

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting
January 17, 2011
7:00 pm

Chairman Oiler opened the meeting at 7:00 pm by asking for audience to stand and Pledge Allegiance to the Flag.

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

FIRE CHIEF REPORT

Chief Fletcher reporting: (copy of written report attached)

- Runs for Dec 2010- 43 next meeting will have a yearly
- 2nd CPR class at the High School will be January 27th.
- Upcoming training will involve information & procedure on the Life Pouch Program. We will get about 300 pouches to distribute.
- Flat roof on building is completed. Shingled area will be done when temperature is above 40 degrees
- Life Squad 167-2 is approaching 10 years of service and would like to replace it by next year. One option is to consider utilizing the Dept. of Commerce Revolving Loan Program at zero percent interest for 10 years. There is \$300,000 available for the whole state. New squad will cost about \$130,000. Application date is Jan. 28, 2011 and we can pull the application if we see that isn't an option for us.
- Trustee Likley asked if the chief if he had an issue with the number of calls to Lodi. Chief answered that he had a meeting with Lodi chief and asked if he had a plan. Lodi does have 3 firefighters that are now in probationary stage and he wants to get them certified as first responders. Volunteer fire departments can respond with one EMT and one first responder. I did make it clear that if he didn't have enough EMS personnel on hand that our squad would transport because we are providing the legal EMS people.

ZONING REPORT

Matt Witmer reporting:

- Nothing going on right at the moment
- One pending issue that Trustee Harris and I are working on
- Trustee Likley asked about Idle Air application. Matt: That is pending. It was going to go before the zoning commission the other day and the night of the meeting it was decided that it should go before the BZA before the zoning board because of the issue of whether or not they will even allow them to do it. Right now I am waiting for the application from the California planner to go ahead. We have the packet and we have the money all we need is that application. Trustee Likley asked what the basis was for the zoning commission for that site plan. Matt: The basis for zoning commission is because it is highway commercial. Trustee Likley: only permitted uses.

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Matt: No, we have discussed it and I have discussed it with Kim and Lee will look at it. Do they even need to go before zoning?

Trustee Likley: In my review of highway commercial conditional use – similar uses, you look at number 32 under similar uses in the conditional use section of the zoning book it would require just to go before the BZA. BZA would have a review as to similar use. There isn't a primary use on that property, and under permitted and conditional uses we really don't have storage. So you have the review of that. If you look at the conditional use and site plan section I would look at it as BZA would have the site plan review and application. Then they would have the determining factor if and then there's conditions that they have to look at as to allowing a conditional use.

JEFF VAN LOON FROM MEDINA SOIL AND WATER

Jeff and his partner Gary Norcia gave a presentation on the UPPER CHIPPEWA CREEK BALANCED GROWTH PROJECT. (There is the map and statistics that were passed out to the board and many members of the audience. The presentation is on file in the fiscal officers' office and a copy attached to the minutes)

- There are nine jurisdictions 4 townships, 4 villages and the city of Medina. There are county agencies also in this planning partnership
- 75% of the jurisdictions must approve the plan to be sent to the state. The township does not need to make the decision this evening
- The partnership will meet January 27, 2011 at 1:30 pm at the Akron University campus in Lafayette to hear what we have received back from all the jurisdictions. So far we have not heard a large amount of concerns other than Guilford and we will bring that to the board that day.
- It is not a mandate but gives the state an idea of how they better spend their money. The idea of balances growth is, it is to identify areas that have critical environmental issues and also identifying areas that are vital economic areas.
- The function of this planning group is to identify primary conservation and development areas
- The township zoning is still the zoning rule
- There is an incentive list also on file if this plan is accepted by the state
- If the trustees want something changed, bring that change to the January 27th meeting.

FISCAL OFFICER

- ✓ Bills in the amount of \$32,487.18 (copy of the list of bills attached)
Trustee Likley made a motion to pay the bills, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.
- ✓ Correspondence:
- ✓ Letter from Medina County Commissioners and resolution regarding lights and gate at the Buffham Road Railroad Crossing
- ✓ Announcement and invitation to review the Draft Lafayette Comprehensive Plan Feb. 8, 2011

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- ✓ ADT Security rate increase
- ✓ Letter and invoice of \$150 from the Medina County SPCA

The letter and invoice from the SPCA was considered. Trustee Likley stated this is the first time that he has seen an invoice. In the past they solicited contributions. The township had only 2 calls this past year. The invoice was \$150 for the 2 calls.. The township in the past has not contributed to this cause.

Trustee Likley made a motion to pay the \$150 invoice to the SPCA, seconded by Trustee Oiler.

