



Board of Trustees Meeting

Monday, March 9, 2020 at 7:00 p.m.

Please silence cell phones and electronics

CALL TO ORDER

PLEDGE OF ALLEGIANCE

WELCOME

The purpose of this meeting is to conduct the business of Bath Township.
At the end of the meeting there will be time for citizen comment.

APPROVAL OF AGENDA

OATH OF OFFICE – FISCAL OFFICER Judge Donna Carr

FISCAL OFFICER Sharon A. Troike

1. Motion to approve requisitions and regular purchase orders 2020-00355 through 2020-00392 and payments totaling \$206,595.92. **Roll Call.**
2. Motion to approve Regular meeting minutes for January 6, 2020. (Corbett, Goodrich, Nelson)
3. Motion to approve intra-fund transfers in the amount of \$7,000.
4. The January and February 2020 bank statements have been reviewed and are available for public view.
5. The 2019 fiscal year financial reports have been completed and submitted to the Auditor of State and are available for public view at the township offices, Monday through Friday from 8 a.m. to 4 p.m.
6. Correspondence, Board, Commission, and Committee log are available for public view.

DEPARTMENT HEADS AND ADMINISTRATORS

Police Chief Vito F. Sinopoli

Report / Recommendations

1. Motion to enter into an Agreement with the Cuyahoga Valley National Park to provide mutual aid. The coordination of services is outlined in the Agreement and will be effective for a period of five years after the date of final signature. At the conclusion of the five-year term, the Agreement may be extended or renewed by written agreement of both departments.
2. Motion to approve the hire of Austin Klein as a full-time police officer, effective March 22, 2020, at the hourly pay rate of \$23.37 per the FOP Labor Agreement and subject to all rules and regulations of Bath Township with a one-year probationary period.
3. Motion to approve the hire of Stacie Houser as a full-time police officer, effective April 5, 2020, at the hourly pay rate of \$23.37 per the FOP Labor Agreement and subject to all rules and regulations of Bath Township with a one-year probationary period.

OATH OF OFFICE – POLICE OFFICERS

1. Officer Austin Klein
2. Officer Stacie Houser

Fire Chief Robert Campbell

Report / Recommendations

Service Director Caine Collins

Report / Recommendations

1. Resolution No. 2020-05 NOPEC Event Sponsorship Program.
2. Motion to enter into an agreement with Ohio Edison for Street Lighting for The Reserve at North Revere Subdivision.

Park Director/Assistant Service Director Alan Garner

Report / Recommendations

1. Recommendation to advertise and post for Service Department and Parks Seasonal Workers beginning on March 9th, 2020. Applications will be accepted until the positions are filled.
2. Recommendation to accept the 2020 mowing contract with Anderson Lawn Care in the amount of \$58,225.00

Planning Director / Zoning Inspector William Funk

Report / Recommendations

Administrator Vito F. Sinopoli

Report / Recommendations

1. Motion to approve a 5-year Charter Spectrum lease agreement renewal for the period of August 1, 2020 to July 31, 2025 in the amount of \$541.66 per month.
2. Motion to pay Kingdom Title in the amount not to exceed \$148,000.00 for the purchase and closing costs of 1188 Cleveland Massillon Rd.
3. Resolution 2020-06 To Apply for Reworks Community Recycling Access Grant
4. Motion to approve the documents associated with the 260 Springside Drive PACE project, which include: The Petition and Supplemental Plan, Energy Project Cooperative Agreement, Special Assessment Agreement, General Certificate of the Township, Opinion of Counsel of the Township and the Project Fact Sheet.
5. Resolution 2020-07 "Resolution of Necessity"
6. Resolution 2020-08 "Resolution to Proceed"
7. Resolution 2020-09 "Resolution Levying Assessments"

TRUSTEES Elaina Goodrich, James Nelson, and Becky Corbett

1. Motion to approve the Heritage Corridors of Bath five-year update to the Corridor Management Plan (CMP) submitted to the Ohio Department of Transportation (ODOT).

FUTURE TRUSTEE MEETINGS AND EVENTS

Monday, March 9, 2020	Board of Trustees, TMR	7:00 PM
Monday, March 16, 2020	Board of Trustees Work Session, TCR	9:30 AM
Monday, March 16, 2020	Water and Sewer District Board, TCR	6:00 PM
Tuesday, March 17, 2020	Board of Zoning Appeals, TMR	7:00 PM
Monday, March 23, 2020	Board of Trustees Work Session, TCR	9:30 AM
Monday, March 23, 2020	Board of Trustees, TMR	4:00 PM
Monday, April 6, 2020	Board of Trustees Work Session, TCR	9:30 AM
Monday, April 6, 2020	Appearance Review Commission, TMR	5:00 PM
Monday, April 20, 2020	**Board of Trustees, Revere HS	11:20 AM

TCR-Trustees Conference Room (Administrative Offices)

TMR-Trustees Meeting Room, lower level, Bath Center

HBTH-Historic Bath Town Hall

COMMUNITY EVENTS

Thursday, March 19, 2020	State of the Parks, BNP Field Station	7:00 PM
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COMMUNITY EVENTS

Thursday, March 19, 2020	State of the Parks, BNP Field Station	7:00 PM
Tuesday, March 24, 2020	Rumpke Visit	8:00 AM
Saturday, April 25, 2020	Project Pride	TBD
Monday, May 25, 2020	Memorial Day Observance, BMP	12:00 PM
Saturday, June 6, 2020	Bath Art Festival, BCP	10:00 AM

BNP – Bath Nature Preserve
BMP – Bath Memorial Park
BCP – Bath Community Park

CITIZENS' COMMENTS

Citizens must be recognized by the President of the Board of Trustees prior to speaking.

Citizens will identify themselves by name and address.

Citizens' comments will be limited to 5 minutes each.

Citizens' comments must be addressed to the Board.

A citizen is called out of order twice. He or she will then be asked to leave.

