

WESTFIELD TOWNSHIP TRUSTEES

Small Wind Energy Systems Continued Public Hearing

October 15, 2012

6:300 pm

Trustee Harris opened the public hearing for Small Wind Energy Systems by stating the trustees are still waiting for language from Medina County Planning Services. Trustee Harris spoke with Planning Services and they assured him the language will be ready for their consideration by Nov. 5, 2012. Trustee Likley suggested continuing the public hearing.

Therefore, **Trustee Harris made a motion to continue the public hearing for Small Wind Energy Systems to November 5, 2012 at 6:30 pm, seconded by Trustee Oiler.**

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

Approved November 5, 2012

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Regular Meeting
October 15, 2012
7:00 pm

Trustee Harris opened the regular meeting at 7:00 pm by asking those in attendance to please stand and Pledge Allegiance to the Flag.

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

Guests were welcomed

FIRE (copy of report attached)

Chief Fletcher reporting:

- Reminder of Fire Association Clam Bake coming up this Saturday 10-20-2012
- Fire Levy for the Westfield Fire & Rescue District will be on the ballot Nov. 6, 2012. The new 2.5 mill levy will cost \$78.75 per \$100,000 property valuation per year. If the new levy passes the old levy of 1.5 mills will **NOT** be collected.
- October 4th the department participated in a disaster drill at the main building of the Westfield Insurance Company as well as 4 other area departments. The building was evacuated in less than 5 minutes; it took 8 min. to get hose to the 3rd floor as it takes quite a bit of man power to accomplish this task. The southern end of the building is the most challenging. The majority of the building does not have sprinklers. We are now working on a pre-plan to share with the other departments.
- October 22nd will be Safety Day at the new Cloverleaf Elementary School. All 5 departments that cover the district will participate. There are 1,100 children in this building. The kids will be taking part in the State Fire Marshal Safety Poster Contest. The two winning posters will be submitted for the state wide contest.
- The chief submitted a budget for trustee's approval to attend a conference Nov. 8-11, 2012 in Florida. This conference focuses on leadership programs for volunteer and combination departments. The chief is particularly interested in the transition from a volunteer department to a combination department which is not offered at any of the other conferences. There are areas that are a challenge in that aspect. The Valley City chief highly recommended this conference. I have not attended other conferences during the year because I wanted to wait and see how the budget balanced and wanted to be frugal with our funds. There are funds available in the education appropriation. **Trustee Likley** stated he conveyed his concerns to the chief last week that he has trouble supporting this conference at this time even if it is within the budget. I appreciate the chief bringing this expenditure to the board for approval but I am not willing to support this \$1,800 expenditure at this time. I do not take anything from the value of it as far as the information but at the same time we are going to our residents for additional funding for the department and probably could put this \$1,800 toward a better use. **Trustee Harris** asked if this topic is held every year and the chief answered, yes and it is always held in

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FL. Some of the classes may vary but this is focused on the volunteer and combination departments. The fiscal officer stated that at the beginning of the year the trustees set forth a policy that they would not reimburse for food. The chief stated that would not be a problem to eliminate that item. **Trustee Oiler** asked is the chief was able to network with other departments in Ohio or locally that have day-time staffing. The chief has been able to network and he sees some challenges that they are going through. It is not like they have a solution for it. The chief sees this department in the next one and half to two years to have some type of day-time staffing. We are struggling a little bit to make the coverage on day-time runs. Today we had two significant runs and I had 3 people there but we called for mutual aid for each one of those runs just to help us. **Trustee Oiler:** I have always supported you and your department and I know we have a levy coming up. I am hoping this levy passes this time but if it doesn't this close to \$1,900 that we could put toward our budget for next year. I just hesitate right now to make this expenditure. I am trying to be frugal but also want the residents to see that we are trying to be frugal. I think you would benefit from the conference but the timing is at the wrong time. It is nothing against you or your department. **Chief Fletcher:** that's fine because maybe this is something I can plan for next year. **Trustee Harris,** I will agree that it would be very beneficial but at this time the timing if not good for us.

