

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
JULY 28, 2009
SPECIAL MEETING-Payment of Bills & General Business
9:30 A.M.

Chairperson Jim Likley called to order the special meeting of the Westfield Township Board of Trustees at 9:30 a.m. Trustee Sims, Likley and Kratzer were present as well Administrative Assistant Kim Ferencz. The following were also in attendance: Bill Thorne, Ron Oiler, Kevin Rych, Dennis Delagrange, John Dean, Greg Oakes, Tom Horwedel, and Heather Sturdevant. The purpose of the special meeting was for the payment of bills and discussion of the fire levy information.

Chair Likley stated it was discussed with Bill Thorne previously why Westfield Center Village and the Village of Gloria Glens were not given the opportunity to vote on the fire levy. Mr. Thorne pursued the question with the Board of Elections. The Board of Elections was of the understanding that the Township had formed a Fire District in 1979. There is a Resolution on record that was prepared by the Trustees at that time that was sent to the Board of Elections that a Fire District composed of the unincorporated areas of the Township was proposed to be developed. Further research of the public records show that though such discussion did occur during 1979-1981, no formal fire district was ever developed.

Mr. Thorne confirmed that he went through the minutes of Westfield Township. In the 1970's there were apparently numerous attempts to form a fire district. The earliest record of this "formation" was 1975. There were several conversations between the Township and the Pros. Office on this subject from 1975-1979. A motion was made to pass a Resolution in 1979 but that Resolution could not be found. Mr. Thorne continued that the Board of Elections did receive a Resolution indicating that the Trustees wanted to put a levy on for a fire district composed of the unincorporated areas of the Township. On the back of one set of public records, he did find that Westfield Township supposedly passed a resolution that created a fire district but it was not consistent with the State Statute. That is part of the problem. A fire district is to have a separate name. Martha Evans took over as Fiscal Officer in 1982 and there was no fire district. Mr. Thorne stated he could not find any records of a fire district after Mrs. Evans took office.

Mr. Thorne continued that the levies that were presented to the Board of Elections after 1979 were put on for the "Benefit of the Township" not the fire District. However the Board of Elections still ran the levies as fire district levies. Since 1982 there is no evidence of a fire district. In 1982 there was a letter to the Pros. Office from the Township asking how to legally create a fire district. This was asked several times and it appears the Trustees were fixated on Westfield being the Fire district but a district has to have a separate name legally. If this had been done it would have been identifiable as a district but that was not the case. Mr. Thorne stated that the Board of Elections was never advised that there was not a fire district. Every time a fire levy was put on the ballot,

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though it said for “the benefit of the Township” the Board of Elections treated it as a fire district levy.

Trustee Sims stated if there was a fire district it would have had a separate name and a separate governing body. When a tax levy was collected it would be for the benefit of the fire district. The Auditor would then disperse a check and send it to the Fiscal Officer of the Township for the separate funding of a fire district. Mr. Thorne stated that was correct. By the 1990’s there was no reference in the language to a fire district. That is why the residents of Gloria Glens and Westfield Center did not vote on the fire levy because the Board of Elections had it as a fire district. There are no records of a separate fire district board or accounting for a fire district.

Trustee Sims then asked about the current fire levy language. Mr. Thorne stated per the records he received from the Fiscal Officer, they were all put on for the “Benefit of the Township.” In 1984 a fire levy was put on for a fire district but the resolution sent to the Board of Elections stated for the “Benefit of the Township.” The Board of Elections has continued to run the levy as a fire district levy.

Mr. Thorne stated that Gloria Glens was already part of another fire district according to their records. They apparently created a fire district in 1984 i.e. Chippewa Lake Fire District consisting of Gloria Glens, Chippewa on the Lake and Briarwood Beach. It had a separate name so there was no confusion that it was a fire district.

Mayor Dean from Gloria Glens stated that Briarwood Beach was absorbed by Chippewa on the Lake which was now known as Chippewa Lake. He added that Gloria Glens is collecting its own levy and assumed Chippewa Lake was as well. Mr. Thorne stated that Gloria Glens has its own village fire levy because they had a different name than the fire district so there was no confusion. Presently there is no levy to the district the only levy Gloria Glens has is to the benefit of the village of Gloria Glens. Mayor Dean stated that was correct. Chair Likley asked what their fire levy millage was? Mayor Dean stated it was for 2.5 mils.

Mr. Thorne stated he has prepared a resolution for the Township to correct the issue of the fire district with the Board of Elections if that is what the Township chooses to do. Another option would be for the Township to form a district of the unincorporated areas of the Township or a joint fire district could be formed.

Mayor Horwedel from the Village of Westfield Center asked for clarification. Mr. Thorne stated if a fire levy is put on without a fire district, then all the residents of the incorporated and unincorporated areas of the Township would vote on the levy. Mayor Horwedel stated that the village of Westfield Center residents would have to make a decision if they wanted to pay increased taxes because right now the Village uses an income tax to pay for our portion of the fire department. Mr. Thorne stated the income

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tax could be used for something else if the Village residents vote and the fire levy passes. Mayor Horwedel stated he believed that Westfield Center would be a detriment to fire levy. Trustee Sims stated during the last fire levy election, she had several Village residents call her and ask why Bittner Hall was not opened for them to vote on the fire levy. She added that those she spoke with were very supportive of improving our fire services and participating in that election. Mayor Horwedel responded he could not see how the Village residents would be supportive of paying more taxes when they don't need to. Mr. Thorne stated those were political decisions that the political entities were going to have to decide on as to how to proceed from this point forward.

Chair Likley stated the alternative was to create a separate fire district consisting of all three communities. Mayor Horwedel asked the Trustees how they felt about a fire district? Chair Likley stated it would still require a separate fire district levy that in turn the residents of the Village would have to approve. Mayor Horwedel stated he understood that but again asked how the Trustees felt about a fire district? Chair Likley stated he did not know if a fire district would be beneficial to Westfield Township. Through the process of creating a fire district there would be a separate entity in control of the fire department. Chair Likley then asked if the representatives on a fire district would be appointed or elected? Mr. Thorne stated they would be appointed. He added the appointments could be made for one year so you did not get a 5 yr. board running their own department despite what the other communities want.

