

Westfield Township Board of Trustees
Special Meeting
June 4, 2020
3:39

FINAL
DRAFT

In attendance:

Trustees: Mike Schmidt, Craig Horner, Kent Patterson
Township Assistant Special Prosecutor (Lorain County), Gerald Innes, representing Westfield Township
Township Zoning Inspector (ZI), Carolyn Sims,
Medina County Sanitary Engineer (MCSE) Amy Lyon Galvin
Attorney Joseph Durham (Eastman and Smith) representing Medina County Sanitary Engineer
Medina County Commissioner, Colleen Swedyk
Northeast Ohio Areawide Coordinating Agency (NOACA) Eric Akin
Medina County Health Department (MCHD), Steve Mazak
Audience: Joe Dody, Audience via Zoom known: Carol Rumburg, Tim Kratzer

TOTAL OF 7 - 5 UNIDENTIFIED

The purpose of the meeting is to gather information from the Medina County Sanitary Engineer regarding:

- Proposed sewer to the Village of Westfield Center related to the Welser project being considered for Kratzer property, and
- discuss other sewer options including tie-in to County sewer system
- review past sewer options from former Sanitary engineers.
- Plus discuss how sewer impacts the Township zoning and future growth potential.

Assistant Prosecutor Attorney Innes: We are looking at the alternatives, including of the on-site system, to the village sewer. The problem for the township is that the proposed village sewer is force main. Also Westfield Center does not accept commercial wastes. The sewer is estimated to cost over a million dollars, which seems a questionable way to use resources. The proposed village sewer would pass through township zoning districts that allows various commercial and business uses. The township desires those businesses in that area, yet the village does not accept commercial waste, isolating that area. The township understands that the area can use on-site waste treatment systems, but it doesn't seem like a good planning idea to box in or limit the property uses. Our goal would be if sewers were to come that I could service more businesses in that zoning.

Attorney Innes: It's always been my experience with the EPA and public health system when extending sewer, the more customers the better and cheaper for people to develop the site. If we can come up with an alternative that will serve more businesses and greater benefit to the community. My experience with counties has been that if they can control of sewers in an area - that county pursues that. So I'm a little perplexed why we cannot explore these county options?

Trustee Schmidt asked MCHD Steve Mazek to comment regarding Welser consultant Chris Westbrook soil infiltration test data indicated that an on site system could not be done.

Health Dept Steve Mazak clarified that the soil testing Welser performed is not the soil testing for sewage systems, therefore health department doesn't know what the soil conditions are yet.

Attorney Innes stated that Welser has agreed to do other soil testing, Trustee Schmidt encouraged the use of a soil scientist

MCHD Mazak indicated that onsite waste water systems that require more than 1000 per day or have include manufacturing , should automatically go to the EPA. The EPA would determine if on site system or off site discharge system is needed.

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Trustee Schmidt stated that the pending Welser zoning application indicated less than 50 employees (42 employees in application) and he has been told that the EPA standard was 20 gallons per day, per employee, therefore based on that information it was estimated that approximately 1,000 gallons of waste water generated per day.

MCHD Mazak asked to clarify, saying he understood there are plans for expansion and referencing the memorandum from the sanitary engineer received earlier that week stated for up to 500 employees in the future.

Trustee Schmidt responded that the township has not been made aware of that. So if the Sanitary Engineer memorandum is accurate then the Welser application would be misleading

MCHD Mazak asked to clarify if any manufacturing is purposed on site? If so, onsite wastewater review would need to go to the EPA, regardless of number of employees or possible future expansion plans.

The group discussed what Welser has stated:

- Fabricating metal products vs manufacturing processes
- no water used in fabricating process
- only wastewater generated would be from employee restrooms / lunchroom kitchenette.

Attorney Innes relayed at a recent meeting, Welser has stated 100 employees. Attorney Innes said he was very specific with Welser when asking them if expansion was an issue. Welser stated that expansion might be down the line but not in the near future. Therefore Innes said he discussed with Welser the possibility of utilizing the on-site system at a significant cost savings for now, then based on possible future expansions needs - pursue sewer.

MCHD Mazak agreed that if Welser did increase business later, the sewer would be helpful at that point. However Welser could do onsite system now and expand the original on site system up to a certain gallon amount, before needing sewers. Welser needs to understand that.

The group discussed other known existing on site sewage treatment plants within the Medina County. Examples included the nearby Cloverleaf School district campus on site sewage treatment system that services up to 3000 people.

MCHD Mazak stated that without the new soil test results yet we do not know but both the health department and the EPA would need at least 6" to the seasonal water table for on site system. Mazak added the Cloverleaf system EPA discharge system and needs licensed operator, however an operator not needed for onsite absorption systems.

The group did more formal introductions for the new participants and had Zoning Inspector Sims provided the overview of Township's involvement in the Welser project proposal to date:

- About a year ago, Medina County Economic Development (MCEDC) invited Trustee Schmidt and Zoning Inspector Sims to the meeting hosted by Director Bethany Dentler and Commissioner Swedyk at the county office. Welser provided a presentation explaining they are the parent company of Superior Roll Forming located in Valley City. Company looking to expand and inquiring about new Section 308 East

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Greenwich Zoning District at the Kratzer farm and surrounding properties of interest. Based on the company presentation the township felt it was a terrific fit for permitted uses in Section 308; explained the zoning, requirements. Section 308 zoning is the newest zoning district and is an optional overlay to the current underlying zoning also available.

- Sims stated that both past and current Trustees have been supportive of the Welser development moving forward. Township has been accommodating and providing information. Discussions progressing nicely between Township, MSED and Welser consultants.
- Sometime around March 2020 MCED invited township officials to a meeting held at the Village of Westfield Center; When the Township first learned of a new village of Westfield Center sewer proposal being proposed for the Welser project by the Medina County Sanitary Engineer (MCSE) Amy Lyons Galvin. The proposed Village sewer was described as a 1 ½ mile force main sewer (under pressure) and would require a proposed pump station to be constructed on the Kratzer farm.
 - Township was surprised by county/village sewer idea, as it had not been mentioned before at any previous meeting with the township and felt somewhat blindsided given all the past project discussions.
 - The Township expressed concerns at the Village Sewer meeting, as follow
 - Village sewer would not be consistent with the intent of the township zoning in Section 308 or township comprehensive plan that zoning was based on.
 - Township would be required to consider CEDA, JEDD or other time consuming processes in accordance with Township Development Policy when considering a utility extension from a village into the township.
 - Village sewer is not consistent with current Northeast Ohio Areawide Coordinating Agency (NOACA) sewer planning, or the NOACA 208-water quality plan; because the Village sewer proposal would require allowing Greenwich to transfer out of the Medina County Sewer Planning authority to become Village of Westfield Center controlled.
- ZI Sims stated the consensus of the trustees after the village sewer meeting was that Village sewer would complicate the Welser zoning application. The township legal counsel agreed, based on the following:
 - Village sewer would require additional time-consuming approval processes, beyond just the Township or Township zoning approvals and processes.
 - The Village sewer proposal would impact other township landowners and their ability to development as zoned in the future, for the area 1 ½ mile along Greenwich Road.
 - The village force main sewer would impact the 3 other separate township zoning districts sewer availability along Greenwich road, and impact 5 separate development zoning options currently permitted in the Township zoning would be effected.
 - Landowners in the Highway Service Commercial District especially would be effected because sewers are required in the zoning for new businesses wishing to develop in that district.
 - The village sewer line is proposed to be constructed in township landowners front yards and in their road right of way, however those land owners could not tap into the sewer readily - because sewer is a force main and would be under pressure from the associated pump station proposed to be built on the Welser/Kratzer farm site.
 - The village would control both sewer service and approval for sewer ~~serve~~ tap in.
 - The village proposes to accept only domestic household type waste, but not waste from certain commercial businesses or sewage types that would require a pretreatment (ie no restaurant waste

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or automotive waste not accepted) Certain commercial business types would not be permitted to tap in to the village sewer. Even though the Township zoning allows those types of business to develop under the zoning as “uses” including those in Highway Commercial uses that require sewer to develop.

- The township concern is that the village would essentially control Township Zoning and future development...by controlling the sewer approval/denial based on the waste type from new business types - causing an unnecessary or even legal complication for the township, zoning or landowners.

