

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING HELD DECEMBER 6, 2006, @ 7:00 P.M.

Trustee Chairman Tim Kratzer called the meeting to order at 7:00 p.m. with the pledge of allegiance. Roll call indicated all trustees were present: Tim Kratzer, Carolyn Sims and Jeff Plumer. Marlene Oiler was acting as secretary pro tem for this meeting. Also present were Jim Likley, Ron Oiler, Martha Evans, Denise Moteleski, Fire Chief Jack Snoddy, Zoning Inspector Gary Harris, Tim Sims, Terry Orlander (Plain Dealer), Kevin Rych, Toni Roberts, Jim Terifaj, Mike Schmidt, Penny Snoddy, Craig Shetterly, Gary MacPhail, Wirtie Kratzer, Chris Harris, Lyn Methlie, Dennis Delagrange, Sid Delagrange and Assistant Prosecutor William L. Thorne.

Chairman Kratzer – I would like to advise the audience that Mrs. Sims has a tape recorder back here behind the counter and we are taping the meeting here.

Chairman Kratzer - The first order of business I'm going to have the assistant clerk read the resignation of our Township Fiscal Officer Kelly Gregoire into the minutes.
December 6, 2006 – Dear Trustee's - Please accept this letter as notification that I will be resigning from the position of Clerk for Westfield Township, Medina County, Ohio, effective immediately. As a result of ongoing critical family matters that need my full time attention I am no longer capable of dedicating the time necessary for this position. Respectfully, Kelly Gregoire. The attachment is the one that will be sent to the Medina County Board of Elections – Dear Medina County Board of Elections – Please accept this letter as formal notification that the public office of clerk for the Westfield Township Board of Trustees will be vacant immediately. For your records I have attached such resignation. (A copy of said letter was provided to the other two trustees while the secretary read the letter to the public.)

Chairman Kratzer – Mr. Thorne, what is our next step after this turn of events?

A.P. Thorne – The Board has the right to appoint a new clerk until the next election. You have 30 days to do that. There is no statutory mandated procedure. The Board can simply vote on someone if they so choose if they have someone in mind; they can put out a notice that they are looking for a replacement clerk until someone is elected – that is up to the Board as how to proceed. If you can't make a decision and I assume since there probably wasn't an election committee here, the decision will be taken out of your hands in 30 days if you haven't made a decision.

Chairman Kratzer - When Mrs. Gregoire came on board, Mrs. Evans brought her to the attention of the board of trustees. She was put on board after the final date for filing for that particular election so she would be able to stay in office until the end of the term, is that, seeing how the fiscal officer is up for election next November, would that person be able to stay on until the end of the term of April 2008.

A.P. Thorne – If more than 40 days before the next general election, they have to run the next general election. If less than a year to the end of the term then they stay on to the end of the term. If there is an election of November 2007 that person could run in 2007. I can double check the dates and time frames but that is roughly how it goes.

Chairman Kratzer – Do the other trustees have any questions?

Trustee Plumer – What type of legal entanglements can we get into if we don't have somebody appointed to do year-end, to pay the bills and that type of thing?

A.P. Thorne – You have the authority to appoint an acting clerk in the absence of the clerk, which has been done. Again, if you don't act within 30 days, that will be taken out of your hands. You could delay until the beginning of the new year but you would have to designate an acting clerk because you will have payroll to make and other things the clerk has to do that somebody will have to do.

Chairman Kratzer - But that's not something we have to do tonight?

A.P. Thorne – No, you have 30 days. The only reason for the immediacy of your action will depend upon what formal documentation your Fiscal Officer needs to be working with in terms of cash and warrants, official information if it's something that the secretary couldn't provide. It's purely a matter of how much you need to get done and how quickly.

Trustee Sims – Do we need to adhere to our personnel handbook for employment for appointment?

A.P. Thorne – No, this is a statutory appointment at the discretion of the Board, majority of the Board.

Trustee Sims – We've had individuals express interest. I would be prepared this evening to move forward with that.

Chairman Kratzer – I would prefer to move forward with the meeting and hold a special meeting to go into Executive Session to discuss that situation.

A.P. Thorne – The actual appointment of the replacement clerk would not be in executive session. If you are considering hiring a temporary clerk or making an appointment to do some of the job, that would be okay but the actual selection of the clerk would not be in executive session. That would have to be discussed and technically the interviews and all that would be open. It's an elected position.

Trustee Plumer – Whomever would be asked to fill in, they would then be or have the same designation as the clerk so that person would not be an employee of this board, correct?

A.P. Thorne – Right – the new person would take the proportion of the clerk's salary that is unpaid and she would become the clerk and stand for election at the next general election. In the interim you could appoint, and that would be an employee, someone to act as the clerk – an acting clerk – but that is only for a very short time frame. The replacement clerk would not be an employee but would take the office with all the same rights, privileges and obligations as the existing clerk.

Trustee Sims – What's your reason for wanting to wait?

Chairman Kratzer – My reason for wanting to wait is to weigh all the options to the township and not just yours – that's my reason for waiting. I would suggest that we have a special meeting early next week. We have Marlene on board to take minutes tonight. We could get together to discuss who we would like to take over Kelly's position.

Trustee Plumer – Won't we have to make a decision between now and two weeks when our next meeting is so we have somebody to write the checks out.

Chairman Kratzer – Yea, so early next week isn't good enough.

Trustee Plumer - That's fine with me.

Trustee Sims – Actually I have a scheduling difficulty, obviously I had two events here today. The following week I am out of town two days and have a daughter's birthday during the weekday.

Chairman Kratzer – How about the weeknight?

Trustee Sims – Not the two days that encompasses the nights and not the first day.

Trustee Plumer – Do you plan on advertising then for the position?

Chairman Kratzer – I'm not necessarily advocating advertising but it just seems like Mrs. Sims came in here with somebody in mind and Mrs. Sims hasn't communicated with me at all on that situation and to throw somebody's name out there and expect everybody to jump on the bandwagon I think is a little premature. You two are trustees as well as I am. It only takes two trustees.

Trustee Sims – The two people that we had express interest were Marlene and Martha. Out of the two choices I personally feel the township has been functioning without a viable clerk now for some time. I think there are a lot of outstanding issues that we could get a jump on including preparation of year-end, which may not be an easy task. I'm with moving forward this evening and in saying that I appreciate fully that Marlene is a dedicated employee but we put so many hats on her we don't see her head. She's got a lot going and I want someone to come in who is familiar with UAN and Martha Evans is the traveling clerk. She is the state auditor traveling clerk and it is my understanding that she has gone to a multitude of different townships in this very scenario and also she been

a past clerk and trained Kelly so I feel she would be the right applicant to come in and resolve these issues competently and quickly to move forward.

Chairman Kratzer – Well, I feel that Marlene has been acting as assistant clerk. She has a degree in business administration and her minor in college, from what I understand, was accounting. Yes, she would need some help in learning UAN but that's not saying we couldn't hire the visiting clerk to train her properly in UAN.

Trustee Sims – I make a motion to hire Martha Evans as a replacement clerk for the duration of the term.

Trustee Plumer – I second the motion.

Trustee Sims – I stated in my opening statement why I felt that Martha is appropriate. I don't know Martha that well at all but I do know that the other townships who I called when she has come in as a similar scenario has been very supportive and she has a terrific reputation on the three townships that I called. All of them highly recommended here.

Wirtie Kratzer – Carolyn, don't you have a personal issue with relatives working together?

Trustee Sims – Nepotism, I do.

Wirtie Kratzer – Isn't Mrs. Evans' son, Lee, an employee here? So doesn't that pose a problem here?