Mayor Horwedel asked if the Township Trustees were or were not going to consider a fire district of the unincorporated areas of the Township? Trustee Sims stated this meeting was for all three entities to understand where we are regarding the fire levy and the error that has been made and the operation of the fire department. Mayor Horwedel stated he understood that but asked how do we now all move forward? He added as he understood it the options were as follows: 1. The Township passes a fire levy that will then tax all three entities; 2. The Township creates its own fire district of only the unincorporated areas of the Township and run it as such. Then the two Villages would not pay those taxes but continue to support the Dept. as it currently exists; 3. A joint fire district is formed which could include representatives from all three entities who would operate the fire department on behalf of all three political entities and a fire levy tax would apply to everybody; 4. The detachment of the Village of Westfield Center from the Township.

Mayor Horwedel stated it appeared the Trustees want to tax all three entities for the operation of the fire Dept. through the fire levy and essentially the Township then would take control of the Fire Dept. Trustee Sims stated she did not necessary think that; but this has been discussed at fire committee and the Township was on a time constraint to meet the November ballot. She added that it appeared to her that maybe the two Villages were in a different scenario. Gloria Glens is currently collecting a 2.5 mil levy and paying the joint fire department 1.5 mil of that money collected. Westfield Center is funding

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their financial portion of the department through the collection of a 1% income tax. Trustee Sims stated she would like to keep the Township as a whole and to make sure all residents could express their interest on a fire levy tax and the expenses of the fire dept. She added that the hesitation a fire District gave her was that it is a separate entity and governed separately from the Township and the Villages. Trustee Sims stated she did not have an us vs. them mentality; and added that we have an opportunity to move forward but there is a time constraint.

Mayor Horwedel stated right now the fire dept. is a joint operation between the Township and the Village of Westfield Center. If the Township puts on a levy to include all three entities and it passes, the Township would have all the control so to speak. The Village of Westfield Center may then opt out in some other direction. If there was a fire district, Westfield Center would probably jump right in and maintain some terms of running the fire dept. Mayor Horwedel added that Village Council would need to discuss just paying 1-2 mils and give up any say in the operation of the Fire Dept.

Chair Likley asked Mr. Thorne what the process was for the Township to form a fire district of the unincorporated areas of the Township? Mr. Thorne stated a Resolution would need to be passed and then actually followed through with the creation of the district with a separate name, separate governing body and separate funding. It would be the district that would be doing the contracting. The Trustees can be the officers of the Fire District and the Township Clerk can be the fiscal officer of the district, but there has to be separate accounting. A fire district consisting of the unincorporated areas of the Township could be expanded to include the incorporated area of the Township on terms everybody agrees on. The fire levy money would then be district money not Township money.

Trustee Sims commented that if a fire district was formed the Trustees would not have been able to purchase the fire truck jointly like the Township and Village just did and use General Fund money to do so. Mr. Thorne stated if you create a fire district the Township would be legally unable to use General Fund money to finance the district in anyway.

Mr. Thorne stated if a district is created Township wide, the Township could have an agreement with both villages, as to how the district would operate. However the financial control would be with the Township. The Fire Dept. could continue to operate as it currently does but Gloria Glens should have a voice if they are paying a portion of the tab and should be represented at Fire Committee as well. Trustee Sims stated potentially Gloria Glens could be looking at a tax decrease and receiving the same services while receiving a voice through a vote.

Mayor Dean stated his concern was with the contract the Glens had with Westfield Fire Dept. He gave the example that Gloria Glens votes on the fire levy. Our contract is up in two years and then we decide to contract with Lafayette Township. Mayor Dean stated

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this scenario is very possible given the circumstances of Westfield Fire Dept. currently. Trustee Sims interjected that the interim situation the Fire Dept. is currently in is being resolved. Chair Likley stated there would be no contract for services as the Glens and Westfield Center would have a voice in the operation of the Fire Dept. Mayor Dean stated the Township would be asking Gloria Glens residents to vote on a new levy for the Township and in two years the current contract the Glens has with the Township is up. He added that maybe Council would decide they do want to go somewhere else for fire service. In the meantime the Glens residents vote on the levy...Mr. Thorne interjected that to the extent the Glens has a separate fire levy, the Glens could take that money and contract with someone else for additional fire protection but ultimately the Glens would still be paying on two fire levies. Mr. Thorne continued that the thought was if the Glens were part of a Township wide levy, that levy would be set aside and not collected at that point because the residents of the Glens would already be paying a fire levy tax. Mayor Dean stated that was his concern. The Glens is such a small community and the residents would end up paying on two fire levies. Mr. Thorne responded that per what he just stated, the Glens residents would not have to pay on two levies. If the Township levy passes, the Glens could cease collection of the other levy. Mayor Dean stated this was something that would need to be considered, as there were a few members on Council that have suggested going with Lafayette for fire service due to its proximity and response time.

Trustee Sims stated that until the numbers are estimated from the Auditor's office as to what the levy would bring in, Gloria Glens could be looking at a 1 mil decrease for the same services and have a voice in the operation of the fire Dept. as well as better service. Mayor Dean stated the issue of better service was the question. Trustee Sims continued that other local fire departments have also gone through some transitions where there was a concern about fire service and the Township was taking our own situation very seriously.

Chair Likley stated currently the two Villages vote for the Township Trustees. If either or both villages secede that would no longer be the case. If the fire levy was to go Township wide and each village have a vote in that fire levy, the residents would be voting for the fire district representatives through the Trustees for fire service. Trustee Kratzer stated if that was the case, both village councils would no longer have a voice in the fire dept. The fire levy money would come to the Township and the Township would be in control of the money for the fire dept.

