

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
JANUARY 5, 2009
REGULAR MEETING
8:20 PM

Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 8:20 p.m. Trustee Sims, Likley and Kratzer were present as well as Fiscal Officer Evans. The following were also in attendance: Ron Oiler, Mark Goffinet, Tim Sims, Susan Brewer, Frank Galish, Tom Micklas, Stan Scheetz, Mike Schmidt, Gayle Foster, Mary Steidl, and Dennis Delagrance.

Public Comments

Mr. Mark Goffinet with the Medina County Auditor's Office. Auditor Kovack wanted to tell all the residents of Medina County to be aware of special programs from the United States Dept. of Agricultural Rural Development. They have 2 programs available. 1. If you buy a home in a rural area there are guaranteed rural housing loans for up to 100% of the appraised value and the homeowner must live in the residence after purchasing it; 2. Program for rural home repair loans. These loans may be made to repair or modernize the home. For additional information please check the Auditor's website.

NEW BUSINESS

Committee Reports

Fiscal Officer Report

Fiscal Officer Evans stated at this time there are no reports as on the agenda because of the fact that she will be getting everything in order to close out the end of the year as well as the financial statement finished so there was not anything except the bills that were e-mailed to each Trustee that needed to be paid. If the Trustees would approve those bills to be paid she would cut checks for those bills when she did payroll on January 12th or they could wait until the next Trustees meeting on January 15th. The bills consisted of two fuel bills 1. Off-Road for \$72.80 and \$1,152.32 for Diesel. There was a Sam's Club bill in the amount of \$ 51.02 and one for City Hardware in Lodi for salt and hose repair for \$39.44.

Trustee Sims stated she preferred to accept the bills with a running list of the warrants as well as the physical check. Trustee Likley stated that this was out of the ordinary to have the bills presented this way. Trustee Sims asked, if the Trustees postponed approval of the invoice from Sam's Club would it effect the due date of that bill? Fiscal Officer Evans stated the due date is January 17th and you (Trustees) will not have a meeting until January 15th.

Trustee Likley made a motion to approve payment of the bills submitted for Sam's Club, City Hardware and Bauman Oil for off-road and diesel fuel as presented by Fiscal Officer Evans. It was seconded by Trustee Kratzer.

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Discussion on the Motion

Trustee Sims stated she would still prefer the running list of the warrants. Fiscal Officer Evans stated that the payment of the bills is out of sequence with the Trustees meeting and this has only happened once before. Trustee Likley asked if the change in meeting days was going to cause an issue with the payment of the bills? Fiscal Officer Evans replied it shouldn't.

ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

Fiscal Officer Evans stated Kim Ferencz said she would be going to the OTA Winter Conference in Columbus and was told Westfield Township would not pay her registration fee. Trustee Sims stated she never told Kim that. Trustee Likley stated that this was brought up before in that Kim Ferencz works for Medina Township as well. Any training or conferences she would go to would benefit both Townships so the cost could be shared by the two. Trustee Sims stated that she believed Westfield Township paid for Kim Ferencz to attend the zoning conference in Westlake and that Chairman Likley may want to follow up with Medina Township.

Fiscal Officer Evans stated the registration fee is \$40.00 for OTA members and \$60.00 for Non-members and did not know if Kim Ferencz was a member of OTA through Medina Township. Regardless, the registration fee needed to be in by January 22, 2008. Trustee Likley stated he would contact Kim Ferencz tomorrow and that way a decision could be made at the next Trustee meeting on January 15, 2008. Trustee Sims stated she did not know at this time if she could attend the Winter Conference but if she did, she would pay for it with her own personal credit card and submit the bill to the Township for reimbursement.

List of Correspondence

Fiscal Officer Evans stated she e-mailed the received correspondence to the Trustees.

- Trustee Likley stated there was correspondence from Tony Mecuri from Verizon Wireless that they wanted to move forward with the tower but wanted to know what the Township wanted Verizon to do about the easements. Trustee Sims stated that e-mail was received today while she was at the Townhall and was sent to Mr. Tom Karris from the Pros. Office but he has not had the opportunity to review it.
- Two Applications for the Comp. Plan Committee
- Honorarium payment letter from Mr. Thorne, Medina County Pros. Office
- PUCO letter on tree, weeding, and brush removal on White Rd.
- E-mails received from Mr. Don Krolikowski who has been in contact with the Township web administrator Greg Anderson in attempt to retrieve the Westfield Township website files to work out the transfer to Mr. Krolikowski's server. Trustee Sims stated as soon as the website was up and running she needed to add her name to the broadcast list so she could receive e-mails at the info@westfieldtownship.org.
- ODOT annual mileage certification to be signed on January 7, 2009 from 8 a.m.-4:30 p.m. at the Engineer's Office. Trustee Likley stated he would go and sign the

