
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

SEPTEMBER 26, 2017

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

Also present: Kim Lapensee – Administrator and Kevin McDonough – Township Attorney.

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

Ms. Leis made a motion to approve the Agenda. Mr. Bryant seconded the motion. Motion passes.

OLD BUSINESS

None

NEW BUSINESS

Ms. Leis moved for approval of Resolution G2017-60, Resolution approving the 2017 & 2018 lighting district assessments and repealing G2017-57. Mr. Bryant seconded the motion. Discussion continued.

Ms. Lapensee stated that we typically send our assessments down the County Auditor prior to September 30th. She stated at the last meeting, she had the Board pass a resolution (G2017-57) to approve the lighting districts for one year. The new resolution will repeal the old one and replace it with a new two year assessment for all of the lighting districts. She stated that we had already sent down assessments for 13 of the districts, but need to amend the amounts.

Mr. Bryant asked why there are two sections in the resolution and are these assessments for two years or one year. Ms. Lapensee stated that the assessments are for two years. Mr. Bryant asked if they will have to pay that amount in 2017 and 2018. Ms. Lapensee stated no, the total in the resolution is what they will pay for the entire two year period but in four installments over 2018 and 2019 (two halves each year). Ms. Lapensee stated that the reason she has two sections for amounts is because she used the old resolution and kept section 1 the same and copied over section 2 from another resolution. One section is the new assessments for 2017 and 2018 and section 2 is for the assessments that have already been sent to the Auditor in December of last year. She stated that the section 2 assessments tie into the second resolution. Mr. Bryant asked if we already had a resolution at the county to assess these properties. Ms. Lapensee stated that we did not send a resolution approving the amounts. We had just sent the amounts and the original resolution that created the districts. Mr. Bryant asked if between these two sections, are all the lighting districts covered and up to date. Ms. Lapensee stated yes, based on the bills that she has seen, these amounts should be enough to cover all the costs for the lighting districts for the next two year unless Duke Energy raises the costs; however, from what she understands, they do not raise the amounts unless the cost of the poles drop off. Mr. Bryant asked about how electric aggregation affects the amounts. Ms. Lapensee stated that she does not know the answer to that question because the lights are not metered. Mr. Bryant stated that he wants to know if the electric aggregation was taken into consideration for the last 4 years on some of the other assessments. Ms. Lapensee stated that she does not know when electric aggregation occurred or if the rates were lowered at that time. Mr. Bryant stated that we have been with electric

aggregation now for at least 6 years and the suppliers have changed. Ms. Lapensee stated that we could have the Fiscal Officer look back on the bills to see if the rates have changed since 2013.

Mr. Bryant asked Ms. Sims if she agreed with all the numbers that Ms. Lapensee is proposing. Ms. Sims stated that she has not had time to review all the numbers. She stated that she is going along with what Ms. Lapensee has proposed. Ms. Lapensee stated that Section 2 of the resolution definitely matches up with what has already been submitted to the county. She stated that section 1 is what we all talked about at the last meeting and they match all the bills that have been received for those districts. Ms. Sims stated that she believes that Ms. Lapensee has researched the numbers. Mr. Bryant agreed.

Ms. Leis asked if these resolutions fix the problem with the lighting district going forward. Ms. Lapensee stated yes. Ms. Leis stated that she noticed on the spreadsheets provided by Ms. Lapensee that there are late fees and wondered why. Ms. Lapensee stated that she guessed that we got charged for late fees because we have not had the money to pay the bills. Ms. Leis asked if we were paying late fees with each bill. Ms. Lapensee stated that she did not know that answer. Mr. Bryant stated that all the bills are in the rears at about \$1,000.00 per month. Ms. Lapensee stated that Duke will give you a credit on fees, but she is not sure how many times they will do that for. Mr. Bryant stated that these numbers are what the bills reflect. Ms. Lapensee stated yes. She stated that the large spreadsheet in front of them are based on bills received with the late fees and what she believes will be the costs going forward until March or April when we receive the next tax collection. Ms. Leis stated that she believes that we owe it to our residents to send them a letter to let them know this is coming because some of the amounts are huge jumps. Ms. Leis stated that she pays her taxes through her escrow account and she will get a notice from them saying she owes money. Mr. Bryant stated that they change those amounts every 6 months. Ms. Leis stated that she believes we should send a letter letting them know it will increase. Mr. Bryant agreed. Ms. Lapensee stated that the amounts in resolution 60 did not change. These are all the regular assessments going forward (2017 and 2018). Ms. Lapensee stated that the sheets attached to the resolution 61 show all the regular assessments that are reflected in resolution 60.