Trustee Kratzer stated in his opinion he felt something needed to be done by August 22, 2009 to get something on the ballot. If that meant creating a fire district that would give each village and the Township a say in the fire department and the control would be taken away from village council and the Trustees. Trustee Kratzer stated he could understand the two villages concerns. He added yes, their residents would have a say as to how the dept. is run but it would only be the say through the three Township Trustees. He added

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the Township has had good representation on fire committee, but when things come before the three Township Trustees there has been problem as to how fire committee is operating. Trustee Kratzer added that he would support a fire district that would allow all three entities to have the same control over the fire dept and let all three entities pay into a fire district. The governing process would be streamlined as the fire chief would answer to three individuals per say not three separate communities.

Trustee Kratzer continued why would a resident of the Village of Westfield Center want to pay both a 1% income tax and a tax levy for the operation of the fire dept.? If a resident was to vote on a fire district which would have its own governing body and funding maybe that individual would be more inclined to vote for that; he did not know. Trustee Kratzer stated it was important for all three entities to come together as one and not push for the money to come to the Township so the Township could become solvent regarding the fire dept. He added if we are going to create our own fire district than go with status quo then we need to do it and get a levy on the ballot.

Trustee Kratzer then asked if the residents had to vote to create a fire district? Mr. Thorne stated no. Trustee Kratzer stated then we need to be talking about a fire district with the three entities or a district with the Township in order to get that levy on the ballot.

Trustee Sims asked how the Township would continue to fund the Township's portion of the fire dept. if in creating this fire district the funding falls short? The Township would no longer have the general fund to continue to draw from. Trustee Kratzer responded we need to get a fire levy passed. The Trustees cannot just sit on our hands and not get out to the people and expect them to vote. Trustee Sims stated the fact remains that the last two fire levies have failed. Trustee Kratzer stated because the people were not rallied to support the levy the way it should have been done. Trustee Sims stated by creating a fire district, the Township would lose our funding option that is required at this point without the levy; in order to provide fire service to all our residents. Trustee Sims continued that Westfield Center has a very strong and successful presence on fire committee. Mayor Horwedel interjected that there would no longer be a need for fire committee. Trustee Sims stated she disagreed as well as Chair Likley.

Mayor Horwedel stated the Village of Gloria Glens has a council meeting next Wednesday and the Village of Westfield Center has a council meeting next Tuesday. He stated it appears the Township was going to put on a fire levy and draw both villages in. Therefore he wanted to know what Mayor Dean was going to do or speak to council about regarding this issue. Mayor Dean stated he intended to call all the council members this evening and inform them of what has been discussed here today so they would be ahead of the game when this is discussed at our next Council meeting. Mayor Dean stated he was aware of the current issues of the fire department and added those were probably due in part to the levy not passing the last two times it was on the ballot. Mayor

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Horwedel stated that he needed to leave here today knowing the intentions of the Township Trustees.

Chair Likley asked what was needed to create a fire district of the unincorporated areas of the Township? Mr. Thorne stated a Resolution would need to be passed to create a separate fire district. It would need to be given a name. The Resolution would then be given to the Board of Elections for levy purposes. A board would need to be appointed to run the district as well as a fiscal officer. Separate record keeping would be required as well.

Trustee Sims asked how does the Township overcome the shortcomings of supplementing the fire dept. through the General Fund if a fire district is created? She added her concern was a 2.5 mil levy on the residents of the unincorporated areas of the Township would not suffice. She added the residents would probably be looking at 3-4 mils to supplement the Fire Dept. especially for equipment rotation and staffing which she did not think was necessary if the Township continues its joint relationship of the fire department. Trustee Sims stated that she understood that Mayor Horwedel had suggested offering the residents of Westfield Center Village a sewer credit to offset the higher fire dept. funding. Trustee Sims stated that the three Trustees also represent those residents in the Village as they vote for Township Trustees and their interests are just as important.

Mayor Horwedel stated that he did not think the way the Township Trustees were heading was potentially the best thing for the Village residents. He added he was only stating his opinion and that Village Council should be solicited for their opinions as well. Regarding his comments on the sewer credit, he stated that was just his suggestion. Mayor Horwedel then asked if a fire district was formed, how can we make things more even for Village residents? He stated that was why he suggested the sewer credit as an option. Mayor Horwedel continued that he did not know if a fire levy on the Village residents and not paying an income tax would pass, since nothing would change except that the Township would be in control of the whole show. If Council likes the idea they would probably go out and support it but if not then possibly Council would go out and work the other way not to support the passage of the levy. Mayor Horwedel suggested the Trustees come to next Tuesday's council meeting and continue this discussion with Council.

Chair Likley stated this was the same situation with the Seville-Guilford Fire Dept. Guilford Township is the sole operator of the Fire Dept. All the residents of Seville Village, Seville and the Township vote and have a voice in the fire levy. Their millage is a 4 or 4.25 for their EMS and fire service. Trustee Kratzer stated Guilford has always had the other entities vote on their fire levies. Guilford funded the operation of the fire department by transferring money to the Village of Seville, which was not proper so the Township took it over. The Village of Seville always paid the fire levy tax unlike what has occurred with the Village of Westfield Center and Gloria Glens. Now the Trustees

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are asking the two villages to vote on the levy and pay the tax if it passes and he did not feel that was the way to go. The Village of Westfield Center is already paying an income tax for the operation of the fire department and those residents would probably not vote for the fire levy if Westfield Center was not going to have a say in the department.

Mr. Thorne stated historically the Seville-Guilford Fire Dept. had two separate departments i.e. fire and EMS which was run by the Village of Seville. That proved not to be effective. By increasing the levy they were able to centralize their operation into one and have it run more efficiently. Trustee Kratzer stated the EMS levy was collected by the Township and passed down to Village council. It was then realized it could not be done that way and the Township took it over and combined the two. He added he did not like to see the combination of the two departments, but with the fire chief they hired that department has turned around.

