

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held March 12, 2024

The Brown Township Trustees met on this date at 7:00 PM in regular form with Trustees Miley and Skinner, Fiscal Officer Link, Road Superintendent Dan Gladman, Cemetery Sexton Beth Harp and Guests Shane Askins and Chris Shamro

Trustee Skinner made a motion to approve the March 12, 2024 agenda as amended. Trustee Miley seconded. Motion passed.

Trustee Miley led the Pledge of Allegiance

Trustee Skinner made a motion to approve the February 13, 2024 regular meeting minutes as presented. Trustee Miley seconded. Motion passed.

Trustee Skinner made a motion to approve the February 13, 15, and 29, 2024 special meeting minutes and the February 19, 2024 emergency meeting minutes as presented. Trustee Miley seconded. Motion passed.

Fiscal Officer's Report:

Current First Commonwealth Checking Account Balance \$392,054.67 and earned \$1,630.56 in interest. Current STAROhio Account Balance \$1,446,141.45 and earned \$6,274.65 in interest. Trustees reviewed and approved the bank reconciliation and timesheets for February 2024. Trustee Miley made a motion to release Warrants #21290-21306 \$74,542.41. Trustee Skinner seconded. Motion passed. Trustee Skinner made a motion to issue contract for Sellers Electric for \$2500 in yearly services. Trustee Miley seconded. Motion passed.

RESOLUTION 2024-03-12-01 TO ISSUE CONTRACT FOR SELLERS ELECTRIC FOR \$2500 IN YEARLY SERVICES

Miley Aye Skinner Aye

MS Consultants:

N/A

Delaware County Engineer:

Mr. Reidel was absent from meeting. Trustee Miley shared an update from Mr. Riedel. Mark Gaskell (w/Dew Excavating) won't have an estimate until later this week for Hogback Road deep culvert. Pittman Road OPWC was not recommended for this year but a good candidate for next fall. He would have road improvement contract in April. He will schedule road inspection for when Trustee Stegner returns. Trustee Skinner updated us that ODOT and County were looking into signage for SR521 and North Old State.

Delaware County Health Department:

Mr. Smith was absent from meeting. No updates.

Public Participation:

n/a

Zoning Inspector:

Mr. Lisano was absent but submitted his report electronically. OTARMA Membership Brad Ebersole, Chris Shamro, Shane Askins. Trustees agreed this was appropriate.

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Zoning Inspector:

Mr. Lisano was absent but submitted his report electronically. OTARMA Membership Brad Ebersole, Chris Shamro, Shane Askins. Trustees agreed this was appropriate.

Road Superintendent:

Mr. Gladman went over his report. He revamped his report. The grasshopper is ready and the road mower needs the knives changed and will take care of that after tree trimming. The new truck has been ordered and he shared the Dexter quote. He had them take off the underbody tool box and shovel holders and revise the quote. Trustee Skinner made a motion to approve the quote with The Dexter company for no more \$53,000 for equipping the new truck. Trustee Miley seconded. Motion passed.

RESOLUTION 2024-03-12-02 TO APPROVE THE QUOTE WITH THE DEXTER COMPANY FOR NO MORE \$53,000 FOR EQUIPPING THE NEW TRUCK

Miley Aye Skinner Aye

Sellers is getting Mr. Gladman a price for the light. Mulch for the spring. For the mulch around the building and cemetery and he would like to try the mulch colorant. It's less than \$100 for everything. The playground will still need mulch and that would be approximately \$1200. Trustee Skinner made a motion to approve the purchase of playground mulch for no more than \$2000. Trustee Miley seconded. Motion passed.

RESOLUTION 2024-03-12-03 TO APPROVE THE PURCHASE OF PLAYGROUND MULCH FOR NO MORE THAN \$2000

Miley Aye Skinner Aye

Trustee Skinner moved to approve the purchase of a Dell computer for \$1,243 for the road superintendent. Trustee Miley seconded. Motion passed.

RESOLUTION 2024-03-12-04 TO APPROVE THE PURCHASE OF A DELL COMPUTER FOR \$1,243 FOR THE ROAD SUPERINTENDENT

Miley Aye Skinner Aye

Roads

Trustee Miley ventured down to the Hogback culvert and noticed it was really washing out from the horse trail down. Mark Gaskell said we should put in a 20' wide riprap shoot from the road down. We'd have to tell ODNR and Corp of Army Engineer. They will have to clear out brush. We might have to close the road for a day to get the stone distributed into the area. It's likely to be very expensive.

Cemetery:

Beth Harp gave her report. 0 burials this month. Sold 2 lots. Temporary marker and Jackie Harmony put that down and she just wanted something there for her brother. Received information to purchase back a cemetery lot. Back in July the Freeman lot was determined to how to deal with that and who is the executor of that lot. Checked with Pontem on map lot. The estimated cost is \$3,000 and has a yearly subscription. Ms. Harp doesn't know if it would be used or not. Beth will likely not be attending April-June.

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Fire Department:

Firefighters interview on the 6th. Receive input. The chief interviews are on the 20th. Having door problems and falling off the track. Door company sent out their top technician and were installed wrong. They are lightening the load on the volunteers that are not taking shifts. They have been limited to 25 on the list and will have to reduce in order to take on new ones on. The new tanker should be in sometime in May. Engines are \$900k to \$1 million now.

Buildings and Grounds:

We still have not heard any information on salt grant.

Old Business:

Trustee Skinner reached out to the email ipanda and has not received any response back from them yet. Trustee Miley indicated they are willing to come out and meet with us.

Trustee Skinner shared that for the security system there could be a grant available in October to possibly cover cameras for the recycle bins.

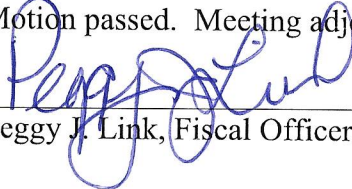
New Business:

Spring clean up initiative was discussed if the Trustees wanted to continue or not. The vouchers will be available April 12th through May 20th. The Trustees will evaluate if there is continued abuse and whether to continue the program in future years or not but will continue the program this year.

New Road Laborer Troy Pursley has not made any effort to get here to get training. Mr. John Foster thought he applied on indeed. He knocked on door and inquired about the position again. Trustee Skinner informed the board that Troy has accepted another job Monday-Friday. Ms. Link will repost the position on indeed.com and will call Troy tomorrow and ask to resign or show up. Make sure the ad shows it is part time and in person.

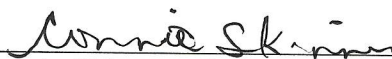
The newsletter is due by March 31st.

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 8:10 pm.

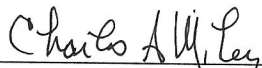


Peggy J. Link, Fiscal Officer

Trustees



Connie Skinner, Chairperson



Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held March 22, 2024

The Brown Township Trustees met on this date at 5:00 PM in special form with Trustees Miley and Skinner, and Guest John Foster

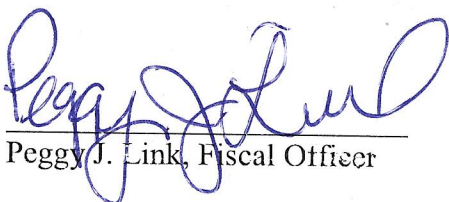
Trustee Skinner called the meeting to order at 5pm.

Trustee Skinner moved to go into executive session to discuss matters of personnel. Trustee Miley seconded.

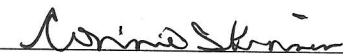
Roll call vote: Skinner Aye, Miley Aye. Executive session started at 5:01pm
Left executive session and meeting back on record at 5:32pm.

