

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

**SPECIAL BOARD MEETING MINUTES
March 26, 2020**

1. OPENING

The March 26, 2020 Special Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Kretzmann at 4:00pm. The pledge of allegiance was led by Mr. Kretzmann. Mr. Kretzmann, Mr. Platte and Mr. Hagy were present at roll call. Also present were CJ Gilcher, Josephine Carrelli, and those members of the public who signed the March 26, 2020 sign in sheet and logged in to view the meeting remotely.

2. ADOPTION OF AGENDA

Mr. Platte requested to move the first executive session item to this time on the agenda.

Mr. Platte made a motion, second by Mr. Hagy, to approve the Agenda as presented with the requested change. Upon Roll Call vote, all voted aye. Motion carried. Agenda adopted.

3. EXECUTIVE SESSION

Mr. Platte moved to adjourn into executive session pursuant to Ohio Revised Code 121.22 (G)(1)- the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Seconded by Mr. Hagy

Hagy.....yes

Platte.....yes

Kretzmann.....yes

MOTION CARRIED.

Entered executive session at 4:03 p.m.

The three Board members and Mrs. Pierce Tucker were present in executive session.

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Mr. Kretzmann made a motion, second by Mr. Hagy to return from Executive Session.

Hagy.....yes
Platte.....yes
Kretzmann.....yes

Motion Carried.

Returned from Executive Session at 5:13pm.

4. APPROVAL OF MINUTES

Mr. Platte made a motion, second by Mr. Kretzmann to approve the minutes of the Regular Board Meeting of March 12, 2020 as presented. 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. Hagy seconded. Upon roll call vote, all aye. Motion carried.

6. COMMUNICATIONS

Mr. Gilcher presented an email from the attorney for Westport Homes regarding how inspections are being completed. Westport Homes is requesting the District use third party inspectors so their work does not slow down during the reduced staffing because of the Covid-19 public health emergency. Mr. Gilcher stated he explained to Westport Homes that the District would do its best to accommodate the inspections but projects may be delayed.

Mr. Gilcher stated his recommendation would be to continue inspections with District staff. He feels it is not in the District's best interest to allow third party inspectors who do not know our specifications or rules and regulations. Mr. Gilcher stated he reached out to legal counsel and provided a copy to the Board to review. He also stated in the District's Construction Material Specifications it states the General Manager or designee has the ability to suspend work for such periods as deemed necessary due to adverse weather conditions, conditions considered adverse to the performance of the work or for any other condition or reason deemed to be in the public's best interest.

Mr. Kretzmann asked if they signed an agreement agreeing to follow rules and regulations. Mr. Gilcher stated the agreement is on the agenda today. He felt like it was ok to go ahead and approve the agreement. Mr. Gilcher also stated he felt it was

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best if Westport Homes wanted their fees back if inspections would be delayed to go ahead and refund them that amount. Mr. Kretzmann stated that would be Mr. Gilcher's call to make.

7. GENERAL MANAGER REPORT

WTC CONCENTRATE FORCE MAIN PROJECT:

Mr. Gilcher stated the rain and health emergency has slowed the construction down a little bit and the project is still around 30% complete.

PAUL RENNICK-FINANCIAL STATEMENTS DISCUSSION-APRIL 30 MTG:

Mr. Gilcher stated the District's CPA Paul Rennick is wanting to schedule an Audit Finance Meeting for April 30, 2020 at 3:00pm.

This is tentatively scheduled for April 30, 2020 at 3:00pm. This could change due to the situation with the virus or could possibly be held remotely if needed.

COVID-19 UPDATE:

Mr. Gilcher stated the District staff has been split into two teams. Each team works 5 days onsite and then will be off for 5 days while working from home as needed. This schedule started March 19. The offices have also been closed to the public since March 16. He also stated a House Bill was passed today prohibiting terminating water service for non-payment. He stated we already issued a 30 day moratorium on shut offs and will follow the order. Mr. Gilcher also stated he would like to thank the staff for being supportive and helpful during this time.

Mr. Platte stated he agreed with this and stated Mr. Gilcher did a good job getting a plan together very quickly in how to operate and move forward while keeping everyone safe and maintaining the ability to provide necessary services.

Mr. Hagy stated he wanted to have a special meeting two weeks ago to discuss this and feels like action should have been taken sooner.

