

**SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT  
P.O. BOX 215, ETNA, OH 43018**

**BOARD MEETING MINUTES  
JANUARY 9, 2020**

**1. OPENING**

The January 9, 2020 Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mrs. Carrelli at 4:00p.m. Mr. Kretzmann, Mr. Platte and Mr. Hagy were present at roll call. Also present were John Albers, Kathy Killen, Josephine Carrelli, CJ Gilcher, and those members of the public who signed the January 9, 2020 sign-in sheet.

**2. ADOPTION OF AGENDA**

Mr. Platte made a motion, second by Mr. Kretzmann to add an item to the executive session. He added 121.22 G3 for a conference with attorney to discuss pending or imminent litigation.

Upon roll call vote, Mr. Hagy voted no. Mr. Platte and Mr. Kretzmann voted yes. Motion carried.

Mr. Platte made a motion, second by Mr. Kretzmann, to approve the amended agenda. Upon roll call vote, Mr. Hagy voted no. Mr. Kretzmann and Mr. Platte voted yes. Motion carried. Agenda adopted.

**3. ELECTION OF OFFICERS**

Mrs. Carrelli declared that all offices of the Southwest Licking Community Water and Sewer District were vacant pursuant to the District's By-Laws and that nominations for the President, Vice-President, Secretary, and Treasurer of the Board for the 2020 calendar year were necessary at this time.

Mrs. Carrelli asked for a nomination for President. Mr. Platte moved to nominate and elect Mr. Kretzmann for President. Mr. Kretzmann seconded the Motion.

Upon roll call vote, Mr. Platte voted aye, and Mr. Kretzmann voted aye. Mr. Hagy voted no. Motion carried.

Mr. Kretzmann asked for a nomination for Vice-President. Mr. Kretzmann moved to nominate and elect Mr. Platte for Vice-President. Mr. Platte seconded the Motion. Upon roll call vote, Mr. Kretzmann voted aye, and Mr. Platte voted aye. Mr. Hagy voted no. Motion carried.

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018

69 Zellers Lane Pataskala, Ohio 43062

Phone (740)927-0410 Fax (740)927-4700

Mr. Kretzmann asked for a nomination for Secretary. Mr. Kretzmann moved to nominate and elect Mr. Hagy for Secretary. Mr. Platte seconded the Motion. Upon roll call vote, all voted aye. Motion carried.

Mr. Kretzmann asked for a nomination for Treasurer. Mr. Platte moved to nominate and elect Mr. Kretzmann for Treasurer. Mr. Kretzmann seconded the Motion. Upon roll call vote, Mr. Platte voted aye, and Mr. Kretzmann voted aye. Mr. Hagy voted no. Motion carried.

**4. APPROVAL OF MINUTES**

Mr. Platte made a motion, second by Mr. Hagy to approve the minutes of the Board meeting of December 27, 2019 as amended with the correct spelling with Mr. Schaff's name. Upon roll call vote, all voted aye. Motion carried.

**5. PAYMENT OF BILLS**

Mr. Kretzmann moved to approve payment of the bills as presented. Mr. Platte seconded. Upon roll call vote, all aye. Motion carried.

**6. COMMUNICATIONS**

There were no communications.

**7. PUBLIC COMMENTS**

Mr. Schaff asked for the selection criteria and the procedure that was followed in hiring the Taft Law Firm. He asked if a competitive approach was used to select the firm or what other criteria was used to choose this particular law firm. He stated there is no cap on the services and he feels like that is giving them a blank check.

Mr. Schaff also brought up the meeting times again. He feels they should be held at times the public can attend such as evening and weekend meetings.

He feels like the Board should meet one evening a month and one Saturday a month. He feels the schedule should be this way for at least a 6 month period to give the public a chance to get used to the schedule and attend the meetings.

**8. MEETING SCHEDULE FOR 2020**

Mr. Platte made a motion, second by Mr. Kretzmann to set the regular board meeting schedule for the second and last Thursday of each month at 4pm, with the exception of the last meeting in November. It will be held on 11/19/2020 at 6:00pm. Meetings will take place at the administration building on Zellers Ln.

Upon roll call vote, Mr. Hagy voted no. Mr. Platte and Mr. Kretzmann voted yes. Motion carried.

