

## WESTFIELD TOWNSHIP BOARD OF TRUSTEES

FEBRUARY 19, 2009

### REGULAR MEETING-7:00 PM

As Amended 4/16/09

Chairperson of the Board of Trustees Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees to order at 7:00 p.m. Trustee Sims, Likley and Kratzer were present as well as Fiscal Officer Evans. The following were also in attendance: Mark Goffinet, Marlene Oiler, Tim Sims, Ken Beckman, Tom Micklas, Carol Rumburg, Susan Brewer, Dwayne Kramer, Dennis Delagrange and Heather Sturdevant.

#### Public Comments

Mr. Mark Goffinet with Auditor Mike Kovack's Office. Mr. Goffinet stated it was announced yesterday for the 15<sup>th</sup> consecutive time in Auditor's Kovack's administration the certificate of achievement in excellence in financial reporting has been awarded to the Medina County Auditor's office by the Government's Finance Association of the United States and Canada.

Mr. Ken Beckman (Greenwich Rd.) asked the Trustees if the Township ever got its money for the clean-up of Mr. Nelson's property. Fiscal Officer Evans stated no. Mr. Beckman stated he thought the cost of the clean-up (\$8,000) was supposed to go on Mr. Nelson's tax bill. Fiscal Officer Evans stated the Pros. files it and then it goes to the Auditor's Office.

Trustee Sims when the property tax was due then it should be addressed. However, she believed that if taxes are delinquent for more than a year or two they are turned over to the Pros. Office for collections. When we submitted the assessment for the clean up cost Mr. Nelson had not yet reached that point of time but was quickly approaching. Trustee Sims added she remembered that there was an interest from somebody to purchase the property but she has not heard anything at this time. Therefore the Township is at the mercy of either Mr. Nelson paying his taxes or if the property goes up for sale, the Township would be one of the first in line to receive the monies due for the clean-up cost.

Mr. Beckman stated that the taxes are public record, and Mr. Nelson's taxes were paid up to the last time they were due so somebody is paying the taxes. He added that it would sure be nice for the Township to get their money back for having to complete the cleanup. Trustee Sims agreed and stated that this issue should be followed up on.

#### FISCAL OFFICER REPORT

Fiscal Officer Evans stated the Trustees had in front of them the Cash Summary Report by Fund which lists total receipts, expenditures and the checking account balance to date. 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 \$15,725.84.

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Fiscal Officer Evans stated one of the bills to be approved was for the Village of Westfield Ctr. For Gloria Glens donation for fire truck equipment in the amount of \$5,000.00. Fiscal Officer Evans stated the Township received \$5,000.00 as a token of security and it was stamped Deposit Only. Fiscal Officer Evans continued, she spoke with the Village Fiscal Officer and we felt this money should be in the hands of the Village as they will be doing the invoicing. This \$5,000 will be coming right off the top and then we split the difference.

**Trustee Kratzer made a motion to pay the bills in the amount of \$15,725.84.**

**It was seconded by Chair Likley.**

**Discussion on the Motion**

Chair Likley stated the repair of rescue squad #167-2 cost \$11,572.00. It was a costly engine repair that had to be done. The squad was in the process of coming back from service and had engine problems and had to be towed to the garage.

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

Fiscal Officer Evans stated that there was an article in the newspaper that Chair Likley discovered the income of the fire contract with the Village was improperly disbursed. It was just an over site by the Village Fiscal Officer. Fiscal Officer Evans stated she and the Village Fiscal Officer went back to 2003 when the contract was signed. Westfield Township has now received a check in the amount of 54,971.50 from the Village of Westfield.

**List of Received Correspondence**

- Letter from the Medina County Health Dept. regarding the meeting to be held on March 19, 2009 at 5:30 p.m. Trustee Kratzer stated he would be attending that meeting. Chair Likley asked that a copy of that letter be put in ZI Harris box as he attends those meetings.