ZI Sims reviewed the Medina County Sanitary Engineer memorandum by Amy Lyon Galvin proposing the village sewer to Welser/Kratzer site dated March 04,2020 titled “Public Sanitary Sewer Service Alternative for Project4Us” (Attached see EXHIBIT: C)

- Memorandum calls for all other surrounding properties, except Welser at the Kratzer farm, to be required to develop using an onsite sewage systems. Only the Welser/Kratzer property would receive a sewer line and a regional pump station. However the memo states Medina County willingness to pay maintenance costs associated to the village pump station and the county could service of the pump station. Even though the pump station would owned, operated and dedicated to Village of Westfield Center to control.
- Although memo refers to the Welser pump station as “regional - the pump station is to be designed only for Welser’s proposed sewer capacity needs, not the regions. That is because Welser paying to construct the pump station and sewer force main infrastructure based the companies needs, but not the areas needs.
- Welser is to dedicate sewer line and pump station to the Westfield Center Village to control as a capital improvement. After constructing the sewer and pump station donating the sewer to the village, then the sewer would be considered a public utility, instead of a private utility, and then sewer line would be allowed to be constructed and installed in the public road right of way of Greenwich road – yet only serving Welser.

Other concerns discussed:

- The village sewer would be a pressurized, designed to pump sewage uphill from the Kratzer farm located pump station to the Village limits at Ironside Drive at the Village sewer connection point. The concern is Township landowners in Highway Commercial zoning would have a Village sewer line install in their front yard along Greenwich Road in the right-of- way, however they could not readily tap into that sewer line because it is pressured force main.
- The Village sewer proposal not consistent with the Township zoning, not consistent with the Comprehensive Plan, or in accordance with the NOACA 208-plan prescription for sewing planning. The Township concern is the Village sewer would limit the “permitted business uses” in the ~~current~~ zoning.

ZI Sims highlighted the Townships past discussions with Welser looking for better plan, for all involved, that also benefiting the community. Sims reviewed alternatives discussed at township level for the group’s consideration.

Highlights as follows:

- At a past township meeting with Welser, Bill Johnson had pondered the concept of a allowing or installing a second gravity feed sewer pipe in the Greenwich road right way at the same time as constructing their force main sewer to the Village sewer connection point at Ironside Drive. The concept discussed was a second pipe to allow gravity sewer line running downhill to proposed regional pump station on the Welser/Kratzer site. During that discussion township expressed that the second pipe would allow other properties to tap in to a sewer; However Welser pondered who would be pay for the second pipe and associated construction cost?
- Welser pump station would need to increase pump station design capacity to serve others and who would pay that cost increase cost to the pump station construction costs?

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- Also the 2nd pipe concept, did not overcome the problem of the Village not willing to accept commercial waste from the business types allowed in the township zoning either, such as restaurants or automotive service business.

ZI Sims informed the group that the township currently has other two other nearby development proposals. Both proposed developments are also inquiring about County sewer availability, separate from the Welser project proposal, as follows: 1) Deer Pass Golf Course on Greenwich Rd, and 2) Highway Commercial proposed mixed-used including Industrial us proposal along Lake Road. Both proposed projects indicating they want County sewer. Sims said in the past the township has been told that the County sewer stops - just south of Pilot truck stop, near intersection of Lake and Greenwich. ZI Sims said, the southeast corner of Lake Road and State Rt 224 was previously developed as an old truck stop and truck wash, now both currently abandon. The Township has had meetings with a new developer for the Lake Road/ old truck stop & wash properties. That developer is proposing a Township Zoning Text & Map Amendment Application to allow Industrial uses by a proposed new Zoning Overlay for their proposed mixed uses for that area. Sims said Deer Pass Golf Course is the second development proposal. The golf course has a preliminary approved site plan for a restaurant, which is one of the uses the Village sewer would prohibit.

ZI Sims recalled recent past meetings were held between the Sanitary Engineer and the township in order to discuss extending Medina County sewer for three ~~separate~~ developments proposals that were inquiring about County sewer connections for the following projects:

- 1) restaurant at Deer Pass Golf Course,
- 2) an automotive service center proposed for the intersection of Lake and Greenwich (southwest corner)
- 3) and a proposed resort called Acorn (west along Greenwich Rd).

ZI Sims said some of those proposed developments would produce the waste type the Village not interested or willing to accepting. And because the sewer proposed to be a pressurized force main sewer will limit the development potential for those properties as well. The land owners have an expectation of sewer availability based on these past meetings and had already expressed interest in county sewer extension.

ZI Sims said because of the past meetings between the County Sanitary Engineer, the Township and these developers, the Township was completely surprised to be told just 6-weeks ago that a new County plan is to downgrade the Chippewa Sewage Plant into a regional pump station on Kennard Road. Sims said the county sanitary engineer is suddenly indicating and no longer being agreeable to extend County sewers south beyond Lake Road/ Greenwich Road intersection causing alarm for those zoning developments and the township. Sims said the township was never previously informed of county sewer availability changes including denying sewer extension, including while the township was writing the new zoning Section 308 that Welser is interested in applying for and development in, nor was the township informed while updating the Comprehensive Plan. The township professional land planner did visit the sanitary engineer for that purpose. Nor was the township informed of sewer availability changes during any of the recent Township meeting with the sanitary engineer to discuss proposed developments inquiring about sewers for their projects.

ZI Sims reviewed the NOACA 208-water quality plan for the group
Sims said the NOACA 208-Water Quality Plan and NOACA Medina prescription for sewer planning was used to write the section 308 zoning and update the Township Comprehensive Plan. The Township understood that according to the 208-plan that the Greenwich road area that Welser is now applying for was not intended to be sewerred at that time, so the township zoning allowed for onsite sewer systems, to encourage development options. The Township's professional land planner had meet with the Sanitary Engineer in advance of those

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resolutions. The concern is that the Sanitary Engineer never informed the Township of any potential future County sewer extension changes to allowing county sewer extension.

ZI Sims: the Trustees agreed the Township is supportive of the Welser Zoning Application. However the concern is that the township would have to undermine large parts of the Zoning Resolution to accommodate the Village sewer proposed to serve one single project... if Welser pursues village utility.

ZI Sims briefly overviewed the Comprehensive Development Plan of interest to the discussion for the groups consideration as follows:

- Policy 2: Listed in the Goals of the Comp Plan encourages the extension of Medina County sewer services to commercial and industrial zoning. EXHIBIT D. The entire Greenwich overlay zoning districts section 308 was intended and designed to allow for denser residential developments in order to provide smaller residential lot developments for residents wishing to stay in our community but downsize from large lot maintenance. The northside of Greenwich also allows for office industrial planned development &/or residential planned developments
- It was Bill Johnson of Welser who first inquired why they could not get the sewer where Welser is proposed to connect to the County Water System also at the Lake Rd connection point. Which is behind pilot truck stop . As shown on the Medina County sewer Maps as an existing force main connection.
- However the Medina County sanitary engineer said no and proposed changing the 208 plan for that area

ZI Sims overviewed the zoning map and county existing sewer line map for the discussion Medina County Sewer line and pump station map (EXHIBIT A) Zoning Map (EXHIBIT B)

The campground county sewer connection overview:

ZI Sims said during a past development inquiry for the kratzer parcel the former Medina County Sanitary Engineer Jim Troike reviewed two Medina County sewer connection options:

- 1) Lake Road sewer connection just south of Pilot truckstop on the west side of the road, shown on the county sewer map shows a county force main sewer connection line behind Pilot or
- 2) the possibility of the Kratzer parcel connecting to the county sewer by new sewer line going north under Rt 224 bridge overpass, then connecting to the existing private pump station (located next to the indoor soccer building-labeled 8809 Lake Rd on county sewer map). Sims said the former Sanitary Engineer and township reviewed the sewer proposal of turning the private pump station located near the indoor soccer building into a county owned/operated public pump station. Which is similar to other nearby county owned/operated pump stations located to the west of the indoor soccer building and near 8989 Lake Rd/green pump station on the county sewer map. That existing private pump station (8809 Lake) connects into the existing county sewer lines in a short run to the north of the soccer building - near Westfield Valley Drive cul-de-sac shown on the map. Then the existing county sewer line continues north (pink/yellowlines on map) towards Buffham Rd, the county sewer line jogs Buffham rd , then continues north along the creek and directly to the Chippewa Sewage Plant. Sims indicated the zoning surrounding the that private pump station near the indoor soccer complex is Local Commercial, and includes the campground to the east, which has it's own private pump station.

ZI Sims reviewed the Highway Service Commercial zoning area - comparing to the Medina County Sewer Map showing the Lake Road county sewer connection point. (EXHIBIT A) Sims showed areas that Medina County currently provides sewer to the Highway Commercial Zoning District, both north and south of Rt 224 & Lake Road intersection, commonly referred to as the Truck Stop area. Sims said that currently the county sewer

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pipes on the sewer map end just south of Pilot Truck Stop, on the west side of Lake Rd (8924 Lake Rd on map Exhibit A) However the township's Highway Commercial Zoning district continues past the sewer line connection, south to the intersection of Lake/Greenwich Road, then from the intersection Highway Commercial zoning extends east & west along Greenwich road as shown on the Zoning Map in red (EXHIBIT B). Sims said the township has been told that county sewer extension is to be driven by development. The unsewered Highway Commercial Zoning and surrounding properties that includes several large parcels. Those parcels have been the topic of past meetings between the Sanitary Engineer and township officials. Those meeting were to discuss sewer availability with developers during zoning inquiries when proposing new business developments in the recent past.