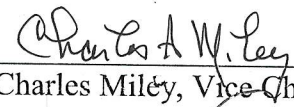
Trustee Skinner moved to change the indeed listing to exclude the class B CDL requirement and list it for two more weeks. Trustee Miley seconded and motion passed.

Trustee Miley made a motion to adjourn the meeting. Trustee Skinner seconded. Motion passed. Meeting adjourned at 5:34 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held April 9, 2024

The Brown Township Trustees met on this date at 1:00 PM in special form with Trustees Miley and Skinner, and Guests Cathy Romandelli, Marc Gaskell, Garrett Breaks, Caleb Loesch, Jordan Sandvig, Andy Studer and Chris Bell

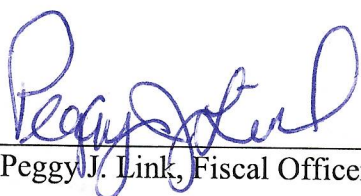
Trustee Skinner called the meeting to order at 1 pm.

We had four bid packets for the maintenance building to open. The results of those bids are as follows:

- PSI, Place Services Inc, total cost \$2,159,700
- Marker, total cost \$1,905,457
- ACI Construction Co, total cost \$2,239,430
- Studer Obringer Inc., total cost \$1,865,000


The companies represented above had no questions or comments for the board of trustees. Three bids are acceptable bids, within 10% of the projected cost. Next steps will be for MS Consultants to look through the bids and check references. We have set a special meeting with MS Consultants on April 18th at 11:30am.

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 1:25 pm.

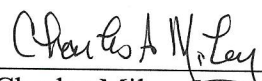


 Peggy J. Link, Fiscal Officer

Trustees



 Connie Skinner, Chairperson



 Charles Miley, Vice Chairperson

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Minutes of Brown Township Trustees Meeting

Held April 9, 2024

The Brown Township Trustees met on this date at 7:00 PM in regular form with Trustees Miley and Skinner, Fiscal Officer Link, Road Superintendent Dan Gladman, Cemetery Sexton Beth Harp, Zoning Inspector Steve Lisano and Guests Shane Askins, Chris Rinehart, Gabe Smith, Jeff Humes, Nick Sheets, Marc Gaskall, Robert Lloyd, Jr., Jarrett Hightower, Mary Fleming, Mike Fleming, Melissa Fleming and Donald Dicke

Trustee Skinner made a motion to approve the April 9, 2024 agenda as amended. Trustee Miley seconded. Motion passed.

Trustee Skinner led the Pledge of Allegiance

Trustee Skinner made a motion to approve the March 12, 2024 regular meeting minutes as presented. Trustee Miley seconded. Motion passed.

Trustee Skinner made a motion to approve the March 22, 2024 special meeting minutes as presented. Trustee Miley seconded. Motion passed.

Fiscal Officer's Report:

Current First Commonwealth Checking Account Balance \$505,895.04 and accrued interest of \$1,853.03. Current STAROhio Account Balance \$\$1,452,847.15 and earned \$6,705.70 in interest. Trustees reviewed and approved the bank reconciliation and timesheets for March 2024. Trustee Skinner made a motion to release Warrants #21307-21323 \$12,697.87 Trustee Miley seconded. Motion passed

MS Consultants:

Did not attend. Trustee Skinner let folks know we received 4 bids. Special meeting April 18th at 11:30

Delaware County Engineer:

Mr. Reidel was absent from meeting. Doug Reidel is coming in May. Trustee Skinner received an email from Doug. A lighted sign on North Old State we need more clarification if we need 3 or 4 signs. Each sign is over \$4,000 each. We would need a grant.

Delaware County Health Department:

Gabe Smith gave brief update. Shared a 2023 annual report. They did 8,000 plumbing inspections last year. DKM is doing the recycling program for electronics, computer, etc. April through September.

Public Participation:

Bob Lloyd brought up the new construction and the flooding between the church. He only briefly got to look at the bid packet. There has always been a problem with the water since the old school was here. He has a house at 4345 across the pasture. The septic systems are leaching into the water. The properties are all landlocked. Maybe we can accommodate some outlet for the water. In 48 hours, it was close to 5-1/2 inches. He opened his septic tank today and it was full. He wants to make sure it's addressed in the future plans. Trustee Miley shared that him and Mr. Gladman exposed a tile in the alley before and that Mr. Bryant could tie into that tile. There is tile from the old school that goes across the field. Where does the church leach it's septic? The septic was put in for church in 1965. There was a curtain drain there had to have an outlet. Mr. Lloyd would like to meet with Trustee Miley to identify the drain pipe. It's about a foot below the surface. There is a catch basin planned for the new building and possibly capture some of the extra water in the field. Mr. Lloyd will reach out to his ODOT counter parts to also see if we can get some resolution and including Mr. Humes if they can be of assistance.

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Chris Rinehart, as a resident, has Henmick concern. Back in September there was a heads-up of concern on N. Old State Road. Raised some objections violations for zoning violations that were approved back in 2018/19. He went to the BZA meeting and presented the objections. Henmick withdrew variance request and requested 6 months to put forth a rezoning application to address the concerns. It's been six months and to his awareness a rezoning application has not been submitted yet. Mr. Rinehart believes that Henmick is in violation in certain portions of his business that violates the zoning of the township. None of the issues addressing food vendors, selling goods, band, outdoor events, only operating, Friday, Saturday and Sunday and they are now operating on Thursday. Yesterday folks were invited for Solar Eclipse and created a traffic mess and necessitated 3 patrol cars. People were parking on the berm, accidents, walking along Leonardsburg Road, through fields and the center of the road. The only traffic control was for Henmick. Mr. Rinehart requests the township enforces zoning and restrict per the zoning that is allowed. Trustee Skinner indicated that Henmick is later on the agenda. He feels that given the six months no extension be given for the first application.

Donald Dicke, will there be public participation after Henmick on the zoning. From the standpoint for zoning in the township, they have shut down others for violating issues. Henmick has not been held to the same. There has not really been any effort to work with the township and a complete disregard to the township. Craft brews and solar eclipse are quite profitable. Why is an entity allowed to disregard the zoning.

Samantha Fleming – will there be a public participation after the discussion of Henmick? Trustee Skinner said there will be some discussion of the rezoning for the township. May 16th at 7:00 pm will address the event center rezoning request. She has concern about the wildlife and where is it all going. How much traffic going by? Livestock and animals enjoying the peace. The public was invited out here but folks didn't leave right after the eclipse. There were three deputies assigned to the area. Ms. Fleming wanted to hear something other than "we hear you". She wants businesses to thrive in the community. She wants to know of other concerns.

Zoning Inspector:

Mr. Lisano gave his report that was a summary of his written report. The event center rezoning plan for submitted. Beechwood Estates for 14 homes has been approved. Bettler-Fisher CAD developed on Hogback Road. We received complaint about Pittman Road property. We have request for 3 variance requests will be heard May 8th.

Shipping container on their property. Recommendation that they be included in the zoning for a fee of \$200 per container. Comparing it to other fees we have it seems appropriate. If folks put up a shed they don't tend to be landscaped but sit at the corner of the property. The event center is rezoning which a public meeting will be held for May 16th at 7:00 pm. Mr. Lisano thanked folks for attending the RPC meetings while he was away.

Trustee Skinner was expecting more of a recommendation for Noise. The zoning board recommends a noise recommendation. This recommendation is too vague. The board listed the problem. Noise ordinance is unenforceable. It is a concern because there is more noise and more bands. Mr. Rinehart said it is enforceable. The committee reached out to other townships. Agricultural would be exempt. If it is excessively noisy and it's not farm related then it could be enforced. Trustee Skinner will consult with our county prosecutor to get more information and get together to put together a better recommendation. The Trustees would exercise the authority to regulate before anything else can happen. The proposal is too vague to pass anything. Trustee Skinner will communicate with Mr. Holowinski.

