

## WESTFIELD TOWNSHIP BOARD OF TRUSTEES

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### **Special Meeting Minutes Judge Collier's ruling on the Kratzer Variance Appeal August 27, 2014 @4:30 pm**

Trustee Likley called the meeting to order with roll call;  
Trustees Thombs, Schmidt, Likley present.

Also present; Assistant Prosecutor Bill Thorne, Attorney Al Schrader, Zoning Inspector Carolyn Sims.

Sign in sheet of audience.

Trustee Likley stated the purpose of the special meeting was to discuss and decide the response to Judge Collier's ruling of the Kratzer variance appeal.

**Trustee Likley made motion** to go into executive session with legal counsel Mr. Thorne, Mr. Schrader for the purpose of that discussion and Zoning Inspector Sims.

**Trustee Thombs seconded.**

Roll call; Schmidt yes, Thombs yes, Likley yes. Time 4:35

**Trustee Likley made motion** to come out of executive session.

**Trustee Thombs seconded.**

Roll call; Schmidt yes, Thombs yes, Likley yes. Time 5:30

**Trustee Likley made a motion to Not Appeal** Judge Collier's ruling regarding the Kratzer Variance Appeal. And to proceed to seat an un-biased Board of Zoning Appeals in compliance with Judge Collier's criteria and standards for those members.

**Trustee Schmidt seconded.**

Roll call; Thombs yes, Schmidt yes, Likley yes

**Trustee Likley stated:** That for the record Mr. Thorne has informed us this evening that on August 25th Mr. Kratzer and his attorneys have filled an Appeal of Judge Collier's ruling to remand the case back to the Westfield Township Board of Zoning Appeals, potentially making our decision this evening a moot point.

**Trustee Schmidt stated:** That he wanted to reiterate that he respected Judge Collier's ruling and that he and Mr. Daugherty acted upon the advice of legal counsel, Mr. Thorne, to proceed and hear the Kratzer Variance application when it was present to the Board of Zoning Appeals. That since then, Judge Collier has set a higher standard for the recusal of board members and that those standards would be the criteria for the BZA members in the event the Kratzer Variance application came back to the township, as ruled by Judge Collier. Again, that ruling has been appealed by Mr. Kratzer and his attorneys.

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**Trustee Likley** asked **Mr. Thorne** to provide clarity on Mr. Schrader's alleged responsibility to provide itemized invoices and if those itemized invoices or bills were public record. That he might have misunderstood Mr. Thorne's previous response to the same questions.

**Mr. Thorne stated** that invoices would be public record, but that any information that might reveal defense strategies should be redacted or it would violate attorney-client privilege. So, if we receive an itemized bill or invoice that provided such information, that document would need to be reviewed to ensure redaction of this type of information. That we could not provide a copy of a document if we had not receive a requested document.

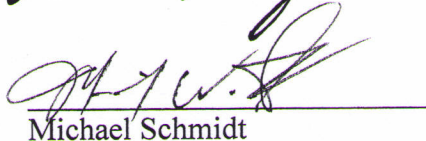
**Trustee Likley stated** that all records request for copies of Mr. Schrader's invoices have been provided without redactions. He thanked Mr. Thorne and hopefully this will answer any concerns on this issue. As there has been several requests for copies of itemized bills if submitted by Attorney Schrader. Mr. Schrader previously informed the Board that he would not submit a detailed billing until the case is finalized, at which time there would be no litigation strategy issue, and the full bill can be made public at that time.

With nothing further to come before the Board, Trustee Likley moved to adjourn at 5:45, seconded by Trustee Schmidt.

Roll call, unanimous.

Date Approved 9-2-2014

  
James Likley

  
Michael Schmidt

  
William Thombs