Trustee Sims – You know, that's a very good point. I don't like nepotism. Lee has two of his brothers in addition to working here and the chairman and I have discussed that he is their direct supervision and should sign their time sheet and should be the direct manager of that person. In my support for Mrs. Evans is that she was the clerk and Lee was hired during that administration and she is the traveling clerk approved by the auditor to do this job for this very scenario. In addition she has held the job previously and is most familiar with the files. Let me finish, if we as a board hire an individual, it shouldn't be your uncle, nephew, aunt, uncle and like I say the most highest qualified person for that job with advertising.

Wirtie Kratzer – I just know you had an issue with Kelly asking me to be her assistant clerk because my father, Tim, is a trustee but there were two separate job duties just like the clerk and the road crew are separate but if you have a problem with one you should probably have a problem with all.

Trustee Sims – I do not support nepotism in any form. However she is the traveling clerk and has held the position before.

A.P. Thorne – Legally neither of those situations would be nepotism. Again the clerk is an independent legal position, she doesn't answer to you or to authorize that clerk to

name an employee, that employee doesn't answer to you, she answers to the clerk. So therefore if you have an employee – the clerk's employees are hers appointment, not the trustees' appointment – they are taxed as employees but again they are under the clerk's control. The clerk is not an employee; it's a separate office entirely.

Trustee Sims – I don't want Wirtie to leave the meeting feeling that – I've enjoyed your company in social functions, PTO, auctions etc. but my concern regarding the nepotism with your position with the township was that we did not follow our handbook at that time for advertising and it came to my attention that there was a personal call between Kratzer and Kelly that you were looking for employment. And in looking for an assistant I would want somebody with an accounting background. When also Kratzer had his son occasionally work for the board I felt that was too much from one family – it would give the appearance of impropriety regardless if it was.

Wirtie Kratzer – Well, you still have the same scenario going on here.

Trustee Sims – Well, I have a qualified individual taking a position who was authorized through the state for this very cause.

Chairman Kratzer – And you don't know that Marlene is not qualified.

Trustee Sims – No. I appreciate all of Marlene's detail oriented work and I think she has been a benefit to the township. However I would want somebody to hit the ground running and is familiar with UAN and is familiar with the accounting of problems that our previous clerk says she is unable to reconcile the checking – that is the answers I want from a competent individual and Martha has those qualifications and I also know that she honorable enough to not tell me what I want to hear but tell me what is actually there.

Chairman Kratzer – And what do you mean by that statement?

Trustee Sims – That I could be told the truth according to the best of her ability. The only thing here is that you two just don't get along. And I knew this would upset you but she is the logical, qualified choice approved by the state; also having held the position previously. She comes in and trains the clerk. Why would I want her to train a new clerk when we hired her to train the old clerk and that didn't work out. Let's stick with the person who trains the clerk.

Chairman Kratzer – Who did we hire to train the new clerk?

Trustee Sims – I don't know, didn't you have Martha train Kelly or something to that effect?

Chairman Kratzer – Yea, but we didn't hire her.

Trustee Sims – She's the logical choice based on qualifications.

Chairman Kratzer – Yes I have a problem with Mrs. Evans being our township clerk. Are there any newspapers here tonight? I have a letter in my pocket here from Mrs. Evans to me after the election that she lost against Mrs. Gregoire three years ago that I would share with the press when they leave. Is there any other discussion on this motion?

Kevin Rich – If I could make a comment, if someone speaks from the audience, since you are recording it, I would like to have them state their name so we know who is speaking in the audience. The second question - does the road maintenance person Lee report to the clerk of the township.

Chairman Kratzer – No, only with bills, etc. that he has to turn in.

Roll call: Carolyn Sims - yes; Jeff Plumer - yes; Tim Kratzer – no.

Trustee Sims – Martha, what's your schedule of availability?

Martha Evans – At your discretion.

Chairman Kratzer – Anybody else in the audience want to say anything?

Denise Moteleski – This is old business - what is status on the trailer park?

Trustee Plumer – That will come up when Gary has to speak.

Jim Likley – I have something – I'm on the Zoning Commission. I spoke with the people at Planning Services about updating our zoning map to reflect the zoning change for Mr. Carrasco's property. They requested an application; I have that application. We also need to present the minutes from the meeting that the trustees approved that zoning change to move forward to updating the zoning map to reflect that change. Also I've asked Planning Commission to work up a map that would reflect sexually oriented business buffer zone. As the area on Lake Road/224 develops that might become an issue so they are working up a map that would show those buffer zones. I'm also going to be presenting at the Zoning Commission meeting revised or more up-to-date floodplain maps that the County Engineer's use to reflect the same maps that we use here.

Trustee Sims – So what you need is the signed official copy of the meeting minutes – do you need anything from us?

Jim Likley – Just those minutes and then whether Marlene or one of the trustees to sign the application to move forward with the new zoning map.

Trustee Sims – Would that encompass all the lot splits that we sign too?

Jim Likley – If they've been recorded and that information is at the Planning Services it should reflect any and all lot splits since the last map update which was 2004 I think.

Trustee Plumer – This is something that you are going to take to zoning and zoning is going to go forward.

Jim Likley – Well the map is just an update to the zoning district change for Mr. Carrasco's property. That doesn't have to go through – it will have to go through Planning Services to verify that it meets the fact that the district was changed. The buffer zone won't have to because that is just establishing a map - the actual buffer of that business and then any changes, if there are changes in the floodplain maps that we presently have to what the Engineer's Office is using, any change in that would have to go through Planning Services as well. So I'll leave the application and whoever needs to sign as far as the township trustees or contacts so that they can move forward with getting our zoning map up-to-date.

Trustee Sims – Going back briefly to touch back on the clerk issue here, I had prepared a list and you do not need to read it into the meeting minutes of things that were outstanding but some of it needs to be discussed tonight during what would be the clerk report which is also payroll and the events that have transpired since our last trustee meeting just so that we are transparent in our government proceedings.

Chairman Kratzer – Ok. Did you get the minutes that I prepared of the meeting on Sunday evening? Are you prepared to approve them?

Trustee Sims – Yes. With the exception, the only thing that jumped out at me as far as the meeting minutes if you wanted to move forward there was, I don't know that Likley said he was not prepared – let's read what it says. Let's back up, Bill, was this a meeting? Did we have a trustees meeting at the Fire Association Meeting?

A.P. Thorne – I believe I talked with both you and Tim about that. It was my understanding that it was not a prearranged meeting of the majority of the board. You simply came to a meeting of the fire committee - and that would not be a trustees meeting. If, in fact, it was prearranged and they knew you were coming, it doesn't hurt to have the minutes of it in case anybody challenged it. It's a factual matter. If it's a prearranged meeting of the majority of the board, it's a meeting. The fact that you show up there and Tim is there doesn't make it a meeting but if you know that the majority of the board is going to come and things are discussed, it's safest to have a meeting.

Trustee Sims – Ok. I did state in advance that I planned to attend that particular meeting.

A.P. Thorne – If you have the majority there and it was a prearranged meeting, it's safer to call it a meeting, advertise it and put the notice out there – particularly if you want discussion as a board member.

Trustee Sims – So if I would invite Kratzer to one of our park committee meeting then it would become a trustee meeting? I understood it to be actually the governing board of my particular meeting so if I'm having a park meeting and we have voting park committee members there that is the meeting. Should he choose to attend and discuss...

A.P. Thorne – You can have multiple boards meeting at the same time – again, the question is if you are having the majority of the trustees at a prearranged meeting to discuss township business. If you're going to have that, it's a meeting. You can have dual meetings. If you just show up, that's a different matter entirely. If you're just showing up to listen, that's fine but if you want to discuss it as board members that becomes a meeting.

Trustee Sims – Ok. I discussed my opinion.

Chairman Kratzer – I don't know whether it was really a discussion or not – it was kind of one-sided but we were both there.

A.P. Thorne – In doubt, its better judgment to go ahead and make sure the notice goes out, it really can't hurt.

