

BERLIN TOWNSHIP TRUSTEES

6:00 p.m.

Trustee Meeting

November 14, 22

HELD AT: This meeting was held at 3271 Cheshire Rd, Delaware, OH

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Meghan Raehll, Ron Bullard, Claudia Smith, Fiscal Officer and Theresa Taylor, Fiscal Officer Assistant

ATTENDANCE: Melissa Schiffel, Mark Fowler, Chris Betz, Scott Belcastro, Tony Stucco Mike Shade, Laurie and Rick Karr, Chris Paykoff and Chief Miller

PUBLIC COMMENT: There were no public comments.

Prosecutor Discussion- Raehll explained that there have been a number of issues that have come up with contracts and zoning issues this past year. The categories of upcoming zoning issues fall into a number of different resource capacities that could be taxing on their office. Having the opportunity to talk through what the township is anticipating for next year's goals she thought would help to get out in front of the planning stages so that planning can be done accordingly if supplemental or third parties may be needed to help execute these issues. There are a number of zoning violations that have come up that stem back from a couple of years ago and Raehll thinks an audit may need to be conducted over the next year. There is also a number of current issues that are on the horizon, to include the BBP with a number of development plans that are coming through that have complexities related to contracts therein and we are going to need to substantially revise our zoning code.

Schiffel stated that she wants to ensure that they are representing the board and what the board wants them to do. She said it is very hard to manage expectations when being flooded with emails along with phone calls. Schiffel said that what the trustees can do to help them prioritize issues is to ensure all the trustees know what is being submitted to their office and work with them to prioritize things and that the questions that are being asked truly need legal counsel involvement.

O'Brien stated that they are each a liaison for different departments and what each feel is a priority the others agree upon. He said that they did not want to have one central person that may not understand the complexity of the particular issue making a decision of what is more of a priority over another. The other concern is the separation of powers. Bullard stated that if a question is being asked that the trustees consider it of importance. They do not know the prosecutor's workload and he asked if that is the issue to let them know and they can back off of items to help them out.

Schiffel said that it is not a matter of being overloaded because they exist to serve the board so that the board can serve their constituents. They may not meet artificial deadlines that have no legal bearing. This is what she wants the board to understand, that they will work to finish whatever is needed from them within a timely fashion or real deadlines and they will work to meet artificial deadlines as soon as they can because they are not going to speed things up to provide haphazard advice. She will not compromise the integrity of their legal advice to meet an artificial deadline. O'Brien asked if advice is just needed concerning what is legal, what would be the best route to get an answer. Schiffel said that for something like that a phone call would be the best and by no means is the Matrix system the only way to speak with the prosecutor's office, it is there to help issues to be prioritized. Raehll said that if they have inundated them with questions, it would be nice to know if an issue would take more time than the trustees would like it to because then as a board, they can decide whether or not they want to wait or pursue other options and Schiffel said that would be fair and not a problem.

All of the trustees feel that the Matrix system will help to know what the others are asking of the prosecutor's office and help them to be able to prioritize issues based on their matter of importance and their deadlines.

Zoning Department-
Timberlake Final Development Plan Extension Request- Mike Shade explained that the Timberlake development plan was passed by the board in early 2018. In February 2018

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his client Judy Hook was advised by the Delaware County Commissioners that the Delaware County Engineer and the Delaware County Sanitary Engineer said that there were some major issues that included the closure of Hyatts Road starting immediately which included major sewage issues and the expansion of Hyatts Road at the Route 23 intersection with the dates unknown as to the completion of these items. Judy Hook passed away a year ago and things have taken time within the courts to officially change over the beneficiary of the property and transition of the LLC. Out of the whole project Hook only asked that her fence be restored at 123 Hyatts and that she receive taps for all of the land that she gave up. The project itself was not to make money but to help service the health needs of the three townships that if affected. In short, Shade is asking for a six-month extension for the project as is, with no changes due to the fact that his client could not do anything with the property when it was going through all the transitions and that she has since passed away.

O'Brien and Bullard said that they would not be opposed to giving a six-month extension as of today's date to the plan as it currently exists. Raehll confirmed that this is the second extension that has been asked for.

