

**Brimfield Township Board of Trustees  
Regular Meeting  
Wednesday, December 1, 2021**

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

The meeting was called to order at 8:00 AM by Trustee Nicholas Coia.

MOTION #2021-338

Mike Kostensky moved to approve minutes from 11/17/2021 regular meeting. Nicholas Coia second.

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

MOTION #2021-339

Mike Kostensky moved to approve the agenda as presented. Nicholas Coia second.

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

MOTION #2021-340

Mike Kostensky moved to approve Purchase Orders. Nicholas Coia second.

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

MOTION #2021-341

Mike Kostensky moved to approve warrants. Nicholas Coia second.

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

**Public Comments:**

Darleen Mettler – Thanked the Township for help with the Kelso House over the last months.

Trisha Lockard 2908 Congress Lake Road – yard flooding

**Zoning:**

**BRIMFIELD TOWNSHIP, OHIO  
RESOLUTION NO. 342-2021**

**A RESOLUTION  
DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY  
TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE  
MADE WHICH DIRECTLY BENEFIT SUCH PARCELS,  
EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION,  
REQUIRING THE OWNERS OF THE IMPROVEMENTS ON SUCH PACELS TO  
MAKE SERVICE PAYMENTS IN LIEU OF TAXES,  
AND ESTABLISHING A “MAPLECREST” PUBLIC IMPROVEMENT TAX  
INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE  
PAYMENTS, PURSUANT TO OHIO REVISED CODE § 5709.73(B) ET SEQ.**

**WHEREAS**, Brimfield Township, Ohio (the “Township”) desires to encourage the creation and/or preservation of jobs and employment opportunities and facilitate the construction or public infrastructure improvements within the Township;

**WHEREAS**, Ohio Revised Code (“R.C.”) § 5709.73 through R.C. § 5709.75 authorizes Ohio townships, through a resolution enacted by a township board of trustees, to utilize tax increment financing (“TIF”) to assist in encouraging the aforementioned purposes; and authorizes such boards to declare the improvement to certain parcels of real property located within a township to be a public purpose, thereby authorizing the exemption of those improvements from real property taxation for a period of years, to describe public improvements to be made which will directly benefit parcels of real property, and to provide for the making of service payments in lieu of taxes by the owner of such parcels and to provide for the distribution of the applicable portion of such service payments to the township, local or exempted township school district and the joint vocational school district, establish a township public improvement tax increment equivalent fund for the deposit of the service payments and specify public infrastructure improvements made, to be made, or in the process of being made, that directly benefit, or that once made will directly benefit, those parcels;

**WHEREAS**, the Township desires to utilize the aforementioned TIF process and establish a TIF area pursuant to R.C. Chapter 5709 in connection with certain improvements of real property through the industrial development of Brimfield Commons and Maplecrest Industrial Park (collectively “BC Industrial Park”), which is wholly within the Township limits, and for the BC Industrial Park area subject to the TIF process to be known as the “Maplecrest TIF,” to meet the needs of the area, including new development of the same;

**WHEREAS**, the Maplecrest TIF shall include the entirety of the certain parcels of real property located in the Township, as identified and depicted in the documents (Parcel List & Map) attached hereto as **Exhibit “A”** and incorporated herein by reference (with each current parcel of such real property, as the same may be split, combined or reconfigured from time to time, is referred to herein individually as a “TIF Parcel” and collectively as the “TIF Parcels”);

**WHEREAS**, the Township Board of Trustees has determined that it is necessary and appropriate and in the best interest of the Township and its residents to exempt from real property taxation on all nonresidential development on the TIF Parcels for a period of not more than thirty (30) years for each TIF Parcel in the Maplecrest TIF. Annual service payments in lieu of taxes (“Service Payments”) will be made with respect to new private nonresidential development on the TIF Parcels. The applicable portion of those service payments will be distributed directly to the School Districts and the Township, with the remaining non-school and non-Township portion of those Service Payments to be used to reimburse the Brimfield Development Company (“BDC”) for the public infrastructure improvements benefiting the TIF Parcels. The Township desires to authorize a tax exemption, as permitted and provided in R.C. § 5709.73, of one hundred percent (100%) of the Improvement to each TIF Parcel for up to thirty (30) years for each TIF Parcel (“TIF Exemption”), with said thirty (30) year term to commence for each TIF Parcel with the first tax year that begins after the effective date of this Resolution and in which an “Improvement” (as defined in Section 1) to that TIF Parcel first appears on the tax duplicate of real property for the TIF Parcel, and to simultaneously direct and require the current and future owner(s) of each TIF Parcel (each such owner individually, an “Owner,” and collectively, the “Owners”) to make annual Service Payments (as later defined in Section 2 of this Resolution) in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Resolution; provided that the TIF Exemption and the obligation to make Service Payments are subject and subordinate to any tax exemption applicable to the Improvement pursuant to Section 140.08 or Sections 5709.12 and 5709.121 or under Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code;

