

**WESTFIELD TOWNSHIP BOARD OF TRUSTEES**  
**OCTOBER 1, 2009**  
**Public Hearing-Zoning Text Amendments-Article IV. Section 406**  
**Section 407 and Matrixs-6: 30 p.m./Regular Meeting**  
**7:00 P.M.**

Chairperson Jim Likley called to order the continuation of the public hearing of the Westfield Township Board of Trustees at 6:33 p.m. Trustee Sims, Likley and Kratzer were present. Other individuals in attendance were: County Pros. Bill Thorne, Heather Sturdevant, Ron Oiler, Linda Pavlick, Sue Brewer, Dennis Delagrange and Frank & Rosemary Galish.

Heather Sturdevant Chair of the Zoning Commission continued to address the Trustees regarding the proposed text amendments. She stated she and Kim Ferencz made the proposed amendments by the Trustees to the signage text language up to the last continuation of the Trustees public hearing on September 17, 2009. Ms. Sturdevant gave a brief overview of the changes made thus far.

The Trustees with Bill Thorne's assistance proposed the following text amendments:

Section 406.B. 5. Temporary Signs to read, "Lots with frontage exceeding 250 ft. may be permitted one additional temporary sign per 250 ft. of frontage or fraction thereof. Area of sign not to exceed 4 sq. ft. for each sign. Height of sign not to exceed 3 ft. and to be located not less than 10 ft. from any rear of side lot line."

Section 407 Signs Permitted in the HC, LC, and I Districts A.1. Wall Signs. The total area of all permanent wall signs for each use, parcel, building, or land under common ownership or control shall not exceed one and one-half (1.5) sq. foot for each one (1) lineal foot of the building wall which is more parallel to the frontage of the lot on which the building is located. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached nor shall more than twenty percent (20%) of the sign's total height be extended above the top of the wall."

Section 407. A.3. High Rise Sign was proposed to read, "Each lot in the HC District may have one (1) pole type high rise accessory sign on such lot that is designed to be seen from Interstate 71 and 76 and US 224. Such sign shall be located within 660 feet of the interstate right-of-way except as otherwise permitted by law." The wording "and shall be located within 50 ft. of the business's activity area (building or parking area)" was removed per Mr. Thorne's comment why force an owner who may have a large lot to have to place his high rise sign close to his business/building. He added the owner of a business would want the sign to be as close to the highway as possible for advertising to the traveling public as that is the main purpose of such a sign. Mr. Thorne stated if there

is no rationale for a high-rise sign to have to be located within 50 ft. then he recommended doing way with that wording.

Section 407.B. Temporary Signs was proposed to read, "Four (4) temporary signs which may be either wall or free-standing signs, not to exceeding four (4) square feet in area or three (3) feet in height or one temporary sign not exceeding thirty-two (32) square feet in area or eight (8) feet in height shall be permitted for each lot or parcel. Free-standing temporary signs shall not be located less than ten (10) feet from any lot line or within the road right of way except as permitted by law."

Regarding Section 407 Signs Permitted in the HC, LC and I Districts. Chair Sturdevant stated the Pros. Office questioned Section 407 A. Area of Signs, which read, "The total area of all permanent signs (but not including the area of a high-rise sign permitted in Section 407 B.3) for each use, parcel, building, or land under common ownership or control shall not exceed one and one-half (1.5) sq. ft. for each one (1) lineal foot of the building wall which is more parallel to the frontage of the lot on which the building is located." The question posed by the Pros. Office was what if there was no building on the property? Chair Sturdevant stated that Section 407 A. would only apply if there was a building on the property. She added that this language was currently in the code and the only change the Commission made was the correct reference to Section 40.B.3 High-Rise Sign. Mr. Thorne stated that the reference in Section 407 A., that it is the total area of all permanent signs was not correct, as the other signs i.e. wall, free-standing etc. were not part of the total area.

The Trustees then proposed the following wording changes to Section 407

**A. Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:**

1. Wall Signs. The total area of all permanent signs (but not including the area of a high-rise sign permitted in Section 407.B.3) for each use, parcel, building, or land under common ownership or control shall not exceed one and one-half (1.5) square foot for each one (1) lineal foot of the building wall which is more parallel to the frontage of the lot on which the building is located. Wall signs shall not project more than eighteen (18) inches in front of the building wall to which they are attached no shall more than 20 percent (20%) of the signs total height be extended above the top of the wall.

