 0                  | 0           | 0     |
| Fracture Critical Inspection | 0          | 0                | 11                 | 5           | 16    |

Project: SP04 - District (7, 8, & 9), Total Structures = 594

| Type                         | Span =< 20 | 20' < Span =< 60 | 60' < Span =< 200' | Span > 200' | Total |
|------------------------------|------------|------------------|--------------------|-------------|-------|
| Single Span                  | 57         | 121              | 29                 | 0           | 207   |
| Multi-Span                   | 2          | 9                | 63                 | 56          | 130   |
| Culvert                      | 155        | 90               | 5                  | 0           | 250   |
| Truss                        | 0          | 0                | 5                  | 2           | 7     |
| Underwater Inspection        | 0          | 0                | 2                  | 8           | 10    |
| Fracture Critical Inspection | 0          | 1                | 7                  | 4           | 12    |

Please note that the total numbers of structure types is estimated based on current BMS data and may be adjusted. The estimated contract price value for each project is as follows:

SP01 \$217,000  
 SP02 \$221,000  
 SP03 \$262,000  
 SP04 \$300,000

PAGE 3 of 16

The total amount of the four (4) agreements associated with this project shall not exceed \$1,000,000.00. CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

### UNDERSTANDING

1. Inspections shall be completed by firms prequalified with ODOT for major bridge inspection with full time staff qualified for bridge inspection according to Manual of Bridge Inspection.

2. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. CONSULTANT shall submit copies of all reports and calculations, both hard copy and electronic, to the City or Village for inclusion in their bridge records. This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, and .xls formats).

3. Copies of all transmittal letters related to this Task Order shall be submitted to Central Office, Office of Structural Engineering. CONSULTANTS shall not submit reports to ODOT unless specifically requested to do so.

Price Proposal Due Date: \*\*/\*\*/\*\*

Services to be furnished by CONSULTANT may include:

## EXHIBIT A: RESOLUTION 2014-2-11

### TASK 1 - SCOUR TASKS

Task 1A - Scour Assessment - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for the scope of this task. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2013 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files. As applicable, CONSULTANT

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shall complete structure inventory information in SMS/BMS with applicable scour updates.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files. As applicable, CONSULTANT shall complete Structure Inventory forms and SMS/BMS with applicable scour updates for submittal to ODOT.

### TASK 2 - LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations - The bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis shall be performed for AASHTO HS20-44 [MS 18] (truck & lane) loading for both inventory and operating levels, and for four Ohio Legal Loads (2F1, 3F1, 4F1, and 5C1) at operating level. The CONSULTANT shall complete the Load Rating Analysis utilizing:

- Hand-calculations
- Spreadsheet(s); or
- ODOT- approved bridge analysis computer programs as listed in BDM Section 900 (PC Bars, VIRTIS, other software).

All programs other than PC Bars, VIRTIS, or spreadsheets shall be approved by the ODOT Office of Structural Engineering. Other computer programs which are approved by the Office of Structural Engineering shall include input and output data files as a deliverable to the City or Village.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by load and resistance factor design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed by the load and resistance factor design method.

Load Rating Report Submittal to the City or Village shall include:

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1. Two (2) printed copies and one electronic copy of the Load Rating Report for each bridge.
  - a. The Load Rating Report shall be prepared and signed by a registered or non-registered engineer and checked, signed, sealed and dated by an Ohio Registered Professional Engineer.
  - b. The Load Rating Report shall explain the method used to calculate the load rating of each bridge.
  - c. The electronic deliverable shall include an Excel spreadsheet for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.
2. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
3. The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide.
4. Analysis program input files. Both input and output files shall be submitted when programs other than PC Bars, VIRTIS, or spreadsheets are used.
5. All calculations related to the load rating.
6. Completed SMS/BMS Structure Inventory forms with applicable load rating updates for submittal to ODOT.

Task 2C - Field Measurements for Gusset Plates - Gusset Plate analysis shall reflect the existing condition of the gusset plates and connections. As such, an ultrasound test (UT) shall be performed on gusset plates to determine the amount of section loss on the members.