Trustee Sims – And I had a previous issue months ago with Tim and Jeff going somewhere at a prearranged scenario, so it doesn't come up again, should we not have then notified Jeff and Kelly, our clerk, that we were having a meeting.

A.P. Thorne – If you're having a meeting, yes.

Trustee Sims – Did we do that?

Chairman Kratzer – Yes, I did. And Jeff was busy and that's why I took notes since the clerk was not able to attend

A.P. Thorne – While I've got the floor, just as a reminder the new clerk has to be sworn in. The new clerk has to get a bond and you should probably tonight authorize the preparation of that bond by whoever has been doing the township bonds and she needs to have that bond in place before she is sworn in and before she starts formally acting as clerk - same scenario as if she were elected basically.

Trustee Plumer – For the clerk – is that the new bond limit? It used to be \$5 – 10 - \$20,000 and now it's like \$160,000.

A.P. Thorne – Technically you're still on the face of the old clerk but I don't know if there is much difference in cost for the new or old bond. They found that the existing clerks did not have to comply with the new limit amount until the end of her term. Technically she's still under the term of the existing clerk so off the top of my head she probably would be qualified to meet the old.

Trustee Plumer – So she couldn't just take over the bond?

A.P. Thorne – No, she needs a new bond under her own name. Since it's a new person I would recommend the new limit but you might be able to slide by with the old but I would have to give that some thought. It really only applies supposedly when you start a new term and she would really be finishing an old term.

Trustee Plumer – So she needs to be sworn in and she needs the bond before she can do anything for the township?

A.P. Thorne – Right, before she signs as the clerk. At this point it's just like this was election night - you got the results. She's the elected clerk; now she has to file the formal paperwork to accept the position.

Trustee Plumer – I'll call the agent tomorrow. They might have a new application form.

Trustee Sims – While we are doing that can we move forward with all the bonding – Marlene and Lee?

Trustee Plumer – Those were filled out as far as I know. I believe they were sent to the agent for the company.

Trustee Sims – There was some discussion whether they were appointed or hired.

Chairman Kratzer – Toni, did you have something you wanted to say?

Toni Roberts – May I be so bold as to remind you that the official title for the position is Fiscal Officer.

Chairman Kratzer – Point well taken.

Trustee Sims – Alright, you want to talk about these minutes. The only thing I saw that differed from what I thought at the meeting was Likley having concerns that we didn't have accurate (spelling error in accurate) numbers that would we would not approve the budget – the budget could be approved but he would have to look at the accounts for capital improvements. I think there was just a discussion on whether or not to move forward on the budget but I didn't understand him to say that he was not supportive of moving forward. Did you make a motion?

Chairman Kratzer – I'm asking for a motion.

Trustee Sims – I make a motion to approve the Westfield Township Board of Trustees special meeting at the Fire Association meeting on 12/3 as amended.

Chairman Kratzer – I'll second that.

Jack Snoddy – It was the Fire Committee meeting that's different than the Fire Association.

Trustee Sims – Opps – amended as corrected. No wonder we can't keep a clerk.

All voted yes.

Trustee Sims – On the topic of meeting minutes I would like some information on the following and confirmation that the following meeting minutes are outstanding, according to my records, and stop me if anybody knows I am wrong.

Outstanding meeting minutes to be approved are:

- July 19, 2006, regular meeting;
- August 2, 2006, regular meeting;
- September 6, 2006, regular meeting – never received a draft copy;
- September 20, 2006, regular meeting – I don't have a copy of 9/20/06;

Additionally according to my record the meeting minutes that I have received and need to be approved are:

- October 3, 2006, public hearing;
- October 4, 2006, regular meeting;
- October 18, 2006, regular meeting;
- November 1, 2006, special meeting – don't even have draft copy
- November 1, 2006, regular meeting – don't even have draft minutes
- November 15, 2006, regular meeting – don't have minutes

Trustee Plumer – You might want to check - my notes show July 19th was approved; August 2 was approved and I don't have the others here.

Trustee Sims – So we could set up a special meeting after next week to approve meeting minutes.

Chairman Kratzer – Will that fit into your schedule?

Trustee Sims – After next week it will. That was meeting minutes. Regarding the clerk and the association meeting minutes I think there should be some discussion on what had happened and transpired over the last three weeks that have come to this point.

Chairman Kratzer – Is that really necessary?

Trustee Sims – I think we have an obligation to be transparent in our government and I think we should state the events that have occurred in the last three weeks.

Chairman Kratzer – OK. Go ahead seeing how you seem to know them all.

Trustee Sims – You want me to do it? Of particular interest are the events of November 21 regarding payroll for the fire chief and the road supervisor. In addition on that same date was a wire transfer for OP&F. The events occurred that the road supervisor and fire chief payday was actually Tuesday, November 21. The checks were postdated by the clerk to Friday, November 24. However the Board of Trustees, including myself, signed and approved that check. The fire chief's paycheck was denied at the bank counter due to insufficient funds available and due to the check being postdated beyond the payday. The fire chief did not receive his paycheck until Friday, November 24. Referring back to the wire transfer on November 21 it came to my attention that there was a wire transfer of money from the Westfield Township checking to OP&F. The wire transfer happened without my knowledge and to the best of my information available without the approved signature of two trustees. I've asked Bill Thorne to give us a legal advisory whether or not that wire transfer was legal or illegal wire transfer as our warrants require the signature require the majority of two trustees and the clerk. The payment was to pay the fire chief's retirement account due to the previous warrant or check that we had signed weeks before was incorrectly calculated based on the raise that he had received in October. In addition to that because of those events I pulled an insurance statement from the bank and the reason that there was insufficient funds is because there had been a deposit made earlier that day, however that deposit would not post until the following business day and with that being said I'll ask then the reference of those particular checks and those checks that were deposited that day were the warrants that the county auditor had written us a letter about on October 31. The dates on those warrants date back from August, the majority of which are in September, several are in October and I'll have copies for the acting clerk to have added to the record. So that means that the county auditor wrote us a letter on October 31 stating that there was outstanding funds and three weeks after receiving the county letter those checks were then deposited. The whole insufficient fund thing should not have occurred had we deposited the checks within 48 hours or there shortly even of receiving them. I was very dismayed if not outraged.

Chairman Kratzer – Well, the clerk's not here anymore so Mrs. Evans will get it straightened around.

Trustee Sims – I would ask the board to address tonight as to whether or not they had in the past approved for the clerk to wire transfer checks or payments of any bill without the knowledge or approval of the majority of the board.

Trustee Plumer – Wire transfer – we had discussed at one time looking at electronic funds transfer but that never came about because there some glitch in the system so I'm not aware that we as a board did anything about a wire transfer. I don't know that I would have problem with it if I was asked about it.

Chairman Kratzer – Well I'm sure we've approved wire transfers in the past but I can't specify just when they were.

Trustee Sims – On an individual case-by-case basis with a majority of approval of the board?

Chairman Kratzer – Just with the OP&F – getting the money there so the fines stop.

Trustee Sims – Well I would also ask the board then to review a policy and procedure with the bank so that we're not in that situation again.

Trustee Plumer – Well the bank should have never done it. The bank was in error I believe and that's a whole separate issue. They should have never allowed that to happen.

Trustee Sims – Make a note to put that on an agenda for the next meeting so that doesn't happen again. In addition to that I guess the shocking part of the wire transfer is that it did not clear due to insufficient funds as well. However, I will say that the bank did us a favor by not charging us for processing the request that would put as delinquent so having said that to the best of my knowledge that wire transfer did go through to pay the fire chief's retirement as of the November 24. However, that raises concerns regarding the fire chief's retirement.

Trustee Plumer – Can we go back to the bank thing – do you have something in writing from them regarding what you just mentioned that they said there was insufficient funds and they didn't do it on that date because of ...

Trustee Sims – I have notes of conversations.

