

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting

August 15, 2011

7:00 pm

Trustee Oiler opened the meeting at 7:00 pm by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: James Likley, Ronald Oiler, and Gary Harris.

Trustee Oiler made a motion to go into executive session at 7:02 pm for the purpose of consulting with legal counsel, Brian Richter, Medina County Assistant Prosecutor concerning pending litigation. Matt Witmer, zoning inspector was invited to attend executive session and the confidentially clause from ORC 102.03.B is included, seconded by Trustee Harris. Roll call: Harris, aye; Oiler, aye; Likley, aye

7:36 pm Trustee Oiler made a motion to come out of executive session and back into regular session, seconded by Trustee Harris. All trustees agreeing signified by saying aye

Trustee Harris made a motion not to pursue any further legal action against Maureen Sherpetia at 6511 Buffham Road regarding her pool fence and ask the zoning inspector to issue her a permit after she presents the application and pays the appropriate fee, seconded by Trustee Oiler. Roll Call: Likley, aye; Oiler, aye; Harris, aye.

Guests were welcomed.

David Kaiser representing Strawser Construction:

1. Asking to use property at 8919 Lake Road for a resurfacing project for ODOT St Rt. 224 and 42
2. Application has been submitted and hearing is August 24, 2011 and the completion date on the project is August 31, 2011. That gives me 16 days to get the job completed. There is a contract with ODOT to do the work.
3. Asking for permission to use the 8919 site before the hearing. This is a staging area and has reviewed the zoning language for that use.
4. I was not aware of the zoning issue or I would have done this earlier and I apologize.
5. Matt clarified that it will go before the BZA not the zoning commission as it is a conditional use. They will be parking some of their vehicles, a water tank and some limestone piles on site to complete their project.
6. Trustee Likley asked what time of day would they working. Kaiser answered it will be during the day. Likley: will there be flood lights for security and the answer was no. The application has been paid for and hearing set. Kaiser: There will not be any signage.
7. Trustee Oiler asked if there would be offices and answer, no.

Trustee Likley made a motion to permit Strawser Construction to proceed with contracted project on St. Rt. 224, seconded by Trustee Oiler. Roll call: Oiler, aye; Likley, aye; Harris, aye

FIRE DEPARTMENT

Chief Fletcher reporting: (report available)

- So far this month there has been 15 runs
- Evaluating a couple of programs to improve efficiency and cost savings
- Recognizing Dave Kollar for his effort in initiating CPR in a time of need at the Fire Advisory Board Meeting August 25, 2011
- Medina and Wayne Counties Joint Chief's meeting discussed mutual aid across county lines
- Football season is here and schedule of the Colts home games is posted for squad crews to be on hand
- SCBA masks have been successfully fit tested for each member. Thanks to Wadsworth Fire Department for the use of their machine.
- Currently using a spare fax machine from the township until the department can purchase one that is capable to be used as a spare printer.
- FIRE HYDRANT MAINTENANCE AGREEMENT BETWEEN MEDINA COUNTY AND WESTFIELD FIRE AND RESCUE. The chief had been on site and the department has not actually been doing the maintenance. What the county wants to do is de-scaling the lines to clean the lines since they have changed some PH value. The chief is very interested in making sure these hydrants are serviced. Troike's staff has been cut and he is not real sure he can do all the maintenance. We were hesitant to offering any assistance because in the past if you broke a hydrant you had to pay for it. Mr. Troike has agreed to this agreement say as long as our firefighters are trained in the way they operate their hydrants, he has no problem with us maintaining the hydrants. I would like to do that because that gives us how reliable the hydrant will be. They will provide any materials and/or tools. We also get to know how much water is in it.

CEMETERY/PARK

Trustee Likley reported: A family member requested some information of an old burial. I contacted the lady and she was able to add some additional for our book. I posted it into our book and forwarded the info to Mike Mcann.