Trustee Sims asked if the Township had received a letter from the Pros. Office in response to the letter she sent on dual representation. Fiscal Officer Evans stated nothing has been received.

**Resolution-Township Open Records Policy (amended)**

Fiscal Officer Evans made the changes to the Township Open Records Policy. One change made was that, "Records can be requested personally during regular hours 10 a.m. to 12:00 noon Monday-Thursday, if the records are readily available, they may be given out immediately or within a reasonable period of time."

Second, "If the records need to be reviewed, the requestor will receive a written response within a reasonable period of time."

**Trustee Sims made a motion to approve Resolution 2009-08 Open Records Mission Statement, Statement of Principles and Policy as Amended. It was seconded by Chair Likley.**

**Discussion on the Motion**

Trustee Sims stated she felt that the Township should have documents readily available such as meeting minutes and other common documents during regular office hours and not abbreviated office hours. Chair Likley asked if it was still the standard that as minutes are approved, Fiscal Officer Evans makes a copy of the approved minutes for Kim Ferencz to be placed in the binder in the records room. Trustee Sims asked if the copies of the approved minutes also have the attachments to them? Fiscal Officer Evans stated yes.

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

**OLD BUSINESS**

IRS claim to OTARMA-Chair Likley stated he spoke with Bill Thorne and Tom Karris from the Pros. Office on this issue. Mr. Thorne has stated he has received a verbal response from OTARMA that regarding the errors and omissions claim but has not received anything in writing. This apparently was a topic by OTARMA at the OTA Winter Conference. OTARMA stated at the conference that they would only cover illegal actions. Mr. Thorne was at the conference and asked them how they would insure against illegal actions? Mr. Thorne feels this is a strong case for the Township to pursue with OTARMA but felt it would take some time and effort for OTARMA to settle this claim. Chair Likley added that he spoke with Mr. Thorne about notifying Westfield Insurance as the bond carrier for the previous Fiscal Officer and he recommended the Trustees pursue the bond. Chair Likley stated he asked Mr. Thorne or Mr. Karris to come to the meeting tonight but both had other commitments. He added he asked them what the Trustees needed to do to pursue the bond. Mr. Thorne responded just a letter stating such.

**Discussion on the Motion**

Trustee Sims stated she too spoke with Bill Thorne on this issue as well. He did get a verbal response that OTARMA has denied the claim but they have not put it in writing. The pursuit would take some time and effort on the Pros. Office.

**Trustee Sims made a motion to pursue the previous Fiscal Officer's bond as recommended by the Pros. Office. It was seconded by Chair Likley.**

Trustee Kratzer stated in previous discussions with Bill Thorne with previous boards, he did not advise going after the recovery money regarding error on the clerk's part. There have been no charges filed so he felt the bonding company would not be cooperative anyway.

Chair Likley stated he felt this was worth bringing to the bonding company. In the State Auditor's Report there were 13 findings during the previous Fiscal Officer's term that bring to light those errors and omissions. I believe it warrants this pursuit.

Trustee Sims stated other options were investigated in order not to pursue the bond. At first it was the OTARMA claim and then the IRS Appeal. Trustee Sims asked Fiscal Officer Evans what was the total on the errors and omissions? Fiscal Officer Evans stated \$36,000+. That not just IRS that was Ohio Job and Family Services and Ohio Police and Fire and PERS. Chair Likley stated the Township received \$1,311.00. Fiscal Officer Evans stated that was just a notice,

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the Township has not received the money. That money was for the first quarter March 2006. Trustee Sims asked what the OP& F penalty amount? Fiscal Officer stated about \$4800.00.  
**ROLL CALL-Sims-yes, Kratzer-no, Likley-yes. Motion Carried.**

Chair Likley asked Fiscal Officer Evans to write a letter to the Pros. Office stating the Trustees would be pursuing the bond.

### **Zuber property Report**

ZI Harris was on vacation. No new report.