RESOLUTION 22-11-11 MOTION TO EXTEND BZC 17-008, TIMBERLAKE FINAL DEVELOPMENT PLAN TO MAY 14, 2023

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, Raehll no and Bullard yes

Buckeye Swim Club Extension Request-

Laurie Karr read the following:

Good Evening Trustees:

I am Laurie Karr, 3375 Brentwood Court, Powell, Ohio requesting a 1-year extension to the filing of the Development Plan related to Berlin Township Zoning Application #21-003 for Buckeye Swim Club 1895 Peachblow Road, and parcel #s 41833001002000 and 41833001003000.

We are working with our architect (Design Collective), a general contractor (Robertson Construction) and civil engineering firm (Kimberly – Horn) on a complete development plan for the approved planned commercial development including the Aquatics Center and the two additional office buildings.

One of our delays has been working on a clarification with the City of Delaware as we are planning to connect into Delaware County Sewer. Should the property be annexed into the City of Delaware having to incur the expense of implementing a sewer connection then to the City of Delaware would be a double expense that we believe is unnecessary. We have worked with City Manager Holman who is working on a clarification of the City's letter allowing for the connection to Delaware County Sewer.

We would like to have a late 2023 completion date but with the current availability of materials, whether cement to HVAC, we target completion in the second half of 2024. Buckeye Swimming and Swim School is excited that we have the excavation in process for a 25-yard competitive training and swim school pool located in downtown Powell and the first 25-yard pool built in Delaware County in over 10-years. I look forward to starting the same process for our facility and a much larger competitive pool and separated dedicated lesson pool in Berlin Township as soon as possible. My learnings on the Powell pool project will help in the success of the Berlin site on Peachblow.

Raehll asked what the status is for the letter from the City of Delaware and if they are currently working on the final development plan. Karr said that they still have not received the letter from them although they continue to say that it is on the way and yes, the final development plan is in the works. Raehll said that since this is their first time asking for an extension, she would be inclined to grant a six-month extension.

RESOLUTION 22-11-12 MOTION TO EXTEND THE DEADLINE FOR BZC 21-003, BUCKEYE SWIM CLUB TO JULY 13, 2023

Motion: Raehll
Second: Bullard
Vote: O'Brien yes, Raehll yes and Bullard yes

Approval of Minutes-

RESOLUTION APPROVE THE 10/10/22 REGULAR MEETING MINUTES,

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22-11-13 10/24/22 REGULAR MEETING MINUTES, 10/28/22 SPECIAL MEETING MINUTES, 11/1/22 SPECIAL MEETING MINUTES AND 11/8/22 SPECIAL MEETING MINUTES WITH THE CORRECTION OF RESOLUTION 22-11-08 SHOULD SAY PENDING THE COMPLETION OF PAPERWORK INSTEAD OF COMPLETION OF THE STATE BOARD BY THAT DATE AND DISPENSE WITH THE READING

Motion: Bullard
Second: Raehll
Discussion: O'Brien asked Raehll about resolution 22-11-08 and if she meant to say completion of the state board by that date. Raehll said that she said pending completion of paperwork by that date and asked Taylor to double check the recording. Taylor listened to the recording and confirmed that Raehll did say the completion of the state board. The above amendment was added to state that it should say pending completion of paperwork by that date.
Vote: Raehll yes, Bullard yes and O'Brien yes

Old Business- Storage Building Proposal- Bullard said that the storage building proposal was not acceptable to the prosecutor because it is lacking competitive bidding for the project. He is working on coming up with a bid for the concrete and asking for an RFP from the trustees to do this.

RESOLUTION 22-11-14 MOTION TO AUTHORIZE TRUSTEE BULLARD TO PUT TOGETHER AN RFP FOR THE CONCRETE STRUCTURE FOR THE STORAGE BUILDING TO BE BUILT AT A LATER DATE, WITH THE CONCRETE BEING UP TO 60 X 100 FEET AND TO REQUEST PROPOSALS FROM VENDORS PER THE APPROVAL FROM THE PROSECUTOR'S OFFICE

Motion: Bullard
Second: O'Brien
Vote: Raehll yes, Bullard yes and O'Brien yes

Fairview Sign- Nothing new.

