

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting

August 5, 2013

7:00 pm

Chairman Gary Harris opened the meeting by asking those in attendance to stand and Pledge Allegiance to the flag followed by roll call.

Trustees present: James Likley, Gary Harris, and Ronald Oiler as well as Interim Fiscal Officer Martha Evans. There is a sign in sheet attached to the minutes.

Guests were welcomed.

From the auditor's office, Mary Beth Guenther gave a brief report:

- ❖ The reappraisals for 2013-2014 has been completed and the first mailing went out today
- ❖ The new homestead program will begin January 2014 age 65 and over will be income based. \$30,000 and under. That is all income of everyone living in the house.
- ❖ The 12.5% rollback will not apply to any new or replacement levies that are approved that are on the November ballot. The burden will be on the taxpayer not the state. On every levy that was passed since the 1970's the 12.5% rollback was given to offset the state income tax. The 10% was given and if you owned your home they gave the extra 2.5%.

AFLAC representative Tom Wesley gave a short presentation and will prepare literature for the township employees. This pays cash to the insured and provides a financial safety net. To form a group you need 3 employees.

FIRE

- The 1981 Pierce Pumper sold via E-Bay internet auction for \$4,500. Net proceeds were \$3,887

CEMETERY & PARK Trustee Oiler did not have anything to report

ROADS Lee Evans reporting:

- The crack sealing is moving along if it doesn't rain we might have Buffham Rd. Then I can move to Ryan Rd
- Chip and sealing is finished
- Haven't heard anything concerning the striping through the county yet
- The new dump bed is moving along. I should know more in about a week
- The old dump bed sold via E-Bay internet auction for \$1,500. Net proceeds \$864.80
- The excavator and I dug around in the ditch on Stuckey Road and could not find the clay tile. The homeowner agreed to pay for a 12" pipe to enclose the ditch but we still must first locate where the 4" tile goes across the road.

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- John Minor works for Ohio Edison and during a storm he is always out. When his house is lower than the road the water will go the direction of least resistance. John Minor's catch basin was filled with sand and gravel when we had that downpour. West of Minor's property is a hill and Gregoire's culvert under his driveway dumps out into the ditch. The ditch is about 3 feet deep at that point and the next door neighbor cannot afford to enclose the ditch which presents a problem when a vicious downpour such as we had a few weeks ago.
- Trustee Oiler and I went to an ODOT meeting at Montville garage in the spring to be informed what was going to take place in our area. We learned ODOT was going to replace a broken culvert that crosses US 224 from the golf course on the south to a ravine to the north with a 36" culvert. This is upsizing from a 30" to 36" pipe. At that time Lee mentioned to increase the size would dump more water downstream to the Buffham Road ditches, property and culverts. Lee mentioned he increased the size of a culvert on Buffham Rd to a 36" but the increase of water from this new 36" pipe his culvert maybe inadequate. Trustee Oiler and I met with ODOT at the culvert site on US 224 last week and ODOT suggested possibly putting in a retention basin to slow release the run off. ODOT will get back to us.
- Rick was out Saturday mowing
- Lee presented the trustees an engineers' drawing of the proposed cul-de- sac at the west end of Seville Road. Lee is requesting that the cul-de- sac be recorded so when the time comes that the mining operation ceases and the land is sold there is frontage to make a buildable lot. This may not happen in our lifetime but we need to insure this is recorded.
- Lee has the preliminary drawing for the culvert on Kennard Rd. Lee sent a letter to a property owner on Kennard Road where we need to replace and redesign the culvert because more of an easement is needed on the south side. The lady is agreeable and Lee asked the county to prepare an easement to be signed. Trustee Likley asked if there was a house on the property and Lee replied no just a drive to get into the property. Lee described how the culvert is being designed.
- The ditch along the east side of the building is finished. The clay was very wet (sloppy clay) but not running. I filled the ditch with 57 limestone now it should dry up.