### **Fire Chief's Development Plan**

Chair Likley stated he and Heather Sturdevant met with Mr. Thorne to review a draft of the development plan prepared by Ms. Sturdevant. Mr. Thorne made revisions to the draft. For example for Chief Snoddy to pursue the fire levy. Mr. Thorne stated that could not be done during Chief Snoddy's regular business hours. The Township could not financially support the Chief to work on fire levy during his regular business hours.

### **Website Status**

Trustee Kratzer stated he spoke with Mr. Krolikowski. Kim Ferencz worked on Monday though it was a holiday, and phoned Mr. Krolikowski about what areas she could/would be responsible for regarding getting the information on the website. Kim was off yesterday and today due to her daughter's surgery. Mr. Krolikowski would be willing to put the approved minutes on the web after Kim scans them and sends them to him. When she comes back she will follow up with Mr. Krowlikowski as to what access/programs she will need to be able to post documents.

Chair Likley stated the current contact roster and all pertinent information as to Trustee liaison would need to be posted on the web as well.

Trustee Kratzer stated the domain name is coming up for renewal in July. Mr. Krolikowski moved it to the new web server. The price to renew the domain name is \$34.99 for each year and they go down the longer you renew. Chair Likley asked if the Trustees had a preference in the length of renewal time. For 10 yrs. the price is \$17.99 per year. Chair Likley stated that the website is a valuable resource and would like to see the domain name secured for 10 yrs. Trustee Kratzer stated he would find out if that fee needs to be paid upfront or yearly.

Trustee Sims asked how long it would be until the website was updated? Trustee Kratzer stated he hoped in 2 wks. Depending on Don and Kim's schedule. Trustee Kratzer stated he could scan the approved meeting minutes and send them to Don for posting if need be but Kim should be involved in the process as well. Trustee Sims stated she believed the approved minutes were saved as word documents so they should be able to be sent without being scanned. Trustee Kratzer stated the minutes would not have the signature page. Trustee Sims stated the minutes would need to be read only so they could not be manipulated as those were the approved minutes



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of the Board. Chair Likley stated the signature page could be scanned and then put with the appropriate approved minutes. Trustee Kratzer stated he would get with Kim on Monday to get the process rolling.

### Cell Tower Status

Trustee Kratzer stated he spoke with Mr. Karris from the Pros. Office. Mr. Karris had conversations with Verizon's legal counsel and they stated they have put the cell tower on hold indefinitely. Trustee Kratzer stated he then contacted Tony Mecuri and he too stated the tower had been put on temporary hold until the Alltel Verizon merger was completed which should be within 30 days. They did however come to the Township to complete some environmental studies.

Chair Likley stated the easement issue has been rectified. Trustee Kratzer stated the easement was moved completely against the gas line which is far as we could go. That way there was still room if we wanted to add on to the building and still give us driveway space. As soon as the merger has been completed the Township would hear back from Verizon. The tower that would resemble the AT & T tower that is leased from American Tower.

Trustee Sims stated the easement was a paper easement which would allow Verizon to use our salt shed access road. She added she spoke with Mr. Karris as well but he has not seen the finalized contract with the revisions we made to the contract in particular the 3 month termination language that we revised.

### Records Retention and Destruction Policy

Trustee Sims stated at the last Trustee meeting, she passed out sample language for a more thorough policy. Trustees Kratzer and Likley stated they have not had the opportunity to review that information and it could be discussed at the next Trustee Meeting.

### Zoning Report

Ass't ZI Evans stated he had two lots splits to present to the Trustees for Medina Sod. One is a triangle lot which is located mostly in the HC district where their existing building is. The other is on Buffham Rd. where they split off part of the farm on the southside of Buffham Rd. and made a three-acre lot. Chair Likley stated himself, Trustee Kratzer, and ZI Harris signed the lot split already and it was brought to his attention that there has been discussion by the Board that lot splits must be signed off in an open meeting so this practice will be upheld in the future. Fiscal Officer Evans stated a motion or a Resolution should be made that this will be the practice of the Board of Trustees. Trustee Sims stated there should be a motion or a Resolution on file that lot splits are to be brought before the Board of Trustees to sign in an open meeting. Fiscal Officer stated there was no resolution.

