

**WESTFIELD TOWNSHIP BOARD OF TRUSTEES
DECEMBER 15, 2008
REGULAR MEETING-7:00 PM**

Chairperson of the Board of Trustees Carolyn Sims called the regular meeting of the Westfield Township Board of Trustees to order at 7:00 p.m. Trustee Sims, Likley and Kratzer were present. The following were also in attendance: Tim Sims, Stan Scheetz, Mark Goffinet, Tom Micklas, Ken Beckman, Rick Evans, Rich Robbs, Karen Fisher, Heather Sturdevant, Dennis Delagrange, Ron Oiler, Marlene Oiler, Lyn Methlie, and John Miller.

Public Comments

Mark Goffinet with Auditor Mike Kovack's Office. Mr. Goffinet stated Auditor Mike Kovack wanted to give a sincere thanks to Medina's 37 Infantry Combat National Guard that came home yesterday safe and sound after a year in Kuwait.

Dog Licenses are now on sale. You can purchase them on line or at the Auditor's Office. If you don't purchase by January 31, 2009 there is a late fee.

FISCAL OFFICER REPORT

Fiscal Officer Evans was not present this evening. Trustee Sims stated would like to request from Fiscal Officer Evans a list of correspondence received. The Trustees have been presented the bills for payment this evening as well as a Fund Status Report. The bills were in the amount of \$14,600.96.

Trustee Kratzer made a motion to pay the bills in the amount of \$14,600.96. It was seconded by Trustee Sims.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes.

Trustee Sims stated the Trustees have also received a written request by Admin. Ass't Kim Ferencz to receive the following audio recordings for transcription:

- August 27, 2008
- Sept. 3, 2008
- Sept. 5, 2008 (and a copy of Trustee Sims draft)
- Sept. 12, 2008
- Sept. 15, 2008
- Oct. 6, 2008
- Oct. 10 2008

And any/all documentation referenced in the meetings for transcription purposes

Trustee Sims stated that Kim Ferencz also requested the following work schedule to accommodate the holiday schedule and additional workload of meeting minutes:

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Monday December 15, 2008 9-2
Tuesday December 16, 2008 9-2
Wednesday December 17, 2008 9-4
Thursday December 18, 2008 8:45-3:45
Monday December 22, 2008 8:30-12:00
Tuesday December 23, 2008 8:45-3:45
Wednesday December 24, 2008 9-2
Monday December 29, 2008 9-2
Tuesday December 30, 2008 8:45-3:45
Wednesday December 31, 2008 9-2

Trustee Sims stated it appeared Kim Ferencz would work approximately 6 hours over her 20 hr. per week schedule.

**Trustee Likely made a motion to approve the holiday/extended hours for Kim Ferencz. It was seconded by Trustee Kratzer. Motion carried.
ROLL CALL-Likely-yes, Kratzer-yes, Sims-yes.**

IRS Appeal Update/OTARMA Insurance Claim

Fiscal Officer Evans was not present to give an update. Trustee Likley stated in the documents received there was a document from Fiscal Officer Evans which stated, "No communications from IRS or OTARMA Insurance Claim."

Trustee Sims stated she spoke with Mr. Tom Karris from the Pros. Office and he has submitted the OTARMA claim and is awaiting their communications.

Trustee Sims stated she believed Fiscal Officer Evan stated previously at a meeting, that there would be additional IRS Penalties. Trustee Likley stated it was not IRS but an OPERS Penalty and Interest due regarding back pay of meetings for Zoning Commission member Kevin Primer. This amount was very minimal i.e. \$3.00-\$6.00. Trustee Sims stated she was asking for clarification that Fiscal Officer Evans stated there are small additional IRS Penalties as to the way the penalty payments were recorded. Trustee Kratzer stated he did not recall that. Trustee Likley stated that Trinna Devanney from the Pros. Office had mentioned that to him and what that amounted to was how they took the payment on their part. If there are additional payments and penalties that would be something that would have to be figured out with the IRS. Trustee Sims asked that Fiscal Officer Evans be informed that if there are any additional penalties that they be forward to Mr. Karris at the Pros. Office to be included in the OTARMA claim for consideration of payment.

Temporary Appropriations

Trustee Sims stated the Trustees met earlier this month to begin working on the temporary appropriations. Trustee Likley stated he put would like to put out the date of December 29, 2008 at 7:00 p.m. which is the end of the year meeting and continue working on the temporary appropriations and general business. Bill Thorne is scheduled to be present at that meeting.

Trustee Sims stated Fiscal Officer Evans submitted a memo on funding for the new fire truck. Trustees Likley and Kratzer stated that was read into the record at the last meeting. Trustee Likley stated Bill Thorne from the Pros. Office could not be present this evening but needed to explain the potential funding for a new fire truck on how the money could be taken from the General Fund and put in the Fire fund to meet that purchase. Trustee Sims stated this discussion could then be tabled until December 29, 2008 when Bill Thorne and Fiscal Officer Evans would be present. Trustee Kratzer asked if that would give Fire Chief Snoddy enough time to put the order in for the truck? Trustee Likley stated that Fire Chief Snoddy called him before the meeting and wanted to go over some of this information this evening but got called out on a fire call so hopefully he would be present later this evening.