ZONING Matt Witmer, zoning inspector reporting (copy of written report is attached)

- ✚ 2 permits issued in July
- ✚ No further information on Lesiak at this time. Still quite a few things left on the property
- ✚ North Coast Soccer's representative Mike Sweeney will met with Bill Thorne and the zoning commission and Matt August 20th at 7:00 pm
- ✚ Nothing on the Hughes hearing with the Medina County Building department Board of Appeals

During the downpour there was water hip deep at my property.

- ✚ Drive permits – Trustee Likley spoke with Mike Salay at the engineer's office concerning the issue of more than one drive on a parcel. Mike stated they deal with all townships and the resident is responsible to comply with their local zoning. Trustee Likley asked why the zoning code stipulated one driveway. Prior to Jan. 10, 2003 that wasn't any stipulation in the zoning code. Bill Thorne interjected that the state and county have adopted a policy to limit of one

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access per parcel because of safety issues. Possibly that is why Westfield adopted Article IV Section 506.B limiting one driveway per parcel. Trustee Likley can understand the limitation on State and County roads because of the volume of traffic but the township roads are more rural and there are driveways to fields and buildings. After a lengthy discussion **Trustee Likley made a motion to initiate the elimination of Article V Section 506.B (this limits one driveway per parcel) in the Westfield Township Zoning Code and send it to the Westfield Township Zoning Commission for their consideration, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

During the above discussion Bill Thorne noted that a variance for two driveways is a **USE VARIANCE**. Matt will check to see which variance was used for the upcoming variance hearing.

Trustee Harris updated the board on Moving Ohio Forward. Tom James from the Park District called and stated the park district bought one of the 3 houses on Clayton Drive and completed the paper work to have the buildings demolished. The other 2 parties are interested and have filled out the paperwork but now the Attorney General has changed his mind and there is a \$750 charge. Trustee Harris does not know what the two residents decided; this is up to the residents and the planning commission to complete.

FISCAL OFFICE

- ✓ Bills to be paid in the amount of \$50,817.42. **Trustee Likley made a motion to pay the bills, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye**
- ✓ Fund Status: Investments \$301,503.62 Checking \$496,855.09
- ✓ Correspondence:
 1. County Engineer annual meeting and buffet Sept. 19, 2013
 2. Fiscal Officer received an e-mail on the 3 blows to local government (attached)
 - a) Reduced local government funding
 - b) Eliminated estate tax
 - c) No more state property tax rollback
 3. Letter from the Div. of Liquor Control asking if the township would want a hearing to register a valid objection on liquor permits
 4. Notice and sample resolution for the natural gas aggregation. **Trustee Harris made a motion to send a letter that the township is interested in this gas aggregation issue, seconded by Trustee Oiler.** A short discussion on how many of the electorate would even be interested but Trustee Likley felt they (residents) should be given the opportunity to vote on the matter. **Roll call: Likley, aye; Oiler, aye; Harris, aye**
 5. Trustee Likley mentioned there are three businesses that have various levels of liquor licenses (Deerpass, Pilot, and TA) and there have not been any issues. **Trustee Likley made a motion that there is no denial request or problems with liquor permits and the trustees do not desire a hearing, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye**

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MINUTES July 1, 2013 **Trustee Oiler made a motion to approve the July 1, 2013 minutes as amended, seconded by Trustee Likley. Roll call: Harris, aye; Likley, aye; Oiler, aye**

July 15, 2013 **Trustee Likley made a motion to approve the July 15, 2013 minutes as presented, seconded by Trustee Harris. Roll call: Likley, aye; Harris, aye; Oiler, aye**

OLD BUSINESS

➤ Barking Dog Resolution

Trustee Harris stated the board has a copy of a resolution that he prepared and a letter from William Hanek from the prosecutor's office. Trustee Likley stated he would be more apt to approve the resolution if it wasn't township wide but limited to SR (Suburban Residential).

