

Westfield Township Trustees
Regular Meeting
May 6, 2013

Chairman Harris opened the meeting by asking for those in attendance to Pledge Allegiance to the Flag.
Roll call: Trustees Harris, Likley, and Oiler present. (Sign in sheet attached to minutes)

Guests were welcomed.

- Lisa Nichols from the auditor's office
 1. 16th annual adopt-a-thon was a great success
 2. Memorial Day essay due by May 10th.
 3. Deb from the auditor's office is out and about checking on the CAUV status
- Carolyn Sims – resident (4 sets of documents attached to minutes)
 1. Trustees meeting not in paper today (Sunshine Law)
 2. Requested advance notification of specific items of business that she is interested in
 3. Letter from Tom Karris, Assistant Prosecutor addressing the 2 letters written by Tom Bombard written to the township boards that was requested by Ms. Sims in a public record request.
 4. Issue 11 documents from 2011 (Recusal letter)
 5. Upper Chippewa Creek Watershed Balanced Growth – upcoming committee meeting

CEMETERY AND PARK

Trustee Oiler announced one section (east & north) is completed.

Lee stated an invoice for 45% of the project is in the bills for this evening. The AED's were changed from brick to a composite. Lee agreed to the change order as they can be changed easily if damaged. **Trustee Oiler agreed and made a motion to approve the invoice in the amount of \$8,941.50 (45% of the total project) to Premier Concrete, seconded by Trustee Likley. Roll call: Harris, aye; Likley, aye; Oiler, aye**

ROADS

Lee reporting:

- The section of Westfield Landing was topped last Friday, now the shoulder needs to be filled in with #411's.
- The lone bidder for 2013 road repair was Lytle Construction in the amount of \$53,141.65. This will asphalt Daniels Rd from Greenwich Road south to I71 bridge, chip and seal Mudlake from Daniels to Westfield Road; Daniels Road from Mudlake to Seville Road; Ballash Road from township line to Kennard Road. This bid was under the engineer's estimate. **Trustee Likley made a motion to accept the Lytle Construction bid of \$53,141.65 for 2013 road repair, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**
- The shimming on Buffham Road (between Westfield & Friendsville) was quite a buildup (8 inches in places). The road was constructed since 2000. This was a safety issue. There are

several places that will need crack seal applied. We are trying to preserve the roads the best that we can. Trustee Oiler has agreed to drive the truck while Lee and an employee from Seville will apply the sealer. Kennard Rd was also shimmed. Ryan Rd didn't get done today but will try to get back tomorrow.

ZONING

Zoning Inspector, Matt Witmer reporting:

- ❖ North Coast Soccer – Heather Sturdevant, Zoning Commission Chairperson read a list of 11 violations on the front parcel while Matt pointed out the violations on the site plan that was presented in 2012 to be approved as a bench mark or starting point as built. Matt observed many violations during last weekends' soccer event. The zoning commission would not approve something that had so many violations. Heather and Matt have researched and now provided the trustees with violations and documentation. Heather and Matt are scheduled to meet with David Folk, Assistant Prosecutor May 14, 2013 to see what recourse the township has with the listed violations. Heather stated if the township does not address these violations, we cannot insist that all residents and businesses comply with our zoning. Trustees agreed. Matt and Heather will report to the board at a later date on the outcome of the meeting with David Folk.
- ❖ Sean Hughes issue – Matt received an e-mail today requesting a continuance of the board of appeals at the county building department. Mr. Hughes and Attorney Mr. Dunn will be drafting a letter to the township to review his agriculture use of the building. Trustee Oiler stated he did not feel the board of trustees have a right to overrule the building department. All trustees agreed. Trustee Likley suggested that Matt touch base with Mr. Thorne and see what we can do.
- ❖ Mr. Lesiak issue – Mr. Lesiak called last week and was upset because of the courts' judgment that he must correct the issues within the next 30 days.
- ❖ Truck wash is up and running

