

**Brimfield Township Board of Trustees  
Regular Meeting  
Wednesday August 26, 2020**

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, Sue Fields, Nicholas Coia and Fiscal Officer John Dalziel.

The meeting was called to order at 8:00 AM.

**MOTION #2020-255**

Mike Kostensky moved to approve minutes for regular meeting on 8/12//20 Regular meeting. Sue Fields second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

**MOTION #2020-256**

Mike Kostensky moved to approve the agenda as amended to include under Fiscal Office, 4096 St Rt 43 Bond Counsel. Sue Fields second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

**MOTION #2020-257**

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

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

**MOTION #2020-258**

Mike Kostensky moved to approve warrants. Nicholas Coia second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

**Police:** No Action

**Fire:**

**MOTION #2020-259**

Sue Fields moved to sponsor and perform the Fire Department Dine and Drive event on 10/1/2020 from 3 to 6 PM. Program will be run by the Brimfield Fire Department. Nicholas Coia second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

**Administration:**

**MOTION #2020-260**

Nicholas Coia moved to change the agenda to include under Administration – shed purchase. Mike Kostensky second.

Mike Kostensky	- yes	Sue Fields – yes
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Nicholas Coia - yes Motion Passed

MOTION #2020-261

Nicholas Coia moved to purchase a storage unit for the soccer fields at a cost not to exceed \$5,500.00. Mike Kostensky second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

**Zoning:**

MOTION #2020-262

Nicholas Coia moved to request board approval/amendment of 1 – Section 510.03, Accessory Structures. Sue Fields second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

MOTION #2020-263

Nicholas Coia moved to request board approve amendment of 2 – Section 510.03, Swimming pools. Sue Fields second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

**Road:**

MOTION #2020-264

Mike Kostensky moved to approve purchase, installation and repair of catch basins & curb and gutters at various predetermined locations in the Township. Project cost not to exceed \$65,000.00. Paid out of 2195-330-360-0000. Vendor will be S & G Masonry. Sue Fields second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

**Parks:**

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MOTION #2020-265

Nicholas Coia moved to approve the Field Youth Football to use the Lions Park soccer fields for programs and games. FYF will handle all field preparation and clean up. Mike Kostensky second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

MOTION #2020-266

Mike Kostensky moved to allow Troop 259 the ability to use Lions Park or Cranberry Creek for overnight camping in September 2020. Nicholas Coia second.

Mike Kostensky - yes Sue Fields – yes  
Nicholas Coia - yes Motion Passed

**Cemetery:**

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No Action

**Fiscal Office** -

The Board of Trustees of the Township of Brimfield, in the County of Portage, Ohio, met in regular session at 8 o'clock a.m., on August 26, 2020 at Brimfield Township Meeting Room , Brimfield, Ohio, with the following members present:

Nicholas Coia            Mike Kostensky            Sue Fields

Absent:            None

**There was presented to the Board a Certificate As To Maximum Maturity of Securities signed by the Township Fiscal Officer**

Nicholas Coia introduced the following resolution and moved its adoption:

RESOLUTION NO. #2020-267

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$100,000 BUILDING SITE ACQUISITION BONDS, SERIES 2020  
AND MATTERS RELATED THERETO

WHEREAS, the Township of Brimfield (the "Township"), County of Portage, Ohio desires to acquire certain real property as an addition to the site of a Township building project (the "Project"); and

WHEREAS, the Township Fiscal Officer, as fiscal officer of the Township, has estimated that the life of such improvements and assets to be acquired with the proceeds of the securities hereinafter referred to is at least five (5) years, and certified that the maximum maturity of securities issued therefor in the form of bonds is thirty (30) years; and

WHEREAS, this board of township trustees (the "Board") desires to finance such acquisition, in part, by issuing securities in the form of bonds under the provisions of Section 505.262 of the Ohio Revised Code, as amended (the "Act"); and

WHEREAS, the County Auditor has certified or will certify that the debt service charge on such bonds in the first year, together with the debt service charge for that same year on any other securities issued by the Township pursuant to the Act, does not exceed one-tenth of the Township's total revenue from all sources; and

WHEREAS, Key Government Finance, Inc., Superior, Colorado (the "Lender") has submitted a proposal offering to purchase such bonds upon the terms set forth in such proposal and herein;

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 amount of \$100,000 for the purpose of paying part of the cost 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 in fully registered form without coupons, and shall be of the denomination equal to the unpaid principal amount thereof from time to time.

The unpaid principal amount of the bonds from time to time shall bear interest at the rate of four and twenty-five hundredths percent (4.25%) per annum calculated on the basis of a 360-day year comprised of twelve, 30-day months, which interest shall be payable on each date principal is payable.

The bonds shall mature in annual installments on dates to be set forth in the bonds, provided that the final such installment shall be not later than December 31 of the tenth (10th) year following the dated date of the bonds. Each such installment of principal shall be the amount calculated to be such that, when added to the interest payable on the bonds, will amortize the then-unpaid principal amount of the bonds over the term of the bonds in substantially equal annual payments of principal and interest.