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

- ✓ Fiscal Officer reported the conference call with an IRS advocate: Tom Karris, Trustee Oiler and Fiscal officer was present. Martha asked if the call could be recorded and we were denied the request. In summary, the payment for March 2007 was applied to December 2004. When we asked why this was done, we were told that I requested it. No, I did not and I have documentation where I requested that they keep the payments applied to the March 2007 quarter. She was going to change the payment back to the 2007 quarter and wasn't sure how this would affect the 2004 quarter. Mr. Karris requested a transcript of their "postings". They agreed to send that to us. Trustee Likley asked how much they claim that we owed. Martha replied, \$700 but now that 12/2004 payments are moved back to 3/2007 and 2007 moved to 2004 there is a possibility that there could be an overpayment.
- ✓ Trustee Likley noted that the newspaper did not put the January 13, 2011 meeting notice in the public notice of the Gazette and requested that the e-mail notice that was sent to the Gazette be attached to the January 13th minutes to prove that we did notify the paper.

MINUTES

December 20, 2010 Page 3 – the second Sims point change to *the*; 2nd Oiler statement; 3rd word should be *go*.

Page 2 – under the Tom Micklas statement #3 insert a paragraph that Trustee Likley submitted (copy is attached to minutes). Under John Miller's statement #2 strike draft statement and add paragraph as submitted by Trustee Likley.(copy is attached)

Trustee Likley made a motion to approve the December 20, 2010 as amended, seconded by Trustee Oiler. Roll call: Oiler, aye; Likley, aye; Harris, aye.

CEMETERY

Trustee Likley asked why the \$35 check for an invoice for the printing of the new cemetery book wasn't in the bills. The fiscal officer told him she missed that invoice and it will be in the next group of bills. Trustee Likley e-mailed Mr. McCann that we had approved the purchase of the cemetery book. Trustee Likley mentioned to Village of Westfield Center councilman, Mr. Chidsey that was in the audience that it may be something that the village may be interested in. It is a working book that burials and purchase of lots may be recorded. The book is here at the township, feel free to look at it and possibly the village may want to purchase one at the cost of \$35 from Mike McCann. There is a lot of history contained in that book.

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FIRE

Trustee Oiler announced the Fire and Rescue Advisory Board will meet January 27, 2011 at 7:00 pm at the fire house.

ROADS

Trustee Oiler reported that while he was out with Lee snow plowing he noticed the dangerous knoll on Westfield Road between 224 and Buffham Road. Lee and he are planning to talk with the county if they would consider applying for a grant to re-grade that knoll. It is very difficult to see at that intersection because vehicles come over that knoll at 40 mph. This is a highly traveled area because of the school buses and even in a bus one cannot see beyond that peak of the knoll. Trustee Oiler was in the large truck sitting on the passenger side I could not see what was happening to the right. It is necessary to always look twice.

Trustee Oiler mentioned to Carol Rumburg that the pile of salt that was left by her driveway was because there are times the salt has chunks and it throws them out. Lee has made modifications to the spreader wings that it throws the chunks back into the auger.

ZONING

Heather Sturdevant reporting: (documents referred by Heather are attached to the minutes)

- 1st document: Zoning Commission's meeting cancellation policy
- 2nd document: Zoning Commission's primary communication has been through e-mail, however 2 members have operating systems that do not support Windows and 1 member does not have a computer or e-mail. I am formally requesting that to improve communications and receipt of materials prior to meetings to ALL members that we adopt a US mail policy. This will cost the township time, labor, copies, and postage to produce seven sets of each piece of communication. Discussion: Trustee Oiler asked if Kim has the time to copy and mail the documents. Heather did not know. It has been difficult to open our meetings on time because we must insure that everyone has all documents. Trustee Likley: It is important that you have all information to review prior to the meeting. Nothing is more frustrating to me is to get something and have to read through it and figure out if I'm going to move forward tonight. Would it be feasible to come up with a packet and set some standards as to time line as to 5 or 6 days prior to that meeting date so everyone has one packet? US mail could be cumbersome. Heather stated that before we had all the activity in the township the minutes were relatively short (5 or 6 pages) we are a point right now where they are 20-30 pages long. John and I can open them via e-mail but I think it would be easier if everyone received the things the same way. Trustee Harris asked if the information could be left at the township building and the members could stop in the pick it up. Heather said that was another option available but I don't know what people's work schedules and if they would be able to get here during the day when the building is open. Trustee Oiler added we must find out if Kim has the time to stop in and do

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know. This will streamline things and the meetings can be started on time and keep things organized as possible. Trustee Oiler is willing to consider it as well as Trustee Harris. Trustee Likley stated you could e-mail to those that have e-mail and US mail the packets to those who don't have access to e-mail, just so it's a consistent source.