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Mr. Sheets is requesting a 2-month extension for the parking lot and any other enforceable action. He has to create applications. He is hoping that it will be sooner than that but it's a scheduling thing. Why was the focus on the new event center. Mr. Sheets said he already had the event center in process and so he went ahead and submitted that. Trustee Skinner indicated we have to keep our zoning intact. We've been lenient. The issue on the parking lot and was not part of the original plan. The outdoor band was not part of the original plan. One of the issues Mr. Rinehart has goes to the safety issues. There was a food truck and truck that was going to Henmick and there was an accident. That individual didn't see the stop sign. There are a lot of issues going on with new people coming out here. These things have to be addressed and the way this happens is to comply with zoning. If we don't enforce it and the township will continue to grow we are never going to be able to consistently be able to in the future. March 11th Connie talked to the lawyer who asked for six-month extension. If it is submitted it goes to zoning commission, regional planning, back to Trustees and it is going to take 3-4 months to get through the full process. In the eyes of the residence, we have to uphold our zoning rules and regulation. Mr. Miley said Mr. Sheets has been in business for a year or more. He should have been better prepared. Mr. Sheets said the entire county had the entire issue. Mr. Sheets has asked for deputy and they have not been able to accommodate him. Mr. Rinehart brought up that the event was on a Monday and this should not have occurred per their zoning application. They could have sold tickets and this would have alleviated some of the concerns. The whiskey event they ran a shuttle bus in order to avoid some of the safety concerns. If we give him the extension he can address the zoning issue and the business has grown way faster than he thought. How can he expand it when he didn't get the original parking lot approved as part of the original plan. He requested a variance by someone in the township and the attorney. He wants to get it right. Trustees requested that he limit the larger events. Mr. Rinehart mentions the parking lot is the largest parking lot in Brown Township. It was designed for overflow. Henmick has had 4-5 years to come to the township and address the need for addressing the zoning issues. Mr. Sheets wants to do the right thing and he is asking 1-2 months extension. Mr. Rinehart as a resident is sharing concerns about the disregard for the township's zoning. Mary Fleming shared concerns about her property and she had more than 1 person trespassing and leave her property. She is mistreated and disregarded as a property owner. Mr. Sheets is trying to put up a cross walk. Samantha Fleming had a cat that was hit during the solar eclipse event. Visitors tell that Henmick is ok with parking along others property. Mr. Dicke asked on the zoning appeals board and asks does his request set precedence for this. He believes the trustees are setting a precedence for granting an extension. He doesn't want to see the business to suffer. Mr. Rinehart doesn't believe we can grant an extension. Potential property owners could seek an injunction. Trustee Skinner was considering and we have to enforce zoning. Things have to be cut and dry and controlled. She believes we are going to have to start charging a daily fee and shutting down what you are non-compliant on. Days of the week, food truck, and extra parking lot and no more than 7 employees and the outdoor activities. Mr. Sheets is inquiring about when does the daily fee end when he turns it in or when it is approved. Mr. Rinehart recommends Cory consults with Mr. Sheets legal counsel. Mr. Sheets needs details and does those events pay for the zoning fees, etc. to take care of things. Trustee Miley shared that we worked so hard on our zoning. When you've had the large events it's been a carnival. The trustees have to also take care of the safety of our residents. Mr. Sheets is concerned about safety and traffic. He's been trying to get cross walk and lights. He's also trying to get a speed limit change. Mr. Sheets is trying to maintain as much agricultural property as possible. Jared Hightower of Beard Road. He's created a wonderful atmosphere. It didn't have much of a future once his dad passed away. It's great he's kept it as farm land instead of houses. It's hard to plan for size of event that solar eclipse generated.

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Road Superintendent:

Mr .Gladman went over his report. All equipment on order for when the chassis for the truck by Dexter. Seller's has the lights on order and there is another light that is out. You cannot change it and Dan is checking on the price of that. Are we better off switching them out instead of fixing the whole thing?

Roads:

Mark Gaskill came if we had any questions. If we had to pick one we should pick the north one. We can affect the road base. This is why we broke it down into two sections. It's as swamp down in that area. Can a drone be used?

Another one was found on Giehl Road. Doug is going to look at that one and look at it during the road tour.

Cemetery:

Beth gave her report. No burials. Ann Carper's is scheduled for April 28th (Sunday). Just a small family gathering. Sold one lot. We started out with 4 foundations and ended up with 9. Been busy marking the foundations. Longstreth were coming out to drop off the forms. When the weather cooperates. We'd like to know when they are coming. Yesterday George Crego called and said somebody was stuck. Back left corner (back by driveway). Not too bad. It needs repaired. Getting a quote to scan our old cemetery deed and may have to be cut out and put in a binder. We could get chosen for the scanning the old cemetery deed because it will be expensive.

Fire Department:

Close to having a new fire chief. They had 4 candidates. Tim Carr is one of the best candidates. He has to get his physical and they are waiting on that. Trying to get people hired is a problem. Volunteers not up to their potential. Working on giving those folks notice so they can hire new folks. They had ceiling leak and had black mold and was an isolated area on Coover Road. Those fire jackets and outfits are \$4,000 each and a life expectancy on them and they have to replace them. Still working on an open house and maybe connect it with fire prevention week.

Buildings and Grounds:

Trustee Skinner made a motion to approve an agreement with Alt & Witzig Engineering for control testing for the new shop in the amount not to exceed \$10,195. Trustee Miley seconded. Motion passed.

**RESOLUTION 2024-04-09-01 TO APPROVE AN AGREEMENT WITH
ALT & WITZIG ENGINEERING FOR CONTROL TESTING FOR THE
NEW SHOP IN THE AMOUNT NOT TO EXCEED \$10,195**

Miley Aye Skinner Aye

Old Business:

Trustee Skinner has a meeting with iPanda tomorrow morning to discuss emails.

New Business:

The Fleming family and Ohio Historical Markers were established in 1950 and tell stories by Ohio. Usually accept 20 applications per year. Daniel Thurston and the event that brought him to Brown Township. In 1810 and came back on a wagon and settled in Berkshire Township and in 1816 and went to Chillicothe and mined salt. They mined for salt on those lands. 480 feet were dropped. The town was called Eden. Ms. Fleming would like the township to submit application with them to bring one of these markers to call the Daniel Thurston Park. Thurston family interested in submitting grant. The

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trustees are willing to work with them on the request. The township might not have any costs considering the family and grant funds potentially to be obtained.

Trustee Miley moved that we go into executive session to go to discuss personnel at 8:38 pm. Trustee Skinner seconded. Roll call taken.

Skinner – AYE Miley - AYE

Back on record 8:46 pm

Trustee Skinner made a motion to move forward to hire John Foster effective April 17th at the rate set at the organizational meeting. Trustee Miley seconded. Motion passed.


RESOLUTION 2024-04-09-02 TO MOVE FORWARD TO HIRE JOHN FOSTER EFFECTIVE APRIL 17TH AT THE RATE SET AT THE ORGANIZATIONAL MEETING

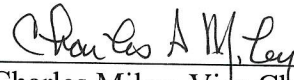
Miley Aye Skinner Aye

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 8:49 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held April 12, 2024

The Brown Township Trustees met on this date at 1:00 PM in special form with Trustees Miley and Skinner, Zoning Inspector Steve Lisano and Guests Chris Rinehart, Donald Dicke, Garrett Gandee, Nick Sheets, Davie Watkins with Plank Law Firm

Trustee Skinner called the meeting to order at 3 pm.