Assistant Cemetery Sexton- Bullard is making progress with this.

Unauthorized Cell Tower- Raehll stated that a designee needs to be assigned to be the signatory of the interrogatories and suggests that it be trustee O'Brien with him being the Chair of the board.

RESOLUTION 22-11-15 MOTION TO APPOINT TRUSTEE O'BRIEN AS THE AUTHORIZER OF THE INTERROGATORIES RELATED TO THE UNAUTHORIZED CELL TOWER ON THE OLSD PROPERTY

Motion: Raehll
Second: Bullard
Vote: Bullard yes, O'Brien yes and Raehll yes

Cleaning Companies- After receiving three quotes; Modern Maid was \$173/weekly, Complete Property Service was \$140/weekly and Stratus Building Solutions was \$75/weekly with an option to have chair cleaning.

RESOLUTION 22-11-16 MOTION TO APPROVE QUOTE DATED NOVEMBER 7, 2022 FROM STRATUS BUILDING SOLUTIONS AND ALLOCATE UP TO \$325/MONTH WITH THE ANTICIPATED START DATE BEING AFTER JANUARY 1, 2023 FOR UP TO 12-MONTHS AND AUTHORIZE TRUSTEE RAEHLL TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE CONTRACT

Motion: Raehll
Second: Bullard
Vote: Bullard yes, O'Brien yes and Raehll yes

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Discussion: Smith asked if there were any extra costs for services they may render. Raehll said that there is an extra \$25/month for wiping down the chairs but after discussing with the trustees, the road department will be in charge of wiping the chairs down if and when needed.

**Pony Mowing Contract-
RESOLUTION
22-11-17**

MOTION TO APPROVE PONY MOWING AND LANDSCAPING PROPOSAL #551 CHESHIRE CEMETERY FOR UP TO \$45,000/YEAR, PROPOSAL #552 PEACHBLOW CEMETERY FOR UP TO \$2,500/YEAR, PROPOSAL #553 FIRE DEPARTMENT PROPERTY FOR UP TO \$15,000/YEAR AND PROPOSAL #554 FAIRVIEW CEMETERY FOR UP TO \$26,000/YEAR, CONTRACTS FOR MOWING, FERTILIZATION AND WEED CONTROL FOR THE ABOVE MENTIONED PROPERTIES AND AUTHORIZE TRUSTEE BULLARD TO EXECUTE ANY DOCUMENTS AND MANAGE THE CEMETERY MOWING CONTRACTS

Motion: Bullard
Second: Raehll
Vote: O'Brien yes, Raehll yes and Bullard yes

Opioid Settlement- Raehll told Bullard that she tried the link that he had sent to her and it would not let her register so she reached out to an administrator and was told Bullard is the authorized representative for the Opioid Settlement. She would like to officially switch the authorized representative from Bullard to herself this evening.

**RESOLUTION
22-11-18**

MOTION TO NAME TRUSTEE RAEHLL AS THE AUTHORIZED REPRESENTATIVE EFFECTIVE NOVEMBER 14, 2022, TO THE NATIONAL OPIOID SETTLEMENTS

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, Raehll yes and Bullard yes

Scout Projects- Bullard stated that there was a request from a boy scout to do an Eagle scout project somewhere in the township. Raehll likes the idea of benches and/or little libraries, possibly outside of the township hall. Bullard said that his only concern with the little libraries is possible selection of books that may be put in there that could be inappropriate and noted that if this was chosen, it would have to be out of any road rights-of-way.

Branding/Logo- Raehll showed the logo to the board with the muted version of blue. All of the trustees approved the logo.

**RESOLUTION
22-11-19**

MOTION TO ADOPT THE 'B' LOGO SENT AT 11:54 A.M AS THE SECONDARY LOGO FOR THE TOWNSHIP

Motion: Raehll
Second: Bullard
Vote: Raehll yes, Bullard yes and O'Brien yes

Branding/Polos- Raehll received quotes for the township polos and recommends Egelhoff Sports, which would digitize the logo so that the machine can sew the logo onto the polos. The initial cost for the digitalization is \$50. She likes how there is much more variety and price levels in shirts that can be purchased.

