

# Westfield Township Board of Trustees

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Organizational Meeting  
January 9, 2014

Attending: Jim Likley, Mike Schmidt, Bill Thombs

See attached list for guests attending the meeting.

Martha Evans begins the meeting at 7:00 PM stating she was not the fiscal officer.

Chair nominations: **Bill Thombs nominates Jim Likley with a second by Mike Schmidt. Likley accepts the nomination. Roll call: Mr. Schmidt- aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.** Meeting turned over to the chairman.

Mrs. Evans asks to address the trustees. She states she has cleaned a mess with the township in 1997 (IRS and budgetary) and then again in 2006 (retirement, bank reconciliations and unpaid taxes that haven't been paid for many years). 2007 through 2013 Evans continued to work as fiscal officer with the township and presently there is a disagreement with the newly elected trustees. In August of 2013 Sandy Tryon was appointed to the fiscal officer job with Evans as assistant fiscal officer. Sandy Tryon resigned on January 6, 2007. Evans feels she must also resign at this time. All checks must be signed by the bonded fiscal officer whose job is now vacant. Books are completed for 2013 and Evans requests a special audit for this year. Evans provides the keys to Mr. Thombs. Resignation from Evans at this time.

Mr. Likley speaks on behalf of Mrs. Evans' time with Westfield Township. Some of the accusations are defended by Likley, such as, Mrs. Tryon being told that the job would be only 12 hours a week. Likley states that he does not wish to speak on behalf of Tyron. Likley expresses there is shared "shame" in the community for what is happening. 'This board has been elected and we must do our job. We will proceed without a fiscal officer and have a neighboring community help us at this time.'

**Likley makes a motion that all boards, sub-boards, zoning commission, board of zoning appeals' meetings cancelled until we have a fiscal officer so they can be paid. Likley makes a motion for Mr. Schmidt to be vice-chair to the Board of Trustees; seconded by Thombs. Roll call: Mr. Thombs- aye, Mr. Schmidt- aye, Mr. Likley-aye. The motion passes.**

**The motion on the floor to halt all zoning commission and zoning board of appeal meetings until further notice; seconded by Mr. Thombs. Roll call: Mr. Tombs-aye, Mr. Schmidt- aye, Mr. Likley- aye. The motion passes.** With that motion Likley will communicate with all of the board members to cancel all meetings.

**Resolution 2014-01- for open meetings under the Sunshine Laws. We are under the operation of the resolutions before us and the record should indicate that the trustees will continue and get legal representation regarding how to proceed. There are some changes which address regular meetings, special meetings and clarification of meetings and the Sunshine Laws. Likley makes a motion; seconded by Schmidt.**

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Discussion: Schmidt comments that with the fire department the resolution indicates how everything should operate and the changes are helpful. **Roll call: Mr. Likley-aye, Mr. Thombs-aye, Mr. Schmidt-aye. The motion passes with written corrections.**

**Resolution 2014-02; the advance collection of real estate tax for the year 2014.** *Corrections from January 6<sup>th</sup> date should be amended to January 9<sup>th</sup>. Medina County auditors advised that the township participate in the advance collection of real estate taxes as they become available. Mr. Likley makes the motion; seconded by Mr. Schmidt. Roll call: Likley-aye, Schmidt-aye, Thombs-aye. Motion passes with written corrections.*

**Resolution 2014-03; the authorizing of the roads department to proceed with road construction and improvement; repair of roads and culverts.** *Mr. Likley makes the motion; seconded by Mr. Schmidt.*

Discussion: Was lead by Likley to explain the reason for the resolution was to set some monetary parameters of what a road supervisor can do without placing out a bid. Discussion at our preliminary meeting sets a limit to \$50,000 and reconstruction projects a limit of \$15,000 which is standard across the board. *Roll call: Mr. Likley-aye, Mr. Schmidt-aye, Mr. Thombs-aye. The motion passes.*

**Resolution 2014-04; supplemental appropriations with the function of the fiscal officer in the period of January 9<sup>th</sup> through January 31<sup>st</sup>.** *This is similar to the Fire District and set this resolution aside at this time where this resolution allows the fiscal officer to move funds and monies within this fund. Likley makes a motion to table; seconded by Schmidt. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.*

**Resolution 2014-05; the Board of Trustees will be paid an annual salary not to exceed the maximum amount set forth in the Ohio Revised Code; 505.24 and the salary shall be paid in equal monthly installments from the general fund.** *Likley makes the motion; seconded by Schmidt.*

Discussion: Likley states that according to the ORC the trustees have the option to be paid a per-diem daily rate not to exceed 200 days, or the option to get paid on a monthly base. **Roll call: Mr. Likley-aye, Mr. Thombs-aye, Mr. Schmidt-aye. The motion passes.**

Mr. Thombs states that the board has the right to have a fellow trustee act in the stead of a fiscal officer. Mr. Thombs nominates Likley to act as the fiscal officer. Mr. Likley would like to have legal council before he would be willing to act as the township's fiscal officer. We should proceed the best we can and to pursue outside assistance to keep our office operational. Likley states he does not believe he has the capacity to act as fiscal officer at this time.