Trustee Sims stated that Guilford is doing the collection of the money and the Village of Seville still has a strong voice in how the money is spent. Trustee Sims stated the fire levy election process regarding Westfield Township and the two villages has been done incorrectly and now we have the opportunity to correct it and move forward. She asked Mayor Horwedel to take this information back to Council to see if we all could arrive at a decision on the funding of the fire dept. coming to the Township, a strong negotiation presence on fire committee for that funding and for the Township to continue a joint fire department with joint management as well as bring Gloria Glens into the fold of decision making. Mayor Horwedel stated for the Village to pay two taxes and not have representation directly on the fire department was not opportunity. Mr. Thorne stated there could be an agreement on how the fire department would operate and it would be a contract agreement between the Villages and the Township. However like Mayor Horwedel stated, the Township would have ultimate control because they would control the finances for the department.

Mr. Huttson stated that if the Township takes over the entire operation and collects the taxes they would have a legal obligation to provide fire service. What basis really would the Village have to complain if things are being done they way they should be done. Even if the Village had a contract what could enforced-what the Township was legally obligated to provide? The questions would be what would happen to the equipment that was jointly owned by the Township and Westfield Village as well as the fire department building that was also jointly owned by the Township and Westfield Village? Could those items be bought out from the Village? Trustee Sims stated that Mr. Huttson was moving the dialogue in a direction she was hoping not to go. Chair Likley stated regardless if a district is formed of the unincorporated areas or all three entities, the equipment and building would have to be transferred into the district. Mr. Thorne stated you would not want to transfer the physical property to the district, you would want a contract agreement for the district to be able to utilize the equipment and building as

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maybe at sometime the district would be abandoned and then the communities might want to sell the property.

Mr. Huttson stated that the Township has a current levy in place that is levied on Township property and not Village property. If a levy is put on the ballot it would be a new levy. The new levy would then apply to the Township and both villages. If the Trustees do nothing the Township's levy could continue to be collected. Therefore this decision on a fire levy may not have to be done by August. Mr. Thorne stated his understanding was the Township needed more money for the operation of the fire department. Mr. Huttson continued that if the Township could make it to the next election to try to work something out...From what he was hearing the Township Trustees want to have a levy on the ballot in November and it would apply to everybody in the Township. Mr. Thorne interjected that he did not believe the Trustees have come to any consensus as to how they wanted to move forward and that was the reason for the discussion and attendance of all three entities here today.

Mr. Huttson stated the way the fire committee and the relationship between the Village and the Township has been set up is most closely aligned with a joint fire district. That is the way it has been operated and it has operated well. He added he was not speaking for Village Council but felt that organization would be of interest to both villages in having a say as to how to move forward.

Trustee Sims asked if Mr. Huttson was asking the Trustees to delay a fire levy to further investigate these options for the fire department? Mr. Huttson responded he was not asking for a delay he was suggesting that was an option that could be considered by the Trustees. Trustee Sims asked if the Village of Westfield Center would be willing to assist the Trustees during this interim if we delay a levy to look our joint existing fire dept. and to make up the financial deficit during these discussions if we forego a levy this November? Mr. Huttson stated that was something Trustee Sims would need to ask Council.

Trustee Kratzer asked if a levy could be put on for the unincorporated areas without creating a fire district? Mr. Thorne stated officially no. Legally you have a district or you don't have a district. If there is no district the Board of Elections should put the levy on Township wide. Chair Likley stated if a Township wide levy was put on the ballot and it failed does it just go back to the operation we now have? Mr. Thorne stated it was dependent on how the levy was put on. He added if you put on a new levy you want to make sure the old levy does not get knocked off because if the new levy does not pass and the old levy was not secured all levy money could be lost.

Trustee Sims stated because it has been brought to light by the Pros. Office that the fire levy has been collected in error we have the responsibility to correct it. Chair Likley interjected the opportunity would be given to the residents of the Township and both

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villages to vote. Mr. Thorne interjected the records show in 1975 and 1979 that both villages did not want to participate in a Township wide levy. That is why there was discussion of the creation of a district at that time. Mr. Thorne continued that there were a few options. There could be a formal joint district that was separate than a Township district of the unincorporated areas. That district could be opened up to include the villages into it. If you want to go that route it would have to be decided what option would be to the benefit of all parties that were involved.

Mayor Horwedel stated he preferred the option of a separate district of the unincorporated areas of the Township and the Village would contract out to the Township. His second option would be for a district that would take all three entities in and then we would have to tackle the issue of passing the millage in the Village. The least favorable option is that all three entities are drawn in and the Township has control of the fire dept.

Trustee Sims asked if a district of the unincorporated area would be in the best interest of the residents under the current setup and collection? Mr. Thorne stated he did not know as he was not aware of the financial situation of the Township other than a levy was needed to be passed to raise more funds for the operation of the fire department. Chair Likley asked if a district of the unincorporated area was created and a new levy passed the currently levy would not be collected? Mr. Thorne stated that was correct. The existing levy would not go away it just would not be collected.

Heather Sturdevant (resident representative on fire committee) addressed the Board. She asked if the Township moved forward with collecting a fire levy from all the residents and having the fire department run by the Trustees then what would happen to the existing financial splits? Chair Likley stated they would go away. She then asked if the Village would no longer put in their millage they currently have? Chair Likley stated that was correct. Ms. Sturdevant then asked why wouldn't we want to create a district and have those making decisions for the fire department have a fire background? If there was a district created individuals with such experience in fire service could be put in place to run the fire district. Ms. Sturdevant continued that there was no guarantee that the Village residents in either Westfield Center or the Glens would vote for a levy. Therefore it seems the Township should work together with both villages. If a fire levy was put on for the district the Township fire levy would go away and the residents would not end up paying additional money for a fire department because there would not be double dipping...Chair Likley interjected that the only hurdle in that scenario is the 1% income tax Westfield Center uses to fund the fire department. Fire district funding would be completely different.