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certification. Trustee Sims stated she was available as well. Trustee Sims asked Mr. Evans if he certified the estimated mileage? Mr. Evans stated he would be meeting with Fred Boreman at 9:00 a.m. to go over the Buffham Rd. improvement project for the Issue 1 money and while he was there he would get a copy of the certificate of mileage as nothing was done this past year except chip and seal on Kennard Rd. which was 400 ft. There was no mileage added. Trustee Sims stated what she meant was for Westfield Landing Rd. to be put in the non-maintained status to make sure that was reflected in the mileage. Mr. Evans stated he would check about Westfield Landing as well.

Trustee Sims stated in the past she and Lee Evans referenced the key on the mileage certification chart to make sure the surface types were accurate. Trustee Likley stated he too went over this with Mr. Evans last year. Fiscal Officer Evans stated no one from the County Engineer's Office was notified as to whom would be signing the mileage certification. The County wants confirmation by tomorrow of who is going to be there and handle this. Trustee Likley stated he would call the County Engineer's Office and let them know all three Trustees would be coming.

Zoning/Comp.Development Plan Steering Committee Member Review

Trustee Likley stated he sent out an e-mail that he spoke with Mr. Majewski from North Star and asked him if he had invoiced the Township for his initial payment. At that time Majewski had not but he would do so. Trustee Likley stated he also suggested setting up a preliminary meeting for all Steering Committee applicants to meet Mr. Majewski from Northstar so he could explain what a Comp Plan is and how the procedure and process would run to update the Plan. A tentative date for this orientation is January 22, 2009 at 7:00 p.m. The Steering Committee applicants would need to be contacted and informed of this date. Mr. Majewski would review the applications and let the Township know whom he believed would best serve the Township through the entire process. A cross-section of residents should be chosen to provide good representation of the Township. Trustee Sims stated she would contact the applicants to see if they would be available that evening.

Fire Committee Report

Trustee Sims stated she received a phone call from a fire truck representative from Suffin about the bid procedure or lack thereof in the purchase of the fire truck apparatus. Under Section C of House Bill 204 you can purchase supplies; and the fire truck apparatus was equipment. This representative added that he was the State bid and the vehicle that was purchased was based off his bid and he had concerns. Trustee Sims stated she immediately referred him to Fire Chief Snoddy and Bill Thorne from the Pros. Office as well as Trustee Likley. Chief Snoddy asked, why was he the third person on the fire department to hear about this and how did this representative get Trustee Sims name and contact info? Trustee Sims stated she wanted to know how Mr. Suffin was informed...Chief Snoddy interjected," we informed him." He knew our qualms about it.

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However if he saw the specs on the other truck he did not meet the requirements. He refused constantly to bring the truck up to the specs of the truck that we purchased because it would put it as he called it, "out of a program truck" into a completely custom truck for \$40-50,000 more. Fire Chief Snoddy stated the truck committee argued at the last two meetings with him to only be told "oh you can get away with this and oh you can do that." Chief Snoddy added he was going to have a meeting tomorrow morning at 9:00 a.m. to get the line item comparison on the two trucks as well as any other State bid truck to meet this detailed House Bill 204 fiscal analysis. Chief Snoddy said he told Bill (Thorne) he would have it ready by Wednesday but never heard back from Bill Thorne. He added that the night the Trustees signed the papers Bill Thorne was told this was a House Bill 204 truck not off the State bid list. Chief Snoddy stated the truck committee was pleased with the process and felt that they were fiscally responsible in this purchase in that met our specs for \$350,000. Trustee Sims stated it was so noted this has been turned over to Bill Thorne and that Chief Snoddy should report back to the Trustees.

Trustee Kratzer asked who was the individual who contacted Trustee Sims? Chief Snoddy stated he was the representative for Suffin for this area and the son in law of the owner of Suffin. He has also lost several bids over the last few months to House Bill 204. This individual was the competitor but made it to the final round but did not get the bid. Trustee Sims stated the gentleman called her and Chief Snoddy as he wanted the Board of Trustees to know his concerns. Trustee Likley stated he also spoke with this gentleman and he told him to contact Bill Thorne and Chief Snoddy. The individual said he had spoken to Mr. Thorne and that Bill Thorne was reviewing it and would sit down with Chief Snoddy to go over this information.

Chief Snoddy stated he and the truck committee asked this gentleman to forego the State process and work with his custom truck like Smeile did and he flat out refused. He bid the Seville truck and a truck for Medina and did not get those bids either.