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

Ms. Leis moved for approval of Resolution G2017-61, Resolution approving a special street lighting assessment for 2013, 2014, 2015 and 2016. Mr. Bryant seconded the motion. Discussion continued.

Mr. Bryant asked if the wording on the resolution (special assessments) was okay with Mr. McDonough. Mr. McDonough stated yes, because we are recouping past amounts. Ms. Lapensee stated that she did not want to call it a regular assessment because it was for past due amounts. Mr. Bryant stated that is strictly to assess what we have already been billed for and we are just passing those amounts onto the customers. Mr. Bryant stated that he thinks it is a good idea to put out a letter and that letter should come from the Fiscal Officer and not the Trustees. He stated that the Trustees approve the resolutions and the letter should be in context of "an internal audit was performed and the following was found. We need to rectify the situation because it's unfair for the township to pay bills for those who it was owed for and not billed" or something to that effect. Mr. Bryant stated that he is okay to take the two year time frame to get it collected. Ms. Lapensee stated that the reason she put it into a two year time frame payback is because we had already sent down assessments for a two year period and they had already been put into the computer system.

Ms. Leis asked how that would work for the general fund (if it's being used to pay back the amount owed to make us current). She asked if we had to pay it back within the year. Ms. Lapensee stated that you only have to pay back within the same year if you advance the money. She stated that we would have to transfer funds to the lighting district to pay the bills, and then once money is received from tax collections for lighting, we would transfer that money back to pay back the general fund. Ms. Leis asked how much we would need to transfer. Ms. Lapensee stated approximately \$167,600.00. Ms. Leis asked how that would affect the general fund. Ms. Sims stated that it would affect the general fund for the next two years until all the money is recaptured. Mr. Bryant stated that we should have that much in the general fund but now we

would need to encumber it. Ms. Lapensee stated that we would probably need to increase our appropriations and encumber the funds. Ms. Leis asked if we would still be okay. Ms. Sims stated that we really would not need to amend the appropriations because we already have \$215,000 in transfers that we could use.

Mr. Bryant stated that he is a bit troubled by the details. He stated that this is four years that we are trying to get caught back up, but can only do it in two years. Ms. Lapensee stated yes. Mr. Bryant stated that he would like to have a bit longer. He stated that a current homeowner may be forced to pay for lighting that the previous owner was not billed for. Ms. Lapensee stated that they could be. Mr. Bryant stated that he thinks people would balk at that.

Mr. Bryant stated that Ms. Sims have been doing this for four (4) years. He wanted to know in principal if she agreed with everything that is going on. Ms. Sims stated yes. Mr. Bryant asked Ms. Sims if she would be willing to author the letter that would let all these homeowners know what happened. She stated yes. He wanted the letter to be positive to let everyone know that we were trying to fix the situation. Ms. Sims stated that she sent those lighting districts in the mail and did not check to see if they had been received. She stated that she takes responsibility for that. She stated that when she was trying to fix them, she also did not realize all the districts had to be filed before 9/30 of each year. She stated that she thought all the assessments that she sent in December of last year would have been on the tax bills, but they weren't. She stated that the County Auditor's office never told her that she would have to wait a whole year. Mr. Bryant stated that the Trustees have to sign these resolutions and that the buck stops with them. He stated that the timing is not great. Ms. Sims stated that the letters will go out after January when people start to receive their tax bills. Ms. Sims stated that she will make sure that the letter holds the Trustees harmless. Mr. Bryant wanted a copy of the letter before it goes out. Mr. Bryant stated that he wants to be fair to everyone and we need to fix it. Ms. Sims stated that she never had one resident call and say that their tax bill was incorrect.

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

Mr. Bryant stated for the record that it pains him to have to do this, but it's the only fair and equitable way to resolve the issue.

EXECUTIVE SESSION

None

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

Meeting adjourned at 7:26 p.m.

Approved:

Jodie Leis, Board President

Carol Sims, Fiscal Officer