

WESTFIELD TOWNSHIP TRUSTEES
Special Meeting/Workshop Fire Contract/Gen. Bus.
March 8, 2010
9:00 am

Trustee Oiler opened the meeting at 9:00 am. The purpose of this meeting is to work out details for a draft fire contract with the Village of Westfield Center and Gloria Glens (if they want to be a participant).

Roll call: Trustees in attendance: James Lیکley, Ronald Oiler, and Gary Harris.
Attendance: Assistant Prosecutor, Wm. L. Thorne; Fiscal Officer, Martha Evans; Mayor Westfield Center, Tom Horwedel; Councilman Westfield Center and also Fire Committee Chairman, Rick Robbs; Councilman from Village of Gloria Glens, Pat Kennedy; Heather Sturdevant, Fire Committee Member; Matthew Witmer, Westfield Twp. Zoning Inspector.

Trustee Oiler reported the trustees had a letter from the Village of Westfield Center: Paragraph 1. The Village concurs with the budget of \$208,973 as proposed by the township trustees.

Paragraph 2. The Village does not accept that the budget is contingent upon any approvals or new contracts; it is in our eyes a budget to operate the department for 2010.

Trustee Oiler stated it was the consensus of this board we were trying to come with a budget for 2010.

Paragraph 3. The Village acknowledges the need to develop a new fire contract based on 55,39,6 split. The Village also understands some, but necessarily all of the points made in Mr. Thorne's letter will be in a new contract. There are other points not mentioned that will also need to be included. The 55,39,6 split is obviously contingent upon Gloria Glens participation.

Mr. Kenndey: Asked about the Sheriff and the Emergency Mgmt. line item on the budget. He stated Gloria Glens pays for Sheriff and Emergency Mgmt. fees. Fiscal Officer explained the fire and rescue calls should be part of the fire department budget. Right now each entity pays for their rescue and fire dispatch fees. The proposal would be to have each entity fees paid out of the fire department budget because that is a necessary operating expense for the fire department.

The consensus of the board of trustees was to have each entity pay into one fund and then all checks written out of that one fund. Mayor Horwedel and Rick Robbs tentatively agreed to the one fund.

Mr. Kennedy this is new territory for them as they only have contracted in the past but did not have problem with paying into one fund and paying out of same fund.

Gloria Glens contracts with Westfield Township and Village of Westfield Center.

Trustee Oiler: All employees of Westfield Fire & Rescue Fire Department would be part of that fund, all employees then report to the Village for year 2010 as far as the budget goes.

Bill Thorne: What about the new contract, are you proposing all employees to be paid from that fund, does that include the chief?

Trustee Oiler answered, yes.

Bill Thorne: Who is going to be the employer?

Trustee Oiler: With all the money being in one fund subject to the approval of the village, that fund being at the village, I would think the fire chief would part of that also.

Bill Thorne: Is it acceptable to stay with the village?

Mayor Horwedel: 99% of the employees are now village employees and whoever had the fund would have the employees. Also put language in the contract for possibly an administrative fee and then at some point maybe the control of the fund and employees could be changed.

Bill Thorne: For the initial term what have we decided that to be in whose employ will we put all the employees to the village who already has the employees at this point or is the township desires to get involved. The village only has to pick up the chief but the township must pick up all the volunteers.

Trustee Likley: What the mayor was saying, whoever has control over the fund will also be the employer.

Bill Thorne: We can put in the contract, language that this can be reconsidered.

Trustee Oiler: My thoughts, all of the employees would report to the village, we should have some language that addresses the fact that somehow down the line maybe a discussion about an administrative fee for doing that in the future.

Trustee Harris: That sounds good to me, I'm fine with that all employees be under the village if they are willing to take that.

Mayor Horwedel: That's good to know one way or the other for right now because when we look for a chief they need to know who will be the initial employer.

Trustee Likley: I disagree. I disagree that it should be under the village for a couple of reasons not to be just argumentative or disagreeable but I believe that it should be under one fund and the fund should be under the township for a couple of reasons.

1. All of the residents of the township have a voice in this board, they vote for trustees and for fiscal officer. We have the largest portion of the funding to the fund, monies to go into the fund and we also have the largest area to be covered by the fund but I think the most important part of is that all the residents have a voice in this board, residents of the unincorporated area, have no voice in Gloria Glens Village Council or Westfield Center. This gives representation to all the people that are being serviced by this department.

Mayor Howedel: From the villages point of view we don't disagree with those statements Jim. And it is true you have the biggest stake in this and probably should be the leader for what reasons you want. Maybe its your financial situation something like that, you may even want to put into this contract that this is for 3 years or 2 years if that's the reason it could switch over. I think the village does concur that you are the main player in this thing. We don't argue with that one bit. We'll take and do it but we won't fight to keep it.

Trustee Liklely: One of the things in the existing contract or the old contract it was stipulated that the township would pay would pay the bills and that an invoice would be sent to the Village of Westfield Center to be reimbursed. I don't know what transpired over the years as long as I was on fire committee, the village took care of paying the bills and then we would reimburse you. I would only assume that under our previous fiscal officer that somehow that got transferred to the village you were the main payer of the bills, all the bills came into the village and paid it and we would reimburse you. So the existing or the old contract did stipulate that the township would have the bulk of the responsibility of paying those bills and I think the fact as stated that we should have the fund.

Rick Robbs: We're all in agreement that it makes the most sense that all of them are together whether the village or the township but for employment consistency practice they all need to be together.

Mayor Horwedel: If you ran into me on the street and I didn't know anything and you ran this thing by me I would say yes the township should have it.

Trustee Likley: With the way the previous contract was designed and set up the split was, it wasn't under one fund and it was built and designed so that the bills would be proportioned out 65-35 that was the way it was written and so it didn't need to be under one fund. I think we've all seen that's an issue, that's a problem and so by this attempt to re-negotiate that contract with under one fund it makes sense.

Trustee Likley made a motion that the township be in control of one fire fund and employees

Bill Thorne stated before you vote can Martha handle that?

Trustee Likley: It's an additional burden

Bill Thorne: You will have 25 more employees basically.

Martha: I could do that but it will be a real challenge the same with Sue both of us are going to have to have a new fiscal officer one of these days and if it's already implemented then maybe it wouldn't be such a burden.

Trustee Likley: I recognize the fact that there's an additional burden on our fiscal officer but my first point in this is that all residents have a voice in the operation and the oversight of the fire

Bill Thorne: Asked if we would reach the magical number of 50 employees. Martha answered not quite. Rick Robbs stated there would be more than 25 more like 30-39. Township has 20 now so we would be over 50. 50 employees or more must abide by mandatory federal regulations such as FMLA and other things that come into effect for an employer that has 50 employees in a certain location. Mayor Horwedel stated we are now getting requests for unemployment since the part-time day time staffing has been eliminated. The law director doesn't think the person qualifies but those things will be coming. The village probably already has 50 employees. Mr. Likley asked if that changed the operating budget. Mr. Thorne said no to the budget but it does change your obligations.

Trustee Likley repeated his motion that the one fire fund be under the control of the township, all funding would be paid into that fund, all expenses be paid out of that fund as well as employer purposes of the fire department members, Trustee Oiler seconded the motion.

Discussion: Trustee Harris: This is going to put extra burden on our fiscal officer, correct? Likley, the responsibility of paying the bills, receiving the funds and paying the employment. Harris asked the fiscal officer if she would be in need of an assistant in the future if this becomes too much of a burden?

Martha: I don't know. It could be. Because you have to take into consideration that you folks know how much work Judy does trying to discern who gets what, that will go away because the monies that come in won't have to be split, they will all just go into that fund. Mayor Horwedel stated yes, she does spend x amount of time assisting Sue.

Rick Robbs: Hoping the changes would increase the efficiency in the process.

Trustee Likley: Because each bill now has to be split, each bill has to be looked at determine what the percentage split is and even employment, I mean its very cumbersome, so I think it will be a lot more efficient, once its established will be a pretty much punch in your hours.

Martha: If the volunteers are paid once a quarter that shouldn't be much of a problem. If it did get to the point that an assistant would be necessary that's where I believe the administration fee would fund that position through the fire department budget. I don't need one now to do what I do but then we'll see.

Mayor Horwedel: We want the attorneys to write the language because we want the ability to establish an administrative fee without putting one into effect tomorrow. But

it's only fair to that something like that is addressed. You can't go down the road and expect one entity to do all this.

Rick Robbs: It would be worth your time Martha to keep track of your time.

A discussion was held of how the township fiscal officers' salary is established. The fiscal officers salary is set by ORC based on the certificate of estimated resources. The fiscal officer cannot be paid additional for just doing the fire departments' fiscal duties. Trustee Oiler reminded the fiscal officer to tell the trustees if that load gets too heavy.

Roll call: Likley, aye; Harris, aye; Oiler, aye.

Trustee Likley asked Pat Kennedy if there was any question, discussion or concern with the 6% split in the 2010 budget.

Mr. Kennedy: I think there's some concern because we still have a contract that is good until the end of 2011. Just listening to stuff today, who would that contract be with, who are we contracting with? Are we contracting with the township or entering in a contract with all three entities? Because right now you guys are the fire department, you control the fund and the employees, which is fine with us we don't want anything to do with the administration of the fire department. Now you have one entity and the next logical step to me would be a township wide levy is where you're going.

Trustee Likley: No, I wouldn't say that.