## EXHIBIT A: RESOLUTION 2014-2-11

CONSULTANT shall prepare and submit a gusset plate measurement report to the City, including, as applicable:

- a. A minimum of one portal view and one elevation view photograph of each structure shall be provided. The reference photographs will provide a basis for determining present condition and future changes for the record.
- b. The truss layout and table of gusset plate dimensions with percentage of section loss noted.

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- c. A description of all deficiencies and recommendations of maintenance repairs needed.
- d. Photographs of bridges showing defects which require repairs.

The CONSULTANT shall provide one printed copy and one digital copy of the detailed measurements report to the City or Village.

Task 2D - Load Rating and Analysis of Gusset Plates - The CONSULTANT shall perform gusset plate analyses according to FHWA Publication FHWA-IF-09-014 to determine gusset plate capacity including the welded, bolted or riveted connections. This document is available on the ODOT Office of Structural Engineering web site. The gusset plate/connection capacity will be compared to the gusset plate/connection strength requirements for the maximum DL+LL+I forces created by the critical truck. If the gusset plate controls the bridge rating, the report will indicate as such and give the recommended rating for the critical truck. If the gusset plate and connections exhibit sufficient or excess capacity the analysis shall reflect the amount of excess capacity. The analysis shall reflect the existing condition of the gusset plates and connection, including ultrasound tests (UT) performed on gusset plates to determine the amount of section loss on the members.

If the gusset plate analysis is required to be performed by the CONSULTANT and the bridge load rating has been performed already by the City or a previous CONSULTANT, the City shall provide the load rating information including the analysis to the CONSULTANT performing the gusset plate analysis. If the load rating of the bridge has not been performed previously, the CONSULTANT shall load rate the bridge (see Task 2b of this document) as well as perform the gusset plate analysis.

Gusset plate analysis deliverables for each gusset plate analyzed shall include all calculations including, but not limited to, hand-calculations, spreadsheets and/or ODOT-approved computer analysis in hard copy and a reproducible data (.pdf, .doc. and/or .xls).

### TASK 3 - SMS/BMS STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT SMS/BMS. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website.

The CONSULTANT shall verify this data and determine if the ODOT SMS/BMS structure file information needs changing. If no changes are necessary then no SMS/BMS inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) with the ODOT Office of Structural Engineering and providing the City or Village with copies of submittals. Only the information requiring changing or updating

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shall be filled out. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of SMS/BMS for inventory coding details.

### TASK 4 - INSPECTION PROCEDURES

Task 4A - Fracture Critical Plan - A Fracture Critical Member Plan and inspection procedure shall be developed. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketch(es) of the superstructure with locations of all fatigue and fracture prone details identified.
  - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
  - b. Use an elevation view for trusses.
  - c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
  - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
  - b. Location of each occurrence of detail

## EXHIBIT A: RESOLUTION 2014-2-11

- c. AASHTO Fatigue Category of detail
  - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B - Underwater Inspection Procedures - An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection.

### TASK 5 - BRIDGE INSPECTION

Task 5A - Routine Bridge Inspection (SMS/BMS Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned.

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Task 5A.1 - Condition Rating Inspection for non-NBI or NBI but not classified as NHS

Task 5A.2 - Element Level Inspection for NBI classified as NHS

Task 5B - Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C - Underwater Dive Inspection.- Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in SMS/BMS. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

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### Agreement Administration Procedures

I. Type I Task Order Notification and Authorization Procedures for task orders less than \$10,000 with a well-defined scope of services

A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services.

B. Central Office will authorize the CONSULTANT to perform the task by standard authorization letter that includes:

1. A detailed scope of services for the task order.
2. The completion time from authorization.
3. The maximum compensation (including net fee).

a. The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.

II. Type II Task Order Proposal Request, Review and Authorization Procedures for task orders greater than \$10,000

A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services

B. Central Office will prepare a request for a task order proposal in the format included herein and transmit it to the CONSULTANT. Review of the task order request and task order proposal preparation are allowable costs and shall be shown as a separate line item in the proposal.

C. Standard Proposal Format - Each Task Order Proposal shall include the following elements:

1. Letter of transmittal with reference to include:
  - a. Central Office General Engineering Services Agreement
  - b. PID No.

## EXHIBIT A: RESOLUTION 2014-2-11

c. Agreement No.

d. Task Order No.

