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**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**DECEMBER 10, 2019**

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The meeting was called to order at 7:00 p.m. Elected officials present were Mr. Phil Beck, Mr. Kenneth Bryant, and Ms. Jodie Leis.

Also, present: Kimberly Lapensee - Administrator; Kevin McDonough - Law Director; and Chief Ott Huber - LSF.

Ms. Carol Sims was absent.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Beck made a motion to approve the Agenda. Ms. Leis seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Bryant - 'aye', and Mr. Beck - 'aye'. Motion passes.

APPROVAL OF MINUTES

Mr. Beck made a motion to approve the Minutes of the regular meeting from November 12 and the Work Session on December 2, 2019. Mr. Bryant seconded the motion.

The roll call vote was as follows: Ms. Leis - 'aye'; Mr. Bryant - 'aye', Mr. Beck - 'aye'. Motion passes.

FISCAL OFFICERS REPORT

Mr. Beck stated that the Fiscal Officer is absent tonight. Ms. Leis asked if the Fiscal Officer is required to attend Trustee Meetings once a quarter. Mrs. Lapensee stated yes according to the Ohio Revised Code.

PUBLIC HEARINGS

None.

PRESENTATIONS

*Present Proclamation from the City of Beavercreek* – Mrs. Lapensee read aloud a proclamation from the City of Beavercreek that their Mayor signed thanking Symmes Township for their support and help during the tornado over Memorial Day weekend earlier in the year. She also gave each Trustee a challenge coin that was given to them from the City of Beavercreek and Beavercreek Township.

Mrs. Lapensee stated that the first Saturday in December every year, the township does an event called Operation Santa. They go out to all the neighborhoods on the fire trucks and provide goody bags for the children and we also ask the residents that participate to give them donations in the form of cash, games, crafts and toys. They give them to different organizations that they advertise for.

Ms. Leis stated that we have been doing Operation Santa now for 17 years and have collected over 10,200 toys to help the children of the organizations we have collected for.

*Dragonfly Foundation* – Mary Tignor stated that the Dragonfly Foundation has helped over 5,700 patients over the last 9 years and they provide ongoing support for pediatric cancer patients. She stated that they recently moved to a house near Children’s Hospital to be closer for the families.

*The Cure Starts Now* – Ally Felts stated that they provide pediatric brain research. She stated that only 3% of the money donated to their charity is for overhead.

APPROVAL OF DISBURSEMENTS

Mr. Beck made a motion to approve the warrants from 76391 - 76578 in the amount of \$439,937.38 from November. Mr. Bryant seconded the motion.

The roll call vote was as follows: Mr. Bryant - ‘aye’; Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

REPORTS

KEVIN MCDONOUGH, LAW DIRECTOR - None.

LIEUTENANT TORY SMITH, HAMILTON COUNTY SHERIFF’S DEPT – Absent.

CHIEF OTT HUBER, LSFD – Chief Ott stated that the board has his written report. He stated that Terry Schildmeyer, the Township representative to the fire board, is here tonight to give a brief overview of the 2019 report. Mr. Schildmeyer stated they have regular scheduled meetings which they attend. Their job is to assist the fire department to be the best it can possibly be. They have one of the finest fire departments anywhere from education, training, equip and personnel. They really work hard as a private fire department for the Township to control cost.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS - None.

COMMITTEE - Ms. Lapensee stated that they had a Land Use Committee meeting on November 19<sup>th</sup> at 6:00 p.m. She stated that they went over the map and the areas identified by Regional Planning and the committee at the last meeting. She stated that they will have an open house on January 13<sup>th</sup> from 6:00 to 7:30 to view the changes to the maps. She stated that there will be no presentation, but the public will be able to walk around and view the maps and provide comments to the changes. She stated that this meeting will be in the administration building.

OTHER – Ms. Leis stated that for the photo contest in October we received about 35 to 40 entries and they are posted on the wall and website. She stated that they also drove around last night and nominated households for the Merry and Bright contest, and they will announce winners next week.

HEARING OF RESIDENTS

None.

CORRESPONDENCE

Attached to the packet.

