

**Brimfield Township Board of Trustees
Regular Meeting
Wednesday, July 18, 2018**

The Brimfield Township Board of Trustees met in a regular meeting on the above date, at the Brimfield Town Hall. Present were Trustees Sue Fields, Nicholas Coia and Fiscal Officer John Dalziel, Mike Kostensky was absent.

The meeting was called to order at 3:00 PM by Vice Chairman Sue Fields.

Announcements: Chipotle Shop with a Cop Dine-In 8/14/18 4 to 8 PM

MOTION #2018-213

Sue Fields moved to table the minutes from June 20th and June 29th. Nicholas Coia Second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2018-214

Nicholas Coia moved to approve Purchase Orders. Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2018-215

Nicholas Coia moved to approve warrants. Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

Police: -

MOTION #2018-216

Nicholas Coia moved to approve the 2018-2019 BPD/Field Local Schools Resource Officer Agreement as presented. Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2018-217

Sue Fields moved to amend the agenda to change the Fire Department #2 wording to Board approval for Resolution of Necessity. Nicholas Coia Second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

Fire: -

**BOARD OF TRUSTEES
BRIMFIELD TOWNSHIP, OHIO**

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BRIMFIELD TOWNSHIP, OHIO**

**RESOLUTION OF NECESSITY FOR LEVYING A REPLACEMENT LEVY
EXCEEDING THE TEN-MILL LIMITATION FOR A CONTINUING PERIOD OF TIME AND
COMBINING FOUR EXISTING LEVIES FOR THE PURPOSE OF R.C. 5705.19(I)**

The Board of Trustees of Brimfield Township, Portage County, Ohio met at a regular session on the 20th day of July, 2018, at 1333 Tallmadge Road, Brimfield Township with the following members present:

Mike Kostensky
Nicholas Coia
Sue Fields

Sue Fields moved the adoption of the following resolution:

WHEREAS, Brimfield Township currently has in effect four levies of taxes for a continuing period of time for the benefit of the Brimfield Township Fire Department, with said levies all being for the purpose as provided for in R.C. 5705.19 (I), and respectively being a 1.0 mill levy approved in 1989, a 1.0 mill levy approved in 1994, a 1.7 mill levy approved in 2004, and a 1.2 mill levy approved in 2000, with these four continuous levies totaling 4.9 mills.

WHEREAS, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of Brimfield Township, Portage County, Ohio;

WHEREAS, a resolution declaring the necessity of levying a tax under RC 5705.19 (I) outside the ten-mill limitation must be passed and certified to the county auditor of Portage County in order to permit the Board of Trustees to consider the levy of such a replacement tax and must request the county auditor certify to the Board of Trustees the total current tax valuation of a 4.9 mill replacement levy; and

WHEREAS, R.C. 5705.192(D) provides that, "[t]wo or more existing levies, or any portion of those levies, may be combined into one replacement levy, so long as all of the existing levies are for the same purpose and either all are due to expire the same year or all are for a continuing period of time. The question of combining all or portions of those existing levies into the replacement levy shall appear as one ballot proposition before the electors. If the electors approve the ballot proposition, all or the stated portions of the existing levies are replaced by one replacement levy."

WHEREAS, a replacement levy for a continuing period of time combining the existing levies requires a vote of the people pursuant to R.C. 5705.19(I), R.C. 5705.191; R.C. 5705.192; and R.C. 5705.25.

RESOLVED, by the Board of Trustees, two-thirds of all members elected thereto concurring, that it is necessary to levy a replacement levy combining the four existing levies for a continuing period of time that total 4.9 mills into one combined replacement levy of 4.9 mills for a continuing period of time to constitute a tax in excess of the ten mill limitation for the benefit of Brimfield Township under R.C. 5705.19(I) for the following purpose:

For providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefore, or sources of water supply and materials therefore, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or the payment of other related costs.

RESOLVED, that the levy be placed upon the tax list commencing in 2018 and first due in calendar year 2019 in compliance with Ohio Revised Code section 5705.34, if a majority of the electors voting thereon vote in favor thereof and,

RESOLVED, that the question of such tax levy shall be submitted to the electors of the Township of Brimfield in its entirety, for the election to be held therein on November 6, 2018 and,

RESOLVED, that the Fiscal Officer is hereby directed to certify a copy of the resolution to the county auditor and that the county auditor certify to this board of trustees the total current tax valuation of the Township of Brimfield, and the dollar amount of revenue that would be generated by a replacement levy of 4.9 mills if approved by the electors and;

