

BRIMFIELD TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
WEDNESDAY April 4, 2012

The Brimfield Township Board of Trustees met in a regular meeting on the above date, at the Brimfield Town Hall. Present were Trustees Mike Kostensky, C. J. Sprague, Jr., Sue Fields and Fiscal Officer John Dalziel.

The meeting was called to order at 3:00 PM.

MOTION #2012-105

Mike Kostensky moved to approve the meeting minutes from 2/22/2012 with correction to 2012-072 and 2012-73. 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 #2012-106

Mike Kostensky moved to accept the 3/21/2012 Public Hearing minutes for the Tallmadge/Brimfield JEDD. 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 #2012-107

Sue Fields moved to accept 3/21/2012 regular meeting minutes 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 #2012-108

Sue Fields moved to amend the agenda to include 3. Mike Winner – OPERS payment (under Administration). 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 #2012-109

Sue Fields moved to accept PO's and 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

Fiscal Officer John Dalziel was sworn into office of Fiscal Officer for the term of 4/1/2012 to 3/31/2016 by Mike Kostensky.

PUBLIC COMMENTS: Bob Buell stated concerns about a letter sent out by the Portage County recycle center. Bob will bring the letter for discussion at a later meeting.

FIRE:

MOTION #2012-110

Sue Fields moved to approve the 2012 Portage County Hazmat Team contract in the amount of \$2,178.96. Account number 2191-220-319-0000. 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 #2012-111

Sue Fields moved to approve the 2012 monthly calibration of the FD ITX atmospheric gas monitor in the amount of \$180.00. Account # 2191-220-319-0000. 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 #2012-112

Sue Fields moved to approve the amendment to the radio system user agreement between Ravenna Township Trustees and Brimfield Township. The maintenance of the agreement will be handled by Ravenna City, instead of Ravenna Township. Motion seconded by Mike Kostensky and upon a roll call vote.

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

POLICE:

RESOLUTION #2012-113

RESOLUTION No. #2012-113

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$1,460,000 TOWNSHIP POLICE STATION RENOVATION AND EXPANSION BONDS, SERIES 2012 FOR THE PURPOSE OF PAYING PART OF THE COSTS OF RENOVATING AND EXPANDING A BUILDING FOR TOWNSHIP USE, INCLUDING USE BY THE TOWNSHIP POLICE DEPARTMENT AND MATTERS RELATED THERETO

WHEREAS, the Township of Brimfield (the Township”), County of Portage, Ohio desires to renovate and expand a building for Township use, including use by the Township police department (“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 thirty (30) 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 505.262 of the Ohio Revised Code (“the Act”); and

WHEREAS, the United States of America (the “Government”) has agreed to purchased 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"); and

WHEREAS, the county auditor has certified or is expected to certify that the debt service charge in the first year on such bonds, together with debt service charges for the same year on any other securities issued by the Township pursuant to the Act, does not exceed one-tenth of the total revenues from all sources for said township for the current calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Township of Brimfield, County of Portage, Ohio (all the members thereof concurring):

SECTION 1. That it is necessary to issue securities in the form of bonds of the Township in the principal sum of \$1,460,000, 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 three hundred seventy-five thousandths per cent (3.375%) 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 2013. The bonds shall mature on such annual date in the following years and in the respective principal amounts:

<u>Year</u>	<u>Amount</u>
2013	\$-0-
2014	30,400
2015	31,500
2016	32,600
2017	33,600
2018	34,800
2019	35,900
2020	37,100
2021	38,500
2022	39,700
2023	41,000
2024	42,400
2025	43,900
2026	45,300
2027	46,900
2028	\$48,500
2029	50,100
2030	51,700
2031	53,600
2032	55,300
2033	57,200
2034	59,100
2035	61,200
2036	63,200
2037	65,300
2038	67,500
2039	69,800
2040	72,200
2041	74,600
2042	77,100

With the Government purchasing all of such bonds, the bonds shall be initially issued as a single bond in the denomination of \$1,460,000, 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 "Township Police Station Renovation and Expansion 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 previously 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 C. J. Sprague, Jr., seconded by Sue Fields, 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: None

ADOPTED this 4th day of April, 2012.

Township Fiscal Officer

MOTION #2012-114

Mike Kostensky moved to hire Dennis Schwallie as our bond council for the \$1,460,000.00 Police Department Renovation. Motion seconded by C. J. Sprague, Jr. and upon a roll call vote.

Sue Fields – yea
Mike Kostensky – yea

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

ZONING: No Action

PUBLIC WORKS:

MOTION #2012-115

Mike Kostensky moved to proceed with the Portage County Chip and seal project on Edson Rd, Brimfield Drive, and Town Square Drive. Amount not to exceed \$27,000.00 and charged to account 2195-330-323-0000. 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 #2012-116

Mike Kostensky moved to allow 2 public works employees to attend Pesticide License training. The cost is \$35.00 a participant. 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 #2012-117

C. J. Sprague, Jr. moved to purchase two signs for the Cemetery Entrance/Exit that states no pesticides' or herbicides to be used per the Department of Agriculture manidates. 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 #2012-118

Mike Kostensky moved to purchase/construction of exterior door off the Administrative office. The door will be installed by Tom Sargent for a cost not to exceed \$2,400.00. 3'0 X 6'8" steel door with narrow window line. Seconded by C. J. Sprague, Jr.

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

MOTION #2012-119

C. J. Sprague, Jr. moved to acknowledge the increase of the monthly required payment for Mike Winner, the total is \$7,117.00 a month instead of \$6,000.00. Seconded by Mike Kostensky.

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

There being no further business to come before this meeting of the Brimfield Township Board of Trustees C. J. Sprague, Jr. moved at 4:58 PM to adjourn. Motion seconded by Mike Kostensky. 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
