

**VILLAGE OF BOSTON HEIGHTS  
COUNCIL MEETING AGENDA  
TUESDAY, OCTOBER 14, 2014  
7:00 PM**

**CALL TO ORDER - BILL GONCY, MAYOR**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**APPROVAL OF AGENDA**

**OPEN FORUM**

**CORRESPONDENCE**

**APPROVAL OF MINUTES:**

**MOTION:** Minutes of September 9, 2014

**ORDINANCES**

ORDINANCE 2014-9-24  
(Second Reading)      ORDINANCE CREATING CODIFIED ORDINANCE 509.13  
EFFECTIVE IMMEDIATELY

**ED. NOTE:** Last month, Solicitor Marshal Pitchford explained that this is a draft of a new ordinance, as briefly discussed at the recent Finance Committee meeting, to allow the Village to regulate excessive noise sources beyond those covered by the current noise ordinance. This issue arose during the recent BZA hearing on a use variance. Currently, only “intentional” noise sources are regulated, such as radios and loudspeakers, but not incidental noise sources as from power equipment. This new noise ordinance would allow enforcement by measured sound levels of excessive noise.

ORDINANCE 2014-10-26      AN ORDINANCE AMENDING CODIFIED ORDINANCE 303.13  
(First Reading)      REGARDING THE DISBURSEMENT OF THE TOWING  
ADMINISTRATIVE FEE AND DECLARING AN EMERGENCY

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**RESOLUTIONS**

RESOLUTION 2014-10-59      A RESOLUTION AUTHORIZING THE VILLAGE TO ENTER A  
(First Reading)      SETTLEMENT AGREEMENT WITH JKF DEVELOPMENT AND  
JAMES KURTZ AND DECLARING AN EMERGENCY

**ED. NOTE:** This is the developer of the Brighton Estates subdivision off of southern Olde Eight Road. The Village has been trying to ensure that the final paving of that roadway is completed; it had been deferred during further construction in the subdivision, and was secured by a bond from the developer.

RESOLUTION 2014-10-60  
(First Reading)

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF BOSTON HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY OVI TASK FORCE TO REDUCE THE NUMBER OF ALCOHOL AND DRUG-RELATED CRASHES FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 AND DECLARING AN EMERGENCY

RESOLUTION 2014-10-61  
(First Reading)

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING TO THE COUNTY FISCAL OFFICER AND DECLARING AN EMERGENCY

RESOLUTION 2014-10-62  
(First Reading)

A RESOLUTION AMENDING THE PERMANENT ANNUAL APPROPRIATIONS (#4) FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2014 AND DECLARING AN EMERGENCY

**REPORTS**  
**MAYOR**

B. GONCY

**FISCAL OFFICER**

B. KLINGENBERG

TAKE PHOTOS OF COUNCIL AND MAYOR FOR NEWSLETTER

RECORDS RETENTION MEETING – OCTOBER (FINANCE COMMITTEE – 10/28/14; 6:30PM)  
WITH INTERN

**COMMITTEE REPORTS:**

SAFETY COMMITTEE / VALLEY FIRE DISTRICT

G. BLAKENEY

ROADS COMMITTEE

R. FENN

LANDS AND BUILDINGS COMMITTEE / PARK

J.MILLER

CEMETERY TRUSTEES  
[CEMETERY COMMITTEE]

R. FENN

ECONOMIC DEVELOPMENT COMMITTEE

R. ANTAL

PLANNING COMMISSION / BZA  
[ZONING COMMITTEE]

D. POLYAK

ENGINEER

D. KROCK

**OLD BUSINESS**

**NEW BUSINESS**

**EXECUTIVE SESSION**

**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: 2014-9-24  
SECOND READING

**ORDINANCE CREATING CODIFIED ORDINANCE 509.13 EFFECTIVE  
IMMEDIATELY**

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

**Section 1:** That Codified Ordinance 509.13 be hereby created and shall state as follows:

**509.13 NOISE FROM EQUIPMENT.**

(a) No person shall generate or permit to be generated unreasonable noise or loud sound, at any point on the adjacent property lines, with equipment, including but not limited to, construction equipment, lawn equipment, and/or generators. Sixty (60) dba or less shall not be considered a violation within the scope of this section.