Bill Thorne: This contract whether you participate is up to you. You could contract is you so desire. This contract will indicate that even though the township as the previous one would be doing the administration is still a joint department. Some where down the line we're going to have to decide on employees and that kind of stuff.

Mr. Kennedy: So our contract will still be with both the village and township.

Mayor Horwedel: If you are on 55,39,6 split you are a real player. For example equipment bought after the time we all went together, they would own 6% of that equipment.

Bill Thorne: Not if they contract but if they participate they would. It is up to them

Mayor Horwedel: I don't know why off the top of my head why you would to pay 6% and not be a real player but maybe there are reasons.

Bill Thorne: With a contract as they said before gives them the desegregation to go anywhere they want without any binding. That is up to them

Mr. Kennedy: So would this contract because after it terminates we could opt out

Bill Thorne: If you keep a contract

Mr. Kenney: Even this contract, the split contract is not forever

Bill Thorne: As long as you have a contract but if you become a player and it is a 3-way contract and it lists you as a owner of it then you have a 6% investment in future purchases but now you got 6% liabilities and if you walk away you have 6% of something coming back whatever equipment that has been bought – that kind of stuff

Mr. Kennedy: It's a joint contract now between 2 entities – it would be a joint contract between 3 entities if they chose to participate. For us that would be a huge move. Right now we pay our bill and go about our business.

Bill Thorne: And under this agreement you have the complete right to continue to do that if you so desire. Right now they just divided up how they are anticipating financing for future contract we would charge 6%. It doesn't necessarily mean you have to do anything different than you are doing now. It just sets a fee they are anticipating would be your proportion of any future agreement. Right now you got a contract.

Mayor Horwedel: It would seem to me that would be another item to include in the contract, how you would deal with the 6% if they did not participate, how the two of us would absorb that. That would need to be included in that contract.

Trustee Likley: Your present contract is based on our levy. And the point being in order to meet the needs of the department, we had to inflate that valuation or the levy level to include additional funding to get to the leadership and the chief and the day to day operations of the department. So it expanded that budget, in order to meet that those budget needs we just took the total taxable valuation of the entire township and the percentage of entity, Village of Westfield Center, Village of Gloria Glens and Westfield Township in general. We have 55, 39, & 6. Now if you wanted to maintain just a contract with the township for the fire service and your portion of the bill would be based on the valuation in the township 6%. You could write a check once a year or quarterly to the township to the fire fund for that protection. That's feasible without being – I don't know that it's necessary to or if that's your desire to be a 6% owner in every piece of equipment that is purchased from point on. Is that to your benefit or I look at it as if – if I contracted for service that cost of the equipment, the day to day operations is part of that cost. That doesn't necessarily mean that I am 6% owner or 39% owner or 55% owner that one fire fund or one fire department owns all of the equipment from this point forward. We have a joint commitment of the equipment to this date.

Mr. Kennedy: I think the thing that worries some of the councilmen is the fact that we have seen some of those other future projected budgets floating around, some as high as \$385,000 and our 6% of that is \$21,000-\$22,000.

Trustee Likley: Our goal has been to keep that budget number down but there is a cost of operating a department.

Mr. Kennedy: But in the same light this 208,000 6% of that our bill is immediately going up 35%. I can justify that and I come from a background and was a volunteer fireman and work for the sheriff's office and I know where the costs are and I know that they are there and that they have to be met but at the same time it scares us that a couple of years from now being a 6% player we would be paying \$22,000, which based on our

calls the last few years we've paid based on our residents its about \$1,000 a call. We had 28 calls last year and that was one of our big years

Mayor Horwedel: The reality is the township is going to try to get more money with a larger levy so the reality is that 6% is going to go up – it has to maintain the department. The 208 is bare bones. So they are going to pass something bigger and you are right the 6% is going to some bigger number.

Rick Robbs: What is your fire levy currently?

Mr. Kennedy: What we collect? About \$10,000. Our contract is based on the townships levy.

Trustee Likley: They renewed their 3 mill and it collects approximately

Mr. Kenney: 9,500-9,600 – renewal but old money. We are reluctant to put a replacement on the ballot because our village since we have a fire and police levy, they have never turned us down so when we start to get into replacements and changing numbers some of the elderly people start to get

Rick Robbs: So what you saying is that in order to fund this additional increase you got to pull money out of your general fund to make up the difference.

Mr. Kenney: I could say that if I didn't have a cushion in my fire fund. But that will go very quickly by the time our levy expires.

Trustee Likley: Essentially as well that if a fire levy is put on in the township, that if that millage was to increase even at the present contract

Mr. Kennedy: Yes, our existing contract states if your levy goes up our has to go up the same

Trustee Likley: So you would see an increase whether it was by millage based out of the township or by this percentage.

Bill Thorne: Do you have any problem with the 2010 budget as it sets right now, even though it's up?

Mr. Kennedy: As it sits, no, I know its bare bones

Bill Thorne: If we draft this and you are not at this point staying with a contract I can draft Bill and I draft to set with this split with the proviso that Gloria Glens does not fully participate the division of any deficit would just split equally between the two?

Mayor Horwedel: I think these are the kind of things that are put in there and we can discuss them at both ends. I think that is what we are looking for today on some of these things, is language that gives discussion points.

Bill Thorne: We got to have something if in fact in 2011 they walk out we 6% unfunded and we can again split 58-42 or however it comes out is what I am getting at

Mayor Howedel: I guess we understand that we have to do it so we can figure out how to do it

Bill Thorne: I don't think we have to get hung up on it now

Trustee Likley: Is the Village of Gloria Glens willing to have a new contract for the 2010 budget?

Mr. Kennedy: I don't know. I would say right now its split right down the middle. My suggestion I would suggest to council that we keep our contract the way it is and making a sizeable donation as we have done in the past. We donated \$5,000-\$10,000 here and there before. We would have donated more money last summer but because of the turmoil we were reluctant to donate \$5,000-\$10,000 to the department last summer. I believe we made a donation late last spring.

Trustee Likley: Toward the purchase of the truck, right.

Mr. Kennedy: With some of the councilmen I may be better off saying we keep our contract the way it is and make a \$3,500 donation to the fire fund may make people a little happier, which would in effect put us at our 6%.

Bill Thorne: That's 2010. We could write the new agreement to deal at least leave open for the other 2 to deal with that if in fact it becomes a problem. Because 2011 they have the right to stay where they are at if they so choose, that 35% shortfall would have to be split at some point or we could leave that language open for discussion as we move along.

Rick Robbs: May I ask a question as far as the employees go? Since going back to the fire committee, the employees now are going to be all under the township. As far as - where does the fire committee fall into that as far as - I just want to make sure as chair of the fire committee that I have a clear understanding of how our role is in the operation of that as far as employee issues, as far as the direction

Bill Thorne: I would add at this point - we got all the funds going into one fund, all the employees in one fund we got a split tentatively going here. The next question comes in terms of the operation of the fire department between the two entities, if you hire someone do you contact the village before you hire so they have input, do we for firing someone do we contact them before, do we go through the fire committee, if we need supplies do they just give it to Martha or to the fire committee.

Mayor Horwedel: It depends, if you are the employer and you are working through something and the 2 entities work through something, sometimes you run out of something - you've got to move and if you are the employer you move. We have seen that with a chief and an interim chief. They moved within hours on one and we moved within a day on the other one and there really wasn't a lot of time to just spew out all kinds of communication to everybody.

Bill Thorne: What about the purchases and so forth during the year generally they are not going to be an emergency. Obviously they will need supplies, uniforms, equipment whatever it is. Do we still want that to go to the fire committee first to make recommendation?

Mayor Horwedel: I don't know. It seems to me it needs some entity overseeing things a little bit.

Rick Robbs: I am sitting on that committee and I want to know what I'm allowed to do and what I'm not allowed to do.

Trustee Likley: That has always been one the concerns or issues with fire committee as to the level of participation or level of responsibility or authority to do anything.

Bill Thorne: That's where we are at - at this point and the next step I need to deal with if I am drafting something - how are we going to co-ordinate and leaving Gloria Glens out at this point.

Mr. Kennedy: Or putting us in we might want a seat on that fire board

Mayor Horwedel: If you are a player you definitely should have a seat.

Rick Robbs: I would expect you to have somebody be on that if your were a player or you need to have someone.

Bill Thorne: What is the boards' pleasure as a starting -

Mayor Horwedel: Why wouldn't it be just as it is with a fire committee with 2 of each etc. and then on the personnel things the township would have final say -make recommendations but whoever is the biggest player has the final say? How else can you do it?

Martha: Remember the fire committee's by-laws state all employee issues go to the governing entity.

Bill Thorne: What I'm thinking of is you are going to have emergency personnel things sometimes they're not. Somebody comes in wants to go to some training

Mayor Horwedel: Somebody wants training and fire committee approves it, send it to the township, do they approve it or disapprove it.

Bill Thorne: Is that satisfactory with the village? You don't have any input then other than through the fire committee.

Mayor Horwedel: How do we veto power over their budget?

Trustee Likley: I think in - we're looking at a contract that was oranges a contract now that are apples.

Before the contract the split was decided, here's the split, pay 75/25 and you had the option to approve or disapprove that particular bill and the funding that percentage. Under this proposal all funding, the split is determined by the 55,39,6. We essentially are agreeing to the funding, for a budget to operate the department. All purchases or all expenditures: 1. has been recommended from fire committee should get preapproval or 3 estimates of that cost. It should go through a purchase order. The chief says I've got 6 people that want to go to training. Write a purchase order, propose it to one board, look at the line item funding for training, approve it or disapprove it. I don't see that it needs to go to fire committee for that approval. It could be an oversight; it could be an additional set of eyes looking at the line item budget and the expenditures.