There was discussion between the 3 trustees and Bill Thorne on the issue of limiting the resolution to a specific district. Bill Thorne stated that the resolution cannot be limited to a specific zoning district. **Trustee Harris made a motion to adopt Resolution 2013-19 A RESOLUTION TO ADDRESS BARKING DOGS as presented, seconded by Trustee Oiler.**

Discussion: Trustee Likley asked if Bill Thorne agrees. Bill stated he hasn't researched this topic lately but let it be understood that William Hanek has. Trustee Likley feels he still cannot support the resolution township wide. **Roll call: Oiler, aye; Likley, no; Harris, aye.** It was mentioned that a copy of the resolution and a letter must be sent to: **Wadsworth Municipal Court; Medina Common Pleas Court and the Sheriff's office.**

➤ American Tower Lease –

The board was given a letter from Assistant Prosecutor, David Folk by Bill Thorne. In this letter David Folk believes the township must have the ability to break the lease if the land is needed for a public purpose. American Tower has indicated that they are unwilling to accept such terms. (PLEASE NOTE A COPY OF THE LETTER IS ON FILE IN THE FISCAL OFFICERS OFFICE). Bill Thorne stated if you don't extend the contract the present contract stays status quo. The trustees all agreed the prosecutor's office will communicate with American Tower that they are not going to proceed with the extension. Trustee Likley: we can't ignore the ability to opt out for public necessity. Trustee Oiler: how will this affect Verizon? Bill: nothing except Verizon must have the same out clause. Martha is to send a copy of the Verizon site plan to David Folk to be included in his communication to Verizon.

➤ BZA PUBLIC HEARING TRANSCRIPT COST

1. Prosecutor's office is drafting a formal opinion letter for the BZA based on notes and minutes. Then it starts their appeal. Kratzer is going ahead to appeal no matter what.
2. The township secretary may be required to type up minutes verbatim. Township isn't required to have the court recorders' typed minutes. A deal could possibly be worked out of who is going to pay for the court recorder's typed minutes. First the BZA has to adopt either the zoning secretary's minutes as their official minutes or the court recorder's typed minutes as their official minutes. The BZA must ask the board of trustees for the funding of the court recorder's minutes. Trustee Oiler stated the zoning

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secretary is being paid and she has a job to do. As a resident and trustee Mr. Oiler is unwilling to pay the estimated cost of \$2,800 for minutes that should be done by our secretary. Bill Thorne stated the board could negotiate with Kratzer on the securing of typed minutes. The date to meet with the BZA board is yet to be determined. A written opinion must be given but it doesn't have to be within 20 days. The 20 days are not binding. Trustee Likley asked if we should expand our retention schedule for the DVD's. Bill stated the judge will not want to listen to hours of DVD's – he wants the minutes typed. If the board is interested they could talk with Kratzer's lawyers about the transcript.

- Waiver of July 25, 2013 additional meeting fee for the Kratzer Use Variance
 - a) There was some discussion on this matter with **Trustee Harris making a motion to waive the July 25th, 2013 additional fee and any subsequent meetings regarding the Kratzer Use Variance, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, no.**

ANNOUNCEMENTS

Trustee Likley made a motion to move the first meeting in Sept. to Tuesday Sept. 3rd due to Labor Day being on Monday, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye

Trustee Oiler made a motion to cancel the Aug. 19th, 2013 trustee's regular meeting due to a trustee being on vacation, seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris, aye

Martha asked if Sandra Tryon is the lone petitioner for the fiscal officer's position would the trustees consider having a special meeting August 8, 2013 to appoint Sandra as fiscal officer to expedite the ability to have as much time as we can to teach her the job. We should know for certain by 8:00 am on the 8th of August. All trustees agreed to meeting August 8, 2013 @ 5:00 pm to appoint Sandra as fiscal officer, Martha as assistant fiscal officer and set a wage scale for Martha.

August 8, 2013	Trustees Special Mtg.	Appointments	5:00 pm
August 13, 2013	Zoning Commission	Regular Meeting	7:30 pm
August 14, 2013	BZA Public Hearing	Drive Variance	7:30 pm
August 19, 2013	TRUSTEES REGULAR MEETING CANCELLED		
Sept. 3, 2013	Fire District	Regular Meeting	6:30 pm
Sept. 3, 2013	Township Trustees	Regular Meeting	7:00 pm

There being no public comment and business to come before this board, **Trustee Likley made a motion to adjourn, seconded by Trustee Harris. Unanimous**

Approved Sept. 3, 2013