

# WESTFIELD TOWNSHIP BOARD OF TRUSTEES

JULY 2, 2009

## REGULAR MEETING

7:00 P.M.

(as amended 8/6/09)

Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 7:05 p.m. Trustee Sims, Likley and Kratzer were present as well as Administrative Assistant Kim Ferencz. The following were also in attendance: Bill Thorne, Heather Sturdevant, Carol Rumburg, Ron Oiler, Linda Pavlick, Tim Sims, Dwayne Kramer and Ken Beckman.

**Fire Levy/Fire District Information**-Mr. Thorne stated at the last Trustee meeting he was in attendance at, it was brought up that some residents of Westfield Township i.e. The Village of Westfield Center and Gloria Glens did not vote on the fire levy. He added he contacted the Board of Elections and the residents of those two communities vote on all Township levies with the exception of the fire levy. He added the residents of the Village of Westfield Center and Gloria Glens don't vote on the fire levy because the Board of Elections was told in 1979 that the Township created a Fire District excluding those residents.

Mr. Thorne added that he needed to do some research on the records. If that is the case the Trustees may want to do away with this in light of what is happening now. Chair Likley asked, if the Township did create a fire district and now we want the Village of Westfield Center and Gloria Glens to participate in the vote, what are the Trustees to do? Mr. Thorne stated there are potentially two actions; you could include the two villages without doing away with the Fire District if it exists, or you could do away with the District if it does exist.

Trustee Sims asked if Fiscal Officer Evans had any recollection about a Fire District especially if there was any documentation? Fiscal Officer Evans stated 1979 was three years prior to her being the Clerk, so she too would have to go back and look at the records. She added she did however have the language that is on the fire levy.

Mr. Thorne stated from what he found, the fire dept was originally Westfield Center's Fire Dept. and the Township was contracting with them. Then the Township bought into the Dept. and became part owner of the Dept. He added he has researched similar documents in other communities, and sometimes the Trustees made motions or passed resolutions to do something and then never acted on them or did not remember that they acted on a motion or resolution a certain way prior.

Trustee Sims asked who the Trustees were back in 1979? Fiscal Officer stated they have all since passed away. The last Trustee still living died last year.

## Page 2 Westfield Township Trustees Regular Meeting 7/2/09

Chair Likley asked what impact would this have because Gloria Glens presently has a fire levy in their Village? Mr. Thorne stated the impact would be if they would vote on the levy. If there is a district, only the residents of the unincorporated area of the Township would vote on the fire levy.

Mr. Thorne looked at the records Fiscal Officer Evans submitted on the fire levies. He stated prior to 1979 the fire levy language says for the Benefit of the Township. In 1979 it says District. In 1984 the language goes back to Township and in 1997 it also said for the Benefit of the Township. Mr. Thorne continued the Township could have made an error submitting the language or the error could be on the part of the Board of Elections. Mr. Thorne stated the 1997 levy is what the Township is currently working off of, and that language read, 'for the benefit of Westfield Township' so the Village of Westfield Center and Gloria Glens should have voted on it. He added that if it was a Fire District, technically it should have had a separate legal name distinct from the Township. Trustee Sims interjected that most importantly the finances would have to be kept separate. Mr. Thorne stated that was correct. However, the levy language from 1984 to the present stated Westfield Township so the residents of both Villages should have voted on the fire levy.

Chair Likley stated that if Gloria Glens now has voting rights on the Fire levy what about their (Gloria Glens) levy? Mr. Thorne stated Gloria Glens could also have their own levy. He added it was the same thing with the annexation. Unless there is a detachment of the property, they will pay the Westfield Fire levy and the Seville/Guilford fire levy. It is dual citizenship. You get the benefits of both and the paying the taxes of both.

Chair Likley asked when Gloria Glens fire levy was up? Trustee Kratzer stated he did not know, but Gloria Glens had a continuing levy and every 5 yrs. or so it is voted on again. Gloria Glens fire levy is currently 2.5 mils.

Trustee Sims stated if a Fire District was created it would need to have a separate governing body and funding and should have been done so by more than just passing a motion. Mr. Thorne stated that was correct. Maybe the Trustees at the time intended to do create a fire district and then they did not follow through with it. He did not know.