***Motion made by Likley that Thombs will be in charge of cemetery, parks and roads; seconded by Mr. Schmidt. Mr. Thombs accepts this appointment. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.***

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**Likley makes a motion to appoint Schmidt as the liaison to the zoning boards due to his 20 years of zoning experience on the BZA. Mr. Schmidt accepts the appointment. Motion is seconded by Mr. Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley. The motion passes.**

**Likley makes a motion that the resident position for the parks be vacated for the time being; seconded by Mr. Thombs. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

Discussion of the road supervisor and job evaluation for Lee Evans to be reviewed for the 2013 year. Hourly rate of \$22.15 and time and a half for over 40 hours per week; including hospital, medical, life insurance, disability insurance, \$250 uniform allowance, holiday, personal days, and vacation days as addressed in the employee handbook. **Previously addressed: employee must provide receipts in order to be reimbursed for uniform allowance. Add to the motion.** Pay increase will be examined (salary break-down provided by Mr. Likley). \$1336.92 insurance increase to the township annually. Last year \$4701 for health insurance and this year increased to \$ 5347. Fire Chief and Mr. Evan's portion is 20% of insurance premium and an increase of \$13.47 per month \$161.64 increase. 2013- 3% pay increase, 1% -\$.22 (\$22.37); 2%- \$.44 (\$22.59); 3%- \$.66 (\$22.81) per hour. **Motion as prepared in the agenda; hourly rate, insurance package, uniform reimbursement for the road supervisor position. Motion made by Mr. Schmidt to give Lee Evans a 2% salary increase and current benefits established in the employee handbook; seconded by Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

Temporary road employee paid at an hourly rate of \$11.44 and emergency road employees \$14.56 per hour. **Likley makes a motion to maintain these rates; seconded by Mr. Thombs.**

**Discussion:** Schmidt asks about how these positions are utilized and Likley states it is mostly winter help. Lee Evans is asked to clarify his need for these employees during winter or summer storms. Employees that are used are covered under township insurance and all paperwork for these employees (CDL's and insurance) is on file in the office by Lee Evans. **Roll Call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion that the road trustee will approve all road employees' time sheets of the road supervisor and other temporary or emergency road help on a biweekly basis; seconded by Schmidt. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion that the Assistant Fiscal Officer position be vacated at this time; seconded by Mr. Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

On November 27, 2013 an email was sent to sitting board members and alternates requesting that they submit an application for their reappointment since their terms expired. Likley

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clarifies that the ORC 519.04 Township Zoning Commission; ORC 519.01 and 519.99 states that the trustees have the authority to establish a zoning commission. This code allows the township trustees to establish the terms of the zoning commission members; term of one member to expire each year until successors are appointed; BZA members appointed and 2 alternates.

Likley reads his email (copied to Westfield Township, Thombs and Schmidt) that was sent to Mr. Brezina, Mr. Hoops, Mrs. LeMar and Pat Kwas to resubmit an application by December 23, 2013 if they would like to continue serving on the boards as past practice supports.

Likley references the trustee meeting minutes of January 4, 2010- organizational meeting to appoint and fill these zoning committee positions. Trustee Oiler submitted his resignation to the BZA due to his seat expiring on Dec 31, 2009 and trustees postponed filling this seat until the review of applications and the fiscal officer to advertise the zoning commission or BZA in trading post. Likley explains that the alternates should fill the open seat in order to have a seated board. Clarification was made that alternate seats are on a yearly basis as stated by the prosecutor's office and ORC.

June 21, 2010- Trustee Oiler made a motion to have Brezina appointed to be a second alternate to the zoning commission member and Likley acknowledged that there was an error in the gazette; Brezina was not a voting board member rather an appointed alternate during the Kratzer meetings.