Mayor Horwedel: If the fire committee isn't going to approve it so to speak, then there's no reason to have a fire committee. If you guys are going to approve and everything goes directly to you then why do we have a fire committee.

Mr. Kennedy: Sounds to me like you are forming a fire district without forming a fire district, an unincorporated fire district.

Bill Thorne: Yes that is exactly what we did years ago and

Trustee Likley: Essentially that is what this is

Mayor Horwedel: It gets easier for us, because it gets us closer to just writing a check and for us that's a good thing. We are not interested in any more control than we have to have because in the end you are going to form hopefully an unincorporated fire district or something and we are going to have to get in there with a contract and you will have control just by virtue of that in the end. There are some other things that will give you control to. Can't have it both ways so

Heather: Keep In mind right now fire committee recommends to approve the bills but what they are doing is a lot of times when bills come in that we look at them and Jim has been a part of this and oh wait a minute something's not right with this bill it didn't go through the proper process as or something isn't really necessary and this month especially we have had 4 bills that we were kind of uncertain about and so fire committee has done the research to find out - ok is this bill something that we should be paying or something that can be returned. There has been some research that has been done so that by the time it gets to you it makes your life easier so you don't have to do that research, so keep in mind that if you decide not to have the bills funneled through fire committee for a recommendation and whether or not to approve them that research's no longer going to be done for you, so you guys are going to have to do that will put you guys on the back burner because by the time you guys see it every month its going to be at your meeting it's gonna take essentially more time to do the research behind it where this way we are doing some research into it like this month it was fire helmets which we are sending some back. So got some software we're trying to figure out what that software is, why was it purchased, do we even need it?

Trustee Likley: I think one of the goals in what's transpired in the last month is that the chief is located and in position that the chief is doing that job. That the chief is looking at the equipment, materials, training and proposing the 3 bids or 2 or 3 bids, that he is writing a purchase order to the fiscal officer that comes to this board before that purchase is even made. I mean that's how business works. You put in a purchase order before the department head says hey I need it and buys it and goes to finance and says now you got to pay the bill. No, No, No wait a minute that's not how it works. It should be a purchase order before any purchase now we can set that limit \$250 anything over \$250 or whatever the

Fiscal officer recommends that to be but the funding and the support to that funding has been established through the percentage 55,39,6. The chief oversees the purchases and does a purchase order and brings it to this board prior to that purchase.

Heather: I agree that eventually that needs to happen because in the past it hasn't.

Trustee Likley: Absolutely that's been a problem. It's been a problem that's been kind of designed in the contract that we've been operating under.

Mayor Horwedel: I think you will need – this is my opinion here – in order to keep that department running you will need on those purchase order approvals the ability of one person to approve a purchase order.

Martha: Under the township rule you have to have the fiscal officer certification that the funding is there and then the trustees also look at it and sign that purchase order.

Trustee Likley: It might take additional interaction from this board to the chief for that purpose.

Mayor Horwedel: Because everything can't wait until your next meeting.

Rick Robbs: You meet twice a month

Trustee Likley: We do and if need be we have a trustee to fire committee that could pre-approve possibly and make those recommendations to the board. There can be additional oversight in that in review in those purchases for the final approval back to the board.

Bill Thorne: You could authorize a trustee to make authorized purchases up to a certain amount in conjunction with the fiscal officer but if you strictly that way what if any function does the fire committee have other than giving the villages some input into the expenditures and priority of the expenditures.

Trustee Likley: Well fire committee – may take in fire committee it is still feasible and valuable for the policy or possibly the regulations of the department as a recommending board as an advisory board.

That might be very valuable in the first year or so of a new chief.

Mr. Kennedy: You have a zoning board, right? What would stop the township from having a fire board?

Heather: I guess that's my question, if you were going to form a regular fire district you would appoint commissioners so you could appoint people who have fire experience or fire background to make those decisions so in this type of decision why aren't we doing the same thing.

Trustee Likley: Very well could be

Heather: That way you would have so many from the village, so many from the township, so many from the Glens so that everybody had the decision making ability and power. The money still could all be housed here but if we were to do that then everybody all the entities would still have their interest or their stake in the decision making process, if they wanted it.

Mayor Horwedel: You can have your stake in the decision making process but there is where the final say is, as long as we all understand that we can have anything we want.

Trustee Likley: I think that goes back to my first point of the funding coming to this board. The residents of the Village of Westfield Center, the residents of the Village of Gloria Glens they have a voice they can come to this board and you have the vote but as far as any concerns or issues with the department our meetings are all open. Fire committee I see fire committee as a recommending board for the policies. I don't see that expanding into the budget, the funding; it could assist the chief in review of that budget each month or each quarter. OK you have x amount in this line item of funding for the remainder of the year, let's insure that's staggered out over the year and that you don't cut yourself short. But that could also be the same level of this board so

Trustee Oiler: I think for the interim period of time it's important that we have the fire committee continue to review and recommend which bills are to be paid until you have a full time fire chief on board because that's an important part that we do there at this time.

Heather: Is the decision to make them township employees is that something we're doing now or is that something that's going in the contract for later.

Trustee Likley: I think that's for the 2010 contract

Heather: So that's going to happen now

Bill Thorne: Whenever it's done

Trustee Oiler: Not today

Mayor Horwedel: When ever the contract is agreed upon

Bill Thorne: It may be waiting until the new fiscal year to start it too, that's something we have to talk about.

Trustee Likley: I think as soon as we can get this penned I think for the 2010 budget, I think its important.

Rick Robbs: It helps in the search for a new chief because at least now we know who the employer is

Bill Thorne: In terms of the fire committee at this point is it the boards' pleasure that it be charged with recommending operating rules and regulations and take them out of the review of the expenditures which is in the agreement now.

Martha: I would say not for 2010

Bill Thorne: This is the long term contract we're working on

Mayor Horwedel: This contract might say for 2010 it's this way but for the rest

Bill Thorne: 2010 we stay where we're at but then 2011 here's what we anticipate to be. That gives you time to gear up and everybody else time if necessary. Depends on how big changes we obviously come up with.

Trustee Likley: When do you anticipate one fire fund being developed or being established?

Bill Thorne: That could happen right away that doesn't change anything really

Trustee Likley: I think with one fire fund

Bill Thorne: It just stops from splitting the money, the bills still could be approved by the fire committee the way it's been done.

Mayor Horwedel: What you trying to work out is a transition.

Bill Thorne: Start where we want to end and transition to it

Trustee Likley: I think fire committee should probably still have a role in that because you have to establish a line item budget for each expenditure and that involvement I think can be very valuable.

Bill Thorne: Again we look at the end and then we transition at the end is your view of the fire committee being making recommendations in regard to operating rules and regulations or do you expect them to be a proposing body for the budget if you will, is that going to be one of their functions to come up with that line item budget, if you're not going to have them do the expenditures just where -

Generally a department does come up with a budget and they make a recommendation to the controlling agent. Is that going to be the responsibility of the fire committee to recommend that in conjunction with the chief or after consulting with the chief or

Rick Robbs: As I look at this, the chief is the manager of the department, and as manager of the department he is also the manager of the budget. As I develop my budget for Westfield that's approved by somebody but I'm responsible for the developing the budget because I'm held accountable for that budget.

Bill Thorne: That's what I'm trying to get where the fire committee fits in ultimately in view of the fire committee so far it's just recommendations in terms of operating rules and regulations which is very minimal involvement.

Mayor Horwedel: We need to fit the fire committee into where it fits - we don't want the tail wagging the dog.

Bill Thorne: The only thing I say at this point that the fire committee if they had a more active role in it would give the village or the villages some input in the decision if they desire that, if that is not a problem then the bills come straight to that department just like any other agency.

Mr. Kennedy: You treat the committee like you would any other committee, like our health and safety committee they can discuss and recommend anything they want to council and they reject or approve it, just like a zoning board. I would think if I was the new chief coming in here with this transition I wouldn't mind having a group of people helping and advising me. Sounds like standard operating procedures is what they do at a scene are probably set in stone, but administration doesn't sound like anything like

operating guidelines how anything gets done as far as the administrative job. I'm sure that job description either has been written or is gonna be written and then how that job is done. What does he do for discipline?

Heather: That's in the SOG's

Trustee Likley: That's in the SOG's, that is established

Trustee Oiler: I think the fire chief should be the manager of the department should be responsible for the budget but I think it would be prudent that he be able to review that budget with the fire committee and take any recommendations from them.

Mayor Horwedel: You should a pretty good idea by doing if you are doing that with the fire committee because one of you would be there on the fire committee, I would hope so. One of you would have a pretty good feel of what would fly. It isn't much of a committee if they work something up and it's totally out in left field. I know on the village end we just rely on the fire committee and pretty much what they say mostly goes because that's where got our information.

Trustee Oiler: Does anyone have a problem with that? The ultimate responsibility of the budget is the fire chief that the fire committee would assist him in any manner that he might want recommendations and so forth but at the end of the day the fire chief.

Bill Thorne: The fire committee will recommend operating rules and regulations and assist the chief in the budget preparation for submittal to the trustees

Heather: That leaves open right now we have kind of spearheading the search for a full time chief.

