

## VILLAGE OF BOSTON HEIGHTS

### COUNCIL MEETING AGENDA

TUESDAY, FEBRUARY 9, 2021

7:00 PM

via ZOOM teleconference: WEBINAR ID – 835-2219-7710

**Due to the COVID-19 Emergency, this meeting will not be held in person at Village Hall.**  
*If you are using a smartphone to join the meeting (Zoom calls this a "webinar"), please download the free Zoom app prior to the meeting date and time. If you are joining from a computer, you may go to <https://zoom.us> on your Internet/web browser.*  
*In either case, when you click on Join a Meeting you will enter the above-referenced Webinar ID.*

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

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

R.Antal   X   - B.Bartko   X   - J.Miller   X   - H. Davis   X   - R.Fenn   X   - D.Polyak   X  

With: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford, Jason Popiel for OHM/Engineer

**APPROVAL OF AGENDA**                      Motion to adopt agenda as presented to Council

Approved and Adopted

#### OPEN FORUM

(slightly delayed) Cindy Palumbo, Olde Eight Road: She was concerned about the many trees slated to be removed (across Olde Eight from her property) in connection with the planned delivery station to be built between Dean Memorial Parkway, Hines Hill Rd, Olde Eight, and the Turnpike. She wanted more information on the plan for buffering for the adjacent residences, and noted that the entire project seemed to undercut the original goals of the Hines Hill Overlay. The Mayor stated that the plan was for the Olde Eight buffer to be about 100 feet wide and high enough, and with sufficient plantings, to fully shield the facility from view in that direction and along Hines Hill and much of Dean Memorial as well. Further discussion indicated that trees were likely to remain along the Turnpike border, but that pretty much all of the other existing forest was going to be removed. Councilor Janet Miller expressed her concern that many Village residents were unaware of the project and that it required more "transparency" on the part of the Village government. Some other discussion clarified that since the project did not involve a formal change of zoning (but rather some extensive variances), there was no occasion for an additional public meeting as with the various requests for rezoning the nearby hotel. It was noted that all meetings of the PC and BZA were also public meetings. The Mayor noted that there was much work yet to do on the site planning and that the Village Engineer's office would be reviewing such plans.

#### APPROVAL OF MINUTES:

Approve minutes of January 5, 2021

Approve minutes of January 26, 2021

Approved and Adopted

## ORDINANCES

ORDINANCE 2020-2-2  
(First Reading)

**Adopted: ORD 2020-2-2**

AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.

**Editor's Note: the Mayor stated that this was a routine 5-year agreement, and time for its renewal.**

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## RESOLUTIONS

RESOLUTION 2021-2-5  
(First Reading)

**Adopted: RES 2021-2-5**

A RESOLUTION APPROVING THE FINAL PERMANENT APPROPRIATIONS #5 FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2020 AND DECLARING AN EMERGENCY

RESOLUTION 2021-2-6  
(First Reading)

**Adopted: RES 2021-2-6**

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANTS(S) AND DECLARING AN EMERGENCY

RESOLUTION 2021-2-7  
(First Reading)

**Adopted as amended:  
RES 2021-2-7**

A RESOLUTION DECLARING IT NECESSARY TO RENEW THE ~~TAX~~ ROAD LEVY AT THE TAX RATE OF 2.75 MILL AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS RENEWAL LEVY, AND DECLARING AN EMERGENCY

**Editor's Note: at the Mayor's request, amended to include "ROAD" in the title.**

RESOLUTION 2021-2-8  
(First Reading)  
**Adopted: RES 2021-2-8**

A RESOLUTION ESTABLISHING THE USE RATE AND RENTAL RATES FOR THE VILLAGE OF BOSTON HEIGHTS POOLS, PARK, AND PAVILION FOR THE YEAR 2021 AND DECLARING AN EMERGENCY

RESOLUTION 2021-2-9  
(First Reading)  
**Adopted: RES 2021-2-9**

A RESOLUTION APPOINTING NATALIE VAN KANNEL CLERK OF THE MAYOR'S COURT FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE FEBRUARY 4, 2021 THROUGH DECEMBER 31, 2023 AND DECLARING AN EMERGENCY