There was then a question as to whether the members of a fire board for a district were to be elected or appointed. Mr. Greg Oakes stated it was dependent on how the fire district was set up. Those members could be appointed initially but after that initial appointment

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they would be elected positions. Mr. Huttson stated the State Statute is very clear that such members are appointed by the entities participating in the district. The number of representatives is flexible as well as the terms of those appointments. It is all determined by an agreement of the entities involved in the district. Mr. Thorne stated there is a minimum number of 1 representative from each entity participating in the district. The terms should probably not be long term as when people aren't elected there is less legal responsibility and at times they can end up being less responsive.

Trustee Sims stated the Gloria Glens has a population of approximately 500 and the Village of Westfield Center of 1,000. The Township has the remaining population of over 3,000. If we go the route that the villages appear to be interested in, the Township would be responsible solely to provide the safety services for the highway as that is in the unincorporated area of the Township as well as the Cloverleaf School District and the future school campus.

Mayor Horwedel asked if carrying 40% of the funding of the district would be fair to the Village? That is approximately the breakdown of the property value of Westfield Center versus the whole Township. Mr. Oakes state from a population standpoint the Township may have more residents, but the Village of Westfield Center houses Medina County's largest employer i.e. Westfield Companies. With all those individuals coming to work every day the Village of Westfield Center require more EMS services. Trustee Sims interjected she has stated publicly that Westfield Companies interests are vital as they are the economic hub of our community. She added just the trip traffic alone was a concern, but it was important to also remember that the majority of that trip traffic takes place through the unincorporated area of the Township to get to Westfield Companies. Therefore it was to everyone's benefit to work together and not work against our mutual interests.

Mayor Horwedel stated then why not form an individual district and the two villages could contract with the Township and that would remain as close to the current scenario we have already? The Township would have control but the villages would have options if that situation became difficult regarding the fire dept., to opt out and go elsewhere for fire service.

Mayor Dean stated that was the only leverage the Village of Gloria Glens had which was to opt out after the current contract expires. He added there has always been a working relationship between the Village of Westfield Center and the Township and the Glens was really not part of that equation. He reiterated that because the Glens was so small in population, the only leverage we have is to be able to opt out and look for fire service elsewhere. Mr. Thorne stated the Glens would not be in either district scenario unless they opt to be in. The other situation is that the Township puts the levy on and the Glens get stuck with it if it passes.

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Chair Likley stated the Township and the Village of Westfield Center are joint owners of the Westfield Fire Department. The Glens has had the opportunity to contract with Lafayette or the Westfield Fire Dept. for fire service. Mayor Dean stated he knew that there was a time in the past that the Glens did contract with Lafayette for fire service and didn't know if that changed on several different occasions or not. Trustee Kratzer stated that the Glens did contract with Lafayette previously, but then Village Council decided Lafayette was charging too much for fire service and the Glens moved to contract with Westfield for at least the last 10 yrs.

Mayor Horwedel stated the Village of Westfield Center was in the same position as the Glens. The situation now is how the Township wants to accommodate both entities. The Township can create a separate district and let both villages contract with the Township which Mayor Horwedel said appeared to be what both villages like. Another option is to form a district with all three entities which he was not sure of or the Township could put on a levy to include the entire Township and both villages which he was not in favor of. Mayor Horwedel added regardless, the dynamics will change.

Trustee Sims stated both mayors represent their village residents and the Trustees represent the Township as well as the village residents. It was important to include all of the entities in this decision making process. Both mayor's invited the Trustees to their respective council meetings (August 4th-Village of Westfield Center and August 5th-Village of Gloria Glens) to listen to what council has to say about this situation. Mayor Horwedel also invited Mr. Thorne to be present to give the background and resource information to both council boards.

Trustee Sims asked if there were opportunities for Westfield Center Village residents to get a tax savings somewhere else regarding the current collection of a 1% income tax from the residents? Mayor Horwedel stated that was not an opportunity that was just doing our job. He added that was not as ideal as just having a contract with the Township for fire service, and not asking the residents to pass a new levy. To pass a levy is a tough process as the Township is already aware without having an income tax on top of the levy. Mayor Horwedel stated he was having a difficult time that he could convince the residents of the Village to pay more millage if the Village was going to lose our control of the fire dept. The nature of the dynamics will change if and when the Township has financial control of the department.

Chair Likley stated he felt it was important for the village residents to have say in the department just like the Township residents currently have in the operation of the department. The Village residents would have representation through the Township Trustees and by a vote for the levy. Right now they don't have say in the funding. Chair Likley continued that he felt the village residents would have a greater voice in the operation of the Township fire department through the fire levy vote and through the Township Trustees. He added that would be the sales pitch to Village residents if that is

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the way it is decided to proceed. Mayor Horwedel stated the only way he could look his residents in the eye to support this endeavor is if the Village contracts with a Township fire department for fire service. It would be hard for him to sell that it is in the best interest of the Village residents to pay more millage.

Trustee Kratzer stated that the Board of Trustees has been in turmoil for the last 2-4 yrs. but if we want to put a levy on the ballot in November we are going to have to create an unincorporated fire district. He added he did not think there was enough time to sell to both councils or if he had support on this board, to create a joint fire district consisting of all three entities.

Trustee Kratzer continued that the fire department is funded through the end of the year currently. There will be at least one new trustee taking office in January 2010 possibly two. The Board of Trustees at that time could then decide if they want to pursue the creation of an individual fire district or a joint fire district consisting of all three entities and then put a levy on the ballot for the May primary. If we try to maintain status quo, Trustee Kratzer stated he felt that a fire district of the unincorporated area would need to be created. Trustee Sims asked if by the statements Trustee Kratzer just made, was she to assume Trustee Kratzer was not running for re-election? Trustee Kratzer stated that was correct.

Trustee Sims stated that the information on all of the options discussed and even the possibility of other options, needed to be understood and digested by all the communities involved. It is going to take diligent homework and legal decision making to make this work in everybody's best interest. She added she would support a delay in putting a fire levy on the ballot in November, to give everyone time to make those decisions and not against a time frame for an election. Trustee Kratzer and Chair Likley agreed. Chair Likley stated that he wanted the Trustees to be clear that by delaying a fire levy on the November ballot the Township would still need to dip into the General Fund to supplement the funding of the fire department. Trustee Kratzer stated that was correct but money could be advanced from the General Fund to the Fire Fund and then if a levy is put on and it passes that money could pay back into the General Fund.