It was also discovered that under the Sign Matrix for Section 406B6 Freestanding Sign, there was no language in the text it referenced and that would have to be addressed. Chair Sturdevant stated she remembered that wording was proposed she would just have to look at her notes and the minutes accordingly, as this was just an oversight. Also the wording

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for a temporary sign on a corner lot would need to reference what type of sign that could be and not just a generic reference to Section 406.

Trustee Sims asked that the proposed modifications by the Trustees including re-numbering and lettering be made so that it would be clearer for the Trustees to follow and move forward accordingly.

Mr. Thorne went back to Section 407A.3, which read, "High Rise Sign. Each lot in the HC District may have one (1) pole type high rise accessory sign that is designated to be seen from Interstate 71 or 76 or US 224. Such sign shall be located within 660 feet of the interstate right of way except as otherwise permitted by law, and shall be located within 50 feet of the business activity area (building or parking area)..." Mr. Thorne stated that if such a sign has to be located within 50 feet of the business activity he questioned if that could be done on some of the lots in the Township. Chair Sturdevant stated that beside the proposed amendment "except as otherwise permitted by law" that was the existing language in the zoning code.

The Board then modified Section 407 A.3 to read "High Rise Sign. Each lot in the HC District may have one (1) pole type high rise accessory sign that is designated to be seen from Interstate 71 or 76 or US 224. Such sign shall be located within 660 feet of the interstate right of way except as otherwise permitted by law." The sign matrix would be amended to reflect that change as well.

Mr. Thorne stated because of the changes made thus far, the wording under Section 407 D. Sign Matrix would have to be modified accordingly. The Board modified that language to read. "407A. Permanent Signs. The total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein."

Also regarding Section 407A.1 in the matrix, the number and location would just reference See Zoning Text Section 407.A.1 due to the length of the text and its requirements.

Chair Sturdevant continued that under Section 407 B. Temporary Signs the Commission proposed the option of allowing 4 temporary signs not exceeding 4 ft. in area and three feet in height or one temporary sign not to exceed 32 sq. ft in area and 8 ft. in height. Therefore Section 407 B. 1. Temporary Signs would read "Four (4) temporary signs, which may be either wall or free-standing signs, not exceeding four (4) sq. ft. in area nor 3 ft. in height; or one (1) temporary sign not exceeding thirty-two (32) sq. ft. in area and 8 ft. in height shall be permitted for each lot or parcel. Temporary signs shall not be located less than ten (10) feet from any lot line or within the road right of way except as permitted by law."

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Regarding Corner lots (Section 407 B.3.) Mr. Thorne stated the wording as proposed states a corner lot may have one freestanding sign...and then goes on to say that parcels, which have frontage on two or more streets, may have a second temporary freestanding sign. He added that by its very own definition, a corner lot has frontage on two separate streets. Chair Sturdevant stated internal streets do not necessary have frontage on two streets therefore there would have to be frontage on the street for an additional sign to be permitted. Mr. Thorne stated and it appeared the proposed language wanted to address signage on any corner lot and on any dual frontage lot.

The language for Section 407B.3. was then proposed to read, "Parcels which have frontage on two or more streets may have one (1) free-standing temporary sign per street frontage which shall not exceed thirty-two (32) ft. in area nor eight (8) in height. The minimum setback from any road right of way shall be ten-(10) ft. except as permitted by law and from all other property lines shall be twenty-(20) ft. No signs or objects taller than 3 ft. are to be located in the Clear Sight Triangle Diagram. (See Diagram Below)."

Chair Sturdevant stated the Zoning Commission decided not to proceed with making any changes to Section 907 Board of Zoning Appeals per the recommendation of the Pros. Office the proposed language to that section did not need to be referenced in the Zoning Resolution.

The Trustees stated they would like their proposed changes to the language and matrixes to be finalized and typed up for review before the Trustees would move to approve the proposed text amendments at their next meeting.

**Trustee Kratzer made a motion to continue the public hearing on the proposed text amendments to Section 406 and Section 407 and the accompanying matrixes until the next regular Trustee meeting on October 15, 2009 at 7:00 p.m. It was seconded by Trustee Sims.**

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

Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 7:18 p.m. Trustee Sims, Likley and Kratzer were present. Other individuals in attendance were: County Pros. Bill Thorne, Heather Sturdevant, Ron Oiler, Linda Pavlick, Sue Brewer, Dennis Delagrange and Frank & Rosemary Galish.