COMMITTEE REPORT

ITEMS OF INTEREST

THANK YOU FOR ATTENDING / ADJOURNMENT

Intra Fund Transfer
March 9, 2020

	A	B	C	D	E
1	Meeting	Fund	From	To	Amount
2	March 9, 2020	General	Contingency	Other Services	4,000.00
3		General	Contingency	Other Services	3,000.00
4	TOTAL				\$7,000.00

**BATH TOWNSHIP BOARD OF TRUSTEES
CORRESPONDENCE LOG**

Dates:

DATE	RECEIVED FROM	SUBJECT MATTER	REFERRED TO:
		NONE	

BOARD, COMMISSION, AND COMMITTEE LOG

RECEIVED FROM
Friends of Yellow Creek – November Meeting Minutes

Chief of Police Report March 9, 2020

January and February Trainings

Detectives Gabel, Lance, Lt. Munsey, and Chief Sinopoli – How to Sidestep Trouble and Bias in Trial Investigations January 31, 2020

Officer Young – Combat Marksmanship Skills Workshop February 11-13, 2020

Sgt. Moats – 2020 PELCAA Annual Conference February 13-14, 2020

Officer Reilly – TASER CEW Instructor Certification February 25, 2020

Captain Brown – 2020 ILO Statewide Conference February 26, 2020

Admin. Asst. Bartlett – Management Skills for Secretaries, Support Staff and Administrative Assistants February 27, 2020

Department News: The department welcomes Morgan Tropf, as our newest Intern, from The University of Akron Criminal Forensics class. She will be working under the supervision of Det. Dan Lance for 8 weeks.

The department received a very generous donation from the Walt and Teri Bettinger Foundation in the amount of \$52,000 that will be used for the purchase of Motorola APX6000 portable radios. We are extremely appreciative of their generosity.

Community Engagement and Department Highlights:

January 9, 2020 was National Law Enforcement Day. The administration from Heritage Crossing Assisted Living and Memory Care provided lunch for the PD staff in appreciation.

Primary students [Grade K-2] from Old Trail School came to PD for a tour and provided snack and trail mix for our officers.

Chief Sinopoli made a presentation to the 3rd Grade class from Bath Elementary January 24, 2020.

Several of our officers stopped down to Heritage Crossing Assisted Living and Memory Care to congratulate one of the residents on his 100th birthday.

Officer Wolf continues to follow up on the build dates for the department's new Tahoe and Ford Explorer. The Tahoe has been delivered.

The department proceeded with internal interviews for the full-time police officer position February 28, 2020. The interviewing committee consisted of Captain Brown, Sgt. Borton, Det. Gabel, and Officer VanFossen. Both Officer Houser and Officer Klein are valued department members and we appreciate their commitment to Bath Township. See Recommendations.

January and February Statistics

The month of January was busy with 1045 calls for service. Similarly, the month of February had 1074 calls for service. Of those numbers, Community Policing accounts for over 50% of all calls for both months. There were no charges for burglary, robbery, or sexual assault for either month.

Recommendations

Motion to enter into an Agreement with the Cuyahoga Valley National Park to provide mutual aid. The coordination of services is outlined in the Agreement and will be effective for a period of five years after the date of final signature. At the conclusion of the five-year term, the Agreement may be extended or renewed by written agreement of both departments.

Motion to approve the hire of Austin Klein as a full-time police officer, effective March 22, 2020, at an hourly pay rate of \$23.37 per the FOP Labor Agreement and subject to all rules and regulations of Bath Township with a one-year probationary period.

Motion to approve the hire of Stacie Houser as a full-time police officer, effective April 5, 2020, at an hourly pay rate of \$23.37 per the FOP Labor Agreement and subject to all rules and regulations of Bath Township with a one-year probationary period.

To: Bath Township Trustees
Bath Administrator: Vito Sinopoli

From: Robert Campbell, Fire Chief

Date: March 9, 2020

JANUARY 2020 CALLS

Station #1	Fire-17	EMS -36	Total -53
Station #2	Fire-15	EMS -30	Total -45
Both Stations	Fire-02	EMS -08	Total -10
Totals	Fire-34	EMS -74	Total -108

Mutual Aid Given =11
Mutual Aid Received =2
Automatic Aid Given =3
Automatic Aid Received =0

Yearly Total: 108 Total Calls
FIRE: 34
EMS: 74

Total Transports = 55

JANUARY TRAINING:	HOURS
New Hire Orientation	8
12 Lead Class	9.5
Emergency Medical Services	1
Environmental Emergencies	2
General Fireground Ops	3
Monthly Shift Training	1
TOTAL TRAINING HOURS	24.5

JANUARY INSPECTIONS	HOURS
Plan Review Fire Alarm	1
Re-Inspection	25
Alarm/Sprinkler	44
Fire Protection	2
Observe Fire Drill	2
Observe Lock Down Drill	2
Hazardous Operation	1
Day Care/Pre School Inspection	2
Home Inspection	1
Consultation	4
TOTAL	84

FEBRUARY 2020 CALLS

Station #1	Fire- 35	EMS – 34	Total - 69
Station #2	Fire- 6	EMS - 37	Total - 43
Both Stations	Fire- 4	EMS - 10	Total - 14
Totals	Fire- 45	EMS - 81	Total - 126

Mutual Aid Given=9

Mutual Aid Received=3

Automatic Aid Given=5

Automatic Aid Received=8

Yearly Total: 234 Total Calls

FIRE: 79

EMS: 155

Total Transports = 71

FEBRUARY TRAINING:	HOURS
New Hire Orientation	56
Trauma in General	3.5
General Fireground Operations	5
Firefighter Rescue Operations	1.5
Rope Rescue	5
Ice Rescue	1.5
TOTAL TRAINING HOURS	<hr/> 72.50

FEBRUARY INSPECTIONS:	HOURS
Re-Inspection	9
Restaurant	2
Alarm/Sprinkler	56
Gas Station	1
Fire Protection	3
Fire Alarm System	2
Observe Fire Drill	2
Observe Lock Down Drill	2
TOTAL	<hr/> 77

REPORTS:

Nothing to report at this time.

