

WESTFIELD TOWNSHIP TRUSTEES

REGULAR MEETING

September 8, 2011

Trustee Oiler opened the meeting at 7:00 pm with the following trustees present:

James Likley, Ronald Oiler, and Gary Harris.

The Pledge of Allegiance to the Flag was recited.

Guests welcomed

FIRE REPORT

Trustee Oiler reporting:

- September 7, 2011 we had a work session with Village of Lodi, Harrisville Township, Village of Westfield Center and Westfield Township relating to an EMS Proposal and Discussion. (There is a verbatim set of minutes from that work session)
- In summary, there was two (2) things that came out of that meeting
  1. Lodi chief and Westfield Chief will continue to work toward a resolution with options as well as other chiefs throughout that are closer to us and them for a satisfactory solution to the 19 year problem
  2. Mr. Likley presented a plan to them for them to consider and come back to us. It was presented to them in February by Seville-Guilford Fire and Westfield Fire. Jim was in a little more detail last night and that was for calls where we are called out and we do not transport we asked them to pay 65% of \$450 (approximately \$290) and permit us to invoice Lodi Fire & Rescue for that service. We did not resolve anything other than those (2) two things. The mayor from Lodi did speak and was agreeable to some sort of agreement but was not willing to contractually do something at this time.

Trustee Likley adding:

- a) One thing that did come out of the meeting was Harrisville Township's stance that they provide a good portion of the funding but yet have little to no input into the operation of the department. We reiterated to them they should be getting involved to answer the concerns of their citizens. Hopefully that communication between Harrisville Township, Village of Lodi and Lodi Fire & Rescue a service that can be provided or the lack of can be addressed. We have been providing the service what we believe far exceeds what is considered mutual aid. Please refer to the minutes of September 7, 2011 for the exact details for Trustee Likley's proposal as in part that was stated by Trustee Oiler.
  - b) A question asked: What are the costs of a run. Mr. Likley answered by saying it depends on the severity of the call. If we transport \$450, \$550, \$650
- MVA Cost Recovery Agreement was reviewed by Assistant Prosecutor, Bill Thorne and Martha provided a clean copy with his additions, corrections and or deletions. Trustee Likley stated he did not see any language providing a percentage rate of the charge that would come to the township. Resolution 2011-16 provides the rates that Cost Recovery Inc. charges the insurance

company and Resolution 2011-24 will amend those charges as provided by Cost Recovery, Inc. The Resolution amending the charges 2011-24 and agreement was tabled until the fiscal officer clarifies the percentage question with the chief.

- FIRE ASSOCIATION'S CLAMBAKE October 15, 2011 4:30-7:30pm Clams & chicken or steak. Carryout is also available

#### CEMETERY & PARK

Trustee Likley did not have anything to report

#### ROADS

Lee Evans reporting:

- ❖ Stripping of roads - northern part of the township this year; next year it will be the southern part of the township. The estimate of \$13,746 was from Dura-Mark to strip the roads. This company is who the county has a contract with. It has already been bid out and then we do not have to go through the bid process. **Trustee Oiler made a motion to hire Dura-Mark to mark our center and edge lines for the list of roads (attached to minutes) in the amount of \$13,746, seconded by Trustee Harris. Roll call: Likley, aye; Harris, aye; Oiler, aye.**

- ❖ Disposal of the F550 dump truck. Lee has been fixing up and painting the truck to get ready to put it up for sale but is waiting to get the aluminum box welded. A resolution has been prepared to place it on e-bay. Lee checked with individuals that deal in this kind of vehicle and it was suggested to put a minimum bid of \$15,000. There is a lot more than normal activity on e-bay from the east coast due to the destruction of property, roads and vehicles from hurricane Irene.