Fiscal Officer Evans brought out more records. Mr. Thorne stated in 1975 there was a Resolution creating a District. However the language of the 1996 levy says Westfield Township. Mr. Thorne stated a quick review of the records shows the Resolution created a District, which did not include the Village of Westfield Center because the Village already had a levy and Gloria Glens was not desirous of participating. A Resolution was passed to create a district but whether it was ever enacted was the question. Fiscal Officer Evans stated if a district was created, it would have its own separate trustees and clerk as well as name. The fire levy money would have then gone to the district but the fire levy

### **Page 3 Westfield Township Trustees Regular Meeting 7/2/09**

money continued all these years to come to the Township. Mr. Thorne stated the issue as it stands is that if the fire levies were Township levies then both Villages should have voted on them. Trustee Sims stated the Auditor's Office would have collected the District funding, if there was a district. She added this could possibly be clarified by contacting the Auditor's Office to verify that the Districting money was not collected and disbursed.

Mr. Thorne stated per the records, the 1984 levy was a special fire levy for an additional tax for the Benefit of the Township. Mr. Thorne stated just from the scattered records that have been found, the District does not seem to have been formally established but he would need to do more research. Chair Likley asked that Mr. Thorne keep Westfield Township, the Village of Westfield Center and the Village of Gloria Glens abreast about the results of his research.

Mr. Thorne stated that the issue regarding the fire levy is that if both Villages vote they may not want to continue their own levies as those communities won't want to tax their residents twice though it is legal. Chair Likley stated that if Gloria Glens and Westfield Center voted on the levy it might change the results of the levy as well as the milage. Mr. Thorne stated the results could go either way. The levy might pass or it might fail. He added he would do more research and stop at the Township one morning when Kim and Martha were available to go through the records.

Trustee Sims added that it also needed to be confirmed as to where the money has gone. This could impact the decisions the Township is making moving forward with the Fire Dept. Mr. Thorne responded the impact would not be so much in terms of the money, the impact would be the likeliness of the levy to pass or not. The Township knows how much money the levy will generate for your residents, the other money would just replace what the two Villages are putting in. He added he was sure the two Villages would want to decrease the amount they would pay by the amount the Township would be getting. The Village of Westfield Center would not pay their share for the Fire Dept. from their General Fund if the Township was collecting property taxes from the Village's residents.

Trustee Sims stated that if the residents of Westfield Center and Gloria Glens voted on the fire levy, income would be collected which would impact the financial situation the Township was currently in. Mr. Thorne stated if everyone in the unincorporated area of the Township voted on the levy and it passed, it would bring more money into the Township. However, the Township had a contract with both Villages for the Fire Dept., so those communities would probably want that amount reduced or done away with completely so as not to double-dip their residents. In the case of the Village of Westfield Center, if their residents vote on the fire levy and it passed, the Village would not take the money out of their General Fund to pay their share of the Fire Dept. but could use that General Fund money on something else; as their residents would pay a property tax for the fire levy if it passed.

## **Page 4 Westfield Township Trustees Regular Meeting 7/2/09**

Chair Likley asked about the fact that the Village pays the volunteer firefighters. Mr. Thorne stated the Village could still do that. The Township would then take the money out of the levy and pay the Village. What would change was who had control of the money; the demographics as to who was voting on the levy and if the levy passes or not. Trustee Sims stated all these issues need to be researched and understood before large decisions are undertaken by the Township and the Villages regarding the Fire Dept. and its financial situation.

### **Update on Clerk's Bond**

Regarding the previous clerk's bond, Mr. Thorne stated Westfield Insurance notified the former clerk that they had demand on the bond. If Westfield Insurance pays on the demand they would be looking to her for reimbursement. Westfield Insurance was only looking at a \$5,000 demand for the bond. The Pros. Office is of the opinion there are two bonds at \$5000 each. No decision on that has been reached between Westfield Insurance and the Pros. Office on behalf of the Township at this time.

**Trustee Kratzer made a motion to enter into Executive Session with legal counsel regarding pending litigation and employee discipline. It was seconded by Trustee Sims.**

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

The Board went into Executive Session at 7:42 p.m.

**Trustee Kratzer made a motion to come out of Executive Session. It was seconded by Trustee Sims.**

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

The Board came out of Executive Session at 8:20 p.m. Chair Likley stated no decisions have been made.