Chippewa Sewage Plant:

ZI Sims said when Welser asked the Sanitary Engineer to connect at the Medina County sewer Lake Rd connection - the Medina County Sanitary Engineer said "no". Then explained to the township trustees for the first time that the reason was because the new county's plan was the turn the Chippewa Sewer Plant (located on 50750 Kennard road) into a pump station; then pump all the sewage from the area - north of the continental divide to be treated at the Medina County Liverpool plant (89 Columbia Road) located in Valley City (approx. 22 miles away from Chippewa Treatment plant)

ZI Sims said she has been the zoning inspector for the past eight years and involved in the Township in other ways for 17 years, including being a trustee. And at no time had the County informed the Township of the intention to change the Chippewa sewage plant into a pump station. Because that would have immediately been recognized as affecting the Township and the Township zoning, especially for highway commercial zoning district and Industrial zoning landowners, as those zoning districts require sewer for new developments.

ZI Sims said However the exception is the (Ea) Greenwich optional overlay district Section 308 that Welser is proposing to apply for an industrial use in that district. That district does permit on-site waste treatment and County Sewer option. Otherwise the comprehensive development plan would call for a CEDA, JEDD and/or other agreements when working with a village for sewer extension. In addition to the Welser project proposal, the Township has multiple development proposals that are getting ready to move forward until this new county sewer news, that county sewer no longer available news.

ZI Sims clarified the problem saying, if the township will no longer have county sewer availability, but the County did not tell the Township that sewers no longer available and some township zoning districts requires sewer for new developments. That's a problem.

ZI Sims stated if the county's intention is for the Sanitary Engineer to change Township sewer planning reflected in the current NOACA 208- plan amendment by "administrative action" that would cut off county sewer at the intersection of Lake Rd to Greenwich Rd...that area is zoned highway commercial and requires sewer for new developments to move forward

ZI Sims: The township concern is the trustees would have to deal with a lot angry land owners because of the county actions. So the Township wanted to make sure the 208 plan amendment changes do not happen as an administrative action until the trustees have an opportunity to be weigh in - because of the negative impact to Township landowners, landowner values that may be dependent to sewer and their ability to develop under their current commercial zoning that requires sewer.

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PURCHASE
VILLAGE PLANT

That's a problem to remedy. That is why we're holding the meeting to understand the options.

Trustee Schmidt explained that the township comprehensive plan was put in place in 2014. He questioned why the Township was not been notified? Or given any information relaying the county plan that the Chippewa Sewage Plant was basically going to become obsolete? Schmidt explained that the the NOACA 208 water quality plan was used in the comprehensive plan and subsequent zoning, including Section 308. Had the Township known, the township would have changed the whole comprehensive plan - which would have changed the whole complexity of the East Greenwich Rd zoning. This is causing the Township not being able to use zoning as projected. Township is looking for answers from the Sanitary Engineer and NOACA as to why we were not informed? Is there documentation stating that the Chippewa sewage plant is going away? And if so - when?

Sanitary Engineer deferred to NOACA Eric Akin

NOACA Eric Akin thanked the group for having NOACA at the meeting. Akin explained that the Medina County Sewer system in the 208-plan considered as "one unit". Basically, all one unit showing areas they serve with sewers through a varying degrees with sewage package sewage plants. The Medina County sewer service area is based on where the county currently has sewer service - but not specific to where the sewage is treated. Akin answered, No - NOACA was not informed, but nor is it ever informed of changes to specific sewer plants....unless it changes the county's ability to service certain areas, then NOACA is notified. Akin explained NOACA is not informed unless the service changes. In which case, the county would come to NOACA to update the 208-plan Medina "prescription" stating: where the County currently is servicing with sewers, or will be servicing and areas will be serviced by on-site systems. If none of that "service area" is affected by the Chippewa Sewer Plant closure...then NOACA would not be made aware of it. Akin explained that the waste could be sent to any waste water treatment facility. NOACA is frequently amazed as to what certain places attempt do with regards to treatment. So the Chippewa plant closure or changes to the plant itself would only come NOACA - if Chippewa Sewage Plant changes were to change the County sewer service, or County area to be serviced.

NOACA Eric Akin asked the Sanitary Engineer Galvin to address how changes will affect the county sewer service area.

Sanitary Engineer Galvin asked NOACA Eric Akin to describe the procedure of a 208-Plan administrative change next, to a 208-Plan prescription, when changing the County's facility planning agency (FPA)

NOACA Eric Akin explained that if Medina County proposes changes to it's facility planning area by transferring the area to the Village of Westfield Center for sewer, that would require both: NOACA 208-plan boundary and prescription change to the Medina prescription. The boundary Change for facility planning modification by removing the area out of Medina County sewer service area, then transferring that area to Village of Westfield Center sewer planning territory. Plus a 208-Plan prescription change: changing that area from being onsite waste treatment to the Village sewers treatment. (see EXHIBIT C.3 planning area for a 208-plan sewer prescription)

NOACA Eric Akin explained that the proposed Welser project on the Kratzer farm is currently prescribed as onsite wastewater treatment. Onsite system can include both on-lot or off-lot systems. Systems can be a discharging or a non-discharging. Onsite can with the Health Department or EPA - who would have the jurisdictions over certain types of on site systems.

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NOACA Akin talked about the three mentioned sewer options for the Welser project proposed at the Kratzer farm saying the Lake Rd sewer connection or campground sewer connection would still be in the Medina County "sewer planning territory". Although both options would require a 208-plan administrative prescription change to allow the County sewers to be extend to change the Medina County 208-plan prescription from onsite only - to County sewers. The Medina County Sewer District has told NOACA and EPA that area is to be onsite sewer only. So if a permit to install was presented it would be denied because it is not what is currently prescribed for sewers.

NOACA Eric Akin reviewed option three proposing sewers to the Village of Westfield Center explaining that sewer option would require an administrative facility planning modification of both: 1) change from on site sewer to sanitary service. 2) change the facility planning boundary change: Removing the Greenwich road area from Medina County planning territory. Then that area of Medina County would no longer be prescribed to the county or the county accountable for the potential sewer service. Then that would go from Medina County to the Village of Westfield Center.

NOACA Akin explained: What that does: Right now Medina County is the primary sewer planner for that area for wastewater. Or Medina County Health Department or EPA for on-site treatment systems. But the transfer would take Medina County out of the lead spot...making it Westfield Center Village primary sewer planning authority agency. The village would be able to tell the Township what they want. The Village could set conditions to all wastewater coming to their plant. The village would have the authority over EPA permits to install, but in accordance with agreements laid out between the County and the Village of Westfield Center.

ZI Sims ask NOACA Eric Akin to explain the county's ability to do an administrative action in modifying the NOACA 208-Plan?

NOACA Akin explained that the Designated Management Agency (DMA) is the 208-plan administrator. NOACA only has one process for sewer planning prescription changes, described as follows: The county would come to NOACA for sewer territory planning changes. Changes cannot be a developer or the Township - because unfortunately under Ohio law townships do have the ability to plan for sewers. So in this case it would have to be Medina County. The County would ask for the changes according to what Township and County agreed upon. Then it goes through the NOACA approval process: first being reviewed by the Water Quality Subcommittee, Planning Committee, Prorate or Executive Committee before review and approval consideration by the NOACA Board members. If approved by the NOACA Board by Resolution, then NOACA supports that to the Township and the County, and to the EPA and any other interested parties. Or if involved, to the Village of Westfield Center. Then once our Chairman signs that - you can take action on whatever changes were involved for sewer planning, or permits to install, or whatever necessary to begin to make those sewer projects happen.

The following maps and documents used for discussion.

Exhibit E NOACA 208-Plan fact sheet, Chapter 4: wastewater management facility planning Medina County.