Chief Snoddy continued that the Fire Dept. ended up with 420 runs which meant they did 40 runs for the month of December and only 1 mutual aid with Lodi. Next month he would have the total activity for the year as well as the total of the ambulance billing.

On Monday January 12, 2009 Mary Steidl would be teaching CPR/AED at 9:30 a.m. at the Fire Dept. This class would be attended by Kim Ferencz, Martha and Lee Evans, Ron Oiler and Trustee Kratzer. Trustee Sims stated she would like to attend as well. Chief Snoddy stated Mary could teach up to 6 students and over that another instructor would need to be brought in to help with the class. Mr. Evans suggested at the Joint Board meeting on January 8, 2009 that the class be offered to the zoning board members. Chief Snoddy stated Ms. Steidl would make whatever arrangements to teach the classes to interested residents/employees. The cost is \$17.00 for the certification card and book.

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Chief Snoddy stated the expenses for December were \$18,000 and that included \$10,000 for the big truck (#162). Trustee Sims asked if Fiscal Officer Evans ever figured out the fuel expense for the Fire Dept.? Chief Snoddy stated in the one month they only filled the one squad twice that was why the bill was so low and then they ended up filling it up almost every other day due to all the runs. That was why there was a big discrepancy between October and November. Fiscal Officer Evans stated the Trustees would get all the figures on what was spent on fuel as soon as she closed the books.

Zuber Violation and Hearing Date

ZI Harris stated the hearing date is January 22, 2009 at 9:00 a.m. He would be taking pictures 2 days before so the Pros. had current pictures. Quadrant C of the Zuber property is to be completed by January 27, 2009.

Trustee Likley stated that Kim Ferencz compiled a list of site plans/conditionals/variances/ amendments for the zoning boards for the year 2008. The list is as follows:

Zoning Commission-1 Site plan, 1 Map Amendment

BZA-3 variances, 1 con't of a conditional and 1 reconsideration of a variance request.

Trustee Likley asked that a running tally be kept for the year for to track Board activity. Trustee Sims stated she could work with ZI Harris to also prepare a monthly zoning report to keep track of permits as well. Trustee Likley also asked that the applications be reviewed to see if they need to be modified or request additional information.

IRS UPDATE/OTARMA CLAIM

No update at this time.

Cell Tower Lease Contract

Trustee Likley stated correspondence was received from Verizon and they were waiting for easement clarification.

Stan Scheetz Annexation to Seville Update

Mr. Scheetz stated the annexation was still pending at this time. He added that Trustee Sims was present at a couple of those meetings with Debbie Russell from the Muskingum Watershed District. Mr. Scheetz stated there is a Resolution to annex three properties that are partly in the Village, Westfield and Guilford Townships. At the last Council meeting Mayor Landis stated: "The annexation was tabled mostly due to statements by Carolyn Sims of Westfield Township and Debbie Russell of the Muskingum Watershed. Their statements were not relevant to the annexation but would be relevant when and if site plans were presented on these new properties for improvements. There was also a statement by the Pres. of the Zoning and Planning board that the board did not use due diligence when recommending the passage of the annexation to Council. I do not feel this was a factual statement since the board was considering the annexation request of 3 Village landowners to consolidate their properties under 1 jurisdiction which would be

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the Village of Seville. The Board of Public Affairs has the capacity at this time to provide services to this area if annexed. This could change in the future if other developments take place. However I am recommending to Council that they un-table this Resolution and vote on it keeping in mind that it has nothing to do with what may be presented in the future but only relates to the consolidation of these properties in the Village.” Mr. Scheetz stated these statements were made by Mayor Landis at the last Council meeting. The second reading would take place at their next regular Council meeting.

Mr. Scheetz continued that he would not file the actual petition until he knew that Council has passed a Resolution to provide services because the County and the State requirements under the ORC state that he must provide that Resolution within 21 days from the time the annexation petition is filed. Mr. Scheetz concluded that he was waiting until he had the Resolution in hand to go forward.

Trustee Sims stated Gayle Foster from the newspaper was present this evening and if Ms. Foster was to write an article on the Annexation she would like it known that she (Trustee Sims) was adamantly opposed to loosing any property out of Westfield Township for our own economic growth and consideration. Trustee Sims asked Mr. Scheetz to summarize the comments made by Mr. Charles Marshall after Mayor Landis made his statements. Mr. Scheetz stated that Mr. Marshall’s comments mainly related to the development of the industrial park as he was the lead developer in this project as was stated previously before this Board at the Kratzer Map Amendment hearings. Mr. Marshall wants to develop on the east side of Chippewa Creek in conjunction with Creco Manufacturing and Elizabeth House. There are approximately 77 acres to be included in this type 2 annexation. This type of annexation is where the tax base is not taken out of Westfield Township but the planning and zoning relating to the development would be hands of the Village of Seville.