CEMETERY & PARK

- **Mr. Terry Snyder** from Snyder Construction (awarded the sidewalk bid in the park) stated he received the letter to proceed at the end of September and hasn't been able to start because of the wet weather. Mr. Snyder asked if the board wanted to delay the project until spring or if they were to proceed he would need an extension on the completion date of November 1, 2012., 2012. His concern is making a mess out of the sod because he needs to get a rubber track excavator in to remove the present sidewalks. I am sure we will have some good weather within the next month. **Trustee Likley** asked Mr. Snyder if he could do additional sections at a time. **Mr. Snyder** stated if we could do one and start the other right away or do two at a time we could make better time. It would take two (2) weeks if two sections were done at the same time. **Trustee Oiler:** Are you going to be able to put blankets or coverings over the sidewalks. **Mr. Snyder:** yes, if necessary. Usually we don't get into using those coverings until the first of December. **Trustee Harris:** there was some question as to what to do with the old concrete and about trimming the trees. **Mr. Snyder:** I am going to have to trim some of the tree branches to get my small excavator in because they are too low. I want to make sure that is OK to do that before we cut any limbs off. The trustees did not have a problem with trimming the branches to get the excavator/backhoe in but Lee suggested they check with Pat Edington. **Trustee Likley:** Lee if you do not have an issue with the trimming, I certainly do not have an issue with trimming the branches to get the equipment in there. You just need a clearance of about 12-15 feet to get the equipment in. You either trim them or you bust them, as long as you are conscience of your trimming. **Mr. Snyder:** I would want to clear it with Lee before I did any trimming. **Trustee Likley :** My questions would be with the anticipation of mid-October through mid- November, do you see any issue or problem in completing it. **Mr. Snyder:** no

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I do not. **Trustee Likley:** The spring season can be just as messy as or more so than the fall season. That is why we kind of held off until October. **Mr. Snyder:** I just wasn't able to mobilize as quickly as I had hoped. **Trustee Likley:** what is your needed date to complete? **Mr. Snyder:** I need a month. So if I start Oct. 22, 2012 I would need until November 22, 2012. **Trustee Harris:** I think the contract said you had to do one section at a time and now you are willing to do two (2) at a time. **Mr. Snyder:** that is what I would like to do. **Trustee Likley:** I think when we look at what our intent was, we have some traffic through the park with the company personnel we also had the concern of the Farmers Market each Thursday which is nearly completed. I don't see an issue and you have equipment in there to do the job and if doing two sections is a better option for you, I don't see an issue with that. It will be up to the board as it is beyond the specifications that we looked at. My main thing on it is that we don't have sections tore up and not being able to get it completed. **Lee:** that was how everybody else bid the project and you are now deviating from that bid specs; prior to the completion date, we could be held liable. If it can't be done by November 1, 2012 then I suggest that we throw it out and start over again next year. Now you are making a deal prior to your completion date, you can't be making deals. You guys do what you want by I'm just telling you that you could be held liable by the other contractors. They were told one section at a time and be completely completed that way. Now the low bidder comes in and the time is running late and now you are going to let him go past the due date so he can get it done; now you are deviating from what was bid. **Trustee Harris:** that would be a good question for legal counsel. **Mr. Snyder:** if the trustees would like to give me notice this week or something like that, it would be fine; I don't need a yes or no tonight. I don't want to put you in an uncomfortable position. I thoroughly understand. **Trustee Likley:** I understand Lee's point to this and legal counsel can certainly be contacted for review. Ideally we give you as much notice as possible if it were to precede the beginning of next week. **Lee:** I have already talked with Bill prior to tonight and contacting Mr. Snyder; If he cannot have it done by November 1, 2012 the board has every right to pull the contract because he can't meet the deadline. **Trustee Likley:** my point in that is I don't know that if the next bidder would be able to meet the November 1, 2012 deadline. **Lee:** just throw it out and start over next year. There is not enough time, if he doesn't have time the next guy will not have time. **Trustee Likley:** Right **Lee:** just start over next year, we will have our time frames and maybe we can expand our time frame for the contract to be fulfilled if in fact we take one section at a time it takes too long to seed and everything. We can change our time frame, we just ran out of time this year. We are dealing with weather conscience stuff now. **Trustee Harris:** did he (Bill) say we would be liable? **Lee:** I didn't ask him if we would be liable but what I'm telling you is you cannot change the specs because all the contractors bid to the same specs. **Trustee Harris to Mr. Snyder:** do you think you could hold that price until next year? Mr. Snyder answered, yes. **Trustee Harris to Mr. Snyder:** what would be the best month to start this project? Mr. Snyder answered; I wish I could tell you. The temperatures now are not a problem unless it would go below 25 degrees. It is better than being too hot. I feel like I'm putting the trustees in an uncomfortable position because of this contract. Certainly as an option, I would be willing to hold my price until spring or if you decide to start right away that's OK. It's not really a formal bid, we were not bonded or doing a prevailing wage as we do

