

**Brimfield Township Board of Trustees
Regular Meeting
Wednesday April 6, 2022**

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, Sue Fields, and Fiscal Officer John Dalziel.

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

MOTION #2022-090

Sue Fields moved to approve minutes from 3/23/2022 regular meeting. Nicholas Coia second.

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

MOTION #2022-091

Sue Fields moved to approve amended agenda to include:
Mike Kostensky second.

Admin – 2e.) Library

Cemetery – 2a.) Land

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

MOTION #2022-092

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

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

MOTION #2022-093

Sue Fields moved to approve warrants. Nicholas Coia second.

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

Police: No Action

Fire: No Action

Admin:

**RESOLUTION #2022-094 AUTHORIZING EXPENDITURE
FROM AMERICAN RESCUE PLAN ACT FUNDS**

Portage County, Ohio

Nicholas Coia moved to adopt the following resolution:

Be It Resolved by the Township Trustees of Brimfield Township

WHEREAS, this date, April 6, 2022, Trustee Nicholas Coia moved the adoption of the following Resolution:

WHEREAS, the Township has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that:

(1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”].

WHEREAS, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund’s smallest recipients. This change is intended to promote administrative efficiency and simplify revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds

WHEREAS, the Board of Trustees has identified a project which, in the judgment of the Board, qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following:

Town Center Fields project.

NOW THEREFORE, it is hereby **RESOLVED** by the Board that:

1. The Township elects to use the standard allowance and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services

2. The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed \$110,000.00.

3. The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely:

- Police protection
- Fire and emergency medical services
- Road repair, maintenance and other transportation and safety services
- Public infrastructure support
- General government administration and administrative facilities
- Land use regulations and enforcement
- Parks and recreational facilities and programs
- Other

Town Center Fields project.

4. Accordingly, the Project is in the best interests of the Township and is deemed a priority for the community.

5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Trustee Mike Kostensky seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 6th day of April 2022.

Nicholas Coia

Mike Kostensky

Sue Fields

Township Trustees

Attest: _____

John Dalziel
Township Fiscal Officer

MOTION #2022-095

Nicholas Coia moved to amend the agenda to include:
Mike Kostensky second.

Admin - 2f.) HR

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

Zoning:

MOTION #2022-096

Nicholas Coia moved to approve Amended Zoning Map from G-C General Commercial to R-2 Residential Medium Density. The amendment consists of 5.99+/- acres and includes the following 5 parcel numbers: 04-014-00-00-002-000, 04-014-00-00-001-000, 04-014-00-00-003-000, 04-014-00-00-004-001, and 04-014-00-00-004-000. Sue Fields second.

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

MOTION #2022-097

Nicholas Coia moved to approve Amended Zoning Map from G-C General Commercial to R-3 Residential Medium High Density. The Amendment consists of 106.95+/- acres and includes the following 39 parcel numbers: 04-013-10-00-001-000, 04-014-00-00-025-000, 04-014-00-00-026-000, 04-014-00-00-027-000, 04-014-00-00-028-000, 04-

014-00-00-040-000, 04-014-00-00-035-001, 04-014-00-00-035-003, 04-014-00-00-037-000, 04-014-00-00-038-000, 04-014-00-00-039-000, 04-014-00-00-034-003, 04-014-00-00-040-003, 04-014-00-00-040-004, 04-014-00-00-040-001, 04-014-00-00-041-000, 04-023-00-00-011-000, 04-023-00-00-010-000, 04-023-00-00-010-001, 04-023-00-00-009-001, 04-023-00-00-009-002, 04-023-00-00-008-000, 04-023-00-00-007-000, 04-023-00-00-006-000, 04-023-00-00-005-000, 04-023-00-00-023-000, 04-023-00-00-023-001, 04-023-00-00-024-000, 04-023-00-00-025-000, 04-023-00-00-026-000, 04-023-00-00-027-000, 04-023-00-00-027-001, 04-023-00-00-036-000, 04-023-00-00-037-000, 04-023-00-00-038-000, 04-023-00-00-040-001, 04-023-00-00-042-001, 04-023-00-00-043-000, 04-023-00-00-044-000. Mike Kostensky second.