The purpose of this meeting is to discuss zoning violations with Henmick Brewery. Trustee Skinner and zoning inspector Steve Lisano spoke with the township legal rep at the prosecutor's office on Wednesday morning. A zoning violation letter has been drafted. We cannot charge a daily noncompliance fee for zoning violations at this time. Trustee Skinner opened the meeting for comments or questions from those attending before getting to the letter. Nick Sheets apologized for not submitting commercial rezoning plans in time, but will have them turned in by April 30, 2024. After Tuesday's meeting, it was perceived that the new event center was focused on first and that wasn't the case. It had been in the works for two years or better. He has decided to table the event center zoning process at the township level for now to focus on Henmick Brewery. Nick also has been waiting on the fire chief to review the plans and finally has a meeting with them on Wednesday. Garrett Gandee discussed the extent of an entire commercial rezoning application process and how many different entities have a piece to the puzzle. 6 months may have been a hard deadline to hit. Their own Kilbourne rezoning took up until the deadline. He also states that our zoning resolution section 14.10 is extremely complicated and time consuming. Nick and the entire team working on the application process for Henmick would meet for two hours every Friday since October to help move the project along. Large amounts of money have been spent on this process. Donald Dicke wondered if anything from the original zoning application could have been used in these new plans. Nick responded with a few things could, but most things needed to be created. The safety issues of pedestrian crossings and reduced speed limits have been addressed with ODOT and Trustee Skinner was present for that meeting and also brought up at the BZA meeting in September of 2023. Nick is asking what he can do to help this process along or what he can do in the meantime to address the safety and some of the zoning violations. Trustee Miley stated that the parking lot on the west side of N. Old State was never approved. The county has also instructed us to do something about it. Nick stated he was going to submit a variance request in September of 2023 for the parking lot. He was advised that the variance wouldn't fit in to our zoning code and to rather begin a commercial rezoning process. Which Nick started in September 2023. In October 2023, he was given six months to submit commercial rezoning applications. That date has passed. He had come to our April 9th meeting asking for a one to three-month extension. Nick believes his team can have this done by April 30th. Chris Rinehart stated that it appears focus was made on the new event center rather than on finishing Henmick. Chris is always concerned about following the rules, about safety, traffic and noise issues. He also suggested that his civil engineer team could help him with a temporary parking area. Henmick's scope of business has changed and pointed out that Nick should have been working with the township sooner as issues came forth. Trustee Skinner read the zoning violation letter drafted. Davie encouraged negotiating to avoid common pleas court or injunction. Trustee Miley spoke about selling tickets for events and reducing the amount of people there at any one time. Donald said this issue is setting a precedence for the township. Need to focus on compliance and also safety. Nick would like two weeks to put together a safety plan on how to focus more on safety and reduce the amount of people at any one time to help with the parking lot issue. Both Trustee Skinner and Trustee Miley are concerned if we temporarily reduce the size of the parking lot or close it, the area would be less safe as cars would be parked up and down Leonardsburg road and also N. Old State Road. Garrett pointed out that if Henmick had to reduce operations for a four-month zoning process, Henmick would suffer severe economic impacts which could shut his business down. Shutting down is not what any party wants. Donald points out that we need more commercial business in the Buckeye Valley district as it brings

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Minutes of Brown Township Trustees Meeting

Held April 12, 2024

significant tax revenue and not any more children for the district. Donald would like to see resident concerns of safety addressed. Chris pointed out that he will recuse himself from the Henmick Brewery commercial rezoning process only because of all the concerns he has brought up about safety, traffic and noise. He also stated that it is up to the business owner to address variances and or other issues with the township as they come up. The residents and or the township should not have to point these things out. He is willing to look through plans as a resident and give feed back to Nick if he wishes. He also stated that if we don't enforce our zoning rules and regulations, why have them? Nick is also willing to try to hire a deputy for weekends and hire a crosswalk attendant. Both trustees discussed closing half the parking lot and shuttling from other areas. We decided if the parking lot closed off half the lot, more people would park along the roads creating more of a safety hazard. Nick Sheets is willing to put a parking lot/cross walk attendant in place. Steve states that there is an awareness that Henmick is not in compliance and that residents are looking for some action from the trustees. Controlling a crosswalk by an attendant could be a great safety measure and is visible to all. Trustees need to take some action without harming the business of Henmick. It is a community asset. Shutting Henmick down completely would be detrimental. After much consideration and negotiation from all parties involved, Trustee Skinner made the following motion to allow Nick Sheets or Henmick Brewery until April 30th to submit a commercial rezoning application for Henmick Brewery to our zoning inspector or zoning commission board; Nick Sheets or Henmick Brewery will cancel or reschedule large events which bring in more than the normal amount of people throughout the zoning process until the township approves the commercial plans; Nick sheets will come back to the board on April 26th at 3pm with a safety plan and an event plan; Nick Sheets or Henmick Brewery is to have a crossing guard assistant in place; If plans are not submitted by April 30th, on May 1st, a zoning notice of violation letter will be given to Nick Sheets or Henmick Brewery and the parking lot on the west side of the road will be shut down until commercial rezoning is approved for Henmick Brewery. Trustee Miley seconded and motion passed.

RESOLUTION 2024-04-12-01 TO ALLOW NICK SHEETS OR HENMICK BREWERY UNTIL APRIL 30TH TO SUBMIT A COMMERCIAL REZONING APPLICATION FOR HENMICK BREWERY TO OUR ZONING INSPECTOR OR ZONING COMMISSION BOARD; NICK SHEETS OR HENMICK BREWERY WILL CANCEL OR RESCHEDULE LARGE EVENTS WHICH BRING IN MORE THAN THE NORMAL AMOUNT OF PEOPLE THROUGHOUT THE ZONING PROCESS UNTIL THE TOWNSHIP APPROVES THE COMMERCIAL PLANS; NICK SHEETS WILL COME BACK TO THE BOARD ON APRIL 26TH AT 3PM WITH A SAFETY PLAN AND AN EVENT PLAN; NICK SHEETS OR HENMICK BREWERY IS TO HAVE A CROSSING GUARD ASSISTANT IN PLACE; IF PLANS ARE NOT SUBMITTED BY APRIL 30TH, ON MAY 1ST, A ZONING NOTICE OF VIOLATION LETTER WILL BE GIVEN TO NICK SHEETS OR HENMICK BREWERY AND THE PARKING LOT ON THE WEST SIDE OF THE ROAD WILL BE SHUT DOWN UNTIL COMMERCIAL REZONING IS APPROVED FOR HENMICK BREWERY

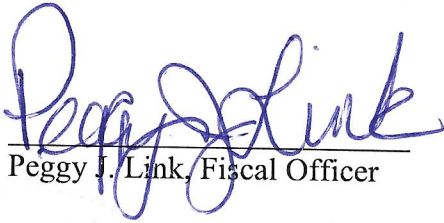
Miley Aye Skinner Aye

RECORD OF PROCEEDINGS


Minutes of Brown Township Trustees Meeting

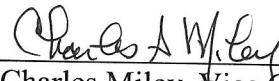
Held April 12, 2024

Trustee Miley made a motion to adjourn the meeting. Trustee Skinner seconded. Motion passed. Meeting adjourned at 4:55 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held April 19, 2024

The Brown Township Trustees met on this date at 11:30 am in special form with Trustees Miley and Skinner, Road Superintendent Dan Gladman and Guests Garrett Gandee and Cathy Ramondelli

Trustee Skinner called the meeting to order at 11:40 am

Cathy was running 10 minutes behind. Cathy stated that she and her team reviewed the four bids received for the maintenance building. She checked references for Studer-Obringer, which were all positive reviews. Marker's bid was incomplete. The other two are complete, unable to check references with them until the bid was accepted. Trustee Miley stated that Studer-Obringer built the township hall. They know the area and would do a good job. Trustee Miley remembered them fixing a brick issue on the hall a few years after it was complete. They also fixed a parking lot issue on their own dime and time. Cathy stated they are known for their brick work. We inquired if any of our drainage work at the maintenance building site would assist with other drainage in the area, specifically between the hall and Main Street. Cathy's engineer team will look at the plans again. Trustee Miley moved to accept the bid from Studer-Obringer to build the maintenance building for no more than \$1,865,000. Trustee Skinner seconded and motion passed.

