

**RECORD OF PROCEEDINGS**  
**Minutes of the Trustees of Sycamore Township Meeting**  
**Sycamore Township, Hamilton County, Ohio**  
**June 2, 2020**

**NOTE:** Due to the COVID-19 pandemic and social distancing recommendations from Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, this meeting was held via remote video with all participants joining in by videoconference. Video of the meeting was live streamed to the public on the internet. To ensure compliance with HB 197, the Township provided public notice in advance of the meeting, along with links to the meeting agenda and to where the public could watch it.

**Approval of Electronic Signatures**

Mr. LaBarbara asked Trustees James and Weidman, Fiscal Officer Porter and Law Director Desai if they give permission for electronic signatures. All answered yes. Mr. LaBarbara then gave his permission for his signature to be added electronically to any documents approved at the meeting.

The meeting was called to order at 9:02 a.m. Present for the meeting were Chairman LaBarbara, Vice Chairman James, Trustee Weidman, Fiscal Officer Porter, Law Director Desai, Administrator Warrick, Superintendent/Assistant Administrator Kellums, Planning & Zoning Administrator Miller, and Assistant Fire Chief Cooper. Fire Chief Penny and Lt. Smith from the Hamilton County Sheriff's Office were absent.

**Approval of May 19, 2020 Trustees Workshop Meeting Minutes**

The May 19, 2020 Trustee Workshop Meeting Minutes were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. Weidman, to accept them. Mr. Porter called roll. Vote: All Aye.

**EMS AND FIRE ITEMS**

**COVID-19 Update**

Assistant Chief Cooper reported there are 24 active Coronavirus cases and 16 expired cases for a total of 40 cases reported in the Township. He said this information is provided by the Hamilton County Communications Center which receives notification from Hamilton County Public Health.

Assistant Chief Cooper stated the Fire Department has been operating under some restrictions and is in the process of loosening up a little bit. He said the goal is to get back to some normalcy while still following safety protocols. He noted the respirator masks discussed at a previous meeting would be picked up from Hamilton County Emergency Management Agency the following day.

Mr. James asked if Hamilton County gave demographic information on people in the Township with Covid-19 and if there had been any deaths in the Township.

Assistant Chief Cooper stated the only information provided is the name and address noting the address does tell them if the infected individual is a nursing home resident. He said he does not know if there have been any deaths in the Township due to the virus and he hopes not.

**ROADS, MAINTENANCE & RECREATION ITEMS**

**Demolition and Asbestos Abatement:**

4316 Sycamore Road  
8622 & 8624 Plainfield Road

Mr. Kellums reported on a couple proposals for asbestos abatement for 4316 Sycamore Road and 8622 Plainfield Road. He said these are all houses adjacent to Bechtold Park. Mr. Kellums said he would like to get this demolition project moving; therefore, he had a resolution prepared for the Board's consideration.

"A Resolution Authorizing a Contract for Asbestos Abatement in Buildings to be Demolished on Township Owned Properties Located at 4316 Sycamore Road and 8622 Plainfield Road Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-40 passed this 2<sup>nd</sup> day of June, 2020.

"A Resolution Authorizing a Contract for the Demolition of a Building on Township Owned Property Located at 4316 Sycamore Road Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-41 passed this 2<sup>nd</sup> day of June, 2020.

"A Resolution Authorizing a Contract for the Demolition of a Building on Township Owned Property Located at 8622 Plainfield Road Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-42 passed this 2<sup>nd</sup> day of June, 2020.

"A Resolution Authorizing a Contract for the Demolition of a Building on Township Owned Property Located at 8624 Plainfield Road Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-43 passed this 2<sup>nd</sup> day of June, 2020.