(1) However, should the sound level exceed (60) dba, the operation in question shall be ordered to cease and additional readings taken. If the difference in readings exceeds ten (10) dba (that is, the reading at the property line is more than ten (10) dba higher with equipment running than when the operation ceases), the operation shall be considered to be loud and objectionable and shall be in violation of the above section.

(2) All measurements required shall be measured on the "A" weighting scale of a sound meter meeting the requirements of A.N.S.I. STD. S.1.4-1983 when the meter is located at a point on the property line nearest the operations in question, five (5) feet above grade level and no closer than three (3) feet from any wall.

(b) No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency, or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

(c) The following are exempted from the provisions of this section:

(1) Audible warning devices on emergency or public safety vehicles when responding to situations in an emergency mode in conjunction with the use of an emergency warning light;  
or,

(2) Building and vehicle alarms, unless there is a history of recurrent false activation of such devices; or, Page 7

(3) Construction equipment involved in the emergency repair or stabilization of a structure or facility after the accidental damage of or failure of such structure or facility, with the consent of the Village Mayor and/or his or her designee; or,

(4) Any event sponsored for the enjoyment of the community at large where the public is invited to attend; or,

(5) Warning devices such as horns, whistles, etc., when used to warn of a potentially dangerous and/or hazardous condition, but only for the duration of that condition.

(6) Warning devices, security alarms, vehicle or equipment backing alarms, and other devices required by law.

(d) (1) Whoever violates this section is guilty of generating an unreasonable noise and a minor misdemeanor.

(2) If the offender persists in generating or permitting to be generated unreasonable noise after reasonable warning or request to desist, generating unreasonable noise is guilty of persistent generating of an unreasonable noise and a misdemeanor of the fourth degree.

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**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 Police Department, Zoning Inspector and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2014-9-24** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this \_\_\_th day of \_\_\_\_\_, 2014.



VILLAGE OF BOSTON HEIGHTS  
ORDINANCE NO: 2014-10-26  
FIRST READING

**AN ORDINANCE AMENDING CODIFIED ORDINANCE 303.13 REGARDING THE  
DISBURSEMENT OF THE TOWING ADMINISTRATIVE FEE  
AND DECLARING AN EMERGENCY**

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

**Section 1:** That Section 303.13(c) of the Codified Ordinances of the Village of Boston Heights be hereby established and shall hereafter state as follows:

(c) All of the moneys received under the provisions of Section 303.13(b) shall be collected and disbursed as follows:

(1) Effective January 1, 2015, the first \$5,000 of funds collected during the calendar year shall be deposited in the Police Department fund under the Village's Annual Budget to be utilized for the benefit of that department and for other such purposes as permitted for that fund.

(2) Effective January 1, 2015, all funds collected beyond the \$5,000 as set forth in subsection (1) hereof shall be deposited into the General Fund of the Village to be utilized for the operation of the Village.

**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 preservation of the public peace, health, welfare and safety, and for the administration of the Village Police Department, the Finance Department and other Village departments and, therefore, shall take effect and be in force upon and immediately after its passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Ordinance **2014-10-26** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 14th day of October, 2014.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-10-59  
FIRST READING

**RESOLUTION AUTHORIZING THE VILLAGE TO ENTER A SETTLEMENT  
AGREEMENT WITH JFK DEVELOPMENT AND JAMES KURTZ 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 is hereby authorized and directed to sign and do all things necessary to execute the Settlement Agreement with JFK Development and James Kurtz regarding the dispute over and related to the ongoing construction project at Brighton Lane.

**Section 2:** That the Mayor and/or Fiscal Officer are hereby authorized and directed to take all actions as set forth under the Settlement and Release Agreement, as executed.

**Section 3:** That the Council hereby appropriates the funds necessary for the Settlement and Release Agreement, as executed.

**Section 4:** That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 5:** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village's residents, to allow for the continued operations of the Village and its departments and shall, therefore, take effect and be in force upon and immediately after its passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-10-59** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 14th day of October, 2014.