**Public Comment**

Mr. Delagrange asked if there was any progress being made regarding the collection of fines, interest and penalties in the amount of \$40,000 from Westfield Insurance or

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OTARMA? Chair Likley stated the Trustees have pursued calling in the former clerk's bond through Westfield Insurance. Westfield Insurance has responded they would only pay \$5000 which was one bond. The Trustees have not accepted this as a resolution to this matter at this time. Regarding OTARMA, the process for recovery has been closed. OTARMA does not believe the language in the contract covers those errors and omissions. Mr. Thorne stated at this point, OTARMA has rejected the claim but added that the Board needs to meet with Mr. Tom Karris from the Pros. Office to discuss if they want the Pros. Office to pursue this issue further.

Trustee Sims asked if the Township has received the monies from the one bond? Mr. Thorne stated no, that Westfield Insurance has contacted the former clerk and if they have to pay on the bond they would be coming after her for the money. Mr. Thorne stated that Westfield Insurance is claiming there is only one bond. The Pros. Office is of the opinion that there needs to be a bond for each term of the Fiscal Officer so therefore there are two bonds as the former clerk served two terms.

Auditor's Office-Linda Pavlick stated the information on the HEAP program would be posted on the Auditor's website. This program can assist families in reducing their heating costs this winter. The Medina County Fall Foliage Tour will take place on October 10<sup>th</sup> & 11<sup>th</sup> from noon-6 p.m.

**Fiscal Officers Report**

Fiscal Officer Evans presented the bills and payroll to be paid in the amount of \$24,181.95.

Fund Status

There is \$273,813.51 in the checking account after the bills were paid and \$841,061.71 in the investment account.

**Trustee Kratzer made a motion to approve the bills as presented. It was seconded by Trustee Sims.**

Discussion

Trustee Kratzer stated he just saw that there was a bill for the Township newsletter. He commented that the Board of Trustees never approved the printing of the Newsletter. There were changes that were to be made to the newsletter and font size that needed to be adjusted. Trustee Kratzer stated the Trustees prior to the newsletter's printing and mailing should have reviewed a corrected draft, however, a bill has been received by the Township in the amount of \$1244.12. Chair Likley stated the Board was given an estimate of the cost to print out and mail the Township newsletter. The articles were

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reviewed and approved by the Trustees on September 14, 2009 but there was no finished product. Trustee Kratzer stated that was correct and Chair Likley stated at that meeting on Sept. 14, 2009 that he wanted to see a bigger font size used so the residents could read it. If increasing the font meant getting rid of the graphs on the results of the comp plan resident survey that went out then so be it. Trustee Kratzer continued he received the Township newsletter in the mail on Tuesday and there were typos and errors in it. There was also an article on the up and coming wellhead dedication that he sent an e-mail to Mr. Thorne (no response has been received back) as to if that information about private property owners activity was allowed to even be in the newsletter. He added that Admin. Ass't Ferencz and Fiscal Officer Evans went over the newsletter as well and made some corrections and proposed modifications. Trustee Kratzer stated he responded to those changes and sent them to Mr. Thorne as well but reiterated the Board never authorized the printing and mailing out of the Township Newsletter.

Trustee Sims stated she disagreed. Trustee Sims said she brought an estimate for the newsletter to the Board in the amount of \$1244.12. This was agreed upon and accepted and the Trustees actually had an additional \$300 allocated for this expense. The articles were approved by the Board and per Trustee Kratzer's request she revamped one article and received approval from Bill Thorne.

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

Supplemental Appropriations

Fiscal Officer Evans stated she was before the Board to request supplemental appropriations. The first was to add x amount of money to General Fund Contracted Services (Webmaster) from Gen. Fund Meeting Expenses. Fiscal Officer Evans stated she needed money appropriated because the current bill from the webmaster is \$40.00 more than what she has in that account and there was still three months left in the year. Chair Likley asked what was presently in that account? Fiscal Officer Evans responded \$350.00. The bill from the webmaster is the amount of \$398.72. Trustee Sims asked if there was going to be a fee incurred for the webmaster to move the Comp Plan and Fire Committee meeting minutes to the respective subject titles on the website? Admin. Ass't Ferencz stated she did not know. Trustee Sims suggested the Trustees just pay the invoice for the webmaster and call it a day. Trustee Kratzer stated the Township could not just drop the website. Chair Likley agreed but added he was not happy with the service by the current webmaster. Trustee Sims suggested the allocation of \$50.00 just to pay the current bill.

Trustee Sims added that she looked for the Comp Plan meeting minutes and Fire Committee meeting minutes on the website and could not find them. Admin. Ass't Ferencz stated the webmaster put them under meeting minutes but has been informed to

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move them under the Categories Land Use and Fire respectively. Trustee Sims stated the October meeting dates needed to be posted on the website as well.