Bill Thorne: It's gonna be a transition. We are coming up with an ultimate agreement

Heather: So for now you want us to continue with what we are doing in that or

Bill Thorne: Yes that their decision

Trustee Likley: Why are you always looking at me?

Bill Thorne: You are sitting the closest, switch with Ron and I'll look at him. That's up to the board.

Mayor Horwedel: You might have some language in there in long term of how a chief search would take place. The township has ultimate responsibility to employ with. Right now to hire employees the chief recommends to village council and we put them on the agenda and hire them and we require the police do some background check and things like that.

Mr. Kennedy: I think you have to keep in mind that you are making a change; we have gone through this in the Glens. You are going to have people on fire committee that are not going to be happy unless they final say on everything and this is not going to happen in this case. Just like our association at the lake front for 45 years and had final say on everything. Things change and unfortunately they do not have final say, village council does because of legal requirements and that was a huge 5 year transition to get through that because those people wanted final say on matter what and they

can't have it. You are gonna have some of that here. If you guys are gonna be the facto player board for now you will have final say on it and that's not gonna make probably some people happy in the transition and it will not happen over night but it's something that sounds like for the good of the fire department by having that.

Trustee Likley: I think so too

Trustee Oiler: _ Ya

Mr. Kennedey: It's painful for a lot of people and it's gonna be even for the fire board

Heather: We don't have final say on anything now its just we need to know exactly what our role is so that moving forward we know what we are suppose to do or not supposed to do so we're not constantly over stepping and doing things we are not supposed to do and putting things where they are supposed to be because we kind of have to know that moving forward. But we never had final say on anything.

Trustee Likley: And thus part of the problem is the confusion

Heather: That is part of the problem because people from the fire department would come to us and say what you are going to do about

Trustee Likley: Bill, read that line again as far as the fire committee

Bill Thorne: The fire committee will recommend operating rules and regulations and assist the chief in budget preparation for submittal to the trustees. That would be a very limited role of the fire committee in terms of if in fact we need a chief you could always delegate that outside the normal operating rules. You don't have to put every little nuance in here. But I think in the terms of the long range goal is the goal to limit their involvement to those issues so that the budget is agreed and accepted, the person that brings that in is the chief in a regular meeting just like the zoning inspector, your highway man does and everybody else and makes his report and give the information.

Trustee Likley: Do you think in this contract for security or for full understanding to all entities that purchase orders for purchases of equipment need to be preapproved. Does that need to be at this point or does that need to be communicated to the chief and to the department?

Bill Thorne: I think once we get it set up, ya they will have to be told. Bill told about Lafayette awhile back when something was purchased when they were told that they were over budget and without authorization, they had to send it back.

Rick Robbs: Through the transition period I think it would be beneficial that the fire committee stay in tact especially while looking for a fire chief. The fire committee responsibility was only to get candidates identified so that the trustees and village council could do the interview process. Everybody on the fire committee except for Heather is a decision maker as to hiring or firing. So as we are talking about a transition period, they are still an advisory board but I think if we just said you know township it's your employee now you go find them. I don't think that is fair to you guys.

Trustee Likley: I anticipate personally the village's participation in that process. I'm not trying to take that participation out of this.

Rick Robbs: Once we get this person hired and we are still talking about 120 days out or longer than that who knows. But once this person - In 2011 there may not be a fire committee, we don't know. But I think this process we're gonna need it. I look out and say, if the fire chief is the manager of the department, he comes and gives us a monthly physically status report of what's going on at the fire department I would expect him to go to Gloria Glens and give them a monthly status report and it doesn't have to take a lot of time but then again maybe once a quarter he also gives us an update of the financial report where the department is over all as far as budget wise and gives that to all council members and likewise with the Glens - I think there is a lot we're gonna learn through this transition.

Trustee Likley: The sentence that Mr. Thorne has in this contract this pending contract, does that sound feasible, it still keeps fire committee as an advisory and to assist in the budget process. I think it keeps the fire committee in the process.

Mayor Horwedel: From the village's point of view, all these things we're doing and statements are working information. It sounds reasonable to Rick and me sitting here but I can't say that two weeks from now I could be saying I shouldn't have said that because the law directors has looked at this and councilmen have not agreed. I'm not saying this is gonna happen.

Trustee Likley: Ya, the final will go before your council and you guys will have to approve that as well as Gloria Glens.

Rick Robbs: Read that back one more time.

Bill Thorne: The ultimate goal of this will be the fire committee would be recommending operating rules and regulations and assisting the chief in budget preparation and submittal to the trustees or the village if they were the alternate. That gives both sides input into the actual budget at that point.

Martha: If this is the ultimate are you going leave the two persons or should we take into consideration - we don't know about Gloria Glens.

Bill Thorne: They will have to get back to us.

Mr. Kennedy: Depending on which way we go but I would think if I was this governing body going in the future, I wouldn't mind having some citizen sit on the fire committee/advisory board.

Bill Thorne: 2 each plus

Mr. Kennedy: They have no power, they just make recommendations or the chief says or he comes with an issue that he needs a little help on. If I could find 5 people in my own village and form its own board I would love.

Bill Thorne: Right now we have 2 members from each of the entities and president of the fire association, who is a non voting member. 2 and 2 results in a tie and we should have a 5th member.

Who do we want to be the 5th member, is it the president of the fire association, is it the fire chief, we need somebody to break the tie, I'm not sure

Mr. Likley & Mr. Oiler both said the chief.

Bill Thorne: I do not think it has worked real good with the association

Rick Robbs: It is not a recognized body

Mayor Horwedel: The chief.

Trustee Likley: I'd say the chief

Bill Thorne: It's just a recommendation

Rick Robbs: Bill when you are talking with Bill that may be something that you would want to look at the by-laws and have the by-laws to try and match. That's not how it is written now.

Bill Thorne: There will be a lot of changes as it goes on. The next thing in my thought process is the length of time. Right now it's indefinite if my memory is right with one year

Mayor Horwedel: It's not really indefinite, it's year to year. It says indefinite but either party can terminate within a year so

Bill Thorne: So basically two years I guess by the time you give them - Is that still acceptable, or do we want to have some other provisions

Mayor Horwedel: It would be acceptable until these folks go to some type of unincorporated fire district. At that point they need a bigger commitment out of the village indefinitely. Right now I don't think they need more than that.

Trustee Likley: The percentages will remain the same, the starting point and that was no point in the previous meetings, the starting point is the only hard number that we have and that's what the present fire levy of future fire levies if it a district of the unincorporated area that's your hard number, that's the only number that can be figured in the equation. So if that number goes up to 100,000 or 200,000 whatever and its 55% of the budget you then we establish a budget from that 55

Mayor Horwedel: What do you say about the length of time?

Rick Robbs: I would think you would want a commitment from us

Trustee Likley: Oh, as far as your involvement or your percentage

Mayor Horwedel: Length of time as I said right now that's OK but I think when you go to a hard and fast district you're getting more money you're gonna want a bigger commitment out of the village in terms of a number of years. You gonna need 5 years 10 who knows because you're sticking your neck out at that point and we realize that. The other thing I think you need to put in your thing somewhere is a process to review the 55,30, and 6 maybe every 5 years you look at property values.

Bill Thorne: For all we know the village could have a boom in population, allow multiple family housing or something and Westfield could expand and all of a sudden all the calls are over there.

Mayor Horwedel: Ya, so you need to look at that every so many years.

Mr. Kennedy: I don't know when that 6% property valuation was taken; we took down 9 houses last year.

Martha: This was sent to us at the beginning of the year.

Mr. Kennedy: We knocked down through the FEMA buy out we bought 9 more properties and now they are being taxed as vacant non buildable lots.

Bill Thorne: When Chippewa Landing goes in you may be bigger than all the rest of us, you'll be the big guy.

Trustee Oiler: Are we saying this will be a continuing type of contract until further notice.

Bill Thorne: If you want something specific we can put in this will be in effect until the township creates a formal district at which point it will be re-negotiated. The difference will be contracting with the board rather the district it still we will the same 3 people – just what hat you got on, that's all it's gonna be. It doesn't necessarily have to change a whole lot but if you can only manage to get a 5-year levy going you may want a 5-year commitment but it's an indefinite levy that a little bit

Trustee Likley: What we have had in the past a continuing levy.

Bill Thorne: That's a decision you're gonna have to make what you put on eventually

Mayor Horwedel: We don't know how that's gonna shake out but we understand to get what we want that's to able to use our income tax we're gonna have to make a commitment. That's just the way it is or you're gonna do what we would like you to do so we can use the income tax.

Trustee Oiler: Everyone in agreement on this board that this be a continuing contract until such time as something else is decided such as an unincorporated district like Bill recommends

Mr. Kennedy: What would that do to for us right now, we have a set 3-year contract that when 3 years are up we re-negotiate a contract. Are we gonna go to a similar what they have

Bill Thorne: Right now you have a 3 year contract and then it will be up to you.

Trustee Likley: I think with any contract it can be re-opened, if for sound reasons Gloria Glens chooses to back out of a contract or go to Lafayette for services, if you're leaving we might want to hold you to

A contract.

Mr. Kennedy: I don't we'll break a contract but the biggest hurdle as far as contract goes right now is changing the one we're in.

Bill Thorne: Really the one you're in right now if I understand it right you're committed to pay the same levy so if their levy goes up your contract goes us.

Mr. Kennedy: The levy probably will not go up this year.