### **Auditor's Office Report**

Ms. Pavlick handed out newsletter from the Auditor's Office for distribution. The 4<sup>th</sup> of July parades within the County are on the Auditor's website. Taxes are due on July 10th. Ms. Pavlick brought to attention a scam that is going on regarding the Auditor's Office regarding appraisals. She stated the Auditor's Office is not conducting appraisals at this time and when they do, it is only on the outside of the home and not the inside. She asked that people be informed of this scam and contact the Auditor's Office if they are confronted by such solicitation.

**Page 5 Westfield Township Trustees Regular Meeting 7/2/09**

**Fiscal Officer's Report**

Fiscal Officer Evans stated she and Admin Assistant Ferencz would like to address the October 10, 2008 meeting minutes. Admin. Assistant Ferencz stated that the October 20, 2008 minutes were previously approved by Trustee Kratzer and Chair Likley as drafted by her. However, the audio recording of that meeting ends when the Trustees entered into Executive Session. Then at the June 18, 2009 Trustee meeting, Trustee Sims suggested actions taken by the Trustees when the Board came out of Executive Session. However, on June 18, 2009 the Trustees did not vote to approve those amendments. Fiscal Officer Evans stated per her conversation with Mr. Thorne that Kim Ferencz was present at a notation is to be made in the margin of the October 10, 2008 meeting minutes with the amendments made at tonight's meeting if voted on and approved.

Kim Ferencz read the draft minutes of the Trustees June 18, 2009 meeting regarding the October 10, 2008 meeting minutes as follows:

- “1. A motion was made to come out of Executive Session. The vote was unanimous. Trustee Kratzer and Chair Likley agreed.
2. We reviewed Lee Evans letter on insubordination.
3. A motion was made to adjourn. The vote was unanimous.

Chair Likley stated these amendments would need to be made to the October 10, 2008 meeting minutes.”

Chair Likley stated since no motion was made on June 18, 2009 to accept those amendments, the Trustees could do so at this meeting. Then the reference notated on the October 10, 2008 meeting minutes would be the July 2, 2009 meeting minutes.

Fiscal Officer Evans stated the Trustees need to make a motion with those exact amendments.

**Chair Likley made a motion to amend the October 10, 2008 meeting minutes per the amendments listed to reflect the actions of the Trustees after coming out of Executive Session.**

- 1. A motion was made to come out of Executive Session. The vote was unanimous.**
- 2. Trustees reviewed Lee Evans letter on insubordination.**
- 3. A motion was made to adjourn. The vote was unanimous.**

**Page 6 Westfield Township Trustees Regular Meeting 7/2/09**

**It was seconded by Trustee Sims.**

Discussion

Trustee Sims stated for some reason there was no audio recording coming out of Executive Session and Fiscal Officer Evans was not in attendance at that time to take notes. Therefore this was a list of accurate actions by the Board of Trustees per Bill Thorne's recommendation that this be done to complete the record.

Trustee Kratzer stated as he said at the last meeting that was not what occurred. The Trustees came out of Executive Session and then we went home. The letter regarding Mr. Evans was presented in Executive Session, but was not presented in the open meeting for action.

Trustee Sims stated per Bill Thorne, the letter regarding Mr. Evans insubordination is to be attached to the approved meeting minutes of tonight's meeting. That would include the draft letter that Mr. Thorne reviewed and approved and the final signed copy of the letter. Admin. Assistant Ferencz stated the only Trustee to sign the letter was Trustee Sims. Trustee Sims stated she signed the letter and left it at the Townhall for the other Trustees to sign. She added, if the other two trustees want to sign the letter now as it is an attachment for tonight's meeting minutes that was fine too. Chair Likley stated he could sign it... Trustee Kratzer stated the letter was never acted on so there is nothing to sign. Trustee Sims suggested signing the letter and date it with today's date. Chair Likley stated the letter would be part of today's meeting minutes as is.

**ROLL CALL-Likley-yes, Sims-yes, Kratzer-no. Motion carried.**

**Fiscal Officer's Report Con't.**

Fiscal Officer Evans presented a list of the bills in the amount of \$13,597.16.