- What does the trustees prefer as a the end result of the Comprehensive Plan
 1. A brief generalization that is merely a suggestion of things to consider or
 2. A hard and fast recommendation that we strive to achieve in the years to come
- January 25, 2011 @ 7:30 pm Zoning Commission continuation of public hearing for the text and map amendment
- January 18, 2011 training session on Zoning Law at planning services. 2 zoning commission members are planning on going to that training session
- February 8, 2011 continuation of public hearing on the comprehensive plan

Trustee Harris: At the last trustee meeting we had a BZA member resign and I would like to know if he sent a letter of resignation to the township. Fiscal officer stated no.

Trustee Harris made a motion to accept Dwayne Kramer's verbal resignation as Board of Zoning Appeals alternate, seconded by Trustee Likley. Trustee Likley asked Trustee Harris to send Dwayne an e-mail and ask him for a letter of resignation. Trustee Oiler has already asked Mr. Kramer for a letter.

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

Trustee Harris: As far as his replacement do we want to look at applications and hold interviews or I can make a motion for appointment.

Trustee Likley: The second alternate was initially put on for the purpose to cover Mr. Schmidt because of the school's projects that have come before the board. The second alternate was to cover Mr. Schmidt's recusal and if another member could not be present that the applicant would have the benefit of a full board. This board passed a resolution earlier last year (2010) that any public entity that comes before the BZA for a variance is making a recommendation to this board that approval or denial. That wasn't the case prior. The Brownfield case – public entities are not required to go before our zoning board. That being said I won't support a 2nd alternate at this time because that need isn't present anymore and 1 alternate is sufficient at this time. Trustee Oiler: I think we can appoint the 2nd alternate if the need arises. Trustee Likley: The BZA had a need and we knew with the school activities the need was there with the fact that Mr. Schmidt does have to recuse himself.

Trustee Likley offered a motion that we do not pursue a 2nd alternate for the BZA at this time, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.

OLD BUSINESS

Fire Contract status. Paragraph 8 amendment was presented to Bill and he did not see a problem with the amendment because it would clarify how the budget would be determined for the fire department. There was one area that referred to the Fire Committee that needed to be changed to "Fire and Rescue Advisory Board and one other area that he had not read yet. He will prepare an amendment that will

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come back to this board. Trustee Oiler read how the fire department budget is determined: (a copy is attached) \$215,380 for 2011. The fiscal officer also noted that does not give any extra to save for equipment. Fiscal officer complimented Trustee Likley for his foresight to have the clarification put into the contract.

Bond Collection Status: Trustee Oiler reported that Tom Karris would be calling to make an appointment with the trustees to have an executive session sometime in February. Trustee Likley: This board has requested communications from the prosecutor's office to and from the bonding agent as of yet we haven't received anything that I am aware of. Any future communication with Mr. Karris I would appreciate if we could see his correspondence to and from. I think this board deserves to have that correspondence through the process and if we have any clarification, issues or questions he should be able to provide the answers.

Grant for solar signs: Current quote for signs is \$4,489.

When the contract was taken to Bill, he has not been asked to review one of these contracts. It talks about not sharing information. Any contract that we sign is a public document and it would forbid us from doing so. Bill is re-writing the contract or making an addendum to it.

Trustee Oiler made a motion to pay \$937.50 to Gatchell Grant Resources providing they accept legal counsel's changes to the contract, seconded by Trustee Likley. Trustee Likley: One thing I have learned is no matter how simple a contract is kick it through legal counsel. Trustee Oiler: This quote comes with the software for the road supervisor to maintain the timing of the signs. We do not have to depend on the county, we do it ourselves. Trustee Likley: And they are solar signs, we are being green.

Roll call: Likley, aye; Oiler, aye; Harris, aye. The grant is to be in by the end of the month.

Comprehensive Plan Status: What do the trustees want to see?

Trustee Harris: I would like to see a recommendation with documentation.

Trustee Likley: The steering committee offered some good basis for the plan that they recommended. If they (steering committee) could compile some of those comments, documentation or information discussion along with Mr. Majewski's support to put that into a format that is acceptable to the zoning commission; I think that would make the book that much stronger for what came out of steering committee. Trustee Likley read the "Purpose" from page 1 of the draft comprehensive plan. "The purpose of the Development Policy Plan is to give guidance to property owners, potential purchasers of property, and to Township officials in making decisions which affect the use of land, infrastructure improvements which affect land use, and zoning amendments. While the Development Policy Plan is not law, it is an important framework in support of local regulation."

