

BRIMFIELD TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING, THURSDAY, AUGUST 14, 2008
ARCADIA DRIVE

The Brimfield Township Board of Trustees held a special meeting on Thursday, August 14, 2008, on Arcadia Drive in Brimfield Township. Present were Trustees Sue Fields and Mike Kostensky and Fiscal Officer John Dalziel. Trustee C. Daniel Tronge was absent (vacation). Chairman Sue Fields called the meeting to order at 9:00

RESOLUTION #2008-244

Re: Video Service Provider Fees

A RESOLUTION ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE TOWNSHIP OF BRIMFIELD; AUTHORIZING THE BOARD OF TRUSTEES TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY.

WHEREAS: The Ohio General Assembly enacted Section 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide statewide “uniform regulatory framework” for the provision of cable television and/or other video service (the “Video Law” and,

WHEREAS: Under the Video Law a video service provider that is providing video service to subscribers in Brimfield Township pursuant to a state-issued video service authorization must pay Brimfield Township a video service provider fee (“VSP Fee”) based on a percentage of the provider’s gross revenues received from providing video service in Brimfield Township, not to exceed five percent (5%) of each gross revenues, and,

WHEREAS: The Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement is in effect in Brimfield Township (the VSP Fee Percentage”) or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero percent (0%) of gross revenues unless Brimfield Township determines by Resolution that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues, and,

WHEREAS: The Video Law further requires Brimfield Township to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C. 1332.26(a), that it will begin offering service in Brimfield Township, and,

WHEREAS: The Video Law provides that advertising revenues will not be included in the gross revenues base upon which the VSP Fee Percentage is applied unless Brimfield Township specifically enacts a Resolution uniformly applicable to all video service providers requiring that advertising revenues also be included in the gross revenues base, and,

WHEREAS: The Video Law requires Brimfield Township to promptly notify affected video service providers of the Resolution that requires the inclusion of advertising revenues in the gross revenues base and that requirement will not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after giving such notice of the Resolution, and,

WHEREAS: In order to provide timely notice to a video service provider of the VSP Fee Percentage and of the inclusion of advertising revenues in the VSP Fee gross revenues base, it is necessary for the Brimfield Township Board of Trustees (i) to establish the VSP Fee Percentage (ii) to include advertising revenues in the VSP Fee gross revenues base and (iii) to authorize the Brimfield Township Board of Trustees to provide the

appropriate notice of the VSP Fee Percentage and the inclusion of advertising revenues in gross revenues to a video service provider within ten (10) days of the Brimfield Township Board of Trustees receiving notice that a video service provider will begin providing service in Brimfield Township, therefore, be it,

RESOLVED:

Section 1.

That the Brimfield Township Board of Trustees hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of _____ percent (%) to the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. For proposed calculating the VSP Fee the provider's gross revenues shall include advertising revenues in accordance with Section 1332.23(B)(2)(g) of the Video Law. The VSP Fee Percentage and Video Law gross revenues definition, as modified in this Resolution shall apply equally to all video service providers and cable television operators providing video service in Brimfield Township.

Section 2.

That the VSP Fee shall be paid by each video service provider providing service in Brimfield Township on a quarterly basis but not sooner than for-five (45) days nor later than sixty (60) days after the end of each calendar quarter R.C. 1332.32(A).

Section 3.

That the Brimfield Township Board of Trustees if authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this Resolution above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in Brimfield Township pursuant to a state-issued video service authorization.

Section 4.

That it is found and determined that all formal action of the Brimfield Township Board of Trustees concerning and relating to the adoption of the Resolution were adopted in an open meeting of the Brimfield Township Board of Trustees and all deliberation of the Brimfield Township Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5.

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of Brimfield Township and this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to the Brimfield Township Board of Trustees, otherwise from and after the earliest period allowed by law.