Fiscal Officer Evans was now in attendance. Trustee Sims asked if there was any recommendation from her office on the preferred funding method for the purchase of a new fire truck? Fiscal Officer Evans stated no, the money would have to come from the General Fund no matter how the Trustees do it. You will pay it out of General Fund and advance the money which will give the Township the opportunity once you get Fire Levy money to pay it back. Trustee Likley stated that language had to be written into the levy that the monies advanced needed to be paid back to the General Fund. Fiscal Officer Evans stated the language did not have to be written into the levy but the Trustees would need to pass a Resolution saying you could even take \$20,000 next year if the levy doesn't pass and you advance it back to the General Fund. Trustee Likley asked if the language was necessary for the levy? Fiscal Officer Evans stated no it had to be written into the Resolution.

Trustee Kratzer asked Fiscal Officer Evans if she went to the Gloria Glens meeting and inquired how much reserve money they had in their Fire Fund? Fiscal Officer Evans stated they were not saying. Gloria Glens said they don't want to make a decision at this time. She added she spoke with Attorney Michaelson from Gloria Glens who said it was not a topic of decision as they do not want to make any commitment until after the first of the year.

Trustee Likley stated he spoke with Mayor Dean from Gloria Glens today and they had some concerns as to depleting those extra funds they had in their Fire fund. Trustee Likley stated he asked Fire Chief Snoddy to attend the next meeting at Gloria Glens on Jan. 7, 2008 to relay to them the need for a fire truck and if they were able to add to the

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purchase of the fire truck. He added that initially Gloria Glens did not have enough information to make that decision and Council was looking at their reserves. Mayor Dean felt the reserves were there for that purpose and in the past has offered that money to the fire dept. Trustee Likley stated that Mayor Dean said they had approximately \$46,000 in reserve.

Trustee Sims asked Fiscal Officer Evans if she would be able to attend the special meeting scheduled for December 29, 2008 at 7:00 pm. which would consist of the year-end meeting and continued work on the temporary appropriations and general business? Fiscal Officer Evans stated no, but she could meet at 4:00 p.m. Trustee Likley stated he would need to contact Bill Thorne to see if he could be in attendance at that time. Trustee Sims stated as a result of accommodating Fiscal Officer Evans schedule, the meeting on December 29, 2008 will be held at 4:00 p.m. for the purpose of the year end meeting and continuation of temporary appropriations and general business pending Bill Thorne's availability.

Township Inventory & Insurance Update.

Trustee Sims stated the Township would need to update and submit the Township's inventory and provide the Township's insurance company with that information.

Records Committee Meeting.

Trustee Sims stated that is meeting is usually held between the Chair of the Trustees and the Fiscal Officer. Trustee Sims added that it is also customary at that time to review the records retention schedule and she would like to discuss a records inventory schedule as well. Trustee Sims stated there would be a records meeting on December 29, 2008 at 3:30 p.m. with the special meeting as previously discussed to follow at 4:00 p.m. Trustee Sims stated at that meeting everyone should be prepared to revise the open records policy amending existing office hours and discuss inventorying the existing records i.e. audio CD's that are available for the year, etc.

Comprehensive Plan Steering Committee. List of Applications Received

Trustee Likley stated 8 applications have been received. Trustee Sims stated there was also discussion about running a newspaper ad in the Trading Post and the Gazette to solicit Steering Committee members. Trustee Sims stated she had draft wording prepared as to what a Comp Plan is that could be incorporated for an ad for the newspaper. Trustee Likley stated the paragraph in the Township Newsletter would probably be adequate to use for an ad. Trustee Likley stated that he would finalize the ad with that wording. Trustee Sims stated she corrected the typo on the application form for Steering Committee and zoning board members and would forward it to Kim Ferencz to put on the website and make copies available at the Townhall.

Cell Phone Policy/IRS & Audit Criteria

Trustee Sims stated the Township has been provided 3 options from the County Pros. Office regarding the cell phone policy. The options were to 1. Do a monthly audit 2. Prohibit personal use or 3. Employee would be required to highlight personal calls on the monthly bill. The employee is required to do a timely reimbursement to the agency for the cost of personal call and the employee is charged a prorated share of the monthly calls. Trustee Likley asked Fiscal Officer Evan if she put additional information on her fiscal report about the cell phone policy. Fiscal Officer Evans stated that if the Trustees want to use the phones she would need an invoice each month that you want \$10.00 reimbursed for personal cell phone usage for Township business. This is not considered wages it is considered reimbursement. Trustee Sims stated she would speak to Lee Evans about the options available. Fiscal Officer Evans stated that Lee was paying \$5.00 every two weeks instead of \$10.00 once a month. She added the State Auditors were satisfied with Westfield Township's cell phone policy but IRS was making more demands. However until the Township heard from Bill Thorne the Trustees should leave the cell phone policy as is.

Fiscal Officer Evans continued that she changed the plan for the cell phone as the one phone has not been used for two years and the Township has been paying that extra money for two years. We now have an unlimited plan for \$99.99 a month. On average 2000 minutes are used. Trustee Sims stated when Trustee Kratzer was in charge of Roads he had the phone in question and chose to use that as his personal phone and retained that and the phone number, and went out and purchased a separate phone. She added she wasn't going to carry around two phones so she has not used the additional phone. Trustee Sims asked the Trustees to be prepared at the next meeting to pick an option for the Township's cell phone policy.