FISCAL OFFICER

- ✓ Bills in the amount of \$38,073.99 to be paid (list attached to minutes) **Trustee Likley made a motion to pay the bills, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.**
- ✓ Correspondence: (all letters are on file in the fiscal officers office)
 1. Letter from Solid Waste Coordinator – special disposal fee effective until June 30, 2013 for townships and village clean up
 2. Letter from Communications Capital Group
 3. Block Grant notice from Medina Co Commissioners. Trustee Oiler called about this and was referred to Rob Henwood, at the Planning Commission for demolition projects. There is \$500,000 available. The information was sent to the township office. Trustee Oiler asked Trustee Harris if he would take over this project. Trustee Harris agreed. It was discussed that the 2 individuals were referred to Mr. Henwood for demolition projects but they haven't applied.

4. Letter from the prosecutor's office notifying the township of a vacant parcel of land in Westfield Township is being foreclosed due to delinquent taxes.
5. 2012 consumer confidence report from the Medina Co Southern Water District
6. Note from Fire Chief how Everbridge Filled the Communication Gap during the Boston bombing. Everbridge is the agency Medina Co EMA uses for our reverse 911 system
7. Cash summary by fund was given to each trustee

Trustee Oiler reported that he attended the April 20th meeting with the school, townships & villages and he did personally speak with Superintendent Kublis that the township is still willing to continue provide the school with salt at cost and helping with snow removal if their truck is down. Kubis mentioned there will be another meeting. The school is looking into possibly buying salt and fuel. Trustee Likley gave his input at possibly they are looking to form some form of coop in the district purchasing those types of commodities and possibly get a better rate. Their goal is to reduce expenses. Lee mentioned that the township is in CUE coop with Akron U for the salt purchase. Trustee Oiler stated he didn't believe the township would be interested in the fuel. Trustee Oiler will attend the follow-up meeting. Lee will call Rusty at the school and the school can join the coop for salt.

MINUTES OF APRIL 15, 2013

Trustee Harris made a motion to approve the April 15, 2013 minutes as presented, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, aye.

OLD BUSINESS

- ✚ Section 125 – Fiscal Officer reported that Janet Palko of NEO stated in an e-mail that the Core Document on-line would be sufficient if all the township had was POP (Premium Only Plan) which is what this township has. As the fiscal officer was going over the application, she found that the township does not have in place how many hours an employee must work to become eligible for medical/health insurance. All the employee handbook states is: a regular full time employee. In today's world that is not sufficient and since Obama Health Care will be effective January 1, 2014. Anyone working 30 hours or more a week shall be eligible. The fiscal officer suggested the board create a policy to reflect the recent change. Trustee Likley asked the fiscal officer to prepare a resolution for the next meeting. Trustee Likley made mention that IRS demands that we must have a Section 125 Plan. The cost of the Core Document on line is \$114
- ✚ Verizon Wireless – Trustee Likley mentioned that Verizon Wireless was at the township grounds Friday looking at a possible tower site and pursuing a contract/agreement. Lee found the one pin which made the surveyor happy. Lee pointed out that he may have to shorten up his 411 bin and pointed out the underground gas line. They will use the same footprint as before (2007). The trustees have a copy of the letter of intent and proposal. **ADD LEASE LANGUAGE**
- ✚ American Tower Lease Extension contract – Trustee Likley reiterated that American Tower's extension agreement would include 1st Right of Refusal Clause, which Verizon is not interested if that is the case. Trustee Oiler commented that American Tower is trying to limit competition

and create a monopoly on the township property, Trustee Harris agreed. Trustee Oiler mentioned the increase of \$200 per month offered by American Tower and Verizon Wireless will add \$800 more dollars. We have to have competition, which is what the country is all about. After other discussion, **Trustee Likley moved to deny the 1st right of refusal clause with American Tower's proposal, seconded by Trustee Harris. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

