

**WESTFIELD TOWNSHIP BOARD OF TRUSTEES**  
**OCTOBER 10, 2008**  
**SPECIAL MEETING -9:30 AM**

(As amended 6/18/09)

Chairperson of the Board of Trustees Carolyn Sims called to order the special meeting of the Westfield Township Board of Trustees at 9:35 a.m. Trustee Sims, Likley and Kratzer were present as well as Fiscal Officer Evans. Lee Evans and Chief Jack Snoddy. The purpose of the special meeting was pending litigation and General business.

Chair Sims stated she had some general questions to ask Fire Chief Snoddy.

- What is your annual budget? Chief Snoddy stated \$143,000.
- What is your annual salary? Chief Snoddy replied just right at \$50,000.
- Date of long range plan you put together with improvements? Chief Snoddy stated 1 ½ yr. ago when we started talking about a truck purchase.
- Chair Sims asked if the Fire Dept. needed a new truck? Chief Snoddy stated he was waiting to find out. We at least need one new truck.
- Chair Sims asked what truck gives you the most concern? Chief Snoddy stated truck #161 and then truck #164.
- Chair Sims asked if a new truck fit in the current fire station? Chief Snoddy stated everything that Mark has looked at so far...we might get it inside the doors and against the wall but then we would have two trucks sitting there like that. If we take out some racks... We would have to open the doors to get around the trucks.
- Chair Sims then asked, who requested to hire a consultant regarding a joint fire Dept? Was it the township or the Village? Chief Snoddy stated the Fire Committee. She then asked who initially brought this up? Chief Snoddy stated he first suggested it.
- Chair Sims asked does the fire Dept. have money for a new truck in the budget? Chief Snoddy stated no
- Chair Sims asked if Chief Snoddy felt the failure of this levy will make a difference in safety service provided to the residents by the Fire Dept.? Chief Snoddy stated no I don't think it would make a difference but I don't think it will allow us to move forward.
- Chair Sims then asked, did you ask the Trustees for 1 ½ yrs. to support a new fire levy for long range plans for \$2.5 million in capital improvements? Chief Snoddy said yeah, I think we have been talking about it for a long time. She added that leads her to bring up the article in the Gazette today which stated, "If the new levy does not pass the original levy will remain on the books. If the fire levy doesn't pass it wouldn't change much but it would hold the Fire Dept. back." How is the Board of Trustees going to buy any truck with an operating budget of \$143,000

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and we pay the Fire Chief \$50,000 and we need to replace two trucks. Trustee Kratzer stated that the Fire Chief's salary does not come out of the \$143,000 budget.

- Chair Sims asked if Chief Snoddy was misquoted in the article in the Gazette? Chief Snoddy stated I told the reporter the amount of money coming in wasn't going to change anything unless the levy passed. Chair Sims said the article stated, "Westfield Township Fire and Rescue asked Township voters for more money for Dept. expenses." Technically it can be used for equipment to capital improvements to salary and operating expenses Chief Snoddy said. The fire levy on the November 4<sup>th</sup> ballot will replace the continuous 1.5 mil levy. Chief Snoddy stated the current levy cost residents \$30.64 a year per \$100,000 appraised value and brings in \$78,000 annually. The new levy would cost Residents \$78.75 a yr. per \$100,000 appraised value and would bring in \$189,000 annually. Chair Sims asked where the reporter got those numbers? Chief Snoddy responded the Auditor's Office. Trustee Likley stated he did not believe the \$189,000 was an accurate number.

Chair Sims went on to read the article, "Chief Snoddy stated the Township Trustees agreed to have a study done to decide the millage for the November ballot. TG Fire, a fire risk assessment company and EMS Service is a company that helps prepare trauma care assistance each did a study and came up with a figure on what Westfield would need to maintain its fire station. We did not just come up with a wish list Chief Snoddy said, but we brought in an outside consultant."

Chair Sims continued that looking at the math; we need this fire levy because we cannot afford to replace the two trucks that you (Chief Snoddy) and the consultant's state need replacement. Chief Snoddy stated that was perfectly true.

Trustee Kratzer asked what was wrong with what was written in the Gazette? Chair Sims stated for one it was not accurate so this Board and Chief Snoddy need to decide what we are going to do about that. Second, that she has gone on record that she never wants to ask for a tax increase or a dollar more than what is necessary. The math shows this levy is necessary. Even though there has not been a tax increase for several years even with previous boards it has been the understanding all along that the rotation of the fire trucks were never budgeted for over the last 12 yrs.