**RESOLUTION 2014-10-59 EXHIBIT A: Settlement Agreement**

**Editor's Note: We have not yet received a copy of this Settlement Agreement**

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-10-60  
FIRST READING

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF BOSTON HEIGHTS  
TO ENTER INTO AN AGREEMENT WITH THE SUMMIT COUNTY OVI TASK  
FORCE TO REDUCE THE NUMBER OF ALCOHOL AND DRUG-RELATED  
CRASHES FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 AND  
DECLARING AN EMERGENCY**

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

**Section 1:** That the Mayor, the Chief of Police, and/or the Mayor's designee of the Village of Boston Heights is hereby authorized to enter into an agreement, retroactively, with the Summit County OVI Task Force for a period beginning October 1, 2014 through September 30, 2015 to reduce the number of alcohol and drug-related crashes. The agreement to be entered is attached hereto as Exhibit "A," and incorporated herein by reference.

**Section 2:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 3:** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village of Boston Heights and shall, therefore, take immediate effect upon passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-10-60** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 14th day of October, 2014.

## RESOLUTION 2014-10-60 EXHIBIT A:

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

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This agreement is hereby made between the Summit County Sheriffs Office and the *VILLAGE OF BOSTON HEIGHTS POLICE DEPARTMENT* hereinafter referred to as "contractor."

#### I. SCOPE OF WORK

The contractor shall actively participate as a member of the Summit County OVI Task Force and provide coordinated overtime **alcohol-related** enforcement as pre-approved by the Summit County OVI Task Force and the Summit County Sheriffs Office. As a member of the OVI Task Force, the contractor will participate in monthly Task Force meetings and will provide the Task Force with an update of the Contractor's overtime enforcement activity for the reporting period.

Overtime alcohol-related enforcement efforts will be comprised of national/state and local blitzes, concentrated saturation patrols (increased enforcement in concentrated locations), and sobriety checkpoints. Overtime enforcement activity performed under this agreement shall in no way replace or meet the overtime enforcement performance requirements as approved in any other GR-1 grant agreement(s) between the Ohio Traffic Safety Office (OTSO) and the Contractor.

The Contractor shall participate in planning and conducting countywide and localized media events/activities, highlighting the Summit County OVI Task Force's initiatives as it relates to the reduction of alcohol-related crashes in the county.

The Contractor will assure that all enforcement personnel to be involved in approved alcohol-related overtime enforcement activity will be certified in the appropriate type of training (i.e., Detection Apprehension and Prosecution/ADAP or Standard Field Sobriety testing - along with checkpoint training). Documentation of appropriate certifications for grant employees will be maintained by the Contractor and will be made available to the Summit County Sheriffs Office and /or the OTSO upon request.

No equipment purchases shall be approved under this agreement except as pre-approved by the Summit County Sheriffs Office and OTSO.

#### II. SUMMIT COUNTY SHERIFF'S OFFICE AGENT

For the purpose of this task force agreement, the Contractor shall be responsible to Summit County Sheriffs Office and/or its assigned designee. The Contractor acknowledges that all reports and other required documentation shall be submitted to the Summit County Sheriffs Office and that the directions for implementation of the defined activity shall be approved by this authority.

## **RESOLUTION 2014-10-60 EXHIBIT A:**

### **III. PERIOD OF PERFORMANCE**

This agreement shall be binding and effective as of the date of this agreement through September 30, 2015. Funding of this agreement is dependant upon the availability of federal funding as appropriated and obligated by the U.S. Congress to the U.S. Department of Transportation for FFY 2015. Should any changes in federal funding adversely affect the OTSO/Summit County Sheriff's Office reserves the right to revise or terminate any previously approved agreement in writing.

### **IV. REPORTS**

The Contractor shall submit complete and proper documentation as follows:

1. The Summit County OVI Task Force, Actual Cost Reimbursement Claim Form (GR-11)
2. The Summit County OVI Task Force, Report of Direct Labor Form (GR- 12)
3. OTSO Law Enforcement Activity Report / Step Program Form (GR-24A)
4. OTSO - TS Law Enforcement Activity Report / Monthly Summary Narrative form (GR-24B)
5. GI-ISO Law Enforcement Activity Report / OVI Checkpoint Activity Form (GR-24C)

### **V. REIMBURSEMENT**

This agreement shall operate on an "actual cost" reimbursement basis. The cost must be incurred by the Contractor. Upon submission of all completed and proper reports as indicated in section IV, the Contractor shall be reimbursed for the actual overtime alcohol-related enforcement activity dedicated to the Summit County OVI Task Force initiatives and as approved by the Summit County Sheriffs Office.