**RESOLUTION
22-11-20**

MOTION TO ALLOCATE \$50 TO EGELHOFF SPORTS, FOR THE DIGITALIZATION OF THE LOGO FOR TOWNSHIP BRANDING POLOS

Motion: Raehll
Second: Bullard
Vote: Raehll yes, Bullard yes and O'Brien yes

Trustee Items-

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Trebel Energy- Scott Belcastro explained that they were going to try to get together a gas program by January 1, 2023 but the market is not cooperating and if the opinion to wait until spring when the rates will be lower. He said that the volatility of these markets, gas and electric, is like nothing they have ever seen and it is hard to lock in a price when it is low because of needing the boards approval first and having to wait for a trustee meeting. He is asking to have one of the board members be able to sign documents when they are in an agreed upon price range (from the entire board) so that if it is low, they will only have to contact one trustee.

Belcastro explained that AEP is set by two auctions, one November 1, 2022 and March 7, 2023. This will determine the residents rate starting June 1, 2023 for one year and that the residents will be in sticker shock. The November auction settled at \$119.98 which is the equivalent of .12 cents per kilowatt-hour, previously it was .07 per kilowatt-hour, this is 45% of AEP electric power and the other 55% will happen during the March auction. Foreseeing what the market is and what the auction was, it is Belcastro’s recommendation that the township enters into an agreement with a supplier, who would be Archer Energy, to allow them to buy 45% of the electric now and the other 55% at the next auction in March, this will allow for a 15-20% savings to Berlin Township residents. Raehll asked if he thinks the March auction will also be high and he said if he were to guess it would settle at around \$95 a mega-watt per hour. O’Brien asked if we take the 45% from Archer Energy would the other 55% have to be from them also. Belcastro said yes because they would be matching and mimicking the auction and lock in the savings with no risk. The only risk could be that the market closes lower than expected but that is not foreseeable. O’Brien asked if residents could opt-in or opt-out at any time with no penalty and Belcastro confirmed that was correct.

RESOLUTION 22-11-21 MOTION TO AUTHORIZE TRUSTEE BULLARD TO EXECUTE ANY PAPERWORK NECESSARY WITH TREBEL TO LOCK IN ARCHER ENERGY FOR A 12-MONTH PROGRAM, AND ALLOW ARCHER ENERGY TO PURCHASE 45% OF THE ELECTRIC NOW WITH AT LEAST A 15% SAVING AND THE OTHER 55% OF THE ELECTRIC IN THE SPRING

Motion: Bullard
Second: Raehll
Vote: Bullard yes, O’Brien yes and Raehll yes
Discussion: Bullard will get the prosecutor’s approval on the contract.

**Township Server Room-
RESOLUTION 22-11-22 MOTION TO APPROPRIATE UP TO \$800 TO IT MADE REAL FOR THE PURPOSE OF CLEANING UP WIRING AND ASSOCIATED EQUIPMENT AND LABOR TO UPGRADE THE SERVER ROOM**

Motion: Raehll
Second: Bullard
Vote: Bullard yes, O’Brien yes and Raehll yes

Cemetery- Bullard said all of the stones have been put into place at Fairview Cemetery.

**Fire Department-
Requisitions-
RESOLUTION 22-11-23 MOTION TO APPROVE REQUISTION 2022-23 TO THE DOOR GUYS, IN THE AMOUNT UPTO \$6,577, FOR THE PURPOSE OF REPLACING TWO GARAGE DOOR OPERATORS**

Motion: O’Brien
Second: Bullard
Vote: O’Brien yes, Raehll yes and Bullard yes

RESOLUTION 22-11-24 MOTION TO APPROVE REQUISITION 2022-22 TO C DANE REMODELING RESTORATION, IN THE AMOUNT UPTO \$6,000, FOR THE PURPOSE OF REMOVING AND REPLACING THE CARPET IN THE DORM ROOMS

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Motion: O'Brien
Second: Raehll
Vote: O'Brien yes, Raehll yes and Bullard yes

**Resignations-
RESOLUTION 22-11-25 MOTION TO ACCEPT THE RESIGNATIONS OF JACOB TROTT AND JASON BAUGHN WITH THE EFFECTIVE DATES BEING PROVIDED TO THE FISCAL OFFICER BY CHIEF MILLER**

Motion: O'Brien
Second: Bullard
Vote: Raehll yes, Bullard yes and O'Brien yes

AED Replacement- Miller said that the AED in the township has expired and wanted to know if the board wanted it replaced. It is his recommendation that it be replaced due to the fact that the township hall gets rented out to people and the fact that if it should be needed minutes and accessibility matter. Miller will do a cost analysis and get three quotes and bring them back to the board for consideration.