Trustee Likley asked what Fiscal Officer Evans meant by Insurance update as needed- then at anniversary date August 12th on her report? Fiscal Officer Evans stated that had to do with the inventory. That had to go to the County Engineer's Office. Regarding insurance, that is if the Township added any big pieces of equipment. Trustee Sims stated there is a deadline for the annual inventory to be completed and the insurance updated if needed. She added that large pieces of equipment regardless of the anniversary date should be added or removed from the insurance policy. Mr. Evans interjected that was always done.

List of Received Correspondence

Auditor Kovack's Office-State Mandated Reappraisals in 3 adjoining counties have not been turned in causing some delay in the calculation and issuance of tax bills. Medina Co. Pros. Office-Outline of the procedure to incorporate a Village.

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Auditor of State Notification-Certified Public Records Training January 13, 2009 at the Dutch Valley Restaurant in Sugarcreek 1-4:15 p.m. It was stated this evening that the Township has met its public records training requirements.
Grassroots Clippings

Trustee Likley brought up the issue of insurance for Townhall rentals as this was brought up again by Summit Insurance. It was discussed if an individual's homeowner's policy would cover this or if they would need to pick up an insurance rider. This needs to be clarified with the Pros. Office to see if this should be required in the event that someone would make a claim against the Township's insurance while renting the townhall. Trustee Kratzer stated he received information from Summit Insurance that there is an on-line company but did not remember if he had forwarded that information to the Pros. Office. He said he would follow up on that and have a report for next meeting.

Trustee Sims stated she has lost her fax number due to changing to digital cable. Anyone wishing to fax her could do so at her phone number which is also her fax number at 330-769-0403. She added she also had a new e-mail address which is carolynsims@neo.rr.com and she would amend that with the web provider.

Proposed Annexation of Creco & House Parcels to Seville

Trustee Sims stated Mr. Scheetz has provided a revised Resolution and a map regarding the proposed annexation of the Creco and House parcels to the Village of Seville.

Mr. Scheetz stated he was present this evening representing Creco Inc. and Elizabeth H. House. He stated he began working on this annexation 8 months ago. This consists of 11 acres owned by Elizabeth House and 60+ acres owned by Creco Inc. The properties are east of Chippewa Creek, west of Ryan Rd., north of Greenwich Rd. and south of I-76. It is a statutory procedure that he brings this annexation consideration to the Township and solicit a resolution of cooperation. Mr. Scheetz stated he tendered that resolution of cooperation as a draft at the last Trustee meeting and noticed that his Secretary just simply copied the Guilford Township Resolution which had 25 acres on it instead of 77 acres. She also left all the names pertinent to Guilford Township on the document, so he brought the revision with the deletion of those names and the proper acreage. Mr. Scheetz went on to say that if the vote was yes it would be a resolution of cooperation that the Township had no objection to the annexation. If the vote is no it is simply stating that the Township does have an objection to the annexation. Mr. Scheetz added that the annexation has not been filed yet. He had to file this resolution within 21 days from the time it has been filed.

Mr. Scheetz continued that Carolyn Sims did attend the Seville Village Council meeting. Council was scheduled to pass their resolution at that meeting and Carolyn was successful in having that decision tabled. He added that Council has since meet with their Village

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Law Director and Engineer and based on that he incorporated into Seville's Resolution and Westfield Township's Resolution an additional paragraph that says, "This annexation, once completed, will be subject not only to the Village of Seville's zoning code but to the U.S. Corp of Engineers Review, FEMA's Review, to the Ohio EPA Review, to the US EPA Review and the Muskingum Watershed Subdivision Regulations and the Flood District Overlay Zoning Code Regulations of Seville and the Village of Seville's Zoning Code."

Mr. Scheetz stated he would request that the Trustees vote this evening. Mr. Kratzer, per the Medina County Pros. Office recommendation, would not be voting on this Resolution because his property is adjacent to this Annexation.

Trustee Sims asked Mr. Scheetz for the status on this annexation proposal. Mr. Scheetz stated it was not yet pending before the County Commissioners as it has not yet been filed. The Guilford Township Trustees unanimously passed their Resolution of Cooperation. The Seville Board of Public Affairs which provides the utilities has passed their unanimous Resolution and will provide sewer, water, electric and storm to the site. Mr. Scheetz continued that the Seville Zoning and Planning Commission with the ex-Mayor absent at that meeting passed it with a vote of 3 to 1. Mr. Denny Gordon was the one dissenting vote against the annexation. Trustee Sims asked for clarification on the vote of the Seville Board of Public Affairs in that their vote was not a vote of approval but that they could provide water, sewer, electric, etc. Mr. Scheetz stated the Seville Board of Public Affairs vote was not a vote of support but rather that they would provide such utilities once the annexation is completed and they have the capacity to serve the site.

Trustee Sims continued that she was of the understanding that after the tabling of the Resolution by Village Council, that it was sent back to the Zoning and Planning Commission for further examination of the flood plain issues on the Westfield parcels that were involved. Mr. Scheetz stated yes. Several members of the Zoning Commission and two/three members of Council were new and did not realize the new zoning code covered this with the Floodplain Overlay District that was just created in September 2007. Trustee Sims asked in Mr. Scheetz's review of the Medina County Flood Plain Regulations and the Seville Flood Plain Regulations if he would expand upon the difference of the two and the benefits to the development of that property.

Mr. Scheetz responded they would be under the exact same regulations just that the Village would be the administrator. The Seville Zoning Inspector and the Seville Village Law Director would take on the enforcement responsibility. They also have the duty to report if there is anything query to any of the respective agencies he mentioned previously. The Village of Seville has a 2 ft. regulation to build in flood prone areas per the recommendation of County Planning.

