

WESTFIELD TOWNSHIP TRUSTEES
Special Meeting/Fire Contract/Gen. Bus.
April 14, 2010
8:30 am

Trustee Oiler opened the meeting by asking for roll call:

Trustees present: Harris, Oiler, Likley

Also present was Assistant Prosecutor Wm. L. Thorne, Martha Evans, Tim Kratzer, Matt Witmer, and Carol Rumburg.

Trustee Oiler presented the following for the fire contract between Village of Westfield Center and Westfield Township:

- The agreement would be retroactive to January 1, 2010
- Village of Westfield Center maintains 1 fire fund
- Village of Westfield Center is employer for all employees
- Westfield Township pays quarterly their portion of the budget
- Budget will be determined on Township Tax Levy
- Revenue (Non-resident & Township Soft Billing) handled by Township Fiscal Officer
- Expenses split 55%, 39%, 6% or (in case Gloria Glens opts out) Township 58% Village 42%
- Revenue from non-residents will be split the same as expenses
- Fire Committee remains as check and balances with authority to recommend to Village(s) and Township (the committee would consist of 2 Village council members, 1 Township trustee, 1 Township resident and if Gloria Glens is a player they will have 1 seat)
- If a carry over at the end of the year it remains in the Fire Fund

COMMENTS & QUESTIONS

- ❖ Harris: If Gloria Glens opts out does the twp. Appoint another person
- ❖ Likley: It isn't known if Gloria Glens wants to participate – possibly just contract
- ❖ Harris: The feeling (not official but what they were talking about) is they would want to contract until their contract runs out Dec. 31, 2011
- ❖ Gloria Glens is currently contracting with Village of Westfield Center and Westfield Township
- ❖ Likley: Question as to amounts that have been paid since Jan. 1, 2010, how would that effect the budget

- ❖ Martha: explained all calculations would be considered in our portion even though they are split now, but when a quarterly payment is calculated the payments already made in 2010 would be considered.
- ❖ TOWNSHIP QUARTERLY PAYMENT - \$28,733.78 TO MEET THE \$114,935.15 - 2010 BUDGET.
- ❖ Bill Thorne's question to the board: Will the township fiscal officer be handling all the revenue?
- ❖ ANSWER, YES. (Once Lifeforce gets it all changed over)
- ❖ Likley: With the split from non-resident billing presently being 75/25 it will affect the township as we rely on the soft billing to supplement the tax levy income.
- ❖ Martha: Asked when will this agreement end? It was proposed when it would begin but not end.
- ❖ Oiler: If an unincorporated district is formed and a levy to support that fire district is passed the township would like to take control of the 1 fire fund and the fire employees
- ❖ Bill Thorne: This contract is to be only until Dec. 31, 2010
- ❖ Oiler: Feels the township needs to re-evaluate this before 2011
- ❖ Martha: Made note that if a levy passes in Nov. 2010 the levy could be worded that collections could begin in 2011. We would then be fiscally responsible.
- ❖ Bill Thorne suggested:
 1. Terminate the contract Dec. 31, 2010
 2. Continue annually with recalculation of the budget based upon the township's levy
 3. If the township creates a fire district and the levy passes the contract could be re-negotiated
 4. Any or all of the options could be put in the agreement.

ALL TRUSTEES AGREED NUMBER 3 OPTION SHOULD BE DRAFTED INTO THE AGREEMENT

- ❖ Bill Thorne: The Village will be the employer. Do you want to put anything in this agreement that you will receive notification of employee action and give input or do you want to leave it up to the Village? Example: If Fire Chief quits, will the Village just hire a new one without input from township. The same would apply with all employee issues.
- ❖ Oiler: The board of trustees should be notified as soon as possible on any kind of employee actions. Proper notification so that the township trustees will have input as to the possible out come and give recommendations.
- ❖ Likley: Wants procedure identified. Will it be a majority vote of this board to recommend or approve. Example: If the Village recommends candidate A and

