

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting

July 5, 2010

Chairman Oiler opened the meeting at 7:00 pm by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: James Likley; Ronald Oiler, Gary Harris.

Trustee Oiler welcomed the guests.

Linda Pavlick from the auditor's office gave the following report:

- ✓ Every 6 years property valuations are re-evaluated with an update done every 3 years, which was just finished. Beginning in August 2010 updated values will be given to each property owner and a brochure will be included listing informal hearings if property owner does not agree with the appraisal. At that time you may present evidence of why you would like to see your property values changed. Additional information will be on the auditor's web site. The locations are not known at this time of where the informal hearings will be held.

FISCAL OFFICER

- ❖ Bills to be paid in the amount of \$26,007.20. Trustee Likley asked where the ditch enclosure was located. Trustee Oiler stated Westfield Landing. Ditching on Buffham Road. Trustee Likley asked what the Fire Safety invoice was for. Martha related it was additional items for the new fire truck that was encumbered last year on a purchase order less the thermal imager and battery back-up. **Trustee Oiler made a motion to pay the bills, seconded by Trustee Likley. Roll call: Harris, aye; Oiler, aye; Likley, aye.**
- ❖ Fund Status: Checking \$329,151.25 Investment \$536,862.88
- ❖ Correspondence:
 - Upper Chippewa Watershed-Meeting Summary provided by Trustee Oiler
 - Wheeling & Lake Erie Railway has completed the installation of flashing lights and gates at its White Road crossing
 - Ohio State Extension offering Ohio Land Use Conference Oct. 21st. \$60 registration fee.
 - Sycamore Twp. In Hamilton County holding a Question & Answer gathering. \$30 fee.
 - Quote from Valley View Spray Service, LLC of \$50 per application for mosquito spraying in Glencrest Development. He included a copy of the workers compensation certificate and certificate of liability insurance. G & O spray sold out to this individual.
 - Cell tower lease was increased by \$35.61 per month.
 - July 19th regular meeting Jim DeLucas from Burnham & Flower Ins. will present OTRMA insurance quotes for property & liability insurance which will renew Aug. 12, 2010.
- ❖ 2011 Proposed Budget:

- Fiscal Officer stated this is just a projection. The only fund that doesn't look good is the Fire Levy Fund for the fire department. We will not have any carryover at the end of 2011 if a levy does not pass. We have a projected carryover for this year in the amount of \$63,500. Trustee Oiler asked if the estimated revenue from the levy is this year is \$79,000. Fiscal Officer answered, yes. Trustee Oiler: then next year's revenue from the fire levy will be about 10% less. Fiscal Officer related that we did receive our certificate of estimated revenue from the auditor's office based on the new property valuation for a new fire levy. If we asked for a 2 mill fire levy and it passes in November that would yield \$141,179. Our property valuation in 2010 has decreased by 9.31% since 2009. Trustee Likley asked if the projected figures took into consideration the reduction of property values. Fiscal officer answered; yes they were reduced by 10%. Trustee Harris asked if the fiscal officer would request what the cost to the homeowner at the present levy is per \$100,000 and what it would be if the 2 mill fire levy passed. This reduction of property values also affects the General, Road & Bridge Funds.
- Trustee Likley made mention that Wed. July 7th the trustees will be meeting with Bill Thorne on language for the fire levy, fire district and contract. A fire district must have a separate name and it cannot have "Westfield" in the name. The significance of a district is because of a Board of Election error that was discovered last year-35 years ago all residents in the township according to the actions of the board should have had an opportunity to vote on the fire levy but due to the information that we have gathered those steps were taken 35 years ago to develop a district. Information was sent to the Board of Elections that a district was being proposed but the board at the time didn't follow through with it. Therefore, only the residents in the unincorporated area have voted on the fire levy the last 35 years. People were content with it. Last year there were some questions and we pursued those questions and realized there was this error. In order to maintain our present funding with the Village of Westfield Center and the Village of Gloria Glens (they each provide their funding in separate ways). If we don't develop a district all those residents will be forced to vote on the fire levy and then pay additional property tax. Village of Westfield Center fund their responsibility for the fire department through their 1% income tax, their residents don't have to pay fire levy property tax like the residents of the unincorporated area. The residents of Gloria Glens passed last year a 3 mill fire operating levy for the purpose of contracting with this board and Village of Westfield Center for fire service. They like the ability to be able to go to Lafayette if they so choose. They are right on the border; in fact previously they were serviced by Lafayette. Their costs were increased from Lafayette and our costs were at 1.5 mills, so they came to us and we gladly accepted that contract. They want that flexibility and they presently are paying a 3 mill fire levy for the Village of Gloria Glens. Each of those entities wants the flexibility and ability to continue to fund the fire department the way they have. That forces us to come up with a fire district. That fire district will strictly be of the residents of the unincorporated area of

