

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
NOVEMBER 5, 2009
Public Hearing-Zoning Text Amendments-Article IV. Section 406
Section 407 and Matrixes-Regular Meeting
7:00 P.M.

Chairperson Jim Likley called to order the continuation of the public hearing of the Westfield Township Board of Trustees at 7:00 p.m. Trustee Sims, Kratzer and Likley were present. As well as Admin. Assistant Kim Ferencz. Other individuals in attendance were: Fiscal Officer Evans, Road Superintendent Lee Evans, Gary Harris, Tim Sims, Heather Sturdevant, Ron Oiler, The Kerr's, The Drakes, Mike Carson, Jack & Tammy Jackson, Carol Rumburg, John Miller, Dennis Delagrange and Kathleen LeMar.

Chair Likley stated at the October 15, 2009 continuation of this public hearing, the Trustees finalized the proposed amendments to the signage language but had not yet heard back from legal counsel for review so the public hearing was continued until this evening. Chair Likley stated he did speak with Mr. Thorne from the Pros. Office and he did review the proposed text amendments and matrixes and had no issues with the proposed changes as he had worked with the Trustees during all the public hearings where various changes were proposed to the signage text and matrixes.

Chair Likley stated he also asked Mr. Thorne if the proposed changes had to be sent back to Planning Services for review. Mr. Thorne stated that was not required but the Trustees could do so if they wanted to. Mrs. Sturdevant Chair of the Zoning Commission was asked if she had any issues with the proposed text amendment to which she stated no she was satisfied with the proposed changes made by the Trustees per legal counsel's recommendation.

Trustee Sims asked Ms. Sturdevant if she felt the Commission would want the proposed amendments run back through Planning Services for review or have an opportunity as a board itself to review the amendments of the Trustees and legal counsel? Ms. Sturdevant stated she did notify the Commission of this continuation of the public hearing on the proposed sign language and matrixes. She added she also told the Commission that the proposed changes by the Trustees were completed with legal counsel's recommendations and personal attendance at the hearings. Ms. Sturdevant stated she could not say for sure if the Commission members would want to review the proposed changes by the Trustees before they were voted on. It was up to the Trustees if they wanted to move forward this evening or have the Commission review the changes.

Chair Likley stated the changes the Trustees made were done so with legal counsel's presence and participation in those changes. Therefore he would like to move forward with a vote of the Commission this evening.

Chair Likley made a motion to approve the modifications made on the proposed text amendments to Section 406 and Section 407 and the accompanying matrixes as presented. It was seconded by Trustee Kratzer.

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

Trustee Sims made a motion to close the public hearing. It was seconded by Trustee Kratzer.

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

Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 7: p.m. Trustee Sims, Kratzer and Likley were present. As well as Admin. Assistant Kim Ferencz. Other individuals in attendance were: Fiscal Officer Evans, Road Superintendent Lee Evans, Gary Harris, Tim Sims, Heather Sturdevant, Ron Oiler, The Kerr's, The Drakes, Mike Carson, Jack & Tammy Jackson, Carol Rumburg, John Miller, Dennis Delagrange and Kathleen LeMar. Mr. Thorne from the Pros. Office was also in attendance.

Public Comment

Mr. Jack Jackson addressed the Board. He stated he had two parcels of property approximately 2 acres each on Stuckey Rd. The lots are not combined. Mr. Jackson stated he went before the BZA to request a use variance to build a pole building on the vacant lot next to the lot that his residence is on. The BZA basically said he could not do that so he was before the Board of Trustees to request the fee he paid for the use variance request be used for an application for an area variance request.

Trustee Sims summarized what occurred when Mr. Jackson was before the BZA requesting a use variance on October 29, 2009. There was discussion and concern about the Bruce and Rosemary Broadbridge drainage issue. Through the discussion it appeared to the BZA that the hardship was on the parcel that Mr. Jackson's dwelling is on and not the vacant parcel he applied for a use variance to build a pole building. Trustee Sims stated Mr. Jackson withdrew his use variance request that evening before the BZA and through discussion with the Board has decided to apply for an area variance to build the pole building on the lot that his residence is on.

At this meeting a joint session of the zoning boards was set with legal counsel to be held on November 16, 2009 at 7:00 p.m. It was suggested that if the Board of Zoning Appeals was going to be assembled that evening, if Mr. Jackson got his new application by the required time frame to hold a hearing on the same evening that the Board would proceed to hold a public hearing on November 16, 2009 as well. The Board of Zoning Appeals per

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her request made a motion to recommend to the Board of Trustees to waive the new variance application fee for Mr. Jackson.