Trustee Likley: Our levy hasn't gone up and we're coming to Gloria Glens and we're asking for you to kick in additional funds for the level of service we're giving.

Mr. Kennedy: Our contract says we owe 9400.

Bill Thorne: Until 2011 that's gonna be voluntary. In 2011 you may get a different contract unless something else changes, its still gonna be 6% is ultimately what we're looking at. At that point you may want a contract for a year or two years until you know what the budget is each year and you can adjust but

Mayor Horwedel: When this contract's ready, show it to them and they can decide

Mr. Kennedy: Could you have rough draft for Allan Michelson to see?

Bill Thorne: I'll have a draft I'm sure

Mr. Kennedy: We meet once a month but we could have a special meeting.

Bill Thorne: I will be more than happy to let Allan know what Bill and I are discussing.

Trustee Oiler: Are there any other

Rick Robbs: We have a meeting set up with Keith Larsen from the chief's association to come in and start talking about not only the obligation who's going to be doing what during the process but to put the final touches on the job description. This is great because we know who the person will be employed by and we can get that all taken care of and hopefully get something back to you guys so you can approve or disapprove the job description and also hopefully we're create a time line as far as expectations on when

Bill Thorne: It's in here and I was gonna change it the 55,39,6% split right now all the equipment and everything is equal. Is that what is going with purchases as well?

Trustee Likley: I'm not putting my pen away, I still think we have some issues that need to be open and discussed.

Mayor Horwedel: Just off the top of my head from the time this goes into effect, if we're doing 55,39,6

Say they are not part of it they are just. Just 55-39 would be like about some kind of split like that, say 58-42 adding that 6% in something – because I think then they, the township, does have more interest.

Trustee Likley: I guess what I would add to that is to this point the equipment every purchase that has gone into the fire department has been a 50/50 split. You own half the truck we own half the truck, you own half the building – that still remains the same as those assets are retired or sold. Say we sell 161 truck we get \$10,000 for it, you get 5 and we get 5. I would propose at that point that our 5 would go back into the fire fund, but your 5 could be into your general fund, you could do with that as you please.

As we move forward I see one fire fund making all purchases.

Rick Robbs: Going along with that when the new budget not this budget there will be a line item for capital so that way when we're putting the monies into it, we'll put 39% of

the money in that capital that's where the trucks and squads and everything else will be purchased out of.

Trustee Likley: And as that equipment is purchased is from a combination of all revenues.

Mayor Horwedel: How are saying the ownership of the equipment is. Are you saying 50-50; 55-39?

Trustee Likley: No I'm saying that it's owned by the fire department.

Mayor Horwedel: That is true.

Bill Thorne: It's not an entity.

Mayor Horwedel: If we split up some day there has to be a way to break it

Bill Thorne: The fire department is not an entity, it has to be either owned by one or another like the building is where we have a certain percentage interest in if it is sold you could take title to the equipment and they could have 39% interest.

Trustee Likley: I guess at the time that if we broke apart, if you folks chose to go a different route as far as fire service after this point, when that piece of equipment is sold you would then get 39%. But essentially from this point forward as equipment is bought, retired and sold the proceeds from that sale will go back into the fire department would go back into the fire fund, it wouldn't go to you or it wouldn't go to me.

Mayor Horwedel: That's no issue

Rick Robbs: You almost would have to when the contract is signed some place you have to do an audit, this is everything that is owned from this point and everything from here out is whatever

Trustee Likley: That's what I'm saying, we have purchased in joint together should be 50-50 split and from that point forward its purchased from that fire fund and as it is retired and sold the proceeds from that go back into the fire fund. Now if 10 years from now you folks decide that you're gonna split away I don't know that I want to this board at the point you chose to split away we have give you 39% of the equipment that's there. It could be as equipment is sold –

Rick Robbs: Is more worried about the 50% part

Trustee Likley: I think that should be established as the present audit or equipment of what we have joint ownership in at this point as that is sold or retired that you recoup

Mayor Horwedel: As we go no matter whether its if we ever break up, we have some percentage of ownership between the two of us. You have some percentage; we have some percentage because we are a player in it that's all we're asking. At the end of the day 30 years from now you put this into one big joint fire district and 7 townships and we have to sell off our equipment, that equipment is 39-55 or something like that.

Mr. Kennedy: Wouldn't you eventually get to an actual formal fire district wouldn't that fire district take ownership – ownership of everything?

Bill Thorne: The problem right now if the village doesn't want a formal fire district.

Mr. Kennedy: The problem with us becoming a player at 6% is we have 6% ownership of everything going forward my 6% being used to maintain. You guys own – it gets messy with us being a player.

Trustee Likley: That's why I kinda say that at that point when this gets established that your percentage has gone into one fund and everybody owns it but any proceeds from the sale of that just goes back into it. It doesn't – you don't get 6%. We sell a truck you don't get 6% of that, you don't get 39% and we don't get 55. It all goes back into that fire fund.

Mayor Horwedel: At the time there is an unincorporated district, then the district owns it anyhow, I believe. We're just a contractor. I'm not sure

Bill Thorne: It could stay the way it is now, the district can contract or you can have a contract with the district.

Mayor Horwedel: I would say just hammer out some language and we'll argue back and forth as to whether that's something we all can live with.

Bill Thorne: Arguably the township has the independent district the township itself could contract with the district to make a commitment to it.

Trustee Likley: That's like right now we have, if one of the trucks needs repaired we split the bill 50/50.

Once this is established, there won't be a split it will be paid out of that fund

Mayor Horwedel: You pay 55% and we pay 39%

Rick Robbs: The only thing that I see – I'm just throwing this out for discussion – the only asset that the fire department really has now is the building that is kinda up for question. The trucks are the trucks so on and so forth and right now you own 50% of the building and we own 50% of the building

Trustee Likley: And that will never change

Rick Robbs: But when repairs come up for the building how will we treat repairs?

Trustee Likley: It comes out of the fire fund. That's how I see it. Because if how do you then if you have one fire fund how do you then – say you're gonna pay 55% and I'm gonna pay we're gonna pay 50%. How do you do that?

Mayor Horwedel: The only way that – there is a \$208,000 budget and you determine you need 20,000 to finish the year because of who knows what come up, then we pay that next 20,000 in 55,39,6 or whatever you just pay the bill straight out of that.

Bill Thorne: That may not work with the building because you have a building 50/50. Let's say you need an expansion. Then the expansion is gonna become ownership 55,39,6%; the building maybe a different animal that you need to look at. Because how do you – up to this point you gonna get 50/50 or 55/39%. For appraisal purposes that could be very problematic – how to deal with the building expansion

Mr. Kennedy: One day it would be beneficial for one entity to own everything.

Bill Thorne: Eventually

Mr. Kennedy: I don't know how you do that with fact that somebody either is going to have to make a nice donation or be owed some money. One day down the line one entity owns everything whether it's a fire district or township or

Trustee Likley: I don't know how you word that but I see it as all expenses, all revenue in, and all expense out of one fire fund. Now if that is cumbersome or not able to be met in the station itself, then you would - then station expenses would have to come back to the village

Bill Thorne: The expenses I don't think are a problem, physical expansion of the building, improvement of the building. If it's owned 50/50 and you add an addition to the building you don't want the addition to become owned 55/39.

Rick Robbs: Right

Bill Thorne: The building has to stay.

Trustee Likley: Well, then let's

Bill Thorne: We can accept capital improvements to the building or structural improvement to the building or something like that.

Trustee Likley: I don't any of us are looking at putting an addition on that building

Rick Robbs: Not for awhile.

Bill Thorne: 1-2 years ago you were talking about building a new building

Mayor Horwedel: I think at some point that maybe in the best interest of the fire department, to build a building with a little room so as not to trip over your own feet trying to get to a truck

Trustee Likley: And at that point and if that station is sold that would be a 50/50 split and the proceeds from that sale would go into the new building.

Bill Thorne: Once you have a new building under the same thing then it wouldn't be a problem but the old building.

Trustee Oiler: This \$5,000 right now allocated for building repairs

Bill Thorne: Maintenance and that kind of stuff is not a problem, it's major improvements or changing.

Do you have anything else, Jim?

Trustee Likley: Is it established that the budget would be based off of the certificate of revenue from the township, that being the hard number the known number as we look forward?

Bill Thorne: No

Trustee Likley: I think that needs to - it gives each entity all entities an understanding of their percentage. Because you understand

Bill Thorne: I know where you come from; good point

Trustee Oiler: Is it also understood that anything left over at the end of the year, if there is anything would simply go into capital equipment purchase?

Bill Thorne: No, if there is anything left over at this point would stay in the fire fund for expenditures for next year, would not be

Martha: Re appropriated

Bill Thorne: Not anything in particular but it could be. If the parties agree that anything left over would go to capital towards a truck replacement – something like that. No this agreement is not, our money would just have to stay in the fire fund.

Mr. Kennedy: If we were a player our money could not go anywhere except the fire fund

Rick Robbs: It makes the most sense to into capital, that's the fund you are going to have to build.

Trustee Likley: Because the 2010 budget doesn't include any capital

Mayor Horwedel: That's gonna be as those things

Rick Robbs: That and staffing is gonna be the biggest ones that are gonna be affected.

The next vehicle is the squad.

Martha: We also have to understand that we have to keep carryover to the next year for salaries etc until the money comes in. You can appropriate that though when your money comes in and re-appropriate for capital.