EVENTS/MEETINGS

- Zoning Commission Meeting – Wednesday, December 18, 2019 at 7:00 p.m. at the administration building.
- Christmas Holiday – Wednesday, December 25<sup>th</sup>. All buildings closed.
- Christmas Tree Recycling Begins – Thursday, December 26<sup>th</sup> at the administration building.
- New Year’s Day Holiday – Wednesday, January 1, 2020. All buildings closed.
- Regular Trustees Meeting – Tuesday, January 7, 2020 at the administration building.

OLD BUSINESS

Mr. Beck made a motion to approve Resolution G2019-65, a Resolution Authorizing the Township to Purchase and Use “Employee Dishonesty and Faithful Performance of Duty Policy” Through OTARMA. Mr. Bryant seconded the motion. Discussion continued.

Mrs. Lapensee stated that the state legislature approved this other option for bonding if townships wanted to purchase and use this for their whole office versus just the elected officials. She stated that she does not know a cost yet to purchase it, but it sounds like it will be a cheaper option than purchasing separate bonds for the elected officials. She stated that the biggest difference between the surety bond and the new dishonesty and faithful performance policy is that the surety bond only covered dishonest and criminal acts. The surety bond company would also cover those costs but then go back after the official for those acts to recover their money (and in the process, the official loses their bond). The employee dishonesty and faithful performance bond would cover all the employees and cover more acts of omission. She stated that the Board would have the option to go back after the employee/official to recoup the costs. Ms. Leis asked if the bond covered late fees? Mrs. Lapensee stated that she did not know the answer to that.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’, and Mr. Bryant - ‘aye’. Motion passes.

NEW BUSINESS

Mr. Beck made a motion to set a public open house date for the Land Use Plan viewing for Monday, January 13, 2020 from 6:00 to 7:30 p.m. at the administration building. Ms. Leis seconded the motion.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Bryant - ‘aye’, and Mr. Beck - ‘aye’. Motion passes.

Mr. Beck made a motion to re-appoint Ralph Wolfe to the Board of Zoning Appeals for a 5-year term from 1/1/2020 to 12/31/2024. Ms. Leis seconded the motion.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’, and Mr. Bryant - ‘aye’. Motion passes.

Mr. Beck stated that they need to set a date for beautification committee and finance committee meetings in January. Mr. Bryant suggested that we wait to set dates for those two committees until we hear back from the members of the committees. Mr. Beck stated that there are two people who are interested in serving on the committee. He stated that he would like us to interview them before the next meeting.

Mrs. Lapensee stated that they could do the interviews for the beautification committee on January 7, 2019 before the Trustees meeting.

Mr. Beck made a motion to set a meeting for the purpose of interviewing applicates for the Beautification Committee, Tuesday January 7, 2019 at 6:15 p.m. and 6:30 p.m. at the Administration Building. Ms. Leis seconded the motion.

The roll call vote was as follows: Mr. Beck - ‘aye’, Ms. Leis - ‘aye’, and Mr. Bryant - ‘aye’. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-67, a Resolution Declaring it Necessary to Renew an Existing .9 mill Tax Levy for the Road Fund (General Construction). Mr. Bryant seconded the motion. Discussion continued.

Mrs. Lapensee stated that this is an existing .9 mill road levy that is passed every year on a seven-year cycle. She stated that it will be a renewal only and pay for general road repairs and construction. She stated that there is a list of streets and we will publish the information. She stated that this resolution is the second step in the process. She stated that they received the letter back from the Auditor and the renewal will generate \$542,292 per year for the next 7 years. She stated that it will cost the owner of a \$100,000.00 house \$24.74 a year. She stated that the effective rate of the current levy is .818106 and not .9 due to the renewal vs a replacement.

Mr. Beck stated that we held a finance committee meeting, and everyone agreed on the amount.

Ms. Leis asked if we can put as much information out there as possible so that everyone knows in the community.

The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye', and Mr. Bryant - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-68, a resolution Declaring it Necessary to Renew an Existing 1.5 mill levy for fire, ems, and police services and add a new 2.6 mill levy for the increased costs to provide the service. Ms. Leis seconded the motion. Discussion continued.