Fiscal Officer Evans stated that was not true we have budgeted for 12 yrs. up until 2001 when we purchased a truck out of the Fire Levy Fund. Chair Sims stated your telling me

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with a \$143,000 annual budget you were able to purchase a \$125,000 EMS squad? Fiscal Officer Evans stated Westfield had to pay half of the purchase cost. We had money saved. Chair Sims stated she remembered a previous discussion about the nest egg the Township had for future equipment purchases and it was only \$13,000. The question is how are we going to correct the numbers printed in the Gazette and have accurate information. Fiscal Officer Evans stated she thought all that information about the fire levy was going to be in the Township newsletter. Chief Snoddy stated somebody needs to talk to the Auditor about those figures. Chair Sims asked if Chief Snoddy thought the Auditor gave the reporter those numbers? Chief Snoddy stated he did not give the reporter any figures except the millage increase.

Trustee Kratzer stated those numbers were probably not far off because the current levy was working on 1997 evaluations and if the levy passed it would be on the current evaluation. Chair Sims stated she recalled moving money from the General Fund to the Fire Levy fund in order to purchase the squad. Fiscal Officer Evans stated that was not correct. Chief Snoddy stated maybe money was moved from the Investment account... Trustee Kratzer stated if the money was in the Fire Investment fund then it would not be General Fund because each one those accounts is set up separately.

Trustee Likley stated he took the numbers from the Auditor. For a 1.5 mil it is \$115,878 if it was a replacement levy. For 2 mills it would be \$152,678. For 2.5 mills \$189,478 would be generated. Chair Sims stated she was not questioning the numbers from the Auditor she was questioning who made the decision to ask for an additional mil levy for a total of a 2.5 mil levy.

Chair Sims asked the date the budget has to be approved? Fiscal Officer Evans stated appropriations will not be made until the end of the year. She added the certificate of estimated resources did not have to be approved by the Trustees but just that you are allowing them to collect the revenue. If the levy passes a new certificate of resources will need to be submitted. The certificate of estimated resources needed to be submitted by November 3, 2008.

Chair Sims stated that based on Chief Snoddy's long range plan of needing \$2.5 million for capital improvements and the need for 2 trucks in the next several years in addition to possibly a new station, she did not read in the report of Chief Snoddy's need for the levy or his support. Chair Sims stated she did not want to ask for a dollar more in taxes than necessary to provide the services we need to.

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Trustee Likley stated there was also information on a 3 mil levy but T.G. Fire felt a 2.5 mil levy was sufficient so it was cut back to that millage. That is why we contracted with TG Fire; to assess the numbers and the need as a third party. The Village has been warm on their support on these capital improvements. Some of the Council members requested the consultant and brought that to the attention of the Fire Committee and Fire Committee requested the consultant. She added she just wanted to make sure the information to the public was accurate. Chair Sims stated she supported the consultant and felt they highlighted a lot of items that needed to be reviewed and acted upon.

Fiscal Officer Evans stated the only transfer was made to Zoning for 2006 and 2007. Chair Sims asked when the EMS squad was purchased? Chief Snoddy responded it was ordered in 2006, the money was encumbered and the squad paid for and delivered in spring 2007.

Chief Snoddy asked the Trustees to decide what verbiage they would like to use for the fire levy and do the article for the Post. That way it would be accurate and you (Trustees) don't have to worry about me misrepresenting some of the information.

Chair Sims stated the Fire Dept. as a sponsor of the levy should provide the information for the fire levy. Chief Snoddy asked for bullet points to be made so the accurate information is relayed. Chair Sims responded that Trustee Likley is the liaison for fire, so between Chief Snoddy, the Fire Committee and Trustee Likley accurate information can be produced to promote the levy.

Chief Snoddy stated that at the Trustee meeting scheduled for November 17, 2008, someone from Council would like to address the Trustees about a proposed fire station at an alternate site that would lend itself more to a 20 yr. plan as opposed to a 10 yr. plan. An idea proposed was to find a used truck that would fit into the existing fire station to stop gap for 4-5 yrs. Chair Sims stated she thought Chief Snoddy and the Fire Committee were going to recommend alternative locations for a fire station? Chief Snoddy stated a member of Council would like to address this issue at the November 17, 2008 Trustees meeting.