RESOLUTION 2024-04-19-01 TO ACCEPT THE BID FROM STUDER-OBRINGER TO BUILD THE MAINTENANCE BUILDING FOR NO MORE THAN \$1,865,000

Miley Aye Skinner Aye

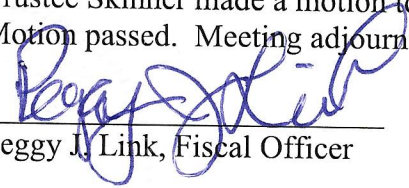
Trustee Skinner to go through next steps with the finance authority process. Cathy inquired about the building permit for the building. We will check with Steve. MS Consultants contract is final. However, Cathy wondered if the township would like them to stay on as a construction administrator. MS could handle building drawings, weekly visits, weekly meetings, etc... Cathy thought her fee for this could reach \$60,000 to \$70,000. Her goal is to be efficient and make sure we get what we are asking for in the building. Trustee Skinner moved to make Cathy Ramondelli with MS Consultants our construction administrator for the new maintenance building at an hourly rate not to exceed a total cost of \$60,000. Trustee Miley seconded and motion approved.

RESOLUTION 2024-04-19-02 TO MAKE CATHY RAMONDELLI WITH MS CONSULTANTS OUR CONSTRUCTION ADMINISTRATOR FOR THE NEW MAINTENANCE BUILDING AT AN HOURLY RATE NOT TO EXCEED A TOTAL COST OF \$60,000


Miley Aye Skinner Aye

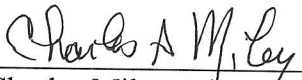
Cathy will modify a contract for us to review. The fire department might make us put in a door on the north side of the building. She will do more checking on this.

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 12:15 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held April 26, 2024

The Brown Township Trustees met on this date at 2:45 pm in special form with Trustees Miley and Skinner

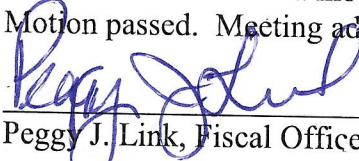
Trustee Skinner called the meeting to order at 2:45 pm

Trustee Skinner moved to approve the maintenance building septic system submission application fee for \$899. Trustee Miley seconded and motion passed. This can be paid online.


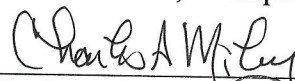
RESOLUTION 2024-04-26-01 TO APPROVE THE MAINTENANCE BUILDING SEPTIC SYSTEM SUBMISSION APPLICATION FEE FOR \$899

Miley Aye Skinner Aye

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 2:46 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson

Charles Miley, Vice Chairperson

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held April 26, 2024

The Brown Township Trustees met on this date at 3:00 pm in special form with Trustees Miley and Skinner, Zoning Inspector Steve Lisano, and guest Nick Sheets

Trustee Skinner called the meeting to order at 3:00 pm

Nick Sheets provided us with a copy of his short term and long-term safety goals. Short term goals are in place now. He has hired a security firm to perform crosswalk duties. They are in place Thursday-Sunday at the start of business until thirty minutes after closing. The only exception is on Fridays from 12-4pm. They typically see less people coming in during that time period. Traffic doesn't need to stop; the crosswalk guard is to stop pedestrians and have them wait on the vehicles to pass.

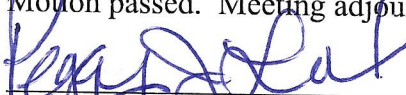
His long-term goals include moveable gates at the food truck area to keep people from walking from that parking lot into the food truck area. Installation of these gates will begin on Monday April 29th. They are within his right of way permit issued by the county last year. The county engineering department has been in support of a lighted crosswalk which they will grant if Henmick installs a public walking trail on the west side of N. Old State that connects to the township parks and trails. The crosswalk will have a push to walk button and flashing lights plus warning lights before the crosswalk. All these flashing lights can be shut off while closed. Nick is also continuing to work on a reduced speed limit with ODOT. He would like to see 35mph, but may only get a reduced speed of 45mph.

Nick has cancelled all large ticketed events for the time being with the exception of a charity fundraiser for Rett syndrome in July. The township has been in cooperation with the charity, not wanting to interfere with charity for an important cause. Many of the participants will be handicapped, which will require a tent on the north end of the building so they can enter the building through the brew tank area. He will have security guards during the event and will monitor the parking situation. The township hall could be used for parking and shuttling. Nick spoke about the public trail mentioned above. He would like to do a public easement so that the township could maintain the trail once installed. It would be gravel and 10 feet wide. Nick has plans to submit commercial rezoning plans on April 30th at 3:30pm. Trustee Miley moved to accept Henmick's safety plan as presented. Trustee Skinner seconded and motion passed.

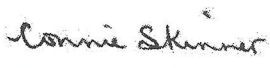
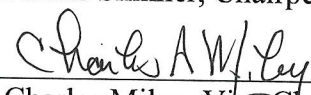
RESOLUTION 2024-04-26-01 TO ACCEPT HENMICK'S SAFETY PLAN AS PRESENTED

Miley Aye Skinner Aye

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 3:30 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson

Charles Miley, Vice Chairperson

Henmick Safety Action Plan

Nick Sheets <nick@henmick.com>

Fri 4/26/2024 2:38 PM

To: Brown Township Zoning Inspector <browntownshipinspector@outlook.com>

Steve,

During our meeting on April 12, 2024, Henmick was requested to present a pedestrian safety action plan at 3:30 p.m. on Friday, April 26. Below is my action plan.

Short-term actions completed:

- Henmick hired a third-party security company, Sentry, to monitor the pedestrian crossing. Sentry security started on Thursday, April 18.
- Sentry was instructed that the vehicles have the right-of-way and they are there to assist and remind Henmick guests that traffic does not stop. They are not there to stop oncoming vehicles. We had at least one known occurrence when a new Sentry employee stopped oncoming traffic on Saturday, April 20. As soon as I became aware of this, I told him that we are only to monitor pedestrians and not stop traffic. I also recomunicated this to his supervisor and Henmick's account manager.
- Sentry will be on-duty from business opening through 30 minutes past closing on all days Henmick is open to the public, with one exception for Friday. Henmick opens at 12 p.m., and the security company will start at 4 p.m. due to the low volume of guests on Fridays from 12-4 p.m.

Long-term actions:

- **Movable gates.** Installation of movable gates in front of the food court area is planned to start on Monday, April 29. Once installed, this potential point of pedestrian access/crossing will be closed off on the East side of the street. The gates were contracted for fabrication in 2023.
- **RRFB & crosswalk.** Per the email from Rob Riley, Chief Deputy Engineer, Delaware County on February 9, 2024, the county will allow the installation of a protected crosswalk if Henmick installs a public trail up to the Brown Township park. When this installation is complete, I will no longer need a third party to monitor the pedestrian crossing.
- **Speed-limit reduction.** We continue to work with ODOT to reduce the speed limit in front of Henmick. Trustee Skinner has been involved in these conversations as part of the "Kilbourne Walkability Master Plan." I will be following back up with ODOT on this topic in the next few weeks.