Mr. Kellums reported ball fields opened the day before and are filling up fast. He said he has questions for the Board about rentals noting the Ohio Department of Health Director's orders did not really address shelter rentals and Township shelter rentals are still closed. Mr. Kellums said restrooms have been opened and are being cleaned every day. He stated a resident called asking to reserve a Bechtold Park shelter for a wedding, noting the State has said weddings are permitted. He asked for direction from the Board as to whether to allow the rental.

There was discussion about shelter rentals with Mr. Weidman noting the shelters are outside so there is less risk.

Mr. LaBarbara suggested opening rentals for park shelters and keeping the Community Room closed.

Mr. James commented the order is unclear and directed Mr. Warrick to seek an opinion from Hamilton County Health Commissioner Greg Kesterman.

Mr. Warrick stated he thinks Mr. Kesterman's answer would be no.

Mr. Desai agreed the order is ambiguous and that the Health Department is the ultimate authority. However, he said the Board of Trustees could make their own decision based on their interpretation of the order since the shelter rentals would be for outdoor gatherings. He stated the issue is indoor gatherings of more than ten people.

There was discussion about whether the ten-person limit applies to outdoor gatherings and inconsistencies in the order as pools and sports fields are open, but playgrounds are still closed.

The Board agreed to open shelter rentals as long as the renters comply with public health orders and it was decided Mr. Warrick could make decisions on that process.

Mr. Weidman asked if there could be any liability for the Township if someone who attended a gathering at one of the Township's park shelters were to get COVID-19.

Mr. Desai said he will investigate that.

Mr. Kellums reported asbestos abatement has been scheduled for the condemned building at 6330 Kugler Mill Road and as soon as that is done the Township will move forward with demolition.

Mr. James inquired about the plan for the land around Bechtold Park once the buildings are demolished on Sycamore and Plainfield Roads.

Mr. Kellums answered there is no master plan yet, the land will become an extension of green space for Bechtold Park. He said there was a master plan at one point but that included Brookside Swim Club and another property which still has a house on it.

Mr. James stated the Park Committee should develop a master plan.

### **PLANNING AND ZONING ITEMS**

#### **Master Plan for Montgomery Road Properties**

Mr. Miller reported on the master plan for Township owned properties on Montgomery Road trying to navigate the best planned process forward for the disposition of these properties. He said he reached out to three firms for site studies and would like to retain services to facilitate focus groups, compile information, and supply the Township with a master due diligence report for the site to help us determine the best use for the site.

Mr. Weidman asked how we are incorporating access management into those studies.

Mr. Miller answered it will be incorporated from the very beginning.

Mr. Miller stated, after reviewing the proposals, his recommendation is to move forward with Stewart Land Use in partnership with Kleingers and Market Metric\$ for projections of future needs and to make an unbiased determination of what mix of uses would be best for the site. Mr. Miller requested a motion to proceed with drafting a resolution to authorize a contract.

Mr. LaBarbara requested the cost and Mr. Warrick noted there were three bids submitted and, at \$25,000.00, this was the lowest. He said the other bids were \$75,000.00 and \$50,000.00.

Mr. Weidman made a motion to prepare a resolution to enter into an agreement with Stewart Land Use. Mr. LaBarbara seconded.

Mr. James commented it is an excellent idea to analyze this premier spot in the county to determine its best use and involve resident, business, and stake holder input.

Mr. Porter called roll. Vote: All Aye.

#### **Appointments for Board of Zoning Appeals**

Mr. Miller reported Julie Glassmeyer had resigned previously from the Board of Zoning Appeals and Mr. Scheve recently resigned also. He said he has received five letters of interest when he solicited applicants for the alternate position.

Mr. Weidman asked who the alternate was.

Mr. Miller answered Ms. Glassmeyer was the alternate, therefore, there is not currently an alternate to move up to fill Mr. Scheve's position.

Mr. Miller reported on the applications received for the Board of Zoning Appeals openings noting he has worked with two of the applicants on the Land Use Steering Committee. He recommended Mr. George Ten Eyck and Ms. Tracy Hughes and said he would like input from the Trustees about which of those two applicants should fill each vacant position.