Ms. Lapensee stated that this is an existing 1.5 mill Safety Services Levy that pays for Fire/EMS/Police services. She stated that there is also a new increase of 2.6 mills which will help pay for the cost increases for the fire department (5%) and the police (18%). She stated that these costs are being passed onto us from the two contracts we have. She stated that this resolution is the second step in the process and that we received the letter back from the Auditor and the renewal plus increase will generate \$2,614,702 per year and will cost the owner of a \$100,000 home \$178.90 (\$43.95 for the renewal and \$134.95 for the additional millage). She stated that we will not be able to sign any contracts for police or fire more than 1 or 2 years in length because our carryover will only take us through 2022 at our current cost of contracts.

Mr. Bryant asked Mrs. Lapensee if we can do a one-year contract with both entities (police and fire) until the levy outcome is known. Mrs. Lapensee stated that she talked to both and neither stated that they could not do a one-year contract.

Mr. Beck asked Chief Huber how he felt about that. Chief Huber stated that he spoke to his board about the one year and that they were okay with that as long as we renegotiated a price in April after the outcome of the election for a longer period.

The roll call vote was as follows: Ms. Leis - 'aye', Mr. Bryant - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-69, a Resolution to Amend Fees for Applications and Other Procedures Under the Symmes Township Zoning Resolution. Ms. Leis seconded the motion. Discussion continued.

Mrs. Lapensee stated that she is asking the board to raise the costs 5% again this year to try and close the gap between the cost of hiring Hamilton County to provide our staff service for planning and zoning functions.

The roll call vote was as follows: Ms. Leis - 'aye', Mr. Bryant - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-70, a Resolution Authorizing the Township Administrator to Enter into a Contract with the Hamilton County Regional Planning Commission to Provide Planning and Zoning Services for Symmes Township for 2020. Mr. Bryant seconded the motion. Discussion continued.

Mrs. Lapensee stated the increase in the cost of the contract is 1.7%.

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-71, a Resolution to Reorganize Symmes Township for 2020. Ms. Leis seconded the motion. Discussion continued.

Mr. Beck asked that we move the December Trustees meeting from December 1 to December 8 to account for Operation Santa. Mrs. Lapensee stated that the staff also voted to flip Veterans Day for Christmas Eve.

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-72, a Resolution Authorizing the Township Administrator to sign a Participation Agreement with the Auditor of State. Mr. Bryant seconded the motion. Discussion continued.

Mrs. Lapensee stated that this is the agreement with the State Auditor's Office to switch finance software programs to the Uniform Accounting Network that is supported and operated by the Auditors Office. She stated that it will cost us \$325.00 per month for the software support and \$50.00 per month for the hardware support. She stated that we will receive a computer and printer from their office. She stated that this will give us the support we need for our new Fiscal Officer. Ms. Leis seconded the motion

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-73, a Resolution Assenting to the Board of Hamilton County Commissioners Dedication and Acceptance of Southport Lane in the Abington Subdivision. Ms. Leis seconded the motion. Discussion continued.

Mrs. Lapensee stated that this is when the county hands off the road to us. They have met all the items on the check list and are ready for acceptance. There is a one-year maintenance bond.

The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-74, a Resolution Providing for the Declaration of Nuisance for the Property located at 8976 Symmes Trace Court and Authorizing all Necessary Steps for the Abatement of the Nuisance. Mr. Bryant seconded the motion.

Mrs. Lapensee stated that it is a landlord/tenant situation where the owner just emptied out the house and just put everything in the driveway and yard. They have contacted the landlord many times and asked him to clean it up, but he never did it.

The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution P2019-02, a Resolution Approving Pay Adjustments for Township Employees for Fiscal Year 2020. Ms. Leis seconded the motion. Discussion continued.

Ms. Leis stated that it was just the normal cost of living. Mr. Beck thanked the employees for their service.

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye' and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution F2019-05, a Resolution Approving Township Temporary Appropriations for Fiscal Year 2020. Ms. Leis seconded the motion. Discussion continued.

Mr. Bryant asked if the current Fiscal Officer provide this? Mrs. Lapensee no, she did it. She just used the 2020 Tax Budget that was sent to the county. They can just go ahead and approve the budget as what was submitted and then it will be reviewed again, and changes made.