The project for which the task order is being performed shall NOT be in the letter of transmittal reference, but shall be referenced in the body of the letter.

2. All other proposal requirements shall conform to Chapter 6, Price Proposals for Agreements and Modifications, of the current Specifications for Consulting Services.

3. Appendix A of the CONSULTANT'S proposal shall include the task order proposal request transmitted to the CONSULTANT by the District.

D. Central Office will review the CONSULTANT'S proposal for:

1. Adherence to submittal requirements.
2. Compliance with the scope of services.
3. Mathematical accuracy.
4. Labor hours and rates.
5. Net fee percentage.

E. Central Office will resolve any issues with the CONSULTANT and obtain a revised proposal (if necessary).

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F. Central Office will authorize the CONSULTANT to proceed with the task.

### III. Task Order Identification and Numbering

A. The task order numbering system shall be a two component series consisting of the City or Village FIPS Code number and a number identifying subsequent task orders. Subsequent task orders could be either continuing task or a modification due to changes in the scope of a previously authorized task order.

1. For example, the first task order issued in the City of Columbus would be numbered 18000-1.
  - a. Continuing task orders on that project would be numbered 18000-2, 18000-3, etc.
2. A new task order number shall be assigned rather than increase the fee of an existing task order.

### IV. Invoice and Project Schedule Requirements

A. The CONSULTANT shall provide monthly invoices and project schedules in the format transmitted with the executed agreement. Each invoice shall include all task orders authorized, a summary of the total amount authorized, the total amount invoiced and appropriate project schedules.

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### Authorization to Proceed - Type I Task Order

#### Consultant Name and Address

Re: Central Office, Office of Structural Engineering  
General Engineering Services Agreement  
PID No.  
Agreement No.  
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Effective this date you are hereby authorized to proceed with the subject task order.

#### Project Identification

- a. Bridge List
- b. Tasks required on each bridge

Services Requested



## EXHIBIT A: RESOLUTION 2014-2-11

(Detailed description of services required.)

Documents Furnished by the Agency (attached)

Additional Scope of Services Notes

Task Order Completion Time

\_\_\_ days from Notice to Proceed.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No. , as follows:

Actual costs plus a net fee. The Maximum Prime Compensation shall not exceed (\$ ). The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.

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Please address your written acknowledgment of this communication to:

Omar Abu-Hajar  
Office of Structural Engineering  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223-1102

Respectfully,

Attachments:

cc: file

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Request for Task Order Proposal • Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering  
General Engineering Services Agreement  
PID No.  
Agreement No.  
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Please provide a cost proposal for the subject task order as follows: Project Identification

a. Bridge List

b. Tasks required on each bridge

Services Requested

(Detailed description of services required.)

Documents Furnished by the State (attached)

Additional Scope of Services Notes

Task Order Completion Time

\_\_\_ days from Notice to Proceed.

Due date for Cost Proposal:

Please submit your proposal to:

## EXHIBIT A: RESOLUTION 2014-2-11

Omar Abu-Hajar  
Office of Structural Engineering  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223-1102

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If you have any questions or comments regarding this request, please contact this office prior to submitting your proposal.

Respectfully,

Attachments:  
cc: file

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Authorization to Proceed - Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering  
General Engineering Services Agreement  
PID No.  
Agreement No.  
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Reference is made to your task order proposal dated , requesting compensation for the identified task.

Effective this date you are hereby authorized to proceed with the subject task order.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No.\_\_\_\_, as follows:

Actual costs plus a net fee of \_\_\_\_\_ (\$ ). The maximum prime compensation shall not exceed \_\_\_\_\_ (\$ ).

Please address your written acknowledgment of this communication to:

Omar Abu-Hajar  
Office of Structural Engineering  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223-1102

Respectfully,

cc: file

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VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-2-12  
FIRST READING / **ADOPTED**

**RESOLUTION AUTHORIZING THE VILLAGE OF BOSTON HEIGHTS TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SUMMIT SOIL AND WATER CONSERVATION DISTRICT AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Boston Heights is responsible for carrying out the mandated responsibilities inherent in the NPDES (National Pollutant Discharge Elimination System) Phase II Storm Water Permit.

