

## WESTFIELD TOWNSHIP TRUSTEES

### Regular Meeting

July 18, 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, and Gary Harris.

Guests were welcomed.

### ZONING

Matt Witmer reporting:

- ❖ Morningstar Star Farms brought in their site plan and application for a recreational area on their property in this evening for review. I will review it further after next Monday to make sure everything is good on it and then will be sending it to the BZA. They have conditional approval from the health department and the condition is the township approves it. After the township gives them a zoning permit, then the health department can give them a letter of approval.
- ❖ North Coast Soccer will have a public hearing August 3, 2011 at 7:30 pm. Also the Medina County Park will go before the BZA that same evening for a recommendation to the Board of Trustees. Trustee Likley asked if Matt saw any issues on the site plan as far as violations or questions as far as our zoning. Matt replied there are issues as far as the distance from the property line with the drive way. They have numerous properties there and are crossing property lines; this is not one parcel it is sub-divided into 1.5 acre lots. The park system has been working with the current property owner, Mr. Demsz as to what would appease him. They have talked with Lee about an island in the turn-around and that would not pass Lee's purpose of turning the large truck around.
- ❖ If someone doesn't get a zoning permit and proceeds to build or erect something, right now we do not have any kind of recourse. When they get caught they still pay the same as the person that gets their permit prior to construction. Some townships have a cost of double or triple the cost of the permit. I think this is something that we should look into.
- ❖ Gary will cover for Matt when he is on vacation

FIRE (a copy of report is attached to minutes)

- Trustee Oiler read the chief's report as he in attendance at the Ohio Chief's Conference in Columbus. He was a recipient of a scholarship therefore the conference is at no cost to him or township.
- EMS supplies & equipment grant of \$4,000 for the fiscal year 2011-2012 was awarded to Westfield Fire & Rescue

- Compressed Natural Gas Fueling Station at Pilot Truck Stop – Chief met with Buck Adams to evaluate the details of this project
- Buck Adams and Jim Troike had a meeting with the county fire chiefs to discuss a county wide policy on fire hydrant maintenance. The county will provide the necessary training and maintenance policy.
- MVA Billing – Provided information to Bill Thorne and a rewrite of the proposed legislation for the policy
- Training – Will be sending 4 members to an advanced auto extrication class July 23<sup>rd</sup>.
- Total runs for June 49. There have been 26 runs so far in July.

#### Lodi/Harrisville Twp. EMS proposal

Trustee Oiler proposed that we wait until we hear from Bill Thorne on this matter before proceeding. All trustees agreed.

Fiscal Officer reported that the revenue from EMS billing is coming in at a steady pace over budget. Martha suggested to the board to increase the fire department budget by \$16,500 with township responsible for 59% and the Village of Westfield Center 41%. Trustee Oiler didn't have a trouble with the increase in the budget. Trustee Likley requested documentation and does support the increase as well as Trustee Harris. The chief is providing excellent training and is within his budget.

Trustee Oiler stated he removed one item from the agenda, Lodi/Harrisville EMS proposal until the chief has an opportunity to see if the parties would be interested. The chief would present this to Lodi/Harrisville. Trustee Oiler asked the board for their permission to attend that meeting with the chief. All agreed. Trustee Likley would like to know when the meeting would be scheduled.

#### CEMETERY/PARK

Trustee Likley reported all is quiet.

#### ROAD Lee reporting:

- ✓ Gates & lights at the Buffham Rd. Railroad crossing- Pat Geissman sent a letter to PUCO and PUCO will pay the township's portion to install gates & lights.
- ✓ Buffham Rd. project (curve) Dan Becker will send a letter of extension to OWPA (Issue 1). Hoping to put it out for bid early next year (April or May) and get the project slated to start by the 2<sup>nd</sup> week of June 2012.
- ✓ School solar sign-It is a little over \$4,000. Shipping will be about \$50-\$75.

#### ZONING

**Trustee Oiler made a motion to accept John Miller's verbal resignation at the last meeting from the Zoning Commission, seconded by Trustee Harris.** Discussion: Trustee Likley stated John is out of town

until the end of the month and he will ask him for a letter of resignation at that time. **Roll call: Harris, aye; Oiler, aye; Likley, aye.**

Trustee Harris mentioned we have two (2) alternates for the zoning commission: Kathy Zweifel and Greg Brezina. Both are good candidates but in reviewing the records of attendance and training sessions

**Trustee Harris made a motion to appoint Greg Brezina to the Zoning Commission, seconded by Trustee Oiler.** Discussion: Trustee Likley would prefer to see the records that you are referring to. I think it is appropriate to bring the first alternate Kathy Zweifel to the board as she has been on the board for 3 years. I feel over the 3 years her training, participation, and involvement warrants the position be offered to the first alternate and would support that. **Roll call: Oiler, aye; Likley, No, Harris, aye**

Trustee Harris suggested that we have 1 alternate for both the BZA and Zoning Commission. All trustees agreed. Trustee Harris will notify Greg Brezina and Heather Sturdevant of the appointment.