Chair Likley asked if the issue of payment for two BZA board members had been resolved? Fiscal Officer Evans stated they were paid. She added she had one more reimbursement from another BZA member for a meeting held a month previously. She stated she gave him the same letter she gave the other Board members, that if the time sheets are not submitted in the same month of the meeting, she would not pay them for such from this point on, as the Township incurs a penalty to do so.

Chair Likley stated any penalties that occur for late submission should be deducted from their pay. Fiscal Officer Evans stated that was not a policy currently.

**Trustee Kratzer made a motion to approve the payment of the bills as presented. It was seconded by Chair Likley.**

**Page 7 Westfield Township Trustees Regular Meeting 7/2/09**

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

Fund Status Report

Fiscal Officer Evans stated as of today's date there is \$840,644.08 in the investment account and \$201,098.60 in the checking account.

Supplemental Appropriations

Fiscal Officer Evans stated that she did the supplemental appropriations as requested by the Trustees. They were for water, hall supplies, and the web master, electricity for the park and court costs.

There was discussion as to the cost of the webmaster. Fiscal Officer Evans stated that with the previous webmaster, it was a flat fee of \$1,000 per year and now that is not the case, so the appropriation was just an estimate and \$500.00 might not even be enough. Chair Likley asked what was spent to date on the website? Fiscal Officer Evans stated \$485.00. Trustee Sims stated she thought the webmaster was \$30.00 a month. Trustee Kratzer stated that Kim has not been able to upload documents at this time, as well as the fact there have been so many sets of minutes and other documents backlogged to be posted on the web that the cost was more.

Administrative Ass't Ferencz stated in order to post minutes, she would need Mr. Krolikowski's (webmaster) permission and passwords to do so. Also there were computer language paths that would need to be taught in order to have that ability. She added she did not know if the webmaster was comfortable with releasing that information to her to have access to the website. Trustee Sims stated the whole idea was to have the website maintained in house. There were lengthy discussions in the past, about purchasing software in order to have Kim due that as part of her position, and added that was why she supported moving to a new master at a fee at \$30.00 per month.

Chair Likley asked as the Board gets caught up on minutes and then there are only two sets of meeting minutes a month, would Kim have the ability to post them on the website? Kim Ferencz stated the webmaster would need to give her access and code language in order to be able to do that. Would Mr. Krolikowski be comfortable in doing that she did not know. Trustee Kratzer stated he believed he would be and asked that Kim follow up with Mr. Krolikowski accordingly.

**Trustee Kratzer made a motion to approve the supplemental appropriations as presented by Fiscal Officer Evans. It was seconded by Chair Likley.**

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

## Page 8 Westfield Township Trustees Regular Meeting 7/2/09

### Correspondence

- Letter from Pros. Office on revised park reservation and permit
- G & O Spray Service-Will begin mosquito spraying July This will take effect July 1, 2009 in Glen Crest (Bugsville). The cost is \$50.00 per application.
- Time Warner Cable stating they would provide free, expanded video service to all schools, libraries, police stations and fire stations.
- Ohio Dept. of Natural Resources. Trails for Ohioans. Trustee Sims stated she completed the trail survey request electronically.
- Ohio Public Employees Retirement. Urging all to visit website and write or call our state representatives asking them not to vote to decrease the employers contribution to OPERS.
- American Tower-Lump Sum Lease Agreement
- IRS 1<sup>st</sup> Quarter 2007 issue still not resolved
- Proposal from Ohio Fire Chief's Association Chief Officer Selection Process up to 6 candidates \$4,900-\$8,100.
- Medina Co. Auditor-Reiterating the decrease of Local Government Funding. The reduction is unknown at this time but it is projected to be 20%. Fiscal Officer Evans stated this was calculated in the 2010 proposed budget for the Township.

Chair Likley stated he received a packet from the Census Bureau. Medina County Planning Services is having a meeting to discuss developing a county wide partnership for the upcoming 2010 Census. They are requesting one representative from the Township. The meeting is July 15, 2009 at 6:30 p.m. Trustees Kratzer and Likley were not available to attend. Trustee Sims stated she would try to attend that meeting.

Chair Likley stated he received a letter from Medina County Emergency Management Agency regarding the Medina County Public Radio System. There would be two meetings held; one on June 30, 2009 and the other on July 15, 2009.