Chair Likley asked if the fee was being requested to be waived by the BZA if the hearing was held on November 16th? Trustee Sims stated the Board did not specify the date of the new hearing in their motion and added that the legal time frame for advertising has now expired for a public hearing to be held on November 16, 2009.

Chair Likley stated the fees that are charged are to cover the meeting of the members, and legal notification of the request. Trustee Sims asked if Mr. Jackson has applied for the area variance? Mr. Jackson stated no he has not turned in an application as of today's date.

Trustee Kratzer asked at the hearing did the BZA say they could not grant the variance or did they say it would be better to apply for an area variance on the parcel the house is on? Mr. Jackson stated the BZA suggested applying for an area variance as each board member was polled for their opinion on the use variance request and it was no, no, no. That is when he decided to withdraw the use variance request.

Trustee Sims stated she voiced her support to waive the zoning application fee for Mr. Jackson but it was for a November 16, 2009 public hearing because the BZA was going to be assembled that evening for a work session with the Zoning Commission and Bill Thorne.

Mr. Jackson stated his area variance request would be for the lot his house is on. There would be issues of the placement of a pole building due to the septic system and the edge of the property. The building has to be 25 ft. from the property line per the zoning code and the County would require the building to be 10 ft. away from the septic system. The Board suggested combining his two lots but if he did that he could not separate them later to build a house on the vacant lot because he only had 150 ft. of frontage.

Chair Likley asked how much of a variance would Mr. Jackson be requesting? Mr. Jackson answered, between 10-15 ft.

Trustee Sims made a motion to waive the fee for an area variance application for Mr. Jackson. It was seconded by Trustee Kratzer.

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

Mr. Jackson stated he was in no big hurry to build the pole building especially now with winter approaching. Trustee Sims stated that if the area variance was granted it ran with the property and Mr. Jackson could begin construction whenever he wanted to. Once a zoning permit was obtained to build the pole building it was good for one year.

Trustees-Elect

Chair Likley congratulated the new Trustees elect i.e. Mr. Ron Oiler and Mr. Gary Harris.

Fiscal Officers Report

A Resolution of Reciprocal work agreement with Seville

Fiscal Officer Evans stated that Seville has a draft ordinance that has already gone through one reading of Council and it would go through three readings before they pass it. The Fiscal Officer of Seville has not received the full agreement from their Law Director as of yet. Trustee Sims stated she would like the reciprocal agreement to be the same in language that Westfield Township has with Lafayette Township. Trustee Sims asked if language was submitted to Seville? Fiscal Officer Evans stated yes but did not know what Seville's law director has drafted.

Trustee Sims asked for a copy of the Resolution (2009-14) that was done with Lafayette so that could be reviewed and submitted to Seville. She asked that a Resolution for Seville for a reciprocal work agreement with the Township be tabled until the actual language or document that Seville drafts is able to be reviewed. Chair Likley asked Fiscal Officer Evans to prepare reciprocal language specifically for Seville for a time-frame of one year beginning in January. Trustee Sims stated that could then be reviewed every year at the Trustees organizational meeting.

Resolution (2009-15) to Participate in the Balanced Growth Initiative for the Upper Chippewa Creek Watershed

Trustee Sims stated this item was tabled at the last Trustees meeting because Trustee Kratzer was absent and to give him an opportunity to voice his opinion and concerns.

Trustee Kratzer stated that he sat through a meeting at the University Center in Lafayette where this was discussed. If this initiative goes forward it will put more government regulations on private property owners. Mr. VanLoon stated that 75% of the Resolutions would have to be in before they could apply for a grant. However at the County Commissioners meeting on Monday Mr. VanLoon asked that he be allowed to move forward with the grant and Trustee Kratzer stated he did not know if 75% of the Resolutions had been received. The full Chippewa Watershed goes into Wayne County but Mr. VanLoon stated he only wanted to work with 4 townships in Medina County. Trustee Kratzer continued he felt the Township should create its own way to deal with the growth in that area. Lafayette Twp. has been doing their own control and Montville Twp. has been controlling much of their property on Rt. 18. Trustee Kratzer stated as a private landowner there were already enough restrictions and regulations in place. It was also

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stated at that meeting that a private land owner did not have to abide by the regulations to develop his land, but in order to be eligible for any grants that would be available from the State of Ohio for infrastructure to develop that land; the land owner would have to abide by the regulations. The Township does have the ability to pull out of the Upper Chippewa Creek Watershed Planning Partnership at any time but he personally was not in favor of this Resolution.

