

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
May 1, 2009
SPECIAL MEETING- Legal Council & General Business
9:30 A.M.
(As amended 6/18/09)

Chairperson Jim Likley called to order the special meeting of the Westfield Township Board of Trustees at 9:30 p.m. Trustee Sims, Likley and Kratzer were present as well as Mr. Thorne from the County Pros. Office. Mr. Ron Oiler was also in attendance. Chair Likley stated initially this special meeting was called to meet with Attorney Al Schrader regarding annexation, JEDD and CEDA possibilities. However Mr. Schrader is not present at this time.

Trustee Sims stated today's meeting was advertised to be in the Gazette, The Prosecutor's Office was contacted because it was not printed in the newspaper. The Township has a copy of the faxed confirmation that it was sent to the Gazette advertising the meeting. Trustee Sims read the meeting notice into the record: Today's meeting was advertise as Westfield Township Trustees Special Meeting with Legal Council and General Business May 1st, 9:30 am at 6699 Buffham Road, submitted on April 29th, 2009 by Kim Ferencz. Trustee Sims stated that Mr. Thorne has reviewed the faxed confirmation and even though the meeting was not published in the newspaper, the Township did give proper meeting notification and therefore this special meeting would proceed.

Trustee Sims made a motion to enter into Executive Session with Mr. Thorne from the Pros. Office regarding personnel. Bill Thorne interjected - for employee discipline purposes. Trustee Kratzer asked when the meeting held on Wednesday, was over the public was told a special meeting would be held today with legal counsel with Attorney Al Schrader, However the meeting was advertised for that, as well as General Business. General Business was not brought up at the meeting on Wednesday. Who made the decision to call the meeting for General Business for today? Trustee Kratzer stated that was why he was present today, because he heard the meeting was advertised to include General Business. He added now the Trustees want to go into Executive Session about personnel so I'm wondering how that came about that we a talking about personnel with Mr. Thorne?

Trustee Sims stated there has been dialogue in the past that when the Trustees have Special Meetings it is also advertised as General Business, especially when with Legal Council, in order not to limit topics.. This has been the consistent policy for Special Meetings. She continued that initially the meeting for today was scheduled to meet with Attorney Schrader, and that will still the intent of this meeting around 10-10:30 this morning; However there are some pressing issues that need to be addressed and coincidentally this was scheduled for this meeting, so we are able to move forward today as well.

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Trustee Kratzer asked why the Board was not notified that this was going to take place? He stated, That when I left the meeting on Wednesday I told you I would not be here, then I found out the meeting would also include General Business, and I changed my schedule and came. There was nothing sent out to all of the Trustees that Mr. Thorne was going to be here or that there were pressing issues that needed to be addressed. Trustee Kratzer stated that he felt that was totally out of line for whoever advertised the meeting. Trustee Sims stated that The Board of Trustees advertised the meeting, and this is a meeting of the Board of Trustees. You were present when it was scheduled. Trustee Kratzer said, in the meeting last week it was supposed to be advertised as a meeting with Al Shredder, the Board could discuss whether or not the Board wanted to make a motion or not about what was discussed in excessive session. But there was nothing brought up about General Business or any pressing information. Trustee Kratzer stated he was not notified by Chair Likley that this meeting was also for General Business and felt it was out of line for the Board of Trustees. Chair Likley stated, Due to recent information he received, that was why Mr. Thorne was asked to attend today's meeting.