The Board returned to the Supplemental Appropriations as suggested by Fiscal Officer Evans.

Add \$200 to General Office Supplies from General Fund Workers Comp Fee

Add \$150 to Park Electric from Park Wages

Add \$20,000 to Road & Bridge Contracted Services from Road & Bridge Buildings (This is to make sure the amount for White Rd. widening at the approach to the railroad is allocated.) Fiscal Officer Evans stated there was extra work involved because the sides of the road had to be built up. There was excavating done in the amount of \$1,200.00. This was an extra expense involved in addition to Lytle Construction's cost of \$24,000 to widen White Rd. at the approach.

Mr. Evans stated that the latest bid submitted by Lytle Construction was for \$24,442.00. Mr. Evans continued that he pushed the shoulders back on White Rd. by the railroad tracks. Everything is prepped for Lytle to do the widening. Fiscal Officer Evans stated she wanted to add \$20,000 to make sure there is enough money allocated. She added that the entire amount will probably not be used but she wanted to make sure there was enough money to complete the job.

Chair Likley stated the Board needed to consider the supplemental appropriation for the webmaster. Fiscal Officer Evans stated to date we have spent \$635.00 for the website. There is a \$400.00 currently to be paid and there is \$350.00 left in that account to pay for the website. Chair Likley stated he would like to allocate \$150.00 to keep the website in service through the end of the year. Trustee Sims stated she agreed with Chair Likley's appropriation but would vote no on the overall supplemental appropriations.

**Chair Likley made a motion to add \$150.00 to General Fund Contracted Services (Webmaster) from Gen. Fund Meeting Expenses; and the other supplemental funding as presented. Motion died for a lack of a second.**

Trustee Sims suggested making another motion to minimally cover the webmaster's bill. Fiscal Officer Evans asked about the other supplemental appropriations.

Trustee Kratzer asked Chair Likley to repeat the motion he made. **Chair Likley made a motion to add \$150.00 to General Fund Contracted Services (Webmaster) from Gen. Fund Meeting Expenses; and the other supplemental funding as presented. It was seconded by Trustee Kratzer.**

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

Fiscal Officer stated before the Board was a Resolution 2009-12 to accept the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levy and certify them to the County Auditor.

**Chair Likley made a motion to approve Resolution 2009-12 to accept the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levy and certify them to the County Auditor as presented. It was seconded by Trustee Sims.**

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

Fiscal Officer Evans stated she had the Pros. Office review Resolution 2009-13 for the billing policy for False Fire Alarms. She asked the Board if it was their desire to move forward with this Resolution. Mr. Thorne stated the False Fire Alarms Policy had to be modified because the State Statute was changed.

**Trustee Kratzer made a motion to approve Resolution 2009-13 for a False Fire Alarms Policy. It was seconded by Chair Likley.**

Discussion

Trustee Kratzer asked if the Village would have to pass a Resolution for False Fire Alarms as well? Chair Likley stated yes but asked how the billing would work? Mr. Thorne stated Westfield Fire Dept. should generate the bill if a false alarms occurs. Chair Likley asked Mr. Thorne to take a look the wording of the policy as he believed the contract that this was modeled under (Seville-Guilford) had the Township billing for a false alarm and the fees would be paid to the Township. Mr. Thorne reviewed the document and stated that the Village would need to draw up their own policy and also issue Westfield Fire Dept. the authority to generate a bill if a false alarm occurs and collect the fee. Chair Likley stated he would follow up with the Village accordingly.

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

Correspondence

- A public records request has been forwarded to the Pros. Office For Review and Advice.
- Letter from the Trinna Devaney in response to IRS correspondence.
- Open Burn Laws (Available on table)



- Received copies of e-mails from Kratzer to Attorney Schrader. Likley sent an e-mail that he does not believe he has any e-mails to Attorney Schrader but will review by Friday.
- Letter from Mark Majewski-Press Release of Westfield Township Plan Presentation Oct. 8, 2009 at 7:00 p.m. at a public presentation at the township hall.

Fiscal Officer Evans brought up the issue of the copier having run its course and needing to be replaced. Chair Likley stated the Trustees received information on quotes and a lease quote from Blue Technologies. Fiscal Officer Evans provided the following information: Purchased 8 cartridges for \$1,335.42 in 2008. Each cartridge can print up to 4500 copies. Chair Likley stated 8 X 4500 is 36,000 copies. The lease price of \$0.15 per copy x 36,000=\$540.00 or \$45.00 a month for toner charges. At a monthly lease of \$97.00 per month it would cost \$142.00 a month for the printer/copier. Fiscal Officer stated that price would also include service.

