

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
SEPTEMBER 3, 2009
Public Hearing-Zoning Text Amendments-Article IV. Section 406
Section 407 and Article IX. Section 907 & Regular Meeting
6:30 P.M.

Chairperson Jim Likley called to order the public hearing of the Westfield Township Board of Trustees at 6:33 p.m. Trustee Sims, Likley and Kratzer were present as well as Administrative Assistant Kim Ferencz and Assistant County Pros. Bill Thorne. The following were also in attendance: Heather Sturdevant, Carol Rumburg, Ron Oiler, Linda Pavlick, Sue Brewer, Kaitlin Brewer, Mike Carson, Terry Bittner, Lisa Hlavinka and Dennis Delagrance.

Chair Sturdevant from the Zoning Commission addressed the Trustees regarding the proposed text amendments. She stated this process began approximately 2 yrs. ago. Through the process, the proposed language was also handed out by ZC members to those not involved local government to determine if the language was easily understandable or to see if changes needed to be made.

Chair Sturdevant continued that during the two year process, the proposed language was sent to the Dept. of Planning Services for comment and review and each time there were new recommendations. That is why the process has taken as long as it has. The last time the proposed text was sent to the Dept. of Planning Services for official review and action, it was also sent to the Pros. Office for their review.

Chair Sturdevant went through the proposed text changes. The highlights are as follows:

One of the additions made to Section 406 and Section 407 was anywhere a sign was not to be located in the road right of way or needed to be located x ft. from a side lot line, the wording was added "except as otherwise permitted by Law."

Section 406 A.3. In lieu of signs permitted in Subsections 1-2 above, approved conditional uses of lots and structures may be permitted such signs may be established by the Board of Zoning Appeals and specified as part of the conditional zoning certificate. Signs approved under these provisions may reflect reasonable modification of the requirements for signs in **these** districts taking into account the scale and intensity of the use or uses and other comparisons relative to the permitted uses of the district.

The word "these" would then apply to whatever district the sign would apply to.

Section 406 B. Temporary Signs to be renumbered as follows:

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1. Two (2) temporary signs, which may be either a wall or free-standing sign, not exceeding four (4) square feet in area shall be permitted for each lot or parcel. Free-standing temporary signs shall not exceed three (3) feet in height nor shall such signs be located less than ten (10) feet from the road right of way or any lot line or **within the road right of way except as otherwise permitted by law.**

Ms. Sturdevant stated that there was much discussion between the Zoning Commission as to the number of temporary signs to be permitted. Both County Planning and the Pros. Office felt that one temporary sign was insufficient and could be challenged. Regarding the issue of political signs, the Commission addressed them by adding the wording "except as otherwise permitted by Law" because such signs are not regulated by zoning. Chair Sturdevant stated that the Commission agreed to permit two temporary signs. The reason in limiting the temporary signs was to reduce sign clutter. Mr. Thorne stated in adopting any changes to the code must have a rationale for its purpose and the code once adopted needs to be enforced.

Trustee Sims stated the wording seemed to be confusing. Chair Sturdevant stated in order to clarify what the code meant; a sign matrix has also been drafted as well. Trustee Sims stated there was no time-frame regarding temporary signs. Chair Sturdevant stated in the current code, there were only a few time-frames placed on temporary signs. She continued where the Commission proposed time-frames, there was concern from Planning Services and the Pros. Office that such constraints would be hard to enforce. Therefore, the Commission chose not to add any additional time limitations on such signs. Chair Likley stated he did not have an issue with permitting two temporary signs. If it proves not to be adequate or problematic the code could be revised.

The current definition for a temporary sign in the zoning resolution states, "Sign, Temporary-A sign constructed of cloth, paper, wood...intended or designed for a limited period of display."

2. One Temporary **ground** sign not to exceed twelve (12) square feet in area or four (4) feet in height shall be permitted ~~for period not to exceed fourteen (14) days.~~ The wording ground sign was proposed by the Trustees to be removed which would allow for a larger temporary sign for real estate, auctions, etc.
3. Temporary signage placed off-site shall be permitted with the permission of the property owner if in compliance with the following requirements:
 - a. Do not exceed four (4) square feet in area
 - b. Do not exceed three (3) feet in height.