Mr. Thorne stated he assumed when he got the call to attend the meeting that it is does fit in with your agenda, and all the Trustees knew about the meeting. Trustee Kratzer stated he never received a call and did not know Mr. Thorne was going to be present until he saw Mr. Thorne sitting in the chair. Chair Likley apologized to Trustee Kratzer for not calling him about the meeting. Trustee Kratzer stated that was not good enough. Trustee Kratzer said He sent Chair Likley an e-mail stating that he would be coming to the meeting today because he had heard from the Secretary that it had been advertised as General Business, and that was not the way it was supposed to have been advertise on Wednesday. The meeting was supposed to be advertised for a meeting with the attorney the township hired to fight annexation. He asked when Chair Likley received this information, at 8:00 this morning? Chair Likley stated yes. Mr. Thorne stated he was contacted around 7-7:30 a.m. with the problems. Trustee Sims stated you (Trustee Kratzer) might want to understand what the problems are. Trustee Likley and & Mr. Thorne confirmed that did not know if Mr. Thorne could attend today meeting. Sims continued that Mr. Kratzer sent an e-mail that you would be at this meeting, and this is a meeting of the Board of Trustees & that you were here when the meeting was scheduled. Trustee Kratzer stated the meeting that was to be scheduled for today had nothing to do with Mr. Thorne being here. It would have been nice if all three Trustees would have known Mr. Thorne was going to be here. He then asked Trustee Sims when she knew Mr. Thorne was going to be present? Trustee Sims responded, when Mr. Thorne arrived. Trustee Kratzer asked if she was called by Chair Likley? Trustee Sims stated Trustee Kratzer's concerns are noted and she felt they were valid. A situation has evolved and stated she would like to go into Executive Session to discuss those, once Trustee Kratzer understood the issues going into executive session that may take care of some of his concerns. However, she stated, that It has been the consistant past practice whenever there is a special meeting was scheduled, especially with legal counsel would be present,

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that it is advertised for the Topic and General Business so as not to limit legal counsel's topics for discussion. Trustee Sims continued that Trustee Kratzer was at the meeting Wednesday and then that he did send an e-mail confirming that he would be in attendance at today's meeting. Trustee Kratzer asked if Mrs. Sims was the Chairperson? Ad added he did not care about her concerns. The meeting was to be with private counsel, and not Mr. Thorne

Mr. Thorne stated he felt Trustee Kratzer had a legitimate concern. Mr. Thorne reviewed the announcement again. Trustee Sims read the meeting announcement again stating "with Legal Council". He added he saw your Trustee's Kratzer's e-mail that you would be coming, so I assumed you knew what was happening. Mr. Thorne stated he did not know if he could even attend today's meeting until he checked with his office. . Mr. Thorne stated he thought Mr. Schrader would be going first. None of the Trustee knew if Mr. Thorne could be present at this meeting, until they arrived this morning. Trustee Kratzer stated, that if Mrs. Sims did not know that Mr. Thorne was going to be present today, then I guess it is Okay. Chair Likley stated he did not know if Mr. Thorne was going to be able to be at today's meeting or not. I just knew that Mr. Thorne had been contacted

Trustee Sims made a motion to enter into Executive Session with legal counsel regarding employment and personnel discipline issues. It was seconded by Trustee Kratzer. ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

The Board entered into Executive Session at 9:42 a.m.

**Trustee Sims made a motion to come out of Executive Session at 10:36 a.m. It was seconded by Chair Likley.
ROLL CALL-Sims-yes, Kratzer-yes. Likley-yes. Motion carried.**

Chair Likley stated Mr. Thorne would proceed with employee discipline communication with the Village. Mr. Thorne stated he would keep the Trustees apprised after he speaks to the Village and what steps will be taken.

Trustee Sims asked Mr. Thorne if she should move forward today? Mr. Thorne stated yes given the concern you have, I would pass it on (to the Sheriff's office). Trustee Sims thanked Mr. Thorne.

Chair Likley stated for the record that Mr. Schrader was now present, and believed they would be going into executive session. Trustee Sims stated it would be going into executive session for possible oppositional litigation to the annexation and to review those issues. Trustee Sims stated the Trustees have received a letter from the Mayor of Seville and some questions from Seville Councilman Mr. Barbera regarding questions

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that need to be addressed prior to them setting up a work session with the Trustees regarding a CEDA and/or JEDD.

Mr. Schrader suggested a motion be made to enter into Executive Session to discuss potential litigation and possible contractual issues, which would relate to a JEDD, and personnel. Trustee Kratzer asked what about personnel? Trustee Sims responded we would have to wait and see, she did not know. Chair Likley asked for clarification on "personnel." Mr. Schrader stated he wanted to talk a little bit about himself and dealing with the Board. He added he has dealing with the board, but not spoken with the full Board formally to explain exactly what he does, and who he does & does not represents.