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for other government contracts. I am comfortable doing it any way you like. I appreciate you working with me on this because it is not actually a contract. We had notice to proceed at the end of September. It is hard to mobilize that fast. **Trustee Oiler:** I know what Bill is going to say as far as the bid specifications, we cannot change it now. We must back out and start all over again. **Trustee Likley:** Essentially if that is the case then, yes we have to re-bid it to the spring season as it can't happen this year and that's a shame. **Trustee Harris:** I agree we probably should wait until spring. **Trustee Oiler made a motion to revoke the bid/contract from Snyder Construction for the park sidewalks due to the fact that the work cannot be completed by November 1, 2012 and we shall re-bid in the spring, seconded by Trustee Harris. Roll call: Harris, aye; Likley, aye; Oiler, aye**
All trustees thanked Mr. Snyder.

ROADS

- **Trustee Oiler:** Lee has been in contact with Toby Fritz, project director (Mudlake Rd. CSX Bridge) from Hill International. **Lee** presented each trustee with an updated project timeline. They should be finished about the end of November. Moving the completion date to December 10, 2012 was a pretty good guess. I will try to contact Toby again and maybe he can come and give the board an update at the next meeting to give you an answer as to why they are running behind. I will try to keep on top of this project and keep prodding it along. Their excuse was the moving of utilities (Frontier and Ohio Edison). Andy Conrad (from Medina Co. Eng. Office) sent them an e-mail after he got out extension of the road closing. **Trustee Harris:** I stopped out there the other day and it looks like they are moving along pretty well. Looks like they are ready to pour some concrete. **Lee** their approaches had failed a couple of times and they had to dig it up and start over again. **Trustee Likley:** asked if the county is taking over the bridge when they are done. **Lee** no that is CSX's bridge. If I chip & seal I go to the deck, if the approach would fail within whatever their criteria is, they will be held accountable. **Trustee Likley:** I don't think I need to hear it from Hill International, it is what it is, I hope they can proceed but he certainly doesn't have to answer to this board as to why it's taking longer.
- The equipment is ready for winter
- Installed just 2 bulbs in each panel instead of 3 in the 24/7 security lights in the hall with new bulbs. We are saving 64 watts in the two lights. Should save some on electric bills.
- The Peterbilt's exhaust was replaced
- Fallen trees on Ballash and limbs hanging down on Westfield Landing Road needed cut up and trimmed **Trustee Likley** asked if the township had anything to do with the trees at the corner of Daniels and Mudlake being taken down. **Lee** answered no it was the homeowner.
- **Trustee Harris** asked Lee to describe what was done for the parking pad for the 1st responder. **Lee** dig out the grass area; re-set a larger drain basin and grate; replaced another pipe; put 6"x6" timbers down to hold stone; made another area for the dumpster. This will not be concreted because none of it is on our property. **Trustee Likley** there is a verbal agreement with the property owner and fire department. Bill Hutson was contacted on this with the village to possibly just purchase the area. Ideally we should have a written easement. **Lee** – Richard