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- c. ~~Shall not be in place for more than twenty four (24) consecutive hours. TO BE REMOVED.~~
- d. Shall not be placed within the road right of way except as otherwise permitted by Law.
- e. Shall be placed on private property with permission from the property owner. Trustee Sims felt letter e. was redundant as it is mentioned in the title of this type of signage. Chair Sturdevant stated it was proposed this way because the original title was "Off-site" temporary signage. She added she spoke to Brian Richter at the Pros. Office and he said that by labeling this type of temporary signage as that could be construed as content based.

Chair Likley stated he had an issue with enforcement as it related to only permitting an off-site temporary sign for 24 consecutive hours. Mr. Thorne agreed. The three Trustees agreed that the time references in Sections 406 B.2 and 406 B.3.c should be removed.

- 4. On a Corner lot one (1) temporary sign is permitted for each street frontage not to exceed the square footage regulations permitted in Section 406.
- 5. Conditional Uses in the Rural Residential and Suburban Residential Districts may be allowed additional temporary signage during the construction phase of a project, not to exceed thirty-two (32) square feet in area, eight (8) feet in height, and not less than fifteen (15) feet from the road right of way or side lot lines, except as permitted by Law. The quantity and duration of such signs to be determined by the Board of Zoning Appeals during the approval process.

A definition of "temporary" would need to be added to temporary signage to end of the event. A definition for temporary ground sign would also need to be added to the zoning resolution and a distinction made between a free-standing temporary sign and a temporary ground sign.

Due to the fact that road bids needed to be opened at 7:30 p.m. and the complexity of the text amendments warranting additional review and discussion, **Chair Likley made a motion to table the public hearing on the proposed text amendments. It was seconded by Trustee Kratzer.**

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

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Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 7:35 p.m. Trustee Sims, Likley and Kratzer were present as well as Administrative Assistant Kim Ferencz and Assistant County Pros. Bill Thorne. The following were also in attendance: Heather Sturdevant, Carol Rumburg, Ron Oiler, Linda Pavlick, Sue Brewer, Kaitlin Brewer, Mike Carson, Terry Bittner, Lisa Hlavinka and Dennis Delagrang.

Road Bids

Fiscal Officer Evans opened the road bid in front of the Board of Trustees. Only one bid was received by Lytle Construction on August 31, 2009 at 9:35 a.m.

The completion date is October 16, 2009.

The bid was as follows. See attachments for specifics of bid on each road:

Eastlake Rd.	\$26,035.50
Daniels Rd.	\$39,426.00
Westfield Landings Rd.	\$35,515.45
Buffham Rd.	\$31,209.00
Ballash Rd.	\$12,175.50
TOTAL	\$144,371.45

The County Engineer's Estimate for the work was \$152,672.75. The difference between the bid by Lytle Construction and the County Engineer's estimate is \$8,301.30 less.

Trustee Kratzer made a motion to award the road bid to Lytle Construction in the amount of \$144,371.45. It was seconded by Chair Likley.

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

Public Comment

Mr. Terry Bittner (6582 Greenwich Rd.) addressed the Board. He stated he was present this evening to hear about the results of the Comp Plan Survey. The Trustees stated it would not be discussed by this Board this evening, but the next Comp Plan Steering Committee was scheduled for September 10, 2009.

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Auditor's Office Report-Ms. Pavlick from the Auditor's Office stated there is a contest being held for the Annual Seal Design for the gas pumps. The contest is opened to high school students and begins September 7, 2009. All submissions needed to be received by November 13, 2009. There would be two winners chosen, and they would receive savings bonds.

There was also a contest for 4th Graders to write an essay on a Top Dog. There will be newspaper coverage of the winner who would also be on the cover of dog licensing brochure.

2010 Dog Licenses will go on sale December 1, 2009.

The Township will receive its share of the distribution of the funds (refund of the charges over the last 4 yrs. by the Auditor.) The amount is \$5,306.99. Fiscal Officer Evans stated the Township was in receipt of the monies.

Fiscal Officer Report

Resolution of Cooperation-Fiscal Officer Evans stated that a Resolution was not needed at this time because Lafayette Twp. has decided not to help with the mowing. Trustee Sims asked if Fiscal Officer Evans found a copy of the original reciprocal agreement? Fiscal Officer Evans stated the Township never had a copy of the agreement it was a Resolution. It was for the maintenance workers in the Township to reciprocate work and equipment between the Township, Lafayette Twp. /Village of Westfield Center.