**WHEREAS**, the Village of Boston Heights recognizes the need for effective collaboration with other communities to successfully implement water quality education programs for its citizens; and,

**WHEREAS**, the Summit SWCD has the technical and education expertise and staff to assist communities with such cooperation; and,

**WHEREAS**, it is the best economical and practical interests of the Village of Boston Heights to work with the Summit SWCD to assist the community and provide reasonable appropriations to Summit SWCD to this end.

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

**Section 1:** That the Mayor and/or Fiscal Officer are authorized and directed to enter into a Memorandum of Agreement with the Summit Soil and Water Conservation District (SWCD) to encourage cooperation towards the attainment of environmental stewardship including but not limited to the goals in the community's National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Storm Water Permit.

**Section 2:** That the Village hereby appropriates and authorizes the Fiscal Officer to spend funds towards the general operations of the SWCD which support this effort.

**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 to protect, permit and preserve the public peace, health and safety of the Village's residents. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

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

ATTEST:

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-2-12** 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 February, 2014.

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

## EXHIBIT A: RESOLUTION 2014-2-12

### Memorandum of Agreement

#### Between

**The Summit Soil & Water Conservation District**

#### And

**The Village of Boston Heights, Summit County, Ohio**

Upon this 11 day of February [2014] this Memorandum of Agreement was revised by and between the Summit Soil and Water Conservation District, hereinafter referred to as the District and the Village of Boston Heights, Ohio.

Recognizing the need for effective collaboration in carrying out their mandated responsibilities, especially related to the NPDES Phase II Storm Water Permit, the Village of Boston Heights and the District enter into this Memorandum of Agreement as the document which provides the duties and responsibilities of each entity and the process for exchange. Cooperation between the two units of government facilitates solutions to problems encountered by the Village as it plans for the development and redevelopment of land and the conservation of natural resources, as well as water quality improvements. The Ohio Revised Code, Chapter 1515, describes the District's authority for engaging in this Mutual Agreement.

The District will provide technical and educational assistance as outlined herein to the Village of Boston Heights as outlined below.

#### Project Tasks:

For ease of understanding, this agreement is arranged according to the order of the Six Minimum Control Measures for the National Pollutant Discharge Elimination System (NPDES) Phase II for Storm Water as defined within the Ohio Revised Code 3745-39-04 (B)(1) through (6).

#### **District's Role Related to Public Involvement and Public Education Activities**

##### **Minimum Control Measures 1 & 2**

The District will work with the City/Village/Township to provide the public education and public involvement services listed in the Summit County Storm Water Management Plan (SWMP) and subsequent updates and/or others as mutually agreed upon. The goal of the public involvement and public education program is to reach diverse stakeholders, including community residents, staff, school children, teachers, and others through the following services:

1. District staff will coordinate activities related to water quality, watersheds, storm water management, and non-point source pollution prevention and facilitate their implementation with feedback from the Community's Storm Water Program Manager, Public Involvement Public Education (PIPE) representative or designee.

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2. District staff will attend Community meetings or speak with Community officials, as requested.
3. District will work with the PIPE communities and the regional NEO- PIPE group to establish pollution prevention themes for the 5-year permit term.
4. The District will provide the Community with information about environmental events; and/or assist the Community in planning and promoting community storm water events and public participation opportunities, including identifying partnerships with various community stakeholders. An event may include stream clean ups, storm drain stenciling, water festivals, storm-water themed contests or other activities to engage the public.
5. On the Community's behalf, the SWCD will participate in the Northeast Ohio Public Involvement and Public Education Work group (NEO PIPE). Products produced by the NEO PIPE Work Group will be provided to the Community for outreach efforts.
6. The District will create theme-related posters (2 per year minimum) annually for the Community.
7. The District will provide 1 storm water or watershed-related factsheet or brochure per theme for the Community's display and/or other uses.
8. The District will provide media articles annually for the Community newsletter/web page, as requested (4 per year minimum.) The SWCD will work with the appropriate staff person to place the information in Community publications.
9. The District will host annually, a minimum of one educational program, training, or workshop to provide tools with current curriculum benchmarks, related to soils, water quality, storm water and/or watersheds for teachers in grades K-12;
10. The District will seek opportunities to maximize impact and minimize additional program costs related to printing large quantities of selected materials that become available to the public.
11. The District will provide a detailed annual report of all activities undertaken, including copies of all fliers, notices, and types of stakeholders reached, attendance records and any data collected for inclusion in the Community's storm water management plan annual report.