Trustee Sims stated her concern was on the soil types. The Ohio Dept. of Natural Resources has chosen those parcels as the most sensitive for ground water pollution potential. Her second concern is that is annexation would bring a contiguous border to Trustee Kratzer’s property. She also heard that at the meeting in Seville, Mr. Marshall alluded to taking a lead role in the Kratzer development. Mr. Scheetz stated Mr. Marshall was not active in any aspect of the Kratzer parcel at this time. He simply supports the development of the Kratzer property in the future. The statement made by the new Mayor (Landis) is that those were two separate and independent issues to be considered by the Village of Seville as they are submitted, but were not to be taken into consideration in relation solely to this industrial annexation. Mr. Marshall has no financial interest or development interest in the Kratzer property at this time but may in the future just as any developer would. Trustee Sims stated if that parcel wants to develop she hoped it came back to Westfield Township with a text/map amendment for consideration.

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House Bill 204 Language was submitted by Fiscal Officer Evans to the Board of Trustees from Fire Chief Snoddy.

Resolution 2009- Westfield Township's Open Records Mission Statement, Statement of Principles and Policy

Fiscal Officer Evans stated Bill Thorne came to her office on December 31 2008 at 9:30 a.m. and they went over this policy and possible amendments to it so the policy could be understood and workable. On page 2, paragraph V. the wording was changed to "shall" and in paragraph VI., the wording was changed to "a reasonable period of time". Instead of putting a hard time period of 3,5 or 10 days to provide public records it would state, "reasonable period of time". Fiscal Officer Evans stated this is the wording that was recommended by Bill Thorne as well as the classes she attended. Fiscal Officer Evans stated Bill Thorne helped her with the modifications to this document but if the Board wanted to send it again to Bill Thorne for review that was fine as well.

Fiscal Officer Evans stated under the Westfield Township Open Records Policy the wording was changed to read "Records can be requested personally during the regular hours 9 am.-11am. Mon.-Thurs." as Kim Ferencz is in the office at that time. The document goes on to state that "if the Records are readily available, they may be given out immediately or within a reasonable period of time..." "If the records need to be researched or reviewed the requestor will receive a written response within a reasonable period of time." This has been approved by Bill Thorne while in the Fiscal Officer's office. Trustee Sims stated that this was discussed at the Records Retention Committee Meeting that the 3-5 day reference that is currently in document, and not being able to be met, provided a liability to the Township. Therefore the document needed to be modified and made consistent with the statute of "reasonable period of time". However she felt that some of the recommendations may be in conflict with the 1 page Open Records Policy that is posted at the Townhall and therefore wanted to table the approval of the modifications as well as the Record's Retention Policy for review by the Pros. Office.

Trustee Sims made a motion to send the Open Records Policy and the Records Retention Policy to the Pros. Office for review before adoption by the Board of Trustees. It was seconded by Trustee Likley.

Discussion on the Motion

Trustee Kratzer stated he did not understand that if the County Pros. sat down with the Township Fiscal Officer and modified the document, why it needed to be sent to him for further review? Trustee Sims stated the important revision is on the Records Retention Policy which states "Records can be requested personally..." The previous wording was "Records will be available for inspection." Fiscal Officer Evans interjected, that was why the policy was being changed. Trustee Sims stated she always erred on the side of the resident that the records be available during the Township's standard business hours. She added she has often come to the office during those specific times and the records are not available. Trustee Sims stated whatever the new policy is also needs to be the reality.

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Trustee Sims continued that she has come to the office to review personnel files and they are not available during the office hours even in the revised version of the Open Records Policy. Fiscal Officer Evans stated the new policy will read, "Records can be requested personally during regular hours of 9 am.-11 am." Trustee Sims stated that she would like to table this as well as the Records Retention Policy examined i.e. audios only retained for x amount of time and the time period they should be kept by the Township.

Trustee Kratzer stated the documents that have not been audited are not put in the Fire proof room so if Trustee Sims came up to the Township during the Township's regular office hours and requests to see such documents then the Fiscal Officer could call you back and set an appointment. He added he felt the changes are fine and that you (Trustee Sims) are wasting the Pros. time. regarding the records in the Records Retention Policy, Trustee Kratzer suggested going through that document before it has to be sent to the Pros. Office so he was not blindsided at what he was looking at. Trustee Sims stated Ass't County Pros. Carol Shockley was the Ass't Pros. with more expertise regarding Records Retention Policy. Trustee Kratzer stated Bill Thorne was the one in charge for review.