RESOLVED, that the Fiscal Officer be and is directed to maintain a copy of this resolution in the Fire District Office for inspection by the public and; be it further

RESOLVED, that the Board of Trustees finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Nicholas Coia seconded the motion and the roll was called on the question of its adoption. The vote was as follows:

<u>Name</u>	<u>Vote</u>
Mike Kostensky	Absent
Nicholas Coia	Yes
Sue Fields	Yes

Adopted July 18, 2018 Correction approved July 20, 2018

MOTION #2018-219

Resolution No. #2018-219

Sue Fields moved to adopt this resolution:

Declaring the adoption of a fire certificate of compliance for inspecting and permitting new-occupancy or change-in-occupancy in commercial and industrial buildings within Brimfield Township, Portage County, Ohio.

Whereas, the fire chief believes it will be in the best interest of the Township and protect the property and lives of the citizens against damage and accident caused by fire within commercial and industrial buildings by requiring a fire certificate of compliance permit as set forth in this Occupancy Inspection Code; and

Whereas, the Township has the authority to adopt a fire certificate of compliance under R.C. Chapter 3737, R.C. 505.37, and R.C. 505.373;

NOW, THEREFORE, be it resolved by the Board of Trustees for Brimfield Township, Portage County, Ohio, a majority or more of its members concurring, that:

Fire certificate of compliance for Brimfield Township

Section 1. Permit Required. No occupant, operator, lessor, or owner of any commercial or industrial building, as determined under the Township zoning resolution, shall convey, lease, rent, or otherwise change the ownership or occupancy, nor shall any person commence the occupancy of, any such building unless an occupancy permit therefor, as set forth in this Code, has first been obtained from the Township fire safety inspector.

Section 2. Application. Application for a fire certificate of compliance permit required by this Code shall be made, on a form prescribed by the Township fire safety inspector, by any person having a pecuniary interest in the conveyance, lease, rental, or other change in the ownership or occupancy of a commercial or industrial building, including, but not limited to, an occupant, operator, owner, seller, purchaser, lessor, or lessee and further including, but not limited to, real estate broker, lending institution, and title company that participate in a transaction in which an occupancy permit is required under this Code. The application shall include, but not limited to, the following information:

- (a) The street address of the commercial or industrial building or other description sufficient to identify the portion of such premises if the entire building is not involved.
- (b) The name and address of the occupant, operator, lessor, or owner, and the telephone number where such person may be reached during normal business hours.
- (c) The name, address, and telephone number of the prospective recipient of the conveyance, lessee, or other prospective occupant and the telephone number of prospective occupants, if such information is available.
- (d) A statement as to the mode of change in ownership or occupancy and the proposed date of the occupancy.

Section 3. Inspection Prior to Issuance of Permit. On application for a fire certificate of compliance permit, the Township fire safety inspector shall forthwith cause to be made an inspection of the subject building. Such inspection shall be made for the purpose of determining compliance or noncompliance with the provisions of the latest edition of the Ohio fire Code, relative to the construction, alteration, maintenance, or operation of such building pertaining to fire safety. The applicant shall cooperate with the Township fire safety inspector in arranging for the entry into the subject building for the purpose of making such inspection, and failure to cooperate shall continue a violation of this Code. No new occupancy or change in occupancy shall take place prior to the issuance of such occupancy permit.

Section 4. Issuance of a fire certificate of compliance permit.

- (a) If, on inspection of the subject building, the Township fire safety inspector determines that compliance with this Code exists, he or she shall issue the fire certificate of compliance permit.
- (b) If, on inspection of the subject building, the Township fire safety inspector determines that a violation of this Code exist, he or she shall refuse to issue an occupancy permit until such time as the violation(s) is corrected and if such violation(s) is not timely corrected may pursue action under R.C. Chapter 3737.
- (c) All fire certificate of compliance permits shall be issued in the name of the prospective occupant.
- (d) A fire certificate of compliance permit shall become void under any of the following circumstances:
 - (1) If any false statement has been made by the applicant for a permit issued.
 - (2) For noncompliance of a subject building or its use with the requirements of the latest edition of the Ohio fire Code, this Code, or R.C. Chapter 3737 or other applicable regulations or laws.
 - (3) For refusal or failure of the occupant, operator, lessor, or owner of the subject building to comply with the provisions of this Code or a written order of the Township fire safety inspector.
 - (4) A change in the occupancy, tenancy, or use of the subject building covered by the fire certificate of compliance permit.