The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

Mr. Beck asked for a discussion concerning recycling activities. Ms. Lapensee stated that Ms. Leis had asked to put this on the agenda for discussion. She stated that she listed out all the recycling activities that the township currently provides. She stated that recycling dumpsters cost around \$5,000.00 a year and we were having problems with people putting trash in them and that is why the recycling dumpsters were removed. She stated under household hazardous waste, we have spent anywhere from \$3,000 to \$4,000 but have split the total cost with Loveland and the Loveland Sustainability Council. Mrs. Lapensee stated that the Loveland Sustainability Council is not contributing this year to the household hazardous waste drop off and Loveland did not budget to do the program either so we would have to pay the entire cost of the pickup which could be around \$10,000 to \$12,000.00 dollars. Mrs. Lapensee stated that we also do two cleanup days a year which costs roughly \$10,000 between the Rumpke costs and our labor. Mrs. Lapensee stated that we pay \$10,800.00 to LA Supply for our residents to drop off yard waste during the spring/summer/fall months. She stated that we really do not have that many residents who use the service and we are unsure if he will be open next year because he is still trying to sell the business. Mrs. Lapensee stated that we have also received complaints from the residents that they are taking their yard waste there and he is not open to take it. Mr. Bryant asked if there were any other options for the residents to take their yard waste. Mrs. Lapensee stated that they could always leave their yard waste out for Rumpke to pickup with the trash. She stated that if it in bundles under a certain length, they will pick it up with the trash. Mrs. Lapensee stated that we also provide Christmas tree recycling and Christmas lights recycling that does not cost us anything except for the fuel to run the chipper. Mrs. Lapensee stated that we also have a bin in the hallway where we now accept cell phones to recycle through the zoo. She stated that she reached out in the last electronic newsletter and asked what everyone's priority would be. She stated that the most popular activity for everyone was the cleanup day, which could be cut back to 1 day if we did not have enough money to do both. She stated that the second activity would be the recycling dumpsters and possibly just a recycling dumpster for cardboard.

Ms. Leis stated that she had been contacted by several residents who were unhappy that the recycling dumpsters were removed. She stated that a lot of those people are business owners too. She stated that she understands that we have had problems with the dumpsters in the past, but she is trying to make Symmes Township as green as possible and she thinks they should make it not as hard for the residents to recycle. She stated that she understands we have curb side recycling for most of the residents, but there are apartments, condos and business owners that do not have recycling available to them. She feels that there should be somewhere in the township where the dumpsters can be located. She feels that we are making a mistake. She stated that all we have are 95-gallon totes at the buildings and parks and with all the water bottles we go through, which are being cut-off next year, we should be overflowing. She asked if we are even recycling. Mrs. Lapensee stated that she always takes home our cardboard boxes and reuses them at home instead of recycling them.

Mr. Grossi asked about the fact that it was stated before in meetings that we must pay to dump the recycling as trash if the dumpsters are filled with trash. Mr. Beck stated yes. He asked Ms. Leis how we would police that if we put the dumpsters back. Ms. Leis stated that we could put up a camera. Mr. Bryant stated that we started with one dumpster and now we were up to 3 dumpsters getting dumped twice a week and the backhoe is crushing the recycling down multiple times a week before it gets dumped. Mrs. Lapensee stated that we also have a lot of people who use the dumpster who do not live here. Mrs. Leis stated that at least people are trying to do the right thing. Mrs. Lapensee stated that she was just pointing out that the Symmes Township taxpayer is paying for the recycling of non-residents. Mr. Beck stated that the residents are also paying for their own recycling at the curb and paying for those who choose not to pay for it. Ms. Leis stated that it is a free service. Mr. Beck stated it is free but only if you contract for trash service. Mrs. Lapensee stated that it is time consuming for the employees because they must spend a lot of time cleaning up around the dumpster and crushing the materials a couple times a week. Mr. Beck asked why the businesses can't contract for their own recycling. Ms. Leis asked

how the township is recycling because she believes that we aren't recycling 90% of what we should be. Mrs. Lapensee stated that when she sees something in the trash can that should be recycled, she pulls it out of the trash can and puts it in the recycling bin. Mrs. Lapensee stated that we also have some education to do with the residents because there are many items that aren't recycled by Rumpke even though they have a triangle on them. Ms. Leis stated that she wants Mr. Beck and Mr. Bryant to explain to the people why we aren't recycling. She stated that we are making it hard for people to recycle. Mr. Bryant asked if we would still get recycling credits for the curb side pick up since hypothetically recycling activity has increased to 80%. Mrs. Lapensee stated that recycling activity is not actually weighted, it is an average spread across the community based on population. Mr. Beck asked why the Loveland Sustainability Council was not participating in the household hazardous waste pickup anymore. Mrs. Lapensee stated that they really do not have any money and they only participated before because they wrote a grant to help pay for a portion of the costs. Mr. Bryant stated that we already have a household hazardous waste here in the county where the residents can take their stuff, but the hours and days are limited. He stated that there are places to take TV's and computers.