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Trustee Sims asked the proposed use and timeline of development of the property? Mr. Scheetz stated this is a proposed Industrial Park. It would be similar to the Beacon Transportation Park on St. Rt. 3 where Panther is located. It would be a combination of Class "A" office buildings adjacent to Interstate 76, Rt. 224 with light industry of warehousing and distribution which would be adjacent to Creco Inc.

Trustee Sims asked Mr. Kratzer to speak regarding his action of not voting of the proposed Annexation of the Creco & House parcel to Seville and the Resolution of Cooperation. Mr. Kratzer stated he sent an e-mail to Bill Thorne the Medina Co. Pros. Office and asked him if he should participate in this discussion. Bill's response was no he should not because if it came down to a 2 to 1 vote and at a later date his property came up it could cause some conflict. Mr. Kratzer stated he was refraining from the discussion and vote on this Resolution. Trustee Sims asked if the annexation being proposed was a step towards the Kratzer parcel in an annexation proposal as well? Mr. Scheetz stated this annexation was directly adjacent to the Kratzer parcel. Trustee Sims asked if it was the intention with the annexation proposal to move closer to an annexation proposal for the Kratzer property Mr. Scheetz stated it was not an attempt to move forward as the annexation before the Board this evening has been in the works for almost 2 yrs. It became timely to proceed because Mr. Charles Marshall only has 4 lots left in the Beacon Transportation Park. Mr. Marshall is the driving force in this not the other clients. They are passive clients. They are however going to be involved in a joint venture where they put land in a transaction and then we can go after economic development grants from the State of Ohio to create jobs. That is how you get infrastructure in. Charles Marshall/Beacon Development will then be the driving force to find the companies or office campus park settings to locate in this area. Mr. Scheetz stated because this property will become contiguous to the Kratzer property it is the next logical choice to offer to the Village of Seville...As Carolyn knows the Village of Seville is not interested at this time but that could change in the future. Mr. Scheetz stated he had a requirement under the law to offer the Kratzer parcel in the future to any area that could potentially be contiguous within a 3 mile radius and that includes Chippewa Lake, Gloria Glens, Guilford Township, Creston, and Westfield. Mr. Scheetz added they don't anticipate development on this property for 2-3 yrs. and they see it as a 5-15 yr. process until it would be developed unless the economy would change dramatically. He added we hope to begin the infrastructure by 2010. Mr. Scheetz continued they would be going after a grant for the Village of Seville Wastewater Treatment Plant to increase their capacity for holding because they have an infiltration problem. Second is another grant proposal to actually bring the infrastructure to the site, which includes sewer, water and streets. That is a two-year process to accomplish. Mr. Scheetz stated the proposed annexation before the Board this evening will not remove the tax base from Westfield Center. It is an annexation without detachment.

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Trustee Sims asked, of the 77 acres located in Westfield Township, what is the percentage of that acreage is located in flood plain? Mr. Scheetz 35-40. There is only 100 ft. on either side of the creek that is restricted from any structures i.e. buildings. It does not prohibit retention basins or parking. The Village of Seville has at least 5 other developments adjacent to the creek all which have structures on the 100 ft. area. The Village of Seville's Engineer and the private engineer on the project are responsible for obtaining the approvals from the various controlling agencies.

Trustee Sims stated at the Village Council meeting there was concern about the floodway/floodplain. One of the documents reference was the Ground Water Pollution Potential Map of Medina County issued by the Dept. of Natural Resources. The most designated areas for this potential are the parcels located in Westfield Township Also she added that in the Seville Comp. Plan revised in 2005 they put together a growth boundary that did not indicate this parcel was not in their 5 yr. plan. Mr. Scheetz interjected that at that time the Seville Board of Public Affairs had not been directed to conduct a study on the next area. That study was just completed at the direction of Zoning and Planning and Council in July 2008. It was then this was discovered that 550 acres could be serviced by Seville in the event Seville wished to service it. Mr. Scheetz stated however, this is the area we are trying to divide up between the Village of Seville and the County of Medina because Jim Troike and the County have a preference to provide water on the westside of the Chippewa Creek and if they do they have the potential to have it treated by Westfield Center. The Village of Seville would take on the 103 acres at this time and ultimately everything on the east side of Chippewa Creek including the parcel to the north that has already been annexed from Westfield Township which was the 40 acres in the triangle between 71 and 76 and Ryan Rd. The Kratzer property would be surrounded on three sides by the Village of Seville. Mr. Scheetz concluded by law we are required to be contiguous by a border of 5% and we far exceed that.

Trustee Sims made a motion to approve the revised Resolution to affirm the cooperation of Westfield Township Trustees relative to the proposed expedited type 2 annexation of approximately 77 acres in Westfield Township to the Village of Seville without detaching the land from the Township and declaring the same an emergency. It was seconded by Trustee Likley.

Discussion on the Motion. Trustee Likley stated the Board received a lot of information this evening and in the past regarding this. Some the concerns the Township has had are the floodplains areas upstream and downstream. He continued that all too often he sees an engineer come in and make a decision and folks 5-10 yrs. later have to live with those decisions right or wrong. Trustee Likley stated this has gone before Guilford Township and they have approved their part of the annexation. It is a win for them. Seville has tabled this and sent it back to their Zoning Commission for review. Trustee Likley stated he had reservations but sees some legitimate uses for the property as an industrial park. A

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lot of this property is in the floodplain and language has been drafted to accommodate development in a floodplain. That is all I have to say.

