

**BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**WEDNESDAY October 31, 2012**

The Brimfield Township Board of Trustees met in a regular meeting on the above date, at the Brimfield Town Hall. Present were, Trustee Sue Fields, Trustee Mike Kostensky, Trustee C. J. Sprague, Jr. and Fiscal Officer John Dalziel. The meeting was called to order at 3:00 PM.

**MOTION #2012-265**

Sue Fields moved to accept the meeting minutes from 10/17/2012 as amended. Motion seconded by Mike Kostensky and upon a roll call vote.

Sue Fields –	yea	C. J. Sprague, Jr. –	yea
Mike Kostensky –	yea		Motion passed

**MOTION #2012-266**

Mike Kostensky moved to approve the agenda as amended. To include Fire 1. USDA contract. Motion seconded by C. J. Sprague, Jr. and upon a roll call vote.

Sue Fields –	yea	C. J. Sprague, Jr. –	yea
Mike Kostensky –	yea		Motion passed

**MOTION #2012-267**

Sue Fields moved to approve the Purchase Orders. Motion seconded by C. J. Sprague, Jr. and upon a roll call vote.

Sue Fields –	yea	C. J. Sprague, Jr. –	yea
Mike Kostensky –	yea		Motion passed

**MOTION #2012-268**

C. J. Sprague, Jr. moved to approve the warrants as presented. Motion seconded by Mike Kostensky and upon a roll call vote.

Sue Fields –	yea	C. J. Sprague, Jr. –	yea
Mike Kostensky –	yea		Motion passed

**SAFETY CONCERNS:** None

**FIRE:**

The Board of Township Trustees of the Township of Brimfield in the County of Portage, Ohio, met in regular session at 3:00 o'clock p.m., on October 31, 2012, at \_\_\_\_\_Brimfield Township Community Room\_\_\_\_\_, \_\_\_\_\_Brimfield\_\_\_\_\_, Ohio, with the following members present:

Mike Kostensky	Sue Fields	C. J. Sprague, Jr.
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Sue Fields moved the adoption of the following resolution:

RESOLUTION NO. 269

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$400,000  
FIRE TRUCK BONDS, SERIES 2012 FOR THE PURPOSE OF PAYING PART  
OF THE COSTS OF ACQUIRING A PIERCE PUMPER FIRE ENGINE AND  
RELATED EQUIPMENT AND MATTERS RELATED THERETO

WHEREAS, the Township of Brimfield (the "Township"), County of Portage, Ohio desires to acquire a Pierce pumper fire engine and related equipment (the "Project"); and

WHEREAS, the Township Fiscal Officer, as fiscal officer of the Township, has estimated that the life of the improvements and assets constituting the Project is at least five (5) years, and certified that the maximum maturity of securities issued therefor is ten (10) years; and

WHEREAS, this board of township trustees (the "Board") desires to finance such acquisition and construction, in part, by issuing securities in the form of bonds under the provisions of Section 505.37(D) of the Ohio Revised Code (the "Act"); and

WHEREAS, the United States of America (the "Government") has agreed to purchase such bonds upon the terms set forth herein; and

WHEREAS, the Board expects that debt service on such bonds will be paid from the general revenues of the Township (the "Revenues");

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Township of Brimfield, County of Portage, Ohio:

SECTION 1. That it is necessary to issue securities in the form of bonds of the Township in the principal sum of \$400,000, for the purpose of paying part of the costs of the Project, under authority of the general laws of the State of Ohio, particularly the Act. Such bonds shall be dated the date of their issuance, shall be numbered from R-1 upward in order of issuance, shall be in fully registered form without coupons, and shall bear interest at the rate of three and fifty hundredths per cent (3.50%) per annum on the basis of a 365-day year, which interest shall be payable annually on a date to be set forth in the bonds, commencing on such date in 2012. The bonds shall mature on such annual date in the following years and in the respective principal amounts:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2013	\$34,100	2018	\$40,500
2014	35,300	2019	42,000
2015	36,500	2020	43,300
2016	37,800	2021	44,900
2017	39,100	2022	46,500

With the Government purchasing all of such bonds, the bonds shall be initially issued as a single bond in the denomination of \$400,000, registered as to both principal and interest in the name of "United States of America". Such bonds shall be in the denomination of \$100 and any integral multiple thereof, provided that if the Government is the owner of the bonds, the bonds shall be in a principal amount equal to the aggregate principal amount of the bonds.