**Editor's Note: the Mayor explained that the Village's long-serving Clerk of Mayor's Court Katie Enovitch was resigning for personal reasons. Ms. Van Kannel is currently the Fiscal Officer's assistant.**

RESOLUTION 2021-2-10  
(First Reading)  
**Adopted: RES 2021-2-10**

A RESOLUTION TO AWARD THE BRANDYWINE PHASE 1 CONTRACT TO PERRIN ASPHALT AND DECLARING AND DECLARING AN EMERGENCY

**Editor's Note: the Mayor noted that OHM Advisors, the Village Engineer's office, had found this the lowest-and-best bid.**

RESOLUTION 2021-2-11  
(First Reading)  
**Adopted: RES 2021-2-11**

A RESOLUTIONS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS REGARDING THE EVALUATION OF ALL 21 MILES OF VILLAGE STREETS AND DECLARING AN EMERGENCY

## REPORTS

### MAYOR

B. GONCY

Re: KATHRYN ENOVITCH

The Mayor again noted that the Village's long-serving Clerk of Mayor's Court Katie Enovitch was resigning for personal reasons. Her resignation was accepted with regrets.

Dominion Energy had sent an info sheet on natural gas hazards that the Mayor was to post in the Village Hall and on the Village's own website.

SkyZone trampoline park is planning to re-open this coming Thursday, after a lengthy closure during the COVID-19 pandemic.

### FISCAL OFFICER

B. KLINGENBERG

**COMMITTEE REPORTS:**

SAFETY COMMITTEE / VALLEY FIRE DISTRICT R. ANTAL

ROADS COMMITTEE R. FENN

CEMETERY TRUSTEES R. FENN  
[CEMETERY COMMITTEE]

LANDS AND BUILDINGS COMMITTEE / PARK J.MILLER

COMMUNITY DEVELOPMENT COMMITTEE J.MILLER

PLANNING COMMISSION / BZA D. POLYAK

**ENGINEER**

**OHM ADVISORS / ~~BRIAN GOROG~~**

Jason Popiel, the OHM Advisors representative filling in for Brian Gorog, again noted the Brandywine Road and road survey measures just adopted, above.

Solicitor Marshal Pitchford noted an upcoming meeting of the Board of Zoning Appeals, 7PM Thursday February 18, 2021, to consider an appeal of the Board of Nuisance Abatement's finding that the Norwood Inn property is a public nuisance. The meeting will be held remotely, via Zoom.

**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: 2021-2-1  
FIRST READING

**AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.**

**WHEREAS**, the Director of Transportation, under Section 5521.01 of the Revised Code of Ohio, is authorized upon request and approval of the Village to maintain, repair and apply standard longitudinal pavement marking lines and to erect regulatory and warning signs, as defined in the manual adopted under section 4511.09 of the Revised Code on any section of a State Highways within the corporate limits of a village; and,

**WHEREAS**, the Director of Transportation, under Section 5501.41 of the Revised Code of Ohio, may, upon consent of the Village, remove snow and ice and use snow and ice control material on State Highways within the corporate limits of a Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and,

**WHEREAS**, the Director of Transportation, under Section 5511.01 of the Revised Code of Ohio, may, upon the consent of the Village, perform maintenance and/or repair on the State Highways within the corporate limits of the Village pursuant to a written agreement to be entered into between the Village and the Department of Transportation of the State of Ohio; and,

**WHEREAS**, State Highway Nos 8 and 303 lie within the Village of Boston Heights, Summit County; and,

**WHEREAS**, the work proposed to be authorized under this Ordinance shall be restricted to the application, maintenance and repair of standard longitudinal pavement markings and the erecting of regulatory and warning signs, and may include if an Agreement is entered into, the removal of snow and ice and the use of snow and ice control material on State Highways within the corporate limits of Village but shall not include the removal of snow and ice and the use of snow and ice control material on driveways, parking areas, and intersecting roads and streets, and, may include if an Agreement is entered into, the maintenance and/or repair of the State Highways within the corporate limits of the Village; and,

**WHEREAS**, this Ordinance shall not relieve or discharge the Village from responsibility for emergency repair of signs installed by the Department of Transportation; and,

**WHEREAS**, this Ordinance shall not relieve or discharge the Village from any claim or claims of any nature arising from, or growing out of, the work by the Department of Transportation of the State of Ohio on said highways in the Village, and the Village shall save the State of Ohio harmless from any and all such claims; and,

**WHEREAS**, this Ordinance is not intended to and shall not supersede any section of the Ohio Revised Code pertaining to the responsibilities of the Village and the Department of Transportation regarding any other maintenance and repair.