- the majority vote of trustees does not recommend candidate A does the Village still hire candidate A?
- ❖ Bill Thorne answered, NO; this is still a joint department, you simply delegated the Village as employer. I will draft something up for your consideration.
 - ❖ Likley: Question: Will the budget be determined strictly by the township tax levy? The 2010 budget included tax levy and soft billing, how the 2011 budget will be determined.
 - ❖ Bill Thorne: I would think it would be the tax levy and the soft billing.
 - ❖ Likley: Certificate of Estimated Resources should be used, which would include fire levy & soft billing ALL INCLUSIVE UNDER THE FIRE LEVY FUND.
 - ❖ Bill Thorne: Year-end carryover
 1. Will the carryover remain in the joint fire fund as
 - A. A credit for operating
 - B. Remain in fund for capital expenditures (that could be changed but initially that would be what it was intended to be used for)
 - C. A portion could be credited for each of you but still remain for capital expenditures
 - ❖ Martha: Leave it for capital expenditures in the COMMON FIRE FUND. No division would be necessary unless it is returned to the township.
 - ❖ Bill Thorne: I will put a provision in the agreement something about capital and acknowledgment that a percentage of that – just in case it falls apart and it has to be taken out.
 - ❖ Likley's suggestion for 2010: Gloria Glens 6%= \$12,538.38 and they pay 1.5 mills at \$8,008.78. The difference of \$4,529.60 should be split 50/50 between Village of Westfield Center and Westfield Township equaling \$2,264.80.
 - ❖ Bill Thorne suggested: Put in 58% - 42% minus any payments by Gloria Glens would be taken off the top and the balance split. Then in 2011 if they want to be a player we will bill them 6%. For this year we will take it off the top and divide the balance 58/42.
 - ❖ Likley: Non-resident revenue; will Gloria Glens be getting 6% of the non-resident revenue?
 - ❖ ANSWER, NO if they are not a player
 - ❖ Likley: Question; what constitutes a player? Contracted service?
 - ❖ ANSWER, NO.
 - ❖ Then the non-resident revenue will be split 58/42.
 - ❖ ANSWER, YES
 - ❖ Likley: asked if the fire committee would remain as a checks and balances?
 - ❖ ANSWER, YES
 - ❖ Likley: Will the township receive a list of bills to be approved?

- ❖ ANSWER, YES
- ❖ Likley: If we choose not to approve a bill, then what
- ❖ Bill Thorne: As joint owners you are going to have to sit down and decide what to do with it. If it is done correctly the appropriations should be approved and that should never get to the bill stage. If they want to buy X you should be approving that (a requisition) before it is purchased.
- ❖ Oiler: The requisition procedure is already in place.
- ❖ Bill Thorne: Recommends putting in language" fire fund in custody of the Village; all expenditures from that fund be pre-approved by both entities". If both do not agree, you sit down and work it out or it doesn't happen because this is a joint operation.
- ❖ Likley: Does emergency expenses have a limit that they can proceed with prior to a requisition?
- ❖ Bill Thorne: A line of credit or credit card up to \$750. Martha stated they do not have a credit card and she believes Heather stated they can purchase up to \$250 without a pre-approved requisition.
Bill asked to let him know what amount to state in the agreement.
- ❖ Likley asked what if the truck breaks down and it needs to be towed.
- ❖ Bill Thorne: That is an emergency but it doesn't get repaired until you approve it. You must get it towed off the road, so that is an emergency.
- ❖ Martha also stated replacing a tire or something of that nature would constitute an emergency.
ALL AGREED \$250 WOULD BE THE AMOUNT WITHOUT A PRE-APPROVED REQUISITION, WHICH WOULD TAKE CARE OF A TIRE, BATTERY, TOWING ETC. ANYTHING OTHER THAN THE EMERGENCY REPAIRS OR ITEMS UNDER THE \$250 CAP WOULD HAVE TO BE PRE-APPROVED BY BOTH BOARDS.
- ❖ Bill Thorne: **Will put in a paragraph that would allow emergency expenses from the fire fund on the requisition of the chief up to a certain amount of money.**
- ❖ Harris: Asked if this contract would be presented to Gloria Glens and they opt out in writing.
- ❖ Bill Thorne: Allan Michelson, law director for Gloria Glens asked to be contacted, that may have been before they made a determination to be a player or not, maybe they haven't made a determination. I will contact him before I start drafting if they want to be a player or not. If they don't want to be a player I still do not have a problem providing them a copy if the board doesn't have any objection. Basically it will have a clause that if they desire to become a participant the parties will agree to re-negotiate it with these parameters and just leave it at that. If they decided to be a player the percentages would be 55/39/6.
- ❖ Harris: After Gloria Glens contract runs out in 2011 then they could join in at 6%.