### **VI. SPECIAL PROVISIONS**

It is hereby agreed that the Summit County Sheriff's Office and the Contractor shall abide by the following OTSO Provisions.

Note: In these provisions, hereinafter, the "grantee" refers to the OTSO and "sub-grantee" refers to Summit County Sheriff's Office.

## **RESOLUTION 2014-10-60 EXHIBIT A:**

### **PROVISION 1 SECURITY AGREEMENT DISCLAIMER**

The sub-grantee warrants that he has not employed or retained any company or person other than a bona fide employee working solely of the Consultant to solicit or secure this agreement, and that he has not paid or has not agreed to pay any fee, commission, percentage, brokerage fee, or other considerations contingent upon or resulting from the awarding or making of this agreement.

For breach or violation of this warrant, the State, in conjunction with the sub-grantee, shall have the full right to annul this agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gifts, or contingent fee.

Either party may terminate this agreement by giving the other party written advance notice of its election to do so. If the contract is canceled under this provision, the sub-grantee shall reimburse the contractor for all work completed and in progress to that date. Upon termination and final payment, all design materials, artwork and any other items / products developed by the Contractor shall become the property of the sub-grantee.

### **PROVISION 2 REPORTING REQUIREMENTS**

Performance reports will be required to be submitted by the Contractor as frequently as required by the sub-grantee. Performance reports shall include brief information on (1) a comparison of actual accomplishments to the objectives establishes for the period and can include a computation of the cost per unit of output (2) the reasons for slippage if established objectives were not met (3) additional pertinent information including analysis and explanation of cost overruns or high unit cost.

### **PROVISION 3 PATENT RIGHTS/COPYRIGHTS**

Neither the Contractor nor any of the Contractors employees, agents, subcontractors or assigns shall make a disclosure of the purpose of securing a patent or copyright in the United States or any other country for any product resulting from this agreement unless such disclosure is approved in writing by the sub-grantee prior to application for the patent/copyright in the event that such patent/copyright is obtained, the Contractor shall provide the sub-grantee instrumentality contributing financial support to the work covered by this agreement to make use of the subject of the said patent/copyright disclosure without payment.

### **PROVISION 4 AUDIT PRACTICES**

The Contractor agrees access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

## **RESOLUTION 2014-10-60 EXHIBIT A:**

- PROVISION 5      EQUAL EMPLOYMENT OPPORTUNITY (E.E.O.)**  
The sub-grantee and contractor must abide by all E.E.O. regulations, including but not limited to, Executive Order 11264 of September 24, 1965 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 of October 13, 1967 and as Supplemented in Department of Labor regulations. (41 CFR Chapter 60) and section 3(a)(2)(c) of the UMT Act of 1934, as amended, which prohibits the use of exclusionary or discriminatory specification.
- PROVISION 6      CERTIFICATION REGARDING LOBBYING**  
None of the funds under this program will be used for any activity specifically designed to urge or influence a Federal, State, or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any Federal, State, or local legislative body. Such activities include both direct and indirect (e.g. "grassroots") lobbying activities, with one exception. This does not preclude an official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, as long as this activity is documented in writing.
- PROVISION 7      LABOR RELATIONS**  
The sub-grantee and contractor must comply with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department Of Labor Regulations (29 CRF, Part 5).
- PROVISION 8      ASSURANCES REGARDING THE PARENT AGREEMENT**  
The provisions of this agreement include all the terms and conditions and assurances of the sub-grantee, and are attached hereto as an Appendix. (The sub-grantee shall attach the parent agreement.)
- PROVISION 9      RECORD RETENTION**  
The sub-grantee and contractor shall retain all required records for three years after grantee or sub-grantees make final payments and all other pending matters are closed.
- PROVISION 10     LIABILITY DISCLAIMERS**  
With this agreement, the sub-grantee and contractor disclaims the Ohio Traffic Safety Office, The Ohio Department of Public Safety, and the Federal Government (e.g., National Highway Traffic Safety Administration, Federal Highway Administration) from liability for workman's compensation, FICA, unemployment compensation, "wages or materials liens," or other payment of any employer/employee relationship.



