

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
NOVEMBER 17, 2008
REGULAR MEETING

As Amended 12/15/08

Chairperson of the Board of Trustees Carolyn Sims called to order the regular meeting of the Westfield Township Board of Trustees to order at 7:00 p.m. Trustee Sims and Likley were present as well as Fiscal Officer Evans. Trustee Kratzer was absent. (See attendance sheet for complete attendance of audience).

Public Comments

None

FISCAL OFFICER REPORT

Fiscal Officer Evans had a deed to be signed by the Trustees so she could witness as a notary. The individual bought 4 plots. The bills to be paid are in the amount of \$14,160.62. Trustee Likley asked about Kevin Primer's pay. Fiscal Officer stated this has been completed and verified. On the OPERS, there are two payments; one for March and one for May. There is going to be interest and penalties because the Township is 6 months late of turning it in for Kevin Primer. Fiscal Officer Evans stated that is why it was so critical that the board members turn in their time sheets in a timely fashion. Trustee Sims asked if the meetings Kevin Primer was compensated for were training or meeting attendance? Trustee Likley stated meeting attendance. Trustee Sims asked if there was a form for attendance and if so was Kevin Primer instructed how to put in for compensation? Fiscal Officer responded in March. Trustee Likley completed the forms for the zoning boards for February and then went to the zoning boards and told them about the forms for the month of March. Trustee Likley asked what the penalties would be in terms of cost. Fiscal Officer Evans stated she did not know the exact figure. Trustee Sims asked if Fiscal Officer Evans spoke with Mr. Primer so he was fully informed as to what his obligations are to be compensated for training and meetings? Fiscal Officer stated she has not spoken to him personally but assumed the Zoning Secretary would handle that. Trustee Likley stated he would follow through and added that Zoning Secretary Ferencz has reminded the board members and puts a time sheet at their seating place for every meeting. Trustee Likley stated that it was also important for the zoning board members to fill out the time sheets for any training they attend as well. Trustee Sims suggested to Fiscal Officer Evans to put together an internal memo to the Zoning Secretary and zoning board members explaining what is required to be completed to be compensated. Fiscal Officer Evans stated she would just make a copy of what is already printed in the office, which explains the procedure.

Fiscal Officer Evans continued with her report. In Star Ohio we have \$867,681.94 as of November 1, 2008. As of November 1, 2008 we have \$149,072.94 in the checking account. As of today we have \$125,542.58 in the Fund Status after bills have been paid.

Page 2 Trustees Regular Meeting 11/17/08

Trustee Likley made a motion to accept and pay the bills in the amount of \$14,160.62. It was seconded by Trustee Sims.

ROLL CALL-Likley-yes, Sims-yes.

Fiscal Officer Evans stated in the cash summary fund it states what the Township started with financially at the beginning of the year, the total receipts and total expenditures. The ending balance is the same as the fund balance. Fiscal Officer Evans stated she also had the Comp Plan Financial Agreement between Westfield Township and Northstar Planning that would need to be signed. The cost of the Comp Plan is \$27,500. Additional survey alternatives are not included in the \$27,500. A web-based survey is \$1,400. A mail out survey is \$3,100. An additional alternative is a Saturday workshop. That cost of each workshop is \$1,200 each. Trustee Sims stated they would table the signing of the contract until there is a full board of Trustees present and would put it on the agenda for the December Trustee meeting.

Gloria Glens Fire Rescue Agreement and Resolution-Fiscal Officer Evans stated this agreement would be terminated at the end of the year. A copy needs to be sent to Gloria Glens and the Village of Westfield as they have to approve the agreement as well. Fiscal Officer Evans stated this Agreement and Resolution is exactly like the last one except she changed the date and proceeded to read the Resolution.

Trustee Likley made a motion to adopt Resolution 2008-20 and exhibit A to continue the agreement to provide joint fire and rescue protection between Gloria Glens and the Village of Westfield. This document is to be reviewed by all political entities involved as read by Fiscal Officer Evans. It was seconded by Trustee Sims.

ROLL CALL-Likley-yes, Sims-yes.

Trustee Sims asked if Trustee Kratzer had any comments or the opportunity to review the document. Fiscal Officer Evans stated Trustee Kratzer had a copy and she has not received any comments from him.