There was discussion about the two candidates.

Mr. Weidman raised a concern saying former Law Director Doug Miller had recommended we should not have zoning board members on the Land Use Steering Committee.

Mr. Miller said he was not aware of that legal opinion noting other communities often have zoning board members on land use committees. He pointed out the Land Use Steering Committee should be finished soon, therefore, opportunity for conflict would be minimum.

Mr. Weidman made a motion to appoint George Ten Eyck to fill Mr. Scheve's vacant seat and Tracy Hughes to fill Ms. Glassmeyer's vacated alternate position on the Board of Zoning Appeals. Mr. James seconded. Mr. Porter called roll. Vote: All Aye.

Mr. LaBarbara stated he worked with Tom Scheve for six and a half years on the Board of Zoning Appeals and thanked him for his service.

Mr. James said it is unfortunate to see Mr. Scheve and Ms. Glassmeyer go but it is also good to have new people on the board. Mr. James thanked Mr. Miller for providing the Board with a memo noting his thoughts on these agenda items prior to the meeting.

Mr. Miller reported there is a property on Quailhollow Drive with an open permit for construction of a new house in which the foundation was excavated with no forms up and has remained in that condition for at least six months. He stated there is now significant erosion and possible negative impacts to the next-door neighbor's foundation. He said he would like to talk to Mr. Desai about it noting the Township may need a resolution approved by the Board of Trustees to abate this site. Mr. Miller pointed out the property's condition is a danger to neighborhood children and a potential mosquito problem.

There was discussion about this property, the Township's attempts to have the owner remedy the issue and the condition of fencing around the excavated area.

Mr. Miller showed photos of the property showing the excavated hole full of water. He noted neighbors would like to come to the Thursday night Trustees meeting to bring concerns to the Board.

#### **LAW DIRECTOR ITEMS**

Mr. Desai stated he had no report.

#### **ADMINISTRATOR ITEMS**

##### **Finance Committee**

Mr. Warrick stated he had received about eight or nine resumes and he spoke to all of them at least by phone. He said all the applicants seemed qualified, and a couple of them opted out. He said they are all solid

accounting/finance people who would approach this in a thoughtful manner. Mr. Warrick noted he had a resolution drafted approving committee members and including a draft of by laws.

Mr. Weidman asked if Mr. Warrick had let Mr. Porter interview people.

Mr. Warrick answered when he spoke to Mr. Porter about that Mr. Porter had responded the process was moving too fast.

Mr. Porter raised concerns about how this came about noting a resident, who was his defeated opposition in the November election, wrote in suggesting the creation of a finance committee. Mr. Warrick read that suggestion at a previous meeting and then Mr. LaBarbara made a motion to create the committee even though it was not on the meeting agenda. He pointed out at the following meeting, which was held remotely via Zoom, he had technical difficulties and was unable to provide comment on the subject. He said he appreciates Mr. James tapping the breaks a little bit so he could provide comment now.

Mr. Porter stated he had submitted a public record request and found that a couple residents had requested an audit committee. He pointed out only the Ohio Auditor of State or a CPA firm appointed by the State may conduct audits of the Township's finances. He said he confirmed this with the State Auditor. Mr. Porter reported the CPA firm Bastin & Company LLC will conduct an audit of the Township's finances in July, noting he welcomes the audit and will cooperate fully. Mr. Porter said he is against residents' suggestion for a citizen audit committee noting he spoke to Marisa Myers at the Ohio Township Association and she had never heard of such a thing. Mr. Porter said he spoke to the Administrator at Symmes Township who said that a finance committee was established there in 1994 to garner support for a levy. He said it is the Trustees who make the decision about spending and he has no objection to a citizen advisory committee.