Exhibit B Westfield Township zoning map

exhibit C.3 MCSE map Facility planning area transfer Proposed transfer from Township to village

exhibit F MCSE Proposed PDA of upper Chippewa Creek watershed planning partnership - potential sanitary sewer option 2

exhibit G Kratzer evidence exhibit 15 *From BZA Use Variance Hearing (Case # 14 CIV 0173)*

exhibit H Chapter 4 wastewater management facility planning dated September 2015

exhibit I NOACA appendix 4-2 titled criteria for establishing consistency for community plans for wastewater treatment

exhibit J NOACA facility planning areas: guide to prescription for wastewater treatment and map dated March 18 2015

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ZI Sims said that township frequently used the 208-plan while updating the township comprehensive development policy plan including experts and with a professional land planner. Township zoning is based on the Comp Plan including zoning section 308 that Welzer is interested in applying under. The 208-Plan describes the sewer planning area, but the plan also requires changes to be consistent with NOACA 208-Planning Policies. The NOACA Policies require 208-Plan changes to be agreed to by the local community, in this case the Westfield Township. ZI Sims used specific examples from Appendix 4-2 that requires consultation with the affected township, in this case Westfield Township.

EX I *FIGURE 4-10* *208 PLAN PRESCRIPTION* *FIGURE 4-10 FROM APPENDIX 4-2*
DATED *3/28* *MADDA* *9* *2018*
J.A. CONTINENTAL DIVID MAP

ZI Sims: The NOACA 208-plan under Chapter 4: Wastewater Management Facility Planning & the MEDINA 208-Plan factsheet under Chapter 4. Exhibits H & E. Sims said the the current village sewer proposal is not consistent with the current 208-plan or intent of the policies. Exhibit _____. Sims said the Township officials need to understand the NOACA Maps and options with feedback from the county... and NOACA. In order to determine if the county has a different idea - than the township community. Sims said the township officials wants to avoid upsetting commercial landowners, or losing current township zoning uses and development options.

ZI Sims asked NOACA what happens if the Township does not approve the county's idea? Because the county idea not consistent with the townships comprehensive development policy plan? Or landowner desires or township zoning? How does NOACA handle that? Township needs to be able to answer resident concerns or understand who has what authority in the NOACA process.

NOACA Akin Answered that under Ohio law the county is the designated sewer planning authority for the all the unincorporated areas in Medina County. So the County has the authority for the unincorporated area for sewer planning in the 208-Plan. NOACA asks counties to work with townships, meet their needs and desires into the 208-plan as best they can. That is what should be going on. It's a local process should be going on between the Township and the County.

NOACA Akin explained that in a case of a disagreement between the county and township...which there seems to be. NOACA is a planning authority, however it cannot make Medina County provide sewers to the Township. The 208 plan does afford, if there's disagreement with Medina County position, that the township does not agree on the Township can petition NOACA to review it. Examples could be based on things such as affordability, environment or other factors the Township wants considered.

ZI Sims asked NOACA if any one of the three entities involved, let's say for example county, township and village...does not approve of the 208-amendment - what does NOACA do?

NOACA Akin explained if there is a disagreement between the enities, then the water subcommittee and NOACA Board want to hear all points of view, before rendering a decision. NOACA is different from the State. NOACA does require the Township to make comments on any modification within the Township. So if there is a disagreement, first step would be to organize a meeting to see if there is an agreement. If an agreement cannot be reached, then the disagreement is heard by our Board. The Township concerns would be heard if the Township disagrees with the County on the 208 plan modification.

ZI Sims stated that the township needs to be able to answer resident concerns on the processes. Sims asked if township residents or individual commercial landowners are able to appeal the 208-plan amendment?

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Especially if landowners feels they are affected, or lose land values, or the ability to develop...due to the county sewer changes?

NOACA Akin: Yes there is an appeal process. Explaining after the 208 plan amendment were approved by the NOACA board, the Plan goes to the Governor to be certified, then signed off by the EPA. Then a by committee, forget the exact name ...but yes it can be appealed.

Atty Durham to NOACA: the 208-Plan Appeal Committee named something to the effect of - Environmental Review Appeals Committee

ZI Sims asked if the most current version of the NOACA Chapter 4 Wastewater Management Facility Planning was dated September 2015?

NOACA Akin answered Yes. However explained that NOACA in the process of updating the entire 208 Water Quality Plan 2020- the new plan would be in effect possibly early 2021. Explaining the new plan is anticipated to be before the NOACA Board this September 2020. Then the new Plan will go to the Ohio EPA, the Governor for certification, then US EPA for approvals. The new 208-Plan should be complete sometime early 2021. So for example if the township was looking at a 2021 construction date for the Welser project... that would be that new plan.

ZI Sims expressed concerns to the NOACA representative about the counties proposal to amend the 208-plan both for the Welser project and for the township in general relating to the proposed changes to the Chippewa Sewer Plant. Stating the 208-plan amendment will cause potential damage to the township zoning. Moreover the residents have an expectations of county sewer extension availability in commercially zoned areas. Those commercial land owners who would be effected by county sewer changes. Sims worried those residents and commercial land owner complaints would fall on the trustees, not county commissioners or NOACA.

Zi Sims: Stated that the township has been accommodating to development including Welser, however cannot be as accommodating without Medina County sewer. Sims explained that should the pending Welser onsite sewer soil tests on the Kratzer parcel come back indicating that onsite waste treatment may not work, then the township concern is that puts the Township in a legal position. Because Section 308 zoning is "optional" zoning but the developer has to meet the zoning criteria for approval consideration, otherwise the underlying zoning is in place. Sims said the township doesn't want that. Because the township believes the Welser project is a perfect fit of the new Section 308 Zoning and has been very supportive. The Township wants the County officials to know that. The sanitary engineer to know that and the litigating landowner to know that as well.

ZI Sims expressed other related concerns and information for consideration in sewer planning talks for the region:

- Welser has told the Township the cost estimate for the Village sewer infrastructure over \$1,000,000 - however Welser sewer need is only for approximately 14 employee flush toilets and lunchroom.
- Sims explained that the nearby Golf Course property has a potential developer also, that has been talking to the township. The golf property developer also interested in sewer for his project of a residential housing development under section 308 zoning. However the Golf course property is being cut out of both the Village and county sewer options. The golf course and Welser/kratzer parcels are comparable in size, acreage and location, both approx. 100-acreas near the highway along Greenwich road with section 308 zoning option.

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- Sims relayed concerns about rumors and misinformation the township is being questioned about, citing that either the township or the developers seem to be receiving different information from the county, causing those rumors. Sims explained that the township hearing that rumors Welsor possibly having 500-1000 employees, causing the need of a turn lane at the Lake and Greenwich Road intersection to accommodate the developments traffic.
- Sims worried that the golf course developer is looking to invest in that property based on this information. The golf course developer has told the township the golf course is cut out of both county and village sewer planning and that the Welsor Pump station capacity is not regional, rather based on Welsor's companies capacity needs because paying for the sewer line and the pump station.
- Sims discussed that the township is aware that current Sanitary Engineer Amy Lyons Galvin is to be promoted to the Medina County assistant administrator in 2 weeks. And questioned if the new incoming Sanitary Engineer to be hired by the County Commissioner would take a fresh look at these sewer options for the township region?

ZI Sims suggested all sewer options should be considered including the former sanitary engineers options. Suggesting a roundtable meeting and open dialog to find better sewer solutions for the county and region and considering the following:

- Sims asked if the proposed Welsor 1,000,000 infrastructure investment could go towards the county sewer improvements- rather the village?
- Sims provide the Sanitary Engineer the previously requested copies believed to be from the former Sanitary Engineer's cost estimated for running county sewer to the Kratzer parcel. Sims said the Sanitary Engineer cost estimates documents were used as evidence in the Kratzer use variances twice and in subsequent legal proceedings. Similarly the former County Sanitary Engineer cost estimates also indicated a cost around 1-million dollar investment to run county sewer to the Kratzer parcel. Exhibit 6
- Sims questioned what had changed with regard to county sewer availability? Stating that either the evidence is wrong. Which would be interesting to understand or the county changed sewer planning. Sims reminded the group of another past large development project proposed in Lafayette township, north of the County Chippewa Sewer Treatment Plant, that at one point was looking to invest in the county sewer system also, indicating interest and need for sewer in this region.
- Sims questioned why the county not willing to invest into the Chippewa Sewage plant? In order to support development in the Westfield region, instead of spending money to pump the sewage miles away to the County Liverpool treatment plant? Sims citing the fact that treatment plant is north of the Continental Divide.
- Sims discussed Balanced Growth infrastructure incentives, stating that Westfield Township is a Balanced Growth community. The county is eligible to receive incentives for improving infrastructure like sewers under the Upper Chippewa Creek balanced growth plan. Sims provided copies of past balanced growth planning documents used during the development of the Balance Growth Plan, "Upper Chippewa Creek Watershed" showing a county pump station option could be located just south of the Lake and Greenwich Road intersection. Sims said she didn't want to spend a lot of time today discussing balance growth but wanted to bring it to the groups attention for funding incentives, Sims provided Exhibit F.6 (2 pages)
- Sims highlighted the current 208-plan has "Local Planning" in the Kennard Road area also: Sims raised concerns that the current 208-plan designates "local planning" for county sewer extension in the Kennard Rd area from the Chippewa County Sewer Plant on the current Medina 208-plan prescription

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map. Sims said the township has large tracts of land designated local sewer planning. In the past the township had a proposed subdivision in that area, however it did not move forward. The Kennard road land owners would also be negatively affected with the county sewer plant changes and by the county not extending sewers in local planning area.