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had something that was written up. Where the dumpster goes is on church property. We have to understand that every inch of the fire house is setting on the property anything outside of that is on someone else's property except the north lot. **Trustee Likley** - somewhere a written agreement needs to be addressed through the fire department, township, village and land owner in the event the property is every sold there is an understanding. **Lee** that is why we didn't go with concrete. The old style of light bulbs T-12's is going to be obsolete. That is all the fire station has and I will switch one over and put 4 new lights in just so they can see the difference in the lighting because the new ones are guaranteed for 5 years. The chief had an estimate from another vendor which was very costly and I told him we can do that a lot cheaper ourselves. As the old bulbs or transformers need replacing, we will use the new ones until we get all switched out.

ZONING

- ✓ The zoning inspector was unable to attend. **Lee** reported – Terry Bower from Morning Star Ministry is to come back by the end of December 2012 for renewal of his conditional use permit. back to the BZA and Lee answered, Yes. **Lee** Mr. Bower is already wanting to change some things.
- ✓ Garage addition without permit on Greenwich Road – **Trustee Harris** – a neighbor mentioned to him that he was going to be too close to the property line (5 feet). Matt advised him he either moved the addition to the back of the garage or get a variance to leave it on the side. The homeowner is due to come in with his decision. The construction has been stopped. Nothing has been done or nothing has been taken down. This is a pole construction – no foundation.

FISCAL OFFICER

- Bills of \$8,545.19 were presented (attached). **Trustee Harris made a motion to pay the bills as presented, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye**
- Fund Status report: Investment \$417,858.9 Checking 417,873.40
- The fiscal officer and the board discussed the interest rate for the money market is .10 percent while the checking account is .25 percent. We would gain about \$50 more per month. The fiscal officer recommended moving the money market account to the checking account or look into possibly buying a Certificate of Deposit if we can glean more interest. The fiscal officer then asked the board for their opinion. All agreed the fiscal officer can ask for CD rates and possibly go to another bank to see if the rate for a CD is better. The fiscal officer stated she wanted to do the best job for the township as she can. Star Ohio has a PLUS account now but you must have \$500,000 as a minimum balance. Star Ohio regular account now yields .09 percent which is lower than our money market. The fiscal officer will report at the next meeting on the options available.
- Fiscal Officer announced the office will be closed October 23 and 24 due to a mandatory training for the new software that UAN will be implementing the first of the year. She will travel to Columbus and will stay overnight. The state rate is \$94 and the Village of Westfield Center

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Fiscal Officer will be sharing the room. UAN will be paying for parking in a parking garage. Also Wed. Oct. 17, 2012 I'll be traveling to Hudson for a Local Government Seminar. There will be a fee of \$65 that I'll ask to be reimbursed for.

- We get new hardware and software at the end of the year. We have already received our new printer, which is presently in use. **Trustee Likley** asked if the old equipment goes back to the auditor and fiscal officer answered, no. It is ours to use as we choose. Trustee Likley asked if it could be used for the fire district and the answer is no because you must have the new software and it will be on a new one.

MINTUES

October 1, 2012 Public Hearing for Small Wind Energy Systems - **Trustee Likley made a motion to approve the Oct. 1, 2012 Public Hearing minutes as presented, seconded Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

October 1, 2012 Regular Meeting – **Trustee Oiler made a motion to approve the minutes as presented, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye**