There was further discussion over who was paying for what recycling activities in the township. Mrs. Lapensee asked if the board wanted to discuss it further when we talk about our budget for 2020? Mr. Bryant stated that we aren't going to have the hazardous household waste drop off and likely may not have the yard waste drop off. He stated that we could cut back on the cleanup days to be able to afford to put some dumpsters back behind the admin building. He stated that if we do that it would serve the people who are currently aren't recycling. He stated that he is concerned that it will affect our curb side recycling. Ms. Leis stated that she just wants to be able to provide another option for those who do not currently have it.

Ms. Leis stated that she would like us to put the options for yard waste in our newsletter so people will know what they can do with yard waste. Ms. Leis asked again if the other trustees are against recycling and if so, she is going to refer everyone to them. Mr. Beck stated that he is fine with that and he would like to know who the property owners are so he can talk to them. Ms. Leis stated that she feels that we are making it too hard for people to recycle. She stated that there are no dumpsters for people to recycle. Mr. Beck stated that there is curb side recycling and people will have to weigh the pros and cons of the different haulers and the services they provide.

Mr. Beck made a motion to approve the following amendments, expenditures and authorization for the Township Administrator to sign any necessary contracts/agreement or paperwork:

- Approval of the following expenses:
  - a. Expenditure: \$8,000.00 Kleem for two solar digital speed limit signs with 18" displays.
  - b. Expenditure: \$8,000.00 NTE Franklin Equipment for repairs to the boom lift.
  - c. Expenditure/then and now: \$156.16 Johnson Electric for light bulbs.
  - d. Expenditure/then and now: \$421.31 additional service work on T61.
  - e. Expenditure/then and now: \$225.85 additional expense misc. special events.
  - f. Expenditure/then and now: \$600.00 Choice one for traffic counts (crosswalks).

Ms. Leis seconded the motion. Discussion continued.

Mr. Bryant asked why are the items for Johnson electric a then and now? Mrs. Lapensee explained that Bill filled out paperwork to get light bulbs and when they went to Johnson Electric to pickup light bulbs, Ed remembered that he would need two boxes of bulbs instead of one. When bill turned in the yellow copy, he crossed out the 60 bulbs and wrote in 120 bulbs and it became a then and now.

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye', and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve the following expenditures:

- Approval of late fees for the following expenditures:
  - a. Duke Energy bills – 9321 Union Cemetery Road \$9.47, Symmes Park \$6.09, Hopewell Park \$7.64, Symmes Park \$6.86, Maint. Bldg. \$11.59, HOB \$9.07.

- b. Duke Energy Lighting District bills – Betty Ray \$.61, The Bluffs \$5.88, Calumet Farms \$6.53, Cobblestone \$4.57, Creekside \$6.29, Crestfield \$3.21, Green Oaks \$.99, Green Oaks 3B \$1.40, Hartland \$5.33, Hawthorn Woods \$.32, Hearthstone \$10.94, Huttenbauer Farms 2 \$1.76, Huttenbauer Farms \$2.26, Kemper Knoll \$2.14, Kemper Woods \$2.67, Lexington Green \$1.61, Liberty Hill \$3.92, Montgomery Point \$6.52, Montgomery Trace \$14.97, Morgan’s Trace \$6.29, Paul Meadows 2 \$17.84, Paul Meadows \$11.72, Pemmican Run \$6.35, Plantation Pointe 2 \$.44, Plantation Pointe \$1.38, Plumhill \$.46, Richland Park 2 \$.78, Richland Park 1 \$1.42, River Oaks \$6.88, Sadler Circle \$.75, Shadow Glen \$1.84, Shenandoah Trace \$3.26, Somerset/Carter Grove \$4.57, Steeplechase \$14.97, Turnbury A \$1.26, Turnbury B \$1.51, Walkers Glen 1 \$2.61, Walker Glen 2 \$2.61.
- c. Spectrum – 9425 Loveland Madeira Road \$.80, 11600 N. Lebanon Road \$35.18.
- d. Carl E. Oeder & Sons Sand and Gravel - \$1.07;
- e. Superfleet - \$600.00 Administration, \$2,116.09 Police Dept.;
- f. O’Reilly - \$6.95;
- g. Medical Mutual \$39.00 (February), \$78.00 (March), \$78.00 (May), \$78.00 (June), \$39.00 (July).
- h. State of Ohio Unemployment Compensation - \$1,057.57
- i. OPERS - \$324.00