ROAD Lee reporting:

- ❖ School signs batteries are charged. Later this week or next we will get the signs up
- ❖ Kennard Road was chipped and sealed Friday
- ❖ List to county to get our roads stripped. The north roads are in need of stripping and the south roads will be next year.
- ❖ Continuing to mow
- ❖ New truck is here
- ❖ Next meeting you may want to consider putting the old truck on e-bay

ZONING

Matt Witmer reporting:

- Bill Thorne stated Mike Sweeney is asking Mr. Thorne exactly what do we want on the front site plan. Bill and I are meeting at 9 am Friday morning so we can discuss the front site plan. The site plan must go before the zoning commission. I certainly anticipate variance requests.
- 4 new violations. Letters have been sent.
- Drove by the Seville Road railroad business, it is a lot better than it was but needs more work. I will be in touch with him. Trustee Likley asked about the target date and the procedure.
- Idle Aire: I have talked with project manager and explained that I need a weekly progress report. Waiting on surveyor to get back to them. They are leasing the property.

Heather Sturdevant reporting:

1. Presenting a possible alternative for zoning board members to get their required training. A training manual is being put together in a binder at the office but it is not completed. The manual would be available during office hours and at any meeting held here at the township. There would be a short test to be sure the individual has read and understands the material. We want this to be harder because we want people to go to the live training sessions. This scenario would be our last resort. Our hope is to have it divided into sections and have 8 sections or programs that could be 8 hours of training.
2. Trustee Likley believes this manual needs to be available for check out, a section at a time. The two trustees agreed a system should be set up if a member wants to check a section out.
3. Finished with swimming pool language and waiting for the zoning secretary to forward it to the trustees for consideration.
4. Windmill language: waiting for the zoning secretary to send it to planning services and the prosecutor for review.
5. Received the resolution from the trustees (map amendment on the North side of Greenwich Rd. It was hand delivered to planning services and the prosecutor's office. The public hearing for the trustee initiated zoning map amendment is set for August 30, 2011 @7:30 pm.
6. Pilot's public hearing for the underground DEF tank is set of August 23, 2011 at 7:30 pm. Next regular meeting will be Sept. 13, 2011 at 7:30 pm
7. Next planning services training is set for September 22, 2011 at 7:30 pm
8. Zoning Commission voted to present to the trustees the 2009-2010 Comprehensive Plan Update as modified and approved by the Zoning Commission. (see letter and plan as modified on file in the office) As per the trustees request only the recommended document be submitted for their review. The trustees should have the original document prior to the revision for comparison.
9. An e-mail was sent from the township hall to the steering committee members asking if they wanted their name removed from the document. Those asking that their names be removed, they have been removed from the list. We also were asked by the steering committee to attach their letter to the final document as part of the plan. They were told that is not an acceptable option as the zoning commission has not voted on the letter. In order for anything else to be

part of that it needs to go back to the zoning commission and voted on. They were told if they wanted to present this letter, it was their responsibility to present it to you and you as a board can decide.

A few individuals wanted to leave their name on. There was a question as to the role of the comprehensive plan steering committee. One of the steering committee members stated they had been told their role was in an advisory capacity that when it went to the zoning commission they had the right to make changes yet another member did not agree. The prosecutor's comments in our meeting minutes state that is the case, the zoning commission does have the option to make changes to that plan. That was done by the committee in what we felt was in the best interest of the community based on the information that we received collectively. We have documentation to back the information up and it will be forth coming. We also have information from an executive session that can't be shared but I would encourage you in the public process or after the process to hold an executive session and perhaps invite the zoning commission members and ask the same questions so you have the same information that we had. Trustee Likley asked if the 3 pages identified are additional changes that came out of the zoning commission initially. Heather responded, yes: One of the changes should have been in the book the first time but for some reason was omitted. Second: there was a misunderstanding and once it was clarified and we understood the reason for having it there, we added it. Third: some of the wording on a change that we had made we went back and changed it because the residents didn't like it and we didn't like it either. There is a document that has been part of the document for the long time that outlines all the changes that were made.

FISCAL OFFICER

- ✓ Bills to be paid in the amount of \$8,702.18: **Trustee Harris made a motion to pay the bills, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.**
- ✓ Fund Status: Investment \$517,114.03 Checking \$382,429.08
It was noted a new fund was added FIRE AND RESCUE, AMBULANCE because a reimbursing grant was received for EMS supplies and training. It is necessary to keep that in a separate fund to track expenses.
- ✓ A copy of the agreement with Cost Recovery Corp. was received and it is at the prosecutor's office now for review before presenting it to the trustee this is in reference to the MVA Resolution 2011-16 that was passed contingent upon the agreement.
- ✓ Correspondence:
 1. American Tower letter In response to the trustees decision of not selling the cell tower lease
 2. Telecom Lease Advisors letter

