

# Westfield Township Board of Trustee and WFRD Board

## Westfield Township Board of Trustees Westfield Fire and Rescue District Board of Trustees Special Meeting February 7, 2014 @ 9:30 am

The special meeting was called to order by Trustee Likley with roll call, Schmidt, Thombs present. Also present Fiscal Officer Kathy Zweifel, legal counsel from the prosecutor's office Bill Thorne and Brian Richter.

Trustee Likley offered the topics for discussion in the special meeting which were;

1. Fire Contract between Township, Fire District and the Village of Westfield Center.
2. Cell Tower lease proposal.
3. Personnel compensation.
4. Pending litigation.

### **Fire Contract;**

Mr. Thorne presented a letter received from Village Law Director Bill Hutson that identified 5 points for discussion for the contract language. (attached)

1. Proposed language offered by the district for a construction levy and if the village would participate with their taxable evaluation if pursued and passed by the residents of the District, Village response has been, no.

Village requested that the proposed language to be implemented in a contract be written for their review as the Village Council was uncertain as to the District intent for a construction levy and the Villages proposed commitment in the same.

**Discussion;** the present voter approved operating levy of the unincorporated area of the township (District) is 2.5mills which the Village matches, based on their taxable evaluation. A Construction levy would be identified at a millage for a predetermined time frame strictly for the purpose of purchasing land and building a new fire station. At the end of the time frame the construction levy would stop collecting as the debt would be paid off. The contractual language request is to ensure the villages commitment or not, to match those funds.

2. Full time fire/EMS Chief; Trustee Likley stated that a verbal agreement that the District could ensure a full time fire chief with present funding that had been mandated by Village Council. While a verbal agreement it is still open for discussion of this board as their willingness to that commitment. Westfield Fire and Rescue is one of two township departments in Medina County that have a full time fire chief. This mandate by the village would bind this and future boards to maintaining a full time chief. In the event that Chief Fletcher retired, resigned or was dismissed we would be contractual bound to fill that position even if we had a capable person within the department willing to be a part time chief. The goal of this board is to provide the leadership within the department that best serves the community and the department which may be a part time chief.

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3. Full time day time staffing for fire/EMS service; Once again a verbal agreement has been offer to the village that the district will meet their mandate of day time staffing. This is still open for discussion of this board and our willingness to commit to this mandate. As of January 1, 2014 the district is staffing the station 5 days a week, the commitment to the service of our residents is there. The concern is the contractual language mandating these staffing levels.
4. The disposition of existing equipment, vehicles and apparatuses; this does not appear to be a contractual issue between the village, township and the district. It has been mutually agreed that the village and the township would sell their ownership in all equipment to the district for one dollar to each entity.
5. The disposition of the fire house and adjacent lot; The village initial proposal was requiring the township to quick deed the townships 50% ownership in the station and land over to the village and the district enter in to a lease agreement for the same. Township proposal offered no change to the fire station that it would always be owned by both entities and lease it to the district for a one dollar a year. That if or when a new station was built or the contracted services between the village and district were terminated that within the time constraints of the contract that the village would have first option to purchase the townships portion of the real estate.
6. Station Lease language; the proposed lease language or contract offered from the village has not been discussed. As proposed, it is not acceptable as it mandates cost and expectations that are not acceptable.

Mr. Thorne provided some history on why the district was formed, stating that the village was not willing to participate in a township wide fire levy as they fund their portion of the department operating budget from their 1% income tax. That if the township pursued placing the fire levy township wide, that the village would not support the levy and would then detach from the township.

Trustee Likley will review the budget and appropriations to identify the amount that could be set aside or earmarked strictly for the purpose of purchasing land and building a new fire station and the potential time frame to be able to make that commitment. That will be presented back to this board and the village council to better understand the purpose of pursuing a construction levy and thus the need for contractual language moving forward.

It was agreed that Trustee Likley will contact Mayor Horwidel to arrange a meeting with village council quorum and our board to work this out that is beneficial to both entities.

**Part time status;** Trustee Likley asked about the part time status of fire department members that are working the day staffing and if they then respond to calls and their combined hours exceed the part time hours status, are the requirements to provide benefits comparable to fully time employees imposed on fire departments and its members? Mr. Thorne's response was that if a history of work showed that a member consistently exceeded the 30 hours per week that they would then be considered a full

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time employee. That there was no difference between the day staffed hours and the call hours, the system will look at actual hours worked and the history of the hours worked by a member.


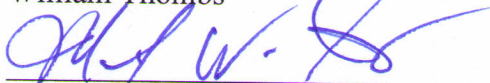
**Cell Tower Proposals;** Mr. Thorne stated that his recent attempts to contact American Tower representative have not been returned. American Tower is the present leaser of township property for their cell tower. That contract provides for their review of another service provider on township property and the proposed location, height, and technical review to ensure no interference. We have another service provider offering to lease land for this purpose, the requested information has been provided to American Tower on December 18<sup>th</sup>. Mr. Thorne will communicate to both respective representatives to expedite this process. He will initiate preliminary lease agreement language to also expedite the next step. Some concerns as to the deed of the township property as to a first refusal restrictions from the previous owner. Further information will be pursued from the township office.


**Community Development Plan;** Trustee Thombs asked what procedure is needed to review and then possible amend the Plan. Mr. Thorne stated that there is no statutory procedure that defines the process for townships to creating and or amending a community development plan/comprehensive plan. The courts are saying that the zoning code itself can be your comprehensive plan. The professional are pursuing an independent plan that would then support the zoning code implemented. The process to create or amend a comp plan can be done by the Zoning Commission, Board of Trustees, independent group or by a professional planner, its wide open as to the process.

**Trustee Likley made a motion** to go into executive session with legal counsel Mr. Thorne and Mr. Richter for pending litigation and personnel compensation. Motion was seconded by Trustee Schmidt.  
Roll call; Likley yes, Thombs yes, Schmidt yes.

**Trustee Schmidt made a motion** to come out of executive session, motion was seconded by Trustee Thombs.  
Roll Call; Schmidt yes, Thombs yes, Likley yes.  
Trustee Likley stated that coming out of executive session that there are no actions to be taken by the Board.

**Trustee Schmidt made motion** to adjourn, seconded by Trustee Thombs.  
Roll call; Unanimous

  
William Thombs  
  
Michael Schmidt

  
James Likley