

Westfield Township Board of Trustees

March 3, 2014

Regular Meeting

The meeting was called to order by Trustee Likley at 7:05 pm.

Roll Call: Likley- aye, Schmidt- aye, Thombs- aye.

Attending: ZI Sims, Judge McIlvaine, Road Supervisor Lee Evans

Comments from the floor

Judge McIlvaine presented the 2013 Annual Report for Wadsworth Municipal Court. A copy of the report was given to the Fiscal Officer to be placed on file with the township.

Fiscal Officer Report

Mowing Bid- One received from Circle Lawn Care, LLC. Included with the bid was proof of insurance and Workman's Compensation papers.

- \$140.00 per occurrence for the cemetery (total of 30 weeks)
- \$35.00 per occurrence for municipal area (total of 30 weeks)
- \$35.00 per person for spring and fall cleanup
- \$45.00 for tree/limb removal

Discussion: Mr. Schmidt asked about last year's cost as compared to this quote?

Evans said it was more than \$140.00 but not sure on exact amount. The 30 week mowing was an average for the year. Evans explained to Schmidt there is no exact schedule due to rain and drought variations throughout the summer.

Likley calculated the total cost of \$5250.00 for the season.

Likley makes a motion to accept the bid from Circle Lawn Care, LLC; seconded by Schmidt.

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

Stone Bids- Two bids received- Willowvale Farms, Inc. and Osborn of Medina. Willowvale included proof of insurance and Workman's Compensation papers; Osborn of Medina's bid included proof of Insurance and Workman's Compensation papers.

Discussion: The trustees agreed that the prices were comparable to each other and that the savings with one size of stone may be different with the needs of another size stone. Evans mentioned that his plow gets destroyed with the harder stones and says we have had good service with Willowvale for the past 2-3 years.

Thombs believes going with a company that had stones from both quarries would be beneficial and also Willowvale has been reliable in the past. Schmidt asks if orders could be from both companies and Evans agreed this was possible but would need to know the company to call at the time the stones were needed.

Thombs makes a motion to accept Willowvale Farms, Inc. stone bid; seconded by Schmidt.

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

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Doug Reif from Willowvale Farms, Inc. thanked the trustees for accepting their bid.

Bills to be paid

Total warrants of \$38,667 and payroll EFT's of \$2,957.96.

Likley asks for clarification on the \$480.66 paid to him. Ruprect said it was for supplies, keys, trash, insurance and OTA conference expenses.

Thombs makes a motion to pay the bills for a combined total of warrants and EFT's in the amount of \$45,517.28; seconded by Schmidt. Roll call: Thombs- aye, Schmidt- aye, Likley- aye. The motion passes.

Correspondence

Attorney Al Schrader informed the board about the Administrative Appeal of the BZA decision- ORC 2506.03 will be heard April 4, 2014 (review Kratzer legal brief), May 8, 2014 (township attorney brief), May 22, 2014 (Kratzer's attorney response) and Magistrate James Leaver will make recommendations on May 23, 2014.

Permanent Appropriations

Likley makes a motion to approve Permanent Appropriations Resolution 2014-12; seconded by Thombs.

Resolution 2014-12 Approval of 2014 Permanent Appropriations resolved by the Board of Trustees of Westfield Township, in Medina County Ohio that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year, ending **December 31, 2014**, the following sum of **\$837,459.19** be hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year, as follows.

Discussion: There is an increase for legal and accounting fees (\$70,000.00) and contingencies that can be moved into the general fund if the money is not used. Contractive Services with Ohio Public Works for the culverts on Kennard Road. A total of \$40,000.00 was appropriated for the township's portion for the project which is 26% of the total cost leaving the state to pay 74%.

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

Zweifel will meet with bank to get a township credit card.

The following cards are accounted for: Staples- in house; Sam's Club- Evans for miscellaneous products; Speedway- Chief and Evans; Home Depot- Chief and Evans.

State Auditors' training for UAN System will be attended by Zweifel on March 5th and 6th.

Likely makes a motion to accept the meeting minutes for 2-17-14 with corrections; seconded by Schmidt. Roll call: Thombs- aye, Likley- aye, Schmidt- aye. The motion passes.