Trustee Oiler: Anything else Jim?

Trustee Likley: Uh Uh.

Mayor Horwedel: If we get through Jim's list we're there.

TOO MUCH MINGLED TALKING!

Martha and Bill discussing appropriations.

Bill Thorne: The agreement – that's gonna be another problem. If they have a contract and they pay in, when you start out that's all you're gonna have- they won't be anything left over if that's all you're putting in there is what is anticipated for that year it should be 0 until the new year.

Trustee Likley: Unless

Bill Thorne: The New Year you probably pay whoever is in control probably be the township until you get other monies coming back in

Trustee Likley: Unless – soft billing. Another item: Soft billing across the board is what I'm proposing. I think it's standard procedure in surrounding communities; soft billing of residents, non-residents, supplies and mileage. Right now we do soft billing for services and mileage. It's been recommended that supplies for that EMS service be included in that billing.

Mayor Horwedel: We haven't posed too many problems today, I don't think but you do propose one that for whatever reason is tough for us and I think you know that.

Trustee Likley: I understand that. I guess my point in soft billing across the board it does start to establish that capital equipment fund, that's an opportunity to additional

money to the funding for that purpose. It's not additional cost to the residents and it's nothing out of their pocket, it is a service that what we have found and has been explained across the board that it's a service that you are paying for through your insurance provider. If you choose I think its been proposed in the proposal contract that if you choose not to bill the residents, do you want to take that out of your general fund, that would be fine too at a percentage of that normal billing, I think 80%. I you don't want it to go to your residents you want to pick that up out of your general fund. But I think across the board soft billing should be part of this contract.

Mayor Horwedel: At Ron's request I have brought that up and the 5 people that were sitting there

Bill Thorne: Do they object to the soft billing of residents

Mayor Horwedel: As far as billing the residents I think the feeling is that the income tax revenue is such and as sufficient as they are that how we can just send these people a bill even

Bill Thorne: Have they rejected the idea of you picking up the your residents out of that income tax

Mayor Horwedel: Yea there was objection to that too as to why would we do that but we may have to look at that differently, I'm not sure.

Bill Thorne: We can put it in as a talking point.

Mayor Horwedel: You can put it in, yea – you should put in anything you want in the contract as we may have some things. We have come a long ways – we have been working on one, Sue and I particularly and I have my list here – I didn't bring it but I saw what was developing and I started to write things down and we have gotten through a lot of stuff that Sue and I were talking about so maybe we're closer in a lot of ways than we otherwise would have been

Trustee Likley: I think the point in that is that it does – we've established an operating budget and soft billing across the board gives us an opportunity to start establishing a capital improvement equipment that all of us need.

Mayor Horwedel: What do they soft bill for a run right now?

Likley/Oiler: 450,550,650

Martha: Just for the record soft billing is only billed to the insurance company and they pay whatever they are going to – that's the end of the story.

Many people talking

Martha: I just had to refund someone the other day. A lady saw that her bill wasn't paid in full, she sent a check. No, I sent the check back – we soft bill what your insurance company pays and that's what we accept. So now your residents wouldn't be paying anymore.

Mayor Horwedel: I know

Rick Robbs: Not paying up front but on the back end when their insurance premiums go up. 15 years ago no one soft billed. That's just another revenue stream and the insurance companies know that and their rates have gone up correspondingly. I know it's a reality. They are charged for it whether they are soft billed or not at this point in time.

Mr. Kennedy: One point I want to make from our villages standpoint when we're talking about more money for a contract and soft billing is somewhere down the line some of the services that we should have been getting for the last 10 years, we haven't we need to get. Fire hydrants, I can't tell you the last time they have been checked. When I had a fire at my house in 2002 there were 2 they couldn't open.

Trustee Likley: The county has told us not to touch the hydrants. We are not qualified to touch the hydrants as far as the county is concerned

Mr. Kennedy: You guys do not do any hydrants in the township or anywhere?

Likley & Horwedel: Not any more. Horwedel- ask the county to do the testing. They are willing to do it I think. Shouldn't have to ask for it. I would ask Jim Troike if I were you guys to put a team in there in the spring or something.

Mr. Kennedy: Like I said I want someone from the fire department at everyone of our council meetings giving us a report. The only time they have come to our council meeting in the last 5 years is when they want something. Until recently the trustees = that's the only time they have come is when they wanted something too. We are going to make a bigger commitment and we're going to expect a bigger commitment from the fire department especially like I said. I know the reality of it from both sides when I tell my residents that we had 28 calls a year and we're paying \$20,000 for a new contract plus soft billing. Even \$12,000 and we have 28 calls and we're soft billing you know that's an awful lot of money

Trustee Likley: Its awful expensive

Mayor Horwedel: Your small entity having to shoulder what somebody else put all that out for and that's why you're catching it that big. We have very few in the village too but if somebody dies because nobody is there then we're in big trouble.

Bill Thorne: The township picks up a lot because of the interstate and that kind of stuff it's not because their residents.

Trustee Likley: Its expensive. You know as well as we do its expensive to have that equipment sitting there so when you call that they're ready and the equipment is there. You are not paying for per call you are paying for that equipment, the training, the personnel all that goes along with that.

Mr. Kennedy: The long run for our village eventually our funding sources are going to dry up - we're 100% residential. No other funding sources. For us a bigger commitment is an uphill battle. We're like the township we would be at the point we do not have any money. And a fire levy twice the size that we have now probably would not pass.

And if we vote on a fire district one a huge fire district levy I don't know if you are going to get 250 people

Trustee Likley: Well when we look at some of the surrounding communities and their operating budgets – their levies that they're operating under Westfield Fire & Rescue is a pretty good deal at 1.5 mill for 6%, 55%, our operating budget is considerably less even 2010 is considerably less than most departments around us.

Mr. Kennedy: That's a huge reality and it's something probably that if everything ran perfectly it would have been addressed 5-10 years ago – it wasn't. But now we got to make up for that for that 5-10 years.

Trustee Likley: I would just ask that in this proposal and that's my take on it – it could be a motion of this board that soft billing be across the board.

Mayor Horwedel: You can discuss it but I don't know - we have discussed a lot of points here today and that's the one that I'm not comfortable

Trustee Likley: And your point is you are uncomfortable having that go out to your residents. It doesn't have to go to your residents; it doesn't even have to be billed to their insurance provider. If those bills you have a call for \$650 that potentially go to the village and you could pay that percentage of that.

Mayor Horwedel: That doesn't sound good either.

Rick Robbs: It still goes back to the residents – it's their money

Trustee Likley: Well but their point is that the revenue stream that they have is sufficient for these funds. I just think it's a normal procedure for

Bill Thorne: Most of the that wouldn't go back to their residents because of the income tax. If the people don't live in the village.

Mayor Horwedel: Maybe 90% don't live in the village

Trustee Likley: We understand that concern and that should be the option is to pay it out of the general fund for the purpose of the equipment

Mayor Horwedel: That is the option from your point of view.

Bill Thorne: Most of the Westfield Insurance people do not live in the village.

Mayor Horwedel: I would say 90% of that tax is from people that don't live in the village. It's almost a totally company employee thing. The residents don't have to pay it unless they have earned income and how many retirees are in this town – a lot.

Trustee Likley: Without soft billing across the board then we have to consider, we have to watch the percentage of the soft billing received at this point. That needs to be established as well.

Bill Thorne: Under this agreement the soft billing would go directly into your general fund and you could put it back if you choose or not. You are going to have a commitment to a certain amount of money wherever it comes from. You're going to commit to 55%, you get that from soft billing or wherever. It's not going to make any difference to the one fund.

Mr. Kennedy: Sounds to me down the line like they are counting on soft billing as additional revenue

Bill Thorne: That's what he wants to do

Trustee Likley: Well, soft billing is an additional revenue stream for our percentage of the budget, right now.

Mayor Horwedel: Is it going into the fire fund? So you are using soft billing to make up the difference?

Martha: Yes, that all goes into the fire fund

Trustee Likley: Because if we didn't then the operating budget for 2010 would be \$166,000. That's not sufficient to get the level and leadership so we extended that up in order for us to meet that percentage we have to soft bill.

Trustee Oiler: That makes up our short fall

Mr. Kennedy: What's to stop in the future to say here's the percentages, here's what your 6% represents and we don't care if you come up with writing us a check or from soft billing.

Trustee Likley: That's what we're saying

Mayor Horwedel: That's what we're saying

Trustee Likley: The percentage is – in doing that and you have to you would have to trap soft billing for your percentage your 6%, your 39%

Rick Robbs: What you're saying that 6% could fluctuate depending on how many runs that are in our village.

Trustee Likley: No, 6% is gonna be based off of the operating budget for the year, that's based off the certificate of revenue from

Mr. Kennedy: Say my 6% is \$15,000 that's what my – that's all I'm going to have to pay in 2011 – that's my percentage. I will write a check to Westfield Township January 1st for \$15,000, where does soft billing come in? Soft billing is a variable.

Bill Thorne: If we have a contract with them for 15,000 that's all they have to pay. If we re-do the contract we may want to reserve the right to soft your residents and that would be in the contract later on. Right now your commitment would be 15,000.

Mr. Kennedy: What I'm trying to get to is the fact I don't want to soft bill. You are telling me that technically my 6% because you don't what the soft billing is gonna be its estimated but you don't know what's it gonna be. You don't know what my 6% is gonna be until the year is over. You don't know how many people are going to be soft billed. The only thing you can do

Bill Thorne: The only people that are soft billed right now is their people.