Lastly he received correspondence for the Ohio Rail Development Commission that there is a High-speed rail workshop to be held on July 7, 2009 in Columbus.

Chair Likley stated the Trustee Meeting Scheduled for July 16, 2009 has been cancelled. Payroll is due July 13, 2009. Trustee Kratzer and Sims would work out their schedules to



**Page 9 Westfield Township Trustees Regular Meeting 7/2/09**

sign payroll. The Trustees would hold a special meeting on July 28, 2009 at 9:30 a.m. to pay the bills.

**Approval of Meeting Minutes**

October 20, 2008 special meeting minutes (IRS Pending Litigation with legal counsel)

**Trustee Kratzer made a motion to approve the October 20, 2008 special meeting minutes as written. It was seconded by Chair Likley.**

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

February 5, 2008 meeting minutes

**Trustee Kratzer made a motion to approve the February 5, 2008 meeting minutes as amended at the 6/18/09 Trustee meeting. It was seconded by Chair Likley.**

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

June 1, 2009 meeting minutes

**Trustee Kratzer made a motion to approve the June 1, 2009 meeting minutes as written. It was seconded by Chair Likley.**

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

June 4, 2009 meeting minutes

Chair Likley had minor corrections to the meeting minutes. Trustee Sims sent a revised copy of the minutes with all her amendments to the info link. Trustee Kratzer asked why Trustee Sims was wasting her time revising and rewriting the minutes? Trustee Sims stated she was not wasting her time but presented these amendments for review by the Board.

**Trustee Sims made a motion to approve the June 4, 2009 meeting minutes as amended. It was seconded by Chair Likley.**

**ROLL CALL-Sims-yes, Likley-yes, Kratzer-no-yes. Motion carried.**

Trustee Kratzer stated if the Board was now going to get two sets of minutes, Trustee Sims should do them all so we don't waste all this paper or Kim's time.

## **Page 10 Westfield Township Trustees Regular Meeting 7/2/09**

### June 11, 2009 meeting minutes

Chair Likley had two minor corrections to the meeting minutes. Trustee Sims sent a revised copy of the meeting minutes with all her amendments to the info link. Trustee Sims stated she realized what Kim typed was how the Board talks, but in reading the meeting minutes you have to be specific for clarification. Kim suggested to Chair Likley that maybe she should not continue to do the meeting minutes. Trustee Kratzer stated he wondered the same thing as whole statements were being omitted and/or revised per Trustee Sims. Trustee Sims stated the meeting minutes needed to be clarified so they could be understood by anybody who reads them as to the discussion and actions of the Board.

**Trustee Sims made a motion to approve the June 11, 2009 meeting minutes as amended. It was seconded by Chair Likley.**

**ROLL CALL-Sims-yes, Likley-yes, Kratzer-no. Motion carried.**

The June 18, 2009 meeting minutes would be tabled for approval as they were just sent out to the Trustees today.

### ROADS

Mr. Evans stated the Gradal was not running. Southeastern was looking into the parts that would need to be ordered to fix it and would get back to him accordingly. He added he had to do some repair work on the little truck to put the new style filter housing on it. Mr. Evans stated he has been out mowing and has been working with the young man from JOG who has been a great help with doing the maintenance in the Townhall as well as in the shop. Mr. Evans stated he had the new stop button installed on the fuel tanks, but did not have a phone number to get a hold of Interim Fire Chief Carson to let him know.

Regarding the lights on the Townhall, Mr. Evans stated he would go to Home Depot and get timers and call the electrician to replace the photocells with timers. Also the summer striping on the roads would be completed shortly.

Chair Likley asked if Mr. Evans was pursuing the bid to have the chip and seal work completed on Buffham Rd. from Lake to Westfield Rd.? Mr. Evans stated he had a quote from Lytle Construction and believed the cost was around \$28,000. He added he would need to get in contact with Fred Boreman from the County Engineer's Office as he believed he was allowed to go up to \$45,000 for maintenance so he would need to get clarification on that.

## **Page 11 Westfield Township Trustees Regular Meeting 7/2/09**

Chair Likley stated the anticipation of the Issue 1 money was not going to happen this year. In order to keep Buffham Rd. from deteriorating over the next winter, Mr. Evans was recommending chip and seal work be done on Buffham Rd. from Lake Rd. to Westfield Rd.

