

WESTFIELD TOWNSHIP TRUSTEES
Special Meeting/Fire Contract & Levy/Gen. Bus.
June 14, 2010

Chairman Oiler opened the meeting at 6:00 pm by asking for roll call.

Trustees present: James Likley, Ronald Oiler and Gary Harris.

Assistant Prosecutor Wm. L. Thorne also present as well as fiscal officer, Martha Evans.

FIRE CONTRACT

(During the meeting the topics were discussed in random order but for easier reading and clarity they are listed in order as they appear in the contract that has been submitted by the Village of Westfield Center for the township's consideration). Bill Thorne will be adding, deleting, and/or re-writing the contract for the Village's consideration based on a lengthy discussion. Bill will also look into the language for a resolution to form a fire district. The following is a very brief synopsis of the trustees concerns.

- Page 1 1st paragraph Township would like the date to be January 1, 2010
- Page 1 #2 furnishing protection at all proper and reasonable times *within*
- Page 2 #2 **A true up to date inventory list would need to be provided (this is done yearly)**
- Page 2 #3 &4 Agreed
- Page 2 #5 Not agreeable. Budget must be determined by the Township's Certificate of Estimated Resources. Reason: If a fire district is formed in the unincorporated Area of the township, absolutely general fund revenue CANNOT be used by Law, therefore the township will have ONLY what is generated in the fire levy for fire department expenses. If the residents do not pass a levy, we cannot find or create the money – it is that simple. Revenue/expenditures are reviewed during the year and may be adjusted.
- Page 2 #6 & 7 Combine and re-write to provide which ever entity is in charge of the fire fund, pays the bills shall be responsible for all employment decisions.
- Page 2 #8 Correct the word ¼ (fourth)
- Page 2 #9 Agreed (adjusted up or down needs to be added back in)
- Page 2 #10 Agreed (set line item budget)
- #11 Trustee Oiler suggested removing 11.d completely. If the Village did not accept removing 11d. Trustee Likley offered a counter proposal:
11.d Non- residents within the Village limits will not be soft billed but if it's in the Township, Township residents and non- residents may be billed and the township receiving 100% of the proceeds.
- #15 2 individuals selected by the village, 1 township fiscal officer, 1 township Trustee and 1 resident from the unincorporated township district.
- #16 Bill Thorne mention in one year we may not need to worry about that

paragraph. Likley believes the option is OK – Bill will put the option in as mutually agreed.

- #17 This agreement shall be in effect until Dec. 31, 2011.....(to end of paragraph)
- #18 Refers back to #6 & 7
- #19 No change
- #20 No change

Bill asked the question: If the levy does not pass is the township still going to take over the fire fund?
Likley & Oiler: I think we have to. The township is still contributing 59% and the largest contributor, we should be the one in control. We are stuck with what the levy produces regardless whether the levy passes or not. The sooner we realize the fact that we cannot go to the general fund to operate the department will be the very basis on which the village and township needs to fund the fire department.

Likley: If the levy fails in November, do we still want this to be a district of the unincorporated area?

Bill: You simply incorporate the old district and don't do any thing new.

Likley: That limits the use of general fund revenue from that point on.

Bill: The department name must change if a fire district is formed. It cannot use Westfield in any way for the name. This has been a major stumbling block every time a district is mentioned. The fire district must have a separate independent name and will be a separate entity. This is different from having a joint operating department. This is a separate entity and eventually the equipment would be owned by the district, not the township or the villages. If there is a contracted service arrangement between the village and the district you may set it up anyway you like but if you have a joint operating agreement everyone should have a say in the operation.

On the ballot a fire district name would be necessary so the voters would know what they are voting for or against. Bill will be researching this avenue. Bill will research whether a district can have cooperative agreement.

Bill: Do you want to maintain contracted services, dual operation arrangement, or you could turn over your fire levy money to the village and the fire department is theirs and you could have a service contract to provide fire & rescue service to the unincorporated area of Westfield Township.

Trustee Oiler: Cooperative operating department

Trustee Likley: No matter when the township goes to the voters it will have to be a district because the 2 villages do not want to be in the district. They like the flexibility to fund the fund department how they see fit.

Bill: The voters of the fire district will set the size and budget of the fire department period.

Likley: Jan. 1, 2012 the same responsibilities would come back to this board if we leave the payment of bills and employee decisions as written in this contract.

