

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting

May 2, 2011

7:00 pm

Trustee 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.

Welcome to guests: Village of Westfield Center, Mayor Horwedel, Councilman Rick Robbs and a few members of the Westfield Fire and Rescue in support of the levy that will be on the ballot May 3, 2011 and there is a sign in sheet of other attendees attached.

FIRE CHIEF:

Chief Fletcher reporting (copy of report is attached.)

- Total of 42 runs for the month of April
- This week chief will be attending classes for area chiefs to develop Medina County Local Incident Management Team. This will respond to any large incidents in the county. Now there are 12 students in the class at this time. This is sponsored by the Medina County Emergency Management Association and there is no cost to our department.
- SOG's is in final draft ready to be sent to Village and Township's Law Directors. It is much simplified and more organized as in the past. I did add *On-Call Station Crew*. This is at the chief's discretion to have *on-call station crew*, this would be used in case of large scale events in the township that I would want to make sure that we have 2 or 3 people that would respond directly from their home which would cut down time as far as the initial response and initial care if it was an EMS call. I would like to go to something like that but we do not have the funds available right now but hopefully in the future we will be able to initiate this plan. This is the next step to cut down on response time.
- During the month of May I would like to move forward in promoting two Captain positions (one for fire and one for EMS). See report for details.
- ems Charts program has cut down processing time for EMS billing.
- FEMS grant application will be available next month
- We have 10 potential Explorer Scouts that will undergo a 6 month probation period. Very pleased with the turnout of our young people and also the time and effort of the volunteers that are donating to this project.
- 3rd and final class for CPR students at the high school was held today.
- FIRE LEVY IS ON THE BALLOT TOMORROW and I ask the community to step up and support the Westfield Fire and Rescue Department so the department can be self-sufficient.

Fire Board Representative

Heather Sturdevant reporting:

- ❖ Don't forget to vote tomorrow
- ❖ Send out approximately 172 flyers and visited about 300 homes in the township based on the people that vote in May elections first and then expanded from there.

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❖ Some misconceptions about the fire levy.

1. There are people that feel there will be loss of control and accountability if this fire levy passes based on the district that is being formed. That is absolutely not true. And the reason why is because by law this is not a multi-jurisdictional district. By law the 3 trustees have to run it. They are elected officials, accountable to the voters, and they have control. If they wanted to add people to run it; it would have to be done by contract. Because our contract is already done and it is not written into it these are the 3 gentlemen that would oversee the district. There is no loss of control or accountability.
2. There is increase in tax on the unincorporated area of residents and businesses only and the Village of Westfield and Gloria Glens won't be paying their fair share. The statement is untrue because the percentages that the village and township pays is based on property valuations provided by the auditor's office which resulted in the village paying 41% and township paying 59% of the fire departments expenses. The fire department budget is arrived at by dividing 59% into the amount the auditor estimates that will be collected from the township's fire levy and the estimated amount to be collected from EMS billing and any carryover from the previous year. The village's amount they have to pay will increase if this levy passes because the budget will be increased per what the township's levy provides based on the above formula.
3. The district money must be kept separate from the other township funds and no longer will the township be able to use general fund to support the fire department and that is true. However what we have to realize is if the township continues to pay for fire department expenses and large equipment it will be broke in general fund in 3-4 years because of the budget cuts the state is suggesting and/or implementing. HB 153 also provides that the auditor of state can disassemble or disintegrate townships into merging with another township or the county can take it over if it goes into fiscal crisis. If we allow our general fund to be depleted by supporting the fire department and end up dissolving, that would be a total loss of control.
4. Double the tax and receive the same level of service. No. Without the levy we may possibly have the same level of service or less. Yes, you will be paying more for this levy that is what the levy is for so the department can be self-sufficient, save for future capital expenditures and decrease response time for EMS calls. The chief has laid out future plans to decrease response time for EMS calls but that cannot be implemented until the funding is in place.
5. Some people out there support the troops but not the war. The only people that you are hurting by not supporting this levy are your family and the people here in the back to support the levy. We need to keep them safe and we want to keep our residents safe so we ask you again to please vote YES tomorrow for the fire levy. Westfield Fire & Rescue deserves your support.