**WHEREAS**, the Township has determined that an amount equal to twenty-seven and one-half percent (27.5%) of the annual Service Payments, as defined below, shall be paid to the Field Local School District, with the Maplewood Career Center receiving a portion of the Service Payments as required by R.C. § 5709.73, and the Township and School District have agreed to enter into a Revenue Sharing Agreement with respect to the property exempted pursuant to R.C. § 5709.73 reflecting the same, and as such this Board desires to authorize such Revenue Sharing Agreement between the Township and the School District;

**WHEREAS**, the Township has caused notice to be given to the Field Local School District as well as the Maplewood Career Center and their respective boards of education (collectively “School District”) of this Resolution and the Township’s consideration of this Resolution for adoption as required by R.C. §§ 5709.73 and 5703.83;

**WHEREAS**, the School District has approved the tax increment financing and exemption from real property taxation for a period up to thirty (30) years for each TIF Parcel, and has waived, via resolution, any rights to the forty-five (45) business-days notice or remainder thereof, and any notices required under R.C. §§ 5709.73 and 5709.83, prior to the adoption of this Resolution;

**WHEREAS**, pursuant to R.C. § 5709.75, this Board of Trustees has determined to establish a Township public improvement tax increment equivalent fund in which there shall be deposited the Service Payments distributed to the Township as provided herein;

**WHEREAS**, the Board of Trustees has determined to provide for the construction of the public infrastructure improvements as described in the document attached hereto as **Exhibit “B”** and incorporated herein by reference (the “Public Infrastructure Improvements”), which serve a public purpose and which, once made, will directly benefit the TIF Parcels;

**WHEREAS**, the Township and BDC will need and require funds beyond what are presently available in order to complete construction of public infrastructure improvements deemed necessary to facilitate complete industrial development and job creation at BC Industrial Park as further described in the form of Tax Increment Financing Agreement (Maplecrest Project) on file with the Township Trustees (the “TIF Agreement”);

**WHEREAS**, this Board desires to authorize the proper Township officials, including the Acting Township Administrator and Fiscal Officer, to take all necessary action and enter into a TIF Agreement with BDC whereby BDC may be able to obtain reimbursement or payment for its expenditures on Public Infrastructure Improvements on the BDC Industrial Park industrial development site pursuant to R.C. Chapter 5709; and

**WHEREAS**, no funding is required for this legislation. The Township is foregoing real property tax revenue that it would have received with respect to development on the TIF Parcels except as provided in Section 4 of this Resolution. Instead, the non-school and non-joint fire portion of that revenue will be used to reimburse BDC for public infrastructure improvements benefiting the TIF Parcels until BDC is fully reimbursed pursuant to the terms of the TIF Agreement, and thereafter for such purposes as may be approved by the Township Trustees.

**NOW, THEREFORE, BE IT RESOLVED** by the Trustees of Brimfield Township, County of Portage and State of Ohio, that:

**Section 1.** Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.73 of the Ohio Revised Code, the Board of Trustees hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each TIF Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in Section 5709.73 of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Resolution and in which an Improvement due to the completion of a new building improvement on that TIF Parcel first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) a thirty (30) years or (b) the date on which the Township can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. This Resolution allows for the TIF Exemption to commence in different tax years on a parcel-by-parcel basis, with a separate TIF Exemption term specified for each TIF Parcel.

The TIF Exemption granted pursuant to this Section 1 and the payment obligations established pursuant to Section 2 of this Resolution are subject and subordinate to any tax exemption applicable to the Improvement pursuant to Section 140.08 or Sections 5709.12 and 5709.121 or under Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code.

