



RESOLUTION G2018-21

RESOLUTION REVISING RESOLUTION G2017-69 RETAINING KIM BOJKO AND THE FIRM OF CARPENTER LIPPS LELAND, LLP AS SPECIAL COUNSEL AND DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, Symmes Township was approached by many residents throughout the township concerning the overhead transmission line that runs from Fields Ertel Road down to Loveland Madeira Road, which is part of a longer 15 mile line (Butler County to Clermont County), and affects multiple neighborhoods in Symmes Township; and

WHEREAS, the Symmes Township residents are being told by Duke Energy, who holds a one hundred foot easement through this area affected, that they will be cutting down every tree underneath the wire and border zones; and

WHEREAS, the Symmes Township Trustees also own a parcel of land located at 10468 Blong Road that will be directly affected by the cutting; and

WHEREAS, the Symmes Township Trustees are concerned about the negative effects that this clear cutting will have on their property with respect to the environment and values as well as all other properties across the township; and

WHEREAS, the Symmes Township Trustees are also concerned about the impacts of herbicides being sprayed throughout the township which could have negative impacts to the Polk Run Creek that carries water to the Little Miami River; and

WHEREAS, the Symmes Township Trustees feel it is necessary to participate in the proceedings and employ the services of a law firm to file a formal complaint with the Public Utilities Commission of Ohio (PUCO) against Duke Energy, prepare the required associated documentation, and to represent the Township as directed by the Board of Trustees of Symmes Township, Hamilton County, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Symmes Township, County of Hamilton, Ohio:

Section 1. That the firm of Carpenter Lipps LeLand, LLP is hereby engaged as Symmes Township's special counsel.

Section 2. That the Township Administrator is hereby authorized and directed to execute and deliver the engagement letter of Carpenter Lipps LeLand, LLP attached and incorporated herein as Exhibit "A".

Section 3. That the legal fees for this complaint to the PUCO are part of a larger group of citizens who are also contracting with and engaging the services of Carpenter Lipps and LeLand, LLP. and the Township's responsibility for legal fees will be capped at a \$5,000.00 contribution overall for 2017 and 2018 legal fees.

Section 4. The Trustees of Symmes Township, Hamilton County, Ohio, upon majority vote do hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

Section 5. This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public, peace, health, safety or welfare of the community for the reason that it is necessary to maintain the continuity of legal services for this Township.

Section 6. It is hereby determined that all formal actions of the Board of Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED FEBRUARY 6, 2018 – RESOLUTION G2018-21

Vote Record: Mr. Bryant absent Mr. Beck A/E Ms. Leis aye

BOARD OF TRUSTEES:

Kenneth N. Bryant, President



Philip J. Beck, Vice-President



Jodie L. Leis, Trustee

APPROVED AS TO FORM:



Kevin McDonough, Law Director

ATTEST:



Carol A. Sims, Fiscal Officer