January 3, 2011- Organizational Trustee meeting that Lee Evan was appointed to the BZA; Mr. Evans was the Zoning Inspector at this time. Likley clarifies that on December 31, 2010, Mr. Miklas was not reappointed to the BZA. July 18, 2011- Mr. Miller was on the zoning commission and resigned his seat and Brezina was appointed to the zoning commission from an alternate position. November 7, 2011- Trustees' meeting advertised reappointment of seats which expired on December 11, 2011. Nov. 9<sup>th</sup> and 10<sup>th</sup> letters were submitted to the fiscal officer to request their continuation on their boards. January 7, 2012- Reappoint Sue Brewer as an alternate for 1 year on the zoning commission. January 7, 2013- BZA reappointment of a 5 year term for Kwas and Dennis Hoops. December 16, 2013- Application process was discussed regarding reappointment of upcoming terms ending at the end of the month.

***Resolution 2014-06: Identify positions that shall be appointed on an annual basis. Westfield Township Board of Trustees shall within the established procedures of the ORC appoint said positions at the boards' first meeting of each year or as the board deems necessary. Likley made a motion to accept resolution 2014-06; seconded by William Thombs.***

Discussion: Schmidt agrees that this resolution will clarify what the appointments are.

***Roll call: Mr. Likley-aye, Mr. Schmidt-aye, Mr. Thombs-aye. The motion passes.***

Likley opens the floor for open comments. Kathleen LeMar, 9220 Friendsville Road, Seville Ohio agrees with the trustees that the ORC gives the trustees the right to appoint board positions.

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The section of the ORC that is in question is 121.22 which are the Ohio Open Meeting Act or the Sunshine Laws. Likley's email was on November 27, 2013 before the trustees even took office and decided to change the procedures of the township. LeMar disagrees with Likley and how the previous trustees have filled seats within the zoning boards. LeMar mentions that the new seats and appointments were not publicized in the newspaper. LeMar reads the article and disagrees that there were numerous applications on file and questions how the other applicants were informed to apply. Likley then mentions that he made a request to Martha Evans and Tryon to give copies of the applicants on file to the trustees and a list of the names on file. LeMar then makes comments about a quote from Thombs that was in the newspaper about taking an unbiased look at the issues in the community. Mr. Likley states that anyone who wishes to put in an application for the zoning boards may at this time.

Keith Simmer, 8496 Westfield Road, would like the record to show that Mike Schmidt was elected as a trustee so therefore the BZA seat would be open. I made a call to Jim Likley to acquire what the procedures were to apply for that position.

Carolynn Sims, 557 Mud Lake Road disagrees with the accuracy of what LeMar said regarding Mrs. Sims who has applied annually for positions within the township.

Greg Brezina, 6610 Buffham Road who is a sitting zoning member, voted for the zoning as an alternate on February 22, 2011 (4-aye, 1-nay vote) and the paper stated that it was a unanimous vote. Corrections were made online and in the paper tomorrow.

Likley is on the record to say that past practice has been to bring members from the alternate positions up to seated positions on the board and had requested that the trustees at the time when Mr. Likley was on the Zoning Commission they should place the alternates on the boards of zoning (2006-07).

**Likley asks for a motion to appoint Zoning Inspector and monthly salary. At this time no motion was offered. Likley then makes a motion to appoint Carolynn Sims as the Zoning Inspector of Westfield Township at a rate of \$450.00 a month; seconded by Mr. Thombs.** Discussion: None offered. **Roll call: Mr. Thombs-aye, Mr. Schmidt-no, Mr. Likley-aye. The motion passes.** Sims do you accept the appointment as Zoning Inspector for the year 2014. Sims accepts the appointment. Likley thanks Mr. Whitmore for his service.

**Likley makes a motion to reappoint the Zoning Secretary, Cheryl Porter at a rate of \$450.00 a month; seconded by Thombs. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to compensate zoning board members \$30.00 a meeting and or approved training; seconded by Schmidt.**

Discussion: Thombs asks about two alternates being paid if they attend a meeting. Likley clarifies that only during the building of the elementary school was there a time when 2 alternates were being paid because Schmidt (who at that time was a school board member)

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was unable to serve on the BZA due to a conflict with the zoning of the new school. Alternates are expected to be at the meetings so they are ready to serve as the need arose and if the meeting is continued the alternate should continue to serve. Schmidt states that it was past practice.

