

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting
October 7, 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 Fiscal Officer Sandra Tryon and Assistant Fiscal Officer Martha Evans. Sign in sheet attached to the minutes.

Guests were welcomed.

AUDITORS REPORT

Lisa Nichols was present with copies of 2013 reappraisal information and advised of Homestead Exemption changes for 2014. Anyone with questions concerning these changes may attend the meeting at the Township Hall on Thursday, October 10, 2013 and they will try to answer them.

FIRE, CEMETERY & PARK

Trustee Oiler did not have anything to report.

ROADS

Trustee Likley asked if the back side of ditches were being mowed.

Trustee Oiler advised that the tire was back on the mower and that the ditches were being mowed four feet back to avoid debris that gets caught in mower.

ZONING

Matt Witmer, Zoning Inspector Reporting

There were 2 permits. One for a house on Garman Rd, and one for a building.

There is no further information on the Lesiak property at this time. It is still in a holding pattern with the court.

FISCAL OFFICERS REPORT

Bills to be paid in the amount of \$24,401.85. **Trustee Likley made a motion to pay the bills seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

Fund Status: Investments \$301,503.62 Checking \$426,808.70

There was no other correspondence to report.

MINUTES September 16, 2013 Trustee Harris made a motion to approve the September 16, 2013 minutes as submitted, seconded by Trustee Likley. Roll call: Oiler, aye; Harris, aye; Likley, aye
September 17, 2013 Trustee Likley made a motion to approve the September 17, 2013 minutes as submitted, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye

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October 1, 2013, Trustee Likley to table minutes until next meeting.

OLD BUSINESS

Trustee Likley requested the status on the following items from previous meetings; Issue 1 funding for the Kennard road culvert.

Final pricing for the Buffham Rd. rail crossing.

Response from Dan Willhoite County Engineers regarding Buffham Rd. drainage.

Trustee Oiler advised that there was no new information on Issue 1 funding for the Kennard Rd. culvert.

There has been no final pricing on the Buffham Rd. Railroad crossing which is set to be completed in June of 2014.

Trustee Oiler has not heard back from Dan Willhoite, County Engineer about the Buffham Rd. drainage.

Trustee Likley advised that communication back to ATT and American Tower have not finalized the language. ATT may be a possible lease but we will need communication back from American Tower for a new lease.

NEW BUSINESS-None

ANNOUNCEMENTS

October 8, 2013, Zoning Commission Regular Meeting & Public Hearing HC, 7:30 pm

October 11, 2013, Trustee special meeting, executive session 9:00 am

October 15, 2013, BZA Variance, 8:00pm

October 21, 2013, Trustees regular meeting, 7:00pm

PUBLIC COMMENTS

Karen Fisher had questions for the Trustees regarding zoning minutes that had not been posted to the Township website. **Mike Schmidt** BZA Chairman advised that he would contact Sheryl about the minutes and request that they be submitted. **Trustee Oiler**; "It is the responsibility of the BZA Board and their secretary to timely do the minutes of the meetings."

Trustee Harris; "We have the BZA Chairman present would you like to address this?" **Mike Schmidt**; I've addressed this with our counsel Bill Thorne and we've asked for either the transcript from the court recorder or from our secretary, we've requested them." **Karen Fisher**; From the zoning secretary? **Schmidt** yes. **Fisher**; So they're going to come from the court recorder or the zoning secretary? Who is following up on this to make sure the township gets copies? **Schmidt**; That's not my responsibility, I've requested to have the minutes. **Harris**; We are supposed to have meeting minutes whether we purchase the transcript or not. Mike have you contacted the secretary recently? **Schmidt**; We talked about it at our last meeting, she stated that she didn't want to do it. **Trustee Likley**; I and my fellow Trustees were at that meeting, my recommendations and expectations that those minutes will be prepared with the understanding that if needed the written transcript would be purchased over and above that expectation. I can't stand over her to make her do this but as far as I'm concerned this is negligence in her duties and will be addressed. **Fisher**; We have a Zoning Secretary and her supervisor would be the BZA Chairman? **Likley**; No, she works for us, she is hired by the board. There were also questions of how the lawsuit would be funded, by the Township or if there was an insurance policy.

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Trustee Oiler read her the following paragraph from the October 1, 2013 meeting. Assistant Prosecutor Thorne will request Kratzer representatives to communicate to the Court their abeyance of the case. Due to the time constraints of the case; if a continuance is not agreed to, the written transcript would need to be provided to the court by November 1, 2013. If minutes or transcripts were prepared in house (not court recorder) and provided to the Court that was not verbatim and substance of testimony is proven to not be included, and the applicant could represent all testimony before the Court. Prepared minutes of all proceedings will still need to be provided to the BZA for the record.

Fisher; Asked in general circumstances. Is there a good will effort to settle a lawsuit prior to a judge's decollator judgment? **Oiler;** The Prosecutors office will advise us as to relevant issues and questions how to proceed on any pending litigation matters. **Fisher;** If a settlement is agreed to or a judge made in favor of the plaintiff does the township have insurance or a bond that would satisfy the judgment? **Oiler;** The township has health insurance and liability insurance. **Fisher;** Does the township pay for legal counsel from the prosecutor's office? **Likley;** No, county. No further discussion. Mrs. Fisher thanked the Board for their honesty in answering her questions.

Township residents John Minor, 6170 Buffham Rd., Joe Picket, 6251 Buffham Rd. and Bill Noennberg, 6203 Buffham Rd. brought documentation of flooding on their properties during heavy rains. Trustee Likley said it was out of the right of way and to contact Dan Willhoite the County Engineer. Trustee Oiler got the cell phone numbers and addresses to follow up with the issue.

There being no further business to come before the board:

Trustee **Harris mad a motion to adjourn at 8:00 pm seconded by Trustee Oiler. Unanimous**

Approved Nov. 4, 2013