**RESOLUTION 2014-10-60 EXHIBIT A:**

**PROVISION 11 LINE OF CREDIT**

That the sub-grantee or contractor shall carry a credit line on the cover or first page of any report that reads substantially as follows:

"Funding provided in part or solely by the:  
National Highway Traffic Safety Administration  
Federal Highway Administration  
Ohio Department of Public Safety  
Ohio Traffic Safety Office"

Studies evaluations, etc., shall also include the following disclaimer. "The opinions, findings, and conclusions expressed in the publication are those of the author and not necessarily those of, the National Highway Traffic Safety Administration, Federal Highway Administration, Ohio Department of Public Safety and the Office of Ohio Traffic Safety Office.

**VII. TERMINATION OF AGREEMENT**

Either party may terminate this Agreement by giving the other party fourteen (14) days notice of its election to do so with a written notice of cancellation to follow.

This agreement is hereby executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013

Summit County OVI Task Force Member

Summit County Sheriff

By:

By:

Title:

Title:

Date:

Date:

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-10-61  
FIRST READING

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING TO THE COUNTY FISCAL OFFICER AND DECLARING  
AN EMERGENCY**

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the fiscal year commencing with January 1, 2014; and,

WHEREAS, the Budget Commission of Summit County, Ohio has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation.

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 amounts and rates as determined by the Budget Commission in its certifications and the same are hereby accepted.

**Section 2:** That there be and is hereby levied on the tax duplicate of said Village that rate each tax necessary to be levied within and without the ten mill limitation as attached hereto as Exhibit "A."

**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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the residents of the Village of Boston Heights and to insure the continuing operations of the Village in the year fiscal year 2014 and to meet the County of Summit's deadline of November 10, 2014, and shall, therefore, take effect and be in force upon and after its passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-10-61** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 14th day of October, 2014.

**RESOLUTION 2014-10-61 EXHIBIT A:**

**KRISTEN M. SCALISE CPA, CFE**  
**Fiscal Officer**  
**County of Summit**

September 19, 2014

All Summit County Fiscal Officers, Finance Directors and Treasurers

RE:- Certification of Tax Levy

We are providing you with the Summit County Budget Commission Certification of Tax Levy to adopt a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the Summit County Fiscal Officer Please attach a copy of your tax levy certification to your resolution.

Please refer to the attached Information Summary to the Summit County Budget Commission Certification of Tax Levy as it describes the purpose and contents of the certification.

According to the attached extension letter from the Ohio Department of Taxation, the Political Subdivision must provide the approved resolution to the County Fiscal Officer by November 10, 2014.

Your Official Certificate of Estimated Resources for 2015 will be sent to you in early December.

If you have any questions, please contact us:

Dennis Killinger at 330-643-2707 or e-mail [dkillinger@summitoh.net](mailto:dkillinger@summitoh.net)

Peggy Moirano at 330-643-2668 or e-mail [pmoirano@summitoh.net](mailto:pmoirano@summitoh.net)

Christina Schlarb at 330-643-2674 or e-mail [cschalrb@summitoh.net](mailto:cschalrb@summitoh.net)

Sincerely

*[Peggy Moirano]*

Director of Administration

Tax Settlement and Budget

175 S. Main Street - Room 208

Akron, Ohio 44308

**RESOLUTION 2014-10-61 EXHIBIT A:**

*Ohio Department of*  
**TAXATION**

*Office of the Tax Commissioner*  
30 E. Broad St, 22nd Floor \* Columbus OH 43215

**JOURNAL  
ENTRY**

Date: **AUG 19 2014**

Kristen M. Scalise  
Summit County Fiscal Officer  
175 S. Main St. • Suite 400  
Akron, Ohio 44308-1354

Entry Number: 14-08-0237

Re: Approval of Extension for the Summit County Budget Commission to Complete its Work

The Tax Commissioner, upon consideration of the application filed by the County Auditor as secretary of the county budget commission, on August 18, 2014, for an extension of time beyond the statutory date of September first to complete its work, as provided by Revised Code section 5705.27, finds that the extension of time is necessary and approves October 10, 2014 as the date within which such work shall be completed, pursuant to Ohio Revised Code section 5705.341 (last para.).