Westfield Township. They will continue to vote like they have in the past and now the Board of Elections will have it hopefully correct if the district passes. Gloria Glens has a contract and we are working on a contract with the Village of Westfield Center so we can continue to have a joint commitment and involvement in fire protection for each of the communities. As we meet with Mr. Thorne Wednesday, we will go over the language for a fire district. If we put a levy out there like we did last year with the understanding of the error 35 years ago, all residents in the township including the villages will have the opportunity to vote. Of course the two villages have already expressed their feelings that we do not want extra taxes. So one of the things that has to be out there to the residents when they go to the ballot and they look at the fire levy for Fire & Rescue- it won't say "Westfield Fire & Rescue". It will be _____ District for this area. We haven't discussed what the name of the district will be but we will have to very shortly. Again it won't say "Westfield Fire & EMS" on the levy and that will be crucial to the residents to understand that it doesn't say "Westfield Fire & EMS" but they will still be voting on fire protection in this area for our residents and this community. This district will be a separate entity, have its own identifying numbers and separate accounting ledgers, checking account and computer from the Board of Trustees, Westfield Township. Possibly the sitting trustees for Westfield Township would be the trustees for the fire district. ORC does say those are appointed positions, not elected position to a fire district board. It does make sense that the trustees of the township be the trustees of the fire district because they are elected by the residents. If you don't like what fire trustees are doing you can change your candidate for trustees every four (4) years.

- Trustee Oiler mentioned that the trustees cannot expend from General Fund to the Fire Levy Fund if we form a district, it can be loaned but it has to be paid back. If the fire fund is already in trouble how would they ever pay it back. The fire fund has to stand on its own.
- Trustee Likley: If the levy fails, do we still continue with the district? If we do, then the district stands alone on the monies that it gets. This board cannot supplement that district. The decision will have to be made whether the district is formed as a contingency of the levy passing. It is not the intent of this board to have trucks sitting because the district cannot pay for fuel or for repairs. My goal since I have been on this board is to get that funding separated and truly understood and not need to go to the general fund like we have in the past. Any department that is funded by its own levy should be self-sufficient. We cannot sit back and see trucks sit for repairs or whatever if the levy failed and the district is truly formed. We cannot supplement that if the district is created. The talk was that it might be contingent on the levy passing. That is still yet to be decided.
- Trustee Oiler asked if the cemetery fund would be sufficient. Fiscal Officer stated the budget provided for \$5,000 Transfer to Cemetery and \$16,000 transferred to Zoning from General Fund. Trustee Oiler asked if there was funds set aside for the new truck that

was put on hold because it took the carryover down below what we feel is comfortable.
Fiscal Officer answered; yes \$132,000 was set aside for capital outlay.

- ❖ **Trustee Oiler made a motion to accept the 2011 Proposed Budget as prepared, seconded by Trustee Harris. Roll call: Likley, aye; Harris, aye; Oiler, aye.**

MINUTES

June 14, 2010 Trustee Likley stated the minutes were prepared in good form and that they be sent to Mr. Thorne. Fiscal Officer did not send them to Mr. Thorne. Martha pointed out that in the 8th line on page 1 the word length should be **lengthy**.

Trustee Oiler made a motion to accept the June 14, 2010 minutes as amended, seconded by Trustee Harris. Roll call: Oiler, aye; Likley, aye; Harris, aye.