Mayor Horwedel commented he was fine with a delay, but added there should still be discussion Tuesday night at the Village of Westfield Center's Council meeting. The Township Trustees and Mr. Thorne stated they would attend both village council meetings on August 4, 2009 and August 5, 2009 at 7:00 p.m. respectively. Trustee Sims asked that Kevin Rych Pres. of the Fire Association who was present this evening to take the information discussed today back to Fire membership.

Fiscal Officer Evans asked Bill Thorne if in fact a district was formed and there was a new levy put on and it passed, then the current fire levy that was receiving the advance would cease? Mr. Thorne stated not necessarily. Fiscal Officer Evans asked if fire district

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levy money could be advanced back to the General Fund? Mr. Thorne stated if there was a legal debt it could be used to pay back the General Fund. He added if there was a separate legal entity of a fire district formed, the Township could supplement the district from the General Fund just like the villages have done in the past. The Township may want to keep that option available because for example, if the district did not have the money for a new fire truck the Township and the two villages could kick money in to supplement the cost of a new truck. Trustee Sims stated she did not believe the residents of the unincorporated area of the Township would pay for two fire levies. Trustee Sims asked both villages to begin conversations with their own legal counsels to move forward with these issues.

Mr. Rych (Pres. of Westfield Fire Association) commented that as a village resident he did not want to pay any more taxes with less say on the operation of the fire department unless Mayor Horwedel could remove the 1% sales tax on the residents of Westfield Center Village.

Mr. Rych then addressed the Board by stating that the Westfield Fire Association membership consists of approximately 32 individuals. Contrary to what council and the Trustees have been hearing there is and has been a lot of good things going on in the department. There will be ½ dozen new EMT's by the first of next year. Mr. Rych continued that on July 5, 2009 the Fire Association held an emergency meeting and 19 members were in attendance. A proposal was drafted and signed by all 19 members which was different than what fire committee has recommended regarding a fire chief and daytime staffing. Daytime staffing would be done internally as well as externally to cover calls. Mr. Rych continued that the report includes historical data on runs and calls since 2006. Mr. Rych stated that Fire Association does not want a full-time chief nor do we feel we need a full-time chief right now. Fire Association has made recommendations for day-time staffing and a part-time fire chief. Mr. Rych stated the cost for day-time staffing was based on the individual level of training of those covering the calls. The salary of the former fire chief was approximately \$72,000 including benefits. This proposal is for a part-time chief and part-time staffing using an average rate of \$12.00 per hr. and would cost approximately \$74,920 a yr. That is a bit more than what was budgeted for the full-time chief's salary but that would provide day-time coverage from 8 a.m.-4 p.m. 5 days a week consisting of 2 EMT's, paramedics or intermediates whatever the case may be. Mr. Rych stated a squad would be able to roll out of the station everyday just like the TG Fire report that was completed said should be done. The part-time chief could even reduce that figure if he was one of the individuals at the station during the day to run calls.

Mr. Rych then handed out one bound copy of the report to the Trustees. He said one bound report would go both Village Councils and another to Fire Committee. Mr. Rych stated the 19 members of the Fire Association were very much behind this proposal. That was the reason for the signatures in the report of those members to show

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acknowledgement and support of the plan. In the proposal was also a draft schedule for day-time staffing. Some of the questions that were asked of the members were as follows:

Are you in support of a full-time chief?

Are you in support of a part-time chief?

Are you in favor of day-time staffing?

Comments.

Mr. Rych stated he personally was in favor of a fire district. One of the problems with Fire Committee is that Mr. Oakes has to go back to council to discuss what fire committee would like to do and Mr. Likley has to go back to the Trustees for the same reason. A fire district would stand alone and make the decisions. It doesn't have to go back and forth to the political entities to do something, which delays the process. The 19 members in general stated they did not like the concept of Fire Committee as it is too cumbersome. The fire members are asking for 6 months to show the political entities what can be done with the implementation of this plan.

Mayor Horwedel asked if the members of Fire Association favor a separate fire district consisting of all three entities? Mr. Rych stated Fire Association favored getting away from Fire Committee. Mayor Horwedel stated that would happen just due to the logistics of what has been discussed this evening. Chair Likley interjected that if a separate unincorporated fire district was created by the Township Trustees, Fire Committee would still be a viable group. Mayor Horwedel stated it would not be of equal status the way it is now between the Township and the Village of Westfield Center. Chair Likley stated yes it would because there would still be the 60-40 split for the chief's salary and the 75-25 split of revenue. Mr. Rych interjected it was important for those in control to know the operations of a fire department.

Mayor Horwedel stated there was a process in place currently that has been approved by Westfield Center Village and the Township Trustees to hire a full-time chief. The question is would the members support a full-time chief? Mr. Rych stated the 19 members polled do not want a full-time chief. Mayor Horwedel stated the two political entities want a full-time chief and have put the process in place to move forward with such. The question is will the membership support the full-time chief? Mr. Rych stated the fire members are not going to abandoned the community by any means contrary to what has been heard. The members have pulled together tremendously with the exiting of the prior chief and have served the community well especially over the last 2 months. Mr. Rych stated the proposal would be given to the Trustees, Village Council and Fire Committee. A letter was also going to be sent to the newspaper that Fire Association has put together a proposal to save money and provide better fire service to the community.

Again Mayor Horwedel stated the two entities have begun the process to hire a full-time chief and asked if the fire members were going to support that full-time chief? Mr. Rych stated he did not want to speak on behalf of the Association. Personally he did not feel a

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full-time chief was the way to go. Mr. Rych commented that those who are on the outside and don't run the fire department or understand the fire department are the one's saying we need a full-time chief. Mayor Horwedel stated the two political entities and Fire Committee have said we want a full-time chief. Mr. Reich stated the voters would also have say and would probably say why in the world did you hire a full-time chief but don't have day time staffing when the Association has a proposal for a part-time chief and day-time staffing for approximately \$2,000 more in cost than what was set aside for a full-time fire chief's salary.