Chair Likley asked when the existing copier was purchased? Fiscal Officer Evans stated approximately 2 yrs. ago at a cost of \$800.00. Trustee Sims stated she thought the cost was \$500.00 and the Township received a \$200.00 rebate. She added she did not believe it was cost effective to make such an investment and that a copier could be purchased at Wal-Mart or Sam's Club etc. for \$500 that would operate just as well and be cost effective for the Township rather than a large monthly expense for a high volume copy machine.

**Chair Likley made a motion to approve the purchase of a new copy machine not to exceed \$900.00. It was seconded by Trustee Kratzer.**

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

Fiscal Officer Evans presented a previous reciprocal work agreement Westfield Township had with Lafayette Township. She stated that this agreement was no longer in effect as it expired in 2008. Therefore, Fiscal Officer Evans stated she prepared a new Resolution to extend the reciprocal agreement with Lafayette Township through December 31, 2010.

**Trustee Sims made a motion to approve Resolution 2009-14 to extend the reciprocal agreement with Lafayette Township through December 31, 2010. It was seconded by Trustee Kratzer.**

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

**ROADS**

Mr. Evans stated Lytle Construction provided a quote to widen White Rd. at the railroad crossing approach at a cost of \$24, 444.00.

**Trustee Sims made a motion to approve the bid from Lytle Construction in the amount of \$24,442.00 for the White Rd. improvements. It was seconded by Trustee Kratzer.**

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

Mr. Evans stated there are new stop signs up at the railroad crossing. The shoulder and base on White Rd. have also been completed so Lytle Construction could proceed with the White Rd. widening. Mr. Evans stated Daniels Rd. has also been asphalted. Mr. Evans stated Arrowmark the striping company has contacted him and wants to complete the striping in the Township. Mr. Evans stated if he could get Eastlake Rd. striped that would be good. He added he did not know if the chip and sealing could be completed on Buffham Rd. do to the late time of the year. If it could not be completed by the third week of October, then he would contact Arrowmark and have them try to complete their striping and finish what they could not complete next year.

Trustee Sims stated CSX contacted her and they will come before the Trustees with a presentation for the engineering and elevation of Mudlake Rd. bridge at the next Trustees meeting scheduled for October 15, 2009. Trustee Sims stated the only concern she had was with Westfield Rd. in the fall and spring regarding flooding. The bridge on Mudlake Rd. is the only access for 7 residents so the schedule would have to be coordinated accordingly.

**Zoning Report**

ZI Harris presented his September zoning report to the Trustees. (See attached to approved meeting minutes). Trustee Sims asked if ZI Harris has heard back from Cloverleaf School Superintendent Kibilus about how the District wanted to proceed with the sign variance request that was denied. ZI Harris stated he spoke with Mr. Kibilus but has not heard anything back from him on the variance request except that he felt he would come before the Trustees regarding the denial of the variance request.

Ms. Sturdevant stated the Trustees have continued their public hearing on the proposed signage text amendments until their next meeting scheduled for October 15, 2009. Ms. Sturdevant stated the Commission approved a site plan for Pilot to add a Diesel Exhaust Fluid tank with the addition of another ballard. The Commission also approved the site plan for Cloverleaf School District for the construction of a new elementary school and

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its amenities minus the variance that was denied for the monument signs by the BZA. The Commission approved the site plan based on receipt of a letter from Columbia Gas that they reviewed the site plan. If changes had to be made per Columbia Gas that would make the plan in non-compliance with the Zoning Resolution, then the School District would have to come back before the Township for approval. Ms. Sturdevant continued that on October 13, 2009 at 7:30 p.m. the Land Use Planner Mr. Majewski from Northstar Planning would be coming before the Commission to discuss the most recent draft of the Land Use Plan. Trustee Sims asked that ZI Harris follow up on the letter from Columbia Gas accordingly.

BZA

Mr. Oiler stated there were no new variance requests pending at this time. The BZA did hold a public hearing on several variance requests for Cloverleaf School District's site plan for a new elementary school. The variance request for the monument signs were the only request denied.

Fire Report

Chair Likley stated that the fire chief was not present to give a fire report this evening. Chair Likley stated there were 22 runs in September which included 12 squad calls-5 fire, 2 motor vehicle and 1 mutual aid. There were 5 calls for the Village, 14 in the Township, 2 Lodi and 1 in Lafayette. Fire Committee's bills for the month totaled \$15,656.59. To date soft billing has brought in \$26,516.00. Chair Likley stated the soft billing rate would go up \$100 per each type of service and for mileage would be raised to \$10.00 a mile. He added it would take a motion of the Board of Trustees for that to proceed.