**Schmidt makes a motion to appoint Joe Doty to the Zoning Commission whose term will expire on 12-31-2019; seconded by Mr. Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Thombs makes a motion to appoint Kathy Zweifel as alternate to the Zoning Commission; seconded by Schmidt. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Thombs nominates John Miller to the unexpired term on the Board of Zoning Appeals that will expire December 31, 2015; seconded by Schmidt. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

**Schmidt makes a motion to nominate Keith Simmer to the expired term on the Board of Zoning Appeals that will expire December 31, 2019; seconded by Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Schmidt makes a motion to nominate Russ Zupanic as an alternate to the Board of Zoning Appeals; seconded by Mr. Thombs. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

**Thombs makes a motion to approve individual travel expenses for jobs or conferences. The township will reimburse for registration, lodging, millage with the appropriate documentation and receipts and with prior approval by the board of trustees; seconded by Schmidt. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to authorize the township to pay for the elected officials' dues for the Medina County Township Association and the Ohio Township Association; seconded by Mr. Thombs.**

Discussion: Schmidt asks for clarification regarding the trustees' conference and the fiscal officer's year going from April to April. **Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion for an employee to be paid \$20.00 rate to open and close the hall when it has been rented; seconded by Mr. Thombs.**

Discussion: Schmidt asks if only an employee would have to open and close the hall or could a trustee do the job? Mr. Likley clarifies that the township doesn't have to pay an employee if a trustee was available. **Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

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**Likley makes a motion to approve the meeting minutes from December 16, 2013; public hearing to consider Zoning Commission additions, deletions and definitions.**

Discussion: Likley would like the following to be corrected: the spelling says test and should be text in the top line on the first page.

**Likley makes motion with the mentioned correction; seconded by Mr. Schmidt. Roll call: Mr. Tombs-abstain, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to approve the trustee meeting minutes from December 30, 2013 as submitted; yearend meeting minutes are read by Trustee Likley. Resolution 2013-24; to set temporary appropriations for 2014; seconded by Schmidt. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to approve the regular trustee meeting minutes from December 16, 2013 as submitted; seconded by Schmidt. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to approve the public hearing on December 16, 2013 for the consideration of Article 5 section 506 B; with the following correction at the bottom paragraph where Trustees Likley's comments should read "variance if there are no safety hazard"; seconded by Mr. Thombs. Roll call: Mr. Thombs-aye, Mr. Schmidt-aye, Mr. Likley-aye. The motion passes.**

**Likley makes a motion to table the Records Commissions' meeting minutes from December 30, 2013. This is tabled for additional information until the trustees' next meeting on January 20, 2014; seconded by Schmidt. Roll call: Mr. Schmidt-aye, Mr. Thombs-aye, Mr. Likley-aye. The motion passes.**

Old Business:

- Bills to be paid. None at this time

New Business:

- Public Hearing date for zoning amendment language for Outdoor Wood Fired Boilers on January 16<sup>th</sup> to hold a hearing (but due to weather and cancelled meeting) the 10 days notification can't be met so January 21, 2014 at 7:00 PM will be the hearing date.
- Special Trustees' Meeting on January 10, 2014 at 10 AM with legal counsel and possible executive session with Mr. Matthews whom may not be able to attend. Mr. Thorn has been notified and the meeting has been advertised. Meeting is regarding pending litigation and general trustee business. Mr. Thorne will be out of town but Mr. Folk may attend.
- Heather Sturdevant, 586 Buffham Road: on behalf of the Zoning Secretary some questions regarding the cancelation of zoning commission meeting on January 28, 2014,

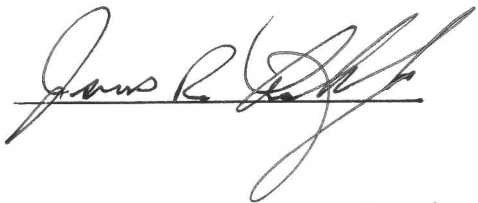
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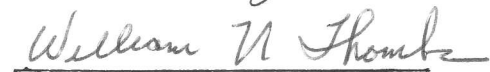
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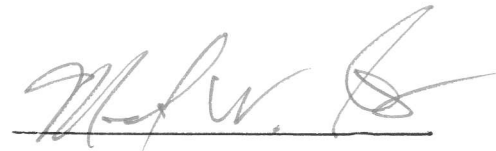
also the date for the Solar Energy Training until further notice. Likley agrees some tentative dates in February for this training should be pursued. Interim Fiscal Officer will be sought from neighboring communities. The previous Zoning Inspector would like his check to be prorated and sent to him. Also, there might have been an oversight by not thanking all of the people who have served. Likley says it was an oversight and he will be getting in touch with them and Schmidt being the liaison to the zoning was going to make phone calls.

- Letter of resignation from Sandy Tryon and it is on file with the Ohio Board of Elections with an official date stamped.
- Schmidt says he is sad that Sandy made the decision she did without discussing it with the board. Also, it is unfortunate that Martha Evan has left and has held the township together but not everything was agreed upon.

Motion made to adjourn. Roll call: Schmidt- aye, Thombs-aye, Likley-aye.

  
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