Trustee Kratzer stated he remembered the Board discussing the issue of lot splits but it should also be done in a timely fashion and there were two weeks between meetings. This problem

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arose with the lot split on Stuckey Rd. Trustee Sims stated the resolution was made when a resident went from Trustees house to Trustees house to have his lot split signed. Fiscal Officer Evans stated there was no resolution as she had the all the resolutions the Trustees have made in a binder unless it was made before 2007 when she was not the Clerk. Fiscal Officer Evans stated she indexed all the resolutions starting back at 1998.

Chair Likley stated he felt any lot splits warrant a full review of the Board of Trustees.

**Trustee Sims made a motion to adopt Resolution 2009-09 supporting what she believed is an existing motion to that lot splits be signed at a Trustee meeting. Motion died for lack of a second.**

Fiscal Officer Evans stated she did not believe that motion to be sufficient and offered the following: "Lots splits shall be reviewed and signed at any Trustees public meeting by the Zoning Inspector and two Trustees.

Chair Likley asked if it was the practice when a lot split comes to the Township that it was presented to the Board of Trustees? Mr. Evans stated, not always. As Trustee Kratzer stated by waiting to sign a lot split at a Trustee meeting, it could delay a property owner 2-3 wks. Due to the Trustees meeting schedule. Chair Likley stated a lot split also warrants the opportunity for the Board to review the lot split and ensure the zoning inspectors have thoroughly reviewed the split to make sure it was correct as well as the Trustees. Regarding the issue of a delay of requiring a lot split be signed in a Trustees public meeting; he did not feel that the signing had to be done a meeting. Trustee Sims suggested researching the records to see if and when a motion was a made in the meeting minutes. Chair Likley stated a motion was not a resolution. He added am I willing to tie somebody to waiting 2-3 wks. To have their lot split approved and signed? No. Chair Likley added that he did feel that the lot split should be reviewed by the zoning inspector and all three Trustees and everybody could come up and look at the lot split and then the Trustees could sign it accordingly in the townhall office, the meeting room or even the zoning office.

Trustee Sims stated the reason she felt passionately about this is because we had an incident that a property owner contended the lot was approved by the Zoning Inspector and has the Trustees approval and it was actually a non-conforming lot that could have become even more non-conforming. The other incident was with the individual who went from Trustees house to Trustees house to get signatures and the Zoning Inspector did not even sign it. Trustee Sims stated she wanted the zoning inspector(s) to review the lot split and let her know if it is in compliance before she as a Trustee would sign it. Regarding timeliness, there were not that many lot splits and they could be handled in this manner she suggested. Trustee Sims asked the Trustees if they would be willing to table this until the minutes reviewed to see if/when a motion or resolution was made to this effect.

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Chair Likley stated it was important for the Zoning Inspector(s) to review a lot split and each one of the Trustees as well to make sure that there are no errors or omissions before it is approved and signed.

Mr. Evans stated he also had the plans for Chippewa Landings Resort. The developers donated land to Lafayette Twp. to build a new fire station. The Township and the developer worked together. He continued they did raise the elevation for the yacht club parking out of the flood plain. The parking is just for boats but it states "parking". Also it states on the plan "access to: but the Park District only giving them access to the water and not the area for the "yacht club parking."

Chair Likley stated from what he understood by the County purchasing the lake that they were going to be able to control the number of boats that would have access the Lake. Once the parking lot is full for those who trailer their boats and put them in the lake, then the lake was at capacity as far as non-resident boats. Is the parking for the yacht club going to be exclusively for the yacht club and how will that be controlled? Mr. Evans stated where the yacht club parking is shown on the site plan there is no road access to it. It is going to be private. The comments on the Plan had to be returned to the Dept. of Planning Services by tomorrow.