Trustee Plumer – I mean documentation from them in writing.

Trustee Sims – I have documentation that there was insufficient funds as of November 21 to process the request.

Trustee Plumer – I'm saying that you specifically made a statement about them, the bank, that they didn't honor because of insufficient funds. Do you have that in writing from them, not a note from them, but documentation that they in fact didn't pay it on that date because there wasn't any money – insufficient funds because...

Trustee Sims – I have the interim statement. I have the signed wire transfer request that the clerk had outgoing which shows the date and the amount which is a whole other investigation and it shows that she requested and signed for a wire transfer 11/21 and the balance in our checking account on 11/21 was \$798.38.

Trustee Plumer – I understand what you are interpreting – I'm just asking you if you have it in writing – a statement written by the bank manager.

Trustee Sims – No, nor did I request it. I was here to answer the phone when she was looking to find the clerk to tell her that there was insufficient funds. And I called Kelly and the chairman and asked the question of why is there insufficient funds. And why are we wire transferring money. So that brings us to Jack's retirement account. I am not confident in any piece of paper that I have received. I'm upset that his retirement had

even before gotten to this situation but I think that should be our number one priority is to confirm that the fire chief's pension fund has the contributions on behalf of the township and his own contributions and do whatever it takes to see that it is finalized, whatever the fees find and any other outstanding cost that we have occurred there did not effect his retirement.

Jack Snoddy – I have requested and it's in the process of being gathered and mailed to me a ledger of my account from day one but she said it may take several days and it may not reflect the last two weeks.

Trustee Sims – Most important to me is that during the month of June this – has this been settled – is this executive session – as I able to discuss this, Bill?

A.P. Thorne – I don't know whether there is confirmation or not one way or the other.

Trustee Sims – Am I able to state the amount of fees that we paid since that is a public record, the check and warrant, the amount that we paid during the summer?

A.P. Thorne – It's public record if you paid it.

Trustee Sims – If we paid it – we did pay it right?

Chairman Kratzer – We signed the check. You signed the check.

Trustee Sims – I was on vacation. Anyhow it's my understanding that through conversations with the past fiscal officer that it was settled for \$4,900 during the month of June and fees, fines due to late or incomplete or outstanding payments to that account and we need to get to the bottom of that and get some solid numbers to understand and to provide security to our employee that his retirement has been finalized and he has not been penalized or lost interest.

Chairman Kratzer – Are you done?

Trustee Sims – No. I think it's important to know that it is only one of three retirement accounts that still has outstanding information. There's Jeff's outstanding contributions that need to be reconciled and I don't know if there has been anything gone on to that to date and in addition I would like to confirm that OPERS payment for the other 17 employees were paid for the month of August and September since then as I don't see it on the interim statement.

Trustee Plumer – I think you're going to have to wait until Mrs. Evans finalizes it.

Trustee Sims – What I'm saying is that we acknowledged at the November 6 meeting that OPERS had not been paid for August and September and at that point those checks were cut and they are not reflected on the interim statement as being received. I didn't see them on here.

Trustee Plumer – If they didn't cash them, then ...

Trustee Sims – I just wanted to make sure they hit the mailbox.

Trustee Plumer – You're going to have to wait.

Chairman Kratzer – Is there a clerk's report?

Secretary pro tem – No, I have nothing further.

Chairman Kratzer – Chief, do you have anything?

Fire Chief Jack Snoddy – First off November activities we had 40 runs, had 3 of our own motor vehicle crashes and 21 EMS calls. Presented the budget to the committee and they did go ahead and approve it with a 2.41 % increase over last year. We wanted to hold it the same but we increased it. Most of the line items we left alone because it looks like we will have a pretty good carry over from this years' budget. The agenda reflects discussion on purchases of new equipment and the fire committee has indicated to me to go ahead and get figures together but that we may forgo any purchases until we have a good accounting of what funds are available. We want to buy a new squad and we think we can do the majority of that with EMS billing funds that we have received over the last two years but we need to get the specs out and it will take us awhile to get those numbers together. I would like to have a new truck purchased within the next two years. For nor all we're going to do is get together quotes and a rough set of specs. By May we should have some kind of truck specs with roundabout pricing on that.

Trustee Plumer – Jack, do you have a ballpark amount of what you are thinking about for the cost of the squad?

Jack Snoddy – It should run about \$120,000. I think between last year and this year so far we should have close to – total receipts have been somewhere in the neighborhood of \$90,000 and we specified 75% of that to capital expenditure so we won't pay for all of it from the receipts but it will pay for a good part of it.

Trustee Plumer – This will be for 2007 or 2008?

Jack Snoddy – The squad will be by spring. We would like to have in house before May or somewhere in that area. The next newest squad is a 2000 chassis and a 2001 box.

Trustee Plumer – Is that about on schedule?

Jack Snoddy – We're want to try to get to a five year schedule so each squad would turn over every ten years and we alternate them so we don't accumulate a bunch of miles on them by switching back and forth. The truck is a different story – I think you're looking at \$500-600,000 for a truck.

Trustee Sims – Do we need to move forward on approving the budget?

Chairman Kratzer – Yes. Jeff, did you get the copy I emailed to you.

Trustee Plumer – Yes – one other question. With this potential new fire truck down the road is there room for it in the firehouse?

Jack Snoddy – Maybe or maybe not, depends on what we decide on for a truck and that will have to be taken into consideration. It depends on what we decide is a responsible truck.

Chairman Kratzer - I move that we approve the 2007 budget for the Westfield Fire and Rescue for \$143,325.00.

Trustee Sims – I second.

Chairman Kratzer – Any discussion?

Trustee Plumer – Two quick things – there was a doubling from 2002 to a potential 2007 on insurance and bonding from \$12,000 to about \$25,000 – costs escalated?

Jack Snoddy – I would have to go back and check for sure but basically there was an increase in the values of the equipment that hadn't been reflected and we did have a huge increase. Those numbers are the ones I get from Sue based on the Village's policy.

Trustee Plumer – The last question under operating supplies and materials – it about doubled. It's no big deal but ...

Jack Snoddy – We're kind of holding consistent now. I think it took a big jump a couple years ago when we get into big expenditures in building pumps and trucks. We put probably \$10-\$15,000 in that old pumper.

Chairman Kratzer – Before we have a roll call I just want to state that last years' budget Jack put in was \$139,900 – almost \$140,000. Year to date as of November 30, he's only spend \$82,000 of his budget so he's a very tight spender on his budget but he says he's going to make up for it as he's got \$20,000 worth of self-contained breathing apparatus he's going to buy in the next couple of months. He's still be way under his budget for 2006 so he's been very conscientious on spending the fire money.

Roll Call: Carolyn Sims – yes; Jeff Plumer – yes; Tim Kratzer – yes.

Chairman Kratzer – In the meeting the other night the chief also requested some hard figures on what he had in his budget, what he had in the EMS fund etc. To purchase the squad he would like to have that in 90 days.

Trustee Sims – Has anybody heard anything about billing to Gloria Glens? Have we billed Gloria Glens?

Secretary pro tem – I've been working on Westfield Village billing, not Gloria Glens.

Chairman Kratzer – I thought it was in the works. I thought you had the invoices to take care of that. That will have to be something that is taken care of

Jack Snoddy – Usually those need to be confirmed with the auditor's office to make sure exactly what amounts to bill so I don't know how long that takes.

Chairman Kratzer – Mrs. Evans has been very good at working with the auditor's office in the past and I'm sure she'll be able to pull those figures together for us pretty quickly.

Trustee Sims – Well the reason for my inquiry is that Sherry Potter, the fiscal officer, has said she hasn't received an invoice in 2 ½ years so that is something we'll have to look at.

Chairman Kratzer – Lee, what do you have?