Mr. Porter added the resolution Mr. Warrick put together has not had much substantive discussion. He expressed concerns about Mr. Warrick moving forward with interviews before he had the opportunity to comment and before the purpose of the committee had been established. He noted it is interesting the Administrator has put himself on the committee although he is non-resident, non-elected bureaucrat. Mr. Porter concluded citizens should advise the Trustees about how they want to raise and spend money.

Mr. Weidman stated he is not opposed to a citizen finance committee but feels uncomfortable moving forward without Mr. Porter weighing in and without allowing sufficient time to advertise for applicants.

Mr. Porter stated he would be glad to be involved in interviewing applicants and suggested the Trustees should interview citizens, not the Administrator, since they would be the people receiving the committee's advice.

Mr. LaBarbara said Mr. Porter had an opportunity to discuss this and he did not. He said it is an extremely impressive board noting the applicants' biographies were sent to everyone. Mr. LaBarbara then read an email Mr. Porter had sent to the Trustees after the last meeting suggesting Mr. Warrick was interfering with his office and saying there is a lack of transparency and a political agenda. He then read a second email from Mr. Porter stating that Mr. Warrick made statements at a previous meeting which were irresponsible and undermine the confidence of Sycamore Township taxpayers. Mr. LaBarbara told Mr. Porter his office is not its own entity.

Mr. Porter said he stands by his emails noting when anyone says the Township is \$10.5 million in the hole that is not true and a very dangerous thing to say in public meeting.

Mr. LaBarbara stated he believes Mr. Porter misheard what was said and noted Ms. Campbell works for the Township not Mr. Porter. He went on to say the Township is not run like a business and must be transparent, and the budget is the key to running the Township. Mr. LaBarbara then said he does not understand why Mr. Porter is afraid and what he is trying to hide.

Mr. Porter stated I am not trying to hide anything.

Mr. LaBarbara continued to discuss the reasons he thinks the citizen finance committee is a good idea.

Mr. Weidman stated he is not opposed to a citizen finance committee, there just needs to be more discussion and recruitment of additional people noting for this to be done in three weeks without the Board discussing the purpose of the committee is a little too fast. He suggested the Board create an objective and then move forward, taking the time to advertise for additional applicants. He said to railroad this in three weeks does not optimize what we are trying to achieve.

Mr. James stated this has been a priority of his since he ran for office. He said exactly what the committee will be can evolve, noting it is not to look over Mr. Porter's shoulder, but rather to advise the Trustees.

Mr. James stated the Fiscal Officer, Trustees and Administrator all have statutory core duties and the Trustees could use advice on setting the budget. He used Resolution 2019-143 as an example saying it allowed \$5.8 million to be added to the budget which should have been budgeted up front. He stated Mr. Warrick did not say there was a \$10 million deficit that was maybe misunderstood. Mr. James pointed out we are a wealthy township, we could potentially cut taxes, and we need citizens to look at that. He stated this will be an advisory panel not an audit and said the members are highly qualified and he would like to move forward. Mr. James stated the committee's meetings will be public, and Mr. Porter could attend even though he is not a member. He concluded it sounds like everyone thinks it is a good idea to establish the committee and the Board should move ahead because budget time is approaching. He noted the Board can always revisit choices later.

Mr. LaBarbara agreed and said the topic does not warrant further comment.

Mr. Porter asked why Mr. Warrick was a voting member of the committee.

Mr. Desai pointed out the by-laws state he would not be a voting member.

Mr. LaBarbara asked Mr. Porter to call roll.

It was noted there had not been a motion yet.

"A Resolution Establishing a Citizen Finance Committee to Analyze Expenditures and Revenue of the Township, Dispensing with the Second Reading and Declaring an Emergency" was presented by Mr. Warrick. A motion was made by Mr. James, seconded by Mr. Weidman, to approve the resolution. and dispense with the second reading.

Mr. James asked if Mr. Porter's concerns had been addressed.

There was discussion about the by-laws and the fact that there is only one committee member from the northern section of the Township and no representation for the Dillonvale area.