According to Mr. Majewski, this should be the first document that is pulled in review of an application of zoning changes. This is a guide to that board as well to this board. Not a legal document, not a legally binding document, has never claimed to be but it is weight in the process and should be recognized for that. In review of some of the zoning meeting minutes where Mr. Majewski made a presentation to the

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zoning commission at the beginning of the process: Trustee Likley began to read excerpts from Nov. 11, 2008 zoning commission. "Typically a Plan is not a law. The Zoning Resolution and Zoning Map is the law. The Plan is a guide to what direction your zoning is going. The Plan may also give guidance on infrastructure such as roads, utilities and services. In Ohio, judges like to see a Comprehensive Plan adopted in support of the position a community takes in zoning matters and other matters pertinent to the community." If through the steering committee members and Mr. Majewski can provide additional information to the zoning commission I think it would be helpful. It is a guide. Everyone should be aware of that and we knew that in the beginning of the process.

Trustee Oiler asked Trustee Likley does he mean a recommendation with documentation.

Trustee Likley: IF additional information is available from the steering committee and from Mr. Majewski to support their recommendation it can be added.

Trustee Oiler agreed recommendation with documentation.

Trustee Oiler asked Trustee Harris to send a letter back to the zoning commission that the trustees agreed they would like to see a recommendation with documentation.

NEW BUSINESS

Fire Levy: The trustees met January 13, 2011 and discussed at length of how to proceed with a number of mills for the fire district. The trustees arrived at 2.5 mills as an additional continuing levy for the township and it is coupled with us forming a district for the unincorporated area. Trustee Likley asked if Mr. Thorne had reviewed the resolution and fiscal officer answered, yes he did and said it was OK.

RESOLUTION 2011-04 A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION (This is for the South Central Fire District) The levy will be on the May 3, 2011 ballot.

Trustee Oiler made a motion to adopt Resolution 2011-04, seconded by Trustee Harris. Discussion: Trustee Likley stated: The significance of the fire district and the requirement to do that. The present 1.5 mill continuing levy will not be collected with the passage of the 2.5 mills. There is a term for that, I don't know what the legal term is.

Fiscal officer: The trustees will pass a resolution send it to the election board and auditor requesting that they do not collect the 1.5 mills.

Trustee Oiler: If the levy passes, the earliest that we could collect the new revenue, would be January of the following year.

Trustee Likley: asked if there will be cost. Fiscal officer had called the election board and was told it is a primary election.

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

OPEN AND CLOSE THE HALL

Trustee Oiler will cover this Wednesday and will take the month of February.

Trustee Harris will take the month of March and Trustee Likley the month of April.

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CLEANING HALL

- Once a month during regular business hours (Mon-Thurs 9-12 noon)
- The professional or individual must be insured, and if they have employees workers' comp certificate must be accompany application. This will be similar to any other kind of contracted labor.
- Run the ad once a week for 2 weeks in the Medina Gazette and The Post
- Take applications/resume's until February 21, 2011

MEETING CANCELLATION POLICY

The trustees held a discussion on the cancellation of a trustees meeting due to inclement weather.

Trustee Oiler made a motion to adopt a cancellation of a trustees meeting due to inclement weather policy as follows: In the event it becomes necessary to cancel a trustees meeting due to inclement weather, the chairperson will notify all trustees, fiscal officer, zoning inspector, fire chief and road maintenance personnel by phone before the public notice is administered by the fiscal officer or chairperson. The meeting shall be cancelled if Cloverleaf School District cancels evening activities due to inclement weather. Additional public notification will be a sign posted on the township front and back office door.

Discussion: Trustee Likley will add "due to inclement weather" to the zoning commission's policy to be consistent. Trustee Likley will call Chairman Schmidt to see if the same policy would work for the BZA.

Motion seconded by Trustee Harris.

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

RESIDENT COMMENTS

Tim Kratzer: The trustees want the comprehensive plan to come with documentation and some bite to the comprehensive plan. Mr. Kratzer asked fiscal officer if Mark Majewski has been paid in full for his previous work. Answer was no. I believe one of you (trustees) should check with Mark Majewski and see how much more this will cost the township. I don't think he will want to come down here and hold meetings for free. At the meeting the other night no documentation came forward. They wanted to get together and create documentation but it wasn't created in the whole year that they were working on it so how much longer is it going to take to come up with this documentation and how much money is it going to cost the township.

Fiscal officer: We have carried over \$4,475 for this plan.

Trustee Oiler asked who would like to give him a call. Trustee Likley volunteered to call Mark Majewski and communicate with the steering committee. Trustee Likley will see what he (Mark) is willing to do in his scope of his job. I don't think I will be willing to support any additional cost. I think we have quite a bit invested in this plan as is and if additional information is available to support that – proceed at no additional cost. Trustee Oiler, if not we may have to re-group and go from there.

Trustee Likley: I think between the steering committee and Mr. Majewski they can provide some additional information.

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Trustee Likley: I think between the steering committee and Mr. Majewski they can provide some additional information.

Trustee Oiler made a motion to adjourn at 9:14 pm, seconded by Trustee Harris. Unanimous

Approved February 7, 2011