Please advise if I'm missing anything discussed at the meeting on April 12, 2024.

See you at 3:00.

Nick



Nick Sheets

Henmick Farm & Brewery
4380 N. Old State Rd.
Delaware, OH 43015
614-551-9587
nick@henmick.com

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

The Brown Township Trustees met on this date at 7:00 PM in regular form with Trustees Miley, Stegner and Skinner, Fiscal Officer Link, Road Superintendent Dan Gladman, Zoning Inspector Steve Lisano and Guests Marc Gaskell, Garrett Gandee, Kevin Rider, Tom Homan, Blake Jordan, Tim Long and Chris Rinehart

Trustee Skinner made a motion to approve the May 14, 2024 agenda as amended. Trustee Miley seconded. Motion passed.

Trustee Skinner led the Pledge of Allegiance

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

The Brown Township Trustees met on this date at 7:00 PM in regular form with Trustees Miley, Stegner and Skinner, Fiscal Officer Link, Road Superintendent Dan Gladman, Zoning Inspector Steve Lisano and Guests Marc Gaskell, Garrett Gandee, Kevin Rider, Tom Homan, Blake Jordan, Tim Long and Chris Rinehart

Trustee Skinner made a motion to approve the May 14, 2024 agenda as amended. Trustee Miley seconded. Motion passed.

Trustee Skinner led the Pledge of Allegiance

Trustee Miley made a motion to approve the April 9, 2024 regular meeting minutes as presented. Trustee Skinner seconded. Motion passed.

Trustee Miley made a motion to approve the April 9, 12, 12, 19, 26 and 26, 2024 special meeting minutes as presented. Trustee Skinner seconded. Motion passed.

Delaware City Director Tom Homan

Councilman Kevin Rider and Utility Director Blake Jordan came with City Manager Tom Homan. Mr. Homan wanted to share information about growth with the annexation and utility boundaries. The boundary line is the underpass. Mr. Rider spoke and talked about services that could be provided, the annexation and they didn't initiate it. He is not for or against development. He thinks we'll be able to resolve issues. Trustee Skinner believes in landowner rights. She doesn't believe farmers between the development and the bridge due to farmers not wanting to sell. There is property still by the sheriff's that will be developed. Trustee Skinner shared concerns about the timing of the annexation and how we could have been more in the loop. It would have been quicker to go through the zoning process in the township. Mr. Jordan shared a map and is part of the agreement with the City and County for services and Del-Co Water. If they already have a line they can maintain it but they cannot add to it. This is EPA service boundary plan and cannot be changed. Historical context and Mr. Homan has been in role for 26 years and agreements have been put in place during that timeframe. This map is put in place because disputes. We have a map now and might be imperfect but helps identifies the boundary. Some of the land may never be annexed. Other township officials have expressed concerns and disappointment and that they were not involved in the process. All of these issues were vetted with county commissioners and del-co. TIFs put in place for pre-emptive moves and they understand. In terms of Brown Township, there is a line and clearly a boundary of the railroad track and that land may never develop. They don't plan to go outside of the outlined boundary on the map. Mr. Homan met with BV Superintendent about Seattle House project 2 and discussed obligation. Discussed putting TIF on property for 10 years. This will be the largest single project within BV school district. That project might not commence until late next year or later. There is still a lot of processes that need to be gone through. There is a petition by residents of Kensington and 30 days is due sometime next week. Mr. Homan indicated there probably should have been dialogue earlier. That land had been contemplated for development several years before. Development on the east side of Delaware is just bursting. That whole area is going to fill up. What is going to happen east of the railroad track. The TIFs are a way to maintain roads/bridges and keep the property in the township. Little opportunity for sharing services or JEDD. Delaware has two JEDDS with and those dollars go into the 36/37 corridor to help pay down the point project. Mr. Brush was against JEDDS with Berkshire. The City of Delaware ended up having the JEDDs with Berkshire. The TIFs are by law can do them and they will work. With the type 2 annexation, City income tax, school district tax and township/village will be paid by the residents of those impacted. The

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

City are not paying to extend the utilities. Everytime land is annexed then they are taking things away from the townships. Type 2 annexations still stay in the township. Mr. Long shared that TIFS were a way to get a seat at the table. There is a better solution out there than annexation. Mr. Homan asked about the Berlin Business Park. Baker Road is the dividing line. That isn't developing as quick because of the utilities and electric is 2-3 years out. The fire station will likely start construction next year. They've gotten a little behind because of rehabbing an existing building. That will be the city's 5th station and there is currently no station east of the river. The tornado shelter at Brown Township Fire Station only hold 39 people. Mr. Miley asked why the City isn't requiring some type of shelter being required of developers. Mr. Homan left his comprehensive plan and is all online. This may be Mr. Homan's last meeting but he'll work to get introductions made with the new City Manager.

Mr. Long indicated that it's a large single-family development. The city has been doing residential TIFs. CRA is community reinvestment act. BV will have funding diverted. Everything will be decided by the settlement agreement. Trustees should consider residential TIFF for all the property between Byxbe and the railroad tracks. Trustees will consider this to address annexation and slow it down. Trustees could give the funds back to the school district if we wanted.

MS Consultants:

Did not attend.

Delaware County Engineer:

Doug Reidel discussed the erosion work on Hogback Road and road improvement program.

Trustee Skinner made a motion to move the \$19,000 allocated for OPWC Pittman Road 2021-330-360-0000 to appropriation 2021-330-360-0041. Trustee Miley seconded. Motion passed.

RESOLUTION 2024-05-14-01 TO MOVE THE \$19,000 ALLOCATED FOR OPWC PITTMAN ROAD 2021-330-360-0000 TO APPROPRIATION 2021-330-360-0041

Miley Aye Skinner Aye Stegner Aye

Mr. Reidel discussed the cost for speed signs is \$4,085/each. They flash your speed. Do flashing stop signs improve traffic statistics? Doug has not heard as many accidents as previously.

The Hogback road erosion issues were discussed. Mr. Reidel indicated they look at them every November to check on them. The erosion on the upstream on the east side of the road and requested a quote for the erosion. The existing culvert was there before Corp and then the 9' and Doug cannot find the existing culvert. Water goes towards the smaller culvert. Mr. Gaskell explained the process to help with the erosion. North section has more potential to erode sooner. \$37,983.74 for the north section. South one is \$34,864.53. Trustee Miley made a motion to increase appropriation for contracted services 2021-330-360-00041 to \$38,000. Trustee Skinner seconded. Motion passed

RESOLUTION 2024-05-14-02 TO INCREASE APPROPRIATION FOR CONSTRUCTION SERVICES 2021-330-360-0041 \$38,000

Miley Aye Skinner Aye Stegner Aye

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

Trustee Miley made a motion to accept the contract from Tom Dew Excavation for \$37,983.74 for north rock channel protection. Trustee Skinner seconded. Motion passed

RESOLUTION 2024-05-14-03 TO ACCEPT THE CONTRACT FROM TOM DEW EXCAVATION FOR \$37,983.74 FOR NORTH ROCK CHANNEL PROTECTION

Miley Aye Skinner Aye Stegner Aye

The township's road tour will be on May 17th at 9 am. Trustee Miley informed the board that a resident has asked them to look at the box culvert on Kelly McMaster and look at it with Mr. Gladman right after the road tour. Resident bought that property and doesn't have very good drainage.

Delaware County Health Department:

Gabe Smith was not present. In March the board voted a new board member and that member cannot serve because she lives in Delaware City not County. May 23rd to vote on another member.