Such bonds shall be callable for redemption prior to maturity at the option of the Township on any date, in whole but not in part, at a price equal to the principal amount being redeemed plus accrued

interest to the date of redemption, plus a redemption premium (expressed as a percentage of the principal amount redeemed) as follows:

<u>Redemption Dates (Inclusive)</u>	<u>Redemption Premium</u>
September 15, 2020 to September 14, 2021	3.50%
September 15, 2021 to September 14, 2022	3.00
September 15, 2022 to September 14, 2023	2.50
September 15, 2023 to September 14, 2024	2.00
September 15, 2024 to September 14, 2025	1.75
September 15, 2025 to September 14, 2026	1.50
September 15, 2026 and thereafter	0.00

If for any reason the bonds are not delivered to the Lender on September 15, 2020, the above schedule may be adjusted to reflect the actual delivery date.

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 “Building Site Acquisition Bonds, Series 2020”, shall be payable as to principal and interest 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 the final payment of such bond, the then registered holder of such bond shall mark such bond as paid and return the cancelled bond to the Township.

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 for the then unpaid 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, and if so, will promptly notify the registered holders of the bonds of such appointment.

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.

The Township further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the bonds to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The bonds are hereby designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3)(B) of the Code. The Board does not anticipate issuing and covenants that it will not issue more than \$10,000,000 of such “qualified tax-exempt obligations” during this calendar year.

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. Any actions heretofore taken by the Township, its officers and employees with respect to the issuance and sale of the bonds are hereby approved, ratified and confirmed.

SECTION 5. That such bonds shall be sold to the Lender 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 such bonds shall be the full general obligations of the Township, and the full faith, credit and revenue of the Township are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the bonds, or renewal bonds, and any excess fund resulting from the issuance of the bonds shall, to the extent necessary, be used only for the retirement of the bonds at maturity, together with interest thereon, and are hereby pledged for such purpose.

SECTION 7. 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 principal of and interest on the bonds promptly when and as the same fall due, 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 the principal of and interest upon the bonds as and when the same fall 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.

Such 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 and collected. Such tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from such tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be and hereby are 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 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 so available and appropriated.

SECTION 8. That the law firm of Dinsmore & Shohl LLP be and is hereby retained to provide bond counsel services to the Township in connection with the issuance of such bonds, including preparation of the necessary authorization and related closing documents for the issuance, sale and delivery of the bonds and, if appropriate, rendering its approving legal opinion in connection therewith to the Lender, and said firm shall be compensated by the Township for such services in accordance with a written agreement substantially the form presently on file with the Board. At least two members of the Board, the Township Fiscal Officer and other appropriate officials of the Township, are each hereby separately authorized, without further action of the Board, to execute and deliver such agreement on behalf of the Township in substantially the form presently on file with the Board and to take any and all actions and to execute such other instruments that may be necessary or appropriate in order to effect the retention of such firm and the intent of this Resolution.

SECTION 9. That if any provision of this resolution or such bonds, or any covenant, obligation or agreement contained herein or therein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein or therein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

SECTION 10. 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 11. That the Township Fiscal Officer be and is hereby directed to forward a certified copy of this resolution to the County Auditor.

SECTION 12. That this resolution shall take effect immediately upon its adoption.

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

Ayes: Nicholas Coia                      Mike Kostensky                      Sue Fields

Nays: None

ADOPTED this 26th day of August, 2020.

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Township Fiscal Officer

Prepared by Dinsmore & Shohl LLP

MOTION #2020-268

Nicholas Coia moved to approve Dennis Schwallie as Bond Counsel for the transaction at a cost not to exceed \$975.00. Mike Kostensky second.

Mike Kostensky                      - yes    Sue Fields – yes  
Nicholas Coia                        - yes    Motion Passed

MOTION #2020-269

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

This date, August 26, 2020, Trustee Nicholas Coia moved to convene in executive session, pursuant to Ohio Revised Code Section 121.22(G), for the purpose of considering the following matters at 9:26 AM:

A check mark must be placed next to the applicable section(s):

- (1) To consider the:
  - appointment,
  - employment,
  - dismissal,
  - discipline,
  - promotion,
  - demotion,
  - or compensation of a public employee or official,
  - or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive

session is to be held, but need not include the name of any person to be considered at the meeting.

Additional Comments (if applicable) \_\_\_\_\_

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(2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned

Additional Comments (if applicable) \_\_\_\_\_

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(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Additional Comments (if applicable) \_\_\_\_\_

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(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) \_\_\_\_\_

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(5) Matters required to be kept confidential by federal law or regulations or state statutes.

Additional Comments (if applicable) \_\_\_\_\_

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(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

Additional Comments (if applicable) \_\_\_\_\_

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(7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(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.

Roll Call Vote:	Trustee	Nicholas Coia	Yes
	Trustee	Mike Kostensky	Yes
	Trustee	Sue Field	Yes

MOTION #2020-270

Nicholas Coia moved to return from executive session at 11:00 AM. Mike Kostensky second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

MOTION #2020-271

Mike Kostensky move to put the 4 individuals of the Brimfield Township Union (Teamsters Local 24) Road Department on Paid Administrative leave effective 8/26/2020.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

MOTION #2020-272

Nicholas Coia moved to schedule a meeting on 8/28/2020 at 7 AM to discuss Township Business, Investigation update and any other pertinent business. Sue Fields second.

Mike Kostensky	- yes	Sue Fields – yes
Nicholas Coia	- yes	Motion Passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustee Mike Kostensky moved at 11:04 AM to adjourn. Motion seconded by Nicholas Coia. 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