- + Verizon Wireless – A letter of interest and proposal with Verizon Wireless as was discussed earlier (copy on file). The insurance for liability and property clause of \$1,000,000 personal liability and \$500,000 property liability is in both, American Tower and Verizon Wireless. **Trustee Likley moved to accept Verizon Wireless' letter of intent and proposal with legal counsels' review and approval, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.** Trustee Likley thinks that David Folk has a copy of the letter of intent and proposal and I will come up and sign this after legal counsel's review and approval.
- + Lee made mention that he and Trustee Oiler attended an ODOT meeting Ashland. ODOT was discussing some of projects that they are considering in Medina County. ODOT has had traffic counters out and they were considering reducing some of the intersections on US224 by making dead end roads such as the Harris Rd in Harrisville Township. Trustee Oiler commented possibly making the light at Friendsville Road on longer timing increments when the buses are using that intersection during school hours. They are also considering replacing the culvert between Lake and Leroy Road from a 24" to a 36" on US224. Lee was opposing that increase as it will dump more water down the hill to where he would have to increase his 36" culvert on Buffham to a larger pipe to keep from flooding the roadway. The state will take that under advisement.

NEW BUSINESS

- Trustee Oiler gave a brief report on a meeting he attended on the Upper Chippewa Creek Watershed Balanced Growth Plan.
 1. Jeff Van Loon gave an update on JEDD's that seems to be working well
 2. Gary Norcia presented a map review
 3. A representative from the Homeowners Association reported 16 new homes built or applied for in 2012 and 18 scheduled for 2013. There will be steady but slow growth in Medina County but it never will be what is used to be.
 4. Bethany Dentler - \$140,000,000 worth of company and manufacturing expansion in the county
 5. Westfield Township resident is requesting CITERIA #7 I71, I76 interchange have added (in conjunction with criteria 1 & 2)
 6. No date has been set for another meeting
 7. Trustee Likley asked that after the board has a chance to review the information they will give their input to Trustee Oiler to take back to the next meeting.
- Trustee Likley directed the fiscal officer to

- a) Ensure Gazette is notified of meetings
- b) Be certain that all boards have their copies of the Bombard letter. A discussion between Trustee Likley and Fiscal Officer as to chain of events that lead to the prosecutors' office being called.
- c) Copy of information that is addressing the recusal process submitted by Ms. Sims (#4) be sent to Mr. Thorne.

Trustee Likley asked to go into executive session for employee discipline. Trustee Oiler stated that was not appropriate, it should be investigation of charges or complaints against a public employee and keep in mind Ohio Revised Code section 102-03(B) the confidentiality requirement.

Trustee Likley made a motion to go into executive session for investigation of charges or complaints against a public employee, seconded by Trustee Harris. Roll call: Oiler, aye; Harris, aye; Likley, aye. The time is 9:20 pm.

At 9:30 pm Trustee Likley made a motion to return from executive session, seconded by Trustee Oiler. Harris, aye; Likley, aye; Oiler, aye

Trustee Likley offered a motion to place letter of complaint regarding Lee Evans in his personnel file along with e-mail correspondence from James Likley, Ronald Oiler, and Gary Harris and a letter provided by Lee Evans to complainant, seconded by Trustee Harris.

Trustee Likley thanked Trustee Oiler and Mr. Evans that the issue was addressed so quickly. **Roll call: Oiler, aye; Harris, aye; Likley, aye**

ANNOUNCEMENTS

- May 14, 2013 Zoning Commission regular meeting cancelled
- May 20, 2013 Trustee Regular Meeting 7:00 p
- May 22, 2013 BZA Public Hearing Use Variance 7:30 p
- June 11, 20113 Zoning Commission Public Hearing, Highway Commercial District

Trustee Harris made a motion to adjourn at 9:35 pm, seconded by Trustee Oiler. Unanimous

Approved May 20, 2013