If the total par value of such bonds is not paid by the Government to the Township at the time of initial delivery of the bonds, such par value shall be advanced to the Township in one or more installments upon request of the Township, and interest shall accrue on the amount of each advance from the actual date of such advance.

Such bonds shall be callable for redemption at any time prior to maturity at the option of the Township in such order of maturity as the Township shall determine at par plus accrued interest to the date of redemption. The Township shall send notice of such optional redemption by first class mail, postage prepaid, to the registered holders of the bonds or portions thereof to be redeemed at least 30 days prior to the date of redemption. If less than all the bonds of a single maturity are to be redeemed, the selection of bonds or parts thereof to be redeemed shall be made in such manner as the Township shall determine. Upon such redemption of less than the entire principal amount of an outstanding bond, a new bond or bonds of authorized denominations of the same maturity and for the unredeemed principal amount will be issued to the owner of the partially redeemed bond in exchange therefor.

It is hereby determined that the issuance of the bonds upon the terms described herein, including the redemption provisions specified above, will be in the best interest of the Township.

SECTION 2. That such bonds shall be signed by the members of the Board and attested by the signature of the Township Fiscal Officer, provided that all but one of such signatures may be facsimiles. Such bonds

shall be designated "Fire Truck Bonds, Series 2012", shall be payable to the registered holder thereof by check or draft mailed by the Township to such holder's address as it appears on the registration records, without deduction for exchange, collection or service charges, and shall recite that they are issued pursuant to the provisions of the Act and this resolution. Upon payment of the final such payment, the holder of each bond shall cancel the bond and return it to the Township.

The bonds shall not be transferable until the entire aggregate principal amount of the bonds has been paid by the Government to the Township. Thereafter, the bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the office of the Township upon presentation and surrender thereof to the Township. No such transfer shall be effective until entered upon the registration records maintained by the Township. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The Township may deem and treat the registered holders of the bonds as the absolute owners thereof for all purposes, and the Board shall not be affected by any notice to the contrary. The Township may appoint a bank or trust company to serve as paying agent, registrar and transfer agent for the bonds.

SECTION 3. That the Board hereby covenants that it will restrict the use of the proceeds of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder, including any expenditure requirements, investment limitations, or rebate requirements. The Township Fiscal Officer or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the Township, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

Such bonds are hereby designated as "qualified tax exempt obligations" to the extent permitted by Section 265(b)(3) of the Code. This Board finds and determines that the reasonably anticipated amount of qualified tax exempt obligations (other than private activity bonds) which will be issued by the Township during the calendar year in which the bonds are initially delivered to the Government does not, and the Board hereby covenants that, during such year, the amount of tax exempt obligations issued by the Township and designated as "qualified tax exempt obligations" for such purpose will not, exceed \$10,000,000. The Township Fiscal Officer and other appropriate officers of the Township, and any of them, are authorized to take such actions and give such certifications on behalf of the Township with respect to the reasonably anticipated amount of tax exempt obligations to be issued by the Township during such calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

SECTION 4. That it is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuance of such bonds in order to make the same legal, valid and binding obligations of the Township have been done, have happened and have been performed in regular and due form as required by law, and that such issue of bonds and the tax for the payment of their principal and interest as the same fall due and are payable do not exceed any limitations of indebtedness or taxation fixed by law.

SECTION 5. That such bonds shall be sold to the Government in accordance with its offer to purchase, which is hereby accepted. The proceeds from the sale of such bonds, except the premium, if any, and accrued interest, shall be used for the purpose aforesaid and for no other purpose and for which purpose such proceeds are hereby appropriated; any premium and accrued interest shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the bonds in the manner provided by law.