### **District's Role Related to Storm Water Pollution Prevention Activities** **Minimum Control Measures 4 & 5**

The District and the Community have mutually agreed to the Scope of Services listed. As related to storm water pollution prevention on construction sites, projects disturbing one or more acres of total land, including the entire area disturbed in the larger common plan of development or sale (>1 acre) as required under the NPDES general construction storm water permit will be reviewed by the District as requested by the Community. Construction activities disturbing less than one acre and not part of a larger common plan of development or sale of total land (<1 acre), and not covered under the NPDES general construction storm water permit, may be reviewed by the District as requested by the Community.

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1. The District will provide technical services, related to storm water pollution prevention and storm water quality management, as requested, including:
  - a. Review and approve Storm Water Pollution Prevention Plans for all public and private construction activity that disturb one acre or greater or are part of a larger common plan of development or for sale that results in a total land disturbance of one acre or greater, for compliance with the Community's operation standards and/or the Community's ordinances to control erosion, sediment, non-sediment pollutants, post-construction best management practices, and riparian and wetland setbacks, and the most recent version NPDES general construction storm water permit requirements;
  - b. Conduct monthly compliance inspections of active construction sites, and quarterly inspections of idle sites. The inspection frequency may occur more often than once per month due to compliance issues and/or complaints received from the public. The District will inspect all phases of construction until they have reached final stabilization and all temporary control measures have been removed;
  - c. Provide qualified staff for all inspections and plan reviews. The District will perform inspections at the minimum frequencies required, document findings and assist with compliance;
  - d. Assist the Community in maintaining an inventory of all active public and private • construction sites and update as new projects are permitted and projects are completed;
  - e. Provide an annual report to the City/Village/Township of all activities undertaken, including number of plans reviewed, SWPPPs approved, inspections provided, and numbers of NOVs, and complaints and the status/resolution of violations and complaints;
  - f. Assist the Community with MS4 audits and have staff present during MS4 audits if requested.
  
2. The District will also provide technical advice on planning issues, including:
  - a. Assistance, as requested, in the development of ordinances to protect the natural resources and insure the health and safety of residents of the Village of *Boston Heights*.
  - b. Protection of sensitive natural areas including wetlands, steep slopes and stream setback areas;
  - c. General evaluation of sensitive areas such as streams and their associated setbacks, floodplains, soils, slopes, wetlands, watersheds, woodlands or other unique areas that are planned for development;
  - d. Review of SWPPPs for stream and wetland restoration, slope and critical area erosion control.
  - e. Review of "Concept" and Preliminary Plans for development/redevelopment plans of residential, recreation, general grading, commercial, and industrial projects with regards to soil limitations, wetlands, riparian and other natural resource information pertinent to the site as requested.

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3. The District will keep the Village of *Boston Heights* informed of rules and regulations affecting land use issues and natural resources within the Community.

### **Community's Role Related to Public Involvement and Public Education Activities** **Minimum Control Measures 1 and 2**

The Village of *Boston Heights* will cooperate with the District in the development and implementation of programs to protect and enhance the natural resources within the Village of *Boston Heights* as well as attain the goals of the Community's/Village's NPDES Storm Water Permit.

1. The Community will recognize the environmental and economic functions of open spaces, such as wetlands, riparian setbacks, ravines, woodlands and fields as worthy of the Community's protection.
2. The Community will utilize the education materials provided by the District to educate and inform its residents on theme-related storm water pollution topics.
3. The Community will provide volunteer opportunities and other storm water related participation activities for its residents with a clear pollution prevention theme-oriented message.
4. The Community will actively participate in the Public Education Public Involvement (PIPE) work group by attending meetings and taking advantage of educational opportunities, training endeavors and jointly sponsored programs and activities.
5. The Community will promote the annual storm water theme in its programs, educational materials, on its web page and through local programs.
6. The Community will send the appropriate personnel to storm water training events sponsored by Summit SWCD, OEPA or the Northeast Ohio Storm Water Training Council as required to properly implement their storm water permit.
7. The Community will use the information and data provided by the Summit SWCD to fill out their annual MS4 permit reporting form for OEPA.