Correspondence

- Notification from Pros. Office that Zuber case is scheduled for September 9, 2009 @ 9:00 a.m.
- Notification letter from CSX Transportation-Bridge at Mudlake Rd. will be replaced Project scheduled for construction in 2010 and last for 3 yrs.

Notification from the Attorney General of Penalty Assessed for late filing of the IT 941 in 2003. (A call has been made to the Dept. of Taxation and to the Attorney General's Office. A letter has been prepared to send to the Ohio Dept. of Taxation Penalty & Abatement Division asking of for abatement of the penalty and interest. A copy has been faxed to the Attorney at Law, Jeff Brown representing the Attorney General's Office). The check will not be paid this evening. We will wait and see what comes out of the research.

Fiscal Officer Evans stated the IT 041 form was not filed in 2003. It was brought to her attention when she took office in 2007. The form was mailed to the State but this is the

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assessment and penalty they are charging the Township for not filing the form by the filing date.

Fiscal Officer Evans stated a while back she was contacted by a gentleman named Rich Hall from the State who said that he believed the Township had a tax refund coming because there is another Westfield Township in the State of Ohio and some of our Township tax money was given to them. That was where the issue was closed.

Chair Likley asked if the penalties and interest was just for the period 2003 to 2007 or is still accruing? Fiscal Officer Evans stated she sent a letter to the Attorney General's Office regarding this issue so it was now on hold. Chair Likley asked the amount of the penalty? Fiscal Officer stated \$693.00. Trustee Sims stated she wanted to know if this penalty was still being accrued. Also, what is the obligation of the State in waiting two+ years to notify the Township about the delinquency of the form being filed? Fiscal Officer Evans stated she filed the form April 25, 2007. A copy of the form was in the packets before the Trustees this evening. The State also has a copy of the form but it was filed late. Trustee Sims stated the reason for her questions is that she wondered if would potentially happen for each of the quarters that the Trustees paid the back taxes on?

Chair Likley stated that this process has been very cumbersome and frustrating. Fiscal Officer Evans stated that was why when a Fiscal Officer takes office they need training to understand the importance of being entrusted with the fiscal dealings of the Township. It can take years to resolve such issues and the only thing you can do is work through it.

Trustee Sims stated the Trustees have received papers that the Township is delinquent with the IRS and delinquent with the State of Ohio regarding our taxes. Verbally we have been assured by Fiscal Officer Evans that the Township is not delinquent. She added that the Township needs to stop these penalties and to make sure the Pros. Office is working with the Fiscal Officer to resolve any discrepancies. Fiscal Officer Evans stated the Pros. Office is also in the same position with the IRS and the only thing that can be done is to work through it.

Mr. Thorne stated that the Pros. Office resubmitted all the documentation again to the IRS. The advocate the Pros. was given on behalf of the Township closed the case without talking to anybody. Mr. Thorne stated the Pros. Office will keep going through the bureaucracy until we get to the end.

- Letter from the Pros. Office regarding the Public Request for the Community Survey- In sum the community surveys were public records.

Admin. Assistant Ferencz asked Mr. Thorne if somebody then makes a public records request for the survey are they to make the request to the Planner and not the Township?

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Mr. Thorne stated the request would be made to the Township. Trustee Sims stated that Trustee Kratzer has made a public records request for the hand written survey responses and that was what prompted this request for a legal opinion. Mr. Thorne stated the surveys are public record. Admin. Assistant Ferencz stated somebody was going to have to let the Planner (Mark Majewski) from Northstar Planning) know that he needs to release the surveys to the Township. Mr. Thorne stated yes. Chair Likley stated whoever communicates with Northstar would need to get the surveys and give Mr. Majewski a copy of the Pros. regarding the surveys being public record.

Trustee Sims stated that the agreement between Northstar and the Township under the scope of services says, "Northstar will not perform the alternative services until specifically authorized by the Township." She stated she looked through the minutes and could not find a motion made by the Trustees authorizing the comp plan mail survey. Admin. Assistant Ferencz stated the Trustees did not make a motion to authorize a mail survey to be completed but did pay the bill for the completion of the survey in the amount of \$3100.00. Mr. Thorne again stated the surveys are public record.