Fantasy of lights has asked the fire department to put up a blow-up fire truck. O'Brien said that as long as it meets the zoning code and has no advertisement, he would approve of it.

Snow Guard- O'Brien said that one of the reasons there is moisture in the fire department is because there is no insulation. Miller thinks the problem needs to be remedied. O'Brien wants him to speak with Lenaghan but not to feel compelled to do her solution unless he feels it is the correct one and bring it forward to the board. Miller said that he tends to agree with her suggestion based upon the success of the last project led by Roof Connect.

RESOLUTION 22-11-26 MOTION TO APPROVE CHANGE ORDER IN THE AMOUNT OF \$3,298 TO ROOF CONNECT, FOR THE PURPOSE OF REINSTALLING EXISTING PLASTIC SNOW GUARDS, PROJECT 4209

Motion: O'Brien
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes

Miller asked for the ability to program numbers for fire fighters at the fire department. Raehll only wants the fiscal officer to have that access. Smith said that the program she has will only do the township hall and the road department employees and does not have the ability to do fire department employees. Raehll's issue is that Miller would then know the other fire fighters' codes and does not want anyone to have the opportunity to come in underneath anyone else's codes.

Raehll said that All Secured contacted her and said that the fire department is changing the order, which would have an additional cost. Miller confirmed he called them because they messed up by putting an entry on a door that they did not ask for, they said that they could take it out and essentially put a plate over it. Miller said that since it was already done, he asked what the estimate would be to add that door. Raehll suggested he speak with All Secured and tell them that since they were the ones that made the mistake that they should be the ones to eat the cost or change it back to its original form. She asked that All Secured put in no more doors without permission.

Smith said that she does not want the responsibility of 150 medics plus the fire department to program and be in charge of all of them, since they would be on a different IP address and not in the same system as the township hall. There is also the challenge of managing who would be allowed access to what door. Miller said that previously the fire chief was in charge of entering each person's codes along with being in charge of all keys. Raehll asked the board their thoughts on allowing Miller to program codes since he is in charge of all of the fire department keys. Bullard would like it to be deferred to the chief since there are so many fire fighters and EMS that come and go and with the security system there is even more of a backup as to who is coming and going. Raehll is alright with Miller having sole access to put in fire employees' codes.

RESOLUTION MOTION TO AUTHORIZE CHIEF MILLER TO ASSIGN ACCESS

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22-11-27 CODES TO THE ENTRY SYSTEM AT THE FIRE DEPARTMENT. CHIEF MILLER IS THE EXCLUSIVE PERSON THAT IS TO ASSIGN THESE AND MAY NOT DELEGATE THAT AUTHORITY AND HIS AUTHORITY IS FOR THE FIRE STATION ONLY

Motion: O'Brien
Second: Raehll
Vote: Bullard yes, O'Brien yes and Raehll yes

Road Department-

Dale Ford & Sherman Road Culvert REA's-Bullard would like to see if the county engineer would be alright with us putting some dirt by the bank and then put riprap on it to protect it from erosion.

Plastic Risers for Curb Inlets- O'Brien was under the impression that all new developments had to have this and did not have knowledge of a resolution that said they had to do this.

RESOLUTION 22-11-28 MOTION EFFECTIVE NOVEMBER 14, 2022, ALL SUBDIVISIONS LOCATED WITHIN BERLIN TOWNSHIP THAT HAVE NOT BEEN AUTHORIZED TO BEGIN CONSTRUCTION SHALL PROVIDE PLASTIC RISERS IN ALL CURB INLETS. THE PLASTIC RISERS SHALL COMPLY WITH CURRENT DELAWARE COUNTY ENGINEER DESIGN, CONSTRUCTION AND SURVEYING STANDARDS MANUAL, INCLUDING ALL CURRENT SUPPLEMENTAL SPECIFICATIONS AND FURTHER MOVE THE FISCAL OFFICER IS INSTRUCTED TO SEND THIS TO THE COUNTY ENGINEER

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, O'Brien yes and Raehll yes

Fiscal Officer Items-

October Bank Statement and Electronic Payments- The October bank statement and electronic payments balanced.