Trustee Oiler asked if the Mayor of Westfield Village had any comments.

This levy allows for funds to be saved for capital expenditures such as equipment. Right now we have a budget that barely operates the fire department. In order to have part-time day-time coverage and to pay for equipment we must save that up. Even though the village will be paying more money, it just needs to happen. The department is living on a shoe string right now. Rick Robbs did not have any comment.

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Linda Paulick from the auditor's office

1. Pet adoption is this Saturday from 10am-3pm at the National Guard Armory
2. Homestead exemption applications deadline is to the beginning of June
3. CAUV farms checks are still going on
4. Memorial Day essay for the middle school must be in by this Friday.

FISCAL OFFICER

- ✓ Bills in the amount of \$73,245.41 (report attached) New chassis for truck is in, Sheriff's invoice for township share of fire & rescue calls \$9,496. Total amount for fire department 911 calls just for fire & rescue including the village is \$11,430. Right here is one of the reasons the need for a levy increase.
Trustee Likley moved to pay the bills as presented, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.
- ✓ Fund Status report is available on the table and is attached to the minutes.
- ✓ Correspondence:
 - a) Central Processing Facility has had a reduced rate from the normal tipping fee for township/village clean-up but will charge the new disposal fee at the landfill, which includes cost-of-living increases to \$30.75/ton. Also a flyer announcing the May 2011 Spring Recycling Collection Drive which is provided for residents on the table.
 - b) Medina Township sent a letter that the trustees are planning to hold a auction sometime in July. Offering other entities to possibly use this time to auction no longer useable or unwanted items.
 - c) Zoning workshop series up until Oct.

MINUTES

April 8, 2011 – Trustee Oiler- “After consulting with legal counsel I would like to amend April 8, 2011.

Trustee Oiler made a motion to amend April 8, 2011 meeting minutes as follows:

Trustee Oiler made a motion to adjourn, seconded by Trustee Harris

Ms. Carolyn Sims was recognized and addressed the trustees.

Roll: Unanimous, seconded by Trustee Harris.

Discussion: Trustee Likley asked if he would be willing to offer any of the discussion such as questions and answers offered during that period of time. Trustee Oiler answered, no as I have already had the advice of counsel on this. Trustee Likley: Is this a correction of your statement that Mr. Thorne said that a meeting was adjourned by a motion and second as being inaccurate? Trustee Oiler: yes. Trustee Likley, thank you I will accept this.

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

April 18, 2011 – Trustee Harris had one addition. Page 4 last line 3rd bullet point- the second to the motion was omitted.

Trustee Harris made a motion to accept April 18, 2011 minutes as amended, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.

CEMETERY AND PARK

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Trustee Likley reporting.

- The cemetery and complex has been mowed.
- Received an e-mail from Mike McCann that he will drop off a CD of the new cemetery book.
- An e-mail was sent to the township asking for information about a relative. Trustee Likley will use the new book to try to answer the questions about that individual.

ROADS

Trustee Oiler reporting:

- Letter from OPWC stating the township's request for financial assistance to super elevate Buffham Road on the curve west of Lake Road in the amount of \$91,520 has been approved. The grant will be released July 1, 2011 assuming budget authority is in place.
- OPUC sent letter approving funding for the brush and vegetation removal at the Buffham Road Railroad Crossing in the amount of \$5,000. We are hoping by doing this we will get the cooperation of getting the gates and lights at this railroad crossing. Trustee Oiler will be attending a meeting Wed. of how this project is coming along.
- Lee is working on the road upgrades and repair that needs to be done this year.

ZONING

Matt Witmer, zoning inspector reporting: (report and letter attached)

± 1 permit issued in the month of April

± Letter from Assistant Prosecutor, Brian Richter in reference to pool issue at 6511 Buffham Rd. Mr. Harris and I went out about April 15th. Measured railing and it was 38 inches in height instead of our required 48 inches. Also checked the height of the sides of the pool which is 44-45 inches in height. I have couple of questions dealing with this.