June 21, 2010 Trustee Likley on page 8 $\frac{3}{4}$ of the way down should read: Trustee Likley commented by no means. Trustee Harris on page 11 6th line from the bottom should read: We will open up our books and do.....

Trustee Oiler made a motion to accept the June 21, 2010 minutes as amended, seconded by Trustee Likley. Roll call: Harris, aye; Oiler, aye; Likley, aye.

CEMETERY

Trustee Likley had requested Lee to get written quotes for grading the bank at the cemetery and I have not received them. We do have one from Ag Design. Trustee Likley will touch base with Lee.

FIRE REPORT

Trustee Oiler reporting.

- ✓ Month of May – total 25 calls Mutual Aid to us was 3
- ✓ To June 24 – total 19 calls Mutual Aid to us was 9 (it is summer time and vacations play into the availability of volunteers)
- ✓ Y-T-D spend is \$45,257.35 available in the fund \$163,715.65
- ✓ Our funding to the fire department for this year is \$114,935.15 based on 55% at the beginning of the year. Our funding on soft billing will be discussed later in the meeting.
- ✓ Fire bills presented at the June fire committee meeting to be approved \$14,150.99. Amount approved by trustees \$7,050.99 because the 2 bills for the fire chief search will not be paid until later as Heather is working to get the amount reduced because we did a lot of the work up front that the association did not have to do such as advertising, collecting resumes` etc. A complete list of bills is in the fiscal officer's office for review. **Trustee Oiler made a motion to approve the fire department bills as amended in the amount of \$7,050.99, seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

Heather Sturdevant reporting:

- ✓ Issues with the soft billing through Life Force. The process to do soft billing is lengthy. The data that is needed and created to send to the billing company cannot be saved because that can pose a privacy issue. I cannot write on the original run sheet because I am not a health care provider. I had all the billing done through May and faxed to Life Force 3 times. We started to get e-mails, why they were did not get the bills. Also faxed 3 times was the fire department Pharmacy License still claiming they didn't get. There is no internal communication between employees of Life Force. We made the decision two weeks ago that I would re-do everything and send it via postal service with signature required and we will know who signed for it and who should have it. Along with that we are sending a copy of the Pharmacy License. In the meantime we do not know if there is anyone else we can deal with or if Life Force is the only company around that does this. We are hoping once a new chief comes in that things will get better because there is a computer program that can be used to submit all this data to them. We decided to wait until the new chief comes on board because it's really up to them if they want to use that or mail it. We don't want to pay additional monies for something that will not be used. The billings from March through the last week of June are going out to them tomorrow-overnight with signature required and we get a return receipt. The longer you wait the harder it is to collect these bills. There is a chance that you may collect less because it has been such a long time. The good news is that some insurance companies have a 6 month window. Life Force seems to be a bit disorganized and difficult to work with as they don't know what each other are doing. We are still working to get the whole thing under control. Trustee Likley asked how we are billed. Heather answered Life Force has been billing us a constant fee every month regardless of how much that has been collected. They have billed us for the last two months and they have not collected any billings. Heather will be researching our contract with Life Force to see if that is correct. Trustee Likley stated they get fees if they collect fees and he thought it was 6% of the collected funds. Heather stated we are still collecting on bills from last year. Trustee Oiler asked if she could follow up on Wednesday. Heather assured him she will be calling to make sure they received the package before the return receipt comes back because I don't want to do it again.
- ✓ Good news. People are running when they can and they are notifying Mark when they can run. Volunteer payable hours are up because they are attending training sessions. We are training on some great things and we are bettering our department by doing these training sessions. Everyone is happy right now and is pleased with the way things are going right now.
- ✓ Copies of the 2 assessment reports from the Ohio Fire Chief's Association. Both scored extremely well within .6% of one another. No major deficiencies. Please review these in detail and be prepared to ask your questions during the final interview.
- ✓ Final interviews have been scheduled and confirmed to take place July 19, 2010 @ 6-7:00 pm in the main room at the Westfield Township Municipal Complex prior to the next scheduled regular trustees meeting. If the doors are still locked the residents were asked to wait because they will be finishing up the interviews. Both candidates are looking to move to this area to take the position. This will be the time to discuss how they anticipate doing the job until they move and