Road Maintenance Lee Evans – I've been watching the new roadway that they are building. Two days after they put the asphalt down they go back in and dig a hole in it. I talked with Salay about it and the county's theory is they're not worried about anything until they think they are done down there and then we can nitpick it apart or make them correct things – the new access road. I told Tim that I was going to document with the meter in the truck exactly how far from Lake Road so if we have reoccurring problems we'll know why other than say we don't know why it's doing that. The way it looks is that it looks like they dug through the grid that was locking the whole road together to replace a 12' section well the grid was to lock it all together so if they damage that we might have problems with that picking up and heaving in the winter, etc. but we'll find out.

Trustee Sims – I had requested Lee to request from Mike Salay any modifications to that road design that we be made aware of and in addition to that require and request an as built drawing so if there are modifications or poor sub soils or if they have to go deeper that they document that so when it becomes our road eventually we'll know what is under it.

Lee Evans – I talked with Mike about the 4' concrete pipe they put in. I don't know how they think that's going to stay in that muck but I guess in 4 years if it's together they can fix it because some of it still laying water now even when it is dry. Apparently they didn't worry about whether or not the pipe drains, they just put pipe in where they were told to put it in and I don't know if the state didn't look at the drainage area to make sure the elevation they set the pipe is going to flow or not but there's issues back there with drainage, of course there is anyhow but we don't need that underneath the road if it's not going to drain.

Trustee Sims – Is it on the drawing?

Lee Evans – Oh yea – all the pipe is on the drawing. The only other thing is that they did that possibly they had talked with one of the Ruhlins and they said they might put a pipe across our road instead of taking the swale to the southeast where the property is on the drawing there was supposed to be a swale going to the small creek to drain the south ditch but Mike doesn't know anything about that and maybe it's just some guys down there talking but I gave Mike a heads up as far as trying to divert the water to the north when it's naturally supposed to go to the southeast so he's going to keep an eye out for that. Other than that I've got the trucks ready to go. We're setting on probably 175 ton of salt. I was going to order some today but thought I'd hold off just in case they were kidding about the snow tonight. I have plenty in case they are not kidding. As far as the new truck I have riding him about that and he's probably sorry that Glen Hill got it but that's his job and it's my job to them on their toes so there's still talking the week of Christmas or the week after we should have that truck in service up here. Next week something I'm going to have to go down and make sure that they set the control panel and everything where I want it so that it is accessible and easy reach for me to reach all the controls but they got it inside putting the hitches on and getting everything put together without my needing to be there but I'll have to go something next week to do that. Friday I took some kind of course the county had – signage etc. and they should be sending a certificate down that I was there. I have a paper where we can send away and get the new book – the revised book for signage, all the regulations. The orange book which is for construction set up as far as where your signage should be and flaggers, etc. I think there is a fee for that, like \$8 but as far as the big book we can get that for free.

Trustee Plumer – Most of the people in the audience haven't seen the truck that you are talking about – are you going to buy signs for that saying “this is not a fire truck?” If you see it, it's going to be big and it's red and be able to take on all the streets at one time and all the roads at one time so he won't have to come back other than short cul-de-sac bulbs and things like that so it's going to make a marked difference in laying down salt.

Trustee Sims – I had a conversation with Pat Geisman regarding replacement of the Mud Lake Road wooden CSX bridge and she had requested us – she has funds available through the county and some other organizations (Angels of the Tracks) and she had requested that we sign a letter requesting that it be looked at for funding and Lee had written one up and we didn't get to it last meeting. Are you guys prepared – do you have a copy of that – do you want to move forward on that tonight?

Trustee Plumer – I need to read it and digest it.

Trustee Sims – I'd like to move forward replacing that bridge. I think it's a danger and I think there's also been a fatality there.

Chairman Kratzer – Do you have anything on cemetery and parks?

Trustee Sims – Yes. We have a stripped cemetery parking lot. We have allowed for the hearse to have front parking and I think it maximizes the space and gives the suggestion of where to park to make sure that everybody is off the road and safe and I was satisfied with the job that they did. Pat and I are still picking out garbage can designs and I have not heard anything from the newsletter on anybody willing or interested in sponsoring a whole lot at the park but Pat and I are going to put together a meeting after the new year and see what's what. Also I talked to Davey Tree and they have been informed that we are not fertilizing the park trees the coming year and all invoices have to be signed and approved by the township for that park.

Jack Snoddy – I want to thank Kevin and his crew for putting up the lights up there. I used the township credit card to purchase lights/decorations. I was authorized \$100 here or \$200 total and we ended up spending \$147 total for the lights, the timer, the garlands, the ribbons.

Trustee Sims – I was getting to your lights – they look good – I'm liking them.

Lee Evans – While you are talking about the cemetery, we sold them four lots and I told Anderson to call after the first meeting. I didn't know I was going to have time that one day as I was going around getting you guys to sign but when she calls I'll get the check and write her out a receipt and we'll get those lots taken care of. They are already wrote down in the book as far as where the people are supposed to be.

Trustee Sims – That would have actually happened between the last meeting but our last meeting was cut short so we sold four lots – actually three, we might be getting one back but that's a whole other story. That's it.

Chairman Kratzer – Zoning, Gary?

Zoning Inspector Gary Harris – I'm still talking with Ron Warner on the Ruhlin staging area. He's going to get me a site plan on that. Also no one seems to have a copy of this permit from the state for the staging area so if there is one that Kokosing filled out I would like to see that.

Trustee Sims – For the permission for the approval process for ODOT in granting staging areas?

Gary Harris – Right.

Trustee Sims – I have one of those.

Trustee Plumer – I think what you were referring to in regard to Kokosing is where they were dumping dirt and all of that.

Trustee Sims – One thing when you refer to staging areas you are talking about your offices, your materials, your parking - in staging to do work somewhere else.

Trustee Plumer – I didn't bring that tonight because I didn't think we were going to be talking about it. Let's do it at the next meeting and I'll have my notes.

Trustee Sims – Gary, if you call me I'll get you that – I have the correspondence for that.

Gary Harris – Ok. I have also received a call from Jeff about a couple of residents that have disabled motor vehicles and nuisance appearing things in their yards. I spoke with one of them and they said they would start to clean up and I'm going to send them a letter and give them 60 days, like we did Mr. Zuber, to make some progress and I'll check back up in 60 days on them. The other two I'm going to send them letters but I need a copy of our new disabled motor vehicle resolution so I can use that number in the letter.

Trustee Plumer – So you talked to the people that have the horses and all the cars and the boat and they said those were the ones on Kennard there who were going to make the effort to clean that up.

Gary Harris – Yes.

Trustee Plumer – But the other one the property by Mr. Helms, the rental with the car that has been there for a number of years – clearly it isn't even his car.

Gary Harris – It may be his old car. I did an investigation there and got the license number and I guess I can run it down to see exactly who it does belong to but it appears to be a car that he used to own. I'll get a letter off to him and another person on Kennard Road with the same situation. I did talk with Glen Zuber this week. He finally has received his certified letter, which for some reason took him two weeks to get it, whether he wasn't accepting his mail or what but anyway he did get the letter and we have a meeting scheduled for this Friday morning. He wants to talk with me and I guess give me his plan for cleaning up his property.

Trustee Sims – Where are we at, Bill, because we already had a judgment on it.

A.P. Thorne – It appears that most of the items that you are now concerned with are new. Gary and I went through the old entry and there are a couple of things on there that we might be able to go back on but most of them appear to be brand new things that were not covered under the old order.

Trustee Plumer – Because these are the things that were in his barn that we didn't care about.

A.P. Thorne – Most of those things are still there, there are just buried. This is all new stuff. We went through the list.

Gary Harris – Buried under the weeds, etc.

Trustee Sims – So the previous judgment does not apply to the items...

A.P. Thorne – I think there was a couple items, woodpile and a couple of small things but the majority of it is all new stuff.