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Roads Report

- Evans announced that 83% of the quota for salt has been used and at the end of the season he will fill both bins to be prepared for next year in the hope to pay the lower price.
- Filling cracks with chip and seal seems to be working well this year.
- County called regarding an easement for a culvert on Kennard Road. Will keep trustees posted.

Schmidt asked about the missing Westfield Valley Sign and Evans will be notifying the county since it is their responsibility.

Trustees discussed the township not being responsible for resident mailbox damaged from snow during snow removal.

Mailbox Policy:

1. Westfield Township will not assume the responsibility for mailbox damage from snow during snow removal.
2. Damages caused during road conditioning or reconstruction will be negotiated on an individual basis with the property owner.
3. Damage caused by contracted services will be the responsibility of the hired company.

Thombs makes a motion to accept the Mailbox Policy as submitted; seconded by Likley. Roll call: Schmidt- aye, Thombs- aye, Likley- aye. The motion passes.

Zoning Report from ZI Sims

1 permit for 204.D

- 1 violation- 7552 Seville Rd (James Lesiak) 30 day deadline on March 14, 2014- forwarded copy to Assistant Prosecutor Karas for court file. Mr. Lesiak has kept open communication and is progressing with clean-up. Several items on the property may involve another court proceeding. ZI Sims asked Lesiak for documentation of those items. Lesiak has a van trailer for loading scrap (for off-site disposal) and is arranging for offsite storage of semi-trucks.
- 7515 Seville Rd. (Kristie Colbert) per 204.D zoning certificate issued for temporary structure for a mobile home to be used while property owner is remodeling and fixing septic tank of primary residence. Landowner has building permit and recently received approval from Medina County Health Department to discharge temporarily to the septic tank. Permit is good for six month with six month possible extension.
- Kratzer's settlement (Medina County Common Pleas Court), Judge Collier granted trustees motion to withdraw from the Kratzer settlement from the previously proposed settlement by trustees Oiler and Harris. Judge Collier granted MCPO motion to separate the BZA appeal from the Declaratory Judgment/Mandamus. Declaratory Judgment/Mandamus case assigned court case # 13CIV0977 and the 25006 BZA case was assigned a new case #14CIV0173. Around February 24, 2014 Collier granted Medina County Prosecutors' Office to withdraw as counsel and the Declaratory Judgment/Mandamus case (James Mathews is lead counsel). Around February 28, 2014 (Attorney Schrader)

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informed the court the trustees did not object to the prosecutor's motion. Received in March 3, 2014 mail, Magistrate order with instructions that the 2506 BZA appeal case will be before Magistrate Leaver to review legal brief from Kratzer's attorney by April 4, 2014. The township's attorney brief will be filed by May 8, 2014. Kratzer's response (if any) is due by May 22, 2014. A non-oral decision by Magistrate Leaver is expected by May 23rd. No attorneys need to appear (according to Magistrate's instructions).

- Westfield Storage on Greenwich Road, Medina County Building Department, Charles Huber, forwarded the township a nonconformance approval, including the Building Department. Outstanding info and requirements needed for the building department to consider issuing a final building permit to the business for the proposed construction of Phase II. Phase II as proposed is adding 4 additional storage unit buildings. The nonconformance approval was granted for 30 days. Business owner must provide a Westfield Township Zoning Permit, a Medina County Highway Engineer Permit and payment of Building Permit fee according to the email.
Township zoning certificate requires a Site Plan Review from the Zoning Commission due to a variance granted that the storage facility is a permitted use. January 27, 2014 ZI Sims provided business owner with application of site- plan review and a variance application (should he wish to pursue one). ZI Sims filled several public records' request for the business owner. Also, ZI Sims sent Mr. Riley an email informing him of the next ZC meeting date. No response as of yet from the owner.
- North Coast Soccer- Assistant Prosecutor Bill Thorne requested meeting with ZI Sims and Heather Sturdevant to review an email by previous ZI Witmer regarding variances that should be required of NCS. NCS has an approved Site Plan as of August 17, 2013. Sturdevant was unable to make the meeting and the new date is March 10, 2014 also with Trustee Schmidt. ZI Sims asked previous ZI Witmer if he was able or willing to clarify the email. He declined this request from Sims.
- ZI Sims ordered updated zoning map with FEMA flood plain boundaries showing Westfield Zoning Districts and parcel lines. FEMA boundaries were updated in fall of 2013. Updated map will replace the 2010 map on file. Map is free of charge.
- Working on organizing zoning office.