Chair Likley stated TG Fire did not look at alternative sites for a fire station. I would assume they didn't because we already own the land whether it is the existing fire station or here at the Townhall complex. To purchase additional land for a new site would cost additional money. The question is if this is where a new station will go does it warrant building a new station to a 20 yr. plan if we see additional growth outside this scope of service. Maybe this would be a temporary position with plans to build more to the eastern

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section, but then you would be getting further away from the Township; you get almost too close to Seville.

The consultants looked at this location here and it provided the range of service in terms of access, and the hall. Chief Snoddy stated that in 2 yrs. there will be 1100 more students in this area that the Fire Dept. will have to provide service for with the new school campus with the addition of the elementary school.

Chair Sims stated the early discussion was the reason the Townhall complex was considered was that it was part of the original construction design in addition to the expense of purchasing property. Chief Snoddy stated the consultants looked at doing some of our improvements at the current fire station site to buy time to accumulate money to possibly buy a piece of land to build a new fire station. Chair Likley asked what improvements to the existing fire station? Chief Snoddy stated at least being able to find a truck that will fit and get us by 4-5 yrs. and take the time and look at what we want and where we want it.

Trustee Sims asked why we don't suggest an estimate for commissioning a study on a separate location? She added she thought Fire Committee was going to look into and evaluate potential parcels of land and bring that back to Council. Chief Snoddy responded that Fire Committee has talked about that but nobody has stepped up to say they would take on that task. Trustee Sims stated she thought on Chief Snoddy's to do list was to get an appraisal on the construction based on the dimensions you suggested onto the fire station. These were to be loose numbers just for the Fire Committee, Village and Westfield Township's consideration. A loose appraisal on the existing fire station to understand that money offsetting the cost of building a new fire station. It was the Village's suggestion to look at an alternate property location and you were going to assess available parcels.

When the Townhall was originally constructed it also showed on the plan a satellite station setup. Trustee Kratzer stated the rendering was just a 2 bay 75 ft. drive-thru station where we could put larger trucks. It could accommodate maybe a few offices but not showers and other amenities a new station should have. Trustee Kratzer stated if we built a new fire station on the Townhall complex we would be limiting expansion of the Townhall complex in the future. The erection of another cell tower on Township property would also limit expansion to store equipment. Trustee Kratzer stated he had no issue with building a new fire station, but added if we could buy another 3-5 acres where we could expand in the future it might be worth looking into then to put the fire station at the Townhall complex. The numbers would have to be crunched to see if that was even feasible.

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Chair Sims stated she and Chief Snoddy walked the Townhall Complex property and laid out the dimensions for a 60x100 building with a pull through. Her first concern was the proposed cell tower location affecting future development at the Complex. She added she and Mr. Evans had a pointed discussion about his future storage needs for cold storage. Mr. Evans stated he did not want cold storage he wanted to add onto the existing bays and stack the equipment. That would hinder a pull through for the fire station and a lot of that hinges on the proposed cell tower location. You have the issue of the creek and the septic tank location and it was also important to keep the visual border for our neighbors off the back of the property.

Trustee Likley stated he would ask as a service point if the Townhall complex location was the site for a fire station for period of 20 yrs. is it centrally located, is it accessible short of having a satellite station somewhere else. Does this location best serve the community regarding east and west traffic with the highway being right at N. Leroy and even for points south? Chair Sims stated she went out on one of the fire trucks at the current station location and that 45 seconds going around the circle seemed like along time.

Trustee Likley stated the Trustees could meet with Village Council to hear their concerns and comments but it is important to realize if this Townhall Complex saves us from purchasing another 3 or 5 acres...The complex is centrally located and has good access north, south, east and west. Will a satellite station possibly be needed in 25 yrs? Who knows? The Township will cross that bridge at that time.

Chair Sims stated if we are going to ask the residents for a tax increase then we better have an equipment deficit as I am not interested in spending any more money for bricks and mortar or land especially during these difficult economic times.