Trustee Sims stated she was in opposition to the annexation. As a trustee, "I think that this parcel and Mr. Kratzer's parcel being contiguous is part of our economic future." She added she also felt that the County floodplain regulations, when this parcel should/could be developed, would better suit and protect those upstream. Trustee Sims commented that this is one of the most environmentally sensitive areas both for surface and ground water. As a trustee she did not want to lose any property out of the Township that affects our economic future. She added she felt with doing the Comprehensive Plan that this property could have a use in Westfield. Mr. Scheetz responded "Not a chance." Trustee Sims stated she did have concerns that this property was contiguous to the Kratzer property. **ROLL CALL-Sims-no, Likley-yes. The motion is defeated because there is not a majority due to the fact that Mr. Kratzer is abstaining because he is a contiguous property owner.**

Kratzer Village Proposal

Trustee Sims stated there were some rumors running around that you (Mr. Scheetz) have approached some of the Villages in creating the "Kratzer Village?" Mr. Scheetz stated he had no comment. Trustee Sims continued that several meetings back Mr. Scheetz stated the Trustees could anticipate a motion on the Kratzer Village proposal. Mr. Scheetz stated there was no Kratzer Village proposal. He added he was simply reviewing with 2-3 other attorneys' alternatives of what actions they will take that may include something like that. Trustee Sims asked Mr. Scheetz if he had approached Gloria Glens regarding a proposed Village? Mr. Scheetz stated no comment. Trustee Sims asked-Westfield Center? Mr. Scheetz stated no comment. Trustee Sims asked-Seville? Mr. Scheetz said no comment. Trustee Sims stated the Township will then have to base their information on a rumor mill.

Park Contract

Trustee Sims asked if Pat Eddington had been contacted to see if the Township wanted to continue with the park contract? Trustee Kratzer asked, "the park contract on what?" Trustee Sims stated the Township park contract on snow removal etc. Trustee Kratzer stated that was included in the contract for this year. It runs until the end of the snow season next spring. Fiscal Officer Evans interjected that the contract runs from April to April.

Trustee Kratzer then asked when the joint contract with the Village came up for renewal? Fiscal Officer Evans responded for the resident center it is ongoing unless the Village says it does not want to participate.

Resolution supporting the Southern Medina County Well Contingency Plan being incorporated into the Sanitary Engineer's EPA Well Head Pollution Protection Plan

Trustee Sims stated she prepared a general resolution which read, "Therefore Be it Resolved that Westfield Township hereby adopts the following:

The Westfield Township Board of Trustees request that the honorable Medina County Commissioners continue their support, endorsement and commitment of "The Southern Medina County Well Development Plan" dated 9/18/00 (see attached) during the creation, expansion and final adoption of the Westfield Township Wellhead Pollution Protections Plan being prepared by the Medina County Sanitary Engineers Office for submittal to the Ohio Environmental Protection Agency for endorsement consideration and the final adoptions of the same.

Whereas the Westfield Township Board of Trustees wishes to express their continued appreciation and support to the honorable Medina County Commissioner's for the continued responsible management for the natural resources within the "Operating Principles" of the "The Southern Medina County Well Development Plan" which includes the creation of the final protection plan that will include specific measures to preserve the hydrolic integrity of the aquifer and strategies for recharging the local ground water during the development and use of this finite natural resource for the expansion of the Medina County Water Supply."

Trustee Sims stated this Resolution was based on meetings she attended that was part of the EPA Wellhead Protection Plan. This document is to be submitted for EPA endorsement, consideration and approval. The "Operating Principles" of the "The Southern Medina County Well Development Plan" will be attached to the Resolution.

Trustee Sims stated the Trustees forgot to assign Mr. Scheetz Resolution a number. Fiscal Officer Evans stated it would be Resolution 2008-21. Trustee Sims stated the Resolution for the "Medina County Well Development Plan" would be Resolution 2008-22.

Trustee Sims made a motion to approve Resolution 2008-22 as written. It was seconded by Trustee Likley.

Discussion on the Motion.

Trustee Kratzer stated in the past the Trustees have been behind the Sanitary Engineer and their development plan and felt they have done an excellent job trying to protect the residents, the Township, and upper Wayne County around the wellheads. Trustee Kratzer concluded this was a good Resolution to protect this water source.

Trustee Sims stated she agreed. The County Commissioners and the Sanitary Engineer have been proactive. This well contingency plan was created before the water law

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changed and before the Ohio Supreme Court designated water as property and was proactive in nature.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes.

Trustee Sims asked that a copy of this Resolution be sent to the County Commissioners and Sanitary Engineer.

OLD BUSINESS

Fire Chief Contract: Pros. Office Recommendations

Trustee Likley stated he spoke with Bill Thorne from the Pros. Office regarding the proposed Fire Chief contract. Per the Fire Committee they wanted to set criteria for this new contract as was previously stated but those cannot be met prior to January 1st. Bill Thorne suggested the Township extend the existing contract to March 31, 2009 which was the end of the first quarter to give the Fire Committee time to run the contract language through the Pros. Office and then through the Westfield Township Board of Trustees.