RECOMMENDATIONS:

No recommendations at this time.

SERVICE DIRECTOR Caine Collins

AGENDA FOR THE 3/9/2020 MEETING

Buildings and Grounds:

Historic Town Hall: No new business to report.
Bath Center Building: No new business to report.
Ira Road Facilities: No new business to report.
Service Building: No new business to report.

Roads Report:

<u>Service Crew Monthly Report for</u>	<u>January</u>	<u>February</u>
Resident Service Requests received:	15	5
Resident Service Requests resolved:	10	6
Township Service Requests received:	4	5
Township Service Requests resolved:	4	5

<u>Snow & Ice Report</u>	<u>January</u>	<u>February</u>
Regular hours spent:	99.5	160.5
O.T. hours spent:	196.5	179.25
Total hours spent:	296	339.75
Approx. Salt tons used:	287	362
Brine gallons used:	1120	1950

Miscellaneous: Vehicle/Plow Truck Maintenance/Repairs; Shop, Buildings, and Grounds Maintenance/Repairs; Cemetery Maintenance and Burial Assistance; Roadway Tree Trimming, Removal, and Clean-Up; Dead Animal Removal from Township Roadways; Inventory Assistance; Salted and Plowed Township Roadways; Snow Removal/Salted Township Parking Lots and Sidewalk; Address Markers Installed; Street Sign and Mailbox Repairs; Pothole Repairs; Ira Road Closet Project and Assistance with the Fuel Pump Station Updates; Cleaned/Sanitized Shop; and Removal of Holiday Decorations.

Training: Ohio Commercial Pesticide Recertification Conference (France, Nash, Obendorfer); Cost Documentation/Damage Assessment Workshop (Collins & Garner); Floodplain Management Workshop (Collins); EMA ICS 300 & 400 Courses (Collins); Summit County Safety Council Ladder Safety Meeting (Nash); and Summit County Safety Council Mental Health First Aid Meeting (Garner).

Cemetery Report:

January: Moore's Chapel Cemetery - 2 Full Burials

February: No Burials to Report.

Recommendations by the Service Director:

1. Resolution No. 2020-05 NOPEC Event Sponsorship Program.
2. Recommendation to enter into an agreement with Ohio Edison for Street Lighting for The Reserve at North Revere Subdivision.

BATH TOWNSHIP BOARD OF TRUSTEES

BE IT HEREBY KNOWN BY ALL THOSE PRESENT THAT ON THE 9th DAY OF MARCH 2020, THE BATH TOWNSHIP BOARD OF TRUSTEES MET IN REGULAR SESSION, COMMENCING AT 7:00 P.M. IN THE BATH TOWNSHIP MEETING ROOM, 3864 WEST BATH ROAD, BATH TOWNSHIP, SUMMIT COUNTY, STATE OF OHIO.

Mrs. Corbett introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2020-05
TO APPLY FOR THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)
EVENT SPONSORSHIP PROGRAM**

WHEREAS, Bath Township of Summit County, Ohio is a member of the Northeast Ohio Public Energy Council and is eligible for a NOPEC Event Sponsorship Program; and,

WHEREAS, the Event Sponsorship Program has funding in the amount of \$750 available to support community events that are free and open to the public; and,

WHEREAS, the Bath Township Board of Trustees desires financial assistance for community events;

NOW THEREFORE BE IT RESOLVED, that the Bath Township Board of Trustees:

1. Approves the filing of an application to the NOPEC Event Sponsorship Program.
2. That Park Director Alan Garner is hereby authorized and directed to execute and file an application and to provide all information and documentation required to become eligible for possible funding assistance.
3. That Bath Township has obligated the funds required to satisfactorily complete the proposed project and become eligible under the terms and conditions of the grant program.

FURTHER, that the Fiscal Officer be directed to use Special Revenue Fund 677 and, if the grant is awarded, to amend the 2020 Certificate of Estimated Resources and the Permanent Appropriations to reflect the new revenue and expenses.

Mrs. Goodrich seconded the Resolution for discussion.

The Fiscal Officer called the Roll:

Mrs. Goodrich, **Aye**
Mr. Nelson, **Aye**
Mrs. Corbett, **Aye**

Resolution Adopted

Sharon A. Troike, Fiscal Officer

James N. Nelson, President
Bath Township Board of Trustees

Becky Corbett, Vice-President
Bath Township Board of Trustees

March 9th, 2020
Date

Elaina E. Goodrich
Bath Township Board of Trustees

This Resolution is a true and correct excerpt from the Minutes of the Board of Township Trustees and is recorded in the Bath Township Board of Trustees' *Record of Proceedings* dated March 9th, 2020.

PARK DIRECTOR/ASSISTANT SERVICE DIRECTOR Alan Garner
AGENDA FOR THE TRUSTEE MEETING 3-9-2020

General Park Information:

I would like to thank the Bath Park Board and the University of Akron Field Station for hosting the 9th annual Chillin' on the Hill on February 9.

Bath Township is hosting an Ohio Boating Education Course on March 26 and April 2 from 6:00pm-10:00pm in the Bath Township Trustee Meeting room. The boating course will be taught by instructors from the Ohio Department of Nature Resources. The boating course is free, but preregistration is required and limited to 30 participants. Please register by calling the Bath Township Park Division at 330-665-6911 if you would like to attend.

Park personnel have been plowing and salting the parks as needed.

Park personnel checked and inspected all trails.

Park personnel performed routine visual inspections on all playgrounds.

Park personnel have been performing vehicle and equipment maintenance.

Bath Baseball Park:

Park personnel trimmed the vegetation along the property line fence and removed several trees that fell during a storm.

Bath Community Park:

Park personnel trimmed the vegetation along the property line fence.

Bath Hill Park:

Park personnel performed general building maintenance to the restroom.

Bath Nature Preserve:

Park personnel have been trimming the vegetation along the trails.