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

**SECTION 1:** It is hereby declared to be in the public interest that the Village's consent be and is hereby given to the Department of Transportation of the State of Ohio ("ODOT") for said Department to apply standard longitudinal pavement markings, and to erect regulatory and warning signs on said State Highways in accordance with the standard practices of the ODOT.

**SECTION 2:** It is hereby declared to be in the public interest that the Village be and is hereby given to the ODOT, if an agreement is entered into, for said Department to remove snow and ice and use snow and ice control material on any State Highways listed in the agreement in accordance with the standard practices of the ODOT.

**SECTION 3:** It is hereby declared to be in the public interest that the Village be and is hereby given to the ODOT, if an agreement is entered into, for said Department to perform certain maintenance and/or repair on any State Highways listed in the agreement in accordance with the standard practices of the ODOT.

**SECTION 4:** That the Mayor is hereby authorized to enter into any agreement with ODOT for the removal of snow and ice and the use of snow and ice control material on said State Highways within the corporate limits of the Village and any agreement with ODOT for certain maintenance and/or repair including the planning of lines and signs, of the State Highways within the corporate limits of the Village.

**SECTION 5:** That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

**SECTION 6:** That the Fiscal Officer is hereby directed to furnish the Director of Transportation and the Summit County Executive's office, with a certified copy of this Ordinance immediately upon approval and execution.

**SECTION 7:** That this Ordinance shall take effect and be in force at the earliest time allowed by law.

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 2021-2-1** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **9th day of February, 2021**.

ACCEPTED AND APPROVED by the Ohio Department of Transportation

\_\_\_\_\_, Director of Transportation

Date:

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-5  
FIRST READING

**A RESOLUTION APPROVING THE FINAL PERMANENT APPROPRIATIONS #5  
FOR THE VILLAGE OF BOSTON HEIGHTS FOR THE YEAR 2020 AND  
DECLARING AN EMERGENCY**



VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-6  
FIRST READING

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED  
COMMUNITY GRANTS(S) AND DECLARING AN EMERGENCY**

**WHEREAS;** the Village of Boston Heights, Ohio is a member of the Northeast Ohio Public Energy Council (“NOPEC”) and is eligible for one or more NOPEC Energized Community Grant(s) for 2021 (“NEC Grant(s)”) as provided for in the NEC Grant Program guidelines; a

**WHEREAS;** the Village of Boston Heights wishes to enter into a Grant Agreement with NOPEC, Inc. in the form substantially similar to the one attached hereto as Exhibit “A” to receive or more NEC Grant(s) for 2021, and to authorize the Mayor and/or Fiscal Officer to execute the Grant Agreement with NOPEC, Inc. in the form attached.

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

**Section 1:** This Council finds and determines that it is in the best interest of the Village of Boston Heights to accept the NEC Grant(s) for 2021, and authorizes the Mayor and/or the Fiscal Officer to execute the Grant Agreement with NOPEC, Inc. in a form substantially similar to the one attached hereto.

**Section 2:** That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

**Section 3:** That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

**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 general welfare of Village residents, to allow for the timely submission of the Agreement within the applicable guidelines and requirements, and to allow for the continued operations of the Village Administration and other departments and shall, therefore, take effect and be in force from and immediately after its passage.