#### **RESOLUTION 2011-23 A RESOLUTION DISPOSING OF FORD F-550 BY INTERNET AUCTION**

**Trustee Oiler made a motion to adopt Resolution 2011-23 to dispose of the Ford F-550 by internet auction with a minimum bid of \$15,000, seconded by Trustee Harris. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

- ❖ Lee stated it is time to trade-in or purchase a new loader. The present John Deere 444H is a 1999. EPA has now dictated all equipment, even large farm tractors have to have that DEF on them. It has increased the cost. I checked with Southeastern who carries Case, I also talked with John Deere and asked for a value of the loader that we have. John Deere did not get back to me because I told him I talked with Case and he said I can't beat their price. Case is under state contract. Forecast of additional cost next year for the 621's and 521's will be between 15-18% which will be roughly \$15-18,000. If they give us \$28,000 now trade-in and we wait we will have to put tires on it, the value will go down and the cost going up. We would end up losing more money by sitting on it. I suggest we put it on e-bay and see if we can't get more than the \$28,000 trade in. One never knows with the situation on the east coast we may get \$40,000 if someone wants one bad enough. The cost for a new one is \$100,585.68 and that is with the 42% discount with the state quote. There was much discussion and Trustee Likley requested

that the fiscal officer produce financial documents to determine if such action should be considered. This was tabled until the next meeting and the financial documents are digested. Tires would be around \$3-4,000 for all 4. Lee will go back to dealer and see what cuts can be made and dicker on price again. I can start to negotiate a little harder with him if I know you are at least entertaining the idea of replacing this piece of equipment.

❖ The front parking lot is beginning to be repaired and sealed. I will do the stripping.

### ZONING

Matt Witmer, zoning inspector is not present tonight; Trustee Harris read Matt's report (attached to minutes)

- Issued a permit for above ground pool
- Received e-mail from Jim Lesiak
- Sent 3 letters who put up pools without permits
- Met with Mike Sweeney from North Coast Soccer and Bill Thorne
- Morningstar Farms conditional use application continued hearing 9-12-2011
- Clean Energy placing their "temporary" liquefied natural gas dispenser in the Village of Lodi.

We do not have release from EPA for their site but PUCO has signed off.

Trustee Harris had Matt research if neighboring townships imposed penalties for not obtaining a zoning permit prior to construction. The ones that have a penalty it is double the fee if the permit is after the start of construction.

Lafayette Township – no answer

Medina Township – yes, for commercial only

Montville Township – yes, for all permits

Brunswick Hills – yes, for all permits

Harrisville Township – no

Guilford Township – no

Matt also asked the Medina County Building Department and if they know the project was started before obtaining permitting, they also double their building department fee.

**Trustee Harris made a motion as a penalty double the zoning fee for anyone who starts any project that requires a zoning permit (commercial, signage, or residential) prior to obtaining a zoning certificate/permit effective September 12, 2011, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, aye.**

A new fee schedule will be posted.

Trustee Likley: In regard to the letters that Matt sent out referring to "blow up pools" to pool owners that did not get a permit. Mr. Likley asked the question, "What is a blow up pool"? Our zoning code does not address blow up pools.

Heather: What Matt is referring to is the inflatable pools. On the wall in the zoning office there was a resolution that the trustees passed that an inflatable pool that did not require an electrical hook up would not require a zoning certificate. It was a couple of years ago that this was passed and never got added to our zoning code. Trustee Likley requested to see the document.

Heather: Since then we realized our swimming pool language was confusing to our residents and it was unclear making it hard for the residents to determine if they needed a permit, which is why we addressed and recommend a change in our swimming pool language. The public hearing on that will be next Tuesday evening. Hopefully it will then be coming to you. Heather will get the referenced resolution for Trustee Likley. Trustee Likley stated a resolution does not change the zoning; it must be go through the complete process. Heather explained it was before she was on the board, doesn't know where it came from but just saw it on the wall, doesn't know if it was signed but will check it out. The good news we are moving forward and addressing it.

Trustee Likley: Before our zoning inspector sends out anymore letters we need to have a clear understanding what a "blow up pool is or is not" and what our zoning code states.

Heather reporting on fire association activities:

- ⊕ We did have a car wash at Pilot. We made \$333. The fire association donated all the flyers last year for the fire levy and will again this year. The township cannot spend any money on a levy by law and the fire association stepped up to the plate and provided the flyers. Everyone was pleased with the turnout and look forward to doing another one soon.
- ⊕ In regards to the meeting last night 2 things that are important to know:
  - a. The money part of it is very important but when the fire department members are looking at this and part of the reason that they want the issue with Lodi resolved and they want to look into this is because when any one department is over burdened with another departments calls because that department can't make those calls that has a potential to elongate our response time to our residents. Our fire department wants to provide the best service possible to our residents first. Patient outcome for Lodi needs to be looked at and that includes our residents. (Please refer to the September 7<sup>th</sup> meeting minutes.)
  - b. If Westfield responds and transports but also a member of the Lodi Fire & Rescue is in the response team there is a form to be completed and if Lodi fills out that form, they have the right to bill that call, we can't. That maybe another type of call that you may want to look at and charge for.