**Trustee Likley made a motion to extend Fire Chief Snoddy's existing employment contract to March 31, 2009. It was seconded by Trustee Sims.
ROLL CALL-Likley-yes, Sims-yes, Kratzer-yes.**

Trustee Kratzer stated the Township received an email today from Gary Hall in support of retaining Jack Snoddy as Fire Chief. This will be made part of the attachments for this meeting.

Fire Chief's Recommendations on Truck Purchase

Chief Snoddy stated the price range of the fire truck being considered is between \$335,000-\$350,000. Trustee Sims stated the question that would need to be answered is how long the Trustees can continue to take money from the General Fund to maintain the Fire Dept.'s expenses not covered by the Fire levy. She added hopefully this could be discussed with Bill Thorne and the Fiscal Officer.

Trustee Likley asked about a letter of intent to purchase the fire truck? Chief Snoddy stated it would be prepared but he would need a Resolution by the Trustees and the Village. As a result of the requirements of the EPA and NFPA, Trustee Likley stated the timeliness of getting this documentation submitted is a savings of approximately \$20,000-\$30,000.

Trustee Likley asked about the status of Truck #162. Fire Chief Snoddy stated the brake drums needed to be replaced; they rebuilt the pump, and replaced air valves and batteries.

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The total cost will be approximately \$9,900.00. Chief Snoddy stated Truck #162 should be back in serviced Tues. or Wednesday. Trustee Sims commented that the Trustees have to function within our budgetary limits. It is the Trustee's job to find a way to provide the highest service within those limits. She added she was very interested in Bill Thorne's recommendations for financing the purchase of a new fire truck. Trustee Sims stated she was concerned about continuing to spend out of the General Fund to support the Fire Dept. deficit pending a fire levy that may or may not pass.

Trustee Likley stated it is a concern especially as to the cost involved to keep the trucks running and functional. The new fire truck purchase would replace 2 of the three vehicles the Township presently has. TG Fire completed a thorough review and explained what equipment would need to be replaced or purchased to meet today's standards, specifications and certification.

Trustee Likley asked Fiscal Officer Evans to prepare the Resolution of intent to pursue the purchase of a fire truck. He added if the bottom fell out of Westfield Township's budget, the Village or Gloria Glens; the Township would not be locked into that purchase because of a signed contract with whomever we would purchase the fire truck from.

Fire Dept: SOG's: Pros. Review Status

Fire Chief Snoddy stated he has not heard back from the Pros. Office on the proposed Standard Operating Guidelines. Trustee Likley stated the final draft in some of the areas that were lacking were presented to the Pros. Office about 3-4 weeks ago but no information has been received.

Trustee Sims stated she had the Resolution authorizing the fire and rescue agreement between Westfield Center and Westfield Township and Gloria Glens. Fiscal Officer Evans stated this has already been signed and completed.

Zuber Zoning Violation: Quad "A" & "B" Status

ZI Harris stated as of December 13, 2008, Mr. Zuber was not in compliance in Quadrant A or B on his property. ZI added he signed an affidavit to that effect and sent it to the Pros. Office as of today. It is now up to the Pros. Office to pursue this zoning violation.

Trustee Kratzer stated he did receive a phone call from Mr. Zuber a week ago and called him twice and left messages but has not heard back from Mr. Zuber. Trustee Sims stated she received a call from Cheryl Zuber and asked the Pros. Office advice on returning the call pending potential litigation. Trustee Sims stated depending on what the topic is she will return the call to Ms. Zuber tomorrow.

Joint Board Training with Pros. Office-Jan. 8th @ 7:00 at Pros. Office

Trustee Likley stated that Bill Thorne likes to do such training sessions at his office as it gets the zoning members out of their comfort zone and in a different setting. However Trustee Likley continued most of the board members he contacted about this training session would like it to be held at the Townhall. Bill Thorne could come to the Townhall after work and head right home when the training was over as the Townhall was very close to his residence. Trustee Likley stated due to the number of members that would have to go to the Pros. Office he would contact Bill Thorne to see about having the meeting held at the townhall.

Comprehensive Development Plan Update

More applications were received from interested individuals to sit on the Steering Committee.

The Trustees would use the Township newspaper article to solicit Steering Committee members in the Trading Post and the Medina Gazette.

Proposed Cell Tower Lease Contract

Trustee Sims stated she spoke with Mr. Tom Karris from the Pros. Office. He submitted the revisions to the cell tower lease contract made by the Trustees at the November 21, 2008 special meeting and forwarded them to Verizon. Mr. Karris just received comments from Verizon's attorney and would analyze those comments and would get back to the Trustees. Trustee Sims stated her concern was regarding the easements and hindering the future development of the Townhall complex. Trustee Likley stated especially the access easement and added he hoped Verizon would be receptive to those concerns.

Road Signage Review Status

Mr. Lee Evans stated he has not had the opportunity to complete the road sign review. Mr. Evans gave the Trustees documents regarding his proposed budget. Mr. Evans stated his budget for next year is \$552,631. Part of the budget includes the replacement of the small truck. He added if the Trustees wanted to keep the truck this is the last time he would bring it up, but felt the Township would be putting more money into it by the end of next year. Mr. Evans continued that he realized the Trustees were shell-shocked with the cost of a fire truck, but his funds come from the State which is road and bridge and the motor vehicle tax; and that money has to stay in his funds. Mr. Evans stated he was self-sufficient in terms of his funding.