Trustee Sims – Did you reiterate to him that there is a county program through the sheriff's department that would help him with that cleanup?

Gary Harris – I made him aware of that last summer and he was afraid that he would get taken advantage of.

Trustee Plumer – When scrap metal was at its highest, there was a time.

Gary Harris – That was when scrap was up and down it's down.

Trustee Sims – Well I would like us to really stick with that and get that issue resolved whatever it takes, Bill, Gary, and we'll go on however it would go. Speaking of that can, or I can do it I guess, he's got like a duck pond going on there, can we ask the county to help him with doing that because it's ruining his property too.

A.P. Thorne – He did that deliberately and actually it has been opened up any number of times. It's been opened up by the township at times and he keeps damming it – that is a deliberate creation of a wet area for his ducks.

Trustee Sims – What can we do about that?

Chairman Kratzer – It's in the county right-of-way.

A.P. Thorne – It appears to be and I'm not the road guy but to the extent that it is damaging the road we can action. He can't dam that water and damage the road base and that was why they took action before. I hadn't realized it was happening until I talked to Gary and I rode out and took a look and sure enough, but I think it is bigger now.

Trustee Sims – And it's starting to erode his parcel as well.

A.P. Thorne – That's his problem. He can do that if he wants but if it is damaging the road then it is your problem and you can take action.

Lee Evans – But it's not ours, Bill, it's the county.

A.P. Thorne – Then it would be the county's problem at that point.

Lee Evans – Once Ruhlin gets through there with the new ramp – they are going to redo all that – I wouldn't worry about it. The ducks will have to move.

Chairman Kratzer – Anything else, Gary?

Gary Harris – That's it.

Chairman Kratzer – Did Lee call you about Landing Road?

Lee Evans – Oh no, I didn't call you. I called them three.

Chairman Kratzer – I guess the park has been out there setting stakes or something for those lots for Palmer so we may be getting a mylar here fairly soon.

Trustee Sims – Is there anything extra that we should know about that going on over there, Bill?

A.P. Thorne – I heard that there was some dispute over the layout of the lots that they were supposed to contact you about. Gary and I had gone over a tentative plat so there would be no problem zoning wise. I was contacted by a surveyor who said that there was an encroachment on the Grubbis property as a result of that lot and he would be in contact with us. As far as I know nobody has contacted anybody other than that phone call so I don't know whether there was a survey error the second time rather than the first time or not but as far as I know at this point the plat is still valid. I have not had anybody challenge it formally other than the phone call and I told them you need to make contact and let everybody know but at this point the layout met the zoning code on the map and it appears to be their property so if there is a surveying problem they need to take some action and let us know about it.

Trustee Sims – Did he say who he was representing?

A.P. Thorne – It could be he was representing the Grubbis brothers but I've not heard anything from them. He was saying there was an overlap area where the two surveys reflected – each of the surveyors had each others person owning it is what he claimed but I have not heard anything formally and that was a number of weeks ago. I have not received anything on it. If there was a problem they may have worked it out or after checking the records there may not have been a problem but that's about all I can tell you. I haven't heard any more about it.

Chairman Kratzer – I did get a call from a surveyor today, Gary, that the Porter property over here on Westfield and Kennard is being split up to settle the estate or something but you should be getting something on that probably in the next couple of weeks.

Gary Harris – I've been out there. About two weeks ago I met with Mrs. Porter and she showed me what she wanted to do and I told her what she could do as far as distances from other buildings and I have met with her surveyor and we went over that with her too so that should be coming up pretty soon.

Chairman Kratzer – Jeff, do you have anything?

Trustee Plumer – There will be a zoning appeals meeting here on December 11th at 7:30 p.m. and what the zoning appeals is doing is revisiting two people who after applying for a variance to allow them to build a building on the property prior to building a home did exactly what they thought they would do which was to build the building and then not build the house. So they are bringing these two folks in to show cause and if they have a good cause they will let them go probably but, if not, they may have to take some remedy and that is exactly what the problem is. We have a number of people who want to build their building to store building materials, etc. and then they just never get around to building the house and I think they just approved somebody for that.

Chairman Kratzer – Yea, the guy across from me with the tree farm (agriculture).

Trustee Plumer – Which is fine – he applied for it and told us what he was going to do now and we'll just keep track of these folks and if they don't comply we can bring them in again.

Trustee Plumer – Lee is not here but in my box there were some estimates for some fencing. The only thing I could surmise in that some was chain link fencing and then there was some plastic fencing.

Chairman Kratzer – I think the plastic fencing was around the ...

Trustee Sims – The chain link was around here (fuel tanks) and the plastic fence – we took the fence down at the parking lot at the cemetery to paint the parking and then to keep residents from going over into the ditch we were going to get an estimate to extend the fence the duration. It was nothing pressing.

Trustee Plumer – I got a hold of the people who did the original fence work out at the cemetery so we got estimates from them when we do make a decision. Now the fuel tanks out here, don't they have to be done?

Jack Snoddy – They need to be done. I think Lee already has the automatic shutoff for that part of the building but that should be done.

Trustee Sims – We need to look at restoring that fence and we need a fence that matches the one that we had.

Chairman Kratzer – Any more on zoning? I want to move down to old business. Bill is still here and Lyn Methlie is in the audience. I talked to Lyn Methlie and Joe Grubbis and we need to get this contract drawn up between the Grubbis brothers for Landing Road and the Grubbis brothers have agreed to give us 100% of their profits until the road is paid off but they would like to have three years from the time we start the road to do that due to the fact that we didn't get started on the road this year and they may have lost some sales because we didn't get that road started. So if I could get an approval to accept 100% of the profits from the lot sales until we get the road paid off in a three-year period

I could get Bill to work up a contract with them and proceed to vacate 210' of road that we need to vacate to finish it.

Trustee Plumer – The estimated cost of the road was?

Chairman Kratzer – Around \$150,000.

Trustee Plumer – So who is responsible for the loss of interest on the money for three years – is that our cost then. They pay us back 100% but it's our money that's sitting out there.

Lyn Methlie – Actually the first lot that is in contract you will be holding an overage of their money and they have not asked for interest on the money that you would be holding that you have not yet spent – it's in two parts – the road. The first part would be for in full from the proceeds of the first lot as soon as the road is started so we would be ahead of you.

Chairman Kratzer – As soon as the road is started then they can finish the contract on the lot.

Trustee Plumer – I didn't realize the road was being in two parts. Are you talking about rough grading and finishing.

Chairman Kratzer – Well we were initially going to do the grade work and then chip and seal, two chip and seals. Let the grading settle and then go in and motor pave the next year. Depending on when we start on the road - that was if we did it this fall – that way we could get the road open. Now if we don't get started until next spring we may do it all in one summer but that depends on the highway engineers and how they lay it out. I haven't talked with Fred Boreman lately but they were working on a final figure.

Trustee Plumer – So they are still not ready?

Chairman Kratzer – No, but we need to have this stuff move forward so when they do get those figures to Bill he can put that together and get a contract for us all to approve.

Trustee Plumer – Can we get a letter from you, Lyn, from your clients stating exactly what you said.

Lyn Methlie – Well we pretty much come to an agreement on this and I think the terms and conditions should be in the minutes and my understanding is that then Bill will take that and draw the document. That part is basically done at this point. We would just need Bill to draw the document.

Chairman Kratzer – What he is asking for is something in writing from Joe and his brother like the initial one that you had sent us that you would give us 75% over a period

of time. If they could draft one up saying that they would give us 100% over a three-year period, then we would get that to Bill.

Trustee Plumer – With a notation of what you just said that this is contingent upon first sale and with this first sale we will actually have an overage in payment so that such would be in that document too.

Lyn Methlie – Ok. Now my question to you is – are you interested in paying interest on their money that you will be holding and using?