SECTION 6. That for the payment of such bonds and the interest thereon, the full faith, credit and revenue of the Township are hereby irrevocably pledged, and for the purpose of providing the necessary funds to pay the interest on the bonds promptly when and as the same falls due, and also to provide a fund sufficient to discharge the bonds at maturity, there shall be and is hereby levied on all the taxable property in the Township, within applicable limitations, in addition to all other taxes, a direct tax annually during the period the bonds are to run in an amount sufficient to provide funds to pay interest upon the bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest on and the principal of the bonds when and as the same shall fall due; provided, that in each year to the extent that Revenues or moneys from other sources are available for the payment of the bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such Revenues or other moneys so available and appropriated.

SECTION 7. That so long as the Government is the holder of any of said bonds, the Township will comply with all applicable regulations of the Government relating to the Project and the bonds and with the Loan Resolution (Form RD 1942-47) relating thereto adopted by the Board, and will not, among other things, defease such bonds without the prior written consent of the Government.

The Township shall, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of said bonds and this resolution. The provisions of this resolution shall constitute a contract between the Township and the holders of any of said bonds, and after the issuance of said bonds this resolution shall not be repealed or amended in any respect which will adversely affect the rights and interest of the bondholders, nor shall the Board adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any of said bonds or interest thereon remains unpaid. All of the obligations set forth and covenants made under this resolution are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the Board within the meaning of Section 2731.01 of the Ohio Revised Code.

SECTION 8. That Peck, Shaffer & Williams, LLP, attorneys, be and are hereby retained as bond counsel to the Township with respect to the issuance of such bonds to prepare the necessary authorizing documents, and related closing documents for the issuance of such bonds and, if appropriate, rendering its approving legal opinion to the Government in connection therewith. The Township Fiscal Officer, at least two members of the Board, and any of them, are hereby authorized, alone or with others, to enter into an agreement with said firm for such services.

SECTION 9. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this resolution were adopted in an open meeting of the Board; and that all deliberations of the Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 10. That the Township Fiscal Officer be and is hereby directed to forward a certified copy of this resolution to the County Auditor.

SECTION 11. That this resolution shall take effect immediately upon its adoption.

Motion made by Sue Fields, seconded by Mike Kostensky, and the roll being called upon the question of adoption of the resolution, the vote resulted as follows:

Ayes: Sue Fields                      Mike Kostensky                      C. J. Sprague, Jr.

Nays:

ADOPTED this 31st day of October, 2012.

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Township Fiscal Officer

**POLICE:**                      No Action

**ZONING:**

**PUBLIC WORKS:**

MOTION #2012-270

C. J. Sprague, Jr. moved to repair the Cadet Tank zero turn mower from the Cemetery for a cost not to exceed \$1300.00 from 2041-323-0000. Motion seconded by Sue Fields and upon a roll call vote.

Sue Fields – yea  
Mike Kostensky – yea

C. J. Sprague, Jr. – yea  
Motion passed

MOTION #2012-271

Mike Kostensky moved to accept Perrin’s proposal for the repair of Morley, Revere intersection and Neville Drive for a cost not to exceed \$33,000.00 Acct. 2195-330-323-0034. C. J. Sprague, Jr. second.

Sue Fields – yea  
Mike Kostensky – yea

C. J. Sprague, Jr. – yea  
Motion passed

**ADMINISTRATION**

MOTION #2012-272

C. J. Sprague, Jr. moved to accept the Job Description for the Township Administrative Assistant. To be filed in the Fiscal Office and Personnel file of current Township Administrative Assistant. Mike Kostensky second.

Sue Fields – yea  
Mike Kostensky – yea

C. J. Sprague, Jr. – yea  
Motion passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 4:06 PM to adjourn. Motion seconded by Sue Fields. Upon a roll call vote passed unanimously.

We, the Trustees of Brimfield Township, do hereby set out hands as approval of the foregoing minutes as a true and accurate record of the proceedings.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Fiscal Officer