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018  
69 Zellers Lane Pataskala, Ohio 43062  
Phone (740)927-0410 Fax (740)927-4700

Executive Session was moved to this time.

**9. EXECUTIVE SESSION**

Mr. Platte made a motion, second by Mr. Kretzmann to go into executive session per ORC 121.22 (G)(1)- To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, and ORC 121.22 (G)(3) - Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent litigation.

Upon roll call vote Mr. Hagy voted no. Mr. Platte and Mr. Kretzmann voted yes. Motion carried.

Entered executive session at 4:15pm. The Board, Mr. Gilcher, Mrs. Killen, Mrs. Carrelli and Mr. Albers were present for the executive session.

Mr. Kretzmann made a motion, second by Mr. Hagy to return from executive session. Upon roll call vote, all voted yes.

Returned from executive session at 4:45pm.

**10. GENERAL MANAGER'S REPORT**

**RESOLUTION TO APPROVE EXPENDITURE APPROPRIATION FOR 2020:**

Mrs. Killen presented a resolution for the Board's consideration and approval:

**RESOLUTION:**

Mr. Platte made a motion, second by Mr. Hagy.

**R 2020-001**

**BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT THAT TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF SAID BOARD OF TRUSTEES, DURING THE FISCAL YEAR, ENDING DECEMBER 31, 2020, FOLLOWING SUMS BE AND THE SAME ARE HEREBY SET ASIDE AND APPROPRIATED FOR THE SEVERAL PURPOSES FOR WHICH EXPENDITURES ARE TO BE MADE FOR AND DURING SAID FISCAL YEAR, AS FOLLOWS, VIZ: THAT THERE BE APPROPRIATED FROM THE ENTERPRISE FUND FOR THE FOLLOWING EXPENSES:**

<b>OPERATING</b>	<b>\$ 2,235,553.27</b>
<b>COLLECTIONS</b>	<b>\$ 930,984.50</b>

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018  
69 Zellers Lane Pataskala, Ohio 43062  
Phone (740)927-0410 Fax (740)927-4700

<b>CONSTRUCTION</b>	<b>\$ 484,673.26</b>
<b>ADMINISTRATIVE</b>	<b>\$ 1,112,770.25</b>
<b>DEBT PAYMENT</b>	<b>\$ 7,000,000.00</b>
<b>CAPITAL EXPENSE</b>	<b>\$ 1,300,000.00</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$13,063,981.28</b>

That is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2020-001 WAS APPROVED.**

**RESOLUTION TO APPROVE DEPRECIATION APPROPRIATIONS FOR 2020:**

Mrs. Killen presented a resolution for the Board's consideration and approval:

**RESOLUTION:**

Mr. Kretzmann made a motion, second by Mr. Hagy.

**R 2020-002**

- 1. RESOLUTION TO APPROPRIATE \$3,900,000.00 FOR DEPRECIATION EXPENSE FOR THE FISCAL YEAR 2020 AND IN ACCORDANCE WITH THE AUDITOR'S RECOMMENDATION FOR COMPLIANCE WITH ANNUAL DEPRECIATION.**
2. That is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2020-002 WAS APPROVED.**

**2020 AUDIT:**

Mrs. Killen stated the State Auditor has decided to bid us out for the next audit. Perry and Associates was awarded the bid. They sent over a memorandum agreement and needs the

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018

69 Zellers Lane Pataskala, Ohio 43062

Phone (740)927-0410 Fax (740)927-4700

Board President to sign. Mrs. Killen also stated the District CPA recommended the Board make a motion to give Mrs. Killen and Mr. Gilcher permission to sign any audit paperwork, excluding the final report which will need to be signed by the Board.

Mr. Kretzmann made a motion, second by Mr. Platte to give Mrs. Killen and Mr. Gilcher the authority to sign any documents during the audit, excluding the final report which will be presented to the Board.

Upon roll call vote, all voted yes. Motion carried.

**BROOKSEGE SUBDIVISION SANITARY SEWER BACKUP:**

Mr. Gilcher provided a recap of the equipment malfunction at the lift station in the Brooksege subdivision on December 14, 2019. One of the residents affected by the backup is requesting the District pay for the cost to have a check valve installed on the service main to possibly prevent any future backups.