Trustee Sims – No, but I tell you what I am interested in clarifying a couple of questions here real quick here, Bill, on the whole nonconforming lot issue. Now I know you wrote this letter – number one, Kratzer did not give me any information proving ownership but apparently you had provided him.

Lyn Methlie – Actually...

Trustee Sims – Hold on, I've got to talk to him real quick. The letter responding back here says that you felt the proof of ownership issue was irrelevant whether or not the property is currently in a trust or whether the trust is considered one owner and I'm just trying to help you help me get past our own zoning.

A.P. Thorne – The question of whether it is grandfathered goes back to when the lots were created versus the zoning in place at the time. It has nothing to do with the ownership now. The lots were created when the mother and father were alive. They were arranged alternating lots and based upon that they would be grandfathered.

Trustee Sims – Based on what I have, so Lyn, you provided the county prosecutor with who owned the lots as of 8/10/98.

Lyn Methlie – Yes. Actually their attorney provided that because in the beginning of this we started the parallel case to this is Michelle Ridge in Hinckley – same situation – wherein the township - and that same attorney who discussed it with the prosecutor pointed that out that the township in Hinckley did actually have to improve Michelle Ridge. There was a discussion with their lawyer and the prosecutor that this would be a settlement. That it would be covered by the town and put in by the town and they agreed not to proceed to have the town improve their own road. That was the agreement – that was about a year ago.

Trustee Sims – You're telling me that Bill Thorne has the information that legally on a plat as to who owns the lots as of 98?

Lyn Methlie – That was a year or two ago.

A.P. Thorne – The information I got came from Tim.

Trustee Sims – That’s what I mean – it just goes in a circle. He’s saying he don’t have it.

Lyn Methlie – The prosecutor did discuss that – that was the first step.

Trustee Sims – The prosecutor or who?

Lyn Methlie – I’ll get the name of the attorney.

Trustee Sims – I am not trying to give you a hard time but I am not going to move forward on spending township money interest free on creating a road that should have been abandoned regardless of the discussion on how it got to this point until I know that it minimally satisfies 705 A and B of our zoning code. And I can’t get there for some reason. We talk about getting there but I can’t get the paper on it. So when you leave here I want you to thoroughly understand that what I’m asking for is a layout plat ownership proof of, not anybody’s thought of, or say so and that it be provided to Bill Thorne as of 8/10/98 and we can get you a copy of this particular page.

Trustee Plumer – Why not just give it to you, Bill seems to be convinced that there isn’t a problem.

Trustee Sims – Well Bill hasn’t seen a piece of paper on it. How can Bill be convinced? Bill has been told by Tim Kratzer.

A.P. Thorne – No, they send me documents showing ownership of the lots, the layout.

Trustee Sims – Who owns the lots today, correct?

A.P. Thorne – It was supposedly the layout of the lots at the time they were created – that’s what the representation was. I didn’t go back and check the recorder’s office but it was supposed to be when it was created.

Trustee Sims – So they provided you a plat.

A.P. Thorne – Tim provided me with the information.

Lyn Methlie – And that information was from the title agent who pulled it as of that date I brought those copies around. That was from a title agent.

Trustee Sims – Alright, then just help me get through this so I don’t have to keep talking about it and we can get going with what we need. So you are saying that we can make a nonconforming lot more nonconforming and that according to – you have some information – that there are not two lots in a continuous frontage existing under common ownership as of the date of 8/10/98.

Lyn Methlie – Yes. That’s what I took and had the title company pull that and do that research and then I delivered it.

Trustee Sims – And you delivered it here?

Lyn Methlie – I brought it here. I gave it to Tim and we mailed another copy to the prosecutor.

Trustee Sims – And did you – this is the illusive paper. I will provide you with a business card and you can reach me day or night by cell phone or fax.

Lyn Methlie – So are we held up another month on this thing?

Trustee Sims – No, I don't know what we are doing.

Lyn Methlie – So let me ask you, if I provide to you personally the documentation that everyone has already seen.

Trustee Sims – Have you seen the documentation?

Trustee Plumer – Why don't you listen to the lady?

Trustee Sims – I'm telling you we haven't seen it.

Trustee Plumer – You want it so why don't you let her provide it to you and then you can provide it to Bill.

Trustee Sims – Ok, but have you seen it – the big illusive thing – and I haven't seen it.

Lyn Methlie – We had a meeting here and that was in the meeting minutes and you asked for that and I delivered all the way around. I delivered it here. I am sorry if your representative didn't get it to you but I delivered it here.

Trustee Sims – But I want you to give it to me so I don't have to depend upon anybody else.

Lyn Methlie – Then let me ask you, when I do that, what happens next?

Trustee Sims – Then at that point according to Bill Thorne's letter dated November 9 it looks like choice A is that legally we would be required to either pay you for the loss of one building lot or strike some sort of deal here to build the road but if the lot is going the township \$150,000 – if the road is going to cost \$150,000 I can buy a lot for \$150,000 and not build nothing so I want to make sure that we are doing the right thing the right way and it's documented.

A.P. Thorne – As I say in the letter, there are other options and until they get done with the plan we don't know that they are going to increase any nonconforming at all.

Trustee Sims – Does somebody have a finalized plan?

A.P. Thorne – It hasn't been done yet.

Lyn Methlie – We need what he is going to create to do that.

A.P. Thorne – Before we tell what we are going to have in terms of nonconforming what we need to do is we need to see the final plan.

Trustee Sims – And before I can make that determination I need to see that it complies to 705 A and B. I just have seen no paper and I feel very bad for that because I don't understand how this elusive paper has been here and you have provided it so many times and yet I don't have a copy of it. I just find that bizarre so please bring it. I'll give you my street address, cell phone, email and fax number – give me those papers and then we can move forward but ...

Lyn Methlie – And what does move forward mean – at that point you ask Bill...

Trustee Sims – It depends upon what the paper says.

Lyn Methlie – To draw the document. Everybody who has seen it says it exactly what's is supposed to be.

Trustee Sims – Who has seen the piece of paper? Tim has seen the paper.

Trustee Plumer – Carolyn, just answer her question. She is saying what everybody else is saying, are you prepared to move forward or is there something else that you want, that's all.

Trustee Sims – Well then the letter goes on to say that we should understand the cost of the construction and then weigh the cost of constructing the road versus the cost of buying a lot and whichever is cheaper we would discuss as a board on doing that.

A.P. Thorne – Now are you talking about buying the lot...

Trustee Sims – And that all starts with making sure it doesn't need a variance and knowing that it complies with 705 B. If I would have had 705 B six months ago we would not be having this discussion why I need to know about 705 B. I cannot arbitrarily just tell you that you can make a nonconforming lot more nonconforming, go ahead, and then the next person that comes in.

Lyn Methlie – Don't talk down to me. Everyone else seems to understand this but you so I'm going to have a personal meeting with you and I'm going to explain it to you and I'm going to make you sign for your copy to make sure you understand what everyone else know what's held us up over a year.

A.P. Thorne – We still have to get the highway cost.

Trustee Sims – Yea, I have no paper. I have no paper on this. I hear about it a lot. It's on the agenda a lot but there has not been provided to me anything but letters from the county prosecutor saying Tim says it is good. I want the paper and then I'll say it's good too and then we'll all move forward.

Chairman Kratzer – And I don't think the paper says that Tim says that it's good. It says that the paper that Tim provided the prosecutor was good.

Trustee Sims – How could you provide it to them and not provide it to me?

Chairman Kratzer – And I brought it one night and copies were supposed to have been made and given to you. Our former clerk said there is a copy in the file.

Trustee Sims – Well, the point is to find the copy in the file the night I asked you for the copy.

Chairman Kratzer – But she isn't here to answer.

Trustee Plumer – Excuse me, can we move forward please.

Chairman Kratzer – I sure would like to.

Trustee Sims – Well you are not going to make me look like I'm holding this up when there is no paper here.