- NOACA policies in Chapter 4 Wastewater Management Facility Planning:
Sims felt most people, including some Trustees would not be familiar with NOACA policies and highlighted quotes, examples from Policy 4-2 or 4-4 that say Local governments are to identify where they want sewer and where they do not. Exhibit I Sims highlighted example quotes such as:
 - The DMA Designated Management Agency must consult with affected jurisdictions...
 - Where local officials want to restrict wastewater treatment to individual on site systems several conditions must be met....
 - DMA is to solicit the support of the affected jurisdictions... Consult with affected local jurisdictions....
 - These options must comply with the requirements of the Clean Water Act.
 - A new POTW or extension of sewers, that option must Conform to the consistency requirements of WQMP see policy 4- 4.

- Regarding the Kratzer farm litigation, Sims highlighted that the landowner has been litigating the Township for several years for various reasons and still considered pending litigation. To the best of Sims knowledge as zoning inspector the Kratzer attorney has reminded the township attorney, special prosecutor Innes, from Lorain County the potential for litigation should the Welser zoning application go away. The east Greenwich road area has many zoning options available including, local commercial zoning, rural residential zoning, planned development zoning as a conditional use, and now planned development zoning for office/industrial as an opinional overlay in Section 308. Sims expressed that it was not the township complicating the zoning application. And as zoning inspector this is where it becomes a sanitary engineer or Medina County commissioner issue for me. The Township wrote the zoning to encourage a lot of zoning choices. ~~Because~~ ^{Now} county sewer issue is complicating the Welser zoning application, not the Township zoning.

ZI Sims asked for NOACA help, asking for solutions to consider to preserve the existing infrastructure, township zoning and autonomy.

NOACA Eric Akin responded that as agency NOACA is in favor of preserving existing infrastructure. If there is a conflict, the agencies role is to help resolve it. However NOACA cannot dictate what the DMA (Designated Management Agency – Medina County) will ultimately do, because it needs to be a local decision. However but NOACA can definitely help.

Sanitary Engineer Galvin said she would gladly answer questions. However first wanted to address township concerns of zoning and Comprehensive Development Policy Plan inconsistency concerns. The Sanitary Engineer said based on the information available from her office, she had prepared a spreadsheet that included excerpts of that information, hoping someone could verify the information. MCSE Galvin cautioned the spread sheet was only excerpts. Explaining that back in 2007 the sanitary engineer was Jim Troike. It appears Mr Troike had talked about a couple of different sewer options with Chairman Sterdevant (former zoning commission member) in a meeting specific to the township comprehensive update planning. MCSE Galvin said she believes

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this was the same information in exhibit 6 indicating cost estimates of two sewer options believed to be for sewers to the Kratzer farm indicating option one being a sewer line and pump station to the Village of Westfield Center and option 2 being the Medina County Chippewa Sewer plant.

MCSE Galvin explained that the Chippewa Sewage Treatment Plant was built in 1929 and last updated in 1988. The County was not making any investments in the facility until it was absolutely necessary. County investments were expected to cost approximately \$21,000,000. Currently the number of customers served by the Chippewa plant is over 1000. MCSE Galvin said that is a small sewer service area for a potentially large investment. At the time the chairman of the township zoning committee must have asked Jim Troike what county sewer option he preferred and answered option 1, which would indicate pump station to the village. So village sewer may not be a new concept if the prior administration had considered it.

Trustee Schmidt asked to clarify: at that point in time did the sanitary engineer Jim Troike realize that Westfield Center would only accept household domestic waste, but not commercial waste?

MCSE Galvin responded I don't know that information, or if there had been any past discussion to that degree. MCSE Galvin asked to clarify that: currently the village has expressed that they don't want anything other than residential background type waste characteristics to their wastewater. Galvin said the County is similar, explaining that any business entity that enters into the county sewer system has to pretreat their wastewater... so that it meets domestic residential background standards. Galvin cited the example a restaurant. Restaurants are required to have a grease trap. Second example Jiffy Lube has to have an oil interceptor. However each public owned wastewater treatment plant has its own outlines of characteristics of the wastewater they will accept. Their rules are to protect the sewage plant and the sewage system.

MCSE Galvin said please recognize the Village sewer for the Wesler project was brought to the county's attention as an opportunity to extend county sewers. The county worked through a variety of things. The county cannot extend the sewers. So then question became who could? That would be the Village of Westfield Center. Westfield Center has capacity available and they are interested. MCSE Galvin said she is not certain that anybody at the Township had reached out to the village or if there has been any negotiating on the townships part, to try to suggest Village sewer be expanded to others.

MCSE Galvin asked to continue reviewing the MCSE provided spreadsheet the timeline. (Exhibit K)

Sims pointed out that during that time frame of the former Sanitary Engineer Troike's conversation with the former zoning commission member Sturdevant, that village of Seville was attempting to annex Westfield township land- nearby the Kratzer farm. Sims said the Seville annexation was later overturned by village voter referendum. Also Seville Village was also improving their sewage plant equalization basin located next to the creek that required a county floodplain regulation variance. The concern was sewage treatment near a creek would be catastrophic if it overflowed or the wastewater treatment failed. Sims stated that she had brought MCSE Galvin's attention during a recent conversation as she was unaware.

MCSE Galvin stated that village of Seville does not have to share with Medina County their wastewater treatment plans, nor does Westfield Center village for that matter. But this development opportunity for Wesler project led to a variety of discussions looking for a regional solution because there is not a county sewer solution.

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MCSE Galvin said she would like to address the Sanitary Engineers 208-plan administrative changes. Galvin prepared a graphic board that compared the 2015 208-plan map to the 2018 208-Plan map (exhibit L) that highlighted county administrative changes to the current 2018 208-plan for sewer county sewer planning.

MCSE Galvin explained referring to the graphic from 2015 that county sewer did not extend or include both sides of Lake Road- to Greenwich Rd. In 2018 that was corrected to include both sides of Lake Road - but still not fully to Greenwich rd. MCSE Galvin acknowledged having several conversations with the township officials about Ricardi truck wash and some other properties. The 2018 208-plan administrative amendment was to extend county sewer to those properties, as ZI Sims pointed out, to the northside of Greenwich road would be part of the county sewer service. The County will honor the commitment to serve those parcels to the Chippewa Sewage plant. If the Township does not support that 2018 change - now would be a great time to understand that.

MCSE Galvin explained that the only properties that are not part of the 2018 administrative amendment are the properties that are contemplated under the 208 facility map amendment to the village, which included the kratzer farm. Galvin explained that the 208-plan transfer proposed to the village was submitted to the township as a draft for consideration &/or discussions with the village.

MCSE said by no means is the 208-plan transfer to the village set in stone. The village transfer would require a letter of support from the Township, and the Commissioner, as well as the Village of Westfield Center. Galven said, As Eric Akin of NOACA indicated - in order for the transfer to go through the various NOACA approval processes.

MCSE Galvin clarified two different 208-plan administrative amendments:

- 1) The amendment was to add properties on Lake Rd north of Greenwich to the county sewer planning
 - 2) The proposed 208 plan transfer to the Village of Westfield Center is more significant.
- Requiring both: a county sewer facility planning change and county sewer boundary modification.

MCSE Galvin talked about the proposed transfer from the county to the village sewer planning territory in the draft 208-plan proposed amendment. Galvin said that only 2 properties not going to benefit from that proposed administrative change. The properties are currently operating as businesses with on site waterwate treatment and are zoned Highway Commercial.

MCSE Galvin pointed out the parcels on the maps stating from the aerial view those properties they are already operating as a business and operating with on-site septic.

ZI Sims identified the parcels being Daniels Rd intersection with Greenwich, east and west side believed to be owned by the Rediel family.

MCSE Galvin stated she just wanting to be clear that she is not recognizing Highway Commercial zoned properties needing sewer access.

MCSE Galvin continued reviewing the summary timeline document submitted exhibit K

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Stating the township comprehensive policy planning in 2009. The excerpts are red. And talks about county sewer service on Lake Rd, and also talks about the villages of Westfield Center and Seville as being the potential to sewer service areas. But also references the potential for negotiation of a JEDD, CEDA with either village

MCSE Galvin said that ZI Sims is right the comprehensive plan does use the word ..."encourage" extending Medina County sewer service to east Greenwich office industrial park area, but it does not use the "mandate" county sewer to the commercial and industry zoning. The comp plan talks about Greenwich road area being a highest priority for joint planning - that includes the option of County water and County sewer.

