

**BOSTON TOWNSHIP TRUSTEES
MINUTES OF THE REGULAR MEETING**

May 11, 2016

Present at this regular meeting of the Boston Township Trustees were Trustees Amy Anderson, Randy Bergdorf and Jerry Ritch, Fiscal Officer Joanne Noragon, and Legal Counsel Ed Pullekens. Trustee Chairperson Anderson called the meeting to order at 6:30 P.M.

Police Protection Report: Chief Varga is back, and reported recent incidents along Akron Cleveland Road are being charged and closed.

Zoning: Zoning Inspector Mayer was not present. Trustee Bergdorf repeated Mr. Mayer's report from the Zoning Commission meeting on May 10th that no further work has been done on zoning issues.

The Fiscal Officer reported the certified letter sent to Mr. Bridle requesting he register as a Cuyahoga Falls business is not claimed.

In other discussion, Trustee Bergdorf will ask when Mark Majewski will get back to us with the next phase, and to provide us with hard copies of his presentation. There has been discussion of hearing about the Summit County Land Bank; he will follow up on that, too.

After further discussion, **Motion** by Bergdorf, seconded by Ritch to adopt a Resolution Enacting Section 505.173, 505.85, 505.87, and 505.871 of the Ohio Revised Code for the Control and Abatement of Junk Motor Vehicles. Voting: All Voting, YES. Motion passed. **[2016-0511-01]**

Correspondence: The Fiscal Officer reviewed correspondence received since the last meeting.

Approval of Minutes: **Motion** by Bergdorf, seconded by Ritch to approve the minutes of the April 27, 2016 regular meeting. Voting: All Voting, YES. Motion passed. **[2016-0511-02]**

Township Buildings and Grounds: No report.

Boston/Cuyahoga JEDD and Future Planning: Trustee Ritch reported Mice Weandt has no additional information on available grants and Diane Sheridan has nothing to report on the possibility of a hospital.

Boston/Peninsula JEDD: The Fiscal Officer has a meeting scheduled May 16th with Betty Klingenberg, Boston Heights, to discuss reports that RITA can generate.

Valley Fire District: Trustee Anderson reported thirty eight calls in April; thirteen in Boston Township, 4 in Peninsula, 16 in Boston Heights and five mutual aide. She and Chief Riedle met with Northfield Center to ascertain interest in contracting with them for service. They currently are negotiating a contract with Boston Heights.

Road Department: Road Superintendent Adams discussed the residential pipe replacement policy with the trustees. It was agreed he will purchase and replace township residential culvert pipes. The Fiscal Officer will bill the resident when the work is done. The Township will not replace any pipe that is on a park property.

In additional Road Department business,

- He finalized mowing plans for park berms with Eric Stemple. The Fiscal Officer will contact Mr. Stemple to set the price we will charge for the season.
- He floated the idea of replacing the deteriorating wooden material storage bins with concrete blocks, for a cost of \$2,430, or repair them with lumber for the approximate cost of \$1,600. The trustees asked him to repair them with lumber without spending that much money.
- The small truck has a brake issue he is looking into.

Other Business: The trustees reported the inside millage for Boston Union Cemetery was approved unanimously at the May 10th joint meeting with Peninsula. The trustees executed the five year agreement with First Merit as the depository of township public funds.

The Fiscal Officer reported the 2014/2015 audit had been reviewed by Auditor of State, and will be filed soon as a public document.