Trustee Sims stated it was explained to her when the yacht club was not using the parking lot it would then be used for auxiliary or overflow parking. That is what she was told by Planning Services. Mr. Evans stated he would like to see someone get to it because there is swamp land all around it. Chair Likley commented in order to pull your boat out of the water you need a vehicle and a trailer. Mr. Evans stated ZI Harris told him they pick them up and carry them. Chair Likley stated it made sense to him that if they had a small sail boat and wanted to take it home he would need a trailer and a vehicle and access to that parking lot. If there is no access to it what are you going to park there? Mr. Evans stated he would ask again where the access would be.

Mr. Evans stated he spoke with a rep from State Chemical. The products are green sealed environmentally safe. The system itself is free we just paid for the soaps. Mr. Evans stated he also spoke to the gentleman about changing the restroom facilities over to foam soap as well. The one system would consist of glass cleaner, bathroom and toilet bowl cleaner and disinfectant. Out in the shop would be the degreaser and the car and truck wash. The total cost would be \$575.72. Chair Likley asked Mr. Evans to look at the projected savings and try the products first. It is great that the products are environmentally friendly as well but it is important to see if Mr. Evans is satisfied with the product as well before a decision is made.

**Grant Research**

Mr. Evans stated he spoke with DeeDee with Gatchel Grant Resources. Gatchel Grant Resources is a grant writing firm that he came in contact with down at the Ohio Township Association Winter Conference. Mr. Evans stated they were very busy right now but DeeDee said she would

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put a fee structure together and hoped she could present to the Trustees sometime in April about the services they offer. Mr. Evans would get a date and forward to the Trustees accordingly.

Mr. Evans stated at it was stated at the workshop that you have to have your plans prepared (i.e. addition to the Townhall) and the layout completed and the projected costs before a grant would be pursued.

Trustee Sims stated that Kevin Daugherty from the BZA called her right before this meeting and was going to forward information to the Township on a grant writing seminar. Mr. Evans commented that it was imperative to have someone knowledgeable on what you would be requesting grant money for. An example is if it is a fire truck you would need to have all those specifics on a fire truck. Chair Likley stated the Fire committee has also approached the idea of hiring a grant writer. He added he also spoke to such a firm and if they are unsuccessful in getting your community grant money they would come back the following year and write the grant free of charge. These firms' success rates are in the high 90's. These are the things the Township would have to look at when deciding on such an individual or firm.

**NEW BUSINESS**

**Permanent Appropriations**

Chair Likley stated the Township now had 2 alternate members on the BZA so that would need to be taken into account for appropriations. Chair Likley stated he would like to set up a meeting between the Trustees and Fiscal Officer Evans to review the permanent appropriations and General Business.

A special meeting was tentatively scheduled March 2, 2009 at 1:30 p.m. to review permanent appropriations and General Business.

**Fire Levy Meeting**

Chair Likley stated a special meeting was held last Monday by the Trustees for the purpose of a Resolution to pursue a fire levy increase of 1 mill for a total of 2.5 mils. The election is May 5, 2009 and the Resolution to put the fire levy on the ballot needed to be in to the Board of Elections 75 days before the election. The Trustees voted unanimously to put the levy on the ballot. The Resolution was taken to the Board of Elections on Tuesday. Chair Likley stated there is a real need for this levy for the operations/equipment for the Fire Dept.

Chair Likley stated he reviewed the language of the last fire levy that was on the ballot in November and failed. The language stated Westfield Township Levy and was not until one read the body of the language that one found out it was for the Westfield Township Fire and Rescue. This language would be amended for the May 5<sup>th</sup> ballot.

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Trustee Kratzer stated there was a special dinner meeting with the school superintendent a week ago regarding the article in the newspaper stated that they are going to cut 20 jobs from the Cloverleaf School District and create \$1million dollar surplus at the end of the fiscal year. It will be a \$1.5 surplus instead of a \$500,000 surplus they were anticipating. This way they can keep the budget balanced and not have to come back to the voters and ask for more money until 2011 or 2012.