Trustee Kratzer asked what were the concerns from the three residents who called you (Chair Sims) about the article in the Gazette? Chair Sims stated she explained the budgetary constraints of the Township and in particular the fire dept. I told them there is no money set aside for the rotation of equipment. Our current levy handles only the salary and the operating expenses of the fire dept. We haven't saved money to replace equipment and we haven't for a very long time. Fiscal Officer Evans interjected, yes we have. The last truck was paid out of the fire levy fund. Chair Likley stated the 2001 truck that was purchased exhausted that fund for any future purchases. The largest amount of the money to pay for the squad purchase was from EMS receipts. That was right around \$60-63,000. Fiscal Officer Evans stated we only got \$30,000 so other half of the money came from the fire levy fund. She added that the current levy is 12 yrs. old and basing the

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evaluation on 1997. That is why there is no money set aside for a new truck purchase. The fire levy should be renewed or looked to be renewed every 5 yrs. so that there is money set aside for equipment rotation. Chair Sims stated her point was that the Township does not have \$500,000 for a new fire truck.

Fire operation costs are exceeding the money received from the levy as Chief Snoddy's salary is paid out of the General Fund. If we continue without the passage of a new fire levy the township will go further into deficit for the operations of the Dept. Fiscal Officer Evans interjected, because levy is so old is decreasing every year instead of increasing. Chair Sims stated in addition there is no cushion. She then asked Fiscal Officer Evans if she would assist the Fire Committee regarding the budgetary numbers over the next couple of months. Fiscal Officer Evans stated she would give Trustee Likley the information. Chair Sims stated she meant attending the Fire Committee meetings. Trustee Likley interjected that the math shows that 2.5 mil will be at \$189,000. The question is the amount per \$100,000. Chair Sims stated she meant as we move forward and Chief Snoddy is looking at the appraisal of the current station and the construction estimate for a new building so the Trustees and Village Council can make informed decisions. Fiscal Officer Evans stated nothing was going to change unless the levy passes.

**MISC.**

White Road-Chair Sims stated an e-mail was received that White Rd. was denied lights and crossing gates. This was based on a revised traffic count. The previous count was around 1,000 and now that count has been reduced to just below 400. A traffic study was done and the count was just under 400. Therefore, White Rd. does not meet the criteria for the PUCO to pay for gates and lights. To make that railroad crossing safe, it will be up to the Township to address those issues. Mr. Evans would be ordering new signage such as "Yield" and "RR Crossing" and would be working with Lytle Construction and the Railroad to get that intersection widened. Pavement markings would be done after that improvement is made.

Newsletter-Trustee Sims stated the newsletter should be out anytime but has not received the final draft. Once the final draft is received it would be given to Kim Ferencz to post on the website. She added we would be getting 75 additional copies and that in the future the Township had to figure out what to do about getting an accurate, updated mailing list for the newsletter to be sent out to the entire community. This needs to be addressed now so we are not scrambling next year to get the newsletter out. Ms. Methlie who is a realtor stated she may be able to assist getting a complete list of addresses for the entire community.

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Guilford Twp. Employee Handbook-Chair Sims stated Mr. David Folk from the Pros. Office is in receipt of the Guilford Twp. Employee Handbook and would make revisions to it so we can finish Westfield Twp. Employee Handbook. She continued that contrary to what Mr. Thorne from the Pros. Office stated, Guilford Twp. says that the Pros. Office reviewed and approved their handbook. Chair Sims stated she brought that to Mr. Folk's attention and he would confirm if the Pros. Office did review and approve the document.

Cell Tower Lease-Chair Sims stated she would send the Pros. Office the Trustees comments and concerns about the proposed cell tower lease agreement with Verizon.

Comprehensive Land Use Plan-Trustee Likley stated Mr. Majewski from Northstar Planning would be in attendance at the next Trustees meeting to explain and begin the process of updating the Township's Comprehensive Land Use Plan.

Proposed Resolution for Westfield Landing Rd.

Mr. Evans stated when he went to the County to speak with them about Issue 2 money, Mike Salay told him that the Township better get this road on non-maintained status.

**Chair Sims made a motion to go into Executive Session regarding all pending litigation including IRS penalties and fines as well as invite Mr. Evans and Fiscal Officer to be in attendance. It was seconded by Trustee Likley.  
ROLL CALL-Sims-yes, Likley-yes, Kratzer-yes. Motion carried.**

The Trustees went into executive session at 10:46 a.m.

