

**Brimfield Township Board of Trustees  
Regular Meeting  
Wednesday May 18, 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 #2022-137**

Sue Fields moved to approve minutes from 5/4/2022 regular meeting. Mike Kostensky second.

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

**MOTION #2022-138**

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

Admin – d.) Department stats

Parks – 1a.) Park clean up

Executive session 2.) Personnel

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

**MOTION #2022-139**

Mike Kostensky moved to approve Purchase Orders. Sue Fields second.

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

**MOTION #2022-140**

Sue Fields moved to approve warrants. Mike Kostensky second.

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

**Public Comments:** David Handman 3848 Morley Drive – complaints about house across the street.

**Police:** No Action

**Fire:** No Action

**Admin:**

**MOTION #2022-141**

Mike Kostensky moved to change the job description for all non-union employees will report to the Fiscal Officer and their assigned liaison. Police department non-union employees will still report to police department management. Sue Fields second.

Mike Kostensky - yea  
Nicholas Coia - no

Sue Fields - yea  
Motion Pass

MOTION #2022-142

Nicholas Coia moved to have Brian Gardner and Chief Roy Mosley prepare 3 proposals for website development/rebuild and bring to the board for discussion. Mike Kostensky second.

Mike Kostensky - yea  
Nicholas Coia - yea

Sue Fields - yea  
Motion Pass

**Zoning:**

MOTION #2022-143

Mike Kostensky moved to approve the 5/10/2022 Brimfield Township zoning fees schedule effective 5/18/2022. Nicholas Coia second.

Mike Kostensky - yea  
Nicholas Coia - yea

Sue Fields - yea  
Motion Pass

**RESOLUTION NO. 144-2022  
A RESOLUTION ENGAGING COUNSEL TO ASSIST WITH  
MAPLECREST INDUSTRIAL ROAD PROJECT**

Nicholas Coia moved to adopt the following resolution:

Whereas, Brimfield Township (“the Township”) has been working cooperatively with Maplecrest, LLC (“Maplecrest”) and its affiliates including Brimfield Development, LLC, and with the Portage County Engineer and several State of Ohio agencies, all to develop an area generally known as the Maplecrest Industrial Park, and

Whereas, to facilitate continued economic development in the Industrial Park area, the Township has entered into a tax increment financing agreement with Maplecrest, and has further applied for and obtained funding from two State of Ohio agencies in the sum of \$700,000, for improvement and extension of Maplecrest Parkway, to accommodate such economic development, and

Whereas, time is of the essence, as new development has been contracted to occur along the as yet unbuilt Maplecrest Parkway extension, and

Whereas, to assist and advise the Township with respect to agreements and documents with respect to all of the foregoing, it is necessary to retain counsel, and

Whereas, the Township is aware that such counsel will be paid for or payment to such counsel will be reimbursed from the proceeds of the tax increment financing agreement aforesaid, and or 629 and ODOT grant funds and any overage will be paid by Maplecrest LLC

Whereas, the Township has identified Terrence L. Seeberger, of the law firm Stark & Knoll, as an attorney qualified to assist, said qualifications including representation of the Village of Navarre, Village of Strasburg, and Strasburg-Franklin Joint Economic Development District with respect to economic development and infrastructure construction issues in particular, and further representing Lawrence Township (Tuscarawas County) generally, and

Whereas, the Township has been advised that Mr. Seeberger has represented and currently represents Maplecrest affiliates, and that Maplecrest and its affiliates have waived any conflict arising out of this engagement, and

Whereas, the Township also waives any conflict arising out of this engagement, understanding that Mr. Seeberger will not represent either Maplecrest or Brimfield Development or any related entity with respect to Brimfield Township matters, and

Whereas, the Township recognizes that due to the urgency of the Maplecrest Parkway extension project, Mr. Seeberger has begun the work necessary for the representation that is the subject of this Resolution, which work is compensable, and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BRIMFIELD TOWNSHIP:

The Board of Trustees, acting through its Board Chairperson and Fiscal Officer shall engage Mr. Seeberger at the rate of \$150.00 hourly, with no charge for travel time, for the limited purpose of assisting and advising the Township with respect to all aspects of the Maplecrest Parkway extension project, and all documents and agreements related thereto, including assistance and advice provided before the date of this Resolution.

Mike Kostensky Second.