Public Participation:

Garrett Gandee wanted to make a comment and rumblings at the last zoning commission meeting and it's draft noise ordinance. It has some notable omission and a place for signatures. ORC lets small townships to have zoning. The draft is for just for businesses not residential areas. Is there a community need for a noise ordinance? This doesn't mean we should do it. 100' ordinance from property line and if the law can hear music or noise then he would issue a cease and desist order and take them to court. There will be fees, etc. Once we pass the ordinance and the residents of the township could take businesses to court and they are proposing 24/7. This would be detrimental for the amount of rezoning costs and fee and processes for all the work that was done. They never had public or personal complaints about noise. He hasn't seen enough people in the community share concern. He hopes that the trustees consider and would limit the businesses. Where did the noise ordinance subcommittee felt that this was premature? Trustee Skinner felt the proposal was pretty restrictive and that it was similar to Troy Township. Mr. Rinehart was not at the meeting that the subcommittee gave their report. There have been complaints related to Henmick. The document was just for discussion. There is still nothing formal. Mr. Rinehart shared that just because no one is complaining doesn't mean there isn't concern. The noise resolution is just another way for a resident to manage noise. We don't want Kilbourne to become the new amphitheater or Wood Stock. He believes a noise ordinance could be proposed and reasonable. Trustees are considering all of these points.

Fiscal Officer's Report:

Current First Commonwealth Checking Account Balance \$517,998.32 and accrued interest of \$2,014.08. Current STAROhio Account Balance \$1,459,363.32 and earned \$6,516.17 in interest. Trustees reviewed and approved the bank reconciliation and timesheets for April 2024. Trustee Skinner made a motion to release Warrants #21324-21336 \$33,111.71 Trustee Stegner seconded. Motion passed. Ms. Link shared that the 2022-2023 audit has been completed with no findings. She also shared she has issued 60 trash vouchers. She will be placing the zoning meeting minutes on the website quarterly similar to the township's meeting minute. Ms. Link shared a more detailed summary of budget information in order to inform the Trustees for decisions related to the maintenance building as well as the road improvements for 2024.

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

Ms. Link shared her vacation and summer schedule so trustees and employees would be aware and can plan appropriately. Fiscal Officer Link shared an email with trustees on the OTARMA Risk Assessment analysis recently completed. There were no concerns identified.

Zoning Inspector:

Mr. Lisano went over his report. BZA met May 8th. Signage for Beechwood and three variances were all approved. Rezoning for Henmick and zoning commission and regional planning. June 5th the Zoning Commission will review it. Sheets event center has been put on hold. Discussion about putting those two together but they will be separate. When we do CADs there are a couple of vague sentences. He is working on getting clarity for that. Rules of procedures. Do we need something between now and June 5th? Mr. Lisano is out of town and Keith Holewinski will run the meeting. Probably need a timekeeper. Have a clear page of rules. Chris Rinehart suggested that Steve and Keith meet with Cory before the meeting to set the rules of procedures. 519.05 is the ORC subsection – second paragraph. Vickie Sheets and Mr. Lisano are trying to develop some documents to set up transition documents. Working with Vickie to get paper copies into the hall from her home. Mr. Lisano will be on vacation May 29th through June 12th. Trustee Miley made a motion to set a \$200 fee for metal/shipping containers. Trustee Skinner seconded. Motion passed.

RESOLUTION 2024-05-14-04 TO SET A \$200 FEE FOR METAL/SHIPPING CONTAINERS

Miley Aye Skinner Aye Stegner Aye

Mr. Lisano would like to resign effective September 1st. Connie Skinner wants to have his position repost his position. Fiscal Officer will send out proposed position description for review.

Road Superintendent:

Went over his report. Talked about updating lights. There were three shrubs that were dead around the hall. The park mowing and stuff laying around. Items such as mower, concrete block, the drag and Gary will contact Tim to let them know. Lee talked to Connie and may be out for 2 more weeks. John and Dan both did weedeating. Dan has not painted any mulch. Cannot spray from cab as a driver. The trailer is overloaded and replacement. Cackler Road – Chambers house blow out put it on our list. Kelley McMaster things that the culvert is keeping his lot wet. They think water is being held up by box culvert.

Roads:

n/a

Cemetery:

Connie has meeting with Snyder to get pricing on stone. Connie will reapply for cemetery grant. The moldy deeds and a guy will be here in June.

Fire Department:

Finally hired a new chief. Working on new equipment. The outfit costs \$4500 equipment. Out of 9 of the 25 weren't very active. Tim Carr is new fire chief. Open house maybe during October fire prevention week. Station 332 is all cleaned up. That station is only manned 1-2 people.

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 14, 2024

Buildings and Grounds:

Trustee Skinner has been bugging Delaware County Finance Authority. She got the process started. Trustee Skinner and Fiscal Officer Link met with DCFA and treasurer office. We have to fill out an application, fee, etc. and has to go in front of their finance committee. Goes back to June 12th board and then they will approve it again. At least 2-3 weeks for bond money to be received. Totally \$2,111,200 . Discussion occurred for the bond program.

Trustee Skinner made a motion to proceed with the application process and application fee of \$2500 for the Delaware County Finance Authority to obtain a bond for building the maintenance building. Trustee Miley seconded. During discussion Trustee Stegner thinks it cost too much. Motion passed (gary – nay)

RESOLUTION 2024-05-14-05 TO PROCEED WITH THE APPLICATION PROCESS AND APPLICATION FEE OF \$2500 FOR THE DELAWARE COUNTY FINANCE AUTHORITY TO OBTAIN A BOND FOR BUILDING THE MAINTENANCE BUILDING

Miley Aye Skinner Aye Stegner Nay

The Kilbourne Baseball Assn reached out to ask about a shed. Trustee Stegner advised them they needed to show up for a board meeting so the board could gather more information..

Old Business:

Trustee Skinner shared she spoke with Ipanda and the cost for township emails would be \$8/month per email. This seems very expensive.

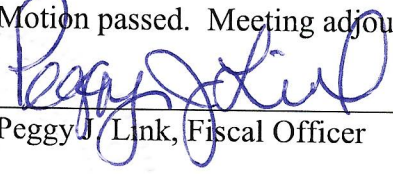
New Business:

Trustee Skinner was invited to a One Delaware meeting ODOT.

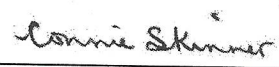
Trustee Skinner shared she is meeting with Max the asset assessment.

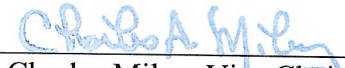
Trustee Skinner will be sharing the Prosecutor’s suggestion on medical marijuana to block dispensary


Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 9:35 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson


Gary Stegner

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 30, 2024

The Brown Township Trustees met on this date at 4:30 PM in special form with Trustees Miley, Stegner and Skinner, Fiscal Officer Link and guest Ryan Rivers

Trustee Skinner called the meeting to order.

Trustee Skinner went over a review of all the information for the bond. We've reviewed financials further. There are fees in the \$2.5 million bond. There will be reduced amount of appropriations that the township will have available with having to commit to an annual payment of approximately \$200,000. Trustee Miley made a motion to accept the Studer Obringer contract for \$1,865,000. Trustee Skinner seconded. Approved.