Trustee Sims stated at the Comp Meeting it was discussed with the elementary school campus coming to Westfield the children who were in the Lodi and Seville Fire Districts would be centralized in the Westfield Fire District and that would possibly generate more trip traffic (dropping and picking up children) in Westfield. Chair Likley stated as those students move into the Township it would generate more calls to the Fire Dept. as well.

**Comp Plan Update**

Trustee Sims stated the last Comp Plan Meeting was again well attended. The Planner went through the data analysis i.e. population and housing. The next meeting would be a continuation of collecting this data analysis.

Trustee Sims stated regarding the applications for the Comp Plan Steering Committee Members i.e. Connie Carlton and Purchaska that Trustee Kratzer asked for, as they posed an interest before an application was available and she hoped to get their applications at the next Steering Committee meeting this week.

Heather Sturdevant asked about a complete accurate mailing list for getting out a survey to the residents. The Trustees stated that this has been an issue as there are 3 different zip codes for the community. Trustee Sims stated she would look into this either contacting the school for their mailing list or the post office.

Chair Likley stated if anyone on the Comp Plan had any comments or questions to feel free to bring them to the Trustees or the Planner Mark Majewski.

The next Comprehensive Plan Meeting is scheduled for February 26, 2009 @ 7:00 p.m.

**MISC.**

Trustee Sims stated she spoke with Jim Troike from the County Sanitary Engineers and they are still preparing their EPA Wellhead Pollution Protection Draft. Mr. Troike anticipates it the draft should be finished by next week. In the Plan it calls for a resident meeting to explain the process before the pumping of the wellheads so those residents who could possibly be affected have the opportunity to do their own well monitoring. A date would be set in the next week or so for that meeting. Trustee Sims stated she understood the well is ready to pump but there is no pump date set.



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Trustee Sims stated that yesterday was the annexation meeting of the County commissioners on the 77 acres in Westfield Township. Mr. Karris from the Pros. Office stated all the annexation criteria was for a type 2 annexation. Even though Mr. Scheetz had 3 revisions to his annexation application it met all the criteria per Mr. Karris. She added the Commissioners allowed her to speak on the environmentally sensitive issues of that area.

Trustee Sims stated that Trustee Kratzer's property is contiguous to the property that has been annexed. She continued that after the annexation meeting, Mr. Scheetz stated to her that if she did not like this annexation she was not going to like the next one. He added the next annexation would be type 1 annexation which would take the property out of the Township and would consist of over 500 acres and told her to anticipate about 2,000 acres.

Trustee Sims stated the 77 acres appear to be the land bridge to the development landslide. She added she had genuine concerns about that. Trustee Sims stated she spoke with Mr. Karris and he could not speak with Bill Thorne or Trina Devanney about the annexation, but he could speak with Mr. Holman but he was very busy. She added to date she still has not received a response on the letter she wrote about the dual representation by the Pros. Office regarding the annexation related issues. Trustee Sims stated she has heard that the amount of acreage Mr. Scheetz was proposing to annex was not new to the neighboring villages or to Mr. Thorne.

Trustee Sims stated because of how busy the Pros. Office is and the facts presented by Mr. Scheetz on future annexation, she felt the Township should pursue a defense in order to try to protect the economic interest of the Township. The name of an annexation attorney was Mr. Schrader. He faxed me his resume and I spoke with him. Trustee Sims asked if Trustee Kratzer was going to abstain from the discussion as you have a vested interest in the outcome.

Trustee Kratzer stated until there was actual presentation by Mr. Schrader he did not know if he needed to abstain. Trustee Sims stated Mr. Schrader is an annexation attorney and we will be discussing the current annexation and proposed annexation as well as the discussion of the Trustees about pursuing a CEDA or a JEDD. Mr. Schrader was interested in representing Westfield Township for a retainer of \$5,000.00. If any residual monies remain that money would be returned to the Township. Mr. Schrader was also willing not charge for mileage. He also represented Chippewa Twp. regarding their water issue.