The Tax Commissioner also extends the October first deadline contained in the Ohio Revised Code section 5705.34 for the political subdivision to authorize the necessary tax levies to the auditor by the same number of days that the extension to certify rates is granted by this entry. Accordingly, the political subdivision must authorize the necessary tax levies to the auditor by November 10, 2014. The County Auditor must notify each political subdivision affected by this entry.

It is ordered that a copy of this entry be certified to the County Auditor, as secretary of the County Budget Commission.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF THE  
ENTRY RECORDED IN THE TAX COMMISSIONER'S JOURNAL

*[Joseph Testa]*  
JOSEPH W. TESTA  
TAX COMMISSIONER

/s/ Joseph W. Testa  
Joseph W. Testa  
Tax Commissioner

SS

**SUMMIT COUNTY BUDGET COMMISSION CERTIFICATION OF TAX LEVY  
(ORC Sections 5705.34 & 5605.35)**

POLITICAL ENTITY: **Boston Heights Village  
ESTIMATE**

1. RES/AG REAL VALUE	53,510,670
2. OTHER REAL VALUE	11,290,850
3. TOTAL RES/AG & OTHER REAL VALUE	64,801,520
4. PUBLIC UTILITY PERSONAL VALUE	2,790,260
5. TOTAL REAL & PUBLIC UTILITY VALUE	67,591,780

**Tax Year 2014 / Collection Year 2015**

THE VALUATIONS AND TAX RATES REFLECT TAX YEAR 2013 / COLLECTION YEAR 2014

IEVIES INSIDE and OUTSIDE 10 MILL LIMITATION, INCLUSIVE OF DEBT LEVIES

Date: SEPTEMBER 19, 2014

FUND TYPE CLT FUND #	PURPOSE	Authorized by the Voters on MO/DA/YR	Number of Years Levy to Run	Tax Year	Collection Year	Maximum Rate Authorized to be Levied	REDUCTION FACTOR	EFFECTIVE RATE TO BE LEVIED					ROLL BACK
				Begins/Ends	Begins/Ends		RES/AG OTHER	RES/AG OTHER	RES/AG	OTHER	PUBLIC UTILITY	TOTAL	
ROAD IMPROVEMENT 76.00	Current Expense	Renewal 11/08/11	5	12/16	13/17	2.75	0.000000 0.000000	2.750000 2.750000	\$147,154	\$31,050	\$7,673	\$185,877	Y
FIRE PROTECTION 34.00	Perm Imp	Repl/Dec 11/03/09	5	09/13	10/14	0	0.000000 0.000000	0.000000 0.000000	EXPIRED - FINAL TAX YEAR 2013/COLLECTION YEAR 2014 \$0 \$0 \$0 \$0				
FIRE & EMS 40.00	Current Expense	Renewal 11/8/2011	3	12/14	13/15	0.75	0.000000 0.000000	0.750000 0.750000	\$40,133	\$8,468	\$2,093	\$50,694	Y
GENERAL 01.00	Inside					1.8		1.800000 1.800000	\$96,319	\$20,324	\$5,022	\$121,665	Y
CAPITAL PROJECTS 16.00	Inside					0.3		0.300000 0.300000	\$16,053	\$3,387	\$837	\$20,277	Y
TOTALS						5.6		5.600000 5.600000	\$299,659	\$63,229	\$15,625	\$378,513	

NOTE: The ROLLBACK column added to this certificate represents the recently passed state budget, beginning with tax year 2013 ten and two and one-half percent rollbacks will no longer apply to new levies that are enacted after the August 2013 election. These non-qualifying levies include additional levies, the increase portion of renewal with increase levies, and the full effective millage of replacement levies. Levies that will continue to qualify for application of the rollbacks are levies approved at or before the August 2013 election, inside and chartermillage as they appear on the 2013 tax list, renewals of qualified levies, and the substitute of qualified school district emergency levies under Revised Code section 5705.199. In this column the Y indicates the levy qualifies for the 10% and 2 1/2% rollback. The N indicates the levy does not qualify for the 10% and 2 1/2% rollback.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2014-10-62  
FIRST READING

**A RESOLUTION AMENDING THE PERMANENT ANNUAL APPROPRIATIONS  
FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2014 AND  
DECLARING AN EMERGENCY**

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

**Section 1:** That the Permanent Annual Appropriations for the Village of Boston Heights for the year 2014 be amended as attached hereto, and is hereby approved at the department and fund level and adopted by the Council of the Village of Boston Heights. The adoption is retroactive to March 31, 2014.