Ms. Leis seconded the motion. Discussion continued.

Ms. Leis asked if this was on the agenda for go ahead and pay all the bills for 2019 and wipe the slate clean for the end of the year. Mrs. Lapensee stated that these late fees are the only ones that she has seen. She stated that there may be others and she would not know. She asked if we would have to clean it up again in March. Mrs. Lapensee stated that it is a possibility. Mrs. Lapensee state that the Duke Energy bills for the lighting district were from 2018. Mr. Bryant stated that he is very troubled by all of these. He asked if there was some attempt to straighten them out. Mrs. Lapensee stated that she does not know. Ms. Leis asked if he saw the Superfleet charges. Mr. Bryant asked about the Unemployment and OPERS amounts. Mrs. Lapensee stated that those are from penalties and interest for not filing the reports. Mrs. Lapensee stated that she did not know she was supposed to file any of those reports until they were past due.

Ms. Leis asked if the trustees were going to be held responsible for paying these last fees if they vote to approve them. Mr. Bryant stated that he feels that it is wrong to use taxpayer’s money to pay late fees. Mr. Beck stated that every time they pay bills, they are signing that they don’t support late fee payments. He stated that they have been writing that ever since last year when it first blew up. Mrs. Lapensee stated that eventually we must pay the late fees because it affects her not being to get gas at the pump because her credit card keeps getting shut off every month. Mr. Beck asked who was going to reimburse them for these late fees. He stated that the taxpayers were reimbursed over \$33,000 for the late fees paid earlier this year. Ms. Leis stated that it was only for the stuff that we knew about and does not cover all the other stuff that they don’t know about.

Discussion continued over whether to pay these or not. Mrs. Lapensee stated that most of these last fees occurred in 2018 and early 2019. She stated that we would have to pay them, report it to the auditor and then try to get our money back. Ms. Leis asked if we could go after a civil suit to recover the money. Mr. McDonough stated that he thinks so but would investigate it. Mr. Beck stated that he is concerned about paying these late fees and making those entities whole, will we lose any leverage trying to get them paid. Mr. Beck asked even if we approve the late fees, how do we know they will get paid? Mrs. Lapensee stated that they would have to police it when they sign the checks. Ms. Leis stated that we don’t have a choice but to pay them and move on. She stated that she feels bad for Symmes Township. Mr. Beck stated that he agreed. He stated that he does not agree with the concept and there is a problem here. He only agrees to go ahead and pay them with the stipulation that we get reimbursed or make the attempt to get every penny.

Ms. Leis stated that the Board does not approve of late fees and have tried to work this out with our Fiscal Officer, and it has not worked. She stated that we need to pay for these and move it forward, but these are solely her mistake. She stated that this is all the Fiscal Officer’s department responsibility.

The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye', and Mr. Beck - 'aye'.  
Motion passes.

HEARING FROM RESIDENTS

None.

EXECUTIVE SESSION

Mr. Beck made a motion to go into executive session at 9:20 p.m. to have a conference with the Law Director concerning pending or imminent court action. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye', and Mr. Beck - 'aye'.  
Motion passes.

Mr. Beck made a motion to come to the regular meeting from Executive Session at 10:00 p.m. Ms. Leis seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', Ms. Leis - 'aye', and Mr. Beck - 'aye'. Motion passes.

No further action was taken.

ADJOURNMENT

Mr. Beck made a motion to adjourn the meeting. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye', Mr. Bryant - 'aye', and Ms. Leis - 'aye'.

Meeting adjourned at 10:01 p.m.

Approved:

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Philip J. Beck, President

\_\_\_\_\_  
Jodie L. Leis, Vice-President

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Kenneth N. Bryant, Trustee