#### FISCAL OFFICER

- Bills in the amount of \$5,039.39 – No questions - Trustee **Harris made a motion to pay the bills, seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris, aye.**
- Fund Status – Investment      \$516,908.64      Checking      \$395,999.26

July 5, 2011 meeting minutes tabled until the next meeting

#### RE-MAPPING OF BOUNDRIES FROM WESTFIELD TOWNSHIP TO CRESTON VILLAGE

- ⊕ There was not any general fund or fire levy taxes collected from 1997-2009 from the portion of Westfield Township that was annexed to the Village of Creston.
- ⊕ Canaan Township thought they were providing fire service to that area and not receiving funds Trustee Likley asked the chief to research if Westfield Fire & Rescue has made any fire/rescue calls to that area
- ⊕ Kratzer-Type 2 annexation possibly wasn't in effect in 1995 but when the church across the street was annexed it was an expedited Type 2 annexation. The church does not pay taxes. If it is Type 2 annexation, it should not be taken out of the township. Trustee Likley mentioned that this board of trustees cannot really stop this as the county commissioners will be the board to vote aye or nay. Trustee Harris will see to making the zoning boundary change when it is becomes effective.

#### BOND ISSUE

Trustee Harris-This has been going on for a long time and we have made every effort to collect these monies and it seems like we keep running into brick walls every time we turn around. I feel it is time to put this thing to bed and accept the \$5,000 bond. We are not going to recoup all the money that was lost; at least we got some of it.

Trustee Oiler-We had Mr. Karris negotiate this with the attorney with prejudice.

Trustee Likley-Mr. Karris feels there is no basis for the township to be sued. We have gone to legal counsel for advice and recommendation and it was presented in writing to us. It clearly states there is no legal liability on this board's part. I don't think this township is so flushed with cash that we can walk away from \$5,000. Mr. Karris believes we have a strong case. If it is taken to court and it is judged against us, we still have the \$5,000. The question is there one or two bonds. The ORC states there is one bond for each term and 2 bonds were paid for by the township despite how it was sold. I would not support signing the check we received for half of what we are due to collect and would support pursuing the legal actions to collect payments from that bond.

**Trustee Harris made a motion to accept the \$5,000 bond that the prosecutor has collected on the claim and not pursue the other \$5,000, seconded by Trustee Oiler.** Trustee Likley-before we go to roll call, previous vote on this same issue was a majority to pursue collection of both bonds. **Roll call: Oiler, aye; Likley, No; Harris, aye**

#### ZONING ISSUE ON GREENWICH ROAD

- Was this spot zoning? If the referendum passes and we go ahead and change the 6 parcels that we just go back and change the remaining land LC just as we are doing with these 6 parcels. It is not a concern. It would be a full amendment process. What happens if the 6 middle parcels does not get approved.

**Trustee Harris made a motion to adopt Resolution 2011-19 A RESOLUTION TO AMEND THE WESTFIELD TOWNSHIP ZONING MAP FROM RURAL RESIDENTIAL TO LOCAL COMMERCIAL ON THE FOLLOWING DESCRIBED PARCELS AND REFERRING THE RESOLUTION TO THE WESTFIELD TOWNSHIP ZONING COMMISSION TO REVIEW, CONSIDER AND RECOMMEND THE ZONING MAP AMENDMENT**

<b>Molar-PP#</b>	<b>041-15B-51-006</b>	<b>depth of 530'</b>
<b>Campbell-PP#</b>	<b>041-15B-53-001</b>	<b>depth of 530'</b>
<b>Bombard-PP#</b>	<b>041-15B-54-001</b>	<b>depth of 530'</b>
<b>Bombard-PP#</b>	<b>041-15B-54-002</b>	<b>depth of 530'</b>
<b>Haight-PP#</b>	<b>041-15B-54-003</b>	<b>depth of 530'</b>
<b>Haight-PP#</b>	<b>041-15B-54-004</b>	<b>depth of 530'</b>

**The parcels above all have frontage on Greenwich Road in Westfield Township and contain approximately 23 acres of land. Properties involved are Haight, Bombard and Campbell parcels and the front 530' of the Molnar parcel. Trustee Oiler seconded the motion.**

**Roll call: Likley, No  
Oiler, aye and Harris, aye**

#### CELL TOWER

Trustee Oiler gave Bill Thorne as copy of the lease agreement that we received to review. Trustee Oiler mentioned he talked with Bill Thorne about the possibilities that were mentioned of how the funds may be used. Mr. Thorne advised the board that the funds would go into General Fund but no other restrictions may be imposed as to how it may be used. There can't be restrictions for this board or any

future boards if the funds were needed. No other information from the prosecutors' office has been received on the agreement.