PASSED:

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BILL GONCY, Mayor

ATTEST:

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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 2021-2-6** 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 **9th day of February, 2021**.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-7  
FIRST READING

**A RESOLUTION DECLARING IT NECESSARY TO RENEW THE ROAD LEVY AT THE TAX RATE OF 2.75 MILL AND REQUESTING THE SUMMIT COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THIS RENEWAL LEVY, AND DECLARING AN EMERGENCY**

**WHEREAS**, this Council finds that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Village and that it is necessary to levy a tax in excess of that limitation for the purposes of general construction, reconstruction, resurfacing and repair of streets, roads and bridges for the Village of Boston Heights under Section 5705.19(G) of the Ohio Revised Code; and,

**WHEREAS**, in accordance with Section 5705.03(B) of the Ohio Revised Code, in order to submit the question of a renewal tax levy pursuant to Section 5705.25 of the Ohio Revised Code, this Council must request that the Summit County Fiscal Officer certify (i) the total current valuation of the Village, and, (ii) the dollar amount of revenue that would be generated by the levy; and,

**WHEREAS**, in accordance with Section 5705.03(B) of the Ohio Revised Code, upon receipt of a certified copy of the resolution of this Council declaring the necessity of the tax, stating its purpose, stating whether it is an additional levy, a renewal or a replacement of an existing tax, noting the section of the Ohio Revised Code pursuant to which its submission to the electors is authorized, this Council desires to request the County Fiscal Officer to certify the total current tax valuation of the Village, and the dollar amount of revenue that would be generated by the proposed levy.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Boston Heights, Summit County, Ohio, two-thirds of the members elected therefore concurring that:

Section 1: This Council declares that it is necessary to have a renewal tax levied, for a period of five (5) years (i.e. 2022-2026), of 2.75 mills ad valorem property tax outside of the ten mill limitation for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges within the Village of Boston Heights under Section 5705.19(G) of the Ohio Revised Code, and that it intends to submit the question of the renewal of the levy to the electors at an election on November 2, 2021, as authorized by the Ohio Revised Code.

Section 2: This Council requests that the Summit County Fiscal Officer certify to both (i) the total current tax valuation of the Village, and, (ii) the dollar amount of revenue that would be generated by the 2.75 mill renewal levy specified in Section 1.

Section 3: The territory covered by the proposed levy is only that within the corporate limits of the Village of Boston Heights, Summit County, Ohio. Boston Heights does not have territory outside of said county.

Section 4: The proposed levy would be placed on the tax list, i.e. be levied, beginning in 2022 for the first collection in 2023, if the electors voting on it approve the levy as provided by law.

Section 5: The proposed levy would be levied and remain in effect for five years, i.e. 2022, 2023, 2024, 2025 and 2026. The levy shall be collected during 2023, 2024, 2025, 2026 and 2027.

Section 6: The Village Fiscal Officer is authorized and directed to deliver to the Summit County Fiscal Officer, no later than one week after passage, a certified copy of this Resolution and the form of the County Fiscal Officer's Certificate in connection therewith that is currently on file with the Clerk of Council.

Section 7: That all Resolutions and Ordinances which are in conflict with this Resolution are hereby replaced and/or rescinded to the extent they conflict.

Section 8: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

Section 9: That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

Section 10: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of the Village's resident and to comply with the strict timing requirements of the Ohio Revised Code regarding the levying of taxes outside the 10 mill limitations and shall take effect and be in force from and immediately after its passage.

PASSED:

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

ATTEST:

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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 2021-2-7** 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 **9th day of February, 2021**.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-8  
FIRST READING

**A RESOLUTION ESTABLISHING THE USE RATE AND RENTAL RATES FOR  
THE VILLAGE OF BOSTON HEIGHTS POOLS, PARK, AND PAVILION FOR THE  
YEAR 2021**

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

Section 1: That the Use Rate and Rental Rate for the Village of Boston Heights pools, park, and pavilion as outlined in the attached Exhibits be adopted for the year 2020, beginning January 1, 2021 through December 31, 2021, and thereafter.