**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 the meetings open to the public, in full compliance with the applicable legal requirement 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 and welfare of the Village, and the daily operations of the Village's finance office and various departments and shall, therefore, take effect and be in force upon and after its passage.

PASSED:

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

ATTEST:

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

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2014-10-62** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this 14th day of October, 2014.

**RESOLUTION 2014-10-62 EXHIBIT A:**

VILLAGE OF BOSTON HEIGHTS		PERMANENT APPROPRIATIONS #1				07/01/2014
FUND	ACTUAL CASH BALANCE AS OF 01/01/2014	CERTIFICATE OF ESTIMATED RESOURCE #1	PERMANENT APPROPRIATION \$ #1	OFFICIAL CERTIFICATE OF ESTIMATE RESOURCES #1 - RECEIVED 04/17/ 2014	START TO CONFIGURE ADDENDUM TO APPROPRIATION FOR SUMMIT COUNTY - #2	NOTES
GENERAL FUND	\$ 1,000,294.87	\$ 2,546,774.74	\$ 2,000,000.00	\$ 2,714,851.61	2714851.61	
ROAD AND BRIDGE	\$ 411,462.72	\$ 340,404.00	\$ 590,000.00	\$ 597,339.72	\$ 597,339.72	
STREET CONSTRUCTION, MAINTENANCE	\$ 98,856.20	\$ 94,188.00	\$ 125,000.00	\$ 138,856.20	\$ 188,856.20	
STATE HIGHWAY	\$ 53,386.78	\$ 71,084.00	\$ 65,000.00	\$ 65,386.78	\$ 65,386.78	
PARK	\$ 1,697.08	\$ 41,005.00	\$ 42,000.00	\$ 31,697.08	\$ 41,697.08	
LAW ENFORCEMENT TRUST	\$ 1,818.13	\$ 2,651.00	\$ 2,000.00	\$ 2,818.13	\$ 2,818.13	
COMPUTER	\$ 20,304.73	\$ 35,547.00	\$ 33,000.00	\$ 34,304.73	\$ 34,304.73	
FIRE (0.50 MILLS) - CAPITAL	\$ 20,059.15	\$ 41,092.00	\$ 45,000.00	\$ 53,854.15	\$ 53,854.15	
FIRE (0.75 MILLS) - OPERATIONS	\$ 15,352.62	\$ 90,686.00	\$ 62,000.00	\$ 66,046.62	\$ 66,046.62	
CAPITAL PROJECTS	\$ 40,837.79	\$ 47,531.00	\$ 40,000.00	\$ 61,114.79	\$ 61,114.79	
CEMETERY TRUST	\$ 66,078.49	\$ 69,092.00	\$ 60,000.00	\$ 67,078.49	\$ 67,078.49	
	\$ 1,730,148.56	\$ 3,380,054.74	\$ 3,064,000.00	\$ 3,833,348.30	\$ 3,893,348.30	
BOND RETIREMENT (WATER)					\$ 90,000.00	
BOND RETIREMENT (HINES HILL CORRIDOR)					\$ 225,000.00	
BOND RETIREMENT (GENERAL ROAD)					\$ 760,000.00	
					<b>\$ 4,968,348.30</b>	
<b>THE FUNDS LISTED BELOW ARE NOT BUDGETARY</b>						
REFUNDABLE PERFORMANCE BONDS	\$ 4,300.00	\$ 4,300.00	\$ 4,300.00	\$ 4,300.00	\$ 4,300.00	
UNCLAIMED FUNDS	\$ 9,540.00	\$ 9,540.00	\$ 9,540.00	\$ 9,540.00	\$ 9,540.00	
FEDERAL A/C BRIDGE						
				<b>\$ 13,840.00</b>	<b>\$ 4,982,188.30</b>	