Trustee Sims stated she noticed Mr. Evans suggested the appropriation of \$50,000 in Buildings. Mr. Evans stated that money could be put aside and moved anytime. The Trustees know the Township needs a bigger shop and if he appropriated money every year he would have what he needed sitting in that fund when the time comes to do so. Mr. Evans continued the loader is a 1999. The tires are about worn out and it would cost

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approximately \$5,000.00 to replace the 4 tires. Mr. Evans added he sat down with the Fiscal Officer and went over what should be appropriated in the pertinent funds for repairs and contracted services. Contracted Services is the biggest portion out of Road and Bridge because that is where Lytle Construction and Lewis service costs come out of.

Regarding the small truck, Trustee Likley stated the gentleman he needed to speak to from Ford Motor was out of town on vacation until January 5th. He added he would pursue that option about all the issues that have transpired regarding the small truck motor and see if he could get some satisfaction.

Mr. Evans asked Trustee Sims if she ever got a hold of Leah Dalton about the RR crossing? Trustee Sims stated no she did not and added when she was up at the Townhall working on the phone issues, she told Mr. Evans to handle that with Kim Ferencz. Mr. Evans stated he did not recall that conversation but he would send the document in.

Website Host

Trustee Kratzer stated he talked to Miami University of Ohio. The gentleman stated if the Township's website was totally going to go down maybe they could give us some emergency help but otherwise they were into designing websites and not taking existing websites over. Trustee Kratzer added the gentleman from Miami University looked at the Township website and said it was an excellent website. Trustee Kratzer stated he felt the Township should go with Don Krolkowski to take the website over and have Kim involved to make the necessary changes and updates to the website. He suggested going with Mr. Krolkowski for a year and if he does not work out it can be reassessed at that time. Trustee Sims asked if there needed to be a contract involved with Mr. Krolkowski? Trustee Likley interjected that he had no issues with working with Mr. Krolkowski the main thing was to get this website transferred over and start making progress on this. Trustee Likley stated it has been requested to also put the Fire Committee meeting minutes on the website as well and he would like to pursue that.

Trustee Likley made a motion to turn over the Township website to Mr. Krolkowski. It was seconded by Trustee Kratzer.

Discussion on the Motion.

Trustee Sims thanked Greg Anderson for continuing the maintenance of the website through the end of the year. Trustee Likley stated that Mr. Krolkowski has Greg's contact info and the website information to make this transition.

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

Announcements:

- Trustee Year-End Special Meeting-December 29, 2008 at 4:00 p.m.

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- Records Committee Meeting (Chair/Clerk)-December 29, 2008 at 3:30 p.m.
- January Organizational Meeting-January 5, 2009 at 7:00 p.m.
- Trustee Regular Meeting. There was discussion as to if the day of the Trustee meetings should be changed because Fire Chief Snoddy has training on Monday evenings. Fire Chief Snoddy has asked if it is possible to change the meetings to Tuesday evenings or any other evening. Trustee Sims suggested Thursday evenings due to a change in her husband's work schedule. Trustee Likley stated he was open. Trustee Kratzer asked when the County Association meetings were held? Trustee Sims stated she would look into that and if the Trustee should have a further discussion as to if their meeting dates would be changed.

Meeting Minutes

The Board made the following amendments to the meeting minutes as follows:

November 3, 2008 meeting minutes. Trustee Sims stated under Public Comment Stan Scheetz stated she sent him a fax and though he may have said that she did not send him a fax. The correction is that Trustee Sims sent Trustee Likley and Bill Thorne an e-mail copied it to the Townhall which was broadcast to Trustee Kratzer who supplied that to Mr. Scheetz. Trustee Kratzer stated that was correct, and added if Trustee Sims did not want it sent to Mr. Scheetz then don't broadcast it to the Township.

Trustee Sims continued on page 1 that Mr. Scheetz stated they were looking at 9 different options in relation to this Township i.e. everything from potentially creating a new village within a 2 sq. mile radius including the Highway Commercial District up towards Gloria Glens, an option with the Township Association in Columbus to reconfigure the Township boundaries, and discussion with 3-4 attorneys about litigation for annexation. Trustee Sims stated there should be a period after litigation and the wording "for annexation" deleted.

Continuing with corrections, on page 2 Trustee Sims stated she was getting conflicting information from the applicant Mr. Kratzer and his attorney Mr. Scheetz. Mr. Scheetz stated Mr. Kratzer confirmed that he would take his attorney's advice on how to proceed. Trustee Sims stated she wanted the wording "Mr. Kratzer stated yes" after that sentence.

On Page 6, Devanney said any failure to complete any of these time lines listed in the agreement could result in a contempt of Court action." Trustee Sims stated it was a direct quote so it should state Devanney: "Any failure to complete any of these time lines listed in agreement could result in a contempt of Court action."

Also on page 6, Trustee Likley asked about the path repavement discussions. The word path should be changed to pass.

Page 7 Karen Fisher's name was spelled wrong and needs to be corrected.

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Page 10, Trustee Likley asked Chief Snoddy to give Bill Thorne a call to see if he would be willing to sit down and review the handwritten information if not Chief Snoddy should pursue Mike to get them electronically ASAP. Trustee Likley stated Mike's last name is Karson and he is the Ass't Chief and that should be added to the minutes.

On Page 11, Trustee Sims stated she thought there was a previously approved motion to topcoat after the Hull Rd. repairs were finalized. Trustee Likley stated the correction to be made is haul road not Hull Rd.