Park personnel have been rehabbing the windows of the Regal Beagle shelter.

The demo and razing of 4230 Ira Rd on the Bath Nature Preserve is complete.

Recommendations:

1. Recommendation to advertise and post for Service Department and Parks Seasonal Workers beginning on March 9th, 2020. Applications will be accepted until the positions are filled.
2. Recommendation to accept the 2020 mowing contract with Anderson Lawn Care in the amount of \$59,425.00



To: Board of Trustees, Fiscal Officer, Administrator, Executive Assistant
From: William Funk Planning Director/Zoning Inspector
Date: March 3, 2020
Re: Zoning Report for the months of January and February

PERMITS

During the months 21 zoning permits were issued in the following categories:

- Fence 7
- Residential Addition 5
- Accessory Structure 4
- Swimming Pool 2
- Sign 1
- Business Use 1
- Subdivision 1

ZONING COMMISSION

The Zoning Commission did not have a work session in January or February.

APPEARANCE REVIEW COMMISSION

The Appearance Review Commission reviewed did not review cases in January or February.

BOARD OF ZONING APPEALS

The Board of Zoning Appeals heard the following cases in January and February:

- BZA 20-01, Tim Ruzic of FMD Architects for Grace Church, approved a conditional use request for a sports complex and multi-purpose rooms for Grace Church at 754 Ghent Rd., located in the R-2 Residential District.
- BZA 20-02, Brian Campbell, approved a variance for a reduction in the setback from the principal building for an accessory structure at 2741 Foxwood Dr., located in the R-3 Residential District.

SOLID WASTE

- New Customers 13
- Canceled Customers 21
- Vacation Customers 76
- Total Customers 3,275 (209 Garage Door Customers)

Bath Township utilizes GPS Insight to track our trash trucks.

Online bill payments for Solid Waste are available through Bath Township's Website on the Solid Waste Page.

Simple Recycling collected 4,410 lbs. of textile recycling products in the month of January.

MISCELLANEOUS

- On February 13th the Annual All Boards Meeting was held for the Township's Zoning Boards at Mustard Seed.

RECOMMENDATIONS

- None

Administrator's Report

Update on the Cleveland Massillon/Ghent Rd. Project:

The Summit County Engineer's Office has confirmed a start date of April 1, 2020 for the reconfiguration of the Cleveland Massillon Ghent Road intersection. As previously reported, the intersection will be redesigned as a "T" shape rather than the current "Y" shape. The project will allow easier access to Interstate 77 and alleviate congestion in the Embassy Parkway area. The project is expected to be complete by July 31, 2020. Detours will be publicized by the township upon receipt of information by the Summit County Engineer.

Recommendations:

1. Motion to approve a 5-year Charter Spectrum lease agreement renewal for the period of August 1, 2020 to July 31, 2025 in the amount of \$541.66 per month.
2. Motion to pay Kingdom Title in the amount not to exceed \$148,000.00 for the purchase and closing costs of 1188 Cleveland Massillon Rd.
3. Motion to approve agreement between Trust for Public Land and Bath Township for the acquisition of the property located at 4400 Everett Rd.
4. Resolution 2020-06 To Apple for Reworks Community Recycling Access Grant
5. Motion to approve the documents associated with the 260 Springside Drive PACE project, which include: The Petition and Supplemental Plan, Energy Project Cooperative Agreement, Special Assessment Agreement, General Certificate of the Township, Opinion of Counsel of the Township and the Project Fact Sheet.
6. Resolution 2020-07 "Resolution of Necessity"
7. Resolution 2020-08 "Resolution to Proceed"
8. Resolution 2020-09 "Resolution Levying Assessments"



LEASE EXTENSION NOTIFICATION

February 20, 2020

Via Email and FedEx

Board of Trustees of Bath Township
3864 West Bath Road
PO Box 1188
Bath, Ohio 44210-1188
Attn: Vito Sinopoli
330-666-4007
Vsinopoli@bathtownship.org

RE Lease between Board of Trustees of Bath Township (“**Landlord**”) and Spectrum Mid-America, LLC, a Delaware limited liability company, formerly known as Time Warner NY Cable LLC, d/b/a Time Warner Cable, successor-in-interest to Adelphia of the Midwest, Inc., d/b/a Adelphia Cable Communications (“**Tenant**”) dated August 1, 2000, as amended by Renewal Letter dated April 30, 2010 and Renewal Letter dated June 19, 2014 (collectively, the “**Lease**”) located at 3840 Bath Road, Bath, Ohio 44210.
(Charter File ID: OH6074)

Dear Mr. Sinopoli,

This letter is to notify Landlord that, pursuant to Section 3 of the Lease, Tenant is hereby exercising its Third of four (4) options to renew the Term of the Lease for five (5) years (the “**First Renewal Term**”). The Third Renewal Term will be on the same terms and conditions existing as of the expiration of the then-current Term, except that pursuant to Section 3 of the Lease, as of August 1, 2020, the Monthly Rent shall be as follows:

PERIOD	MONTHLY RENT
8/1/2020 – 7/31/2025	\$541.66

BATH TOWNSHIP BOARD OF TRUSTEES

BE IT HEREBY KNOWN BY ALL THOSE PRESENT THAT ON THE 9th DAY OF MARCH, 2020 THE BATH TOWNSHIP BOARD OF TRUSTEES MET IN A REGULAR SESSION, COMMENCING AT 7:00 P.M. IN THE TRUSTEES CONFERENCE ROOM AT 3864 W. BATH ROAD, BATH TOWNSHIP, SUMMIT COUNTY, STATE OF OHIO.