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In other business, **Motion** by Bergdorf, seconded by Ritch to thank Marty and Marilyn Griffith and accept their donation of \$100 in thanks for repair of a culvert wreaking havoc on their property. Voting: All Voting, YES. Motion passed. **[2016-0511-03]**

Bank Reconciliation: **Motion** by Bergdorf, seconded by Ritch, to approve the April bank reconciliation. Voting: All voting, YES. Motion passed. **[2016-0511-04]**

Approval of Payroll: **Motion** by Bergdorf, seconded by Ritch, to approve the current payroll. Voting: All voting, YES. Motion passed. **[2016-0511-05]**

Approval for Payment of Bills: **Motion** by Bergdorf, seconded by Ritch, to pay the bills prepared by the Fiscal Officer. Voting: All voting, YES. Motion passed. **[2016-0511-06]**

Executive Session: **Motion** by Anderson, seconded by Ritch, to enter executive session to discuss personnel matters. Road Superintendent Ron Adams was asked to attend. All voting, YES. Motion passed. **[2016-0511-07]**

The trustees entered executive session at 7:30 p.m. The trustees reconvened at 7:50 p.m.

The trustees reported confirming with Road Superintendent Adams the violation of Comp Time policy on May 10th by Doug Mayer. Mr. Mayer went to lunch, came back one half hour late and said he would take comp time to cover his absence.

This is in violation of Vacation/Personal/Sick/Comp Time use, which must be requested in advance and approved in advance by a supervisor and a trustee. Time off requires prior authorization. The trustees instructed the Fiscal Officer not to pay Mr. Mayer for the half hour of work he missed.

Motion Bergdorf, seconded by Ritch, to adjourn. All voting yes. Meeting duly adjourned. **[2016-0511-08]**

CHAIRMAN

FISCAL OFFICER

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JUNK MOTOR VEHICLE RESOLUTION
Resolution #_2016-0511-01**

A Resolution Enacting Section 505.173, 505.85, 505.87, and 505.871 of the Ohio Revised Code for the Control and Abatement of Junk Motor Vehicles.

Whereas, The Board of Trustees of Boston Township, Summit County finds that junk motor vehicles on Public or Private property within Boston Township, Summit County are unsafe and unsightly, and are detrimental to property values, and are injurious to the health, safety, welfare and morals of the community, and

Whereas, Section 505.173 of The Ohio Revised Code authorizes Boards of Township Trustees to adopt such Resolutions as deemed necessary to regulate the storage of junk vehicles on private or public property within the unincorporated areas of their Townships, and

Whereas, The Board of Trustees of Boston Township, Summit County hereby determines that it is necessary to adopt a Resolution pursuant to section 505.173 of the Ohio Revised Code to regulate the storage of junk motor vehicles on private and public property within the unincorporated area of Boston Township, Summit County, to protect property values, and preserve the health, safety, welfare and morals of the community.

Now, therefore, be it resolved by The Board of Trustees of Boston Township, Summit County, that:

Section 1. As used in this resolution, "Junk Motor Vehicle" means a motor vehicle, including a Collector's Vehicle that meets any or all of the following criteria:

- A. Three model years old or older
- B. Apparently inoperable
- C. Extensively damaged, including, but not limited to, any of the following:
Missing wheels, tires, engine and transmission.

Section 2. The Board of Trustees of Boston Township, Summit County may cause a notice to be sent by certified mail return receipt requested to the person or persons who have the Right of Possession of Real Property within The Board of Trustees of Boston Township, Summit County that such persons may not store a junk motor vehicle on said property except within an enclosed garage.

Section 3. No person having the Right of Possession of Real Property within the unincorporated area of Boston Township, Summit County shall willfully leave a Junk Motor Vehicle on such real property outside of an enclosed garage for more than fourteen (14) days after receipt of a notice. The fact that a Junk Motor Vehicle is so left is prima-facie evidence of a willful failure to comply with the notice.

Section 4.

- A. The Board of Trustees of Boston Township, Summit County, Ohio may provide under 505.871 of the Ohio Revised Code, by resolution, for the removal of any vehicle in the unincorporated territory of Boston Township that the Board determines is a Junk Motor Vehicle, as defined in section 505.173 of the Ohio Revised Code.
- B. If a Junk Motor Vehicle is located public property, The Board of Trustees of Boston Township, Summit County may provide in the resolution for the immediate removal of the vehicle.