**Section 2.** Service Payments and Property Tax Rollback Payments. Subject to any tax exemption applicable to the Improvement pursuant to R.C. § 5709.12 or under R.C. §§ 3735.65

through 3735.70 or 5709.61 through 5709.69, and pursuant to R.C. § 5709.73, this Board of Trustees hereby directs and requires the Owner of each TIF Parcel it owns to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvement allocable thereto to the Portage County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Resolution. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Resolution. The Board of Trustees further hereby authorizes and directs appropriate officers of the Township to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

**Section 3.** **Tax Increment Equivalent Fund.** This Board of Trustees hereby establishes, pursuant to and in accordance with the provisions of R.C. § 5709.73, the Maplewood Township Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), into which the County Treasurer shall deposit the Service Payments collected from the TIF Parcels. That TIF Fund shall be maintained in the custody of the Township and shall receive the distributions to be made to the Township pursuant to this Resolution. Those Service Payments and Property Tax Rollback Payments received by the Township with respect to the Improvement of each TIF Parcel and so deposited pursuant to Sections 5709.73 and 5709.74 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Resolution. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Section 5709.75 of the Ohio Revised Code.

**Section 4.** **Distribution of Funds.** Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments to the Township for deposit into the TIF Fund. Amounts deposited into the TIF Fund shall be distributed as follows:

- (i) to the Field Local School District, an amount equal to twenty-seven and one-half percent (27.5%) of the annual Service Payments;
- (ii) to the Maplewood Career Center, the amount required by R.C. § 5709.73;
- (iii) to the Township, an amount equal to five percent (5.0%) of the annual Service Payments to fund fire services or other services as this Board shall determine and as permitted by R.C. Chapter 5709;
- (iv) to BDC until fully repaid pursuant to the terms of the TIF Agreement, all remaining amounts for payment of costs of the Public Infrastructure Improvements.

All distributions required under this Section 4 are requested to be made at the same time and in the same manner as real property tax distributions.

**Section 5.** **Public Infrastructure Improvements.** This Board of Trustees hereby designates the Public Infrastructure Improvements described in "**Exhibit B**," and any other public infrastructure improvements hereafter designated by resolution as public infrastructure improvements, as public infrastructure improvements made, to be made or in the process of being made by the Township and/or its instrumentality, that directly benefit, or that once made will directly benefit, the TIF Parcels.

**Section 6.** **Revenue Sharing Agreement.** The form of the Revenue Sharing Agreement presently on file with the Township Fiscal Officer providing for, among other things, payments to the Field Local School District, together with any completions, changes or amendments thereto as

the Township Trustees may approve as being in the best interest of or not substantially adverse to the Township, and which are not inconsistent with this Resolution, is hereby approved. Such completions, changes or amendments, and the character of those completions, changes or amendments as being in the best interest of or not being substantially adverse to the Township, will be evidenced conclusively by the Township Trustees' execution of the Revenue Sharing Agreement and any amendments thereto.

**Section 7.** Tax Increment Financing Agreement. The Tax Increment Financing Agreement (the "TIF Agreement") in substantially the form attached to this Resolution, providing for, among other things, the reimbursement of BDC or its designee of costs of Public Infrastructure Improvements, is hereby approved. The Township Trustees, for and in the name of the Township, are hereby authorized to execute and deliver the TIF Agreement in substantially that form, together with any completions, changes or amendments thereto as the Township Trustees may approve as being in the best interest of or not substantially adverse to the Township. The approval of those completions, changes or amendments, and the character of those completions, changes or amendments as being in the best interest of or not being substantially adverse to the Township, will be evidenced conclusively by the Township Trustee's execution of the TIF Agreement.

**Section 8.** Reimbursement Obligation. The reimbursement obligation to BDC for costs of the acquisition, design and construction of the Public Infrastructure Improvements pursuant to the TIF Agreement (the "Reimbursement Obligation") constitutes a special obligation of the Township and is payable solely from service payments deposited into the TIF Fund. All such service payments hereafter deposited into the TIF Fund except those required to be paid to the School Districts or the Township pursuant to Section 4 are pledged for payment of the Reimbursement Obligation. No other funds are pledged for the payment of the Reimbursement Obligation, and neither BDC nor any other beneficiary of the Reimbursement Obligation has a right to have taxes levied for the payment of the Reimbursement Obligation. All money hereafter deposited in that TIF Fund except money required to be paid to the School Districts or the Township pursuant to Section 4 is hereby appropriated to pay the Reimbursement Obligation as set forth in the TIF Agreement, and the Fiscal Officer is hereby authorized to make payments in satisfaction of the Reimbursement Obligation to BDC or its designee in accordance with the TIF Agreement.