Chair Likley stated that was true that in order to participate in some of the incentives or grant funding a land owner would have to comply with the standards that are set. However there was the option to not comply but a landowner would then not be eligible for any incentives or grant money available.

Trustee Sims stated she was also at the meeting of Soil and Water where Mr. Kratzer addressed some of his concerns at that meeting. This is a Resolution of support for Medina County Soil and Water to pursue a grant. The grant would highlight areas prime for development and areas prime for conservation. At all times there is a taskforce made up of all the entities involved. This is voluntary and at any time if the Township wants to refuse to participate that is an option. The primary reason for support is that the study is free relevant information. At its final adoption, it would require 75% of the entities involved to adopt the plan. This participation is voluntary. If you chose to develop in an area designated as a prime development area then it allows you to be open to the opportunity for incentives and tax abatements and additional grant money. However if you chose to develop in an area targeted as a prime conservation area that is a private property issue and it can be developed regardless of what the watershed study shows but the result would be that grant money or other incentives would not be available for that development.

Trustee Sims stated Mr. Kratzer would not be denied anything to develop his property it was just that the incentives would not be available to him to develop an area targeted for conservation. Mr. Kratzer stated it appeared to him if the plan was adopted by 75% of the entities involved and he or Westfield Township wanted to develop contrary to that plan than incentives would be denied.

Trustee Sims continued when you got off the highway you have the intersections of Lake Rd. and Rt. 224 and that is the Township's prime central economic hub. Those parcels in that area are under developmental pressure. There is concern about soils and floodplains and drainage in those areas. This Resolution is just to allow for a grant to be applied for. Medina County Soil and Water has done the pilot program for our neighboring community and received a lot of credit for doing that so well and that was why a grant opportunity was being offered to be applied for. In sum Trustee Sims stated that the Resolution does not mean the County would get the grant money. There is no guarantee. Free information from a third party independent source is a wonderful thing to have

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especially regarding these critical areas where we have so much flood plain in our primary development zones as well as now the new responsibilities of the Medina County wellhead area.

Trustee Sims made a motion to adopt Resolution 2009-15 to Participate in a Balanced Growth Initiative for the Upper Chippewa Creek Watershed. It was seconded by Chair Likley.

ROLL CALL-Sims-yes, Likley-yes, Kratzer-no. Motion carried.

Trustee Sims stated because Admin. Ass't Ferencz is off tomorrow she asked Fiscal Officer Evans to get the signed Resolution to Soil and Water via fax as the deadline for receipt was tomorrow, November 6, 2009.

Trustee Sims stated the Medina County Park District asked the Township for a letter of support of the Gene and Charlotte Harrison's parcels located in Wayne County being acquired by the Park District and that these properties be given top consideration for Clean Ohio Grant funding. The Board was not able to assemble for this letter to be written and sent in a timely fashion so Trustee Sims stated she wrote a letter of support as a Westfield Township Trustee, for the Park to apply for a grant for this property. Trustee Sims stated she called Mr. Thorne about writing a letter and he said she could go forward with submitting a letter of support for the Park District. She added she hoped that through granting funding, the purchase of these properties over the aquifer would be budget neutral to the Park District. Trustee Sims stated that would be achievable through this Board and future boards support.

Resolution of support of National Gateway Initiative Transportation Capacity Improvements (Replacement of Mudlake Rd. Bridge over CSX Railroad)

Trustee Sims stated the only language that gave the Trustees pause was "Westfield Township supports local and public ownership of the new Mudlake Rd. bridge structure upon completion of all construction related activities." She added Mike Salay from the County Engineer's Office was present the evening this was addressed. At that meeting Trustee Sims stated she suggested stricken that language. Mr. Thorne stated he had not seen this drafted Resolution or the proposals CSX has made to the County. He added he would be meeting with the County Commissioners on November 16, 2009 to discuss this project. Mr. Thorne suggested the Trustees table the approval of such a Resolution until after he met with the County.

Trustee Sims made a motion to table the Resolution of support of National Gateway Initiative Transportation Capacity Improvements (Replacement of Mudlake Rd.

Bridge over CSX Railroad, until the Township receives legal advice on the County's Commissioners opinion on this issue. It was seconded by Trustee Kratzer.

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

Fund Status

There is \$189,479.90 in the checking account after the bills were paid and \$811,178.16 in the investment account.