Mrs. Lutz, the affected resident requesting the valve be installed, was present at the meeting to explain her request. She stated the backup was very expensive. She did have insurance but now has a claim on it and her premium will probably increase because of it. She also stated she felt it affected the value of her home and fears she will have issues with selling at some point due to the lift station being right behind the home and the possibility of a backup in the future.

Mr. Gilcher explained the check valve would be installed on the service main. It would be out of the right of way so the District would not have the right to go onto private property to maintain it. He stated it would have to be maintained on a regular basis.

Mr. Platte stated he feels it would be an issue to do any kind of work outside of the right of way and it makes sense to him to follow the District's current policies and procedures.

Mr. Hagy made a motion, second by Mr. Platte, to make no exceptions to the District's current policies and procedures.

Mr. Gilcher read the rules and regulations again which outline the liability the District would have in a case like this. The District is not responsible for any damages.

Mr. Kretzmann stated the District has already offered to reimburse the deductible.

Mr. Platte stated the rules do not prevent a homeowner from having the valve installed on their own.

Upon roll call vote, all voted aye. Motion carried.

**SANITARY DEDUCT METERS:**

Mr. Gilcher stated Mr. Coleman Forrestal was at the last meeting to discuss why the District does not offer deduct meters for outside watering.

Mr. Platte stated we have current policies and procedures in place to address deduct meters and does not think we should deviate from that.

Mr. Kretzmann stated he agrees and does not feel like deduct meters need to be addressed.

Mr. Hagy stated he agrees.

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018

69 Zellers Lane Pataskala, Ohio 43062

Phone (740)927-0410 Fax (740)927-4700

Mr. Gilcher will follow up with the customer and explain the Board does not wish to change the policy on deduct meters.

**WTC CONCENTRATE FORCE MAIN PROJECT:**

Mr. Gilcher stated the contractor has pipe onsite, the alignment has been staked and they are looking to begin the project next week. Mr. Gilcher also stated a letter was sent to residents that would be affected by the construction along Refugee Rd.

He spoke with the contractor and 90%-95% of the project will be directional bored.

**MISCELLANEOUS:**

Mr. Gilcher stated at the last meeting a resolution was approved to hire James Boving. Mr. Gilcher spoke with him on Monday and he is no longer interested in the position.

Mr. Platte made a motion, second by Mr. Hagy to rescind resolution #2019-084.

Upon roll call vote, all voted yes. Motion carried.

**RESOLUTION TO APPROVE DEVELOPMENT AGREEMENT WITH 310 INVESTMENTS LTD:**

Mr. Gilcher presented a resolution for the Board's consideration and approval:

**RESOLUTION:**

Mr. Platte made a motion, second by Mr. Hagy.

**R 2020-003**

- 1. RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT WITH 310 INVESTMENTS LTD, FOR TRACTS 1 THROUGH 8;**
2. That it is found and determined that all formal actions of this board of trustees concerning and relating to the adoption of this resolution were adopted in an open meeting of this board of trustees, and that all deliberations of this board of trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including section 121.22 of the Revised Code of Ohio.

**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2020-003 WAS APPROVED. MOTION CARRIED.**

***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018  
69 Zellers Lane Pataskala, Ohio 43062  
Phone (740)927-0410 Fax (740)927-4700

**11. OFFICE MANAGER'S REPORT**

Mrs. Carrelli had nothing to present.

**12. ATTORNEY'S REPORT**

Mr. Albers presented a letter he prepared to send to the attorney representing Mr. Albirini regarding an easement he is now refusing to sign after stating he would sign it. The letter states the matter needs to be resolved in the next 10 days or the District will proceed with imminent domain action. The Board approved Mr. Albers to send the letter.

Mr. Albers stated he received a request from Harrison Township Trustees to sign a statement of indemnity. He stated the District is not required to obtain a permit for work within the right of way and are not allowed to sign indemnity statements.

Mr. Albers suggestion was to respond with a revised statement.

Mr. Albers will follow up with legal counsel for Harrison Township to find out the need for the statement as this is the first time this has come up.

