

WESTFIELD TOWNSHIP TRUSTEES
Emergency Meeting/Fire Levy/Gen. Bus.
September 2, 2010

Trustee Oiler opened the meeting at 8:35 am.

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

Also present: Assistant Prosecutor, Wm. L. Thorne; Fiscal Officer: Martha Evans; Fire Chief, Rich Fletcher, Heather Sturdevant, and Kevin Rych.

FIRE LEVY

Bill Thorne briefed the Westfield Township Board of Trustees as to the status of the Fire Levy Resolution:

- The state reviewed the resolution and noted:
 - a) "Additional" levy in the sense that it is an additional levy for the residents of the township and not for the district.
 - b) State did not like the language that was added "independently, or by contract (not authorized by the ORC by it is not prohibited by the ORC).
 - c) The certification (form 140R) is wrong. Bill tried to get them to see that the trustees are the entity for both South Central Fire District and Westfield Township. The certification was based on the township prior to the creation of a Fire District. Bill assumed that they would be the same because it covers the same area, but that's not the case. The way they looked at the levy it was a renewal or replacement of the old levy and because it was a pre-existing levy you got some kind of rollback on it, which you would not get on the "new" levy. Whatever their rationale is; the certification is wrong. You would bring in approximately \$5,680 a year less under the new 2 mil levy for the Fire District. Now you must consider that fact when you decide to proceed because you would not get as much revenue. The first year you would lose \$5,680 and according to the auditor's office that is supposed to go down. Statutorily figures you should consider do we need to increase the levy because over the life of the levy that could be a significant amount of money. At this point we do not really have any choice but to withdraw the levy.
 - d) It is a technicality but fatal.

The current resolution creating the fire district will stay. The board of trustees will need to pass another resolution to the auditor's office asking for certification for the South Central Fire District. If the board of trustees decides to place the levy on the ballot in May 2011, the resolution would need to be submitted to the election board before Feb. 1, 2011, preferably by January 15, 2011. The resolution certification should be done by November 2010 to analyze the numbers.

Trustee Likley asked if the May election would be a special election at an additional cost. Martha will call the election board and report back to the trustees.

Trustee Oiler made a motion that the Westfield Township Trustees withdraw from the ballot of November 2, 2010 for the Fire District due to improper certification, seconded by Trustee Likley.

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

The Fiscal Officer shall send a letter to the Medina County Board of Elections notifying them of the trustee's decision to withdraw the levy from the November 2, 2010 ballot.

FIRE CONTRACT

Bill presented each trustee and fiscal officer with a draft of the fire contract. The trustees did not have any objections to sending the contract on to Bill Hutson and Village of Westfield Center council for review.

Village of Westfield Council passed Ordinance 2010-07 reducing the workforce of the Village and the township will assume the responsibility of receiving revenue, payment of fire department expenditures and payroll beginning 12:01 am October 1, 2010. Included was the list of employees to be assumed by the township.

Trustee Likley asked Kevin Rych is he had any questions regarding the fire levy as to why we have to pull the levy and it is unfortunate for all of us but due to that certification and the language could be questioned and as a result from what I understand that if we were collecting on it and it's challenged we would have to pay what was collected back somehow or reimburse our residents.

Kevin – I understand why we had to pull it but I don't understand how we did it wrong and where does the blame lie. How did we get to this point? It should have been done right from the get go.

Trustee Likley – we did not have a district formed prior to getting the certification for a new 2 mill levy for the South Central Fire District.

Kevin – did you have guidance?

Trustee Likley – Yes, we had Bill's guidance and then it is sent to the State for review and this is where the error was found. We are well aware of the impact this will have on the township but we do not have any other choice. It was just an error that caught in the system.

Bill – I might have gotten the State to waive the other errors except the certification is wrong, which nobody here and I did not know that there was special rollback the state gives for pre-existing levies.

Trustee Likley – you add the 35 year old error from the board of elections; it's unfortunate because I know there have been news releases, communication out there to our residents that we are pursuing a levy, that we are creating a district of the unincorporated area for this reason: that the villages have their individual funding for the department maintained. Unfortunate for all, just pick up and try again.

Trustee Likley – We have not received anything back from Mr. Karris regarding the bond issue. I had asked him to write to the board and let them know where he is in the process.

Bill – I will check with him when I get back.

Trustee Oiler made a motion to adjourn at 9:05 am, seconded by Trustee Likley. Unanimous

Approved September 7, 2010