Fiscal Officer did the math.	2011-2015	\$38,088
	2015-2020	\$73,002
	<u>2020-2025</u>	<u>\$83,952.60</u>

\$195,042.60 is what can be yielded by keeping the

agreement in place on a monthly lease.

Trustee Likley had e-mailed the previous contact (Unison) possibly interested in the sale of the lease two weeks ago and I have not heard back from them. American Tower is the company that we presently lease to and they are now interested in purchasing the lease trying to capitalize on their equipment and expenses. That is the changing thought on my part to pursue possibly selling it. What I would recommend is that either this board communicate back to this agent that we are possibly pursuing to move forward with the sale of this lease pending contractual language that is cleared through our legal counsel and through theirs for that sale. I think while the revenue has been convenient and good for the township over years and anticipated over the next 14 years this comes pretty close to what could be generated over that period of time. This is a little bit less of about \$45-\$47,000 less than if we road this existing contract out. I did not counter back. If I would have had a competitive offer that came in higher but I did not get that response.

Trustee Oiler suggested the board waits until Bill has given some direction. All members agreed.

The trustee's first meeting of September is Labor Day therefore the trustees will move the meeting to Thursday, September 8, 2011 at 7:00 pm.

OLD BUSINESS

Letter from the Walker's on Garman Road that was sent to Mike Salay regarding the flooding issue on their property

Trustee Likley asked does anyone know where we are at on the Comp Plan. Trustee Oiler commented: At the last meeting we were told the letters were going out to the steering committee asking those individuals if they wanted their name left on the comp plan or want it be removed. The books have been completed for the trustees. Trustee Oiler asked if Carol Rumburg received a letter and her reply was, no.

NO NEW BUSINESS

ANNOUNCEMENTS

- Zoning Commission** Special Meeting      July 26, 2011      7:30 pm
- Site Plan Review for Clean Energy
- Trustees** Regular Meeting                      Aug. 1, 2011      7:00 pm
- BZA** North Coast Soccer and                      Aug. 3, 2011      7:30 pm

Public Comment:

Carol Rumburg:

- Commended whoever was responsible that the fire committee minutes are on the web site
- The agenda was not on the web site for today. Martha stated she did not get it on as she didn't work Friday.
- Requested the procedure of how she could look at the attendance and training sessions attended for the 2 alternates on the zoning commission. She can come to the office and review the attendance records.

Tim Kratzer:

- Discussed the cell tower lease and suggested possibly counter offering and if the price was right maybe the revenue could be used to purchase warning sirens. Trustee Likley stated the cost of a siren today is \$16,000-\$18,000 each.
- BZA hearing for the Medina Co Park boat ramp. Mr. James stated they didn't have to come before the zoning board. The school and Medina Sanitary Engineer (Medina Co. Recycle) didn't have to either but they did and tried to adhere to the zoning issues. Trustee Likley stated that there will be variances required because of multiple parcels in that section of property. Also Mr. Demsky's buildable lot needs township road access as well as the cul-de-sac for turnaround purposes. Any setbacks and/or variances should be addressed by the BZA or this board. Trustee Oiler stated that he talked with Mr. James and told him he needed to cooperate with the BZA and the board of trustees and show good faith just like any other government agencies. Mr. James was advised not to start work until every single plan was in place and everything is in order. Trustee Likley asked that a letter from this board on township letterhead requesting Mr. James presence at the Aug. 3, 2011 meeting and any known issues concerning this site plan be mentioned in the letter for their consideration and review prior to the meeting. Trustee Harris suggested that the park system make that all one parcel. Trustee Harris will write the letter and talk with the park district's superiors.

Trustee Harris reported that Westfield Fire & Rescue was represented very well at the Lodi Sweet Corn Festival. The fire & rescue trucks looked very impressive. Trustee Oiler mentioned that the Fire Association sold out of the root beer floats at the festival. They took in \$722.

No further business to come before the **Trustee Likley made a motion to adjourn at 8:32 pm, seconded by Trustee Harris. Unanimous**

Approved August 1, 2011