Trustee Sims continued that regarding Trustees Kratzer's public records request for the handwritten surveys, per Mr. Majewski's cover letter that went out with the surveys it read that the tabulated responses would be shared with the community but that the answers on the surveys would remain confidential. A random generated number was attached to each survey to ensure only one response is received for each survey form mailed out. The number is not connected to the individual or their mailing address. She said she asked Mr. Thorne to review this issue.

Trustee Sims went on to state that at the last Steering Committee meeting and some of the members confronted Trustee Kratzer about his reason for the public records request for the hand written surveys. The opinions conveyed at the meeting and after were the cover letter stated the surveys were confidential and the resident then was not given the informed decision whether or not to respond given the fact and full knowledge that they were not confidential. Members stated they may have identifiable comments or distinguishable handwriting that would not kept that confidentiality.

Mr. Thorne stated that Mr. Majewski said that the surveys were public record used in the tabulation of the results of the survey and anybody would have the right to verify those tabulation results. One cannot guarantee confidentiality if it were not appropriate circumstances. Trustee Sims said it was also stated that the purpose and intent of the survey was to understand the community consensus and not individual opinions. If you release the individual surveys it did not serve the public purpose. Trustee Sims went on to say that she felt the Planner was a contractor who has a contract with a public entity and therefore the surveys were public record. However the concerns of the members and

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residents needed to be brought to light regarding the public records request by Trustee Kratzer if those results were to be exploited.

Fiscal Officer Evans stated per the records seminars she has attended, the Township does not have the right to ask the individual who makes a public records request what they are going to do with that information. Trustee Sims responded she was aware of the public records law but nonetheless because of Trustee Kratzer's premature release of the mailing list used for the surveys was under the review of the Pros. Office, there are residents on the Steering Committee that have expressed holding those accountable if that confidentiality was breached and that was a liability for the Board of Trustees and the Township.

Trustee Kratzer stated there was no confidentiality that was going to be breached.

Supplemental Appropriations

Add \$1500 to General Fund Bldg. Repair from General Fund Bldg.

Add \$700 to General Fund Penalties and Interest from General Fund Bldg.

Add \$100 to Cemetery Operating Supplies from Cemetery Contracted Services

Trustee Sims made a motion to approve the supplemental appropriations as submitted. It was seconded by Trustee Kratzer.

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

Bills

Fiscal Officer Evans presented the bills in the amount of \$14,121.55.

Trustee Sims made a motion to approve the bills in the amount of \$14,121.55 as presented. It was seconded by Trustee Kratzer.

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

Fund Status

There is \$282,190.39 in the checking account after the bills were paid and \$840,934.28 in the investment account.

Administrative Report

A bat has been identified with rabies in Wadsworth Township.

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Admin. Assistant Ferencz asked for authorization to post the Fire Committee meeting minutes and the Comp Plan Steering Committee meeting minutes on the website. Per the webmaster to post the Fire Committee meeting minutes would be between \$25-\$40. The cost for the Comp Plan Steering Committee meeting minutes would be comparable in cost.

Trustee Sims made a motion to post the Fire Committee meeting minutes and the Comp Plan Steering Committee meeting minutes not to exceed \$40.00 per set for posting on the website. It was seconded by Trustee Kratzer.

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

ROADS

Mr. Evans stated per the bid from Lytle Construction, they would furnish all services, labor, materials and equipment. Mr. Evans stated he would contact Lytle Construction tomorrow as time was of the essence. Trustee Sims asked that the paving of the roads per the bid approved this evening should be posted on the website so the residents would be aware of road work being done in the Township.

Chair Likley asked about the County doing some striping on Township roads while they were doing County roads. He added he did not notice any striping has been done in the Township. Mr. Evans stated the railroad striping has been done. Mr. Evans stated he had a fall schedule for striping because until the Township made a decision on what roads were going to be paved, he did not want the County to strip and then they would be covered up. Mr. Evans continued that he called the County and they do all the County roads first. They prefer to come in once and do the Township and then the Township would be billed. Mr. Evans stated he would contact the County with the road projects that were approved this evening and they could schedule their striping accordingly.

The defibulator mount was put up in the meeting room. The case was equipped with an alarm so that if anyone inadvertently opens the door an alarm would go off. The Trustees thanked Ms. Rumburg for forwarding the manufacturer information so that the mount could be ordered.

