

**Brimfield Township Board of Trustees
Special Meeting
December 7, 2011**

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

The meeting was called to order at 9 a.m.

MOTION #2011-366

Mike Kostensky moved to adjourn to executive session at 9:01 a.m. for the purpose of discussing Contract—personnel and union. Second by Sue Fields.

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

MOTION #2011-367

Sue Fields moved to return to regular session at 10:25 a.m. Second by Mike Kostensky.

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

MOTION #2011-368

C. J. Sprague moved to buy 18” pipe from Marboro Supply to replace culvert at Dussel Road for the cost of 1125.00. Second by Mike. Kostensky.

Acct- 2195-330-323-0004

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

MOTION #2011-369

Sue Fields moved to ratify the rescission of the Early Retirement Incentive Plan Employee and Employer Agreement (form 111C) dated July 1, 2011 and directed the Township Fiscal Officer to inform OPERS. Second by Mike Kostensky.

**Explaining the rescission of the Early Retirement Incentive
Plan Employee and Employer’s Agreement dated July 1, 2011
and directing the Township fiscal officer to so advise OPERS**

Whereas, on January 14, 2011, this Board and Michael Winner, when the Township road supervisor, entered into a Resignation and Retirement Agreement in which, in part, the Township agreed to purchase up to four (4) years of his OPERS service credit so long as the amount did not exceed \$45,000.00;

Whereas, the fiscal officer asked OPERS to determine the four-year amount and was advised that the Township had to adopt an early retirement incentive plan and submit the required forms for OPERS to make the determination;

Whereas, on March 15, 2011 the Township adopted a plan with a service-credit-purchase cap of \$45,000.00;

Whereas, about July 1, 2011, the Township fiscal office and Winner submitted the required forms to OPERS for it to determine the amount;

Whereas, about July 12, 2011, OPERS reported to the Township that the amount would be \$238,191.55, which exceeded the \$45,000.00 cap;

Whereas, on July 21, 2011, this board, through the Township fiscal officer, and Winner met and agreed that Winner was not eligible under the plan in that the Township did not agree to pay any more than \$45,000.00 and, therefore, the parties rescinded the January 14, 2011 Agreement and all OPERS retirement-related agreements;

Whereas, nevertheless, the Township agreed to pay Winner the net benefit to him under the January 14, 2011 Agreement, \$28,000.00, in exchange for his resignation, then the Township sexton, and a full release (Winner signed the release on July 21, 2011);

Whereas, in a November 29, 2011 letter, OPERS opines that the Township is still obligated to pay the \$238,191.55; and

NOW, THEREFORE, be it resolved by the Board of Brimfield Township Trustees, Portage County, Ohio, and its members unanimously concurring that:

(1) Because the plan and agreement reached with Michael Winner conditioned any payment of his service credit on a \$45,000.00 cap and the amount exceeds the cap the Township and Winner agreed to rescind, and did rescind, the retirement-related agreements, including the Form 111c agreement, on July 21, 2011.

(2) On July 21, 2011, Winner resigned from his employment with the Township.

(3) The Township fiscal officer is directed to send all rescinded retirement-related agreements regarding Michael Winner to OPERS along with a letter of explanation.

BE IT SO RESOLVED this 7th day of December, 2011.

Mike Kostensky – yea
C.J. Sprague, Jr. – yea

Sue Fields - yea
Motion Passed

MOTION #2011-370

Mike Kostensky moved to adjourn at 10:42 a.m. Second by C. J. Sprague

Mike Kostensky – yea
C.J. Sprague, Jr. – yea

Sue Fields - yea
Motion Passed

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