Trustee Sims asked about Westfield Landing Rd. paving? Mr. Evans stated it was in the bid package waiting on the County for approval. He added the County was requested to get a bid package drawn up for three different proposals; 1. To finish asphaltting from the bridge on Daniels Rd. to Seville Rd.; 2. To overlay a 1" to 1 ¼ on Eastlake Rd. so we are ahead of any development that may occur in that area which was from the bridge to Ryan Rd; 3. To motor pave Westfield Landing Rd. Mr. Evans stated it was so late in the year there was a possibility that none of this work would be completed. Chair Likley stated the first priority would be Westfield Landing Rd. and then Buffham Rd. from Westfield Rd. to Lake Rd. Mr. Evans stated the window of opportunity to motor pave was limited so after August that work would not be done. Trustee Sims stated if the Trustees had to hold a special meeting to address the road work they would, but right now there was not even a bid packet for the Trustees to review in order to do the work. Mr. Evans stated he would follow up with the County accordingly.

### **Zoning Report**

ZI Harris submitted his monthly report. He stated that one variance application has been received by the Township and a hearing date would need to be set by the BZA. The application was reviewed by BZA liaison Micklas for completion. Trustee Sims stated she brought some legal questions to ZI Harris today regarding that application.

ZI Harris continued that Zuber's court hearing has been postponed until July 23, 2009. Chair Likley stated he heard that Mr. Zuber has applied for an agricultural exemption permit for the construction of his barn. The Trustees have a check in front of them this evening to refund Mr. Zuber for the zoning certificate previously issued to him. ZI Harris stated he spoke with Trinna Devanney from the Pros. Office and she stated Mr. Zuber's zoning permit fee did not have to be refunded. That would be a call of the Board if they want to do so. He added that Mr. Zuber has not asked for his permit fee back.

ZI Harris stated that Mr. Zuber's situation with the barn and permit was similar to the situation the Township had with Cloverleaf Animal Hospital and the hoop barn. Because the County Bldg. Dept. wanted professional drawings of the hoop barn, the Animal Hospital stated it was cost prohibitive and went ag exempt. He added the County Building Dept. suggested Mr. Zuber be considered ag exempt because he would be storing his agricultural equipment in the hoop barn.

## **Page 12 Westfield Township Trustees Regular Meeting 7/2/09**

### **Zoning Commission Update**

Zoning Secretary Ferencz stated that the Commission held their public hearing on the signage text amendments on June 30, 2009. The hearing was continued until their regular meeting on July 14, 2009 pending the recommendation of the Planning Commission on the amendments.

### **Comprehensive Plan Update**

Chair Likley stated that he heard that the Planner, Mr. Majewski would be handling the survey solely i.e. mailing it out and receiving them back. Trustee Sims stated at the Steering Committee meeting held on June 25, 2009, the Committee reviewed the draft land plan and map and made some recommendations. There was low attendance at that meeting probably due to the summer months and vacation schedules. Another meeting would not be scheduled until the surveys were back and the results compiled.

Kim Ferencz asked when the surveys would be mailed? Would an ad placed in the newspaper notifying Westfield Township residents that a survey was being mailed out and when the survey needed to be returned? Kim also asked when the Township would receive a copy of the survey that is being mailed out and would the Township get copies of the surveys that were returned?

Chair Likley stated he really did not know that information. Trustee Sims stated the Trustees did ask Mr. Majewski to do a media press release. It was her understanding this has been done and Mr. Majewski also spoke with a reporter from the Gazette as well.

Kim Ferencz then asked, shouldn't the Township have a copy of the survey that has or will be mailed out? She added that possibly there should be copies of the survey available at the Townhall and the date that surveys need to be returned in case somebody inquires at the Townhall. Chair Likley stated he did not believe copies of the survey should be available at the Townhall as that may compromise the integrity of the survey and what Mr. Majewski is trying to accomplish. Trustee Sims stated the Township would get a copy of the survey. She added Mr. Majewski is a professional land planner and was implementing some type of security measure based on the recommendations of the Steering Committee, regarding the surveys that are mailed out and returned, so the integrity of the process is not compromised.