MCSE Galvin said right now the Greenwich road properties of interest are onsite systems designated in the current 208-plan map and they are not to have sewers. Or planned to have sewers for more than 20 years - It's just not expected.

MCSE Galvin said the township has this opportunity to be thoughtful on how you would want to have the area sewered. But referencing back to the to the \$20,000,000 the County investment was going to spend to upgrade the Chippewa sewage plant. Galvin said the sewer plant is essentially a replacement. For the County to invest \$20,000,000 for the system currently covering 1000 customers, that the county felt the dollars are better invested in turning the Chippewa plant into a sewage pump station, and pump wastewater northward.

MCSE Galvin said the county just finished a 35 million dollar improvement at the Liverpool wastewater treatment plant, and County planning included taking the Chippewa plant waste to that Liverpool facility sometime around the year 2028.

ZI Sims back tracked asked MCSE Galvin for two points of clarification on the Kratzer evidence documents
ZI Sims asked MCSE Galvin to clarify what those Kratzer evidence documents are? ZI Sims said those documents was used as evidence in the past BZA hearings for the Kratzer zoning. believed to be handwritten by former Sanitary Engineer Jim Troike. What are those?

MCSE Galvin responded that the former Sanitary Engineer Troike's cost estimates were not a commitment to provide Medina County sewer service. Galvin indicated that zoning chairman Sterdevant had asked former Sanitary Engineers Troike which sewer option he preferred

Sims asked to clarify the document indicate "MCSE" at the top as being Medina County Sewer territory, the documents didn't seem to indicate at which county sewer connection point. ZI Sims recalled the former sanitary engineer Jim Troike and herself reviewing a potential development proposal for the Kratzer parcel by connecting to the private pump station near the indoor soccer building and campground by the by going under the 224 highway.

MCSE Galvin responded that ZI Sims that had been mentioned before. However in looking though the MCSE record was unable to find evidence of the proposal presented, formally or informally.

MCSE Galvin said...Let me be clear the investment is not to replace the Chippewa plant. It was built in 1929 last updated in 1988. The county intent is to convert the Chippewa plant to a pump station, with an equalization basin for storage. Then route that forcemain sewer North.

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MCSE Galvin So that the County can take advantage of a plan that is already been designed for that flow. The Liverpool plant is much larger with a larger customer base. The Liverpool plant can treat 10,000,000 gallons per day - As opposed to the small Chippewa Plant that is costly to construct or reconstruct then maintain.

ZI Sims: said: however the county does expense of Westfield and Lafayette Township and especially Westfield Township Zoning. And the Township had never been informed...of the sewer changes.

ZI Sims said the township had spent a significant amount of work and money to write the new zoning that attracted the Weiser application to this area. The zoning application is now being complicated as the township just now learning the county will not extend sewer service.

ZI Sims asked what the current status turning the Chippewa sewage plant is into the proposed pump station?

Sanitary Engineer Galvin replied the Chippewa plant has a mpds permit that expires sometime in the year of 2021. The County will be going through the renewal process with the Ohio EPA during 2021. As long as the county can continue to operate the Chippewa sewer plant and get a permit to discharge...the expectation was the County would continue that plant. But at such time that the equipment becomes too old - it will require a capital investment. Or if the county will have difficulty and re permitting because the performance of the plant would no longer be up to par to meet the permitting requirements. Then the Chippewa Sewage Plant would be converted into a pump station – pumping north. The changes are essential planned for 2028 - but that is just a projected place marker in time.

ZI Sims said looking for quick answers to understand the status of the county plans to downgrade the Chippewa Sewage Plant into a county pump station, like: is it still in planning? has a plan been approved? What is the actual status...of changing the county sewage plant into a pump station? Has that been finalized...?

MCSE Galvin responded “in stone”...indicating the sewer plans are final

ZI Sims asked why it did not occur to the county/sanitary Engineer to inform Westfield Township ... at any time?

MCSE stated she don't know why the county would have. The area is shown as on-site sewers, designated as on site systems. Correct me if I'm wrong.

ZI Sims located the sewer features on the zoning map for township legal counsel.

ZI Sims explained she did not want the Sanitary Engineer to feel “bruised” leaving the township meeting, rather appreciate that not having county sewer availability is devastating news. The township has put much time and effort into writing the section 308 zoning. Then to have a zoning application come to the township and seemingly last minute and only 6-weeks before the application was to be received... to be told that county sewer is not available...ZI Sims said struggling to understand that.

MCSE Galvin: Can I ask why the township is not taking advantage of the opportunity - for village sewer service?

ZI Sims stated that was separate topic. The township has nearly 15 years of on-going township planning, there are other impacts to consider related to the village sewer proposal. As an example ZI Sims referenced the long range impact of other large farm parcels nearby, Hulbert and Seville roads. Sims pointed out the areas on the zoning map.

MCSE Galvin those large parcels are designated in yellow in the 208-Plan – Designated onsite sewer only.

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ZI Sims stated because they are farms - right now. Township long range planning needs to consider the Village sewer effects on those large parcels - long term. ZI Sims recalled about a decade ago, when the township did not include large landowners in the zoning planning, Farmers drove their tractors to the townhall zoning meeting. Township must consider impacts on other large parcels long term

ZI Sims passed out the sanitary sewer option presented by the Upper Chippewa Creek Watershed Planning Partnership. Showing the Planning Partnership proposed a county pump station on Greenwich road in Highway commercial zoning, located east of the Lake/Greenwich intersection and west of the overpass highway bridge. Exhibit F. I ZI Sims participated in the Balanced Growth planning at that time along with county economic development director Bethney Dentler and former sanitary engineer. The county sewer option was presented during those discussions.

MCSE Galvin said those drawings were discussions at the time between county economic development and the former sanitary engineer.... but nothing has materialized. Otherwise it should have gone through the NOACA process and changed the 208-plan prescription, to memorialize that understanding, or your misunderstanding at the time.

ZI Sims stated she didn't think she misunderstood it. They drew it. Township has copies. Exhibit ____

MCSE Galvin asked NOACA Eric Akin to explain how would someone express their interest in having an area sewered in the next 20 years? How would they go about memorializing that so that NOACA knew, the EPA knew and all the local jurisdictions knew?

NOACA Eric Akin explained should NOACA be approached we would refer them to the leading facility planning agency which in this case is Medina County. NOACA cannot initiate a change like that. So if were to be memorialized it would need to be Designated Management Agency (DMA) which in this case is Medina County, not NOACA.

Trustee Patterson asked MCSE Galvin if wastewater that goes into the County sewers does it have to be pretreated from various businesses types throughout the County?

MCSE said yes, indicating she brought the county code related to sewer pretreatment requirements and will leave it with the Township. Exhibit M Sanitary Engineer Galvins said the county is willing to share that information because some agencies adopt part of the County code. For example a restaurant has to have a grease trap that discharges less than 50 milligrams per liter of grease at the outlet where it enters the County sewer - to protect the sewer from greasing up. It is a common practice. The County Sanitary Engineers office works with the County Health Department to review maintenance records of grease traps. Occasionally a restaurant can get neglectful in maintenance. We work together to help them to correct that.

Trustee Patterson asked Sanitary Engineer Galvin if anyone had the conversation with the Village Council about accepting pretreated wastes? Is the Village willing to accept waste from these other business types into Village sewer system- if it was pretreated? Or maybe ZI Sims or Trustee Schmidt might know.

Trustee Schmidt said it was his understanding the village was not allowing other business to tap into their proposed sewer. Schmidt ask Sanitary Engineer if that was correct?

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Sanitary Engineer Galvin answer that is the tricky part. The county is not in a position or have been placed in a position help negotiate an agreement between the village and township.

Sanitary Engineer Galvin stated, the county position taken so far is that the County has said - the county does not have sewer capacity available. The county is not going to extend sewer.

Sanitary Engineer Galvin stated, the developer would pay for the sewer improvements then dedicate the sewer improvements to the village of Westfield Center. But the County has not been asked to negotiate these kinds of things. Could we...? We most certainly could. MSCE Galvin responded to Trustee Patterson that she has not asked these questions to the village on the township's behalf. I know the village was interested in having discussions, but don't know if anything has happened.

Trustee Patterson clarified MCSE Galvin was asking about a meeting with the village?

Trustees Patterson said - yes he would be willing to sit down and talk to the village.