Mrs. Goodrich introduced the following resolution and moved its adoption:

BATH TOWNSHIP RESOLUTION 2020-06
TO APPLY FOR THE REWORKS COMMUNITY RECYCLING ACCESS GRANT

WHEREAS, ReWorks has grant monies available through its Community Recycling Access Grant; and,

WHEREAS, the Community Recycling Access Grant has funding available in a reimbursement program for Bath Township; and,

WHEREAS, the grant will reimburse the township for residential recycling projects that increase the diversion of solid waste from landfills; and,

WHEREAS, the Bath Township Board of Trustees desires financial assistance for residential recycling projects;

NOW THEREFORE BE IT RESOLVED, that the Bath Township Board of Trustees:

1. Approves the filing of an application to the Community Recycling Access Grant Program.
2. That Nanci Noonan and/or Beth Reinart are hereby authorized and directed to execute and file an application and to provide all information and documentation required to become eligible for possible funding assistance.
3. That Bath Township has obligated the funds required to satisfactorily complete the proposed project and become eligible under the terms and conditions of the grant program to be reimbursed.

FURTHER, that the Fiscal Officer be directed to use Special Revenue Fund 208 and if the grant is awarded, to amend the 2020 Certificate of Estimated Resources and the Permanent Appropriations to reflect the new revenue and expenses.

Mrs. Corbett seconded the resolution and discussion was held.

The Fiscal Officer called the Roll:

Mrs. Goodrich, **Aye**
Mr. Nelson, **Aye**
Mrs. Corbett, **Aye**

Resolution Adopted

Sharon A. Troike, Fiscal Officer

James N. Nelson, President
Bath Township Board of Trustees

Becky Corbett, Vice-President
Bath Township Board of Trustees

March 9th, 2020
Date

Elaina E. Goodrich
Bath Township Board of Trustees

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Mrs. Corbett introduced the following resolution and moved its adoption:

RESOLUTION 2020-07

APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS, APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE TOWNSHIP IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, 260 Springside Drive, Akron OH LLC (the “Owner”), as the owner of certain real property located within Bath Township, has identified certain real property located at 260 Springside Drive, Akron, Ohio 44333 within (the “Project Site”), as an appropriate property for special energy improvement projects pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Akron, Barberton, Bath Township, Copley Township, Coventry Township, Cuyahoga Falls, Fairlawn, Green, Lakemore, New Franklin, Norton, Richfield, Springfield Township, Tallmadge Energy Special Improvement District d/b/a/ the Akron-Summit County Energy Special Improvement District (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to a resolution adopted by the City of Akron, Ohio (the “Creation Resolution”); and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.02, articles of incorporation (the “Articles of Incorporation”) for a nonprofit corporation, the board of directors of which governs the District, were approved and filed with the Ohio Secretary of State; and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.02, the District’s Akron Energy Special Improvement District Project Plan (as duly amended and supplemented from time to time, the “Plan”) was approved as a plan for public improvements and public services for the District; and

WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and the Articles of Incorporation allow for the addition of real property within any “participating political subdivision” of the District or within any municipal corporation or township which is adjacent to any participating political subdivision of the District to the territory of the District by the approval of the municipal corporation or township in which that real property is located; and

WHEREAS, the Owner has determined to submit to the Board a Petition for Special Assessments for Special Energy Improvement Projects (the “Petition”), together with an Akron-Summit County Energy Special Improvement District Project Plan Supplement to Plan for 260 Springside Drive, Bath Township Ohio, Project (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Board and the Fiscal Officer of Bath Township; and

WHEREAS, the Petition and the Supplemental Plan request that the Project Site be added to the District and that Bath Township levy special assessments on the Project Site to pay the costs

of special energy improvement projects to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the “Project”); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 20 of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, this Board, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Project Site is not required to be owned exclusively by the City for its purposes, for uses determined by this Board, as the legislative authority of the Township as those that will promote the welfare of the people of the Township; to improve the quality of life and the general and economic well-being of the people of Township; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources; and,

WHEREAS, this Board, as mandated by Ohio Revised Code Section 1710.02, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Board has determined to approve the Petition, together with the Supplemental Plan; and

WHEREAS, in the Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,290,387.00, including other related costs of financing the Project, which include, without limitation, the payment of principal of, and interest on, obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by Bath Township, the District, and such other parties as Bath Township may deem necessary or appropriate; and

WHEREAS, it is necessary for the immediate preservation of public peace, property, health and safety that this Resolution take effect at the earliest possible date in order to allow the Owner to begin work on the special energy improvement project on the Property and the District to take advantage of financing available to it for a limited time.

NOW, THEREFORE, BE IT RESOLVED by the Bath Township Board of Trustees:

SECTION 1. This Board approves the Petition and the Supplemental Plan now on file with the Board and the Fiscal Officer.

SECTION 2. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 3. Pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is not required to be owned exclusively by the Township for its purposes, for uses determined by this Board, as the legislative authority of the Township, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the Township; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Board accordingly authorizes the Board of Directors of the District (the “Board of Directors”) to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board of Directors must obtain from any sale, transfer, lease, or conveyance of the special energy

improvement project on the Project Site is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

SECTION 4. This Board declares necessary, and a vital and essential public purpose of Bath Township, to improve the Property, which is located at 260 Springside Drive, Akron, Ohio, within Bath Township by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses; together with all other necessary expenditures, all as more fully described in the Petition and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Bath Township Fiscal Officer and open to the inspection of all persons interested.

SECTION 5. This Board determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by Bath Township and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION 6. The plans and specifications and total cost of the Project now on file in the office of the Bath Township Fiscal Officer are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

SECTION 7. This Board declares that the Project is an essential and vital public, governmental purpose of Bath Township as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of Bath Township, it is necessary and proper to provide, in cooperation with the District, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Petition. This Board determines and declares that the Project is conducive to the public peace, health, safety, and welfare of Bath Township and the inhabitants of Bath Township.

SECTION 8. Pursuant to, and subject to, the provisions of a valid Petition signed by the owners of 100% of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The provisions of the Petition are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The portion of the costs of the Project allocable to Bath Township will be 0%. Bath Township does not intend to issue securities in anticipation of the levy of the Special Assessments.

SECTION 9. The method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Property as set forth in the Petition.