Kim Ferencz asked if any of the Trustees had seen the survey that is going to be or already has been mailed out? Trustee Sims responded no, Mr. Majewski took the recommendations of the Steering Committee and compiled the survey. Kim Ferencz then asked, so the Trustees don't know what is being mailed out to the residents? Trustee Sims stated that was the planner's job and the Steering Committee's job to put the survey

## **Page 13 Westfield Township Trustees Regular Meeting 7/2/09**

together. Kim Ferencz stated she understood that, but the Trustees are paying Mr. Majewski and should know what is being mailed out to the residents of the community. Trustee Sims stated that was what the Board was paying Mr. Majewski to do, and that was what he was doing.

Chair Likley stated he had minimal contact with the Steering Committee. There might be some security reason as to why the survey is not available so that the process was not compromised. Kim Ferencz stated she has worked on several comp plans, and for the Township not to have a copy of what they paid for and what is being sent out to the residents of the community was ridiculous. Chair Likley stated he could contact Mr. Majewski about getting a copy of the survey. Kim Ferencz stated she sent an e-mail to Mr. Majewski and asked for a copy of the survey as well as when the survey would be mailed out, when did it have to be returned etc., and Mr. Majewski has not responded back to her e-mails.

Trustee Sims stated that is what the Trustees are paying Mr. Majewski to do and there were concerns among the Committee members that there was a security issue so this Board has chosen to stay hands off and allow the Planner to do his job. She added that Kim might be overstepping her bounds by sending Mr. Majewski an e-mail requesting the information. Trustee Sims stated the surveys were going to be mailed from his office and the responses mailed back to his office and as the Board of Trustees we would get a copy of the survey when they come back. Kim Ferencz said she would cc all her emails to all three trustees. She added that she was keeping a master copy of everything that the Planner has presented from the inception of this Comp Plan Update Project so there were public records as to the process as well as public input as part of that process. Trustee Sims stated a copy of the surveys should come back to the Township as they would be a public record.

### **Park and Cemetery**

#### **Revised Park Reservation and Permit**

The revised park reservation and permit was received from the Pros. Office.

**Trustee Sims made a motion to approve the revised Park Reservation and Permit Application submitted by the Pros. Office. It was seconded by Trustee Kratzer.**

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

The revised park reservation and permit would need to be posted on the website.

## **Page 14 Westfield Township Trustees Regular Meeting 7/2/09**

### American Tower Lump Sum Lease Amendment

Chair Likley stated a letter from American Tower was received to buy out the lease for the cell tower. Trustee Sims stated legal counsel has told the Trustees in the past that it was not in our best financial interest to do that. No action was taken or needed by the Trustees on this issue.

### **Fire Committee**

#### Dept. Report.

Interim Fire Chief Carson was not present this evening. Chair Likley stated that Dan Lloyd who is doing the fire inspections on the commercial buildings in the Township, has recommended a false alarm Resolution. The first false alarm would be a warning and after that a \$300.00 fine would be implemented. A resolution was presented to Fire Committee last evening and given to Mr. Thorne for his review. Mr. Thorne initially reviewed the resolution for Seville and Guilford and the question was if this document could be given to the individual by hand or if it should be sent by registered mail. Once the Pros. Office makes an opinion on that the resolution, it would move forward accordingly.

Chair Likley continued that Mr. Lloyd has also recommended that knox boxes be purchased for the Fire Dept. to have access to commercial buildings for fire purposes. The knox boxes would be purchased initially by the Village (12 boxes) and then the individual companies would reimburse the Village for the cost. The cost of the boxes were approximately \$250.00 each.

### **Fire Chief Position**

Chair Likley stated that the Village of Westfield Center has recommended that the future Fire Chief be paid through the Village just like they do for the volunteer fire members. Chair Likley stated he had no issue with the Village paying for the fire chief's position and the Township would just reimburse the Village our portion of the cost. Trustee Sims asked whose employee would the fire chief be? Chair Likley stated the chief would be the Township's employee based on the percentage split currently. The Village would just be processing the paperwork. Trustee Sims asked if the Village had a different benefit package? Chair Likley stated the benefit package would be under the contract. Trustee Sims asked with the Township? Chair Likley stated yes, whomever the chief is working for. Fiscal Officer Evans stated if the Village was paying for the fire chief, the chief would be a Village employee. She added all the fire volunteers are Village employees as of July 1, 2009 and would be on the Village payroll with all the necessary deductions taken out of their pay.