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

MOTION #2022-098

Nicholas Coia moved to approve Amended Zoning Map from G-C General Commercial to R-4 Residential High Density. The amendment consists of 11.8 acres and includes the following 6 parcel numbers: 04-023-00-00-080-005, 04-023-00-00-080-007, 04-023-00-00-080-028, 04-023-00-00-080-046, 04-023-00-00-080-052, 04-023-00-00-080-058. Sue Fields second.

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

MOTION #2022-099

Nicholas Coia moved to approve Amended Zoning Map from G-C General Commercial to R-4 Residential High Density, R-2 Residential Medium Density and H-C Highway Commercial. The amendment consists of 35.78 acres and includes the following 30 parcel numbers: 04-023-00-00-055-000, 04-023-00-00-060-000, 04-023-00-00-061-000, 04-023-00-00-062-000, 04-023-00-00-063-000, 04-023-00-00-067-000, 04-032-00-00-035-000, 04-023-00-00-058-000, 04-023-00-00-059-037, 04-023-00-00-059-027, 04-023-00-00-059-017, 04-023-00-00-058-001, 04-023-00-00-059-001, 04-023-00-00-058-002, 04-023-00-00-058-030, 04-023-00-00-058-004, 04-023-00-00-058-005, 04-023-00-00-058-006, 04-023-00-00-058-007, 04-023-00-00-064-000, 04-023-00-00-065-000, 04-023-00-00-066-000, 04-023-00-00-068-000, 04-023-00-00-069-000, 04-023-00-00-070-000, 04-023-00-00-071-000, 04-023-00-00-072-000, 04-023-00-00-073-000, 04-032-00-00-036-000, 04-032-00-00-037-000. Sue Fields second.

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

MOTION #2022-100

Nicholas Coia moved to obtain a search at 1354 Brimfield Drive warrant through Portage County Prosecutors office. Mike Kostensky second.

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

MOTION #2022-101

Nicholas Coia moved to obtain a search warrant at 5305 Mogadore Road through Portage County Prosecutors office. Mike Kostensky second.

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

MOTION #2022-102

Nicholas Coia moved to obtain a search warrant at 4545 ST Rt 43 through Portage County Prosecutors office. Mike Kostensky second.

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

Road: No Action

Parks: No Action

Cemetery: No Action

Fiscal Office:

MOTION #2022-103

Nicholas Coia moved to request a hearing at the Division of Liquor Control for Pizza Hut of Akron. Mike Kostensky second.

Mike Kostensky	- no	Sue Fields - no
Nicholas Coia	- no	Motion Fail

MOTION #2022-104

Nicholas Coia moved to request a hearing at the Division of Liquor Control for Giant 454 BP. Mike Kostensky second.

Mike Kostensky	- no	Sue Fields - no
Nicholas Coia	- no	Motion Fail

MOTION #2022-105

Mike Kostensky moved to request a wire transfer to Bennett Land Title in the amount of \$60,000.00 to finalize the Edson Road transfer per Kevin Head with the Ohio Auditor of State – approved 4/5/22. Sue Fields second.

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

**MOTION #2022-106 FOR EXECUTIVE SESSION
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, April 6, 2022, 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 9:30 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) _____

(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 averse 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) _____

(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) _____

(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) _____

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

Additional Comments (if applicable) _____

(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) _____

□ (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 Mike Kostensky.

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

MOTION #2022-107

Nicholas Coia moved to return from executive session at 10:06 AM. Mike Kostensky second.

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

MOTION #2022-108

Nicholas Coia moved to forward with negotiations for the land acquisition of Restland Cemetery property. Sue Fields second.

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

MOTION #2022-109

Nicholas Coia moved to forward with negotiations for the Town Center land and building acquisition. Mike Kostensky second.

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

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 10:14 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