Supplemental Appropriations

1. \$50.00 added to the General Fund Zoning Medicare from General Fund Zoning Unemployment
2. \$200.00 from the Gas Fund to their Medicare from Contracted Services
3. \$600.00 to the General Fund Zoning Ohio Public Employees Retirement Fund from General Fund Zoning Contracted Services
4. \$1,000.00 to the Gas Tax Fund Ohio Public Employee from their Gas Tax Contracted Services
5. \$82.26 to the General Fund Telephone from General Fund Other Expenses. Fiscal Officer Evans stated that would take the Township to the end of the year.
6. We needed to add \$7,800 from the Fire Levy Repair to our Fire Levy Capital Outlay

Page 3 Trustees Regular Meeting 11/17/08

7. Added \$525.00 added to Cemetery Contracted Services Mowing from Cemetery Contracted Services Opening and Closing
8. Fiscal Officer Evans stated when the Trustees sign the contract with Northstar; supplemental appropriations will need to be made to have those funds in place even if they will be carried over. It does not need to be done this evening but would need to be done when the Trustees move forward with the Comp Plan. Fiscal Officer Evans also told the Trustees to keep in mind the extra costs such as a survey or Saturday workshop.

Trustee Sims made a motion to approve line items 1-7 as presented for supplemental appropriations. It was seconded by Trustee Likley.
ROLL CALL-Sims-yes, Likley-yes.

Fiscal Officer Evans stated the Trustees should begin to prepare the temporary appropriations for 2009. Handed out was the appropriations status.

Correspondence

Treasurer of State sent a letter assuring the Township our investments are safe during these unsettled financial/economic times.

Two letter from the Medina County Engineers Office 1. Greenwich Lake Rd. service area (discussion on water and sewer). Analysis will be done to see if there is any additional growth in that area. 2. Construction Update-They are continuing to work on the raw water line. They have started excavating for foundations of the water plant site.

The County Engineers have a proposed Resolution on the intent to establish a solid waste facility

Medina County SPCA-They sent the Township an invoice for \$750.00 for animals to be picked up, cared for, as well as for abuse and neglect. If the Township does not want to pay it will be the Trustees decision. Trustee Sims stated this would be tabled until the next Trustee meeting as it was just received this evening.

Letter from the Pros. Office-IRS is looking at reimbursement for cell phones. There is a written Township policy in place. The IRS is suggesting auditing the cell phone bill to make sure what the employee is paying is sufficient for the phone use. Trustee Likley asked that the Township cell phone policy be sent to Bill Thorne for review. Trustee Sims suggested also looking at the cell phone contract as the Township was paying for 2 phones. Trustee Sims stated she rejected the use of a Township cell phone for herself. She added that Lee Evans was told because we are a governmental agency we did not have to wait until the end of the contract to make changes. The Trustees stated it should be investigated as to how much the cost would be to only maintain Lee Evans phone since Trustee Sims does not use a Township cell phone.

Fiscal Officer Evans stated she received a public records request from Kim Ferencz for all bank statements and copies of the canceled checks for 2007 & 2008. Fiscal Officer stated she needed contact information so she could contact the individual when the records were

Page 4 Trustees Regular Meeting 11/17/08

ready. This request may take more than 3 days as the account numbers would have to be eradicated from those records and checks. Trustee Sims stated that request was from her. She added she came between the hours of 9 a.m.-11 a.m. to review those statements in preparation of the budget but Fiscal Officer Evans is working in Seville now and no longer has those office hours. She asked Fiscal Officer Evans for an appointment to review the records and asked if she was available between 9-11 am. Tomorrow morning. Fiscal Officer Evans stated she was not available as she works every morning in Seville. Trustee Sims stated she just wanted to review the documents and asked Fiscal Officer Evans if she would be available Wednesday afternoon. Fiscal Officer Evans stated she could be available at 1:30 Wednesday afternoon. Trustee Sims stated that would be fine. She added however that the Township's record retention policy states that Fiscal Officer Evans would be available from 9-11 am. and that is not the case, so the policy will have to be reviewed and amended.

Fire Levy Results

The levy failed. The vote was 55.24% Against and 44.76% . Trustee Likley stated the failed levy and its potential results would be reviewed and discussed at the Fire Committee meeting tomorrow evening.

Fire Committee Review of the Fire Chief's Contract

Trustee Sims stated Jack Snoddy's contract as Fire Chief is due to expire at the end of the year.

SOG's

Trustee Likley asked if the Standard Operating Guidelines have been reviewed by the Pros. Office. Chief Snoddy stated not yet. Trustee Likley stated he would deliver it to the Pros. Office for review.

Zuber Quadrant A Update

ZI Harris stated he turned the violation over to the Pros. Office. Trustee Likley asked if ZI Harris had contact with Mr. Zuber as to the cause of his delay in getting this done. ZI Harris stated (inaudible). Trustee Likley said he felt it was very clear between Mr. Zuber and his attorney and the Township and the Pros. Office as to what needed to be completed and the timelines involved for that completion. Trustee Likley asked ZI Harris to follow up with Trinna Devaney from the Pros. Office to see how often the Township had to inspect the property (potentially on a daily basis) to either confirming continuous violations or if the property has been cleaned up.

Joint Training of zoning boards with Pros. Office

No date has been confirmed with Bill Thorne as he was out of town.