Zoning:

Zoning commission has 2 public hearings on the same night, September 13, 2011.

1. Swimming pool language will be at 7:30 pm
2. Trustee initiated map change. We have the planning services report and decision
3. Then we will move into our regular meeting
4. Planning Services will hold a work shop on Fair Housing 9-21-11 at the University Center. There are 4 individuals that want to attend this training session and the fee is \$10 in addition to the annual \$10 fee. Those wanting to attend are asking for reimbursement.

**Trustee Harris will make a motion to reimburse (with receipt) individuals to attend the 9-21-11 planning services work shop on Fair Housing, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye**

5. Clean Energy-received an e-mailed letter from Akron Air Quality Control (subcontractor of EPA) regarding their request for exemption, they have not as of yet discussed 2 specific items before they can provide exemption. They are not able to prove or show in the code that they are exempt for those 2 items (Holding tank and platform). The list of exemptions is 80 pages long and they have to point to the specific exemption that they fall under and they have to provide documented proof before any type of exemption letter will be provided. The temporary tanker in Lodi is just transferring the liquefied gas from one vehicle to another without any safety measures around it. And they thought just because we had OK'd the use that they didn't need to come back to the zoning commission but they did because it was not part of their original site plan. Our chief was not comfortable with this temporary arrangement without safety precautions in place. The temporary site is not a done deal yet. Trustee Likley: This is a new beast in this state and area and we need the safety precautions for the general public. The zoning commission just wants the residents and traveling public to be safe.

FISCAL OFFICER

- Bills presented in the amount of \$38,593.86. **Trustee Likley made a motion to pay the bills as presented, seconded by Trustee Oiler. Roll call: Oiler, aye; Likley, aye ;Harris, aye**
- Fund Balances Investment \$517,323.75      Checking      \$372,953.73
- Correspondence:
  - a. Ballot language for referendum is posted on table, bulletin board and web site
  - b. Trustee Likley e-mailed a memo to this board and received a response from Mr. Scheetz
- **RESOLUTION 2011-22 A RESOLUTION TO ESTABLISH PERMANENT APPROPRIATIONS FOR FIRE & RESCUE, AMBULANCE & EMERGENCY MEDICAL SERVICES FUND TO THE 2011 APPROPRAITONS** This was the \$5,950 grant that the Westfield Fire & Rescue received for training and EMS supplies. **Trustees Oiler moves to adopt Resolution 2011-22, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye**
- We received approximate estimated resources to review prior to the budget commission meeting September 16, 2011. Our fire levy went down from \$80,000 to \$74,652 (Creston Village is not included \$2,200 the other \$4,450 is the decrease of the state reimbursement for tangible personal property tax) General fund was reduced by \$1,183 in reimbursement for tangible personal property tax as well as Road & Bridge reduction of \$7,331. Our local government was reduced to \$29,513 from \$48,000 this year. (The document referred to is available at the fiscal officer's office) As much as I do not want to ask our residents to approve the fire levy that will be on the ballot in November, we cannot support our Fire & Rescue department on \$74,652 per year plus whatever the amount is that we collect from billing insurance companies.