Martha will check with OPERS & OP&F as far as the employees.

Trustee Likley asked if Bill would get together with the village solicitor, Bill Hutson and try to work some of the details out and get back to the township with a redraft of the contract. That doesn't mean that the redraft is gospel.

ODOT LIGHTS ON ST 76

Bill stated there is no law that requires you to take over the lights and have not given Bill a basis that the township would be required to take over the lights. The plans said you were going to take over. This board did not approve the plans and you need to check your records to make sure a previous board did not agree. No obligation but you could agree to it.

FIRE POND ON KINGS CREEK

There may be paper work on my desk but I have not seen it yet.

Reader Message board on State Highway (such as Amber Alert): Bill stated that they are a state agency and they do not have to jump through the hoops but they are supposed to come and talk with you if it doesn't meet your zoning even it is in the highway right-of-way. Trustee Likley: We do not allow lighted signs. Bill: I do not know that is in the Uniform Traffic Control Manual. If it is in the Uniform Control Manual then it is under state control. The reader board I do not think is in the manual. If they come back and say it is a part of the manual then it is OK but I don't think it is, I will check.

Trustee Likley: Digital signage language. The zoning commission is well aware that Planning Services will not approve it as prepared but maybe you have seen it. Bill: No I have not seen it but it may be on the desk.

Trustee Likley: Apparently it mirrors or is comparable to language throughout the county and you are willing to support that language. Bill: It controls how many times it can roll over in a certain period of time. Many townships wanted to outlaw them as a moving sign but it doesn't move that quickly. It wasn't that the Planning Commission said no, they thought Medina Township should have it a shorten length of time.

Oiler asked Bill to convey to his secretary Thanks for putting up with all his calls today.

Trustee Likley: Any word from Tom Karris as to the bond. Bill: No. Karris was to find out why he couldn't get anyone to call him back.

Trustee Likley asked Trustee Oiler: Have you had any conversation with Ms. Gregoire as to coming before this board to negotiate anything?

Trustee Oiler answered, no not recently.

Bill: Can't get anyone to talk to.

Trustee Likley: Ohio Farmers supposedly have agreed to the one bond and we should be receiving that one bond. Bill agreed. If Ms. Gregoire wants to negotiate the second bond and that's agreeable to this board, all right. Bill will call Bill Hutson to see if he could give a person to speak with directly. Trustee Likley agreed to listen and talk with her but haven't heard from her. Bill thought maybe she had talked with you

and wanted to pay the township back over a period of time. That could possibly be scary. Trustee Oiler will try to make contact with her. Bill stated they have been instructed to prepare a law suit. No one returns any phone calls. It is always someone out of the area and they won't call back.

Bill: Tom Karris has talked with the IRS. Trustee Likley asked if we are square with them yet. Bill replied they are going to review it further. IRS stated didn't you have a personal representative? Bill answered yes but we never talked with them and gave them any authority to settle anything. IRS will have to look into it further. As Bill said it is crazy. They hope we will be like a private citizen and it will go away. This issue is the very first quarter that Martha paid in 2007. IRS took the current payment and applied to 2003 when Ms. Gregoire was not paying the taxes but those taxes have been satisfied.

GRADALL REPAIR

Lee negotiated with Southeastern Equipment for the Gradall and got the bill reduced from \$9,600 to \$7,635.50. **Trustee Oiler made a motion to approve payment of the Gradall bill, seconded by Trustee Harris. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

Fiscal Officer asked the trustees to sign a refund check OF \$100 for the hall deposit to Denise Pelka.

Trustee Likley asked Bill cell phone texting policy language. My fear in that is our fire department pretty much relies on texting. Bill advised checking with the fire department how they handle texting. Granger Township runs all their texting through the computer so there is a record. Problem is if they rely on the provider to keep the messages, they only hold them for a short period of time. Trustee Likley stated before we move forward with any policy regarding texting we need to understand how our department handles texting do not want to shut them down in their operation. Tell your road man and zoning inspector just to use the phone no texting. To pay the provider to retrieve messages is very costly.

SHIMMING OF THE ROADS TO BE CHIPPED AND SEALED

Trustee Oiler made a motion to provide \$15,000 to Lytle Construction for shimming of the roads prior to the coating of chip & seal, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

**Trustee Oiler made a motion to adjourn at 8:46 pm, seconded by Trustee Harris. Unanimous
Approved July 5, 2010**