Approved:

\_\_\_\_\_  
President, Board of Trustees

Date May 18, 2022

Attest:

\_\_\_\_\_  
Fiscal Officer

**Road:** No Action

**Parks:** No Action

**Cemetery:** No Action

**Fiscal Office:**

**RESOLUTION # 2022-145**

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX  
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(BOARD OF TOWNSHIP TRUSTEES)

Revised Code, Secs. 5705.34 & 5705.35

The Board of Trustees of Brimfield Township, Portage County, Ohio, met in a regular session on the 18th day of May 2022 at the Brimfield Community Center with the following members present:

Nicholas Coia, Chairman  
Mike Kostensky, Member  
Sue Fields, Member

Nicholas Coia moved the adoption of the following Resolution:

RESOLVED, By the Board of Trustees of Brimfield Township, Portage County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1<sup>st</sup>, 2022; and

WHEREAS, The Budget Commission of Portage County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Board of Trustees of Brimfield Township, Portage County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, that there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX  
APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR’S ESTIMATED TAX  
RATES**

Fund	Amount Approved by Budget Commission Inside 10 Mill Limit	Amount to Be Derived from Levies Outside 10 Mill Limit	County Auditor’s Estimate of Tax Rate to be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund	\$357,571		1.10	
Road & Bridge	\$65,013	\$754,758	.20	2.85
Police Protection		\$2,219,020		8.50
Fire Protection		\$1,334,394		4.90
EMS		\$444,564		1.70
Bond Retirement		\$417,901		1.37

TOTAL:	\$422,583	\$5,170,637	1.30	19.32

**SCHEDULE B**

LEVIES OUTSIDE 10 MILL LIMITATION

Levy Purpose	Date of Vote & Duration of Levy	Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
Levy authorized by voters on 11/05/19 not to exceed five (5) years. Road & Bridge	2020 - 2024	0.95	\$244,556
Levy authorized by voters on 11/05/19 not to exceed five (5) years. Road & Bridge	2020 - 2024	1.90	\$510,202
Levy authorized by voters on 11/06/18 for a cont. period of time. Fire Protection	2018 - Cont	4.90	\$1,334,394
Levy authorized by voters on 05/07/19 not to exceed five (5) years. EMS Services	2019 - 2023	0.85	\$217,159
Levy authorized by voters on 05/07/19 not to exceed five (5) years. EMS Services	2019 - 2023	0.85	\$227,406
Levy authorized by voters on 03/15/16 for a Cont. period of time Police Protection	2016 - Cont	2.90	\$784,306
Levy authorized by voters on 08/07/12 for a Cont. period of time Police Protection	2012 - Cont	2.90	\$763,728
Levy authorized by voters on 11/08/05 for a Cont. period of time Police Protection	2006 - Cont	2.70	\$670,987
Levy authorized by voters on 11/03/20 not to exceed 28 years. Bond Retirement	2020 - 2047	1.37	\$417,901

and be it further

RESOLVED, That the Clerk of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Sue Fields seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

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

Adopted the 18th day of May 2022

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Clerk of the Board of Township Trustees

Brimfield Township  
Portage County, Ohio

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

I, John Dalziel, Clerk of the Board of Township Trustees of  
Brimfield Township, in said County, and in whose custody the Files and Records of said Board  
are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is  
taken and copied from the original May 18, 2022 minutes now on file with said Board, that the  
foregoing has been compared by me with said original document, and that the same is a true and  
correct copy thereof.

WITNESS my signature, this 18th day of May 2022

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Clerk of the Board of Township Trustees

Brimfield Township  
Portage County, Ohio

**MOTION #2022-146**

Mike Kostensky moved to request that department heads include call stats and zoning  
violations to the trustee report. Nicholas Coia second.

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

**MOTION #2022-147 FOR EXECUTIVE SESSION  
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, May 18, 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 10:00 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 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) \_\_\_\_\_

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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) \_\_\_\_\_

(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 #2022-148 FOR EXECUTIVE SESSION  
BRIMFIELD TOWNSHIP BOARD OF TRUSTEES**

This date, May 18, 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 10:00 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 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) \_\_\_\_\_

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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 Mike Kostensky.

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

MOTION #2022-149

Nicholas Coia moved to return from executive session back to the regular meeting at 11:11 AM. Sue Fields second.

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

MOTION #2022-150

Nicholas Coia moved to appoint Sue Fields as the liaison for zoning effective 5/18/2022. 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 11:13 AM 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