Trustee Schmidt indicated that when the village had passed the resolution to change the 208 plan, he was a little disappointed that the village had not had a conversation with the Township first. But went ahead and passed it. At the village's meeting earlier this year (Feb 27 2020) the township expressed the village sewer proposal was a surprise. The Village Mayor and Dave Pittsenburger also said they were unaware. So the sewer proposal was kinda just sprung on us. The Township had not had a meeting with the Village. The Township did schedule a sewer stakeholders meeting for last march 2020 and the village was to be there, but because of COVID-19 that meeting canceled and did not happened. Yet the village passed the 208-plan resolution. The village council members I've talked to believed that the Township we're on board with the 208-Plan amendment.

Sanitary Engineer Galvin said what the Village wrote in the memo just identifies what the village is agreeable to. Their memorandum and the Village letter of support for the 208-plan changes for the Village sewer is only one component of what the Medina County would ultimately have to submit to NOACA.

Trustee Schmidt said he understand what the MCSE Galvin was saying, however asked if the Sanitary Engineer believes that the village should have talked to Township first - to understand if the Township was in favor of the 208-Plan changes? Because they didn't. After talking to some of the village council members, the concern is Village councils member were told that the Township was in agreement to 208 plan amendment. Which is why the Village went ahead and signed it.

Sanitary Engineer Galvin said that was not her understanding. Did not understand that.

Trustee Schmidt suggested that Sanitary Engineer might want to talk with the Council members to clarify.

Trustee Patterson informed Galvin that it was actually resolution that was passed by the Village.

Trustee Schmidt concurred with Trustee Patterson.

Sanitary Engineer Galvin said that is show that the Village is willing to support the project...

Trustee Patterson or do the project.

Sanitary Engineer Galvin said without NOACA's approval of the changes to the Medina County's Facility Planning

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Areas (FPA) allowing the boundary changes to the Village...the sewer project could never occur because the EPA would not approve it.

Sanitary Engineer Galvin said paperwork was the Villages demonstration of support for the 208-plan changes. If the Township would likewise write a letter of support similar, and then Medina County Commissioners write a letter of support. That would make Eric Akin job at NOACA really easy... because then Medina County could go through all the subcommittees and get NOACA approval. However the Township has the right to disagree with the 208-plan change recommendations and voice that disagreement to NOACA. The only position that the county is able to take, is the county does not have sewer capacity to serve. The village has sewer capacity and an interest in serving. Sanitary Engineer Galvin said the Medina County Commissioners would support that outcome. But certainly that is subject to agreement terms between the Westfield Center Village and the Township

Trustee Schmidt said maybe it is because of the COVID-19 issue, but if the Township and Village roles were reversed the Township would wanted to talked to Village - before sign anything in my opinion.

Attorney Innes to Sanitary Engineer Galvin: Maybe you can educate me... does the process of changing Chippewa Sewage Plant to a Pump Station, will that absolutely preclude anyone else now from tying into the County sewer?

Sanitary Engineer Galvin: Yes it does. The County does not want to grow the sewer territory that we are going to have to pump.

Sanitary Engineer Galvin said the former Sanitary Engineer Jim Troike characterized this more the 10 years ago. That area on Greenwich Rd was never part of the Chippewa Planning Area for treatment. The area has always been beyond the area expected to be treated. The County has a policy of not allowing pump stations. All of our service territories and treatment plants are by gravity. This area along Greenwich road is outside of the area that could be serviced by gravity, so it was excluded. It is still excluded because of the county's capacity.

Attorney Innes asked are you talking about the Kratzer parcel?

Sanitary Engineer Galvin: Well... the whole region. I think this has become a regional discussion. If the interest is to provide a regional sewer the county does not have the capacity. Nor does it make sense to pump more to the north to the Liverpool plant -if there is capacity nearby. That is the perception the County has had. That was something that was an opportunity for negotiation with another party. The county does not object to the onsite systems. The county won't object to wastewater going to the Village, provided that the Township can come to an agreeable arrangement for that. The County will not accept wastewater from an expanded sewer area. The county will honor Lake Rd to the north side of Greenwich. Including the referenced couple of developments, that have been prior County sewer discussions...but the county sewer is not going to go beyond that.

Sanitary Engineer Galvin: Part of the challenge the county runs in to is those are private pump stations, with private force mains. It is not permitted to install a private force main in the public road right of way... because it introduces a whole lot of other complications.

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Sanitary Engineer Galvin: So a good regional solution, with a public utilities to take advantage a corridor in the public right of way, then go to the Village facility that has capacity available to treat.

Trustee Patterson asked is there any way that the Township can financially or otherwise can have their own public sewer system?

Sanitary Engineer Galvin: I will leave it NOACA to answer that question.

Attorney Innes stating that township cannot operate a sewer system, but can form with another Township to form a regional area.

Trustee Patterson asked like Lafayette Township?

Attorney Innes: yes

NOACA Eric Akin: Mr Innes is correct. Although townships cannot operate a utility under Ohio law, there is an Ohio Revised Code section that allows a township to form a sewer region with another township. For example, Bath Township in Summit County and other townships throughout the state. It is not very common but there are others. One of the things that NOACA looks for is the legal authority to operate the regional sewer system under the ORC

MCSE Galvin and NOACA Akin: agreed the ORC 6119 section covers Trustee Patterson's question for townships forming sewer region.

Trustee Schmidt said let be clear on this, is the 1 ½ mile/ 8300' ft of force main sewer from the Kratzer parcel to the village limits entirely funded by Welser? Including the pump station and the sewer line?

Sanitary Engineer Galvin said the conversations that she's aware of so far was for Welser as the developer would be responsible for the construction cost and executing the construction of the pump station and the forcemain sewer line. Then Welser would dedicate the sewer improvements of the pump station and sewer line, to Westfield Center as a Village asset to own, operate and maintain.

Trustee Schmidt asked for clarification: would the sewer project then have anything to do with the County? I thought at one point in time the County was to maintain it... or something to that effect?

Sanitary Engineer Galvin: That was part of the early discussions, and a point that can be revisited. Perhaps in negotiations. Is the Township interested in beginning negotiations the County operating the sewer on behalf of the village... That would be subject for consideration. But right now the sewer stands as being dedicated to the village, and for the village to operate.

Trustee Horner asked the Sanitary Engineer to go over the Road Right Way again? And the legalities of what it takes to go through Township properties without permission of the residents again?

Sanitary Engineer Galvin said what the county has learned through this whole process is that at one time there was a question was posed about this private line.

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MSCE Galvin: So from the county's perspective, for someone is "required" to connect into the county sewer, not by gravity, but otherwise, then the private property owner would have to construct a private pump station to serve their private force main and responsible to operate and maintain the private pump station.

MSCE Galvin: As questions were asked about that possibility for a private line, the road authority said that private force mains could not be installed in the public right of way. So then, the county conversation went to a public pump station and public force main for the Welser project....which is what we're talking about today. That is what Medina County Sanitary Engineers does all the time, is public utilities. Which fundamentally redirects the conversation back to Westfield village for sewer, because even if the were to County consider expanding the sewer service area, the county would not have another pump station, pumping into the county system. The system is designed to collect and treat only areas serviced by gravity.

Trustee Horner asked to clarify, should Welser pay for the sewer line to the village, through the road right of way, are easements needed?

Sanitary Engineer Galvin: the "they" can occupy the road right of way, just like a water line or a gas line or other Public Utilities that occupied the road right of way.

Trustee Schmidt: ...even through it is not in the Village jurisdiction and in the unincorporated area?

Sanitary Engineer Galvin: it would be a public utility.

Galvin Citing examples that County sanitary engineer owns and operates utilities in Montville Township and Medina Township

Trustee Schmidt: That's where it gets complicated for me. Because the Village limits end near the Ironside Drive condos, then Westfield Township starts. So how can the village have utilities or jurisdiction to run a sewer line through private Township properties? And how many residents front yards would be affected? Last I heard it was 15 or 20? Depending on which side of the road the sewer line is proposed to be installed on.

Trustee Schmidt asked Sanitary Engineer to clarify by asking, when you say "they" who are you referring to? I guess - I'm a little unclear how all this process would work. If Welser is paying for the sewer line and have their own contractor construct the sewer. Is it private?

Let's use an example, let's say Trustee Horner lives on Greenwich Rd, anywhere between Lake Rd and the Village condos at Village limits near Ironside Drive. We want to know who informs the landowners that a ditch would be dug in their front yard. Or would a backhoe just show up in the people's frontyards? Who makes those arrangement? Do you feel the landowners will be very happy have a sewer in your front yard that you can use? Would you be happy about that? Probably not.

Trustee Horner agrees

Trustee Schmidt: The Township have heard it two different ways... can this go in the public right of way or not?

The Sanitary Engineer Galvin: The proposal is for a public utility... so the expectation would be that it can go in the public right of way.

Trustee Schmidt: It the sewer line private?