MINUTES August 1, 2011

Corrections: Page 1 next to last sentence add the word TO before Bill Thorne. Page 3 referring to ORC 102.03 SectionB (not D). Page 2 last line c. refers to the books by name COMPREHENSIVE PLAN..... Page 4 correct spelling of program in resolution title **Trustee Likley made a motion to approve the August 1, 2011 minutes as amended, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

OLD BUSINESS

➤ Lodi-Harrisville EMS Service

After discussion that our fire department is sharing the load with other departments but that does not solve the problem. Trustee Oiler will try to set up a meeting with Lodi Council and Harrisville Township to discuss the chief's concern and possible options of resolution. Likley is available evenings, any time Friday or Saturday

➤ Re-mapping Creston Village portion in Westfield Township to Canaan Township

Trustee Oiler attended the Medina Co. Commissioners meeting today and expressed his concern of the re-mapping of Creston Village to Canaan Township. He noted there have been no complaints about the Westfield Fire service to that area in the last 16 years, 2 sets of Railroad tracks between the referenced area and the Canaan Twp. Fire station. Accidents, health issues and tracks do not have the same time schedule. Also Westfield Township will be taking budget cuts because of this action. The Medina Co Commissioners unanimously voted to table this resolution subject to further investigation. Also noted was the area to the west side of Rt. 3 (church) was a Type 2 Expedited Annexation and cannot be included in the re-mapping. The map is being re-drawn to exclude the church. I also noted how can the trustees ask our residents to support a fire levy when in fact you commissioners are going to give away our money to another township in another county. Martha has sent a letter to the county auditor asking them to investigate if there monies collected over those years and if they were who received it because it belongs to Westfield Township. If they did not collect the monies, state so in a letter back to us so we have something we can show our residents that in fact there was an error on the auditor's department. Trustee Likley asked if Canaan Township has any documentation that they have been providing fire and rescue service to the area in question. The answer was not known at this time. Trustee Likley pointed out if this runs after the November ballot, those folks still vote for the fire levy. The language presented to the Board of Elections for the fire levy excludes Westfield Center and Gloria Glens.

➤ Late fee for zoning applications

Matt had pointed out at another meeting there is not penalty if a resident gets caught and then gets his permit, paying the same fee as one that has gotten a permit prior to construction. Trustee Oiler tabled this issue and will be discussing it Sept. 8, 2011.

➤ Comprehensive Plan public hearing date will be discussed at the September 8, 2011 meeting.

➤ No additional information has been received on the Westfield Landing Park Boat Launch

- Medina Co. Emergency Management All Hazard and Flood Mitigation Plan
Trustee Harris reviewed this plan and it appears the new plan did not change the flood map in Westfield Township.
- Zoning Commission alternate resigned. Trustee Harris had the applications on file. **Trustee Harris made a motion to appoint Dennis Hoops to the zoning commission as an alternate, Trustee Oiler seconded the motion.** Discussion: Trustee Likley: in the past we have interviewed applicants. I do not know if I ever met this guy. Do we want to put applications or a notice out for alternate to the zoning commission? Trustee Oiler has reviewed the applications that are in the file and has no problem of going ahead with the motion. Trustee Likley does not know that he can support any person to an alternate position or why they would take it but I guess they can. We are going to send them to training, provide them the opportunity to participate and then by pass them. I don't care who you put up for alternate position, I won't support it. **Roll call: Harris, aye; Oiler, aye; Likley, NO.**

NEW BUSINESS

- ⊕ FIRE HYDRANT MAINTENANCE AGREEMENT BETWEEN MEDINA COUNTY AND WESTFIELD FIRE DEPARTMENT
 - Trustee Likley suggested in Section 1. GLORIA GLENS BE ADDED.
 - Trustee Likley stated the sanitary engineer is strapped for money as everyone is. If our department is willing to do this at no cost to the township then I don't have problem with proceeding with this agreement once Gloria Glens is addressed in this area. If not, I would certainly be looking to the sanitary department for some credits back to the fire department for our time and equipment in exchange to maintain county hydrants.
 - The fiscal officer will bring the above mentioned items to the chief.