- Trustee Likley asked if the check from the insurance company for the bond of the previous fiscal officer was cashed. Fiscal officer answered yes. **Trustee Likley offered a motion to declare the documents that were client/attorney privileged and confidential information be now made a public record, seconded by Trustee Oiler.** Trustee Likley offered the following reason for releasing the one or possibly two documents that had been declared confidential. Seeing now that the matter of pursuing that bond is completed there is no reason for the documents not to be made a public record. **Roll call: Harris, aye; Oiler, aye; Likley, aye.**
- No other communication concerning the Canaan Township boundary change. Trustee Likley stated he had called the Medina Co. Sheriff's office and gave 5 addresses in that development and those addresses do not show up. 911 calls from this annexed area in question do not go through Medina County dispatch. There are about 42 homes in that area. I spoke to about 12 residents. One resident stated it is primarily seniors and they probably average about an EMS run once a week into that area. They have lost 3 residents in that area since the first of the year. A resident stated, we always wondered why we they were voting on Medina County issues and have seen our fire levy issues and we support a fire levy but we never understood why we voted on Westfield Fire but Canaan Rescue Squad goes back in there. I have to assume that Canaan Township's claim that they are providing the service is factual. In my discussion with these folks I asked, what is your preference? They said, Canaan is just down the road 1.5 miles and they prefer to maintain the service that they have. I certainly am not supportive of losing \$2,200 (or the 59% \$3,700) to our fire department. I have no indication that we ever provided service to this area. When 911 is called in that area it goes to Wayne County Dispatch and Canaan Township is called. I spoke with Commissioner Hambley and gave him this information and stated that I am not going to demand that those people get serviced by Westfield Fire & Rescue just because I want \$2,200. They are provided with a service and are satisfied and happy. That's the right thing to do.
- Annual work session at the county engineer's garage 9-15-11 as well as Medina County Township Association meeting.

#### Minutes of August 15, 2011

Trustee Likley offered 1 and one-half pages of dialogue to be added to the public comment section of the minutes. Also Carol Rumburgs letter and exhibits be an attachment to the minutes. Also there was one correction on page 1. **Trustee Likley made a motion to accept the August 15, 2011 minutes with amendments and additions, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, aye**

#### Draft Zoning Amendment C-1 by Trustee Likley

Trustee Oiler: I think that was a very good idea when you originally submitted the C-1 district in Dec. 2010. I believe we might want to wait on this as you recommended in your memo. I will do everything that I can to support you when the time comes. Hopefully we will be doing this in the near future.

Trustee Likley: August 21, 2011 a memo was sent to the trustees via e-mail (a copy is attached to minutes) and was read discussing Commercial 1 classification for SE corner of Lake Road and US 224. Trustee Likley provided a response from Mr. Scheetz (a copy of that letter is also attached to the minutes) which was read. I hope as we proceed, Mr. Scheetz, you understand why my reason for pursuing a different district, calling it a different district. It might be an easier fix to expand the highway commercial district but I would be hesitant to support that because of the reasons that I stated in my comments. Right, wrong, or indifferent that is where I am at. I do believe that it does warrant this board or the zoning commission to initiate these changes to this area. There is 40 acres there that has been sitting vacant for 12-14 years. It has water, sewer and easy accessibility, has no more impact on our residents, it's a traveling point for a good portion of our residents. I hope we can move forward with this. I would support a different district name as we proceed.

Trustee Harris: I agree with Mr. Likley.

Trustee Likley: We don't need to make an initiative now but we all need to be looking at it, not only this board but I would also ask that the zoning commission to be looking at permitted uses and conditional uses. Right now there are 3 permitted used in highway commercial district that is just not conducive. When I was on the zoning commission I recommended and suggested that we pursue changing that. At the time I was told if they want something they will come and ask. I said OK but here we are 12-14 years later and that property is still sitting there vacant or scrambling trying to lease it and I certainly understand your clients concern in trying to move that property.

Trustee Oiler: The property is getting used but it also is getting abused.

Stanley Scheetz: One comment. I do represent the vast majority of those people in the highway commercial district. I have no issue whether it's the permitted or conditionally permitted uses in the Local Commercial zone even if the General Business District would pass I would offer that those things be included. The only thing that I caution you is about creating a separate district just for those 40 acres because they lost 16 acres to ODOT.

Trustee Likley: I included all the property in the SE corner of Lake Road, US 224 and Greenwich Road which includes the old truck stop, old truck wash and the Bombard property. To offer new language to direct or attempt to direct into an area that needs the opportunity.

Stanley Scheetz: I would concur but the only thing I would consider is potentially looking at is an over lay on it that gives you additions to that specific area. You also might want to look at the other side of Greenwich Road because you have an area of 500 feet on the other side of Greenwich Road that is zoned Highway Commercial and that surely could be given the same opportunity when those people wish to transition. I will be glad to work with you and just would like to get it off dead center and after the election we can get it moving through the process.