Zoning Report

ZI Harris stated he inspected Mr. Zuber's property and it was now in compliance with the zoning code. He added he would send a letter to Mr. Zuber accordingly and has been in contact with Ms. Devanney from the Pros. Office who is handling this case. Mr. Thorne stated if that was the case, the contempt hearing set for September 9, 2009 would probably be canceled. The letter Mr. Harris writes needed to be forwarded to the Pros.

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Office as well. ZI Harris added that Mr. Zuber stated he was going to use the water tank on his property as water retention for his cistern. The tank has been moved from the edge of his property to the building.

The Trustees stated that pictures needed to be taken by ZI Harris to confirm the compliance of Mr. Zuber's property.

ZI Harris stated applications have been received for Cloverleaf School District (new school) for variances and site plan review. This meeting will be held on September 8, 2009 at 7:30 p.m. with the BZA meeting first to consider the variance requests and then the Zoning Commission to conduct the site plan review immediately following. ZI Harris stated that a site plan has also been received by Pilot to add a Diesel Exhaust Fluid storage tank on their property.

Trustee Sims stated she received an inquiry about the home that has suffered structural damage on Hulbert Rd. ZI Harris stated he did inspect it and has also been in contact with the County Bldg. Dept. ZI Harris stated he heard that the man who was on the roof doing the repairs at the time was injured.

Trustee Sims stated regarding the BZA hearing for the Cloverleaf school, Mr. Schmidt who is the Chair of the BZA would need to disclose that he would be recusing himself and that alternate #1 (Kathleen LeMar) would sit on the Board that evening. Mr. Evans stated he met with Ms. LeMar regarding the applications and she was prepared to participate on the Board that evening.

Zoning Commission

Chair Sturdevant stated Mr. Majewski from Northstar Planning wants to meet with the Commission to go over the results of the survey and potentially a draft of the Comp Plan. Mr. Majewski also suggested a public participation meeting be held at the same time. Chair Sturdevant stated she contacted the other Commission members and they do not want to hold both meetings on the same evening due to time constraints so that the Commission had the full opportunity to comment on what Mr. Majewski wants to present as well as move forward with their agenda. Therefore it is tentatively set that Mr. Majewski would come before the Commission at their regularly scheduled meeting on October 13, 2009 at 7:30 p.m. A public participation meeting would need to be set for another date. Chair Sturdevant stated that the Commission would potentially schedule a special meeting for the site plan review for Pilot as Pilot wants to move forward with this project as soon as possible.

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Alternate Member-Zoning Commission

Trustee Sims stated there was one applicant that has not been interviewed by the Board of Trustees and they would be contacted to see if they were still interested in serving on the Commission. This could be scheduled for the special meeting of the Trustees on September 14, 2009. Trustee Sims stated there were three individuals total. She added she was able to contact one of them but was still waiting for his response. Chair Likley stated those individuals interest in the position needed to be confirmed before September 14, 2009 so the Trustees could move forward with naming an alternate.

Chair Sturdevant stated that ZC member Miller previously asked if the Trustees would advertise for zoning board members as there may be new interest by residents to serve. Trustee Sims stated the Board constantly advertises for zoning members on the website and bulletin board year round regardless if there is a vacancy or not. She added she believed the intent was to interview interested applicants on September 14, 2009 but not appoint until a future meeting. Chair Likley stated an ad could be placed in the Gazette and or Trading Post accordingly. The Trustees agreed.

Comp Plan Update

A draft plan may be prepared for the next scheduled Comp Plan Steering Committee meeting to be held on September 10, 2009 at 7:00 p.m.

Parks & Cemetery

Trustee Kratzer stated a reciprocal agreement with Lafayette could not be worked out regarding the mowing of the cemetery, as Lafayette does not have any ditch work scheduled for Mr. Evans to do. He added that the mowing does not have to be bid out. Therefore, Trustee Kratzer stated he did contact Backyard Basics (Brian Evans) who has mowed the Townhall complex and cemetery before. The reason Mr. Brian Evans was not interested was because the only mowing he did last year was for the Township. Since he was not awarded the bid this year he dropped the insurance. Nobody wants to take the job now this late in the year and have to buy the insurance. Trustee Kratzer continued that Mr. Brian Evans stated he would mow the rest of this year and buy the insurance if he could mow next year at this year's price. Trustee Kratzer stated Roy Delanney from Lafayette also contacted him about mowing but he also does not have insurance but would be willing to mow the cemetery for \$140.00 an occurrence if the Township would also give him the contract for next year.