**Trustee Kratzer made a motion to approve a \$100.00 rate increase for each of the three types of services that Fire and EMS provide and for mileage charged to be at a cost of \$10.00 a mile. Trustee Sims seconded the motion.**

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

Chair Likley stated at the last Fire Committee Meeting several items were discussed. Fire Inspector Mr. Dan Lloyd is completing fire inspections, and interim Fire Chief Carson is and has been signing off on his time sheets to complete those inspections. Regarding the contract with the Village, Chair Likley stated some clarifications needed to be made regarding the Fire Chief's salary and the split between the Township and Village for those expenses. The current contract states that the Township would pay 65% and the Village 35% of the full-time Fire Chief's salary. Regarding the appointment of the interim chief, the Village has agreed to a split of 50/50 between the Township and Village for the interim chief's salary. Chair Likley stated that Mayor Horwedel from the Village was to

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send a letter of support from Village Council of this 50-50 split as well as a 50-50 split of the day-time/part-time staffing. Any runs interim Fire Chief Carson would go on would fall under the 75-25 split between the Township and the Village.

Chair Likley continued that during the discussion of the contract, it was noted that the Village did not want to open up the current contract at this time. They would however supply a letter on what has been agreed upon between the Township and the Village so far regarding the contract but did not want to open up the contract as this time. The Village is still adamant that a full-time Fire Chief is warranted. Chair Likley stated his concern is that under the current contract, the Township was fiscally responsible for 65% of a full-time chief's salary and that is a financial concern for the Township. The Township has had to supplement the Township's portion of the Fire Dept.'s operation by dipping into the General Fund and the Township could not continue to do that.

Trustee Sims commented that the Township is not in any fiscal duress at the moment. The Township is being proactive in that if the spending pattern of supplementing the Fire Dept.'s operation continues in a few years the General Fund would be depleted. Chair Likley stated that the Fiscal Officer has brought to the Board's attention that local government funding is down 20%. These are serious issues that need to be addressed. Chair Likley continued that regarding the Fire Dept. budget, it has been traditionally prepared by the Fire Chief, then it goes to Fire Committee and then is presented to the governmental entities. Now when the fire dept. budget is prepared it will be given to the fiscal officers of the governmental entities and split out accordingly as to what the responsibilities of the two entities will be in terms of funding and operation of the fire dept. Trustee Sims stated she could never recall that the fire department budget was ever presented to the two entities to be ratified.

Fiscal Officer Evans stated that when the Fire Chief put together the Fire Dept. budget, he did not take into in consideration sheriff's dispatch, EMS or the fire chief's salary, insurance, bonding, Medicare, workman's comp, etc. All of these items add to the expense of the Dept.

Chair Likley stated it was also discussed that if money was coming in from LifeForce for soft billing, interim Fire Chief Carson would need to be bonded to handle those funds. Mr. Thorne stated he was reviewing those documents but any checks received from LifeForce needed to go directly to the Township or the Village and not the Fire Station.

Mr. Thorne stated regarding the contract between the Township and the Village, the Village still wants a full-time chief and wants to move forward accordingly. The Township has the temporary ability to do that but it was not feasible to contract with somebody long-term to be the full-time fire chief in terms of finances. He stated it was also discussed at Fire Committee to really sit down and review what expenses could be

cut from the budget that were not mandatory and present that information to the Township and the Village to see if a full-time chief could then be accommodated financially. Mr. Thorne commented that it would be difficult to contract with somebody who was outside the area to be the full-time fire chief if the Township could not commit beyond a year or so to pay that individual. The Township needs to know the status of their funding and what is financial feasible to move forward with. Mr. Thorne continued that the Village's thinking was that the budget was for next year and even if the Township takes an advance it would be 2011 before the Township would determine the financial feasibility so they wanted to move forward with a full-time chief. From a practical standpoint even if a full-time chief was selected this December it was highly unlikely that individual would wait around until next year to see if it the position was economically feasible for the Township to pursue or continue.

Trustee Sims stated it appeared to her that every option the Township has suggested a door has been closed. She added that there still remained the possibility for a full-time chief if the Township could renegotiate the existing contract with the Village. Chair Likley stated that there are many issues involved in making this decision. Mr. Thorne responded that the Township and the Village have to start having discussions on some of these issues. If both entities come to an agreement for a full-time chief, the option of funding could be based on the passage of a levy. If a levy does not pass, the splits could be renegotiated and expenses cut.