Correspondence

- Frank Gates documents. This is the mediator with worker's compensation. Fiscal Officer Evans stated they have introduced a new deductible program. A new application would need to be in by November 30, 2009. The Township can choose to have 5 deductible limits from \$500-\$10,000 per claim. The discount would range from 2% to 25.4%. This is a choice for the Board of Trustees to make. Chair Likley asked what the Township was paying per year? Fiscal Officer Evans stated last year there was \$2200 out of General Fund, \$1800 out of Roads, \$581 out of Zoning and \$1098 out of Fire. Trustee Sims stated the representative stated he would be willing to come to the Township and explain to the Board a price comparison. The Board decided to have a representative be present at their next Trustees meeting scheduled for November 19, 2009.
- November 13, 2009 at 8:00 a.m. Farm Bureau Breakfast at Panera Bread in Medina to discuss after the election topics such as Issue 2, The new balanced growth initiative in the southeast portion of Medina County and other election results and what they may mean to Medina County.
- Letter from Columbia Gas regarding the new school site
- Letter from TDA Architecture regarding their request to delay a motion for reconsideration before the BZA for the variance requests for signage for the new school site
- Trustee Sims stated a letter was also received October 23, 2009 from Stan Scheetz addressed to the Land Use Planner Mark Majewski outlining his proposal for a General Business District for the Greenwich Rd. area. She added she was also aware that Mrs. Evans and Mr. Oiler have also written letters to Mr. Majewski supporting a General Business District for the Kratzer property. Trustee Sims asked Mr. Oiler if that was correct? Mr. Oiler responded yes. He spoke with Mr. Majewski who stated he placed the proposed Industrial/Office District for the

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Kratzer property and it was not discussed or agreed upon at any of the Comp Plan Steering Committee meetings. Mr. Oiler stated he suggested to Mr. Majewski to either leave the land zoned as it is currently or change it to General Business until the Comp Plan Committee meets and decides what they want to do as a recommendation. Trustee Sims stated at the last Comp Plan Meeting, stakeholders were invited to attend. Those in attendance were the Gregoire's, Mr. Reidel, Mr. Carrasco and Mr. Kratzer. During that meeting and its conclusion, it was Mr. Kratzer's suggestion to leave the existing zoning on his property the same which is RR with LC in the front. Trustee Sims asked Trustee Kratzer confirm that is what he said. Trustee Kratzer stated during that meeting Mrs. Purchaska asked him what he wanted regarding his property and he responded he did not know. You (Trustee Sims) asked me when I would be coming back before the Township and I responded after the election. Trustee Kratzer stated he did say that zoning his land office/industrial was throwing the landowner a bone. Trustee Sims stated she recalled that Trustee Kratzer requested the Steering Committee allow RR with LC in front to remain the zoning on your property. Trustee Kratzer stated he could not confirm that statement. Trustee Sims stated she add a lengthy report by Mr. Scheetz dated October 23rd and received on November 4th. She asked that it be attached to the approved meeting minutes from tonight's meeting.

Supplemental Appropriations

Fiscal Officer Evans stated she was requesting the following supplemental appropriations:

1. Add \$1500 to Road and Bridge Gradall Repair and Maintenance from Road and Bridge Loader Repair and Maintenance
2. Add \$2000 to Webmaster Contracted Services from Auditing Services.
 - The September bill is \$424.62 to be paid
 - You will have October, November and December to pay
 - You have paid \$1,033.70 to date

Chair Likley stated the concern he had with the webmaster is that the Township paid for the Fire Committee meeting minutes to be added to the Fire Dept. page on the site but there were only two sets of meeting minute posted for the entire year for 2008. He added he did not want to pay for something that was not right. He asked how that could be corrected? Admin. Ass't Ferencz stated all the meeting minutes for 2008 and 2009 were

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sent to the webmaster to post. If she had to rescan and resubmit them for posting she would do so.

Fiscal Officer Evans stated in September, the Board only added enough in the fund to pay the August webmaster bill. There is no money left to pay the current September bill. She added the Board could appropriate the money but refuse to pay the \$424.62 webmaster bill. That was a decision of the Board.

Trustee Sims asked Trustee Kratzer since the webmaster was handpicked by Trustee Kratzer how was the Board to handle this situation? Trustee Kratzer stated the gentleman was not his webmaster but he and Kim Ferencz will get a hold of him on Monday and try to resolve these issues. If the Trustees don't want to pay the bill this evening, it would wait until the next Trustees meeting scheduled for November 19, 2009.