Trustee Sims made a motion to enter into Executive Session with Attorney Al Schrader to discuss contractual, personnel issues & possible or pending litigation. It was seconded by Chair Likley.

Trustee Kratzer asked if there would be any more General Business discussed once out of Executive Session? Trustee Sims stated she did not anticipate anything & then asked if Trustee Likley or Trustee Kratzer had any? Chair Likley stated the only thing that might be done is to provide the Mayor of Seville some response to his questions. Trustee Kratzer stated, but that had to do to annexation. Chair Likley stated that was correct and he didn't see anything outside of that realm continuing. Trustee Kratzer stated he would then excuse himself from this executive session and go home.

Mr. Schrader asked before Trustee Kratzer went home, he would like to discuss with all three Trustees the personnel issue then Trustee Kratzer could go home. Trustee Kratzer stated that was fine and added he was told to stay out of the annexation issue. Mr. Schrader stated that was sound advice and Trustee Kratzer could leave after the personnel issue.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried. The Board went into Executive Session at 9:48 a.m.

Chair Likley stated Mr. Thorne would proceed with employee discipline communication with the Village. Mr. Thorne stated he would keep the Trustees apprised after he speaks to the Village.

Trustee Sims asked Mr. Thorne if she should move forward today? Mr. Thorne stated yes given the concern you have. Trustee Sims thanked Mr. Thorne.

Chair Likley stated for the record that Mr. Schrader was not present.

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Trustee Sims stated the Trustees have received a letter from the Mayor of Seville and some questions from Mr. Barbera regarding questions that need to be addressed prior to them setting up a work session with the Trustees regarding a CEDA and/or JEDD.

Mr. Schrader suggested a motion be made to enter into Executive Session to discuss potential litigation and possible contractual issues which would relate to a JEDD and personnel. Trustee Kratzer asked what about personnel? Trustee Sims responded we will have to wait and see. Chair Likley asked for clarification on "personnel." Mr. Schrader stated he wanted to talk about himself and dealing with the Board. He added he has not spoken with the full Board to explain exactly what he does and who he represents.

Trustee Sims made a motion to enter into Executive Session with Attorney Al Schrader to discuss potential litigation and possible contractual issues which would relate to a JEDD and personnel. It was seconded by Chair Likley.

Trustee Kratzer asked if there would be any more General Business discussed once the Trustee Sims and Likley came out of Executive Session? Trustee Sims stated she did not anticipate anything? Chair Likley stated the only thing that might be done is to provide the Mayor of Seville some response to his questions but that had to do to annexation. Trustee Kratzer stated he would then recuse himself from this executive session and go home.

Mr. Schrader asked before Trustee Kratzer went home, he would like to discuss with all three Trustees the personnel issue then Trustee Kratzer could go home. Trustee Kratzer stated that was fine and added he was told to stay out of the annexation issue. Mr. Schrader stated that was sound advice and Trustee Kratzer could leave after the personnel issue.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried. The Board went into Executive Session at 9:48 a.m.

Due to the audio not being turned back on after Executive session, the following actions are a verbal transcription by Trustee Sims and Chair Likley of the actions that were taken.

Trustee Sims made a motion to come out of Executive Session. It was seconded by Chair Likley.

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

Trustee Sims made a motion to authorize legal counsel to answer Seville's written questions, study a potential CEDA/JEDD and pursue recommended legal options including a mandamus. Trustees are to encourage a meeting with Seville Council before the scheduled final vote on the pending annexation. It was seconded by Chair Likley.

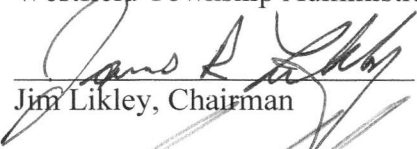
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ROLL CALL-Sims-yes, Likley-yes. Motion carried.

**Trustee Sims made a motion to adjourn. It was seconded by Chair Likley.
ROLL CALL-Sims-yes, Likley-yes. Motion carried.**

Respectfully Submitted,

Kim Ferencz
Westfield Township Administrative Assistant



Jim Likley, Chairman



Carolyn Sims, Trustee

Tim Kratzer, Trustee