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ZI Sims said she would need to refresh her memory by reading the zoning definition of "Sewer", as it does not come up often. ZI Sims explained NOACA 208-plan was used for the comp plan/ zoning text, that would include the associated definitions. ZI Sims cited NOACA chapter 4 & specifically 4-2 Appendix... allows several different types of wastewater treatment options.

ZI Sims read from NOACA Chapter 4 (exhibit 4) and Appendix 4-2 (exhibit I) citing those examples: such as Criterion 1: Central Sewer, Criterion 2: COMMUNAL Systems, Criterion 3: On-site system ect. Sims said the zoning definition of sewer would have been written vague, as to broadly include all wastewater treatment options under the definition of sewer. ZI Sims agreed to review the zoning definition of sewer in future to see if the definition requires clarification. Sims asked if that answered Attorney Durham question?

Attorney Durham replied yes. Agreeing that the township sewer definition contemplates these on site systems which is consistent with current 208-plan. Sims agreed.

ZI Sims asked if the County would be interested in a discussing an on-site Communal system for that region that is referenced in NOACA Chapter 4 and Appendix 4-2? ZI Sims explaining that a separate developer for the Deepass golf property has expressed interest in both sewer and/or sharing communal system with the Welser project at a recent meeting. ZI Sims said the golf course property (south side of Greenwich) and Kratzer farm (northside) are comparable in size both being around 100-acreages, location and both in Section 308 zoning. If the group was interested, Sims said NOACA Eric Akin could explain communal sewer systems.

ZI Sims expressed that that she wanted attorney Durham, Commissioners and Commissioner Swedyk in charge of economic development, to know that Welser project discussions were progressing nicely until around the first of March and the sewer issue.

Attorney Durham clarified with the use of an onsite system. Which we are still waiting to know if possible.

ZI Sims Yes. At no time did the township know differently until the Village sewer meeting held before the 1st of March.

Attorney Innes said with any luck the onsite waste treatment system will be impossible. It's pretty clear to me, although I'm not one for going backwards or pointing fingers at anyone, but looks to me for everyone here in the future needs to be better dialogue all the way around and sit down meeting, in order to do better team communications and discuss it because even if we solve the immediate problem, we're going to have other issues coming up in the not so distant future; Perhaps as Trustee Patterson has suggested including the Village.

ZI Sims asked if the Sanitary Engineer could help answer resident questions? Such as, How long has the sanitary engineer been speaking with Westfield Center Village planning the proposed sewer? And when did first sewer negotiation come about?

Sanitary Engineer Galvin replied, I'm going to say maybe earlier this year prior to the meeting that occurred at the Village hall. Galvin said, there is a group engaged in these economic opportunities. So that is a question better for Bethany Dentler of County economic development. I think there were conversations with Seville. Then there was conversations with the Village of Westfield Center.

ZI Sims asked to clarify, how long has the sanitary engineers office been working with the village on the sewer?

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Sanitary Engineer Galvin said she didn't know the exact answer... she's going say sometime before the March, and the Village meeting held in February.

Zi Sims asked to clarify, So only this year 2020? Sims said she was asking because the Township was hearing that it was a year ago village sewer was a preliminary discussion... which was even before the Township was brought into discussions.

Sanitary Engineer Galvin said, if you look at summary she had provide Jim Troike had brought it up in 2010

Zi Sims asked to clarify, saying I'm asking for the Welser application

Sanitary Engineer: the county's only working on it I'm going to say about a year ago.

Commissioner Swedyk reminded Zi Sims of the Welser meeting last April with Bethany Dentler and herself, stating that meeting was over a year ago.

Zi Sims said yes she recalled the Medina County Economic Development last year, however reminded Commission Swedyk that discussion was for Medina County sewer... or on site system.

Zi Sims explained the reason for asking, saying that Trustee Patterson and Zi Sims received calls from potential developers looking to invest in nearby land like the golf property because developers are claiming that the county is telling them that the welser project may have 500 to 1,000 employees and county saying a turn lane needed on Lake to Greenwich Road. The Township needs to be able to answer resident concerns with accurate information. Zi Sims asked directly, has Sanitary Engineer Galvin been talking to the village for over a year about planning a sewer for the application that the Township was not aware?

Sanitary Engineer Galvin: No

Trustee Patterson ask Commissioner Swedyk if she had another statement?

Commissioner Swedyk said had to leave. Wanted to know if the Township was still open to the force main sewer through the Township to Westfield village? Should the soil tests come back not allowing on site system as hoped. Are you open to that idea?

Trustee Patterson answered I am but did express some concerns. My concern is that it would limit Township developments in that area and township flexible to develop down through that area. Although I would like to see it developed, but fitting the township and the development.

Commissioner Swedyk: OK And before leaving just wanted to clarify you are open to possibilities?

Trustee Schmidt: agreed the township is open to possibilities but would like the possibility to ensure others could have sewer availability. Schmidt said, like the Sanitary Engineer was saying earlier, if a sewer goes through that area and a septic systems goes fails -in his experience the resident is require to tap in to the sewer and pay the tap in fees. Schmidt asked the Health Department to clarify.

Health Department Mazak: yes correct

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Trustee Schmidt said those people wouldn't have a choice - they would have to tie into the sewer. And pay a tap in fee. So if that sewer runs past all those properties - they need the ability to tie into it. Schmidt explained that was part of the past discussions with Welzer after hearing the Village sewer proposal when considering putting in two sewer lines. One pipe being for gravity feed to the Welser pump station and the force main pumping back to the Village connection. So if there's an opportunity that others who wanted or needed to tap in that sewer later – they could. Which is more amiable to what the Township is trying to accomplish.

ZI Sims answered I don't know? I see this causing resident complaints to the trustees. Part of job as Zoning Inspector is hear zoning complaints. Sims expressed concerns, now that the township has shown support for the application coming to the boards but the last minute changes may not good for the zoning application if township is getting complaints. Or the county. ZI Sims said she feels the County has responsibility in this, because they did not informed township in any way - until around March. That is problem.

ZI Sims to Commissioner Swedyk: As county commissioner how do you feel about all this wastewater from south of the Continental Divide... being pump north of the Continental Divide? EX J, 2

Commissioner Swedyk: I support Amy Lyon Galvin's decision she's the sanitary engineer.

ZI Sims asked what happens In about 2-weeks when the Sanitary Engineer Galvin changes jobs to Assistant County Administrator? Sims asked if commissioners looking for the same ideology or could the New sanitary engineer have different ideas? Citing the difference between former Sanitary Engineer Troike and Gavin's opinions.

Commissioner Swedyk stated she supports the Sanitary Engineers decisions regarding the changes to Chippewa Sewage Plant. Swedyk said that decision was not made lightly.

IZ Sims asked when the county decision was made...was it recently?

Sanitary Engineer Galvin said it had been part of the discussions and budget negotiations for the last five or six years - in record.

ZI Sims asked why then at no time did the County write the Township a letter?

Commissioner Swedyk announced she had another meeting and need to leave.

Sanitary Engineer Galvin: I don't know any reason why the County would have written a letter to the Township. The Township zoning does not mandate County sewers in the zoning code. The zoning "encourages" county sewers. But the Township Comprehensive Plan also contemplates working with villages.

ZI Sims asked if the new sanitary engineer could have different ideas?

MCSE Galvin responded: No.

The trustees asked if county sewer changes were in our township, why wouldn't the Township have been informed?

Trustee Schmidt asked Why wouldn't the county or sanitary engineer office let the Township know that the sewage plant is being deemed inadequate... and will be going away? Trustee Schmidt cited the similar example

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of working with the Village to change the 208-plan without discussing it with the Township first, now a resolution was passed by the village of Westfield Center.

Sanitary Engineer Galvin responded, She would argue - that we're going to have a difference of opinion on this. Galvin repeated the area is currently designated on site sewers and has been for years. Any expectation of sewers would have then memorialized through NOACA, from this administration or a prior administration... and it was not.

Attorney Durham said: on site sewer there is consistent with your zoning code

ZI Sims said I just want to be clear. The Sanitary Engineer and township had sit down meetings with Deerpass Golf Course developers to discuss the county sewer extension at the Lake Road connection going to that property and at no time did the Sanitary Engineer mention that county sewer capacity was going away. The last the township had heard the Sanitary Engineers office was going to scope the sewer line for that purpose.

ZI Sims ended saying it looks like county commissioner discussion cutting down the townships sewer ability, that leaves the township vulnerable to annexation. That will have to be addressed by the residents and trustees. ZI Sims said she hopes that is not the case.

ZI Sims asked for a photo of the Sanitary Engineers graphic board. Exhibit_____

Trustee Schmidt made a motion to adjourn the meeting at 5:32pm, Second by Trustee Patterson
Roll call Patterson: yes Trustee Horner: recognize has having to leave Schmidt : yes