Trustee Kratzer stated that even though Backyard Basics was \$10.00 more an occurrence he would rather award it to someone in the Township that has done this work previously for the Township as his work is known.

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Chair Likley stated he would still like Backyard Basics to submit their pricing for next year before the Trustees would proceed forward for the rest of this year so that the Trustees know what is being agreed to. Trustee Sims interjected that historically the Township has bid out the mowing of the cemetery and receives multiple responses. She went on to say that when the bid was awarded to McTech to do the mowing this year, it was known that their bid was the lowest and apparently the Township got what we paid for. She added she did not think the Township should historically give away what we have routinely bid out. Chair Likley stated that the mowing needed to be completed for the rest of the season. Trustee Sims responded but now the contractors are making it contingent on receiving the bid for next season.

Trustee Kratzer asked, would you offer to mow for example 8 more times this season to pay for \$500 of insurance? Trustee Sims asked why don't you just find a contractor to do the mowing that has insurance to finish out the year? Mr. Thorne stated the mowing does not have to go out to bid and it probably would be hard to find somebody this last in the year.

Trustee Kratzer made a motion to proceed with the hiring of Backyard Basics for the completion of the mowing of the cemetery, municipal complex, spring and fall clean up and tree and limb removal for 2009. Backyard Basics would complete such mowing and services at the prices submitted for 2009 per their bid and would also provide the cost of mowing the cemetery, municipal complex, spring and fall clean up and tree and limb removal for next year (2010) at 2009's submitted prices. It was seconded by Chair Likley.

Discussion

Trustee Sims stated she would vote no. She added she was satisfied with Mr. Evans job performance in the past, but for consistency the Township should put the mowing out for bid next year as we do get several responses as well as the fact that Backyard Basics is \$10.00 more than another competitive bid.

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

There will be car show in the Park on September 7, 2009.

Fire Report

Interim Fire Chief Mike Carson addressed the Board. He stated because the Fire Dept. is soft billing Township residents now, to make sure the payments are going to the right place he wanted to change the billing address for Lifeforce from the original P.O. Box in the Village to the Fire Dept. P.O. Box. When the checks come in they could be separated

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by Township resident or non-Township resident, which would then go to the Village. That way the accounts could be credited correctly. Interim Chief Carson wanted Mr. Thorne to review the document so that this could move forward. He commented that the Township receives approximately 60% of what gets billed out which is \$30-\$40,000.

Interim Chief Carson stated there were 21 calls for the month of August. Only 1 day-time staff call was missed. It was a call on Hulbert Rd. and Seville covered the run. There were 7 staffing calls that were covered with 2 being mutual aid with Lodi. There were 6 calls in the Village and 11 in the Township. There were 4 mutual aid calls that were responded to. There were 17 squad calls and 2 fire calls.

IC Carson continued that he was given a letter from Mayor Horwedel of Westfield Village that he received from the State of Ohio dated August 6, 2009 that the Westfield Fire Dept. was in non-compliance of submitting the State fire reports required to be turned in each month. They have not received a report since December 2008. IC Carson stated the Fire Dept. is now updated with the State of Ohio for the fire reports as of August 2009. This would be done monthly as required. IC Carson added that was why the fire dept. has not received any State grants because we were non-compliant.

Chair Likley asked who was IC Carson contact at Lodi Hospital? IC Carson stated the Medical Director. Chair Likley stated he thought there was some type of reporting that had to be submitted to the hospital. IC Carson stated that those are the EMS reports and they have to be submitted quarterly.

IC Carson stated that the new truck is still on schedule for delivery. He added the chassis manufacturer (Smeale) sent a letter to the dealer that they were looking at a March delivery date which would be a breach of contract. The truck is scheduled to be delivered in December/January. He added that daytime staffing for the entire month of September is filled. Response time has been reduced. Fire calls are down 70 from what they were at this time last year. There are 4 new employees that are currently going through background checks. The whole Fire Dept. starting January 2010 will undergo background checks on a yearly basis.