Chair Sims stated the Trustees have come out of Executive Session without deliberating or discussing anything. The Trustees acknowledge receiving letters from OTARMA and the IRS penalty claims. There is a letter dated September 29, 2008 prepared by Martha Evans detailing 2003, 2004, 2005, and 2006 line items for OP&F, Job and Family Services, Treasury (which is IRS) and Ohio State Tax for a total of \$39,615.46 paid in penalties only to those funds. Please attach those documents to the approved meeting minutes. The Trustees, per a letter received from the Pros. Office by Mr. Tom Karris, would have to decide whether to pursue an insurance claim with OTARMA or not. Chair Sims stated that after placing a call into Bill Thorne from the Pros. Office, the Trustees should probably wait if we want to discuss this in Executive Session when Bill Thorne could be present or discuss it in an open meeting.

Trustee Kratzer stated he did not have a problem with discussing this in an open meeting. All we would be doing is giving Mr. Karris authority to negotiate with OTARMA to



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retrieve the penalties and interest. In a previous meeting we authorized the Pros. Office to send a letter to the former Fiscal Officer requesting \$10,000 but if we can get the full...Chair Sims interjected that the clarification that was being asked for at that meeting is that we made a motion to authorize the County Pros. Office to pursue to up to \$10,000 in...Chair Sims took phone call from Bill Thorne from the Pros. Office and put Bill on speaker phone. Chair Sims stated Bill Thorne said the Trustees should go ahead with the Resolution for Westfield Landing Rd. The Statute requires the Township to drag the road twice a year which we have not done. Trustee Kratzer interjected, you can't get to the road. Chair Sims responded that the property owner themselves blocked that access.

The Trustees decided to reschedule the Executive Session meeting with Bill Thorne on October 20, 2009 at 4:30 p.m. regarding pending litigation on the IRS penalties and interest.

The Resolution to vacate Westfield Landing Rd. does not jeopardize any future discussion according to Bill Thorne. The discussion is if the resident or owner asks the Township to bring the road out of non-maintained status could possibly be responsible for the road improvements.

**Trustee Kratzer made a motion to approve a Resolution 2008-19 placing an unimproved portion of Township Rd. Number 159, Westfield Landing Rd. on non-maintained status as amended with the provision that placing this portion of Westfield Landing Rd. on non-maintained status will not unduly or adversely affect the flow of motor vehicle traffic on this road or the road system in the immediate vicinity based on the overall use during the preceding 21 yrs. It was seconded by Trustee Likley.**

**ROLL CALL-Kratzer-yes, Likley-yes, Sims-yes. Motion carried.**

Mr. Evans stated he spoke with Mike Salay and Seville Rd. does not fit the criteria to be put on non-maintained status because it is not gravel. It is asphalt. Mike Salay said there are no other property owners down there because Seville Sand bought Jacobs out so there nobody goes back there. Mike added that Baker Sand always improves the road so let them use it. It is best to leave that part alone. Chair Sims stated if somebody were to jump those borders or boundaries that Baker Sand set up and had an injury that road portion on our road review at any time. It does say road is closed. Can the Township justify closing the road? Trustee Kratzer stated no. The Township was told we could not put up barricades. I told the County it is our road and I allowed them to put them up there and they just let it go. If we want to take the barricades down and keep picking up trash we

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could ask Baker to take them down. Mr. Evans stated Mike Salay said leave it alone. Chair Sims stated it was not the proper way and that gave her concern.

**Trustee Likley made a motion to enter into Executive Session regarding possible employee disciplinary action. It was seconded by Chair Sims.  
ROLL CALL-Likley-yes, Kratzer-yes, Sims-yes. Motion carried.**

The Board of Trustees entered into Executive Session.

**Due to the fact of the malfunctioning of the audio recording, the following is a verbal translation of the actions taken by the Board (Trustee Sims and Likley) coming out of Executive Session:**

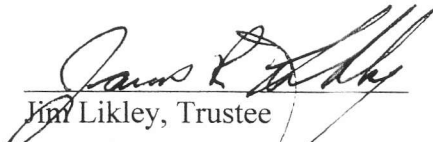
**Motion to come out of Executive Session. Unanimous vote of the Board.**

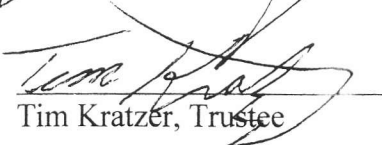
**The letter of discipline was presented regarding letter of written reprimand for insubordination of Road Supervisor Lee Evans.**

**A motion was made to adjourn. The vote was unanimous.**

*Amended 7/2/09*

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Carolyn Sims, Chairperson

  
\_\_\_\_\_  
Jim Likley, Trustee

  
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Tim Kratzer, Trustee