Mr. Kennedy: I understand that but what I'm saying is

Bill Thorne: You will have a contract for a certain amount and that's all you're gonna pay

Mr. Kennedy: They decide they come up with a hundred thousand dollars and they will tell me \$30,000 is soft billing from their residents but you give me my number for the year what I'm trying to determine is that number gonna be 65% out of my fire fund and the other 35 soft billing.

Bill Thorne: That would be up to you unless we put it in the contract. Right now it's a set amount of money.

Mr. Kennedy: That what I'm trying to find out where the soft billing comes in.

Bill Thorne: His proposal is that under - Mr. Kennedy: We pay x amount of money plus soft billing.

Trustee Likley: Soft billing would then be a cushion back into capital equipment

Mayor Horwedel: At some point it would become that but right now it's your life

Trustee Likley: Right that's because I haven't been able to pass a levy in 2 years. The level of service is required at this level

Mayor Horwedel: You use the soft billing to get from the 160 and we pay our 39% we are in effect paying for soft billing because we're paying 39% of where it takes to get there not that it would change if we did soft bill. Right now we are in effect as I'm thinking because you are throwing yours in and we're matching that with our 39% we are in effect doing what you are asking us to do and that's paying it out of our

Bill Thorne: Ideally it would be get a levy up that would support the operating budget and the soft billing would be a cushion for equipment.

Many said: All soft billing would go into a separate fund for equipment or something like that.

Bill Thorne: You are right; right now they have to rely on it until something happens

Mr. Kennedy: I think what the board would like us to do is modify our contract and pay the higher amount this year plus soft bill.

Bill Thorne: No

Trustee Likley: I was proposing the soft billing so that soft billing is then additional for capital equipment.

Bill Thorne: Not for this agreement for 2010

Trustee Likley: If not for 2010 then the soft billing has to be tracked considerably closer that what it has been in the past for us to be able to credit that

Mayor Horwedel: Hopefully we get a decent chief; we can some of that done

Rick Robbs: Just so I understand, for right now, this contract that we're talking about 55,39,6 we're paying our portion and they are paying their portion with their soft billing, you are assuming your portion of soft billing. If for some reason the runs are down, you may have to pull money out of your general fund to make up that difference. We don't, we still pay our 39% and they pay their 6%, so really until a levy goes on the ballot to change that 208,000 number, do we really need to talk about soft billing?

Trustee Likley: Well I guess

Mayor Horwedel: I could include some language, I think

Trustee Likley: We have language now for non-residents that is split 75/25 and all residents of the unincorporated area is 100% back to the township for that funding. Where do you want your 25% of non-resident soft billing to go? Back to your general fund or into the fire fund.

Mayor Horwedel: It would be 55,39 is what it would be.

Trustee Likley: But our present contract is

Mayor Horwedel: When this happens

Trustee Likley: That's why I'm bringing this up, now does non-residents

Mayor & Rick: Somehow in the operation of the department

Trustee Likley: So all present soft billing would go back into the operation of the department

Rick Robbs: Non-residents

Trustee Likley: No that's for residents of the unincorporated area 100%, right now.

Rick Robbs: Right now the fire department soft bills unincorporated residents and non-residents.

Trustee Likley: Non-residents is split 75 to the township and 25 to the village, the resident is 100% of what's received credited to the township.

Rick Robbs: So what you are saying is instead of 75/25 you want to go non-resident to go 100% back into the fire fund.

Trustee Likley: I'm looking at the 85,000 and the target that we have to get to meet our 55%. We have to do that with soft billing. What's gonna happen with the non-resident 75/25 are we going to use that 75 as part of the soft billing to short fall?

Bill Thorne: Isn't that what you are doing now?

Martha: Yes.

Mayor Horwedel: Whatever ours is we need to think about what we want to do with it, do we want it to come back and pay part of our

Martha: There you are again with percentages. Either the non-resident goes into the fire fund

Mayor Horwedel: its 75 now but when this thing changes it would be 55 right? That would be split the same as everything else

Trustee Likley: I don't know

Mayor Horwedel: Yes it would have to. If expenses are that then income would be that way. So then, no?

Bill Thorne: If they contract we would have to work that 6% in there somehow.

Mayor Horwedel: We using this to reach your threshold and in ours we use it to reach our threshold or we put it in equipment fund. I don't know. You raised a good question. I think we have to hash this around a little bit.

Bill Thorne: I think too because if you put it under the new formula you're gonna lose 20%.

Mayor Horwedel: Sure

Bill Thorne: We start dividing it 55,39,6 you are losing some money and you would have to make it up.

Trustee Likley: My point in bringing it up is that right now it has to be calculated with somebody has to look at the list – well that is a non-resident, that's a resident of the village, that's a resident of the unincorporated area and those bills have to be sent out and the revenue that comes back in has very, very cumbersome to split

Martha: Now that is what Sue and Judy has had to do

Trustee Likley: And what we have seen for 2009 that the township has collected 100% of \$464 billed.

Martha: Not now - at the end of the year, yes.

Trustee Likley: At the end of the year, so essentially, but that's beside the point. The point of it is that

I don't know to split that or how to monitor or track that.

Martha: Put it all into the fire fund

Mr. Kennedy: It would be like if you're looking for a commitment and a contract is then you talk about your are allow to use it for shortfall in your funding and then I'm not? Mine just goes back into the fire fund for my residents? You are using your residents to make up your additional funding into the fire fund, well if I have 25 residents bills that beings in \$3,000

Martha: But if we are basing the budget as we have based on the tax revenue only and we are going to base the shortfall say \$43,000 I think. The township is saying we are hoping that we get our 23,000 in soft billing. The village will use their income tax to make up their 39% of the shortfall which is like 19,000 – I forget how we had it all figured and you would use 6%.

Mr. Kennedy: What are you going to do with my soft billing?

Mayor Horwedel: What about our soft billing money?

Martha: That would be for the fire fund not for us.

Mr. Kennedy: So the township is using their soft billing to make up their shortfall, my soft billing is being used to enhance the fire fund it's not making up my shortfall.

Rick Robbs: The Village of Gloria Glens and the Village of Westfield Center are building the capital fund, the township isn't.

Bill Thorne: Yes. The only way across the board is when you get a levy up high enough.

Mayor Horwedel: Right now somebody to search it and do the splits

Bill Thorne: Right now you would lose 20% of what you're getting and you don't want to do that.

Mayor Horwedel: But they are gaining it on the expense end.

Trustee Likley: We still have to meet 55%

Mayor Horwedel: You can't have it both ways and they can't change 75/25 on one end and not on the other

Trustee Likley: I understand what you're saying

Mayor Horwedel: It's got to be across the board

Mr. Kennedy: It's either - everyone uses soft billing to make up their part of their percentages or soft billing is

Trustee Likley: But I think soft billing will be probably hard pressed to meet our portion and we'll have to go back to the general fund. That's not your problem.

Mayor Horwedel: We have to look at what's fair. Somebody out of the area, I forget how you do it if you have your own residents and the other ones, that has to be 55,39,6 for both of us or why do we expense at 55,39,6. It just needs to be both ways to be fair. I got to go - it's been good today

Trustee Likley: Let's take a short recess

Mr. Kennedy: How many more issues do you have?

Trustee Likley: I would say that Bill will be getting something drafted

Trustee Oiler: I brought Lee in here because it's important that we address the issue of signs because of the grant and so forth. I think Lee has some figures for us.

Lee: I showed Jim - To go to the 110 vs. solar power is like \$100-150 difference in the sign. You are going to spend more than that just dropping the electric, put meter in and even getting an electrician out to wire it up. You are not going to save money. Grant wise you might be able a grant for the electric one but it leaves her more options to pull from numerous people the grants for going green. For little bit it's saving she is ready to move forward she's kinda found somebody and we only have until June 1, 2010 to get it wrote up and sent in. If you guys want we can go with the solar powered one and I will get her rolling on that.

Trustee Harris: The main difference is the solar powered one would need eventually batteries

Lee: Yes, that's the only difference

Trustee Harris: That's way down the road

Lee: Hopefully it's down the road but you know how batteries are. You could buy new ones and they are no good. But they would be covered under warranty I'm sure for a certain amount of time.

Trustee Harris: Do you have a cost to replace batteries?

Lee: No, I didn't get a cost on that.

Bill Thorne: You will still have a minimum electric bill

Lee: Even the minimum at the park now is about \$30, so if you have 2 that \$60 a month. What are you saving, not saving anything?

Trustee Harris: Say the batteries are \$10,000 and they only last a couple of years.

Lee: Those battery packs won't be that much for the LED's

Bill Thorne: You should probably get the price of that right now.

Lee: I will get the price and try to have all the paper work ready for your next meeting. Just you guys know the price difference between the electric and solar powered is not much.

Trustee Likley: I just looked at the signs up by the school and they are not the robust sign that we all grew up seeing in school zones.

Lee: I understand that and like I say I could look a little more but the ones with the blinkers on. I can e-mail and get hard prices for next week, just by what they are showing on line.

Trustee Likley: Didi has a proposal or has some grant funding information and that's going to be an additional cost to the township for her to pursue the grant.

Lee: Right – there is a grant writing fee– 10-15 hours at \$62.50/hr.

Martha: The max would be \$937.50

Lee: If we don't get the grant, she will pursue another grant at no charge to try to get the stuff. That will all be in the contract.

