

BRIMFIELD TOWNSHIP BOARD OF TRUSTEES  
BUDGET MEETING  
BRIMFIELD TOWN HALL

The Brimfield Township Board of Trustees held a 2007 budget meeting on Friday, January 12, 2007 at the Brimfield Town Hall. Chairman Mike Kostensky called the meeting to order at 8:00 A.M. with all members present.

The Board of Trustees discussed with Department heads their department's plans and projected costs for the year 2007. The Trustees also announced their 2007 projected projects and costs.

RESOLUTION #2007-028

Re: Amendment to tower lease agreement

WHEREAS: The following amendment to the tower lease agreement between Powerfone, Inc. and the Brimfield Township Board of Trustees, initially executed on March 21, 1995 has been submitted for review:

This Amendment to the Standard Lease Agreement (Amendment) hereby Amends the Standard Lease Agreement executed between Powerfone, Inc. (Lessee) and the Brimfield Township Board of Trustees (Lessor) that was initially executed on March 21, 1995.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged the parties hereto agree to the following amendment to the Standard Lease Agreement, which is marked as Exhibit A and attached to this Amendment.

1. Amendment to Section 5 Rent

(a) On the first day of each month Lessee shall pay to Lessor as rent ONE THOUSAND TWO HUNDRED and 00/100 DOLLARS (\$1,200.00) per month (RENT). Rent for any fractional month at the beginning or end of the Term or Renewal Term shall be prorated. Rent shall be payable to Lessor at 1333 Tallmadge Road, Attention Brimfield Township Trustees.

(b) If this Agreement is terminated prior to expiration, Rent shall be prorated as of the date of termination.

© On each anniversary of the Lease Commencement Date Lessee shall pay then current Rent, increased by a percentage increase which occurred in the consumer price index ("CPI") for "All items-All Urban Consumers" for the Cleveland Metropolitan Statistical Area during the proceeding year period. However, such increase shall not exceed five percent (5%) of the Rent in effect for the previous year.

(d) Lessee also agrees to pay to the Lessor a fee of FIVE THOUSANT and 00/100 DOLLARS (\$5,000.00) for every additional telecommunications provider being added or collocated on the existing telecommunications facility and tower. This shall be a one time fee for collocation. Lessee also agrees to apply for a

zoning certificate and pay any zoning certificate fees as provided for by Brimfield Township.

Any and all other terms, sections and provisions found within the Standard Lease Agreement attached as Exhibit "A" shall remain in effect, unless otherwise amended by express written instrument.

Therefore, be it

RESOLVED: That the Brimfield Township Board of Trustees shall accept the above amendment to the lease agreement between Powerfone, Inc. and the Brimfield Township Board of Trustees.

C. Daniel Tronge moved for adoption of the above resolution this 12<sup>th</sup> day of January 2007. Motion seconded by Sue Fields. Upon a roll call vote:

Mike Kostensky – yea  
Sue Fields – yea

C. Daniel Tronge – yea  
Motion passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved, at 10:10 A.M., to adjourn, seconded by C. Daniel Tronge and passed unanimously

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Mike Kostensky, Trustee

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C. Daniel Tronge, Trustee

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Sue Fields, Trustee

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John Dalziel, Fiscal Officer