Trustee Oiler: We are just trying to take one step at a time here.

Trustee Likley: I looked at other community's language at what they offered. I tried to pull pieces out of there that I thought would work here. Once it's initiated, then the time clock starts. We definitely can create something.

NEW BUSINESS

Set a date for the Comprehensive Plan Update. Does the board feel we want to have a public hearing? Trustee Likley offered that we do have a public hearing and part of that public hearing for that review and for that process that we take into consideration the letter and exhibits that were provided from our township steering committee. Trustee Harris agreed to have a public hearing. Trustee Harris asked if we could limit it to new material. Trustee Oiler, yes it should be limited to new material, factual information, or information that we have not heard before. Trustee Likley: I think you we have received the letter from our steering committee (25 members) I think consideration needs to be given the opportunity by this board that it be a part of that document. I think simply removing the names and thinking that can eliminate a years' worth of work and history and commitment to this project isn't going to satisfy so if that letter and those exhibits are part of the public hearing process this board can determine how they proceed from there but I think it does warrant.

The date set for the public hearing of the Comprehensive Plan Update will be **September 26, 2011 at 7:00 pm**. Trustee Likley: At our last meeting Ms. Sturdevant stated there was some concern of the Medina County All Hazard Mitigation Plan being present in that document. I went through it and it is in both sets (original and the revised document from the zoning commission). Heather Sturdevant: It does not state what it needs to because of the way that the grant was written it doesn't say what it has to say. Trustee Likley: Well, under Community Safety and Security, Part 3, Page 51. It appears the requirements reference that, in fact each of us just went to those meetings at the Emergency Management Office. Mr. Harris reported on the flood plain map that came out of that so the township is very involved in and it is part of that document. The concerns there are addressed in this plan.

ANNOUNCEMENTS

BZA Public Hearing	September 12, 2011	7:30 pm
Continuation of Morning Star Farms conditional use		
Zoning Commission	September 13, 2011	7:30 pm
Regular meeting, Public hearing swimming pool language, Public hearing continuation on Resolution 2011-20 (E. Greenwich Rd. properties from RR to LC.		
Trustees Regular Meeting	September 19, 2011	7:00 pm
Trustees Public Hearing-Comp. Plan Update	September 26, 2011	7:00 pm

Also September 15, 2011 7-9pm at United Life Enrichment Center at Williams on the Lake located at 787 W. Lafayette Rd. meeting on the subject of oil fracking. There is also a meeting at the Medina County Commissioners Building September 29, 2011 at 7:00 pm

PUBLIC COMMENT

Heather: In response to Jim's memo regarding the Highway Commercial and that is the Zoning Commission did take out specific wording about what should be added but it was never taken out of the document. It still reads on page 42 to review the uses permitted in the Highway Commercial District for



possible amendment and that was left there. The reason that we removed the specifics on that (you were not at the meeting that night so I understand why you didn't know this) because two of our board members had concerns that by placing in the plan specifically what you wanted to add. By adding uses that would draw truck drivers; they were concerned about sexually oriented business and being protected. They were afraid if we were to have one come in or try to come in and it was turned down for whatever reason, then they could come back to the Comprehensive Plan and say but it says you are trying to draw truck drivers so you need to be able to have this. Bill was here that night and he said that could be a warranted concern that is why that was removed. It wasn't at any point because we didn't want to review that, we do. In reviewing that and updating those permitted uses and expanding them, we have all been for that and never been against that. I know you felt that you wouldn't gain the support that you needed but I think that was unfounded.

Trustee Likley: Retail and service part of that language was removed. That's pretty much all that is going to put into there, it is going to either retail or services. Services could be professional services such as a doctor's office; services that could not only serve the traveling public and the local residents. My point in my communication in my proposal is that by creating a different district and because of the permitted uses in Highway Commercial also the fact that the internet café`. If they have the same safe guards and guarantees and warrants, you can't keep them out but you could channel that use either into either the Highway Commercial or into the Commercial 1. It gives you that flexibility of wanting to control SOB's and also possibly channel some of those other businesses such as internet cafes`.

If there is nothing further to come before this board, **Trustee Oiler made a motion to adjourn at 9:10 pm, seconded by Trustee Likley. Unanimous**

Approved September 19, 2011