



Trustees

Mike Dattilo
Rod Myers
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Fiscal Officer

Melody George
Township Administrator
Tyler Lane 740-965-2992

RE: Consent Decree Consideration

DATE: April 15, 2024

On April 8th, the Board of Trustees voted to affirm settlement language in the federal district court case, *Plumb Creek LLC, et al. v. Berkshire Township, Ohio*. The lawsuit was initiated in response to a referendum in which residents voted to overturn a zoning change to property on Plumb Road abutting the West side of US. 71. The Ohio Revised Code allows developers to sue local governments after referendums. The Trustees are now holding a meeting to receive public input concerning the proposed settlement on April 29th.

The proposed settlement increases the quality of the development from what was originally approved by the Township, by requiring larger house sizes, sturdier house siding, dimensional shingles, and installing front, side, and rear yards with sod, instead of seed. The Township is considering settling the matter.

The reason for this consideration is due to the considerable cost that litigation would cause the Township, the ability for the Township to exercise control of the outcome, and the risks associated with allowing the Court to decide the case, potentially resulting in the development still occurring, but also costing upwards of hundreds of thousands of taxpayer dollars in the process.

The Township is encouraging all those looking for additional information and/or wishing to voice their support or concern with the proposed settlement to attend the April 29th Meeting. This meeting will begin at 6:00PM at the Township Hall. The meeting will be streamed and those who cannot attend can have their opinions shared with the trustees by emailing tlane@berkshiretwp.org or mailing a letter to the Township Hall. All opinions received by April 29th at 12:00PM will be included in the meeting minutes and given to the Trustees for consideration.