Mr. Thorne stated that if the formation of a Fire District passes, is the District and the Village going to enter into an agreement similar to the one that exists now or would it be different? Chair Likley stated the Village has not entered into any executive sessions because the figures as presented by the Fiscal Officer Evans were not yet prepared. Mr. Thorne suggested that both entities go into executive session to discuss these contractual issues but Fire Committee was not to be part of the Executive Session.

Ms. Sturdevant stated she did a brief review of the Fire Dept. bills since she has been the resident representative on Fire Committee. She added that in 2009, Fire Committee paid for a lot of t-shirts. There were also dress uniforms that the Township was only supposed to pay for the shirts but ended up paying for the pants and the shirts. Ms. Sturdevant stated there were a lot of places the Dept. is spending money that is not mandated. She commented that if you look at the 2009 bills there are many items that could be cut that could save a few thousand dollars and that adds up. An equipment expense that could have been possibly avoided was for a saw. Fire Association was supposed to pay for it and at the last minute decided not to because they did not want it. However the saw ended up being broken and could not be returned. The bill ended up coming to the Fire Dept. so the Dept. ended up paying for it.

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Ms. Sturdevant continued that a lot of money was spent on repairs this year to get equipment and other items repaired or updated that won't as costly next year. Ms. Sturdevant stated she sat down with Fiscal Officer Evans and went over all the bills and looked at what entity was financially responsible for what bills. She added where items were questionable they could be looked at to see if they could be cut from the budget. Ms. Sturdevant stated currently the Township is fiscally responsible for all the training of the members of the Dept. Possibly the Fire Association could be contacted to see if they would be willing to split those costs. Regarding daytime staffing, Ms. Sturdevant stated most of daytime staffers are not members of the Westfield Fire Dept. These staffers are also being paid based on experience. Most of those who are day-time staff are highly experienced and therefore are being paid more than we anticipated per the budget Fire Association gave when we first started with the day-time staffing. Ms. Sturdevant suggested maybe daytime staffing could be paid a flat rate. These are all possibilities and options that need to be considered.

Ms. Sturdevant commented that it was projected the Township would bring in \$14,000 doing soft billing and to date we have brought in \$26,000. The reason for this increase is that the fire reports are being completed and sent to the proper authorities in a timely manner. The Trustees this evening just approved the increases in the rates of service that are provided by Fire/EMS so that should also bring in more money. The contract has just been renegotiated that the Township would be paying only 50% for the interim chief and day-time staffing instead of the 65 or 75 percent. Mr. Thorne interjected regarding soft-billing, if the Village does not want to soft-bill their residents that is their decision but then they should be compensating the Dept. for the lack of soft billing their residents. He added these things were discussed at Fire Committee.

Ms. Sturdevant stated that the Village said in order to have a full-time chief they would be willing to renegotiate the split of the chief's salary. It is that important to them and can be an item for negotiation. Mr. Thorne stated that discussions need take place between the Township and the Village so when it is time to move forward with the Fire Dept. budget, it can be done so with these items having been discussed and/or negotiated. Mr. Thorne continued that if everyone agrees to soft-bill and you calculate what that would bring in possibly the millage the Township would propose to be put on the levy could be reduced. Chair Likley stated Fiscal Officer Evans did calculate for soft billing and that number was around \$70,000 collected if everyone was soft-billed.

Trustee Sims stated traditionally the Fire Committee member is a Trustee and the Fiscal Officer. Come this January she felt that this should be what the Township returns to in order to understand the fiscal responsibilities and decisions that need to be made regarding the Fire Dept.

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Ms. Sturdevant asked if there were any legal ramifications to the breach of contract comments that were made last night at Fire Committee? Mr. Thorne stated no. Trustee Sims asked what Ms. Sturdevant was referring to? Ms. Sturdevant stated the current contract reads that the Township will hire and maintain a full-time fire chief. The Village felt that since the Township has not moved forward with the hiring of a full-time chief that the Township was in breach of contract. She added that was why they did not want to open up the contract language as they did not want to renegotiate for a full-time chief.

Trustee Sims stated the current contract is in need of attention and modification. She added that when the current contract was negotiated there was not a full-time chief. Trustee Sims stated the Township has reached out to the Village to renegotiate the contract. Ms. Sturdevant stated the Village was willing to negotiate on a temporary basis until everyone figures out what they are doing long-term. Mr. Thorne interjected the Village said the Township could go ahead and hire a full-time chief because the Township could still draw from the General Fund to pay for the chief's position at this point. The problem with that is you go through that process to hire a new fire chief, the Township could only commit for a very short period of time and whoever is hired is not going to make that commitment to be the Fire Chief. Chair Likley stated the uncertainty of who would be running the department as well as the funding, the splits and the contract need to be addressed first. Mr. Thorne stated the Village was going to send a letter on what they agree to do in the interim until a contract is renegotiated.