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

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

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

PASSED:

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

ATTEST:

\_\_\_\_\_  
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 2021-2-8** 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 **9th day of February, 2021**.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-9  
FIRST READING

**RESOLUTION APPOINTING NATALIE VAN KANNEL CLERK OF THE MAYOR'S COURT FOR THE VILLAGE OF BOSTON HEIGHTS, EFFECTIVE FEBRUARY 1, 2021, THROUGH DECEMBER 31, 2023 AND DECLARING AN EMERGENCY**

**WHEREAS**, Village Council finds it is in the general interest of the Village and its residents to appoint Natalie Van Kannel as Clerk of Mayor's Court; and,

**WHEREAS**, the Mayor has found it in the general interest of the Village to appoint Natalie Van Kannel as Clerk of the Mayor's Court:

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

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

Section 2: That effective February 1, 2021, Natalie Van Kannel shall assume and fulfill the duties imposed upon her by virtue of her position according to the Ordinances of the Village of Boston Heights, Ohio and the statutes of the State of Ohio.

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

Section 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Mayor's Court and other departments and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

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

ATTEST:

\_\_\_\_\_  
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 2021-2-9** 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 **9th day of February, 2021**.



VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-10  
FIRST READING

**A RESOLUTION TO AWARD THE BRANDYWINE ROAD PHASE 1 CONTRACT TO  
PERRIN ASPHALT AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Boston Heights previously advertised for bids for the Village's Brandywine Road Phase 1 project (the "Improvement"), which is a part of the Village's previously adopted Capital Improvement Program; and,

**WHEREAS**, the Mayor and the Village Engineer have reviewed the bids for the Improvement and Perrin Asphalt (the "Contractor") has been determined to be the lowest and best bidder for the Improvement as evidenced in Exhibit "A;" and,

**WHEREAS**, in order to timely proceed with this Improvement, the Mayor hereby requests authorization from the Council of the Village to award a contract to the Contractor

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

Section 1: That Council received six (6) submissions from qualified contractors after the public bidding process.

Section 2: That the contractors submitting qualifications have been evaluated and that Perrin Asphalt had the lowest and best bid and is otherwise considered and is found to be the most qualified, as set forth in Exhibit "A."

Section 3: That the Mayor is hereby authorized and directed to negotiate and enter a contract with Perrin Asphalt, the contractor most qualified to perform the required services, for the improvement at a compensation determined in writing to be fair and reasonable.

Section 4: That the contract negotiations by the Mayor with the selected Contractor will be directed toward:

- (A) Ensuring that the Contractor and the Village have a mutual understanding of the essential requirements involved in providing the required services;
- (B) Determining that the Contractor will make available the necessary personnel, equipment, and facilities to perform the services within the required time; and,
- (C) Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity and nature of the services.

Section 5: That Village Council hereby awards a contract to Perrin Asphalt for the Village's Brandywine Road Phase 1 project in an amount not to exceed \$410,000.00.

Section 6: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

Section 7: That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

Section 8: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and to allow for the timely engagement of Perrin Asphalt in order to complete the Improvement during good weather, and for continued operations of the Village Engineer'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:

\_\_\_\_\_  
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 2021-2-10** 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 **9th day of February, 2021**.

VILLAGE OF BOSTON HEIGHTS  
RESOLUTION NO: 2021-2-11  
FIRST READING

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH OHM ADVISORS REGARDING THE EVALUATION OF ALL 21 MILES OF  
VILLAGE STREETS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Boston Heights desires to engage OHM Advisors to render certain services with regard to the evaluation of all 21 miles of Village street using the ODOT Pavement Condition Rating and compiling the data into an interactive GIS tool within the Village; and,

**WHEREAS**, OHM Advisors is willing to provide said services for the consideration upon the terms and conditions of an Agreement, substantially similar to the one attached hereto as Exhibit A; and,

**WHEREAS**, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the Village to collaborate with the OHM Advisors as to the evaluation of the Village's streets and compiling of such data.

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

Section 1: The Mayor is hereby authorized to execute an Agreement with OHM Advisors pertaining to pavement and street evaluation consulting services, in a form substantially similar to the agreement attached hereto as Exhibit "A."

Section 2: That the Mayor and Fiscal Officer are hereby authorized and directed to do all things necessary to effectuate the entering of, execution and implementation of said agreement.

Section 3: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Resolution.

Section 4: That, to the extent not already done so, the funds required for the payment of the obligations incurred are hereby appropriated for the purposes described.

Section 5: That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

Section 6: 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 immediate utilization and implementation of this agreement, 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 Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing **Resolution 2021-2-11** 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 **9th day of February, 2021**.