- ❖ Bill Thorne: If they want to join now, we would vacate the present contract and put them in now. Yes, they could join in 2011. We should have an "out" clause for either party. The problem with an "out" clause with this type of operation, it's not a 60 day "out" clause because you can't divide a fire department in 60 days. My thought would be a year, to give the other side notice. How do we know even if a year would make it?
- ❖ Likley: If Gloria Glens is a player will bills and requisitions go through them as well?
- ❖ Bill Thorne: ANSWER, YES. Unless they choose not to.
- ❖ Likley: The object of having one fire fund was to try to stream line that process. We have made it even more cumbersome.
- ❖ Bill Thorne: Once a bill comes to the fiscal officer, she can pay it because a requisition has already been approved. You as boards decide about purchasing items before they are purchased. Requisitions could be done in a joint meeting. Mr. Likley feels the process is more cumbersome
- ❖ Bill Thorne stated that's just the way partnerships work. Do you as a township want to leave it up to the Village to purchase that \$150,000 piece of equipment?
- ❖ Likley: We should approve a budget and stick to the budget.
- ❖ Martha: When a budget and each line item is approved by all players, what Heather is saying is: When a requisition is completed and they take it to Sue (at this point) and she will say, yes the money is in that line item, she can approve it unless that is above the budget.
- ❖ Bill Thorne: For instance the snow plow – they decided they didn't need it – but it was in the budget. Bill's question: **Do you want any control, if not that's fine, but if they decide they have an equipment budget that allows them to buy – do you want any input or are going to leave the determination based upon the chief and the committee and if it doesn't go anywhere else once the fire committee isn't making a recommendation then they are making a decision.**
- ❖ Likley: The requisition should go to the entity that is paying the bills
- ❖ Bill Thorne: You can do that.
- ❖ Likley: Just trying to streamline it
- ❖ Bill Thorne: That's fine but it's more than a requisition that goes to the fiscal officer. Basically the whole decision of whether that's an appropriate purchase or not rests with the Village. She isn't going to pay it without the Villages' approval, so it will be the Village whether that purchase is approved or not as long as it is within the budget. It can be written that way, if you want to give up that input. We would have to change this because the recommendation won't go to the Village and the Township, it will just go to the Village. The only input you will have is one member on the fire committee.
- ❖ Harris: I think the requisition should go to both.

- ❖ Martha: That would slow the process down for Sue. Sue can look at it and say you are getting close to your budget
- ❖ Bill Thorne: That is fiscal management. If a requisition is completed by the chief and fire committee either agrees or disagrees that X is necessary, at that point do you want any input as to whether you buy X or not, because if you don't, what Jim was saying and what you are saying that what the fire committee's recommendation would just go to the Village and they would tell the fiscal officer pay it or don't pay it. It would make it speedier. It is up to you guys. If you had a chief that everyone was comfortable with and you knew what's going on, it would be easier to make that decision.
- ❖ Likley: Previous discussion – Fire committee and the Village agreed that for the time being until a new chief is established and has his feet on the ground, the fire committee would still be an advocate or assist to oversee that chief's position. At some point that responsibility would then fall on the chief to make those requisitions to the entity that is paying the bills without going through fire committee. Fire committee has little authority, then can approve the bill send it us and we say we're not paying it.
- ❖ Bill Thorne: With that said, **the ultimate question is: Do you want to delegate any expenditure within any line item amount to the fund holder, as long as the expenditure does not exceed the line item. Do you want to leave that discretion to make that purchase or not in this case to the Village.** If you see purchases that you may not agree with, you shut up and live with it. If you want to go that way it is legal. Too often I see: Delegate trustee X the authority to do this and he goes out and does it and brings it back to the board and he gets beat up because they didn't like what he did. If you are going to delegate the authority you have to live with it and don't beat them up afterwards.
- ❖ Oiler: I am inclined to keep this thing streamlined the best we can. Let the chief do the requisitions.
- ❖ Bill Thorne: The chief would present the requisition to the fire committee and if approved it would go to the Village as long as it is within the line item amount.
- ❖ Harris: Even if it slows it down, I would like some input on it.
- ❖ Likley: Line item or budget approval. I can see the budget has to be in the line item portion of the budget, should be approved by all entities if players.
- ❖ Oiler: What I am hearing from the board is that they would like to have input.
- ❖ Likley: That's fine however you guys want it. If all requisition will go before all entities we must realize that the time that it is going to take to do that. Fire committee can make the recommendations and it can come back to the Village and the Township and they say NO. Once a fire chief has been hired and established, he is accountable to that budget. If those requisitions and purchases are getting to the

point that we are not going to be able to finish out the year per that line item, he has to answer to that budget.

- ❖ Harris: When you present this to Gloria Glens, will you make Allan Michelson aware that they would have a person on the fire committee?
- ❖ Bill Thorne: If they want to do that. They may want to pay the 6% and not want the rest of it.
- ❖ Likley: The percentage was determined by the property valuation of the unincorporated area of the township, Village of Westfield Center, and Gloria Glens. Those numbers will be re-evaluated every 3 and 6 years.
- ❖ Harris: If Gloria Glens opts out there will be only 4 people on the fire committee.
- ❖ Bill Thorne: Yes. Generally you have 5 to break a tie but you never have. Under the old contract the fire chief was the 5th person. If there is 4 and they can't agree then it is a none recommendation.
- ❖ Likley: Village is employer for all employees- we will have a vote in those issues?
- ❖ Bill Thorne: We will draft it that way. That is the way it was in the past. You go together and decided what you wanted to do and who you wanted to hire, it's not an expedient process.
- ❖ Likley: The Township's percentage for the 2010 budget will be computed and then subtract what we have invested so far this year. Those quarterly payments would be made in advance to quarter. Jan. 1st; April 1st; July 1st ; Oct.1st.
- ❖ Bill Thorne: Budget review will be established annually based on the Township's certificate of estimated resources of the fire levy fund.
- ❖ Oiler: Would like to see a quarterly budget review.
- ❖ Bill Thorne: Do you want to make it a mandatory review or based upon expenditures, a joint meeting or just a quarterly report.