Mr. Albers provided some background on the Pataskala agreement. He stated he initially provided 3 versions of the agreement. The Board approved the second option. Mr. Kretzmann stated the idea of taking over Beechwood Trails is something that has come up and asked Mr. Gilcher is the agreement was still open for discussion. Mr. Gilcher stated he believes that is a large portion of the water revenue for the City and does not think they would agree to include Beechwood Trails in the contract for us to provide water to that area.

Mr. Gilcher met with City officials and Chris Sharrock over the past few months and went through the contract piece by piece to try and come to a conclusion. The main issue is the statement pertaining to the interconnect and the sentence that states if the City cannot do the interconnect then the District will construct it. Mr. Kretzmann stated he does not understand why it matters. Mr. Gilcher stated the interconnect would be beneficial for the District and the City to have the interconnect in place. Mr. Platte stated he is failing to understand why there would be an issue with that statement. He asked Mr. Gilcher if he felt it would be beneficial to have more discussions with Pataskala to get a better understanding of the issue the City has with the statement in the contract. Mr. Platte and Mr. Gilcher will follow up with the City to try to come to a conclusion.

Mr. Albers provided an update on the affidavit if fact project. The District has collected \$193,909 so far and that is only a fraction of what will be collected in all. Mr. Albers stated they did a lot of work with Etna Parkway and has notified Southgate that they currently owe \$13,172.00. There is an additional \$109,649.00 that will be due once those parcels are developed. There is another \$115,663.00 on another parcel that will also become due once it is developed.

SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT

P.O. BOX 215, ETNA, OH 43018

69 ZELLERS LANE, PATASKALA, OH 43062

740-927-0410

REGULAR BOARD MEETING/ORGANIZATIONAL MEETING

January 9, 2020 4:00pm

SIGN BELOW:

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
CRAIG McDONALD	NEWARK ASSOCIATE	
GARY Burkholder		
Eric Smith	Harrison Twp.	
PATRICIA LUTZ	188 BROOKSIDE DR	614 395-2057
Mark J. Schaff	7461 National Rd. EtNa 43062	(740) 919-9919



***SOUTHWEST LICKING COMMUNITY WATER & SEWER DISTRICT***

P.O.Box 215 Etna, Ohio 43018  
69 Zellers Lane Pataskala, Ohio 43062  
Phone (740)927-0410 Fax (740)927-4700

There is also an amount due of \$15,367.70 on another property.

Mr. Albers stated at the completion of the affidavit of fact payments the District will collect 3-4 million dollars.

Mr. Kretzmann asked if the issue with customers who were trying to make a payment on an amount due was taken care of. Mr. Albers stated that a portion of an assessment that is now due cannot be accepted. Mr. Albers also stated the entire assessment is due, they were told it was due and that they needed to figure it out amongst themselves how to handle it. He stated he can pursue the collection of it if the Board so chooses or just wait and see what happens.

**13. TRUSTEES' COMMENTS**

Mr. Platte stated he would address the questions Mr. Schaff had at the beginning of the meeting. He stated the Board did have evening meetings in the past and there was no public interest so they were changed back. He stated that by changing the time to 4:00, it may make it easier for the public to attend. He also wants to be mindful of the staff who needs to attend those meetings as well.

The other question Mr. Schaff asked was how the Taft Law Firm was selected. Mr. Platte stated he would refer him back to the November 26, 2019 meeting. He stated he mentioned a few different firms he had heard of and Taft was ultimately chosen as they offered a 20% discount. He stated the engagement letter was reviewed by Mr. Albers, the District's general legal counsel and he saw no issue with it.

Mr. Platte stated he did speak with Ms. Pierce Tucker with Taft Law Firm and provided a brief update. Ms. Pierce Tucker has met with a number of individuals since the engagement letter was signed and has additional meetings scheduled. She has also requested multiple items from the Staff and has received those in a timely manner. She hopes to have the investigation completed in the next 30-60 days.

**14. ADJOURNMENT**

Mr. Platte made a motion, second by Mr. Kretzmann that the meeting would be adjourned. Upon Roll Call vote, all voted aye. The meeting was adjourned at 5:47 p.m.

ATTEST:

  
**CHARLES HAGY, SECRETARY**