Comp Plan Update

Trustee Likley stated he was out of town when Mr. Majewski from Northstar met with the Zoning Commission, but from the meeting minutes it appeared he gave a thorough

Page 5 Trustees Regular Meeting 11/17/08

presentation as to how the Comp Plan Update Process should go and all the items that would be involved in making that happen. Trustee Sims stated she was at that meeting and is suggesting the Trustees run a Trading Post ad to solicit Steering Committee members. Trustee Likley agreed.

Trustee Sims made a motion to run an ad in the Trading Post to solicit individuals to be part of the Steering Committee for the Comprehensive Land Use Plan Update. It was seconded by Trustee Likley.

ROLL CALL-Sims-yes, Likley-yes.

Road Signage Review

Trustee Sims asked Mr. Evans if he could complete that review. She stated that since Mr. Evans did not appear to be in attendance at the meeting at this time it would be tabled until the Trustees next meeting.

Discussion with Pros. Office on Cell Tower Contract

Trustee Sims stated she opened the e-mail which depicted the easement. The problem is there is a gas line that runs on the Township property as well as the other property adjacent to the Townhall. The vendor had concerns how to address this easement as well as other deeded easements. Mr. Karris from the Pros. Office will need to review those easements before the next review on the cell tower lease contract. Verizon is willing to install a visual barrier but not maintain it. Trustee Sims read the document that stated there are also 7 oil and gas leases that need to be addressed. Trustee Likley asked if those leases were part of the original farm that is not part of this parcel? Mr. Scheetz stated he could clarify that the leases would have been given many years ago to the farm and are still active. Even though the Township owns a separate parcel it is still subject to that underlying lease. Many of those old leases had blanket easements on them so they could put the pipeline anywhere they wanted. What the Trustees might have to address is getting a partial release. Trustees Sims and Likley stated they would like to set up a tentative meeting date of November 21, 2008 to meet with Mr. Karris to go over all these issues. Trustee Sims stated she would contact Mr. Karris with the date and Trustee Kratzer to see if he was available to attend. The meeting would be advertised as Cell Tower Lease Agreement and General Business.

Website Update/Contract Software and Training

Trustee Kratzer was not in attendance to give an update. Trustee Sims stated this would be tabled to the next meeting as well.

SOLID WASTE INFORMATION

Trustee Kratzer was not in attendance to give an update. Trustee Sims stated this would be tabled to the next meeting as well.

NEW BUSINESS

Scheetz Annexation Proposal to Village of Seville-Trustee Sims stated there was an oversized map and Resolution which read, "Village of Seville in Medina County do affirm the cooperative of Seville Council relative to the proposed expedited Type 2 annexation of approximately 77 acres from Westfield Township and 25 from Guilford to Seville without detaching..." Trustee Sims stated it was written as if it were passed November 10, 2008 but it was not. Trustee Sims stated as she understood it was presented at the end of a meeting and was considered accepted as a first reading. Mr. Scheetz stated it was a first reading...It was passed to provide utilities. According to the map it is the two Creco parcels and the Elizabeth House parcel which is divided by the Chippewa Canal. If this would pass it would take this annexation up to the Kratzer parcel. Trustee Sims asked if the majority of that parcel or the entire parcel was located in a flood plain. Mr. Scheetz stated a substantial portion of the land in Westfield is located in the flood plain. Mr. Scheetz stated nothing was contemplated on being built there...Trustee Sims asked, if you do a Type 2 Annexation expedited where it is not detached who's Flood Plan Regulations apply? Mr. Scheetz answered the Village of Seville. Trustee Sims stated she attached the Expedited Type 2 Annexation petition that lays out the format once it gets through the Village. Step 5 is the municipalities and Township involvement. We would then have 25 days to file an ordinance consenting or objecting. Right now this is before Seville and has not been filed with the County Commissioners. Mr. Scheetz stated that was correct. When it is filed, the Township will receive certified copies within 5 days of the filing.

Township Sign Variance-Trustee Likley stated he filled out a variance application for the sign and it has been forwarded to the BZA. The original sign posts are non-compliant and we will be pulling the posts out to meet the zoning requirements. Lee Evans stated when the original sign was put in; it was 25 ft. from the center of the road. Now it is 40, which would put the sign in the middle of the parking lot. The original sign was in compliance before the added Highway easement went through. Mr. Evans stated he was going to check with the County when the easement was filed which he believed was 2000-2002. Trustee Likley stated if the sign did not have to be moved that would be great and asked Mr. Evans if he could find that information out and present that at the BZA meeting. Trustee Sims stated on the map for the cell tower lease it states a 15- ft. utility and highway easement but the print is too small to make out. She added the e-mailed map could be pulled up and zoomed in on and read. Trustee Likley stated he believed the meeting was going to be scheduled for the first week in December.