Section 5. Applicability. Any person having a pecuniary interest in the conveyance, lease, rental, or other change in the ownership or occupancy of a commercial or industrial building, including, but not limited to, an occupant, operator, owner, seller, purchaser, lessor, or lessee and further including, but not limited to, a real estate broker, lending institution, and title company who participate in a transaction in which an occupancy permit is required and is not obtained shall be in violation of this Code.

Section 6. Fee. Each applicant for an occupancy permit shall pay to the Township prior to inspection, permit fees as follows:

- (a) A minimum fee of fifty dollars (\$50.00) for the first 1,000 square feet of floor space in each commercial or industrial building.

- (b) If the subject building is designed for occupancy by more than one tenant, a minimum fee of fifty dollars (\$50.00) for the first 1,000 square feet of each unit to be occupied by a separate tenant.
- (c) An additional fee of one cent (1¢) for each square foot of floor area beyond the first 1,000 square feet.
- (d) If any subject building needs to be re-inspected for any reason, a re-inspection fee of seventy five dollars (\$75.00) regardless of floor area.

Section 7. Expiration of Permit. Any fire certificate of compliance permit issued more than 60 days prior to the transfer of occupancy shall be invalid unless approved by the Township fire safety inspector.

Section 8. Appeal. Any applicant, on refusal of the Township fire safety inspector to issue a fire certificate of compliance permit, may appeal such decision to the Township fire chief by serving a notice of appeal on the fire chief in writing within 30 days of such refusal.

Section 9. Liability of Township. The Township and the Township fire department officials involved in the issuance of a fire certificate of compliance permit do not guarantee or insure the holder of a permit, the subsequent occupant of the subject building, or any other interested party that no violation of this Code exists within the subject building.

Section 10. Scope. This Code is not intended to modify or repeal any zoning resolution of the Township or building code or regulation of Portage County.

Section 11: Disposition of Funds. All funds acquired by the Township by reason of the permit fees under this Code shall be placed in the fire 2191 levy fund.

Signature Page

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on **this 18 day of July, 2018**. Nicholas Coia Second

Township Trustee-

- Mike Kostensky- Absent
- Sue Fields- Yea
- Nicholas Coia- Yea

Administration: -

MOTION #2018-220

Nicholas Coia moved to hire Daniel Smith as the Township IT intern effective 7/30/18. 24 hours weekly schedule at a rate of \$15.00 per hour. Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2018-221

Nicholas Coia moved to implement the Township Accident Investigation Program Effective 8/18/18 (1st Policy under Safety Manual). Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

MOTION #2018-222

Nicholas Coia moved to accept the revenue sharing agreement (Maplecrest TIF agreement) Effective 7/18/18. Sue Fields second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

MOTION #2018-223

Nicholas Coia moved approve sign placement in right of way agreement effective 7/18/18. .
Sue Fields second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

Road: -

MOTION #2018-224

Sue Fields moved to replace the Part Time road employee Paul Smith with Daniel Hartley
Effective 7/24/18. Nicholas Coia Second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

MOTION #2018-225

Nicholas Coia moved amend the agenda to include under Parks #2 Soccer Fields. Sue Fields
second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

Parks: - No Action

Cemetery: -

MOTION #2018-226

Nicholas Coia moved to purchase back Sec. 1988 Lot 143 Grave 2 for \$200.00 from Lorene
Davis. Sue Fields second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

Administration: -

MOTION #2018-227

Nicholas Coia moved approve the lighting districts renewal as presented for Plaza Fields,
Kings Ridge, Marsh Landing, Beechcrest, Beechcrest Gary Drive, and Willowbrook effective
9/1/18. Sue Fields second.

Mike Kostensky - absent Sue Fields - yea
Nicholas Coia - yea Motion Passed

**MOTION # 228 FOR EXECUTIVE SESSION
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, July 18, 2018, Trustee Nicholas Coia moved to convene in executive session, at 4:45 PM pursuant to Ohio Revised Code Section 121.22(G), for the purpose of considering the following matters:

X (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Additional Comments (if applicable) _____

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

The motion was seconded by Trustee Sue Fields.

In attendance Police Chief, Trustees & Fiscal Officer.

Roll Call Vote:	Trustee <u>Mike Kostensky</u>	Absent
	Trustee <u>Nicholas Coia</u>	Yes
	Trustee <u>Sue Fields</u>	Yes

MOTION #2018-229

Nicholas Coia moved to return to regular session at 5:07 PM. Sue Fields second.

Mike Kostensky	- absent	Sue Fields - yea
Nicholas Coia	- yea	Motion Passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Nicholas Coia moved at 5:14 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