Chairman Kratzer – I'm not saying anything. You're the one doing all the talking.

Trustee Sims – Well I'm being accused of holding up a process which I'm not and as soon as there is documented proof then we'll move forward before we spend township funds and I don't mean to put you in the middle of a situation but, yes, please deliver it to my home and I will sign for it and then we can move forward. I would even be willing to have a special meeting because you have been a victim of this whole entire system here of being delayed. As soon as I get that paperwork and review it we can take it from there.

Lyn Methlie – So taking it from there, to go back to my question means – that you will then direct Bill.

Trustee Sims – I don't know what your paper says.

Lyn Methlie – Assuming it's everything you want to see and that you are able to understand it, you will then direct him to proceed with the document that let's us continue the agreement.

Trustee Sims – And putting together a road plan.

Lyn Methlie – And how long will that take?

Trustee Sims – I don't know. I'm not in charge of that.

Lyn Methlie – How long will it take for you to give consent to go forward to create a document?

Trustee Sims – I will make every attempt if there is paper provided to make special consideration to hold special meetings regarding this to move things along expediently as long as there is paper and not opinion. And I would request that you request to our acting clerk and then clerk to be notified every time this particular topic is going to be discussed and you can write us a letter and we will send you notification that this topic is yet being discussed again and why. So that you understand what is holding this process up, I have no paper.

Lyn Methlie – I understand that it has been the question of how the lots were held in title. I had a title company do extensive research. I delivered that here.

Trustee Sims – You would have...

Lyn Methlie – Excuse me, let me finish. I delivered them here as were the directions of this board and you tell me for whatever reason you didn't get your copy.

Trustee Sims – Are you telling me that in a public meeting that I attended that you provided me the documentation?

Lyn Methlie – No, you told me what you wanted and I delivered it here 24 hours later.

Trustee Sims – Ok, I'm telling you I didn't get it. Now we do have a clerk issue – but we don't have a chairman issue – he's right here and he appears to have a copy and I don't have a copy of it. I don't know what I have to do to get a copy of it. Do you understand what I am saying? Where's the copy of it?

Lyn Methlie – Probably ask for it.

Trustee Sims – So bring it to my house and I don't want this to cause any bad blood and I will make every consideration to move forward on the issue as soon as I have the papers but I can't just arbitrarily go on sounds good. I need the paper so that I have a clear conscience that we are in compliance with our zoning code and this is not any special consideration regarding the township spending of funds for this. Ok? I'll work with you.

Lyn Methlie – Let's go back to that – there's no spending. In other words when you complete the first part you will be overpaid from the proceeds from the first lot.

Trustee Sims – That’s perception –

Lyn Methlie – You are not lying out funds that won’t be immediately reimbursed.

Trustee Sims – You said you sold a lot without a road? You sold the lot?

Lyn Methlie – No, I have a contract but the lot to close. You can sell a lot without a road, you just can’t build on it.

Trustee Sims – Is this the Willie Carrasco lot?

Lyn Methlie – I can’t discuss something like that in a public meeting who the buyer is – that’s confidential.

Trustee Sims – Ok, but nothing starts anywhere for me until I get a piece of paper that we are in compliance with the zoning code. And the reason for that and I want you to understand the reasoning, it’s important. I’ve had people call me at home, hey, I want to cut out section of my 10 acres and gift it to my daughter but I only have 250’ of frontage and I need you – just let me make my lot nonconforming so I can get another lot out of it and the answer has to be that you need a variance or no.

Lyn Methlie – I believe the original survey was in the 60’s.

Trustee Sims – But I’m more than willing to provide you with everything that I have here regarding it which states the current ownership and that there are two Gloria lots side-by-side and in the documents that I’m able to pull off the township website and there are two continuous lots and that makes, ah provides, that section should apply more than two lots of continuous frontage.

Chairman Kratzer – More than two.

Trustee Sims – I got you so I’m just asking. If you change the road configuration I don’t have who owns what with the new configuration, I need a piece of paper.

Chairman Kratzer – The lot ownership won’t change. The only thing that is going to change is the road configuration. It isn’t going to change the lots.

Trustee Sims – Don’t try to make me feel dumb. Put it on a piece of paper and then I’ll understand it.

Chairman Kratzer – The fire contract has been delivered to Gloria Glen’s mayor.

Trustee Sims – Yee haw.

Chairman Kratzer – Yee haw to you too.

Audience Comment – What does that mean, yee haw? Very professional – keep it up.

Trustee Sims – I'm sorry. I'm a little heated and it was signed March 1 and he just received it this week.

Audience Comment – Thank you for your professionalism – that's what yee haw means.

A.P. Thorne – Is there anything else that the board would need.

Chairman Kratzer – Thanks, Bill. Goodnight.

Trustee Sims – Wait, Bill. East Cemetery. Kratzer was going to ask you to write them a letter that they own it.

Chairman Kratzer – I took care of that last night. If you would wait until we got there.

Trustee Sims – Well, Bill was leaving.

Chairman Kratzer – Well, I didn't need Bill.

Trustee Sims – Well, I guess not but you were going to do it in October and I didn't expect you to have done it yesterday, sorry.

Chairman Kratzer – I delivered a letter to the Village council last night telling them, according to the Ohio Revised Code that Bill quoted to us, that the East Cemetery and all cemeteries inside their boundaries belong to them and that as of 1/1/07 they were required to maintain that cemetery.

Trustee Sims – And how did they take that?

Chairman Kratzer – They didn't like it too well but they made a resolution to accept it. We went over post-dated checks, billing for contracts – the new clerk will have to take care of that. We talked about Zuber. We just covered the East Cemetery. You don't have any time next week for a meeting on policy and manual so we will worry about that the next meeting. Can I have a motion to pay the bills?

Trustee Sims – No. Real quick, one final thing. I did meet with Bill Thorne regarding Bruce Broadbridge and his utility. He is going to set up a meeting. The documentation that I was able to get, according to Bill, would support the fact that it is a utility and if it is a utility then we would figure out who is responsible to maintain that utility that is backing the water up on their property and the neighboring property. So Bill will, I'll call him to see if he wants to move forward but I thought that was a positive step forward for Broadbridge.

Trustee Plumer – But it's not ours to maintain.

Trustee Sims – We don't know.

Trustee Plumer – We didn't put in a sewer or water line.

Trustee Sims – We don't know.

Trustee Plumer – I know.

Trustee Sims – I don't know. It was what was called the WPA works program project.

Trustee Plumer – That was in the 1930's. The township wasn't around in the 30's.

Lyn Methlie – That's the Second World War – the WPA is Works Progress Administration. That was the President wanted to give charity and he created jobs so people could work.

Trustee Sims – Doesn't have anything to do with zoning. Not that I want to go into this, I just wanted to tell you.

Chairman Kratzer/Trustee Plumer – No, we don't.

Trustee Sims – No, I want to clarify this that the WPA project gave money in our township to install a drainage line and that drainage line appears to be affected by the construction of another utility and he's in the township as a resident and it was installed in our township.

Trustee Plumer – But we didn't install it.

Trustee Sims – No, the WPA provided funds that installed it.

Trustee Plumer – I so move that we pay the bills.

Chairman Kratzer – I second. All in favor.

Denise Moteleski – I'm an old question – what's happening with the trailer park?

Chairman Kratzer – We have the zoning inspector sending letters about the noxious weeds etc. but we don't get any replies. We turned over your information to the county engineer for his insight on it and we haven't heard anything back.

Chairman Kratzer – Anybody want to bring up anything else while we are signing checks? When we get done with checks, we are going home. Thank you for coming.

Date: 7-16-07

Minutes Approved By Township Trustees

Chairman Timothy Kratzer



Jeffrey Plumer, Vice Chair



Carolyn Sims

Marlene L. Oiler, Certified PP, PLS
Secretary pro tem