SECTION 10. The lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit "A" to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 11. The Special Assessments shall be levied and paid in 28 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, and the Owner has waived its option to pay the Special Assessment in cash within 30 days after the passage

of the assessing Resolution. The period over which the services and improvements provided pursuant to the Supplemental Plan are useful is determined to exceed 15 years.

The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$1,290,387.00. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by Bath Township. In addition to the Special Assessments, the Summit County Fiscal Officer (the "County Fiscal Officer") may impose a special assessment collection fee with respect to each annual payment, which amount will be added to the Special Assessments by the County Fiscal Officer.

SECTION 12. The Bath Township Fiscal Officer or the Bath Township Fiscal Officer's designee is authorized and directed to prepare and file in the office of the Board the estimated Special Assessments for the cost of the Project in accordance with the method of assessment set forth in the Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 13. That pursuant to the Petition, the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments, as provided in Ohio Revised Code Section 727.13, and Bath Township hereby accepts that waiver.

SECTION 14. The Bath Township Fiscal Officer or the Bath Township Fiscal Officer's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 15. The Special Assessments will be used by Bath Township to provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by Bath Township to the District or to another party Bath Township deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 16. This Board accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710 and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Section 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- (viii) The right to notice of the passage of the Assessing Resolution under Ohio Revised Code Section 727.26.

SECTION 17. Bath Township is authorized to enter into agreements by and among Bath Township, the District, and such other parties as Bath Township may deem necessary or appropriate in order to provide the Authorized Improvements, and that the Board, the Bath Township Administrator, the Bath Township Fiscal Officer, or any of them individually, is authorized to execute, on Bath Township's behalf, such agreements.

SECTION 18. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this legislative resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22

SECTION 18. For the reasons stated in the preambles to this Resolution, this Resolution is declared to be an emergency measure and shall take effect immediately upon its adoption.

Mrs. Goodrich seconded the Resolution for discussion.

The Fiscal Officer called the Roll:

Mr. Nelson, **Aye**
Mrs. Corbett, **Aye**
Mrs. Goodrich, **Aye**

Resolution Adopted

Sharon A. Troike, Fiscal Officer

James N. Nelson, President
Bath Township Board of Trustees

Becky Corbett, Vice-President
Bath Township Board of Trustees

March 9th, 2020
Date

Elaina E. Goodrich
Bath Township Board of Trustees

BATH TOWNSHIP BOARD OF TRUSTEES

BE IT HEREBY KNOWN BY ALL THOSE PRESENT THAT ON THE 9th DAY OF MARCH 2020, THE BATH TOWNSHIP BOARD OF TRUSTEES MET IN REGULAR SESSION, COMMENCING AT 7:00 P.M. IN THE BATH TOWNSHIP MEETING ROOM, 3864 WEST BATH ROAD, BATH TOWNSHIP, SUMMIT COUNTY, STATE OF OHIO.

Mrs. Goodrich introduced the following resolution and moved its adoption:

RESOLUTION 2020-08

DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN BATH TOWNSHIP IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, the Board duly adopted Resolution 2020-07 on March 9, 2020 (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, energy efficient lighting upgrades, an energy efficient HVAC system and controls, controls on fume hoods, and related improvements (the “Project”, as more fully described in the Petition referenced in this Resolution) located on real property owned by 260 Springside Drive, Akron OH LLC (the “Owner”) at 260 Springside Drive, Akron, Ohio within Bath Township (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s Petition for Special Assessments for Special Energy Improvement Projects (the “Petition”) and the Akron-Summit County Energy Special Improvement District Plan Supplement to Plan for 260 Springside Drive, Bath Township, Ohio, Project (the “Plan”) including by levying and collecting special assessments to be assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be in the amount of \$1,290,387.00, and which include other related costs of financing the Project, which include, without limitation, the payment of principal of, and interest on, nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Akron, Barberton, Bath Township, Copley Township, Coventry Township, Cuyahoga Falls, Fairlawn, Green, Lakemore, New Franklin, Norton, Richfield, Springfield Township, Tallmadge Energy Special Improvement District d/b/a Akron-Summit County Energy Special Improvement District (“District”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by Bath Township and the District; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by 100% of the affected property owners and no claims for damages have been filed.

NOW, THEREFORE, BE IT RESOLVED by the Bath Township Board of Trustees:

SECTION 1. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. This Board declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Bath Township Fiscal Officer and the Board.

SECTION 3. The Special Assessments to pay costs of the Project, which are estimated to be in the amount of \$1,290,387.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and

expenses, shall be assessed against the Property in the manner and in the number of annual installments provided in the Petition and the Resolution of Necessity. Each annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the District administrative fee and the trustee fee. The Special Assessments shall be assessed against the Property in tax years 2020 through 2033 for collection in 2021 through 2034. In addition to the Special Assessments, the County Fiscal Officer Summit County, Ohio (the "County Fiscal Officer"), may impose a special assessment collection fee with respect to each annual payment, which amount, if imposed, will be added to the Special Assessments by the County Fiscal Officer.

SECTION 4. The estimated Special Assessments for costs of the Project, which have been prepared and filed in the office of the Board and in the office of the Bath Township Fiscal Officer in accordance with the Resolution of Necessity, are adopted, and that the usefulness of the services and improvements provided pursuant to the Supplemental Plan are determined to exceed 15 years.

SECTION 5. In compliance with Ohio Revised Code Section 319.61, the Township Fiscal Officer is directed to deliver a certified copy of this Resolution to the County Auditor within 15 days after the date of its passage.

SECTION 6. All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 8. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of Bath Township and for the further reason that this Resolution is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time. Therefore, this Resolution shall be in full force and effect immediately upon its adoption and certification.