Contingency Plan for Drinking Water Source Protection

Trustee Sims stated this has been a lengthy process working with the EPA, County of Medina Village of Seville, Lodi and herself. This is the final in a yearlong work session. Our goal was to identify sources of potential pollution for the well head on Westfield Rd. What was identified was that there was a substantial amount of gas and oil wells. In addition you have the railroad tracks which could be a potential source of contamination.

Page 7 Trustees Regular Meeting 11/17/08

With this information a contingency plan will be created and proposed to the EPA asking them to give endorsement and approval of the plan. Trustee Sims stated she would like to ask for a Resolution by the Westfield Township Trustees asking the County Commissioners for continued support in keeping the well development contingency plan in place. This item will be tabled until the Trustees next meeting so a Resolution could be written and voted on.

Policy and Procedures Manual

Trustee Sims stated Ass't Pros. Tom Harris has received the revisions proposed on the Policy and Procedure Manual. Trustee Likley stated if they could get through the cell tower lease agreement on November 21st he would like to discuss this topic with the Pros. Office as well.

Announcements

November 21, 2008 Tentative Special Meeting of the Trustees to discuss proposed cell tower lease and General Business.

December 1, 2008 Regular Trustee Meeting @ 7:00 p.m.

December 9, 2008 Zoning Commission Regular Meeting A @ 7:30 p.m.

Outstanding Meeting Minutes Approval

Trustee Sims stated she spoke to Bill Thorne and he has suggested a few ways in which to handle this situation. They were: 1. The Trustees could review the meeting minutes and determine if they require any amendments and if those amendments should be done by the Board of Trustees or 2. The Trustees could hire a transcriptionist or have them transcribed by the existing staff on hand. That would need to be determined by the Board. Trustee Likley stated he had some corrections to the August 27, 2008 meeting and the September 3, 2008 meeting. Trustee Sims stated Wirtie Kratzer suggested going verbatim on some of these meeting minutes. Trustee Likley stated he did not feel verbatim was necessary. The minutes do however need to be accurate and if there are corrections to be made the Trustees should be able to make them and move forward. Trustee Sims stated she did not feel the minutes needed to be verbatim either, but they needed to accurately reflect the business of the Board. A transcriptionist is an option but that is costly.

Trustee Sims stated she had changes to the October 22, 2008 meeting minutes. Under Page 2 the list of names Mr. Scheetz read should be reflected in the minutes. She added that Mr. Scheetz submitted an exhibit of property owners, businessmen and developers supporting the Kratzer commercial zoning from RR to LC. Then it says supplement to the 10/22/08 Public Meeting minutes. In review of this supplement, Trustee Sims stated Mr. Scheetz did not read all of those names. Trustee Sims stated she reviewed the audio and the names Mr. Scheetz did read are as follows:

Mr. & Mrs. Drake, Jake Bauman, Ron and Marlene Oiler, Martha Evans, Larry Bensinger, Al Teufen, Greg and Martha Oaks, Mike Sweeney, Karen Fisher, Scott

Page 8 Trustees Regular Meeting 11/17/08

Gregoire, Ron and Kelly Gregoire, Lena Sands, Rick Kraus, Bill Huttson, Mark Taylor Partners of Deer Path Golf Course, Charles Marshall of Marshall Beacon, Doug Leohr-Pride One, David Conwill-Pride One, Jim Troike-Sanitary Engineer (supports that we would have sewer and water from three different jurisdictions but we were responsible for negotiating who we were going to provide sanitary sewer and water), John Molnar-adjacent property owner and Andy Conrad-County Highway Engineer.

Trustee Sims stated they would need a legal opinion as to how to handle the supplement submitted by Mr. Scheetz. Trustee Sims stated she wanted the October 22, 2008 public hearing meeting minutes to reflect the actual names read at the public hearing.

Trustee Sims made a motion to approve the October 22, 2008 public hearing meeting minutes as amended. It was seconded by Trustee Likley.

ROLL CALL-Sims-yes, Likley-yes.

These minutes were approved without Trustee Kratzer because he would have had to recuse himself from voting on them. Trustee Sims stated they would table the approval of outstanding meeting minutes until a full board was present.


Trustee Sims stated as a point of information currently her fax and e-mail were not working at her home.

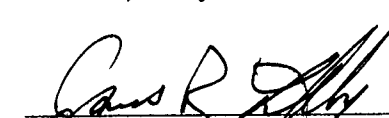
Trustee Likley made a motion to adjourn. It was seconded by Trustee Sims.
ROLL CALL-Likley-yes, Sims-yes.

The meeting was officially adjourned at 8:25 p.m.

Respectfully Submitted,

Kim Ferencz-Westfield Township Administrative Ass't.


Trustee Carolyn Sims, Chairman


Jim Likley, Trustee