Mr. Weidman stated he thinks it would be good to have representation from other areas and that it might make sense to advertise again and try to get more applicants. He stated he is not opposed to setting up the committee but representation from Dillonvale is needed.

Mr. James said this is not set in stone and the Township could continue advertising for applicants.

Mr. Weidman stated it puts the Board in a bad position if we do not have Dillonvale represented noting that area is more than a third of the Township's population.

Mr. James agreed but said he wants to move forward now. He then appealed to anyone from Dillonvale watching the meeting to apply.

Mr. LaBarbara agreed noting the applicants chosen are the cream of the crop and this does not warrant any more discussion.

Mr. Porter called the roll. Vote: Mr. James: Aye; Mr. LaBarbara: Aye; Mr. Weidman: No  
Resolution No. 2020-44 passed this 2<sup>nd</sup> day of June, 2020.

Mr. LaBarbara asked Mr. Weidman why he voted no.

Mr. Weidman answered it is difficult to get the word out in three weeks that an advisory committee is being formed; it is not enough time. He said he would also like representation from other areas of the Township.

Mr. James encouraged Mr. Weidman and Mr. Kellums to reach out to people to apply to be committee members.

### **Fireworks**

Mr. Warrick reported private citizen Standish Fortin would like to rent McDaniel Park to have a firework display on the 4<sup>th</sup> of July. He said while he appreciates the spirit behind this, he has grave concerns. He noted we do not know who is going to show up, which makes him nervous, and noted our insurance company has come back with questions and comments. He reported Mr. Fortin would like to come to the Thursday Trustees meeting with Joe Rozzi, of Rozzi Fireworks, to discuss the idea with the Board.

Mr. Weidman asked the cost to rent McDaniel Park.

Mr. Warrick stated he consulted Jason Petty and it would be \$825.00.

Mr. Weidman asked if this would damage playing fields.

Mr. Warrick answered no saying Rozzi will fire off a platform so there should not be any damage to fields.

Mr. Weidman stated, while this is a nice idea, most communities have cancelled fireworks displays this year due to the public health crisis. He said there are a lot of loose ends in that regard and he is hesitant to support something this year.

Mr. James said he really appreciates the sentiment but there are all kinds of impediments that render it impractical. He said this would be just about the only fireworks show in town and there is no parking capacity for the crowd likely to show up. He noted Madeira cancelled theirs because of concern the event would be overwhelmed by crowds. He said Mr. Fortin provided a detailed plan, but the State of Ohio is not allowing gatherings and insurance has expressed concern. Mr. James said this is a great citizen initiative, but he is not sure it is practical this year.

Mr. LaBarbara said he agrees with Mr. James and Mr. Weidman. He raised concerns about crowd control saying usually events like this are planned well in advance and he has serious doubts that we should back this.

Mr. Warrick asked Mr. Desai if this could be an administrative decision.

Mr. Desai answered it is not a routine use of parks and would require Board approval.

There was continued discussion about issues surrounding the proposed fireworks display and whether the Board should hear Mr. Fortin's presentation at the next meeting.

Mr. James stated Mr. Fortin may make his presentation Thursday night and then the Trustees can decide.

Mr. Warrick said he had two written comments from residents.

Mr. Warrick read a communication from Gloria D'Andrea asking about the progress of the relocation of the Revolutionary War Patriots' gravestones from the Rose Hill Cemetery in Anderson Township to the Sycamore Township Memorial Cemetery.

Mr. Warrick said Mr. Kellums is coordinating this with Anderson Township.

Mr. Kellums said he does not yet have a date, but they are looking to do it this week.

Mr. Warrick asked Mr. Kellums to let him know the date and noted there will be a ceremony on July 4<sup>th</sup> in cemetery.

Mr. James asked about no trespassing signs near the cemetery and if there is a parking easement for visitors to that cemetery.