[Certification Page Immediately Follows]

Mrs. Corbett seconded the Resolution and the Fiscal Officer called the roll:

Mr. Nelson, Aye
Mrs. Goodrich, Aye
Mrs. Corbett, Aye

Resolution Adopted

Sharon A. Troike, Fiscal Officer

James N. Nelson, President
Bath Township Board of Trustees

Becky Corbett, Vice-President
Bath Township Board of Trustees

March 9th, 2020
Date

Elaina E. Goodrich
Bath Township Board of Trustees

CERTIFICATE

The undersigned Fiscal Officer of the Township of Bath, Summit County, Ohio, hereby certifies that the foregoing is a true copy of Resolution 2020-08 duly adopted by the Board of Township Trustees of the Township on March 9, 2020, and that a true copy of the Resolution was certified to the County Fiscal Officer of Summit County, Ohio, within 15 days of the Resolution's adoption as provided in Ohio Revised Code Section 319.61.

Fiscal Officer
Bath Township
Summit County, Ohio

RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, CONSTRUCTION,
AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE TOWNSHIP OF BATH,
SUMMIT COUNTY, OHIO IN COOPERATION WITH
THE AKRON-SUMMIT COUNTY REGIONAL
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Kristen M. Scalise, the duly elected, qualified, and acting Fiscal Officer in and for Summit County, Ohio hereby certify that a certified copy of Resolution 2020-08 duly adopted by the Board of Township Trustees of the Township of Bath, Summit County, Ohio (the "Township") on February 24, 2020, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the Township in cooperation with the Akron-Summit County Regional Energy Special Improvement District, was filed in this office on _____, 2020.

WITNESS my hand at Akron, Ohio on _____, 2020.

Fiscal Officer
Summit County, Ohio

BATH TOWNSHIP BOARD OF TRUSTEES

BE IT HEREBY KNOWN BY ALL THOSE PRESENT THAT ON THE 9th DAY OF MARCH 2020, THE BATH TOWNSHIP BOARD OF TRUSTEES MET IN REGULAR SESSION, COMMENCING AT 7:00 P.M. IN THE BATH TOWNSHIP MEETING ROOM, 3864 WEST BATH ROAD, BATH TOWNSHIP, SUMMIT COUNTY, STATE OF OHIO.

Mrs. Corbett introduced the following resolution and moved its adoption:

RESOLUTION 2020-09

LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN BATH TOWNSHIP IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING A COOPERATIVE AGREEMENT PROVIDING FOR THE FINANCING OF A SPECIAL ENERGY IMPROVEMENT PROJECT IN BATH TOWNSHIP; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT AGREEMENT; AND DECLARING AN EMERGENCY

WHEREAS, this Board duly adopted Resolution 2020-07 on March 9, 2020 (the “Resolution of Necessity”), and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, energy efficient lighting upgrades, an energy efficient HVAC system and controls, controls on fume hoods, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Board of Trustees duly adopted Resolution 2020-07 on March 9 2020 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Board and the Bath Township Fiscal Officer pursuant to the Resolution of Necessity; and

WHEREAS, the Township intends to enter into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the District, 260 Springside Drive, Akron OH LLC (the “Owner”), NextEra Energy Marketing, LLC (the “Investor”), and the Northeast Ohio Public Energy Council (the “Collection Agent”) to provide for, among other things, (i) making of the Project Advance (as that term is defined in the Cooperative Agreement available to the Owner to pay costs of the special energy improvement project and (ii) the transfer of the special assessments levied by this Resolution to the Investor to repay the Project Advance; and

WHEREAS, to provide security for the payment of the special assessments levied by this Resolution, the Township intends to enter into an agreement with the County of Summit, Ohio, the District, the Owner, the Investor, and the Collection Agent (the “Special Assessment Agreement”); and

NOW, THEREFORE, BE IT RESOLVED by the Bath Township Board of Trustees:

SECTION 1. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$1,290,387.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the District or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Board and are now on file in the offices of the Board and the Bath Township Fiscal Officer, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay

administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by Bath Township.

The Special Assessments are assessed against the Property commencing in tax year 2020 for collection in 2021 and continuing through tax year 2033 for collection in 2034. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to the semi-annual amounts of Special Assessments as shown in Exhibit A, attached to and incorporated into this Resolution.

All Special Assessments shall be certified by the Bath Township Fiscal Officer to the Fiscal Officer of Summit County, Ohio (the "County Fiscal Officer"), pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Resolution as Exhibit A.

SECTION 3. This Board finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 4. The Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Bath Township Fiscal Officer to the County Fiscal Officer as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION 5. The Special Assessments will be used by Bath Township to provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by Bath Township to the District or to another party Bath Township deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6. The Bath Township Fiscal Officer shall keep the Special Assessments on file in the Office of the Bath Township Fiscal Officer.

SECTION 7. In compliance with Ohio Revised Code Section 319.61, the Bath Township Fiscal Officer is directed to deliver a certified copy of this Resolution to the County Fiscal Officer within 20 days after its passage.

SECTION 8. This Board hereby approves the Cooperative Agreement, a copy of which is on file in the office of the Board. The members of this Board, the Township Administrator, the Township Fiscal Officer, or any of them, shall sign and deliver, in the name and on behalf of the Township, the Cooperative Agreement, in substantially the form as is now on file with the Board. The Cooperative Agreement is approved, together with any changes or amendments (including the addition or subtraction of any parties) that are not inconsistent with this Resolution and not substantially adverse to the Township and that are approved by the members of this Board, the Township Administrator, the Township Fiscal Officer, or any of them, on behalf of the Township, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments thereto.

SECTION 9. This Board hereby approves the Special Assessment Agreement a copy of which is on file in the office of the Board. The members of this Board, the Township Administrator, the Township Fiscal Officer, or any of them shall sign and deliver, in the name and on behalf of the Township, the Special Assessment Agreement, in substantially the form as is now on file with the Board. The Special Assessment Agreement is approved, together with any changes or amendments (including the addition or subtraction of any parties) that are not inconsistent with this Resolution and not substantially adverse to the Township and that are approved by the members of this Board, the Township Administrator, the Township Fiscal Officer, or any of them on behalf of the Township, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments thereto. The Township is authorized to enter into

such other agreements that are not inconsistent with this Resolution and that are approved by the members of this Board, the Township Administrator, the Township Fiscal Officer, or any of them on behalf of the Township, all of which shall be conclusively evidenced by the signing of such agreements or any amendments thereto.