Trustee Sims stated the issue of the webmaster in and of itself needs to be resolved. There is no contract and personal contact with this individual but the Township continues to be billed. The website was essential for residents to stay informed and she supported it completely but the expenses could not reel out of control. Trustee Sims stated she would look for Trustee Kratzer to have a solution to this issue at the next meeting. Trustee Kratzer stated he would try his best and added that Trustee Sims has had e-mail correspondence with the webmaster. Trustee Sims stated that was correct when there was a server issue in October where e-mails were not being received. Admin. Ass't stated the server issue was resolved that day there was just a transfer that had to be made. Chair Likley stated he was able to pull information from his computer.

Fiscal Officer Evans suggested putting some money in the fund to pay for the webmaster because the bill will have to be paid sometime and even if the Trustees were to change who managed the website money would have to be allocated to do so. Trustee Sims stated she made her feelings known about this issue at the last meeting and this was the only way that Trustees could control that bill from continuing to build.

3. Add \$1000 to General Fund Office Supplies from General Fund Auditing Services
4. Add \$117.00 to Gas Tax Life Insurance from Gas Tax Operating Supplies

Trustee Kratzer made a motion to approve the supplemental appropriations as presented. It was seconded by Chair Likley

ROLL CALL-Kratzer-yes, Likley-yes, Sims-no. Motion carried.

Fiscal Officer Evans presented the bills to be paid in the amount of \$18,273.18. She stated that she would not be asking for approval for the Custom Composition bill in the amount of \$424.62 if that was the Board's desire.

Trustee Sims made a motion to approve the payment of the bills as presented minus the amount of \$424.62 for Custom Composition. It was seconded by Trustee Kratzer.

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

Fiscal Officer Evans stated she was very unhappy with Star Ohio and the amount of return the Township was getting on its accounts. Last month the Township received .14% on our investment account of \$840,000. She added she went to Westfield Bank and asked what they could do for the Township to receive a better rate of return. They in turn offered the following:

1. A portion of the money to be put in a money market account that would earn 1.19%. Fiscal Officer Evans suggested taking \$200,000 out of the Township's General Fund and putting it in a money market account.
2. Taking \$22,700 out of Gas Tax and putting it also in a money market fund

Fiscal Officer Evans stated Westfield Bank as a 30 month CD which pays 2.5%. She suggested taken \$200,000 from General Fund.

3. Take \$3200 from Cemeteries and put it in a 6 month CD which pays slightly less than 2%.
4. Take \$100,000 out of Road and Bridge and put it n a 6 month CD. This money would then be invested until April and then could be cashed in for the spring when road projects for the Township would potentially begin. At that time the Township would also receive the first half of the real estate tax money.
5. Take the entire amount of the County Local Government which is \$12,459 and put in a 6 month CD as well because the road department would not be doing any added culvert work during the winter months.

Fiscal Officer Evans stated she would like the Board of Trustees to authorize \$538,359.41 to be invested in Westfield Bank as presented. She added she would be leaving \$82,000 in Star Ohio for the fire levy as the bill would be coming due shortly to pay for the new fire truck. Fiscal Officer Evans commented that it was important for the Township to earn additional money as this was one way that could be accommodated.

Chair Likley stated he would certainly take Fiscal Officer Evans recommendations but there would have to be due diligence to keep track of when CD's would be coming due so as not to leave the Township in a shortfall.

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Fiscal Officer Evans stated currently the Township has \$170,000 in the Fire Fund. The new truck bill would probably be \$180,000. The Township would not have not to transfer the \$150,000 because of what we have been able to save throughout this year.

Approximately \$9,000 would have to be transferred instead of \$150,000 but the Township would also have to have a bit of operating money for Fire for the first three months of the New Year until their money starts to be collected. She was very pleased with that result.

Trustee Sims stated she had a concern with moving money with a lame-duck board. She asked Fiscal Officer Evans to put together a written recommendation for the amount of money time and category as to where she was proposing to invest the money so the Board could consider this at the next Trustees meeting.

Chair Likley stated his only concern is the potential of having to call in one of the CD's before it became due as then the money earned would be lost. Fiscal Officer Evans stated she would have the information prepared for the next Trustee meeting.

OLD BUSINESS

Bond Issue regarding previous Fiscal Officer

Mr. Thorne stated they did call on the bond. It was his understanding the bonding company acknowledged the first bond and contacted the former clerk to pay the money over to them. If they then honored the bond then they would go after the former clerk to collect it. It appears legal action would be needed to collect on the second bond. Mr. Thorne stated he did not have the opportunity to speak with Mr. Karris who was in charge of handling this case for the Township but he was told the Township has not yet received the first bond so the Pros. Office may have to go after the bonding company to collect on both of the bonds.