Mr. Kellums stated there is an easement for egress and ingress to maintain the cemetery grounds but not for parking. He said he will investigate it further.

Mr. James said there are no parking signs on the side street and asked if people could park there.

Mr. Kellums answered that is a private street not a public road.

Mr. LaBarbara said Ms. D'Andrea had asked about the Township cleaning the tombstones.

Mr. Kellums answered the Township is only responsible for maintenance of cemetery grounds and said he will speak to Mr. Greg Ballman about it.

Mr. Warrick read a communication from Tim Cummins of 8354 Frane Lane in which Mr. Cummins outlined a list of five items he would like the Township to consider when approving zoning for new developments in general and the Myers Y. Cooper development on Kenwood Road in particular. He listed points about landscaping approvals and communication between the Township Planning & Zoning Department and the Hamilton County Building Department.

Mr. Warrick noted follow up on this issue had been done and Mr. Miller has items to discuss with Mr. Desai. Mr. Warrick has spoken to Randy Cooper of the Myers Y. Cooper Company about the landscaping issue and is hopeful it will be worked out.

Mr. James stated for the public's reference this comment is about the Myers Y. Cooper project in which neighbors are understandably upset that Hamilton County issued a certificate of occupancy for the project prior to zoning approval of the landscape plan.

Mr. Miller explained the issue and noted Hamilton County is now notifying him of their inspection scheduled.

Mr. Desai said he does not agree with Hamilton County's interpretation noting zoning approval is absolutely required before a certificate of occupancy is issued. He stated they are the Township's agent and we are home



rule so, ultimately, the buck stops with us. He said he is happy they are looking into the process, but the Township should revisit its contract with the Hamilton County Building Department. He said this issue can be resolved by contract negotiations, so this does not happen again. He noted Mr. Warrick and Mr. Miller have brought this to his attention before. He said at this point the developer appears to be cooperating and has had discussions with Mr. Miller. Mr. Desai stated if at any point the developer is not cooperative, the Township will look at enforcement action.

#### **Protocol for June 4<sup>th</sup> Meetings**

Mr. Warrick reported the plan from the last Trustees meeting was to meet in person Thursday. He stated the plan is to spread out, stay out of the building until the assigned time for JEDZ, and clean surfaces between meetings. He stated one board member on a JEDZ board is uncomfortable unless people are required to wear masks but no one else has expressed any concerns. Mr. Warrick said for the CIC and Trustees meetings some of the chairs will be removed and those remaining spaced apart, occupancy will be limited, reservations may be required, and we will have hand sanitizer and masks available. Mr. Warrick asked if the Trustees had any comments.

Mr. Weidman asked if masks could be worn during that JEDZ Board meeting.

Mr. Warrick answered yes, and Assistant Chief Cooper said he could bring over a box of masks.

Mr. James asked if that Board member could join the meeting virtually.

Mr. Warrick said that is possible, but he would tell that member attendees will wear masks for that meeting.

Mr. Desai noted we must follow protocol including taking temperatures.

Assistant Chief Cooper suggested everyone wear masks.

Mr. Kellums noted we are taking temperatures and following protocol daily.

Mr. Desai said if we cannot maintain six feet distancing then attendees should wear masks.

Mr. Warrick stated we will achieve the six feet.

#### **FISCAL OFFICER ITEMS**

Mr. Porter stated he had nothing further to report.

#### **TRUSTEE ITEMS**

Mr. Weidman reported, as a board member of Hamilton County Emergency Management Agency, he was in constant contact with the director and the EOC as well as with Captain Butler of the Hamilton County Sheriff's Office monitoring the unrest and social media chatter regarding possible protests in and around Kenwood to ensure that we had the necessary security in place. He thanked the Sheriff's Office for a great presence in Kenwood Saturday night and stated he hopes peace will continue.