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C. If the Junk Motor Vehicle is located on private property, The Board of Trustees of Boston Township may provide in the resolution for the removal of the vehicle not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.

D. The notice provided shall generally describe the vehicle to be removed and indicate all of the following:

1. The Board of Trustees of Boston Township has determined that the vehicle is a Junk Motor Vehicle.
2. If the owner of the land fails to remove the vehicle within fourteen (14) days after service of the notice, the Board may remove or cause the removal of the vehicle.
3. Any expenses the Board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.

Section 5. The Board of Trustees of Boston Township, Summit County, Ohio shall serve notice under this division by sending such notice by certified mail return receipt requested to the owner of the land if the owner resides in the unincorporated territory of the township. If the owner's address is not known, the Board of Trustees may authorize an employee of the Board of Trustees to publish a copy of the Resolution in a newspaper of general circulation in Summit County, Ohio.

A. A notice sent by certified mail shall be deemed to be served for the purposes of this section on the date it was received as indicated by the date on a signed return receipt.

B. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication.

Section 6. The Board of Trustees of Boston Township may cause the removal, or may employ the labor, materials and equipment necessary to remove a Junk Motor Vehicle under this section. All expenses incurred in removing or causing the removal of a Junk Motor Vehicle, when approved by the Board shall be paid out of the township general fund from monies not otherwise appropriated, except that if the expenses exceed five hundred dollars (\$500.00), the board may borrow monies from a financial institution to pay expenses in whole or in part.

Section 7. The Board of Trustees of Boston Township may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a Junk Motor Vehicle under this section including any fees or interest paid to borrow monies under this section. The Board may direct the Township Fiscal Officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the Boston Township general fund.

A. Notwithstanding section 4513.65 of the Ohio Revised Code, any collector's vehicle that meets the definition of a Junk Motor Vehicle is subject to removal under this section.

B. Nothing in this section affects the authority of The Board of Trustees of Boston Township to adopt and enforce resolution under section 505.173 of the Ohio Revised Code to regulate the storage of Junk Motor Vehicles on private or public property in the unincorporated territory of Boston Township.

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C. A resolution adopted under this section is subject to the same restrictions specified in section 505.173 of the Ohio Revised Code for resolutions adopted under that section.

Section 8. Nothing herein shall restrict the operation of a Scrap Metal Processing Facility under the Authority of Sections 4737.05 to 4734.12 of the Ohio Revised Code, the operation as a Motor Vehicle Salvage Dealer, Salvage Motor Vehicle Auction or Salvage Motor Vehicle Pool of a person licensed under Chapter 4736 of the Ohio Revised Code; or the provisions of Towing and Recovery services conducted under Sections 4513.60 to 4513.63 of the Ohio Revised Code, including the storage and disposal of Junk Motor Vehicles removed from Public or Private property in accordance with those Sections.

Section 9. Any fees incurred by Boston Township, which were not paid in full by the person who has the Right of Possession of Real Property will be abated. The Board of Trustees of Boston Township shall make a written report to the Summit County Auditor of the Board's action under this section. The Board shall include in the report a property description of the premises and a statement of all expenses incurred for its services, cost of providing notices and the amount paid for any labor, materials and equipment. The expenses incurred, when allowed, shall be entered upon the Tax Duplicate as a lien upon the land from the date of the entry; shall be collected as other taxes and shall be returned to Boston Township and placed in the Township's General Fund.

Section 10. The Board of Trustees of Boston Township may contract with a motor vehicle salvage dealer, as defined under section 4738.01 of the Ohio Revised Code, or a scrap metal processing facility as defined in section 4737.05 of the Ohio Revised Code for the removal or disposal of motor vehicles pursuant to sections 505.173, 505.871, 4513.60 to 4513.64 of the Ohio Revised Code. Any and all fees incurred in the towing and storage of the Junk Motor Vehicle will be paid by the owner of the land.