

Westfield Township Board of Trustee

Special Meeting, Executive Session and General Buisness
January 10, 2014 @10:00 a.m

Trustee Likley call meeting to order by taking a roll call.
Trustee present Thombs, Likley, Schmidt.
Also present Ray Ruprecht, Alfred Schrader, Carolyn Sims, Ron Oiler.
Sign in sheet attached.

The special meeting was called for several reasons primarily to meet with attorney Jim Mathews from OTARMA to provide information to this board on the Kratzer law suit. Mr. Mathews was unable to attend due to family health issues Trustee Likley received the call 1-9-14.

Trustee Schmidt made a motion to accept the written resignation of the assistant to the Fiscal Officer Mrs. Evans received 1-9-14. Thombs seconded.

Roll call; Thombs yes, Schmidt yes, Likley yes.

Trustee Likley made motion to accept Fiscal Officer Sandra Tryon written resignation received 1-6-14, Thombs seconded. Mrs. Tryon offer the same to the Medina Board of Election.

Roll call; Schmidt yes, Thombs yes, Likley yes.

Guilford Township Fiscal Officer Ray Ruprecht was acknowledge as being contacted this morning and has offered to assist. Trustee Likley emailed the Prosecutors office of the resignations and Mr. Ruprecht's assistance. Mr. Thorne was going to be out of town for a least a week.

New Business:

Trustee Thombs offered by motion and adoption of same; Resolution 2014-07 To Rescind Resolution 2013-23 That Approved A Settlement of the Kratzer Litigation. Trustee Schmidt seconded.

Roll call; Schmidt yes, Thombs yes, Likley yes.

Trustee Thombs offer by motion and adoption of same; Resolution 2014-08 To Retain Alfred E. Schrader, Attorney At Law LLC. Trustee Schmidt seconded.

Discussion; Likley identified Attorney Mathews a taking the lead counsel position with regards to the Kratzer law suit. The prosecutor's office while being involved had taken a "second chair" in the case in representing Westfield Township. Some of the concern of this board moving forward was who was truly representing this board. That Mr. Mathews represents OTARMA and this board. Trustee Schmidt asked if Attorney Mathews would continue to be involved in the case? It was believed that he had responsibility to the Westfield Township and OTARMA. This resolution would permit Mr. Schrader to communicate with Mr. Mathews on this case and the representation of this board.

Mr. Schmidt stated he understood that Mr. Mathews was serving the direction of the previous Board of Trustee and now that has changed, is Mr. Mathews obligation to the direction of this board? That will be part of the purpose of hiring Mr. Schrader to work with Mr. Mathews representing this board.

Roll call; Thombs yes, Schmidt yes, Likley yes

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**Trustee Thombs offered by motion and adoption of the same; Resolution 2014-09
To Instruct the Township Attorneys to Litigate the Kratzer Lawsuits
Schmidt seconded.**

Roll Call; Thombs, Schmidt yes, Likley yes.

Trustee Likley asked for the direction in the appointment process of Mr. Ruprecht. Also acknowledging the information packet biography, education and experience of Mr. Schrader presented. Mr. Ruprecht stated that Mr. Schrader had represent Guilford Township during the Rittman annexation process and was impressed with his services. Discussion that our previous assistant to the fiscal officer was at an hourly rate of \$17.50 State Auditors traveling assistant rate we understood to be at approximately \$20.00 per hour.

Trustee Likley made a motion to appointment Mr. Raymond Ruprecht as the Emergency Fiscal Office at \$17.50 per hour paid. Thombs seconded.

Roll call; Schmidt yes, Thombs yes, Likley yes.

Discussion regarding setting appropriation for this appointment and Mr. Schrader's will have to be established moving forward.

Mr. Schrader discussion regarding the appointment processes of the replacement Fiscal Officer to the township and the terms of this appointment. Mrs. Tryon while elected last November her term does not official start until April 2014. So this appointment may have to be done twice, however if the person selected within the 30 day time period works out well, they could then be appointed for the remainder of the term and run for election in 2015 and start their new term April 2016.

The previous run advertisements for the Fiscal Officers appointment was decided to be located, corrected and sent to the Gazette and the Trading Post papers.

Discussion to run the ad on January 15th and 17th in the Medina Gazette and January 18 in the Trading Post applications to be sent to township email address, info@westfieldtownship.org to be received by January 25.

To notice a Special Meeting with executive session for the purpose to interview applicants on February 3rd at 5:00 p.m.

Trustee Likley asked Mr. Schrader if executive session was warranted at this time to discuss the Kratzer law suit or if we should wait until Mr. Mathews was present?