Chair Likley asked if the Township accepts the payment of the first bond did that lock the Township out of pursuing the second bond? Mr. Thorne stated no and the bonding company was put on notice that the Pros. Office was of the legal opinion there were two separate bonds; a bond for each term which was required by law. Chair Likley asked what action was necessary from the Board of Trustees to pursue the one bond they have acknowledged? Mr. Thorne stated nothing at this point. He would need to contact the company to see where that bond money is and then we will update the Board and give you a resolution to proceed with litigation.

Trustee Sims asked if any letters have been written by the Pros. Office to the bond company about this issue? Mr. Thorne stated letters the Pros. Office has written or received have been forwarded to the Township. The last correspondence is from the bond

company to the former clerk that they would be requiring the monies that would be paid to the Township to be repaid by her. There has been no any further communications from them. Trustee Sims asked if this was typical? Mr. Thorne stated he could not say because it has been a long time since the Pros. Office had to go after a bond. This however has been atypical and so litigation may have to be pursued. The company has only acknowledged one bond to cover two terms however the statute provides that there be a bond for each term. Mr. Thorne stated he would have Tom Karris from his office do a follow up on this issue.

Chair Likley stated a letter of reprimand was written to a Township employee and a request for acknowledgement of enrollment in a course. It has been stated that course is confidential and the employee has not received any correspondence that addresses that enrollment. Chair Likley asked Mr. Thorne if confirmation of enrollment confidential? Mr. Thorne stated he did not believe so. The Board of Trustees did ask for confirmation of enrollment.

Chair Likley asked Mr. Evans if he had any information that he could provide regarding that enrollment. Mr. Evans stated the only information he had and that had been conveyed to Chair Likley is that he did place a call on November 5, 2009 and enrolled in the required class for November 16, 2009. The company said they would not send a letter out until a week before the class. Mr. Evans stated he explained he needed something in writing and the company stated that information was confidential.

Trustee Sims asked if Mr. Evans could verbally tell the Board where he was enrolled? Mr. Evans stated Solutions in Medina. He added he told Chair Likley this information 2 wks. ago but now that does not seem to be suitable. Chair Likley stated the letter required written confirmation. Mr. Evans did tell him he was enrolled and that the information was confidential per what the company told him. Chair Likley stated he wanted confirmation from Mr. Thorne if this information was sufficient to meet the requirements per the letter of reprimand written. If Mr. Thorne states it is sufficient then he is satisfied. If not then the Board would need to pursue what level of confidentiality is acceptable for notification to this Board. Mr. Thorne interjected when Mr. Evans receives confirmation then he could forward that to the Board.

Trustee Sims asked Mr. Thorne what should the Board look for at the conclusion of the course? Mr. Thorne stated Mr. Evans could send the Board confirmation that he has successfully completed the course when he receives that information. It is not that big of a deal how you get it as long as you get it. Trustee Sims asked if the course had a title? Mr. Evans stated he did not know he just contacted the company and told them what he needed to do and they told him November 16, 2009 would be the soonest class he could be enrolled in.

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Trustee Sims stated the joint board workshop scheduled for November 16, 2009 was for the Cloverleaf School District. Mr. Thorne asked why it was a joint board meeting because it would mainly deal with the BZA? The Zoning Commission has completely different authorities and responsibilities. Trustee Sims stated each board has separate concerns regarding the Cloverleaf School District site plans and requests. The BZA did not realize it should not have considered Duncan Factors regarding the variances the School requested and that it should have been the standard of public interest between two public entities. Again Mr. Thorne stated those were issues for the BZA and not the Zoning Commission. He added he did not have a problem addressing both boards but much of it would be directed to the BZA. Mr. Thorne commented that these issues were discussed at 3 training session the County has held this year already and the members need to participate. Mr. Thorne stated he would be in attendance on the 16th.

Trustee Sims stated that Mr. Oiler has a certificate of attendance for the zoning training workshops and sat on the BZA regarding the school and making those decisions. She then asked Mr. Oiler if he understood the standard that was to be considered for the School. Trustee Kratzer asked Mr. Thorne if any of that information that would have pertinent to Cloverleaf School gone over at the zoning workshop held at York Township? Mr. Thorne stated yes. Trustee Kratzer stated BZA members Daugherty, Schmidt and LeMar were also at that workshop. Mr. Thorne stated he would hold a workshop with both zoning boards on Monday November 16, 2009.

