



**Berkshire Township Trustees
Special Meeting Minutes
April 29, 2024**

Mike Dattilo called the meeting to Order at 6:00PM

Determination of a Quorum/Roll call: Trustees Mike Dattilo, Rod Myers, and Paul Disantis in attendance; Also, present were Tyler Lane, Township Administrator, and David Weade, Zoning Inspector, and Doug Holthus, legal counsel.

Pledge of Allegiance

The next Trustee Meeting: May 13, 2024, at 1454 Rome Corners Road at 7:00 p.m.

Announcements:

New Business: To Consider a Consent Decree for the court case of Plumb Creek et al. v. Berkshire Township

Discussion: **Tyler Lane, Administrator** – Discussed that the reason for the meeting is a lawsuit filed against the referendum, denying a zoning change to the property in question and that the Township is considering is considering settling the lawsuit.

Doug Holthus, Legal Counsel- reiterated the risks of the lawsuit.

Public participation:

Eight members of the public expressed their objections to the proposed settlement and posed questions to the Trustees. Concerns included road use, cost on schools, traffic, wanting to keep a more rural feel, and feeling like the referendum was a waste of time.

The public posed the following questions: Was there discussion concerning changing the footprint of the proposed community, relying on zoning in FR-1 or for increasing lot size? How does this question go back to the trustees after a referendum? Will there be a decision tonight? Why is the Township not backing those who initiated and voted for the referendum? Will the civil rights of adjacent property owners be protected? Is there a way to defer the cost of defending the lawsuit to make the payments more manageable? Does insurance pay for the lawsuit?

Trustee Comment:

The trustees made comments agreeing that the referendum process is flawed and that it is unfortunate that the law allows lawsuits like this to occur. Trustees Dattilo and Myers mentioned how they both have resided in the community for years and that the Township is doing all that it can to preserve open areas, but the Township must contend with the

threat of annexation. The Trustees made further comments that the reason for wanting to vote for the settlement is to not spend additional money for nothing – there is a high likelihood that the township spends hundreds of thousands of dollars and still loses the lawsuit. Insurance will pay for our own legal defense, but will not pay for additional damages, such as opposing legal fees and punitive damages, which would be the bulk of the cost of the lawsuit.

Mike Dattilo made a **Motion** to approve **Resolution 2024-04-R6** authorizing the Township to enter into the Consent Decree as presented with Plumb Creek, LLC, Highland Realty Development, LLC, and Berkshire Investments, LLC.

Rod Myers seconded. Motion approved 3-0.

Adjournment:

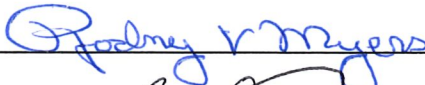
Mike Dattilo made a motion to adjourn at 6:36pm


Rod Myers seconded. Motion approved 3-0.




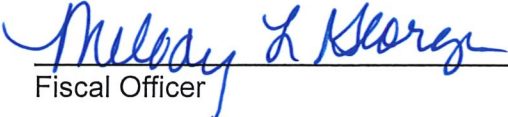
Meeting Secretary Signature

5/13/24







Berkshire Township Trustee Approvals


Fiscal Officer