ANNOUNCEMENTS

Zoning Commission Special Meeting	Aug. 23, 2011	7:30 pm
Site Plan Review for Pilot DEF tank		
BZA Hearing	Aug. 24, 2011	7:30 pm
Clean Energy signage; ODOT project Strawser Construction		
Fire Advisory Board	Aug. 25, 2011	7:00 pm
BZA Hearing	Aug. 29, 2011	7:30 om
Morningstar Farms Ministeries		
Zoning Commission Public Hearing	Aug. 30, 2011	7:30 pm
E. Greenwich Rd. RR to LC		
Trustees Regular Meeting	Sept. 8, 2011	7:00 pm

Heather Sturdevant:

- ❖ I noticed reading the award for the Comprehensive Plan grant that under the section: Minimum Comprehensive Plan Elements and one of those minimum elements it must include appropriate reference to the Medina County All Hazard Mitigation Plan and Community Safety and Security. The plan does discuss the Medina County Flood Damage Regulations but it does not specifically reference the Flood Mitigation Plan. That is something we may want to look at because it was a specific for grant funding. We need to find out what those are and make sure they are in the Plan.
- ❖ Fire Department will hosting a car wash at the TA Truck Stop the 28th of August from 9am-1pm. It will be raising money for the Fire Association and we are working on getting another car wash set in the near future. This is all part of getting the Fire Department exposure to the unincorporated area of Westfield Township in support of the fire levy.

Public Comment was written by Trustee Likley and submitted to be part of the minutes:

Public Comment:

Carol Rumburg - (representative of Steering Committee):

- Read and presented a letter and exhibits put together by the 2009 Steering Committee (copy on file)
- The letter, dated August 9, 2011, was regarding changes made by the Zoning Commission to the Westfield Township Comprehensive Development Policy Plan Update. 25 of the 29 Steering Committee members requested to have their names removed from the revised plan that was presented to the Trustees.
- Some committee members did not receive e-mails so were personally contacted by other members to give opportunity to respond with letter.
- Asked that Trustees review the information, make available for public review and at the Public Hearing.
- Consider placing information within the Plan if they choose to use revised plan, because just removing names does not indicate the true feelings and that what Trustees were presented is not the committee's plan.

Bill Thombs

- Expressed concern that letter from Steering Committee was not given to Trustees before the meeting.
- Kathy Zweifel's requested that her resignation letter be read into the record, which has not been done, hoped it would be.
- Asked that Board not act on zoning of 6 parcels on Greenwich Road so not to have spot zoning.
- Development Policy Plan – had heard that it was kept separate but very definitely parallels zoning change.

Carolyn Sims

- Commented that opposes the Zoning Commission's revised version of the Development Policy, which changes the intent of the Plan. Looks forward to hearing Trustees feedback when nearly entire committee deflected.

Matt Witmer

- Asked questions why the previous board chose the land planner that was hired and requested copies of quotes. Trustee Likley stated Northstar was considerably less than the other quotes and one was a consultant for a developer. Northstar was familiar with the area and previous planning.

Brian Wild

- Stated as a member of the Steering Committee, he had to think hard about having his name removed. He recognized the Zoning Commission and Trustees could override decisions, however, the Zoning board overruled the paid professional planner, the vast majority of the steering committee and the majority of surveys indicating desire for no further development in township. Hope consideration is given to long term effect.

Heather Sturdevant

- Clarified the e-mail asking who would want their name removed from the Comprehensive Plan Update was the only deadline, nothing else. Steering Committee letter would need vote of entire Zoning Board in September before submitting to Trustees. And would need to be presented at Public Hearing.

Tim Kratzer

- Stated the board of trustees did not overlook an alternate to be appointed to the zoning commission, just not the one you wanted.
- Trustee Likley stated not just what he wanted, but for three years Kathy Zweifel was an alternate on the Board, was seated on the Board and participated in board activity, had exemplary attendance, attended all training first and second year. This Board, by majority, went around her appointment because of training and attendance which was not a basis because she had perfect attendance for 2 yrs. And attempted to meet training requirements third year.(2011). The majority of the board chose to bypass two sitting BZA alternates. Maybe you don't like their voting, discussions or comments to this Board. When they speak before this Board it should be as a resident. If we don't like what you say and that has become a basis for that position appointment, than it needs to be expressed in job descriptions.

No further business to come before the **Trustee Oiler made a motion to adjourn at 9:35 pm, seconded by Trustee Likley. Unanimous**

Approved September 8, 2011