Mike Kostensky moved for adoption of the above resolution this 14th day of August, 2008. Motion seconded by Sue Fields. Upon a roll call vote:

Sue Fields – yea

Mike Kostensky - yea

C. Daniel Tronge – absent

Motion passed

MOTION #2008-245

Sue Fields moved to amend Resolution #2008-148, paragraph 4, TO READ: RESOLVED: That, under the ERI, Brimfield Township shall purchase up to five (5) years of service credit for those employees eligible to participate in the ERI plan. Motion seconded by Mike Kostensky and passed unanimously.

MOTION #2008-246

Mike Kostensky moved to request necessary paperwork, from PERS, for the January 1, 2009 retirement of Dennis Grund, confirming to PERS that the Township will purchase up to five (5) years of service for his retirement package. Motion seconded by Sue Fields and passed unanimously.

MOTION #2008-247

Mike Kostensky moved to allow the purchase of 80 feet of pipe and one catch basin to be installed at the property located at 1714 Meloy Road. Motion seconded by Sue Fields and passed unanimously.

Discussion was held with the representatives from Tallmadge Asphalt (Ken Johnson and Mark Winters) regarding the Beechcrest paving project. The paving is scheduled to begin on September 3, 2008. However, if the Tallmadge Asphalt schedule changes the paving may begin sooner (possibly in August 2008.)

Tallmadge Asphalt agreed to install a scratch coat (not included in original proposal) and 1-1/2" overlay (2" in original proposal) which will allow the scratch coat to be included at no increase in cost to the Township.

MOTION #2008-248

Mike Kostensky moved to recess this special meeting until Friday, August 15, 2008, and to reconvene immediately following the Safety Town graduation at Victory Baptist Church. Motion seconded by Sue Fields and passed unanimously.

Reconvened Friday, August 15, 2008, at 11:10 AM. Present were Trustees Sue Fields and Mike Kostensky and Fiscal Officer John Dalziel. Also present Fire Chief Robert Keller and Police Chief David Blough.

MOTION #2008-249

Sue Fields moved, at 11:12 AM, to adjourn to executive session for the purpose of discussion on possible legal action.. Motion seconded by Mike Kostensky. Upon a roll call vote:

Sue Fields – yea
C. Daniel Tronge – absent

Mike Kostensky – yea
Motion passed

Returned to regular session at 11:20 AM. Discussion held on possible legal action. No action taken.

MOTION #2008-250

Mike Kostensky moved to accept, from Michael Steven Detwiler, a letter of his intent to retire from the Brimfield Township Road Department, effective August 15, 2008. Motion seconded by Sue Fields and passed unanimously.

MOTION #2008-251

Mike Kostensky moved that John Dalziel, Fiscal Officer, proceed with the retirement benefit calculations , and forward same to the Portage County Prosecutor's Office for review before the Board of Trustees approves the retirement request. Motion seconded by Sue Fields and passed unanimously.

RESOLUTION #2008-252

Re: Hiring Public Works Superintendent

WHEREAS: The Brimfield Township Board of Trustees have determined the need to employ a Public Works Superintendent for the Brimfield Township Road Department and have advertised this position and have conducted interviews for same, therefore be it,

RESOLVED: That the Brimfield Township Board of Trustees shall begin the hiring process for the applicant chosen i.e. Michael Winner, and be it further,

RESOLVED: That this process shall include the normal background check and the preparation of the financial package, and have all this information for the August 26th meeting of the Board of Trustees.

Mike Kostensky moved for approval of the foregoing resolution this 15th day of August, 2008. Motion seconded by Sue Fields. Upon a roll call vote:

Sue Fields – yea
C. Daniel Tronge – absent

Mike Kostensky – yea
Motion passed

There being no further business to come before this special meeting of the
Brimfield Township Board of Trustees Mike Kostensky moved, at 11:25 PM, to adjourn.
Motion seconded by Sue Fields and passed unanimously.

We, the Trustees of Brimfield Township, do hereby set our hands as approval of
the foregoing minutes as a true and accurate record of the proceedings.

Chairman

Fiscal Officer