

**Brimfield Township Board of Trustees
Regular Meeting
Wednesday, September 21, 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 Trustee Nicholas Coia.

Jeff – NOPEC discussion

MOTION #2022-288

Sue Fields moved to approve minutes from 9/7/2022 regular meeting, 9/6/2022 public hearing, and 9/12/2022 special meeting. Nicholas Coia second.

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

MOTION #2022-289

Sue Fields moved to approve the agenda as presented. Mike Kostensky second.

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

MOTION #2022-290

Nicholas Coia moved to approve purchase orders. Sue Fields second.

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

MOTION #2022-291

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: No Action

Zoning: No Action

Road: No Action

Parks: No Action

Cemetery: No Action

Fiscal Office:

**RESOLUTION #2022-292 AUTHORIZING EXPENDITURE
FROM AMERICAN RESCUE PLAN ACT FUNDS**

Be It Resolved by the Township Trustees of Brimfield Township

WHEREAS, this date, September 21, 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:

Legal Counsel by Baker, Dublikar.

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 \$475,000.00.

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

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 21st day of September 2022.

Nicholas Coia

Mike Kostensky

Sue Fields

Township Trustees

Attest: _____
John Dalziel
Township Fiscal Officer

RESOLUTION NO. 2022-293

Nicholas Coia moved to accept the following resolution:

RESOLUTION THAT THE TOWNSHIP OF BRIMFIELD WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR THE CHIEF OF POLICE OF THE TOWNSHIP OF BRIMFIELD PURSUANT TO IRC SECTION 414(h)(2).

WHEREAS, pursuant to federal and Ohio laws, the Township of Brimfield may offset future salary increases and "pick up" (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP OF BRIMFIELD OHIO, THAT:

SECTION 1: Effective immediately the full amount of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the Township of Brimfield for each person within any of the classes established in Section 2 herein. The pick-up shall be an offset against future salary increases. This "pick up" by the Township of Brimfield shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 2 herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it "picked up" by the Township of Brimfield or of being excluded from the "pick up". The Township of Brimfield shall, in reporting and making remittance to OPERS, report that the public employees' contribution for each person subject to this "pick up" has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option

to receive the contributions directly. All contributions are paid by the employer directly to the plan.

SECTION 2: The “pick up” by the Township of Brimfield provided by this resolution shall apply solely to the Chief of Police for the Township of Brimfield who is, or will become, contributing members of OPERS.

SECTION 3: Under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees’ statutorily required contribution to OPERS.

SECTION 4: The trustees and fiscal officer are hereby authorized and directed to implement the provisions of this resolution to institute the “pick up” of the statutorily required contributions to OPERS for those persons reflected in Section 2 herein so as to enable them to have their employee contributions paid by their employer.

Sue Fields second.

Adopted, 9/21/2022

Nicholas Coia - yea

Mike Kostensky - yea

Sue Fields – yea

Motion Pass

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 9:01 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