Chair Likley stated this would be outside legal representation from the Pros. Office. There was concern brought up at the last Trustee meeting about our legal representation from the Pros. Office. He added he was not questioning their legal ability by any means but in this particular case we got bounced around by the Pros. Office. First Bill Thorne was representing Westfield Township and then Trina Devanney and now Tom Karris. Trustee Sims stated the issue is that Bill Thorne cannot speak with Westfield Township about any related issues and Tom Karris cannot speak with Bill Thorne or Trina Devanney because she is handling a zoning violation that is in the proposed annexation area. Ms. Devanney was assigned to Westfield after Bill Thorne

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and she had another conflict on top of the zoning violation that she could not represent the Township in the annexation issue so then it was assigned to Mr. Karris.

Trustee Sims continued that Mr. Thorne was Westfield Township's legal representation during the Kratzer/Scheetz proposal before the annexation of the 77 acres in Westfield Township was filed with the County Commissioners. She added she was in full support of hiring outside counsel regarding annexation and related issues. Trustee Sims stated she believed the residents of Westfield Township would want the Trustees to have full attention on this issue.

Trustee Kratzer asked how much taxpayers dollars are the Trustees going to spend to fight this? Trustee Sims responded that depended on your attorney's efforts to go forward with the annexation. I don't know. She added when Stan Scheetz presented the motion for cooperation regarding the annexation of the 77 acres there was confusion. Between the three legal counsels one said Westfield Township had no business accepting Mr. Scheetz motion of cooperation, the second said the Westfield Township Trustees should have understood what was being voted on, and the third stated it wasn't relative in the first place. The Township needs a sound legal answer to move forward.

Trustee Sims made a motion to retain Attorney Al Schrader for annexation consultation. Chair Likley asked the breakdown of the cost of services. Trustee Sims stated it was a \$5,000.00 retainer. Any residual moneys would be returned to the Township. Therefore it would be for 20-25 hrs. travel not included and the initial consultation was also not included.

Mr. Evans stated has anything been presented to the Township regarding the 77 acres. Trustee Sims stated that annexation was not completed. Once it was approved by the County Commissioners and then returned to Village Counsel for acceptance. Therefore it was not a done annexation. Trustee Kratzer asked what Westfield Township had to do with Seville? Absolutely nothing. Mr. Evans interjected he felt it was a waste of money.

Trustee Kratzer asked Trustee Sims if she has been attending meetings at Seville representing the Westfield Township Board of Trustees? Trustee Sims responded no have you? Trustee Kratzer stated no. Trustee Sims continued that the ultimate issue is that you have sat here with your attorney who has stated the three options are to sue Westfield Township, create Kratzer village or to turn around and annex. The reason the Trustees needed separate legal counsel and this became a dual representation issue with the Pros. Office was because you are a Trustees and a contiguous land owner. Trustee Sims added that your ethical impropriety has placed all of us in a situation. Now your situation is going to cost Westfield Township some money because the Pros. Office cannot represent all the issues we have because they are too layered.

Trustee Kratzer stated if you (Trustee Sims) were going around representing Westfield Township when did you and Chair Likley have a meeting to discuss that? He added that you (Trustee Sims) were at the County Commissioners meeting and introduced yourself as Carolyn Sims Westfield

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Township Trustee. Trustee Sims stated yes and those were her comments. You (Trustee Kratzer) were also at the Commissioner's meeting with your attorney and she would like to know whose interests you were representing.

Trustee Kratzer moved to adjourn. Trustee Sims stated she would like to move on retaining Mr. Schrader as the annexation attorney for Westfield Township before the annexation will be voted on by Seville Counsel. Chair Likley asked if this would give Westfield Township representation at the annexation meeting in Seville? Trustee Sims stated yes and before then. She added she hated to put Chair Likley in the middle as she was sure he could feel the tension between land owner Kratzer and Trustee Sims. However given the situation this is the best route to go for Westfield Township residents to protect our economic future.