Trustee Kratzer stated it appeared to him by sending a letter to the newspapers the 19 people on the Association are trying to undermine the political entities. Mr. Rych interjected that it was nice that those two political entities did not ask the Fire Association what they thought and wanted. Trustee Kratzer stated there was a 2 to 1 vote by the Trustees to hire a full-time chief and now it appears the Association is trying to change the vote of the one trustee. Trustee Kratzer stated he was a lame duck because he would not be running for Trustee in November but he still had a vote on this Board at this time.

Trustee Sims stated that Mayor Dean and Gloria Glens Council have probably not been privy to all these prior discussions and decisions. Trustee Sims stated now the current Trustees are being asked to furlough a fire levy for the November ballot. Currently we have \$78,000 to run the Township portion of the fire department. She added, what was she to say when potentially a neighbor who has a heart attack during the day which was when the majority of the fire department are at their full-time jobs? What reasoning could she make that the Township spent the money we had available on a full-time chief versus two part-time day-time staffers or when the highest number of individuals are at work at Medina Counties largest employer (Westfield Companies) which is located in Westfield Center Village or when school is in session? She continued that was the scenario with former full-time chief and we saw that there was a day-time staffing deficit. TG Fire in their report reiterated the need for day-time staffing. Mr. Oakes interjected that TG Fire pointed out that per the data presented and millage of the Township, the fire dept. warranted a full-time chief. Mr. Rych stated that data and information was provided to TG Fire by the previous full-time fire chief. Mr. Oakes stated the reason TG Fire was contracted with was to get a professional, independent opinion on the needs of the fire department. That was the recommendation the two political entities based their opinion in pursuing the process for the hiring of a full-time chief, not necessarily the voices of the Fire Association.

Trustee Sims stated the Trustees could only provide the level of fire service that we can afford and the residents will support at the ballot. Mr. Oakes asked if the Trustees would consider putting a levy on this fall and increase the millage and maintain the contractual arrangement with the village and generate the Township's share of the cost for a full-time chief? Trustee Sims stated at the end of the day it would need to be done with less than \$78,000 given this economy because some of the current taxes due are not even being

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collected. Mr. Oakes added that goes to the argument as to why we can't go back to our voters in the village and ask them to pay a levy on top of an income tax. Trustee Sims commented that with all that has been stated here today and what needs to be considered; maybe the decision of a full-time fire chief should be postponed. Chair Likley stated the Township Trustees would delay putting a fire levy on the ballot this fall. Regarding a full-time chief, that was supported by TG Fire's report as well as the surrounding communities. The fire department needed the administration and leadership in place. He added this would also be addressed at fire committee tomorrow evening.

Trustee Sims stated she does not support a full-time chief and voted accordingly. She did not support spending close to \$7,000 to select a full-time chief given the Township's financial situation. Trustee Sims stated the Village of Westfield Center did step up to the plate and put in additional monies to get that process started. Trustee Sims stated she felt that was the job of the Trustees and Council and it was contracted out for someone else to decide. If there is an interim strategy to move the fire department forward with part-time day-time staffing as proposed maybe that should be given an opportunity to see if that was a viable option. Trustee Sims stated if she was given the choice between one full-time employee or two part-time EMS; improved response time that would sell a fire levy to all of our residents. It is a deficit and a need we must face immediately.

Trustee Kratzer stated the Trustees voted to pursue a full-time chief. The vote was 2 to 1. He asked Mr. Thorne if that vote could be brought back up and rescinded? Mr. Thorne stated yes but the Township would be obligated to pay their fair share of the process that has started for the hiring of a full-time chief. If two trustees did not want to bring the vote back on the table for reconsideration it would not happen.

Chair Likley stated before a reconsideration would even be discussed he would need to digest all this information. He stated his goal in the process for a full-time chief was because he believed that was the first step for the fire department to move forward. The fire dept. needs clear and direct leadership and that was a full-time position. Chair Likley added he did not think a part-time chief could have done the job and what it warranted. If the fire department is coming together, functioning and has the direction and leadership to carry itself forward to answer day-time calls and be responsive to all of the residents and be within the operating costs for the next 6 months then he was willing to a look at another direction. Mayor Horwedel interjected that we have all had the opportunity to look at those things and we have all arrived at where we are headed regarding a fire chief. To get off the train now would be detrimental.

Mr. Oakes stated as a fire committee member, he looked forward to reading the proposal by Fire Association. If there have been changes in the morale, internal leadership and the effectiveness and functioning of the department in the last 30 days and it is documented in the proposal then it will be something that Fire Committee should and will consider. However the opinion of the independent consultants, TG Fire determined what was best

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for the residents of the community and not just the internal workings of the fire department and the suggestion of a full-time chief deserves equal consideration. Mr. Oakes continued that we have the responsibility to provide for the hiring of the leadership of the department. That does not mean collectively we have the expertise to personally carrying out the hiring of that individual. The reason we are retaining an outside source was to bring that expertise and experience to such leadership.

Chair Likley stated that regardless of what the organization is of the fire department the question remains as to who is going to be responsible in hiring a chief? Who is going to pay the chief? What would the financial split be? It is a cumbersome way to operate the fire department. Chair Likley asked to take this time to see who was sitting on the Board of Trustees come January 1, 2010 as well as on Village Council as there were open seats on Council as well. He added it was worth taking the time and review all of this information and make the best decision for the department and the residents. Trustee Sims agreed but stated she did vote against the hiring a full-time chief but added that she would support the decision of the Board, but it would also come down to what the Township can afford financially moving forward. Trustee Sims asked both mayors to go back to their respective entities and explain these issues to their councils. Mr. Thorne stated he would try to be present at those village council meetings next week.