1. They were told in a letter exactly the how high the railing should be which is 48 inches. Does the board wish to support litigation if they refuse to comply with the zoning regulation? Trustee Likley: Is the railing on the deck that gives them access to the pool? Matt, no. Area dug out on hillside next to pool, landscape timbers placed in hillside, only 30-35 inches to top of pool. Railing on landscape timbers is to keep someone from climbing into the pool. Matt suggested just do away with that regulation if no one wants to enforce it or we tighten it up and make it specific of what it has to be because right now it is not totally specific in some areas. Trustee Likley: Does the language require a 4 foot fence be around the remaining part of the pool? Matt: Technically yes because of the height of the pool is 44-45 inches. Just a matter of 3-4 inches height difference from what we require. Main access to the pool is a ladder. His intent is according to his site plan he has a 6'x6' extension off the deck that will go to that pool eventually and it will not be in the same area as the railing as it is off to the side. It is in violation of our present zoning code. It has been very contentious to get them to this point. Trustee Oiler: We have other residents and businesses in our township that we have been enforcing the zoning regulations and so I am in support of enforcing the zoning regulations. Trustee Harris: I agree with you Trustee Oiler on that but I do think we need some clarification by the zoning commission if they intended to have the 48 inches around all pools or just in

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ground pools. There are a lot of these above ground pools that border on that 48 inch height and enforcing that may hard. Zoning inspector would have to go back after the pool permit is issued and inspect it to make sure the 48 inch fence is put up. Matt: actually the fence is to be up before the water goes in. That's another issue because the way some of these pools are constructed, you have to put the water in to hold it together before a person can build a deck. Trustee Likley: Due to the fact of the uncertainty of our zoning regulations for pools and fencing, other communities have found that the responsibility be the home owner. Maybe it is not our responsibility to do that. My offer at the present time would be a variance request with the understanding that zoning commission will look at the language and correct the language to give you clearer direction on how to enforce it. Trustee Harris: There are now inflatable temporary pools and some are very large. Will that constitute us to require a fence around those? They even have them Olympic size 4-6 foot deep. The variance will require a fee of \$300. Trustee Likley: The time frame for zoning change takes about 3-4 months to go through the process. I don't think that I would support litigation, although it is in violation. We have the Board of Zoning Appeals that has the option to review that violation and grant a variance. Trustee Oiler, I will agree with Jim that there is an option of a variance request and I do believe the zoning commission needs to review the entire pool regulations as things have changed in the market today.

Trustee Harris: I agree and we should tell them they have the option of a variance.

Matt: The contact will be up to Trustee Harris. Just in case they decide they don't want to even do that, I think before another month goes by we need to have an option to proceed with whatever you want to do. It would be cheaper to put up 10 more inches of railing instead of going through the court process.

Trustee Likley: It is an obvious safety concern and as a home owner I would think they would be conscious of.

Trustee Harris will contact them. Trustee Likley suggested that it may be of some assistance to have Mr. Richter review this discussion. They will be offered the option of applying for a variance, the zoning commission is looking to possibly redo that language and they could add the 10 inches to the railing. It is in violation and if the zoning doesn't get changed and the BZA doesn't approve it; we can't determine if that's going to be the case. If it isn't resolved through a variance, zoning change or raising the railing legal action will need to be pursued as to our zoning resolution.

- ⊕ Several e-mails to Assistant Prosecutor Bill Thorne about North Coast Premier Soccer, Junk vehicles and the pools. Bill just got back from vacation today and we will discuss these in the next week or two.
- ⊕ 5722 Greenwich Rd was called to my attention of a possible new building. It was constructed under an agricultural permit 5 years ago. It is in violation because at least ¼ of it is a shop where someone works on race vehicles; the owner has large shelving units full of electrical supplies that he sells on the internet, nothing to do with the tree farm as stated on the agricultural permit. I sent a letter to Bill Thorne for approval. I spoke to the owner and explained exactly what will happen. I have written a letter to the prosecutor and as soon as he approves it I will send it to you and we can discuss what can

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be done to get back into compliance. There is not a residence on the property. He requested a variance to put up building before a residence and was denied because he was going to make it a tree farm. There is two properties there, one is a flag lot. According to county records the driveway is allowed to service both properties through the deed.