RESOLUTION 2024-05-30-01 TO ACCEPT THE STUDER OBRINGER CONTRACT FOR \$1,865,000

Miley Aye Skinner Aye Stegner Nay

RESOLUTION NO. 2024-05-30-02

A RESOLUTION AUTHORIZING THE TOWNSHIP TO REQUEST THE ASSISTANCE OF THE DELAWARE COUNTY FINANCE AUTHORITY BY ISSUING THE FINANCE AUTHORITY'S SPECIAL OBLIGATION REVENUE BONDS TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, AND EQUIPPING OF BUILDINGS AND REAL PROPERTY LOCATED IN THE TOWNSHIP FOR USE BY THE TOWNSHIP AS A MAINTENANCE BUILDING; AUTHORIZING THE TOWNSHIP TO EXECUTE AND DELIVER A COOPERATIVE AGREEMENT, GROUND LEASE, PROJECT LEASE, AND OTHER TRANSACTION DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING AND APPROVING RELATED MATTERS

WHEREAS, the Delaware County Finance Authority (the "Finance Authority") may from time to time issue its special obligation revenue bonds (the "Special Obligation Revenue Bonds") to enable it to assist governmental agencies within its jurisdiction with financing the costs of "port authority facilities," as defined in Section 4582.21 of the Ohio Revised Code; and

WHEREAS, this Board wishes to obtain the assistance of the Finance Authority by (i) issuing its Special Obligation Revenue Bonds in a principal amount not to exceed \$2,500,000 (the "Bonds"); (ii) using the proceeds of the Bonds to acquire, construct, renovate, improve, and equip a maintenance building and real property on which such building is situated, located at 4115 Old State Road, Delaware, Ohio 43015 in the Township (the "Project") for use as a maintenance building and related purposes; and (iii) leasing the Project to the Township; and

WHEREAS, to obtain the assistance of the Finance Authority, it is necessary for this Board to authorize the Township to enter into, execute and deliver a Cooperative Agreement, Ground Lease, and a Project Lease, together with certain other documents necessary or appropriate to facilitate the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees (the "Board") of the Township of Brown (the "Township"), County of Delaware, and State of Ohio:

SECTION 1. Findings and Determinations. This Board hereby finds and determines that:

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 30, 2024

(a) By virtue of the laws of the State, the Township is authorized and empowered to do the following:

(1) to obtain the assistance of the Finance Authority with the acquisition, construction, renovation, improvement, and equipping of the Project and financing the costs thereof pursuant to the terms of a Cooperative Agreement (the "Cooperative Agreement");

(2) to ground lease the land on which the Project will be constructed to the Finance Authority, and execute and deliver a Ground Lease Agreement (the "Ground Lease") for the lease of the land by the Finance Authority;

(3) to lease the Project from the Finance Authority and to enter into with the Finance Authority, and execute and deliver, a Project Lease (the "Project Lease") for lease of the Project by the Township; and

(4) to enter into, execute and deliver such other agreements, documents and certificates related thereto in connection with the issuance of the Bonds by the Finance Authority (together with the Cooperative Agreement, the Ground Lease, and the Project Lease, collectively the "Lessee Documents"), and to approve a Supplemental Indenture, any bond purchase or placement agreement, and any offering document, if any, utilized in connection with the offering and sale of the Bonds (collectively, the "Bond Documents"), subject to approval of final Lessee Documents and Bond Documents by the members of the Board executing such document.

(b) Under the Cooperative Agreement and Project Lease authorized under this resolution, the Township is authorized to obtain the agreement of the Finance Authority to cause the Finance Authority to acquire and construct the Project and to issue the Bonds to finance the cost of such acquisition and construction.

(c) All acts and conditions necessary to be done or performed by the Township precedent to the execution and delivery of the Cooperative Agreement, Ground Lease, Project Lease and the other Lessee Documents in order to make such Lessee Documents the legal, valid and binding obligations of the Township in accordance with the terms thereof have been met or will, at the time of delivery of the Lessee Documents, have been met, in regular and due form as required by law.

(d) The proposed use of the Project is in furtherance of the purposes of Chapter 4582 of the Ohio Revised Code in that it will be used by the Township for governmental purposes within the jurisdictional boundaries of the Finance Authority.

(e) All formal actions of this Board relating to the enactment of this resolution were taken in an open meeting of this Board. All deliberations of this Board and of any of its committees that resulted in formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Revised Code.

RECORD OF PROCEEDINGS

Minutes of Brown Township Trustees Meeting

Held May 30, 2024

Provision and Financing the Costs of the Project; Lease of the Project to the Township. The Township is hereby authorized to obtain the assistance of the Finance Authority pursuant to the terms of the Cooperative Agreement (i) to issue its Special Obligation Revenue Bonds in a principal amount not to exceed \$2,500,000 (the "Bonds") to finance the costs of the Project; (ii) to use the proceeds of the Bonds to acquire, construct, renovate, improve, and equip the Project; (iii) to ground lease the land on which the Project will be constructed to the Finance Authority pursuant to the Ground Lease; and (iv) to lease the Project to the Township for use as a maintenance building pursuant to the Project

SECTION 2. Agreement, the Ground Lease, and the Project Lease in substantially in forms on file with the Township Clerk, with such modifications as shall be approved by the members of the Board executing such document, which shall not be inconsistent with this resolution and shall not be substantially adverse to the Township. The approval of the Cooperative Agreement, the Ground Lease, and Project Lease by the members of the Board executing the same shall be conclusively evidenced by their execution thereof.

The Township is further authorized to enter into the other Lessee Documents, and any two or more members of the Board are authorized to enter into, execute and deliver, for and on behalf of the Township, such other Lessee Documents in form approved by the members of the Board executing such Lessee Documents. The terms of such other Lessee Documents shall not be inconsistent with this resolution, and the approval of the other Lessee Documents by the members of the Board executing the same shall be conclusively evidenced by their execution thereof.

Any two or more members of the Board are authorized, for and on behalf of the Township, to execute and deliver the Bond Documents in form deposited with the Township Administrator or Fiscal Officer as of the date hereof.

SECTION 3. Other Transcript Documents. This Board further authorizes and directs the Township Administrator or any other appropriate official of the Township, alone or in conjunction with any of the others, to sign and deliver, such certifications, assignments and instruments as are necessary or appropriate to provide for the issuance of the Bonds, the acquisition, construction, renovation, improvement, and equipping of the Project by the Finance Authority, the lease of the Project by the Township, or the consummation of the transactions provided for in the Cooperative Agreement and Project Lease.

SECTION 4. Authorization. During the Fiscal Year beginning January 1, 2024, the Township Administrator or Fiscal Officer is hereby authorized and directed to encumber and establish a purchase order in an amount sufficient to cover the gross annual lease payment by the Township to the Finance Authority, and release and remit such payment in a timely manner, as it becomes due and owing to the Finance Authority in accordance with the terms of the Project Lease.

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SECTION 5. Tax Covenants. The Township covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on any portion of Bonds issued on a tax-exempt basis (the "Tax-Exempt Bonds") to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Tax-Exempt Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Internal Revenue Code of 1986, as amended (the "Code").


SECTION 6. Appropriation. All proceeds of the Bonds received by the Township are hereby appropriated for the payment of costs of financing of the Project and for the payment of fees relating to the financing of the Project pursuant to the Cooperative Agreement and as set forth in this Resolution, which fees may include, but are not limited to, fees of professionals incurred by the Township in connection with the Project. There is further appropriated, in addition to the amount appropriated in Section 4, from unappropriated funds to be deposited or currently on deposit in the general fund and other available unrestricted funds of the Township, a sum of \$49,000.00 or less in an amount equal to prepay rent due under the Project Lease according to the terms thereof.

SECTION 7. Effective Date. This resolution shall be effective at the earliest date allowed by law.

Trustee Skinner made a motion to adjourn the meeting. Trustee Miley seconded. Motion passed. Meeting adjourned at 4:44 pm.


Peggy J. Link, Fiscal Officer

Trustees


Connie Skinner, Chairperson


Charles Miley, Vice Chairperson


Gary Stegner