Payments by Credit Card, PayPal or ApplePay- Smith said that she spoke with the bank, who does not recommend Zell or Venmo as payment within the township. They recommend a credit card, PayPal or ApplePay. This will be looked into by the trustees at a later date.

Credit Cards- Smith said that she received Borso's credit card and also has Irwin's and asked the trustee's what she should do with them.

RESOLUTION 22-11-29 MOTION TO REMOVE LAURA BORSO AND BRODI IRWIN AS AUTHORIZED USERS FROM THE TOWNSHIPS CREDIT CARD

Motion: Raehll
Second: Bullard
Vote: O'Brien yes, Raehll yes and Bullard yes

RESOLUTION 22-11-30 MOTION TO AUTHORIZE JACOB BON TO BE ADDED TO THE CREDIT CARD FOR ZONING WITH A LIMIT AMOUNT OF \$500/MONTH, AND JESSE PEDEN FOR THE ROAD DEPARTMENT WITH A LIMIT OF \$2,000/MONTH

Motion: Raehll
Second: Bullard
Vote: O'Brien yes, Raehll yes and Bullard yes

Zoning Department Cont'd-

October Zoning Report- There are six new builds in October and the YTD total is 134.

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Set Hearing Date for CLUP- If there is an issue, Smith will let the trustees know at the November 28, 2022 trustee meeting so that the date and time may be changed if necessary.

RESOLUTION 22-11-31 MOTION TO SET DATE AND TIME CERTAIN FOR BZC 22-003, BERLIN TOWNSHIP COMPREHENSIVE LAND USE PLAN, FOR DECEMBER 12, 2022 AT 7:00 P.M. AT 3271 CHESHIRE ROAD

Motion: Raehll
Second: Bullard
Vote: Raehll yes, Bullard yes and O'Brien yes

Future Meetings-
11/16/22 MORPC Meeting
11/17/22 Regional Planning Meeting
11/28/22 Trustee Meeting
12/01/22 Prosecutor's Office Training Meeting

RESOLUTION 22-11-32 MOTION TO APPOINT TRUSTEE RAEHLL TO DETERMINE THE ATTENDANCE AND THE REIMBURSEMENT FOR THE ATTENDEES FOR THE TRAINING BY THE PROSECUTORS OFFICE ON DECEMBER 1, 2022

Motion: Bullard
Second: Raehll
Vote: Raehll yes, Bullard yes and O'Brien yes

Late Items- Bullard will be in charge of the next newsletter, which will go out approximately March 18, 2023.

A resident would like to see walking/flashing lights at Glenmead due to safety concerns. Reidel said that there may be money available to have them installed. O'Brien is open to the idea. Bullard will follow up with Reidel.

Riepenhoff is working on writing a letter for Bullard to give to a former employee, which will be given to them before they receive their last check. Raehll is not opposed to revisiting how vacation is earned and dispersed at the organizational meeting but at this time what is said in the handbook is the rules that will be followed.

Raehll said that the CRA is not available for commercial residential and the Business Park, we would need to have another JEDD or the same JEDD but there's no compulsion to join the commercial/residential JEDD because there is no incentives provided by the county. Two questions, first being could we do anything outside of TIFFs to incentivize them to join, secondly when it comes to TIFF's how we could incentivize them to join. Raehll said that they recommend O'Brien send his recommendations with a red-lined version to them with his comments/questions.

Adjourn- RESOLUTION 22-11-33 MOTION TO ADJOURN

Motion: Bullard
Second: Raehll
Vote: Bullard yes, O'Brien yes and Raehll yes

Meeting was adjourned by Chairman O'Brien at 11:15 P.M.

Ken O'Brien, Chairman

ATTEST: _____
Meghan Raehll, Vice-Chair

Theresa Taylor, Fiscal Officer Assistant

Ron Bullard, Trustee