Zoning Inspectors' Workshop on March 14, 2014 at 9:00 am.

Old Business

- ***Schmidt makes a motion to appoint Greg Brezina to the alternate position on the Zoning Commission; seconded by Likley.***

Discussion: Two applicants, Brezina and Daugherty applied for the position. The trustees feel Brezina has participated for 3 ½ years on the Board of Zoning Commission and has attended every meeting since the 1st of the year which shows commitment to this township and this board position.

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Roll call: Thombs- aye, Schmidt- aye, Likley- aye. The motion passes and Brezina accepts his appointment.

- Schmidt will contact Jill Daugherty and thank her for her application.
- OPERS- the state still doesn't know how to proceed as of yet.
- Pay Schedule- Bimonthly schedule will be 1st thru 15th (paid on the 20th) and 16th thru last day of month (paid on the 5th). This will allow continuity of payroll. Evans returned to the meeting and would like his statement to be on the record. He feels this change of pay dates will intentionally make a hardship for him. Thombs has talked with Evans to readjust his pay to be a lag time of 3-4 days instead of the initial time of 3 weeks. Ruprect says this conformity is invaluable to the Fiscal Office for the keeping of records and filing reports to the state.
- Cell Tower- Nothing new to report.
- OTARMA- Likley will look into township coverage and check into other insurances for comparable services and price. Fire Department's insurance renewal is in May; Township's insurance renewal is in August.
- Fee Schedule- **Likley makes a motion to amend the fees for Small wind Energy and Outdoor Wood Fired Boilers in the amount of \$50.00; seconded by Schmidt. Roll call: Schmidt- aye, Thombs- aye, Likley- aye. The motion passes.**
- Comprehensive Development Plan- Thombs talked with Majewski (consultant) and asked if he could revisit the submitted Comprehensive Plan that represents the communities' vision. Majewski would attend and explain for a \$600.00 fee. Schmidt asked would they be using the same comprehensive plan. Thombs said there are some changes that could be made and that the plan should be looked at publicly. Likley would like the trustees to hold a special meeting and call on Mr. Majewski if there are any questions. Trustees agreed that a Special Meeting should be held on March 10th at 7:00 pm for the purpose to review the Comprehensive Development Plan and General Business. Schmidt requested correct documents in advance.

Comments from the floor

- Witmer asked why \$70,000.00 was allocated for legal fees and wouldn't it be easier to just pay Kratzer. Likley said the trustees don't want to spend anything but they must appropriate enough funds to fight the Kratzer lawsuit against the township of Westfield and its people.
Thombs addressed Witmer by stating the impact to that area was not fair to the people around the Kratzer property and their right to be part of the process. The citizens have spoken through their vote and the sitting elected board will defend the will of the people.
Likley told Witmer he could not be given an itemized bill because that was client/counsel privilege.
Witmer responded to ZI Sims request for clarification regarding North Coast Email (written by Witmer) to the Prosecutor's Office by stating he would not be willing to assist.

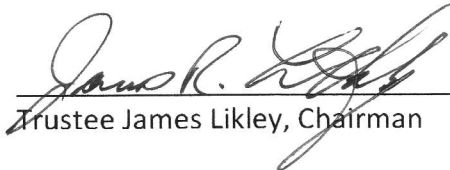
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- Eric Huffman, 777 Kennard Road, clarified that Evans was upset with the change in the dates of his salary.
- Joel Sech, 5905 Seville Road, thanked the Board of Trustees for their commitment to the fighting of the Kratzer lawsuit. Mr. Sech attended both court hearings and meetings and stated the township Attorney Schrader was impressive in court.

Likley makes a motion to adjourn; seconded by Thombs. Roll call: Likley- aye, Thombs- aye, Schmidt- aye. The motion passes.

Respectfully submitted by:

Cheryl Porter, Zoning Secretary


Trustee James Likley, Chairman


Trustee Michael Schmidt


Trustee William Thombs