SECTION 10. It is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 11. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of Bath Township and for the further reason that this Resolution is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time. Therefore, this Resolution shall be in full force and effect immediately upon its adoption and certification.

[Certification Page Immediately Follows]

Mrs. Goodrich seconded the Resolution and the Fiscal Officer called the roll:

Mr. Nelson, Aye
Mrs. Corbett, Aye
Mrs. Goodrich, Aye

Resolution Adopted

Sharon A. Troike, Fiscal Officer

James N. Nelson, President
Bath Township Board of Trustees

Becky Corbett, Vice-President
Bath Township Board of Trustees

March 9th, 2020
Date

Elaina E. Goodrich
Bath Township Board of Trustees

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
260 Springside Drive, Akron OH LLC	Summit Co. Parcel No.: 05-00746	100%	\$1,290,387.00

SCHEDULE OF SPECIAL ASSESSMENTS
FOR SUMMIT COUNTY PARCEL NOS.:

05-00746*

The following schedule of Special Assessment charges shall be certified for collection in 28 semi-annual installments to be collected with real property taxes in calendar years 2021 through 2034:

Special Assessment Payment Date**	Special Assessment Installment Amount***
January 31, 2021	\$46,085.25
July 31, 2021	46,085.25
January 31, 2022	46,085.25
July 31, 2022	46,085.25
January 31, 2023	46,085.25
July 31, 2023	46,085.25
January 31, 2024	46,085.25
July 31, 2024	46,085.25
January 31, 2025	46,085.25
July 31, 2025	46,085.25
January 31, 2026	46,085.25
July 31, 2026	46,085.25
January 31, 2027	46,085.25
July 31, 2027	46,085.25
January 31, 2028	46,085.25
July 31, 2028	46,085.25
January 31, 2029	46,085.25
July 31, 2029	46,085.25
January 31, 2030	46,085.25
July 31, 2030	46,085.25
January 31, 2031	46,085.25
July 31, 2031	46,085.25
January 31, 2032	46,085.25
July 31, 2032	46,085.25
January 31, 2033	46,085.25
July 31, 2033	46,085.25
January 31, 2034	46,085.25
July 31, 2034	46,085.25

* As identified in the records of the County Fiscal Officer of Summit County, Ohio, as of October 3, 2019.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Fiscal Officer of Summit County, Ohio, under certain conditions.

*** The County Fiscal Officer of Summit County, Ohio, may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Summit County, Ohio, to each semi-annual Special Assessment payment.

CERTIFICATE

The undersigned Fiscal Officer of the Township of Bath, Summit County, Ohio, hereby certifies that the foregoing is a true copy of Resolution 2020-09 duly adopted by the Board of Township Trustees of the Township on March, 2020 and that a true copy of the Resolution, together with the Schedule of Special Assessments attached to the Resolution, was certified to the Fiscal Officer of Summit County, Ohio, within 20 days of the Resolution's adoption as provided in Ohio Revised Code Section 319.61.

Fiscal Officer
Bath Township
Summit County, Ohio

RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS
IN THE TOWNSHIP OF BATH, SUMMIT COUNTY, OHIO
IN COOPERATION WITH THE AKRON-SUMMIT COUNTY
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Kristen M. Scalise, the duly elected, qualified, and acting Fiscal Officer in and for Summit County, Ohio hereby certify that a certified copy of Resolution 2020-09 duly adopted by the Board of Township Trustees of the Township of Bath, Summit County, Ohio (the “Township”) on February 24, 2020, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the Township in cooperation with the Akron-Summit County Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in 28 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2021 through 2034, was filed in this office on _____, 2020.

WITNESS my hand at Akron, Ohio on _____, 2020.

Fiscal Officer
Summit County, Ohio

PROJECT FACT SHEET
260 Springside Drive, Akron, Ohio
(Bath Township, Ohio Project)

BUILDING:

Renovation of a 83,891 sq. ft. commercial office building
Parcel ID: 05-00746
Owner: 260 Springside Drive, Akron OH LLC

PROPOSED IMPROVEMENTS:

Energy efficient lighting upgrades, an energy efficient HVAC system and controls, and controls on fume hoods.

SAVINGS INFORMATION:

[See Attached]

COSTS:

Total costs of improvements: \$946,000.00
Total financed costs: \$1,000,000.00

FINANCING TERMS:

Term: 15.14 years
Amortization term: 14 years
Average semi-annual special assessment: \$46,085.25
Interest Rate: 3.50%

Number of installments: 28
Capital Provider: NextEra Energy Marketing, LLC
Collection Agent: Northeast Ohio Public Energy Council



Energy Conservation & Facility Improvement Measures Financial Analysis		Effective Useful Life (EUL)	"Howden"	Eastman	Contract		Measure Investment		Annual Savings					
					PS	OW	GMP (w/o rebate)	Utility Rebate	kWh/year	mmbtu/year	cfm	Utility	O&M	Total
1a	LED Lighting: "Howden" Tube Retrofit	18	●	○	✓	✗	\$ 41,386	\$ 3,948	82,391	0	-	\$ 6,399	\$ 1,920	\$ 8,319
1b	LED Lighting: Eastman Tube Retrofit	18	○	●	✓	✗	\$ 91,904	\$ 6,111	132,482	0	-	\$ 10,289	\$ 3,087	\$ 13,376
3a	HVAC and Controls Systems Upgrades	25	○	●	✓	✗	\$ 309,423	\$ -	96,253	-129	-	\$ 6,468	\$ 1,940	\$ 8,409
3b	Fume Hood Controls	25	○	●	✓	✗	\$ 393,455	\$ -	0	0	9,226	\$ 46,130	\$ -	\$ 46,130
4a	Phase 2 HVAC Upgrade	25	○	●	✗	✓	\$ 145,000	\$ -	28,915	1,978	-	\$ 17,682	\$ 5,305	\$ 22,987