Chair Likley asked Mr. Thorne to get information on the incidentals in forming different districts and the impact on the budget. It was discussed that the Auditor's office should be contacted to see how much different millage would generate for the fire levy. Chair Likley asked Fiscal Officer Evans to contact the Auditor's Office and get the figures on a 1 mil levy of the entire Township and what that would generate. Trustee Sims stated she would like Mr. Thorne to weigh the Township's options in moving forward.

Zuber Property Update

Mr. Thorne stated Mr. Zuber's attorney got a 30 day continuation on the hearing regarding the cleanup of his property. He would follow up Ms. Devanney who was handling the case.

IRS Update

Mr. Thorne stated his office formally requested to be told who the Township's advocate is so we can discuss these issues with them. Trustee Sims asked that correspondence be sent to the Township as well to keep the Trustees apprised of these issues.

OTARMA Update

Mr. Thorne stated OTARMA sent the policy language that basically stated the Township was not covered in terms of the errors and omissions of the previous clerk. The Pros. Office is analyzing that information. Mr. Thorne added that OTARMA has moved forward with the first claim but is contending there is only one bond for \$5,000.00. The Township has given permission for the Pros. Office to proceed legally if needed.

Payment of Township Bills

Trustee Kratzer made a motion to approve the payment of the Township bills in the amount of \$19,643.96 as presented. It was seconded by Chair Likley.

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

Identity Theft Policy

Fiscal Officer Evans presented a policy package that tells the EMS employees what they should be looking for in terms of identity theft for those on the fire department and EMS when responding to calls or giving service to somebody in need. This policy has been recommended by Life Force who does the billing for the Westfield Fire Dept. in response to the risk of identity theft associated with certain billing accounts that arise as a result of providing emergency medical service. Fiscal Officer Evans stated that Mr. Thorne from the Pros. Office has also recommended this policy be adopted. No resolution is necessary just a motion. This policy needs to be adopted by August 1, 2009.

Trustee Kratzer made a motion to adopt an identity theft policy per the recommendation of the Pros. Office. It was seconded by Chair Likley.

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

Fiscal Officer Evans also gave each Trustee a packet of information to be reviewed before the next Trustees meeting scheduled for August 6, 2009. The packet included some of the following information:

There is not enough appropriated in zoning to pay for the extra cost of the survey. Right now we need \$1700 just to pay for our current invoices to Northstar Planning. Fiscal Officer Evans stated that we have also received a bill for \$600 from Northstar to review the Seville Comp Plan. Trustee Sims stated there was separate money allocated to pay for that service in the amount of \$2000. Fiscal Officer Evans stated the Township also owed \$3100 for the Township Survey that was completed and therefore needed an additional \$1700 to pay the current invoice. Trustee Sims stated she believed the survey was included in Northstar's cost of services. Fiscal Officer Evans stated the survey was an additional cost because there were different options for a survey to be completed. A mail survey was the option chosen and that was an additional cost beyond the contract that was signed with Northstar. Fiscal Officer Evans recommended adding \$2000 to zoning from the General Fund.

Fiscal Officer Evans continued that there was only \$174.21 left in the unemployment account. There is an invoice received in the amount of \$84.61 leaving \$89.60 for the remainder of the year. It was discussed that the unemployment benefit payment for the employee in question was currently coming out of zoning and that individual has a portion of their salary that comes out of General Fund as well. The Trustees decided that would the money would continue to be taken out of zoning for the payment of

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unemployment benefits. \$600 would be taken out of the General Fund and transferred to zoning for these continued payments.

Fiscal Officer Evans went on to say that there was only \$22.59 left in zoning postage. The Trustees recommended \$50.00 to be transferred from General Fund to Zoning-postage.

Fiscal Officer Evans stated that the zoning board and commission members' salary fund has \$1643.44 left for the remainder of the year. For the first half of the year \$3355.29 has been spent. Fiscal Officer Evans suggested adding \$1500 to the above; plus \$220 to OPERS & Medicare tax to cover the additional salaries. The Trustees agreed.

Lastly, Fiscal Officer Evans stated there was 0 left in dues and fees for individuals that may attend workshops if there is a fee involved. The Trustees discussed that additional training outside the county be considered on a case by case basis especially since Medina County offered free workshops for the zoning board members. Trustee Sims stated that the Trustees have been lax in allowing multiple board members and employees of the Township to attend workshops and seminars outside of the County and some after the fact so there had to be more of a due diligence in taking advantage of the free seminars and workshops offered by the County and the Pros. Office.

Administrative Assistant Ferencz stated that there is a zoning certification series that is going to be offered by Medina County Planning Services every Tuesday starting in October for 8 wks. There is a fee of \$119.00 for that certification. BZA member Oiler stated he was interested in attending that zoning certification course. Fiscal Officer Evans stated that Ass't ZI Evans was also interested in attending that course as well. The Trustees stated per the financial circumstances of the Township, any workshops, etc. for zoning board members would be determined on a case by case basis by the Trustees. Therefore no money would be added to fees and dues at this time.

Fiscal Officer Evans stated as a result of the discussions this evening, she suggested an additional \$4100 be transferred from the General Fund to Zoning to take into account the issues just discussed this evening. A resolution would need to be made by the Trustees for this transfer at their next meeting on August 6, 2009.

MISC.

Fiscal Officer Evans stated the Audit was completed and the Auditors would be contacting the Township to conduct a post audit meeting in the next week.

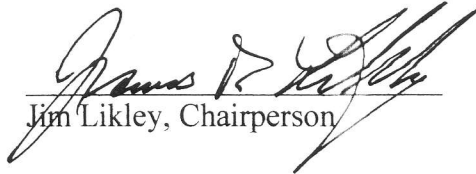
Trustee Kratzer made a motion to adjourn. It was seconded by Chair Likley. ROLL CALL-Kratzer-yes, Likley-yes, Sims-yes. Motion carried.

The meeting was officially adjourned at 12:28 p.m.

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Respectfully Submitted,

Kim Ferencz, Westfield Township Administrative Assistant


Jim Likley, Chairperson

Carolyn Sims, Trustee


Tim Kratzer, Trustee