Mr. Schrader stated he would contact Mr. Mathews on his return to his office to discuss Mr. Mathews willingness to shift direction in representing this board. Mr. Schrader believes that by the resolution that he has clear understanding of the direction of the board.

Mr. Schrader stated his job was to represent the township not individual board members, that his client is the governmental entity. That his advice about the law is to our advantage to follow it, or we could get into legal trouble. He then stated that he would provide advice on policy only if asked because we were elected to set policy. That we should establish who can contact him regarding advice to keep cost down. He encourage the board to continue to utilize the Prosecutors office on issues that aren't maybe as time sensitive or lessor issue before the board. That if we have a legal concern to contact him and he will help direct whether he should handle it or have the Prosecutors office proceed. Mr. Schrader stated he would also contact the Prosecutors office and their involvement in the Kratzer case. He then stated to keep an open mind as we proceed with

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this case. "If you instruct me to litigate this I'm going to do it" if they present a reasonable offer he has a legal obligation to present it to the board whether he agrees with it or not.

Trustee Schmidt made a motion to go into executive with legal counsel Mr. Schrader regarding pending litigation, Thombs seconded.

Roll call, Thombs yes, Schmidt yes, Likley yes.

Trustee Thombs made a motion to come out of executive session at 11:55 seconded by Schmidt. Roll call Schmidt yes, Thombs yes, Likley yes.

Mr. Schrader state he believed he was well instructed in regards to the Kratzer law suit.

Trustee Likley stated he would contact Cheryl Porter our Zoning Secretary to assist with the Trustee meeting minutes. Possible salary increase might be warranted if she is willing and or able. If she is not, then outside assistance might be needed. That he would bring that information to our next meeting for discussion. He would contact the webmaster to ensure the correct email address for Trustee Thombs and was receiving the township emails.

No further business before the board,

Trustee Likley made a motion to adjourn, Thombs seconded.

Roll call, Schmidt yes, Thombs yes, Likley yes.

Approximately 20 minutes after adjourning.

Mr. Ruprecht had identified and brought to our attention several checks and electronic payroll statements that warranted our attention. The Board reconvened by rescinding the motion and vote to adjourn and reopen the meeting for purpose of these pay checks.

Trustee Likley made motion to reopen the special meeting, seconded by trustee Thombs,

Roll call, Schmidt yes, Thombs yes, Likley yes.

Trustee Likley made a motion to identify Mr. Ruprecht as Westfield Township's Emergency Fiscal Officer on the needed bank documentation at Westfield Bank to enable the Emergency Fiscal Officer full banking capabilities for Westfield Township and Westfield Fire & Rescue District. Trustee Schmidt seconded.

Discussion; this would not include servicing the investment CDs held at Westfield Bank.

Roll call; Schmidt yes, Thombs yes, Likley yes.

It was agreed that Trustee Likley, Trustee Thombs and Mr. Ruprecht would go to Westfield Bank right after the meeting to communicate and sign the needed paperwork for this purpose.

Mr. Ruprecht presented a payroll check for approval for Richard Evans for \$291.10 dated 1-7- 2014, his total hours 23 @ \$14.56 per. Also Electronic Fund Transfer (EFT) for Martha Evans \$253.87 as assistant to the fiscal officer.

Trustee Likley made a motion to approve as submitted, Schmidt second.

Roll call; Schmidt yes, Thombs yes, Likley yes.

Trustee Likley made a motion to approve the EFT \$1,378.00 as submitted for Road Supervisor Lee Evans, Thombs seconded, Roll call Thombs yes, Schmidt yes, Likley yes.

Chief Fletchers EFT was presented at \$1,234.51 pay period Dec.22 thru January 4, 2014.

Trustee Likley made a motion approve as submitted, Schmidt seconded.

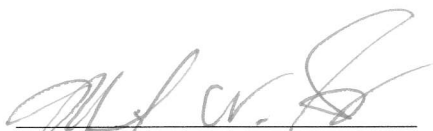
Roll call; Thombs, yes, Schmidt yes, Likley yes.

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Trustee Likley stated that he would provide Mr.Ruprecht his security code to have access to the building along with the needed keys to the office and files.

No further business to come before the board, Trustee Likley made a motion to adjourn, Thombs seconded.

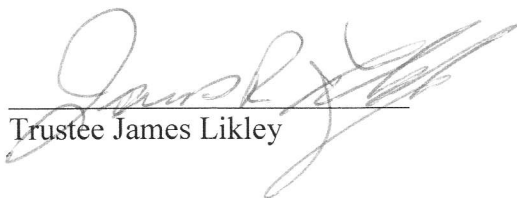
Roll call, Schmidt yes, Thombs yes, Likley yes.



Trustee Michael Schmidt



Trustee William Thombs



Trustee James Likley