## **Page 15 Westfield Township Trustees Regular Meeting 7/2/09**

Chair Likley stated he understood that with the present financial split for the fire chief's salary of 65%-Township, 35%-Village, that the fire chief would be an employee of the Township. Fiscal Officer Evans stated if the Village was going to pay for the fire chief then the chief would be the Village's employee. She added that the Township is going to see the fire expense increase because now benefits (PERS and workers comp) would have to be paid for every one of those fire volunteer employees which the Township did not have to do in the past.

### OFCA Proposal

Chair Likley moved on to discuss the Ohio Fire Chief's Association proposal for the fire chief selection process and assessment. The cost for the Fire Chief Section process was \$2,000-\$3,200 depending on requirements, and the assessment for up to 6 candidates would cost \$4,900. The Village was willing to pick up the first \$2,000 of the cost for the Fire Chief Selection Process. The Township would be responsible for any amount over that. Regarding the assessment, the cost would be split 50-50.

Trustee Sims stated that the Board of Trustees was told the assessment fee for the fire chief was going to be free of charge. Chair Likley stated the Board was of the understanding that the cost was going to be free, but that is not the case.

Trustee Kratzer stated the Fire Chief's Association would advertise for a fire chief and chose several candidates. They would then test up to 6 candidates for the Fire Chief position, and then come up with recommendations to the Trustees/Village or both for employment based on the results of those tests. Chair Likley stated Fire Committee has recommended moving forward with this proposal.

**Trustee Kratzer made a motion that the Trustees move forward with the proposal by the Ohio Fire Chief's Association for the hiring of the Westfield Fire Dept. Fire Chief at a present cost of \$3,650. It was seconded by Chair Likley.**

### Discussion

Trustee Sims stated she felt that cost was expensive. Chair Likley stated the cost to the Township would be \$3,650. Chair Likley stated he felt the cost was warranted for the hiring of a Fire Chief for Westfield Township Fire Dept. in order to ensure a qualified and experienced leader for the Dept.

Trustee Sims commented that the Trustees did not even know whose employee the chief would be or if the Village should be voting on the fire levy per Mr. Thorne. Chair Likley stated he felt the Township needed to continue to move forward with the fire chief's position.

**Page 16 Westfield Township Trustees Regular Meeting 7/2/09**

Trustee Sims stated Westfield Township and Westfield Center are small communities with a volunteer fire dept. In the past, the selection process has involved the fire committee membership and one of our full-time chief's came from the membership. The cost proposed to move forward with the selection and testing of candidates is a large expense, and the residents have elected the Trustees and Council members to make these decisions and not pay an outside source over \$7,000 to make that choice for us. She questioned if large cities even paid that much to select one employee. Trustee Sims stated that she felt that the money could be better served for part-time, daytime EMS staffing to improve response time. Chair Likley stated without leadership or direction, the Fire Dept. would continue to disintegrate. Trustee Sims stated the membership should take certain responsibility for their own Dept.

**ROLL CALL-Kratzer-yes, Likley-yes, Sims-no. Motion carried.**

**Announcements**

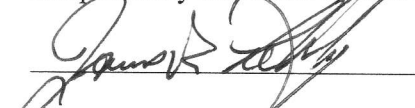
July 16, 2009 Trustee Meeting-Canceled

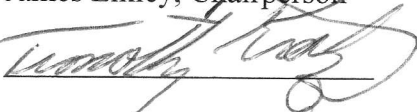
July 28, 2009 Special Trustees Meeting for the purpose of paying the Township Bills @ 9:30 p.m.

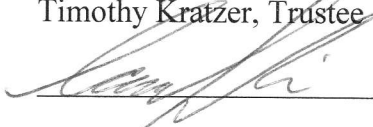
Having no further business before the Board, **Trustee Kratzer made a motion to adjourn. It was seconded by Trustee Sims.**

**ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried.** The meeting was official adjourned at 10:08 p.m.

Respectfully Submitted, Kim Ferencz-Westfield Township

  
James Likley, Chairperson

  
Timothy Kratzer, Trustee

  
Carolyn Sims, Trustee

Approved 8/6/09