Trustee Likley: I knew they had a set rate – they did when she was here before

Lee: It was \$600 before

Trustee Likley: Any additional work that she had to do would be at an hourly rate. The point of it is that there is an additional for the pursuing of the grant and that grant funding should be a larger proportion or percentage of the cost of the signs.

Lee: Bill, be looking for something -which I am sure you know those contracts are pretty basic.

Bill Thorne: Some of them are pretty bad.

Lee: I'll be sending you one up so you can review it.

Trustee Oiler: Do you as a board want to wait until Lee gets back to us.

All agreed to wait until next Monday. Put it on the agenda for next Monday.

Lee: I will get hard numbers for signs, posts, batteries, warranty etc.

Trustee Likley: And any maintenance packages or components that might be necessary for that sign. If in the long run it's feasible you pay it up front and a monthly payment for the electric, that might be the best way but then also have to look at the programmer to adjust your time, timer so all of those factors have to come into play.

Lee: The county has assured me that they would program the solar one. That will save us money there because I think the last time I looked the programmer was like \$400-\$500, that's why I called them right away.

Trustee Likley: Additional funding may be possible because this is solar powered.

Lee: You have more options because it is green for her to pursue.

Trustee Oiler: Department of Planning Services letter dated March 1, 2010. The last paragraph is the part that needs to be addressed. "I have spoken with representatives

of each community asking that each of you contribute towards preparation and completion of the Land Use Study, and have received positive responses. Of course, final approval and a Resolution from each of your councils or boards of trustees will be necessary. Therefore, I am requesting that each community provide a resolution to the effect that each will participate in the Land Use Study, and the amount of the contribution"

Trustee Likley: I think positive response she meant the initial meeting.

Trustee Oiler: At the initial meeting we stated we would be willing to attend and be part of the board and so forth but as far as contributions

Bill Thorne: The county commissioners are not willing to do pick up the cost due to the cuts they are already experiencing. The communities that would benefit by it should be the ones to foot the bill. Look at the potential. If that project really goes the potential changes in that corridor are immense. Gloria Glens said they are on the edge and it won't make any difference if you are on the edge or not, if that changes that whole strip all the way to 224 is going to change drastically.

Trustee Harris: I think Gloria Glens said at their meeting they agreed to contribute something to that.

Like maybe \$500,\$600, or \$700 they OK'd.

Bill Thorne: I think they would be definitely impacted if it goes.

Trustee Oiler: How does the board want to address this?

Trustee Harris: Jim stated the first time that we spent \$40,000 on a comprehensive plan, I don't think we addressed that corridor extensively so it might be good for us to contribute something.

Bill Thorne: As I told the previous board in terms of exposure and annexation that corridor is a lot more vulnerable, if it goes. There will be the potential for – the things they are proposing if they actually go – its going to be a mess and the village has no draw back from initiating annexation of your territory because they could still isolate the little rural area and it wouldn't hurt them at all. They could take your land and turn into an industrial or commercial zone.

Trustee Oiler: By us being part of this study and participating.

Bill Thorne: You can get some idea what should be there and even if you don't do it you would be very conscious of what is happening over there. It's like Medina City towards Brunswick marching down 3 or Pearl Rd. - Medina City coming down 18. The newest thing is going out toward Seville. Montville worked out an Economic Development Plan to slow that down because they were going to march right down Wooster Pike Road.

Trustee Likley: I think if anything comes of this area that we have conveyed the interest and desire as far as I'm concerned of a JEDD to keep some control and say in the area as far as funding

Bill Thorne: On that side you talked about a JEDD?

Trustee Likley: I think that's an option that should be proposed as future things come storming our way.

Bill Thorne: You need to keep a close eye on what's happening.

Trustee Harris: Do you know what Lafayette has contributed?

Bill Thorne: No. Lafayette has created an Economic Development Zone there to encourage development of the township. They tried to get Chippewa Village to go along with them so they could both sides of the road and the village saw no need to do it on the basis they felt that they were pretty much developed out. They have building there but more of them are empty. Again if that thing goes they won't be able to do anything about it.

Trustee Harris: Aren't they looking into that again?

Bill Thorne: They may have. They turned us down the last time I talked to council; they didn't think it would be advantageous to them because they have an industrial base there.

Trustee Harris: Was that since the first of the year or before the first of the year?

Bill Thorne: Before the first of the year.

Trustee Harris: I think they are reconsidering that according to what one of the council persons told me.

Bill Thorne: That could very well be. It should be something they should be

Trustee Harris: I think they should

Bill Thorne: They have the old factory. It's going to be sold but it has been in operation for several years.

After much small talk

Trustee Oiler: Again asked what would you like to do with this?

Trustee Harris: Do you think \$1,000 be contributed. Probably pretty low compared to Gloria Glens putting in 500-700. What would Lafayette put into it because they have Chippewa Road north to 162.

Trustee Likley: What is the scope of the projection of this service? Is it from Medina City line down to 224 - Greenwich Road?

Trustee Harris: I thought when they came back it was to go from Smith Road to 224.

Trustee Likley: Is that what this latest communication referencing?

Trustee Oiler: While the Land Use Study is specific to the boundaries of the study (the exact boundary of the land use study will be determined by the Steering Committee), and is not a comprehensive plan that it may not specifically address such things as population growth, housing issues or specific community services... and it goes on to talk about

Trustee Likley: Let's address it at our next meeting. I haven't had a chance to read all of it and comprehend and that's up to the board. We've received a notice from your office (Prosecutor's) regarding some delinquent properties. In reviewing of those properties not all are the ownership is not accurate and in fact the one as far as tax map is concerned is in Chatham. I don't know if you need to – if you are familiar with that – but there were 4 parcels listed as

Bill Thorne: We have that all the time. Before we can actually file on them, we have to have the title checked on and we do find at times that they were improperly listed or ... that was probably the initial information that they were given.

Trustee Likley: In pursuit of these properties it was the desire of the township, what would the cost – would it be the delinquent taxes or you are not familiar enough with it.

Bill Thorne: I'm trying to remember

Trustee Likley: The question would be if the township chose to pursue any of the parcels that have been sent to us.

Bill Thorne: It's just the delinquent taxes as far as I know. I don't think you even have to pay that until you actually unload it but they would give you the first option if it goes up for sale and nobody sells you would get them – for anybody to buy it they would have to bid more than the taxes.

Trustee Likley: And then the status was non-productive land and being determined to be non-productive land.

Bill Thorne: It is either vacant or has abandoned factories on it that are not conducive to re-organization without major overhaul. Basically here these have been vacant land most of the time.

Trustee Harris: Are these in the Clayton Drive area?

Bill Thorne: I am not familiar with them.

Trustee Likley: 3 of the 4 are

Bill Thorne: That is where we bought the other homes and abandoned them so that area is probably gonna be a park or something like that – that's what they are aiming for.

Trustee Likley: If you could provide additional information – or do we need to go to the tax office?

Bill Thorne: No, if you are interested we can give you tax maps or something like that

Trustee Likley: The one is listed in Chatham Township so it's not – it's listed in your notice to us – tax map has it as Chatham

Bill Thorne: Either they got the wrong parcel number or something.

Trustee Harris: The owner I think lives in Chatham, I recognize the name and he does have property down in Clayton Drive area. He probably has property in Chatham also.

Bill Thorne: Just because there's a Chatham mailing address, the property themselves could have been

Trustee Likley: The name was even different

Bill Thorne: Who sent you that? Christine?

Trustee Harris: Yes, Christine B.

Bill Thorne: Those were sent over by the treasurers' office. You did express some interest and property in that area so we wrote to you.

Trustee Likley: We had done a resolution a few years back that if delinquent property be made available to the township.

Trustee Harris: Those lots are very small down there

Bill Thorne: That's where we bought all those houses in the Bugsville area, and the ultimate goal would be that it would be a park

Trustee Harris: Or retention basin for water

Trustee Likley: Also Bill, the last meeting I had received from my mailbox a copy of the deed of the park from Pat Edington. She had kind of left-handedly approached the opportunity to purchase the park from the township. She saw it as an opportunity for us to gain a good \$40-50,000 I would say possibly another zero on that we might be able to discuss it but in my understanding of the deed for the park property it was not to be sold as long as the township was to be in control, as long as the township was formed, exists that the park would always be a deed restriction. She stated that's not the case. Could you review that, not in the next couple of weeks? Just do you have an opportunity to review that and

Trustee Oiler: I wondered about that when I was handed that. I thought there was a restriction on that.

Trustee Likley: Martha do you have a copy of the deed?

Bill Thorne: Yes, this does a restriction on it, I guess they may have looked into it and determined that there is no reverter so that if you tried to sell it someone would have to challenge it, so is this family even around?

Trustee Likley: That's the step in it.

Bill Thorne: Kind of like the

Trustee Likley: Not that I'm pursuing the sale of the park but I just

Bill Thorne: We had one similar in Wadsworth..... Seems hypocritical once it was given for a purpose; very minimal restriction on it. I just glanced at it and there is no reverter on it so the argument is what happens if you don't do it

Trustee Likley: Thank you, sir.

Trustee Oiler: If there any other business to come before this board this morning? If not, a motion to adjourn?

Trustee Harris made a motion to adjourn, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; and Harris, aye.

Approved April 5, 2010

Westfield Township Trustees
Special Meeting/Workshop/Gen. Bus.
March 8, 2010