**Section 9.** Further Authorizations. The Board of Trustees ratifies the delivery of the notice of this Resolution to the School Districts and hereby authorizes and directs the Fiscal Officer or other appropriate officers of the Township to make such arrangements as are necessary and proper for collection from the Owners of the Service Payments. The Board of Trustees further authorizes that any Township Trustee or the Fiscal Officer is authorized to execute such other agreements and instruments and to take all actions necessary to implement this Resolution.

**Section 10.** Filings with Ohio Department of Development. Pursuant to R.C. § 5709.73(I), the Township Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of Development of the State of Ohio within fifteen (15) days after its effective date. Further, on or before March 31 of each year the exemption set forth in Section 1 of this Resolution remains in effect, the Fiscal Officer or other officer of the Township shall prepare and submit to the Director of Development of the State of Ohio the status report required by R.C. § 5709.73(I).

**Section 11.** Tax Incentive Review by Township Board of Trustees. The applicable Tax Incentive Review Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Resolution in accordance with R.C. § 5709.85.

**Section 12.** Preamble Provisions. The terms set forth in the preambles shall be construed as integral parts of this Resolution.

**Section 13.** Open Meeting. It is found and determined that all formal actions of the Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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 all legal requirements.

**Section 14.** Effective Date. This Resolution shall take effect upon adoption by the Board of Trustees or after the earliest period allowed by law.

Motion to pass was made by Trustee Nicholas Coia, second by Trustee Mike Kostensky, and the vote upon roll being called on the question of its adoption was as follows:

Nicholas Coia: yea  
Mike Kostensky: yea  
Sue Fields: absent

Reading Date(s): 12/01/2021

TRUSTEE: \_\_\_\_\_  
Nic Coia

TRUSTEE: \_\_\_\_\_  
Sue Fields

TRUSTEE: \_\_\_\_\_  
Mike Kostensky

CERTIFICATE

State of Ohio, Portage County

I, the undersigned Fiscal Officer of Brimfield Township, Portage County, Ohio, certify that the foregoing Resolution No. 2021-342 is taken and copied from the record of proceedings of the Township, and that it has been compared by me with the resolution on the record and is a true copy.

Date December 1, 2021 \_\_\_\_\_  
Brimfield Township Fiscal Officer

**Police:**

MOTION #2021-343

Nicholas Coia moved to approve the Metro Swat membership and participation agreement effective 12/01/2021. Mike Kostensky second.

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

**Fire:** No Action

**Administration:**

MOTION #2021-344

Nicholas Coia moved to enact that the insurance options for elected officials. Elected officials are offered coverage through the township. Mike Kostensky second.

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

MOTION #2021-345

Mike Kostensky moved to approve invoice 000302 from Helmling Excavating for the demo of the outbuildings located at 1145 Howe Road in the amount of \$3,500.00. Nicholas Coia second.

Mike Kostensky - yea  
Nicholas Coia - yea

Sue Fields - absent  
Motion Pass

**Roads:** No Action

**Parks:** No Action

**Cemetery:** No Action

**Fiscal Office:**

MOTION #2021-346

Nicholas Coia moved to request a hearing at the Ohio Division of Liquor Control regarding the C-STCK 8418994-1260 License. Mike Kostensky second.

Mike Kostensky - no  
Nicholas Coia - no

Sue Fields - absent  
Motion Fail

MOTION #2021-347

Nicholas Coia moved to waive stipend retro changes for employees not taking the township health insurance. This waive will be for the Calander years of 2019 and 2020. Mike Kostensky second.

Mike Kostensky - yea  
Nicholas Coia - yea

Sue Fields - absent  
Motion Pass

**MOTION #2021-348 FOR EXECUTIVE SESSION  
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, December 1, 2021, Trustee Mike Kostensky moved to convene in executive session, at 9:40 AM pursuant to Ohio Revised Code Section 121.22(G), for the purpose of considering the following matters:

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

- X (1) To consider the:
- appointment,
  - X employment,
  - dismissal,
  - discipline,
  - promotion,
  - demotion,
  - X 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 Nicholas Coia.

Roll Call Vote:	Trustee Nicholas Coia	Yes
	Trustee Mike Kostensky	Yes
	Trustee Sue Fields	Absent

MOTION #2021-349

Nicholas Coia moved to return to regular session at 10:23 AM. Mike Kostensky second.

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

MOTION #2021-350

Nicholas Coia moved to accept the contract between Captain Adkins and Brimfield Township for a term of 1/1/22 to 12/31/2027. Mike Kostensky second.

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

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 10:25 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