⊕ Idle Aire sent us an application for site plan review instead of a conditional use application. Site Plan was greatly lacking in much detail-such as no measurements etc. The attorney called this evening and was appreciative of my comments and suggestions. I should hear from them again on May 6, 2011. They still want to proceed in putting a facility there. They are also talking with Omni Properties to lease more property to make it a larger facility.

⊕ In reference to junk vehicles Trustee Likley mentioned that the township has a resolution on for the removal and storage of junk vehicle and asked that the fiscal officer provide Matt with that resolution. Trustee Harris mentioned at the last meeting we made a motion to send two (2) people to Tangiers for a zoning workshop with the understanding that they would hold a joint board (zoning commission & BZA) workshop and relay the information to them. I had another zoning commission member that wanted to attend. I told the member that he felt two people was sufficient and if they wanted to attend they would have to pay for it themselves. If we do this again we could send two different people that would like to go as long as they would come back and share it with the zoning boards. All trustee agreed.

OLD BUSINESS

ZONING CHANGE REQUEST ON EAST GREENWICH ROAD

Trustee Oiler: There was a request for a zoning change on East Greenwich Road. My suggestion: The events that going on are we table that request until November 21, 2011 (after the election). Trustee Harris and Likley agreed. Trustee Likley asked if there was any concern from Mr. Thorne's view as to the claims in the letter of economic obsolesces. Trustee Oiler answered: If something were to develop there, perhaps it could be but also pointed out there some areas just south of us that even bordered his property and nothing has ever been done there. Mr. Thorne said it was a very iffy situation and depends on the whole outlook and the whole development of what happens. He suggested with our current events that perhaps we should delay this until later and address it then. Trustee Likley asked that this board respond to the four homeowners as to the direction that this board is taking.

FIRE LEVY/FIRE FUNDING

Trustee Likley reported on the Jan-April fire budget. Just to bring to light some of the situations and issues before this board. Since January of this year our capital line item has been reduced \$6,224 in order to compensate shortfalls in some of the other line items. The capital fund is unfortunately the fund that we have to pull from. Ems charting \$670.00; professional services increased \$1,700, insurance \$3,035. This is a reality! Sheriff dispatch fees: \$9,646 township fire & rescue calls, \$1,934 village fire & rescue calls for a total of \$11,430 and according to our contract the township will pay 59% and the village 41%. This is a decrease to the township and an increase to the village.

BOND PAYMENT FROM OHIO FARMERS BEING HELD BY THE PROSECUTOR'S OFFICE

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Trustee Likley asked if we have received the bond payment. Fiscal officer answered, no. Fiscal officer reported that Bill Thorne asked me to inform the board that Tom Karris has contacted a trustee that he wants a meeting with the trustees and wants someone to contact him concerning that very issue and the check is there. Trustee Harris did speak with Mr. Karris last week and he wants an executive session with the board. It was decided if Tom Karris is available at 6:00 pm on May 16th, 2011 we would hold an executive session unless it is time sensitive. If it is time sensitive May 9, 2011 was agreed upon for a special meeting if needed.

NEW BUSINESS

Certification of the referendum petition

RESOLUTION 2011-10 A RESOLUTION TO CERTIFY THE REFERENDUM PETITIONS CHALLENGING THE ZONING TEXT AND MAP AMENDMENT DATED MARCH 28, 2011

Trustee Oiler made a motion to determine referendum petitions filed on their face meet the requirements of the ORC 519.12 and be filed with the Medina County Board of Election, seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris, aye.

ANNOUNCEMENTS

May 10, 2011 7:30 pm Zoning Commission Regular Meeting
May 16, 2011 7:00 pm Trustees Regular Meeting

Trustee Oiler adjourned the meeting at 8:15 pm. Trustee Likley: without a motion, second and vote? Trustee Oiler: doesn't need a motion. Mr. Thorne said that as Chair I can adjourn the meeting.

Approved as amended 5-16-2011