Ms. Oiler asked if a letter has been received from the Pros. Office stating they cannot represent Westfield Township regarding these annexations? Chair Likley stated he did not. Trustee Sims stated we write letters but we don't get a response. The Pros. Office is very, very busy. We wait days for return calls from the Pros. Office due to their volume.

Chair Likley stated that Bill Thorne was then Township's original contact then Trina Devanney and now Tom Karris. Trustee Sims stated the Township had to bring Mr. Karris up to speed as he was not involved at all in the Kratzer applications and all those related issues. It is difficult to give the Pros. Office full disclosure when the attorney's are not allowed to speak with one another over these issues. Trustee Sims stated Mr. Schrader has experience as an annexation attorney and was a Township Trustee for 28 yrs.

**Trustee Sims made a motion to retain Attorney Al Schrader for annexation consultation and related issues. It was seconded by Chair Likley.**

**Discussion on the motion**

Trustee Sims reiterated her comments made previously and that the legal counsel relationship with the Pros. Office has become cumbersome due to all the related issues regarding annexation and their very busy schedule.

Chair Likley stated that the Township needs reliable legal representation. We should be able to go to the Pros. Office in response to the letter on dual representation regarding annexation and we have received no response from the Pros. Office.

**ROLL CALL-Sims-yes, Kratzer-abstain from any further discussion and vote on this issue, Likley-yes. Motion carried.**

Trustee Sims stated she would draft a letter of intent to Mr. Schrader.

**Meeting minutes Received**

The Meeting minutes from the Trustees August 27, 2008 meeting and the January 5, 2009 organizational meeting and regular meeting were received.

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Trustee Sims stated the August 27, 2008 meeting minutes did not reflect the Trustees in attendance and the motion to go into executive session to conduct employment interviews and to come out of executive session. It was not on the audio so we would need to review our personal audio to give Kim Ferencz that information.

The Board stated since they just received the minutes 2 days ago and have not had the opportunity to review them; the approval of minutes would be tabled.

**Chair Likley made a motion to table the approval of the August 27, 2008 meeting minutes, the January 5, 2009 organizational meeting minutes and the January 5, 2009 regular meeting minutes. It was seconded by Trustee Sims.**

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

**Meeting Minutes to be received:**

September 3, 2008

September 12, 2008

October 10, 2008

February 16, 2009

**Announcements**

February 25, 2009 BZA Hearing @ 7:30 p.m. Tyron area variance request.

February 26, 2009 Comprehensive Plan Meeting @ 7:00 p.m.

March 1, 2009 Fire Committee Meeting @ 7:00 p.m.

March 2, 2009 Special Trustees Meeting for Permanent Appropriations and Gen. Business @ 1:30 p.m.

March 5, 2009 Trustee Meeting @ 7:00 p.m.

Trustee Kratzer stated that an e-mail was received from Judge McIlvaine and that he would like to appear before the Trustees at our first meeting in March.

Trustee Sims stated she was having an issue receiving e-mails. Kim Ferencz sent an e-mail and it bounced back. Trustees Kratzer and Chair Likley stated it appeared Trustee Sims e-mail box was full.

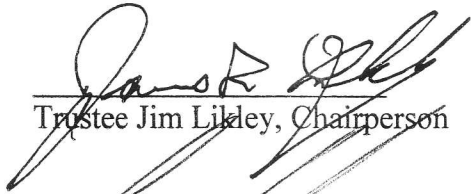
**Trustee Kratzer made a motion to adjourn the regular meeting. It was seconded by Trustee Sims.**

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

The meeting was officially adjourned at 9:15 p.m.

Respectfully Submitted,

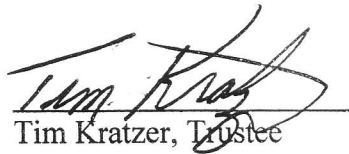
Kim Ferencz, Westfield Township Admin. Ass't.



Trustee Jim Likley, Chairperson



Carolyn Sims, Trustee



Tim Kratzer, Trustee