Trustee Sims stated she was in receipt of the letter the Mayor of Westfield Center sent out in the Village newsletter. Chair Likley stated that both communities needed to discuss the fire contract and all the other issues that go along with it. Trustee Sims stated she had a call into Fiscal Officer Evans about the fire contract. As written the contract is outdated. We are no longer paying a clothing stipend. In addition the fire chief's salary split is 65%-35%. Per Fiscal Officer Evans the Township is paying a 50-50 split with the Village for IC Carson's salary. The issue is the contract needs to accurately reflect what the split is between the Township and the Village. Chair Likley stated the current contract does not address the interim fire chief's position/salary. That was why it was important for both

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political entities and legal counsel to sit down and discuss these issues and come to some decision.

Trustee Sims stated she would like a copy of the joint fire department contract because hers did not address the 65-35% split. Chair Likley stated that was probably a result of a contract being signed in January/February and another in May/June of 2002. Trustee Sims asked for a copy of the latest copy of the contract in effect.

Trustee Sims continued that IC Carson is paid \$1000 per month by Westfield Township for the fire chief duties, but he also fulfills other duties such as daytime staffing which has an hourly rate. She stated that Fiscal Officer Evans told her today that IC Carson is being paid completely by the Village. Typically the Township paid the chief's salary and then we're reimbursed by the Village.

Chair Likley stated it was discussed with IC Carson that if the compensation was not enough based on 20 hrs. a week... Trustee Sims interjected she did not believe the \$1000 was not based on the number of hours and questioned who made the decision for the Village to pay the salary of the interim fire chief? Trustee Kratzer stated this should be brought before Fire Committee and if IC Carson was putting in more hours during the day he should be compensated for such. Trustee Kratzer asked how many people were working when IC Carson was there during the day? IC Carson said three. Trustee Sims stated that a lot of those individuals were new to the department and just going through training. Trustee Kratzer stated that individuals who know the Township should be the one's staffing during the day. IC Carson stated there was always a senior member on staff during the day if the other individual was new to the department.

IC Carson stated he needed to know how much money was left from the previous fire chief's salary so he knew what kind of money he had to work with for the rest of the year. Trustee Kratzer stated that information could be gotten by Fiscal Officer Evans.

The Fire Dept. clambake will be held on October 17, 2009. The cost is \$25.00 per person or \$45.00 per couple. Tickets were available. Chair Likley stated the flyer could be placed on the website as well. The profits go to the Fire Association to purchase additional equipment and supplies for the dept.

IC Carson stated the cost for ambulance calls would also be increasing to \$450.00 for a basic ambulance call and then \$550.00 and \$650.00 and \$10.00 a mile to be in line with other communities. Trustee Sims stated that Westfield Village has decided not to soft-bill their residents. It was asked that this information of an increase in fees be given to the Fire Committee. IC Carson stated the residents of Gloria Glens were not soft-billed because their agreement was contractual. Chair Likley stated soft-billing was discussed with Mayor Dean of Gloria Glens, and the Mayor did speak with council and there was a

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consensus by them to go ahead and soft-bill their residents. Chair Likley stated he asked for that to be put in writing and given to Fire Committee. IC Carson stated he has not been given that information. Trustee Sims stated if that was the case with Gloria Glens it would require a contractual update. Mr. Thorne stated the decision to soft-bill should at least be in a Resolution by Gloria Glens giving the Township the right to soft-bill their residents. There already is an existing contract to provide fire service for x amount of dollars so this would be additional compensation. Trustee Sims stated that should then be made an attachment to the contract as well.

IC Carson stated last month the Dept. billed out \$4650.00. If the soft billing was done for Gloria Glens, \$1100 could have been added to that amount. He added the Dept. billed \$535.00 for millage and could have added another \$110.00 to that total as well.

Trustee Sims stated Mayor Horwedel's letter (see attached to approved meeting minutes) spelled out four (4) options for the Fire Dept.

1. the Township Trustees can place a fire levy on the ballot. All voters in the Village, Township and Gloria Glens would be eligible to vote. If passed, all real property in the three jurisdictions would be levied against (one mil in the Village will cost a homeowner approximately \$60 per \$100,000 of property value). This would be an additional tax on the residents of the Village of Westfield Center that is not needed. In addition, the current operating agreement would be terminated and the Township would have the legal obligation to provide fire and rescue services to the villages. The Village of Westfield Center would no longer have any control over the fire department. The Township prefers this option.