### **Community's Role Related to Storm Water Pollution Prevention Activities** **Minimum Control Measures 4 & 5**

1. The Community will utilize the District's technical services on an as-needed basis, including plan reviews, landowner assistance, complaint resolution, and inspections of planned and active construction sites or sensitive natural areas of concern to the Community.
2. The Community will direct builders, developers and consultants to the District for assistance on planning and conservation early in the planning process, before permits are applied for and issued.



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3. The Community will enforce construction site SWPPP compliance issues within the timeline specified in the Community's Erosion and Sediment Control Ordinance and take the necessary actions to bring the site into compliance. Such actions may include on-site meetings with the developer and contractor, stop work orders and/or the issuance of fines. The Community recognizes that the District has no authority to enforce compliance issues.
4. The Community will ensure one copy of the Storm Water Pollution Prevention Plan (SWPPP) and subsequent revisions for all public and private construction activity that disturb one acre or greater or are part of a larger common plan of development or for sale that results in a total land disturbance of one acre or greater, to the District for review and approval. An electronic copy of the final approved version of the SWPPP will be provided by the developer to both the Community and the District.
5. The traditional storm water management reviews will be performed by the Village Engineer.
6. The Community's Engineer will be responsible for decisions regarding water quality practice choices and alternative best management practices on small construction sites where 5 acres or less are disturbed. Any changes in the improvement/storm water management drawings for a project will require a subsequent review of the SWPPP by the District.
7. The Community will withhold improvement drawing approvals or permits and final plat approvals, and prohibit the commencement of clearing and construction for all proposed commercial, residential or industrial projects until the Storm Water Pollution Prevention Plan has been approved by the District, all fees have been paid that are owed to the District and a pre-construction meeting has been held with the Summit SWCD, Community, Developer, Contractor and other interested parties.
8. The Community will withhold all approvals for future phases of a project with existing site compliance issues. The Community may also withhold permits and/or approvals for other projects proposed by a developer with existing SWPPP compliance issues.
9. The Community will require as-builts of all storm water and water quality practices on completed construction projects to ensure compliance with the approved SWPPP and acceptance by the Community.
10. The Community will ensure the execution of the Long Term Maintenance Agreement for the perpetual maintenance of the post construction practices.

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11. The Community will adopt and apply natural resource recommendations made by the District which are reasonable and acceptable to the Village of *Boston Heights*.

### **Mutually Agreed Upon Procedures**

- That the SWCD is a conservation technical and educational service agency and therefore is not granted regulatory authority in the Ohio Revised Code.
- The standards and specifications of the District including the current Rainwater and Land Development Manual and subsequent updates, and the latest version of the Ohio EPA General Construction Permit of Ohio and the Ohio EPA MS4 Permit will be used in the planning and application of conservation measures.
- The working relationship will be defined to include lines of communications with appropriate departments. The District and the Community will meet at least once a year to coordinate a work plan and exchange information.
- The District will provide written information for the annual reports. (Minimum Control Measures 1,2 and 4) to the Community, relevant to its role, as outlined in this MOU. The Community will submit the Annual Report to the Ohio EPA, which will include, but is not limited to the reports provided by the District, as required by its Storm Water Permit.
- That all parties will review quality of service and address concerns as they arise.
- That credit will be given jointly to the SWCD and the Community in natural resource/NPDES Phase II related publications.
- All services of the District are offered on a non-discriminatory basis without regard to race, gender, age, marital status, handicap or political persuasion.
- The Community recognizes the District's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.

This agreement may be amended or terminated at any time by mutual consent of both governments, or terminated by either party giving sixty (60) days notice in writing to the other.

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In witness thereof, the Memorandum executed and agreed to on the day, month and year written:

**SUMMIT SOIL & WATER CONSERVATION DISTRICT**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**VILLAGE OF *BOSTON HEIGHTS*, OHIO**

BY: *Bill Goncy* \_\_\_\_\_

TITLE: *Mayor* \_\_\_\_\_

DATE: *2/11/14* \_\_\_\_\_