Also on page 11 Trustee Sims made a motion to approve the County Engineer's Office complete a ditch profile of Westfield Landings Rd. area opposite Mr. Smith's property due to the residents complaint to review that information. It was seconded by Trustee Likley. Trustee Sims stated there is no "s" at the end of Westfield Landing Rd.

Trustee Sims made a motion to approve the November 3, 2008 meeting minutes as amended. It was seconded by Trustee Likley.

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

November 17, 2008 Meeting Minutes. Trustee Likley stated he just wanted to make sure the supplemental appropriations mentioned in the minutes were the ones that were prepared for that evening. Trustee Likley reviewed what was written as to what was supplemented and it was correct. Trustee Sims stated any supplemental appropriations or fund status report that Fiscal Officer Evans submits should be attached to the minutes.

On Page 3 Correspondence it states, "Two letters 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 Raul water line." Trustee Likley stated Raul should be changed to raw.

Also on page 3, "Lee Evan 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." Trustee Sims stated an "s" needed to be added to Lee's last name.

On page 4, **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 . Trustee Sims stated she spoke to Kim about this incomplete sentence and she stated ZI Harris was inaudible and needed to come up to the mic and speak. Therefore the addition of the word "inaudible" should be placed in that sentence.

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On page 7 outstanding meeting minute approval, Trustee Sims stated Wordy Kratzer suggested going verbatim on some of these meeting minutes. "Wordy" Kratzer was not the correct spelling. Trustee Kratzer stated his daughter's name is spelled W-I-R-T-I-E. This needs to be corrected.

Trustee Sims made motion to approve the November 17, 2008 Trustee meeting minutes as amended and corrected. It was seconded by Trustee Likley.

ROLL CALL-Sims-yes, Kratzer-abstain (was not present at the meeting), Likley-yes. Motion carried.

November 21, 2008 Special Trustees Meeting. List Trustee Kratzer as absent.

Page 2, Mr. Karris stated regarding the wording under #8 (v) "LESSEE determines that the Premise is no longer technically compatible for its use or (vi) LESSEE, in its sole discretion, determines that it will be unable to use the Premises for its intended purposes, LESSEE shall have the right to terminate this Agreement..." he spoke with Verizon's attorney and told him and told him that was not acceptable." Trustee Likley stated told him was written twice and one needed to be removed.

On Page 4, "Trustee Sims stated she spoke with Tony on this and it had to do with the fact if there are additional carriers on the tower that the Township would get additional fees." Trustee Sims stated Tony's last name is McCurry and needed to be added but did not know the correct spelling but would look it up and get it to Kim.

Page 5, Tony's last name needed to be correctly added.

On Page 7, "Trustee Sims stated as she understood it this would basically be a claim against yourself because she was the insured." Trustee Sims stated she would like after the word "she" parenthesis former fiscal officer for reference purposes.

Trustee Sims made motion to approve the November 21, 2008 Special Trustee meeting minutes as amended and corrected. It was seconded by Trustee Likley.

ROLL CALL-Sims-yes, Kratzer-abstain (was not present at the meeting), Likley-yes. Motion carried.

December 1, 2008 Trustee meeting. Trustee Likley stated he would like to table the approval of these meeting minutes until a copy of the supplemental appropriations as prepared by Fiscal Officer Evans was given to Kim so she could list them accordingly in the same format. Trustee Sims stated the Board would have to do the same thing this evening in that any documents referenced would need to be put in a separate file and noted how they were received and be attached to the meeting minutes. Trustee Kratzer

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stated the Township received an e-mail from Kim about requested documents needed to transcribe minutes. Trustee Kratzer stated he did not have the December 1, 2008 draft meeting minutes with him as Kim sent them via e-mail.

On page 4, The amount that could be set aside right now would be \$75,000 because you must have at least \$20,000 to carryover for the first 3 months expenses of the new year. To date 2008 expenses \$81,342.21 (Nov. & Dec. left to pay)." Trustee Sims stated the typo of alt needs to be changed to at.

Also on page 4, Fiscal Officer Evans read the following letter: "Trustee Likley asked me to prepare a statement regarding the fire committee's recommendation to purchase a fire apparatus at an estimated cost of \$350,000-\$390,000." The word fir should be changed to fire.

On page 6 of the December 1, 2008 meeting minutes, "Trustee Likley stated it was important for the community to know this is a want and not a need for equipment." The wording needed to be reversed in that it is a need and not a want for equipment.

Trustee Kratzer made a motion to table the approval of the December 1, 2008 meeting minutes until December 29, 2008. It was seconded Trustee Likley. ROLL CALL-Kratzer-yes, Sims- abstain (was not present at the meeting), Likley-yes. Motion carried.

MISC.

Trustee Likley thanked John Miller and Lee Evans for their work on the Township announcement sign. Trustee Sims acknowledged Trustee Likley's work on the sign as well.


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

The meeting was officially adjourned at 9:35 p.m.

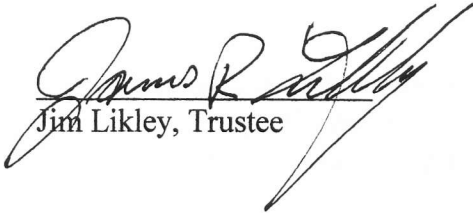
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Respectfully Submitted,
Kim Ferencz, Westfield Township Admin. Ass't.

Approved as amended January 15, 2009


Trustee Carolyn Sims, Chairperson


Tim Kratzer, Trustee


Jim Likley, Trustee