things of that nature. We do have the same interview panel through this process. Jim will be joining us along with Chief Patterson and the people that this person will have to deal with on a regular basis to make sure that things click there as well. The fire department is very pleased because they have had input in the process with a member on the interview panel. The candidates are pleased moving forward and we are hoping to get someone hired from that point. We are hoping to make an offer and have someone in place by August 1st, 2010. That's the goal and we are right on schedule where we hoped to be.

- ✓ I have done research on fire commissioners in regards to the levy to put together a panel to educate the residents and go door to door. I have found that I would recommend to the board of trustees so that they are aware that generally are members of 5 instead of 3. Reason why is in addition they always include a financial person and someone from the fire service whether it be the fire chief or an outside source or fiscal officer or an outside source in order to get sound decisions. Then you can have your questions answered that night that have a history in it.
- ✓ In regards to the fire levy the big thing that we are looking at in trying to increase the levy is if we don't pass an additional levy unfortunately we do not have any money left over for equipment rotation. We have increased the length of time for rotation but we still need money set aside to go into the capital equipment budget for the future. We are going to have a person at the station full time when a fire chief is employed which is great but you need 2 people to go on a call. We have determined unfortunately that a part-time chief is not enough to be able to control what goes on in our department and to be able to handle all the duties that go on, therefore we know we have to have a full time fire chief but also know that we have to have good response times to save people and that's the most important and crucial factor for you to tell your neighbor. If you have a heart attack we need to make sure we're there in 5 minutes, that's imperative to save your life. If we can't get even 1 other person on staff at the station, even if it's part-time and nobody shows up that day because they are working they can't roll out the door. It takes additional time to get mutual aid. Mutual aid is called after they have toned you out twice. 2 to 3 times they tone your department – if your department doesn't respond it automatically goes to another department. They wait between 3-5 minutes between each call for man power. **IT'S IMPARATIVE THAT WE HAVE 2 PEOPLE SO THEY CAN ROLL OUT THE DOOR WITH A SQUAD TO SAVE LIVES.** We are not asking for a 3 or 4 mill levy which is what most departments in this area run on or more. We don't want that we just want enough to be able to save your life if you run into trouble.
- ✓ Trustee Likley clarified the equipment rotation as follows:
 - Squads – 15 year rotation. We have 2 squads therefore every 7.5 years a squad will be replaced.
 - Fire apparatus – 30 year rotation. The new truck that rolled into the stations this month in 30 years it will be replaced. The truck that this one replaced is going on 29 years old and it was a converted fuel delivery truck and one of our trucks does not go over 35 mph. Heather pointed out that is not an excuse for us to be lazy and not to try to find other funding for those squads. We are actively pursuing grants. It's hard to get them but we are actively pursuing them and will continue to send in applications so that we can say we are spending your money responsibly.

- ✓ Trustee Oiler announced the next fire committee meeting will be Thurs. July 22, 2010 @7:00 pm.
- ✓ Trustee Likley stopped at the fire station last Monday because there was some concern from the department about a Trading Post article. It was an accurate article but it was in regards to texting policy that this board is proposing and looking at. Some members had some concerns and questions. It reassured them hopefully that we have to gather additional information regarding the texting policy that was discussed at our last meeting and how that might impact the texting that department members do for their day to day communication and as well as they do during fire service. I tried to reassure them that this was a result of their texting practices or the townships texting practices or the village or board members it's a state legal determination. Bill Thorne brought it to our attention that this is another form of the Sunshine Law that we have to record and maintain those texting records. How far that reaches, we don't know that.

