

**Whitewater Township Board
Minutes of Special Meeting held April 10, 2012**

Call to Order

Supervisor Lake called the meeting to order at 8:46 a.m. at the Historic Court House,

Roll Call

Board members present: Benak (arrived at 8:47 a.m.), Boyd, Hockin, Hubbell and Lake

Board members absent: None

Others present: Leslie Meyers and Attorney Fahey

Agenda Items as Listed in Special Meeting Notice

1. Closed Session Meeting with Township Attorney
2. 9:00 a.m. Settlement Conference, Whitewater Township v Snider, James Et Al

Moved by Boyd, seconded by Hubbell to go into closed session to discuss Snider litigation. Roll call vote: Benak, yes; Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes. **Motion approved.**

Recessed to closed session at 8:48 a.m.

Reconvened the meeting at 9:35 a.m. and proceeded to the Judge Power's court room for settlement conference. Following suggestions from the judge the Township Board, Attorney Fahey and James & LuAnn Snider entered into discussion of settlement in the conference room.

Discussion of settlement:

- Snider offered to sell all four metes & bounds lots that are combined to one tax parcel to the township for \$250,000 and stated he would remove all of his "stuff".
- Stated there is 100' frontage on Old M72 and 100' frontage on Railroad.
- Snider stated assessed value is \$65,000.

Attorney Fahey pointed out that the proposed price was more than double the property's true cash value, and asked Mr. Snider what he believed makes the property so valuable. Snider responded that the building is an historic building and the additional lots would allow the township to expand the cemetery.

Motion by Boyd, seconded by Hubbell to go into closed session to discuss the settlement offer from Snider. Roll call vote: Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes. **Motion approved.**

Reconvened in open session at 10:05 a.m.

Attorney Fahey outlined a proposed settlement counter-offer to the Sniders.

That offer is as follows:

1. Items on premises must be stored in an enclosed building (s) or moved out of township.
2. Building (s) and fence must have land use and building permits; includes inspection by officials & zoning administrator.

3. Time frame for completion is 60 days.
4. If not complete in 60 days, Snider agrees to pay for disposal of items and attorney fees necessary to facilitate removal of items.

Snider rejected the counter offer. Stated Meyers will not be allowed on his property; also threatened additional lawsuits.

Fahey stated that this offer will be in the public record and Snider agreed to having it a part of the public record.

The meeting was recessed at 10:16 a.m.

The meeting was reconvened at 10:33 a.m.

Judge Power informed the Township Board that there is no settlement.

Attorney Fahey stated a Summary Disposition has been filed.

Trial is set for May 1st.

Fahey answered questions from the board regarding the legal process.

Trial should be posted as an open meeting.

Adjournment

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,
Carol Hockin, Clerk