Ms. Sturdevant stated at Fire Committee the question was raised by the Village what would the Township have done if former Fire Chief Jack Snoddy had not resigned from his position as fire chief? The Village also made the statement that the Township is paying more for daytime staffing than what the Township would be paying for a full-time chief. The Village also brought up the concern about the new problems that have arisen within the Fire Dept. Trustee Sims asked what new problems were there with the Fire Dept.? Ms. Sturdevant stated it was her understanding that there is a current member of the Fire Dept. who has again chosen to undermine the interim fire chief. Trustee Sims said nothing more needed to be said. Trustee Kratzer asked that Ms. Sturdevant continue. Trustee Sims stated she would like to move the meeting along. Chair Likley stated it was told to the interim chief that he has full support from the Fire Committee to do his job to address any issues that arise.

**Executive Session**

**Trustee Kratzer made a motion to enter into Executive Session with legal council to discuss Employee Discipline. It was seconded by Trustee Sims.**

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

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The Trustees entered into Executive Session at 9:10 p.m.

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

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

The Trustees came out of Executive Session at 9:30 p.m.

Chair Likley stated during Executive Session several items regarding employee discipline were discussed. As a result a letter would be prepared and approved for the Chair's signature for a letter to be sent to Mr. Schmidt, Chairman of the Board of Zoning Appeals. A second letter regarding employee disciplinary action was prepared for Mr. Evans regarding an issue that occurred several months ago. Unfortunately it has taken some time to prepare and finalize a resolution on how to best handle that situation.

**Trustee Sims made a motion to approve the disciplinary letter for Mr. Evans. It was seconded by Chair Likley.**

Discussion

Trustee Kratzer stated this letter should have been completed several months ago. Chair Likley stated he would not dispute that fact but added that it took time to get that task completed.

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

Chair Likley stated this letter would be signed by all three Trustees and presented to Mr. Evans tomorrow. The letter would be effective with tomorrow's date-October 2, 2009.

At 9:35 p.m. Trustee Sims excused herself from the meeting.

Approval of Meeting Minutes

July 28, 2009 meeting minutes-Trustee Kratzer made a motion to approve the July 28, 2009 meeting minutes as amended. It was seconded by Chair Likley.

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

August 6, 2009 meeting minutes- Trustee Kratzer made a motion to approve the August 6, 2009 meeting minutes as written. It was seconded by Chair Likley.

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



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Continuation of August 6, 2009 meeting (minutes) - **Trustee Kratzer made a motion to approve the continuation of the August 6, 2009 meeting minutes as written. It was seconded by Chair Likley.**

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

August 25, 2009 meeting minutes- **Trustee Kratzer made a motion to approve the August 25, 2009 meeting minutes as written. It was seconded by Chair Likley.**

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

September 3, 2009 meeting minutes- **Trustee Kratzer made a motion to approve the September 3, 2009 meeting minutes as amended. It was seconded by Chair Likley.**

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

September 14, 2009 meeting minutes- **Trustee Kratzer made a motion to approve the September 14, 2009 meeting minutes as written. It was seconded by Chair Likley.**

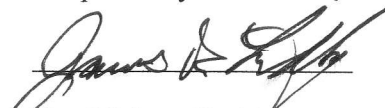
**ROLL CALL-Kratzer-yes, Likley-yes. Motion carried.**

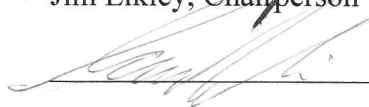
Having no further business before the Board, **Trustee Kratzer made a motion to adjourn. It was seconded by Trustee Likley.**

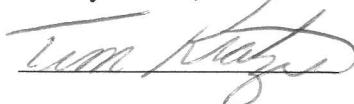
**ROLL CALL-Kratzer-yes, Likley-yes. Motion carried.**

The meeting was officially adjourned at 9:50 p.m.

Respectfully Submitted, Kim Ferencz, Westfield Township Admin. Assistant

  
\_\_\_\_\_  
Jim Likley, Chairperson

  
\_\_\_\_\_  
Carolyn Sims, Trustee

  
\_\_\_\_\_  
Tim Kratzer, Trustee