ROADS

Lee was not present. Trustee Oiler reporting:

- ❖ Lee has been doing some culvert work on Westfield Landing
- ❖ Ditch clean out on Buffham Rd. east of Lake.
- ❖ Finished mowing on Ballash and will be begin second round of mowing shortly
- ❖ Received more slag for the road chip and seal

ZONING

Trustee Harris reporting:

- Zoning inspector Matt Witmer on vacation
- Trustees received a copy of the letter sent by Matt to North Coast Soccer
- Lot split to be signed. Matt and Gary reviewed it and Matt has signed it. After the 3 trustees reviewed and discussed the lot split it was determined to be satisfactory and was signed. The lot split was for Robert Syme on Westfield Road that was adding 11.65 acres adjacent property to his parcel making it one parcel instead of two.
- Fiscal Officer made note to the trustees that all zoning board members have a new notebook with the original development plan and both updates. As new text amendments are made a new zoning book will be given to each board member, zoning inspector, zoning secretary and the trustees. All she asked was that the old notebook be returned to the office to be re-used.
- Heather stated the zoning commission's regular July meeting will be moved to July 6, 2010 @7:30 p due to vacation. This will be a public hearing for Digital Message Signs but the public hearing will have to be continued because the Planning Commission will not meet until July 7, 2010. They will also discuss the Comprehensive Plan and possibly take a vote. Welcomed everyone to attend.

OLD BUSINESS

Trustee Oiler suggested that the trustees give some thought to what they may want as far as the fire levy and district. Gary cannot attend the Wed. morning special meeting with Bill Thorne due to a work

schedule. Trustee Oiler suggested that Gary relinquish to Jim and Ron their best decisions based on the discussion tonight and Gary agreed. Trustee Likley stated timing is crucial but we can schedule it at another time if need be. We need to come up with a name for our district, if you have any suggestions, please provide them. Fiscal Officer stated the fire levy is the most pressing because it must be turned into the Board of Elections by 4 pm August 4, 2010 to appear on the November ballot. Trustee Likley asked if the 2 mill levy is sufficient to carry the department for a period of 5 years so that we don't have to go back to the residents in two years. That will have to be the determining point in the actual millage.

SUGGESTIONS FOR A DISTRICT NAME:

Trustee Harris	Leroy Fire District
Trustee Likley	South Central Fire & EMS District
Trustee Oiler	Crossroad Fire District

Heather asked if it would be possible when writing the levy language if it could be referred to as formally known as "Westfield Fire & Rescue so that it could be identified to the residents.

Heather stated she was asked by the fire department if the letters WFR could be incorporated into the name because the equipment such as hose is labeled as such.

Fiscal Officer calculated a budget of \$290,133 if the 2 mill levy passed and asked Heather if she thought that would be sufficient for 5 years. Heather replied we must be conservative in this economical crisis and what the people would accept as far as the levy is concerned. That is what the fiscal officer is trying to do at keeping it at the 2 mills.

Martha suggested adding WFR into the 3 suggested names. Bill may even say that can't happen.

Karen Fisher suggested Cloverleaf Fire District. Trustee Oiler suggested that Cloverleaf Fire District not get mingled with the identity of the school district.

Carol Rumburg stated that Leroy would be an old time reference.

Stan Scheetz pointed out that the trustees could possibly look with a bigger vision for the future because you could be looking at several entities 5 years from now to join a fire district.

Trustee Oiler asked for a poll from the audience.

South Central WFR District	3
Leroy WFR District	0
Crossroads WFR District	2 and 2 don't care.

Trustee Likley stated to the audience that if there are other suggestions, please send an e-mail before 8:30 am Wednesday, July 7, 2010.

Trustee Oiler asked if the board is in agreement that the levy state 1.5 mill renewal with .5 mill increase making it a 2 mill levy yielding \$141,179 per year per the auditor's office's estimate on the newest 2010 property valuations. The budget will be as we have done it in the past the reciprocal which is dividing .59 into the 141,179 + soft billing (\$30,000)= \$290,000 (round figures). If this is a district this will be all we have available. Trustee Harris stated the last time we put out the fire levy, it was 2.5 mills. We don't want to be cut short but we don't want to scare residents off either. Fiscal officer stated we want to show the residents that the fire department is very frugal at this time with Heather at the helm. This past year has

proved to me that this is what needed to be done a long time ago instead of giving whatever the department's wants were. Trustee Likley suggested we take a vote because Gary will not be present Wednesday.