Mr. James stated he went by the mall and noted it is a tough time for people since there are peaceful protests but also those disrupting peaceful protests. He stated it is terrible this happened in the first place; fortunately, we have been spared violence in Sycamore Township.

Mr. LaBarbara said he also stopped by the mall Saturday night and saw there was a nice police presence and the evening was uneventful. He commented, in talking to Mr. Porter, that it is his duty to cooperate with the Board of Trustees and Administrator.

**ANNOUNCEMENT CHANGES**

Mr. LaBarbara stated the June 20<sup>th</sup> Document Shredding for residents will take place from 10:00 a.m. to 2:00 p.m. behind the Township Administration Building at 8540 Kenwood Road.

Mr. LaBarbara invited the following people into the Executive Session: Tom James, Tom Weidman, Ray Warrick, Tracy Kellums, Skylor Miller, Deepak Desai, and Rob Porter.

A motion to adjourn into **Executive Session** with Law Director, Deepak Desai, to discuss ongoing litigation as permitted by Ohio Revised Code Section 121.22(G) was made by Trustee Weidman and seconded by Trustee James.

Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

End regular session: 11:00 a.m.

Begin Executive Session: 11:05 a.m.

End Executive Session: 11:44 a.m.

Back in regular session: 11:45 a.m.

Mr. Porter called roll. The three Trustees all indicated they were present.

Mr. James made a motion, seconded by Mr. LaBarbara, to authorize the Law Director in the House of Browns case to prepare a full settlement agreement consistent with the term sheet entered into in the settlement negotiation and subject to final approval of the Board.

Mr. Weidman said he understands the Township's insurance company has the right to make this agreement whether we vote for it or not. He expressed concerns, however, about setting a precedent by allowing someone who sued us because he did not agree with the Township's zoning to be paid to follow the rules. He said he understands the math won but the principle failed miserably which is a complete travesty.

Mr. James said taking yes for an answer and ending counter claims by having our insurance company pay the cost of the settlement stops the hemorrhaging of legal fees which is a win for the Township. He said, although it is frustrating, it is insurance paying not the taxpayers.

Mr. Weidman said the Township has incurred legal fees of \$20,000.00 and the plaintiff has accumulated \$22,000.00 in legal fees. He raised concerns about how this will affect insurance rates going forward. Mr. Weidman then said his concern, as it relates to the precedent we set, is that sometimes it is worth it to stand up to principle because we may open a can of worms.

Mr. James said he recognizes Mr. Weidman's concerns about precedent.

Mr. LaBarbara agreed but said the pylon sign was grandfathered in years ago and getting it taken down is a great victory.

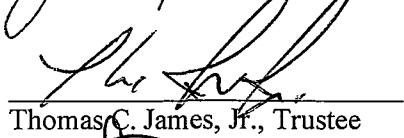
Mr. Warrick said the insurance broker assured him this would not have too adverse of an effect on our rates.

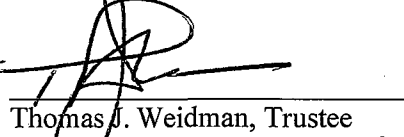
Mr. Porter called roll. Vote: Mr. James: Aye; Mr. LaBarbara: Aye; Mr. Weidman: No

A motion to adjourn was made by Trustee Weidman and seconded by Trustee James. Vote: All Aye.

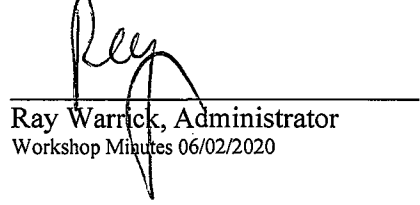
End regular session: 11:51 a.m.

  
Jim LaBarbara, Chairman

  
Thomas C. James, Jr., Trustee

  
Thomas J. Weidman, Trustee

  
Robert C. Porter III, Fiscal Officer

  
Ray Warrick, Administrator  
Workshop Minutes 06/02/2020