Trustee Sims stated she did not want to get into a battle with Trustee Kratzer and asked Fiscal Officer Evans if she felt the minutes,/attendance sheets and attached referenced documents were available to the residents for review? Fiscal Officer Evans stated that a copy of the attendance sheet and attached documents are available once the minutes have been signed. This has been the case since August when Trustee Sims first brought this up. Fiscal Officer Evans stated the original documents are in her office. Copies of the Trustees minutes are in the fire proof room in the file cabinet. The year 2008 minutes are in that room. Trustee Sims asked, with the sign in sheets and attachments? Fiscal Officer Evans stated yes. Trustee Likley stated he needed to review the documents in question, but did not know if they had to be reviewed again by Bill Thorne.

Fiscal Officer Evans stated any records that have not been audited are in her office and are her responsibility and she will protect them at all times. Trustee Sims stated the minutes, attendance sheets and all the attachments should be available for any resident to view. Fiscal Officer Evans stated they were. Trustee Sims stated that was not a reality as when she came up to the Townhall during 9-11 a.m. those records were not available to her. Fiscal Officer Evans stated the records may not be available immediately but if you request a record, it will be provided. Trustee Sims stated the spirit of the law was that the records should be available for inspection.

Trustee Sims stated Kim Ferencz sent a request for outstanding audio. Trustee Sims asked if there was no audio recording for August 27, 2008 when we (Trustees) were interviewing for the Admin. Asst. position? Fiscal Officer Evans stated that was an Executive Session. Trustee Sims stated only a portion of it. When we deliberated, that was not recorded? Fiscal Officer Evans stated that was correct there was no audio

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recording. Trustee Sims asked if there was an audio recording of the Sept. 3, 2008 meeting? Fiscal Officer Evans stated that Tim (Kratzer) had a recording and she would give it to Kim Ferencz tomorrow morning. Trustee Sims asked if there was an audio recording of September 12, 2008 meeting? Fiscal Officer Evans stated no. Trustee Sims stated that every time she saw Fiscal Officer Evans at a meeting she was flipping tapes or turning something on. Trustee Sims stated she had a recording of September 12, 2008 meeting and she could hear Fiscal Officer Evans flipping tapes. Fiscal Officer Evans stated that meeting did not record and she could show Trustee Sims the tape.

Trustee Sims continued, what about October 10th which was the meeting held in the central office? Fiscal Officer Evans stated there was no recording. Nobody knew how to use the micro recorder. Trustee Sims asked if one could sense her frustration when she asks what recordings are indexed and they are not available. She added that she needed to make sure that if we index a document that it is secure in the Fiscal Officers Office if it is audited. She added she provided Kim with some of the outstanding audios and asked which recordings Fiscal Officer Evans provided to Kim Ferencz? Fiscal Officer Evans stated the recording from the September 3, 2008 meeting was the only one she had which was given to her by Tim (Kratzer). Trustee Sims stated she had a recording of the deliberations of August 27, 2008 and would give it to the Fiscal Officer as well as the audio of October 10, 2008 when the Trustees came out of Executive Session but was having a problem transcribing those minutes to disc.

Announcements

Joint Board Training Session with Bill Thorne-January 8, 2009 at 7:00 p.m.

Regular Trustees Meeting-January 15, 2009 at 7:00 p.m.

Fire Committee Meeting-January 18, 2009 to discuss Chief Snoddy's contract. This would be done in Executive Session. Trustee Sims stated she would like to be notified of Fire Committee meetings.

Zoning Commission Organizational/Regular Meeting -January 13, 2009 at 7:30 p.m.

Trustee Sims asked Fiscal Officer Evans for a complete list of the audio recordings of 2008.

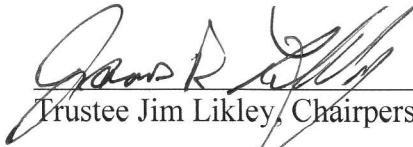
Trustee Sims made a motion to adjourn the organizational meeting. It was seconded by Trustee Kratzer.


ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

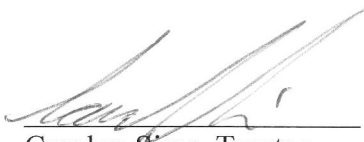
The meeting was officially adjourned at 10:20 p.m.

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Respectfully Submitted,
Kim Ferencz, Westfield Township Admin. Ass't.


Trustee Jim Likley, Chairperson


Tim Kratzer, Trustee


Carolyn Sims, Trustee