Mr. Oiler stated if Trustee Sims would go back and look at the motions he made regarding the School District, he did not declare any Duncan Factors or any other hardships. He added he learned the different standard of one public/governmental entity interests versus another when the Trustees had the ODOT issue before them. He added he did not want to speak for the entire BZA but stated all the members may not have understood the standard to be considered for the school.

Zoning Report

In the absence of ZI Harris, Secretary Ferencz read the zoning report for the month of October. There were 5 permits written in October.

Ass't ZI Evans stated he had a lot split that was not recorded so the Board of Trustees would need to sign it again.

Trustee Sims stated she would like the letters from the architect for the School District on their motion for reconsideration and then their subsequent letter to delay the hearing for further option consideration for the School District signage options to be added to the correspondence for this evenings meeting. Ass't ZI Evans stated he talked with Mr. Ed Shearson from TDA (the architect for the school) and told him if the School District

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decides to go with a larger sign than what they originally applied for, then the motion for reconsideration was no longer valid because it would be a new application. Ass't ZI Evans stated he talked with Mr. Thorne and he agreed. Trustee Sims stated the process that should be followed should be discussed at the training session if and when the school moves forward with their signage request as well as the letter from Columbia Gas which made some recommendations in how that impacts the site plan review as well. Ass't ZI Evans stated he spoke with Mr. Thorne about the Columbia Gas letter as well and it does not impact the site plan for the school. It was construction related and did not affect the site plan approval. Trustee Sims stated the site plan approval was contingent on the site plan being in compliance with Columbia Gas recommendations. Secretary Ferencz stated if there were issues with Columbia Gas that would change the site plan to not be in compliance with the Zoning Resolution, then the approval would be null and void. Ass't ZI Evans stated that Mr. Shearson was made aware of this issue. Trustee Sims stated this needed to be discussed at the training session with the zoning boards.

Copier Purchase

Fiscal Officer Evans stated she purchased a new copier identical to the previous one. The cost was \$499.99 with a possible rebate.

ROADS

Mr. Evans stated he was buttoning up things for the winter. He added he order some new signs to replace some of the older signs that will need to be replaced by 2012. Trustee Sims asked about the sign inventory and asked if that could be accomplished by year end? Mr. Evans stated he did not know but would try to get it done accordingly.

Chair Likley asked about the repairs made to the Gradall. Mr. Evans stated it was the remote switch. He added they came and trouble shot it but the part has not come in yet. The cost of the part was \$200 or \$300.

Fire Dept. Report

Interim Chief Carson stated there were 30 calls in the month of October. There were 19 calls in the Township, 4 in the Village, 4 in Gloria Glens and 1 mutual aid in Wayne County, 4 mutual aids in Lodi and 1 PR Event for Westfield Companies. The new fire truck is still on schedule to be delivered January 10, 2010. IC Carson stated they had 6 calls in one day-5 in the daytime. One was handled by mutual aid because the Dept. was already on the scene of a call.

IC Carson stated as of September 2009 the Dept. has billed out \$44,037 for EMS runs and have received \$29,682. Chair Likley asked if the checks are being delivered to the Village

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and the Township? IC Carson stated this is being worked out currently. The incident report for 2009 to date is as follows: 66 fire calls. This report is the basis for applying and being eligible for FEMA grants. He added he received \$500 in grant money for EMS supplies and training. This money has paid for 5 EMT's to attend school.

Trustee Sims asked about the County water line break. Chair Likley stated this was discussed at Fire Committee and one of the concerns was communication. Chair Likley stated he e-mailed Jim Troike requesting any procedures or protocol that may have been sent to the Village and/or the Township regarding fire hydrants maintenance and flushing. To date he has not received anything back. Regarding the bill sent to the Township/Village for proposed/presumed damage to the waterline as a result of fire hydrant flushing, he was not going to pay it as long as there is no clarification from the County Water district. The County said communication was made regarding hydrant flushing but until documentation is received the bill will not be paid. Trustee Kratzer interjected he could not see that opening and closing a fire hydrant could hammer the water line. If it was hooked to a butterfly valve on the side of a fire truck he could understand how that could happen but not just by cranking a hydrant open and/or shut. IC Carson stated the Fire Dept. was not going to pay the bill either.

Trustee Sims stated when there are allegations within the Fire Dept. the Village says they are an employee of the Village and they will handle the investigation. Now when something is allegedly broken the Fire Dept. is both entities employees. Fire Committee will need to move forward to clarify some of these issues as far as insurance, legal counsel and employee liability. She added she agreed that at this point she did not feel the water line break was a Township financial responsibility. Chair Likley stated this was discussed at Fire Committee and if the cost could be possibly handled through the insurance company, but both entities want to see the communication on the procedures and protocol that the County supposedly has sent to the Fire Dept. regarding the maintenance and flushing of fire hydrants in general. Trustee Sims interjected if there is a policy, procedure or other such regulations for the maintenance/flushing of hydrants etc. by the County it should be sent out County wide to all the Fire Depts.