ALL AGREED THAT IT SHOULD BE A MANDATORY REVIEW WITH JUST A QUARTERLY REPORT

- ❖ Likley: asked fiscal officer what impact to the revenue stream this split of revenue would have upon the township's ability to meet the 55%.
- ❖ Fiscal officer could not answer that at this point.
- ❖ Likley: It needs to be realized and understood a good portion of our soft billing is non-residents because of the highway. That could have an impact on our supplementing 2010 budget because it was calculated in meeting our obligation.
- ❖ Bill Thorne asked how we are able to tell what comes from township residents and from non-residents.
- ❖ Martha stated that Heather is working with Lifeforce to code the runs
- ❖ Bill Thorne: Shouldn't the non-residents soft billing income be taken off the top and not split? It isn't really yours or theirs. Just take it off the top of the budget and then you split the balance.

- ❖ Likley: That might be feasible but the point is our soft billing is a portion of our obligation.
- ❖ Bill Thorne: You could reduce the impact of that if 100% of the non-resident billing be taken off the top of the budget before you divide it at 58/42%. It comes off the top.
- ❖ Likley: How do you calculate what your quarterly payments are? I just see that calculation becoming more cumbersome.
- ❖ Bill Thorne: It would be based on an estimate just like everything else, if it has to be adjusted next year.
- ❖ Likley: The point of this is: the Village is willing to make their full 39 or 42% obligation. If Gloria Glens participates they are willing to make their full 6% and our 55 or 58% is based on the revenue from non-resident income and soft billing resident. If soft billing was across the board you could then take it off the top. We do not have a clue what soft billing will generate. From July-Dec. 2009 we collected from 1 township resident that was soft billed.
- ❖ Martha stated Sue, July and Heather is working to get this corrected and Sue has sent the checks for 2009.
- ❖ Mr. Likley would like to see some paper on the collection of soft billing and understand what transpired.
- ❖ **Bill Thorne will draft a contract and present to this board for review before it is sent to the other entities.** I can e-mail, fax, or send draft in the mail.
- ❖ Likley: Just fax it to Martha at the township office and she will let us know that it is here and we can review it and we will get back to you. Do you need approval of the draft from this board?
- ❖ Bill Thorne: It is not the final contract, as long as each of you indicates that it looks good at that point. I will take the next step to get to them before we actually sit down and talk.
- ❖ Likley: What is your time frame as to seeing this signed? 30 days? Village meets first Tuesday of each month
- ❖ Bill Thorne: Does not have any idea.
- ❖ Harris: When will you have the draft?
- ❖ Bill Thorne: Couple of weeks
- ❖ Likley: Goal to have the draft established for both Villages to review at their first meeting of May.
- ❖ Bill Thorne: It probably won't be by the first Tuesday and Wednesday of May.
- ❖ Martha asked how long the notice to bidders for the truck must run.
- ❖ Bill Thorne: Once a week for 2 weeks

Discussion concerning the notice to bidders for truck replacement

Trustee Oiler made a motion to place the notice to bidders for truck cab & chassis in the Medina Gazette, once a week for 2 weeks.

Martha will get the actual language from a former bid. Bid package can be faxed, picked up or mailed, whatever is convenient for the person requesting the bid package. Martha also asked what the trustees would like to include in the bid package, such as bond etc. Martha will have all the information by the next meeting April 19, 2010. End of discussion.

Trustee Oiler withdrew his motion.

There are four (4) resolutions that will need to be finalized at the April 19th, 2010 meeting: Planning Services; BZA and government entities; Soft billing; and amend Fire Levy Permanent Appropriations. Trustee Oiler mentioned that the resolution for Planning Services could be passed but the check should be held because: 1. Rumor has it ground breaking will be sometime in Aug. 2010. 2. No one else has contributed any funds yet to Planning Services. The resolution will be prepared and presented at the next meeting for discussion.

As no further business to come before this board:

Trustee Harris made a motion to adjourn, seconded by Trustee Likley. Unanimous

Approved May 3, 2010