She asked if Mayor Horwedel mentioned that the vote was a legal issue, and that the Township was giving the Village the professional courtesy to figure this out by not going to the ballot for a fire levy? Mr. Thorne stated he thought what the Mayor was trying to say is that the Village does not need a tax to pay its share for the fire dept.

2. The Township Trustees can create a fire district of the unincorporated area of the Township.

3. A joint fire district can be created.

4. The Village can detach itself from the Township.

Trustee Sims stated she would call Mayor Horwedel herself as the Trustees did not put out a newsletter outlining the options of the Village regarding the fire department. She added she wished she would have had advanced notice of these letters especially before receiving calls from residents. Trustee Sims asked Mr. Thorne to lay out legal options for

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Mr. Bittner stated he would only speak on behalf of the Village and that the Village has the money to fund our portion of the fire department. The taxpayers inside the Village pay a 1% income tax to fund that expense. The Village does not see a reason to tax the residents when we are already paying our portion of the funding for the fire department. He added there is no plausible way to reallocate the income tax against a property tax. They are two different creatures. Mr. Bittner continued that Village Council is interested in having the Fire Committee sit down and come up with a proposal and present it to Village Council and the Trustees to move forward. Trustee Sims stated it was her understanding that Village Council felt that was beyond the scope of Fire Committee and were waiting to review options with legal counsel and get together with the Township to discuss all the options and move forward. Mr. Bittner stated Council would not take any action unless it was brought before Council by Fire Committee. He added there is a meeting scheduled for December 5, 2009 to plan for the Village budget and one of those items to hopefully be discussed is the fire department.

Trustee Sims asked Ms. Sturdevant if this issue was requested to be on the Fire Committee's agenda? Ms. Sturdevant stated that she understood that Village Council was going to meet with the Trustees at a future date to discuss the options for the fire department and this was beyond Fire Committee's scope of action. Chair Likley stated he was of the same understanding as well. Trustee Sims stated the regarding a fire district of the unincorporated area of the Township, the millage that would be required for that to happen would not pass at the ballot.

OLD BUSINESS

Signage Inventory-Trustee Sims asked Admin. Ass't Ferencz to follow up on the signage inventory with Mr. Evans.

CSX Letter-Soliciting public input regarding the proposed improvement and their social, economic and environmental impacts regarding the bridge replacement on Mudlake Rd. This project is being proposed to allow more efficient and environmentally beneficial double-stack trains to pass.

Do to the lateness of the meeting, **Trustee Kratzer made a motion to continue the public hearing on the proposed sign text amendments and Section 907 at the next Regular Trustees Meeting to be held on September 17, 2009 at 6:30 p.m. It was seconded by Chair Likley.**

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

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

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

The Board entered into Executive Session at 9:50 p.m.

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

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

The Board came out of Executive Session at 10:55 p.m.

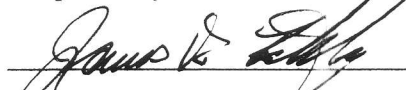
As a result of the Executive Session with legal counsel, **Chair Likley made a motion to have Fiscal Officer Evans review TG Fire recommendations and establish the cost of the operation of the fire dept. and the determine the millage necessary on all the property in the Township to fund such operation. It was seconded by Trustee Kratzer.**

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

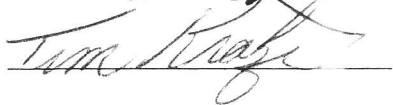
Trustee Kratzer made a motion to adjourn the meeting. It was seconded by Chair Likley.

ROLL CALL-Kratzer-yes, Likley-yes, Sims-yes. Motion carried. The meeting was officially adjourned at 11:00 p.m.

Respectfully Submitted, Kim Ferencz, Admin. Assistant



Jim Likley, Chairperson



Tim Kratzer, Trustee

Carolyn Sims, Trustee

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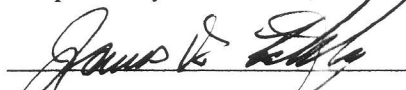
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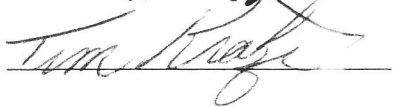
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Respectfully Submitted, Kim Ferencz, Admin. Assistant



Jim Likley, Chairperson



Tim Kratzer, Trustee

Carolyn Sims, Trustee