Trustee Sims stated the letter from the Village of Westfield Center signed by Mayor Horwedel and Chair Likley also needed to be attached to tonight's meeting minutes. She added the letter did not have support by the Westfield Twp. Board of Trustees. Chair Likley was asked by Mayor Horwedel to sign the letter which was entitled "a letter of support" which she personally did not find to be a letter of support of the Fire Dept. Trustee Sims stated she said at Fire Committee that she felt this letter was a breach of procedure. If Mayor Horwedel had any concerns about the Fire Dept. he should have brought them directly to the Fire Committee membership; a recommendation then should have been made to the Board of Trustees and to Council for endorsement; and ratification

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of his concerns if warranted. Trustee Sims stated she was sorry this happened and hoped it did not shake Fire Committee membership.

Trustee Kratzer stated he was at the last Fire Committee meeting and the letter was addressed to the Interim Fire Chief. It was a letter of support of the Interim Fire Chief and he did not see anything wrong with the letter. The letter was signed by Jim Likley on behalf of the Westfield Township Trustees but if the “s” was not on the word “Trustees” there would have been no issue. Chair Likley stated the intent of the letter was of support of the Interim Fire Chief but it was not perceived by Fire Committee that way. This has been addressed as well as some of the concerns in the letter.

Trustee Sims again reiterated her comments that she did not feel it was a letter of support and would have liked to have been aware of the letter which was signed that all the Trustees endorsed the letter which was not correct before she started to receive phone calls about it.

Trustee Kratzer stated IC Carson is and has been doing a fine job running the Fire Dept. added he felt that IC Carson has gone over and above in the job he has done and all the work that is involved in running the Fire Dept. He added he hoped that IC Carson would be compensated accordingly if not by this Board by the new Board of Trustees that would be seated in January. Chair Likley reiterated previous comments he made that if the work IC Carson does exceeds 20 hrs. then additional compensated could be considered. IC Carson stated at this time he was satisfied with the work and payment being received.

Park/Cemetery

Trustee Kratzer stated the cemetery fall clean up has been completed.

New Business

Chair Likley stated that the position of Zoning Inspector would need to be advertised. Trustee Sims stated a job description would be needed as well. She added she would get a job description for the Zoning Inspector from other surrounding communities so the position could be advertised.

Meeting Minute Approval

August 4, 2009 Meeting minutes

Trustee Kratzer made a motion to approve the August 4, 2009 meeting minutes as written. It was seconded by Chair Likley.

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

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September 17, 2009 Meeting minutes

Trustee Kratzer made a motion to approve the September 17, 2009 meeting minutes as written. It was seconded by Chair Likley.

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

October 1, 2009 Meeting minutes

Trustee Kratzer made a motion to approve the October 1, 2009 meeting minutes as written. It was seconded by Chair Likley.

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

October 15, 2009 Meeting minutes

Chair Likley made a motion to approve the October 15, 2009 meeting minutes as written. It was seconded by Trustee Sims.

ROLL CALL-Likley-yes, Sims-yes, Kratzer-abstain (not present at the meeting). Motion carried.

Announcements

- November 10, 2009 Zoning Commission Regular Meeting @ 7:30 p.m.
- November 11, 2009 Comp Plan Steering Committee Meeting @ 7:00 p.m.
- November 16, 2009 Joint Board Training Session with Legal Counsel @ 7:00 p.m.
- November 19, 2009 Trustees Regular Meeting @ 7:00 p.m.

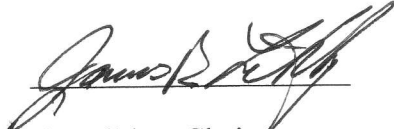
Having no further business before the Board, **Trustee Sims made a motion to adjourn. It was seconded by Trustee Kratzer.**

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


The meeting was officially adjourned at 9:14 p.m.

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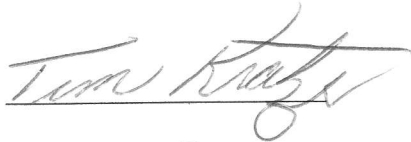
Respectfully Submitted, Kim Ferencz, Westfield Township Admin. Assistant



Jim Likley, Chairperson



Carolyn Sims, Trustee



Tim Kratzer, Trustee