Trustee Harris - while we are on minutes, I have two (2) requests

- I have been having trouble opening up the minutes that are sent via e-mail so may I have a hard copy put in my mailbox. **Martha** I will try to copy and paste via e-mail but I will also put a hard copy in your mailbox
- I would like to have the minutes by the Thursday after the Monday meeting. This helps me in preparing my agenda for the next meeting. **Martha** – I have relied on Heather to do the minutes. Oct. 2nd, Heather called and asked if she could do the minutes on Thursday Oct. 4th. I agreed but she did not come in that day and I left the CD and all information on her desk for the weekend. When I came in Monday, Oct. 8th the minutes still was not done, so I did them and I haven't heard from her since. Sometimes It is hard for me to get them done that quickly because I have the checks to get out and if we have immediate items that need to be completed or mailed as soon as I can get them finished which may take a couple of days. **Trustee Likley** noted that he has requested audios in the past and it helps him to critique the minutes. Mr. Likley suggested that Trustee Harris may benefit by also getting the audio. Mr. Likley stated he hasn't gotten an audio lately but the meetings have been very good and pretty easy to go through. Also the meetings have very quiet. **Trustee Harris** – I am not trying to put more work on you (fiscal officer) but that is why we gave you an assistant. **Martha** I understand that but the individual must come to work to assist me. When she didn't show up when she said she would and not even a message or e-mail of why she didn't get them done. **Trustee Likley** that is unfortunate because ultimately it is your (fiscal officer) responsibility. It is critical and important that Gary can provide a valuable agenda to reference past business for the meeting. **Martha** since there has not been any communication, I will send an e-mail or a call asking if she is still interested in the position and can have the minutes done by the Thursday after the Monday meeting. I appreciate your request because no one has complained and I have tried to keep up

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with it. I even have agreed to permit Heather to come in the afternoon or evening to do the minutes when it is quiet and she did not have to be here while I was here; I left it up to her.

- Trustee Oiler offered to come up and help set up cookies, coffee, and punch for the question and answer period with Bill Thorne. Martha will purchase the necessary items. All trustees agreed that would be a good gesture since we invited all the townships in the county. It is a legitimate expense for this board.

OLD BUSINESS

- ❖ Trustee Likley received a phone call from American Tower and they will close the offer at this time.
- ❖ Trustee Likley hasn't pursued the tree issue on the north side of the fire station. We have a fire advisory board meeting this month and I will discuss that issue with village representatives and fire chief. Some of the concerns that I have is that I don't want to spend a lot of money on this but I do understand the concern and the visual side of it. I would like to think that there could be some interest in possibly an expansion to the facility. It might be one bay or it might be 2 bays to that north side. Some of concerns that I have had is and have not supported it in the past is the lack of funding and number two as we have discussed earlier, we really do not have any room except for the north side. If it's marketable you don't want to have a structure in the only potential parking spot for another use on that property. That is why I haven't supported an addition or expansion of the facility or building to the north side; for the re-sale market value of that property if and when the district is formed or we pursue a different location for the fire station. Those are the discussion points that need to come out before we put \$200, \$400, \$600 in planting trees in there. **Trustee Oiler** asked if there were trees on the north side. **Trustee Likley** – there are; right on the north line. The idea is that as you are driving south on N. Leroy you see that mass north wall of the fire station. There is couple of trees in the tree lawn. The majority of the north side of the station is visible from the road, driveway, walking down the sidewalk. Could it be visibly enhanced? Yes but again there might be a temporary structure or expansion because the facility that they are in now is jammed packed; you almost must use a shoe horn to get something in there. So in the interim of not having the funding and the facility land for future needs whether temporary or inexpensive expansion might be a possibility for some equipment. This is why I have not pursued this at this point. Also along the side of the building there are utility easements. The esthetic points are valid but before I support funding for that, let's see what the future needs for the department are. The fire advisory board meeting is October 25, 2012 at the village hall.

NEW BUSINESS - Nothing

ANNOUNCENEMENTS

October 17, 2012	7:30 pm	(Zoning) Question & Answer with Bill Thorne
October 20, 2012	4-7 pm	Westfield Fire & Rescue Clam Bake

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October 31, 2012	6-6:30 pm	Doughnuts & Cider at Fire Station
October 31, 2012	6:30-8:30 pm	Trick or Treat
November 5, 2012	6:30 pm	Trustees Continuation of Public Hearing for Small Wind Energy
November 5, 2012`	7 pm	Trustees Regular Meeting
November 13, 2012	7:30 pm	Zoning Commission regular meeting

No public comment

Trustee Harris made a motion to adjourn at 8:20 pm, seconded by Trustee Likley. Unanimous

Approved November 5, 2012