Trustee Oiler made a motion to pursue a levy for the Westfield Township unincorporated district for the fire and rescue operations of the current fire department at 1.5 mill renewal with a .5 mill increase which would yield \$141,179 per year, seconded by Trustee Harris.

Discussion: Trustee Likley: As stated before is to look at the funding with the fact that Mr. Harris will not be here Wednesday as we move forward with this with legal council it was prudent to establish that millage.

Roll call: Harris, aye; Likley, aye; Oiler, aye.

Formation of an unincorporated fire district contingent on the levy passing

Trustee Likley stated the significance of that is if the levy fails the district is still formed and it is a separate Entity with present funding and we cannot supplement that.

Trustee Likley made a motion in that the formation of a fire district of the unincorporated area of Westfield Township be contingent on the levy passage, seconded by Trustee Oiler.

Discussion: Trustee Likley brought out the point that we have had to supplement from General Fund 6-7 Years and we cannot continue to do that or the general fund will be out of funds in 2-4 years. Fiscal Officer stated it will come down to the taxpayer of how important is the service of fire and rescue to me and my family.

Roll call: Oiler, aye; Harris, aye; Likley, aye.

NEW BUSINESS

Upper Chippewa Creek Watershed

Trustee Oiler stated there does not need to be a decision tonight or a discussion at great length concerning the request for a consensus of the trustees regarding the Upper Chippewa Creek Watershed Primary Development Areas. The Balanced Growth people from the Soil & Water will be coming sometime in the future to present the final outcome of our meetings from the Primary Growth, Primary Conservation, Agriculture, and hopefully the Chippewa Lake Committee. The next meeting has not been established yet.

Trustee Likley: Had issues with some of the criteria's that were established such as "well head protection 5 year out protection zone". Question, after 5 years then what. Trustee Oiler will take that concern back to the panel and to keep in mind these are only recommendations. Trustee Likley: Also the areas with the drastic pollution rating areas, is the rating of 140 or greater a standard that has been previously established

in other areas? I know that EPA has provided the numbers for pollution potential areas. Trustee Oiler stated as I recall at the meeting the question was asked 140 is acceptable. In some areas it has gone as high as 162 and some areas as low as 120. We will get to see the whole watershed initiative as it impacts the whole area. 75% of all participating entities will need to approve the initiative. Documentation is available at the fiscal officer's office or the zoning office for review. The next meeting for the Upper Chippewa Creek Watershed has not been established.

Stanley Scheetz announced he would be filing a text amendment tomorrow July 6, 2010 and a map amendment 1 month later. We have 24 or the 31 property owners subscribing at this time on approximately 320 acres including the Golf Course. The text amendment will be filed for a General Business District and General Business PUD. Trustee Likley just wants this board to understand the potential impacts.

ANNOUNCEMENTS

July 6, 2010	7:30 pm	Zoning Commission regular July meeting in place of July 13 th .
July 7, 2010	8:30 am	Special trustees meeting with Bill Thorne
July 19, 2010	6-7 pm	Fire Chief interview panel for final interview of fire chief 6-7 pm The building will be locked until that meeting is adjourned.
July 19, 2010	7 pm	Trustees regular meeting

Trustee Harris requested an executive session concerning employee discipline at 9:25 pm, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye

Trustee Oiler made a motion to come out of executive session at 9:55 pm seconded by Trustee Likley.

Roll call: All signified by saying aye.

Trustee Harris made a motion that the board send John Miller a letter of reprimand due to insubordination and attendance record to step down to second alternate position or resign as a zoning commission position, Trustee Oiler seconded the motion. Discussion: Trustee Likley stated a letter be prepared and presented through legal council to review and review the present handbook to make sure it meets the requirements.

Roll call: Oiler, aye; Likley, aye; Harris, aye.

No further business to come before the board, Trustee Oiler made a motion to adjourn at 9:58 pm, seconded by Trustee Harris. Unanimous

Approved July 19, 2010