MARCH 20 FLOOD EVENT UPDATE:

Mr. Gilcher stated there was a substantial amount of water between March 19 and March 20. The rain gauge at the WWTP showed about 5" of rain over the course of those 2 days. He stated the waste water treatment facility treated more water on Friday than they ever have before and it was all fully treated. The plant treated 6.959 mgd in a plant made to accommodate 2.65 mgd. He stated the staff was on top of it and did a great job in handling the flow. He stated unfortunately we did have 6 homes that ended up with water in their basement. He stated we would handle this as general practice and cover insurance deductibles

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for those customers as they call in. Mr. Kretzmann asked if they were instructed to contact us and Mr. Gilcher stated they were.

RESOLUTION TO APPROVE DEVELOPMENT AGREEMENT WITH WESTPORT HOMES FOR ELLINGTON VILLAGE SECTION 6 PROJECT:

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

RESOLUTION:

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

R 2020-032

RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT WITH DR HORTON-INDIANA, LLC, DBA. WESTPORT HOMES FOR THE ELLINGTON VILLAGE SECTION 6 PROJECT;

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. 2020-032 WAS APPROVED.

RESOLUTION TO APPROVE WATER SERVICE CONTRACT WITH CITY OF PATASKALA:

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

RESOLUTION:

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

R 2020-033

- 1. WHEREAS THE BOARD OF TRUSTEES OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT HEREBY APPROVES THE WATER**

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SERVICE CONTRACT, EXECUTED BY THE DISTRICT ON THIS DATE, BETWEEN THE CITY OF PATASKALA AND THE SOUTHWEST LICKING WATER AND SEWER DISTRICT AND AUTHORIZES LARRY KRETZMANN, AS BOARD PRESIDENT, TO EXECUTE SUCH CONTRACT ON BEHALF OF THE DISTRICT.

- 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. 2020-033 WAS APPROVED.

RESOLUTION TO APPROVE SANITARY SEWER SERVICE CONTRACT WITH CITY OF PATASKALA:

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

RESOLUTION:

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

R 2020-034

- 1. WHEREAS THE BOARD OF TRUSTEES OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT HEREBY APPROVES THE SANITARY SEWER SERVICE CONTRACT, EXECUTED BY THE DISTRICT ON THIS DATE, BETWEEN THE CITY OF PATASKALA AND THE SOUTHWEST LICKING WATER AND SEWER DISTRICT AND AUTHORIZES LARRY KRETZMANN, AS BOARD PRESIDENT, TO EXECUTE SUCH CONTRACT ON BEHALF OF THE DISTRICT.**
- 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.**

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UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2020-034 WAS APPROVED.

8. OFFICE MANAGER REPORT

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

RESOLUTION:

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

R 2020-035

RESOLUTION TO CERTIFY DELINQUENT CHARGES TO THE LICKING COUNTY AUDITOR.

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. 2020-035 WAS APPROVED.

Mrs. Carrelli stated that although there is currently a moratorium on shut offs, they still delivered tags to those customers who were delinquent. There were 76 tags left on March 24, 2020.

Mrs. Carrelli provided the Board with two resolutions passed at the last meeting that needed to be signed.

9. EXECUTIVE SESSION

Mr. Platte moved to adjourn into executive session pursuant to Ohio Revised Code 121.22 (g) (8), for the purpose of considering confidential information related to an applicant for economic development assistance, or for the purpose of considering confidential information related to negotiations with other political subdivisions respecting their request for economic development assistance, and the information is

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directly related to a request for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project, and the board hereby determines that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

Seconded by Mr. Hagy

Hagy.....yes
Platte.....yes
Kretzmann.....yes

MOTION CARRIED.

Entered executive session at 5:35 p.m.

The three Board members and Mr. Gilcher were present for executive session with John Albers to be contacted by phone if needed.

Mr. Platte made a motion, second by Mr. Kretzmann to return from Executive Session.

Hagy.....yes
Platte.....yes
Kretzmann.....yes

Motion Carried.

Returned from Executive Session at 5:57pm.

10. TRUSTEES' COMMENTS

RESOLUTION:

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

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R 2020-036

WHEREAS THE BOARD OF TRUSTEES OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT HEREBY APPROVES A NON-BINDING MEMORANDUM OF UNDERSTANDING (THE "MOU") FOR THE EXTENSION OF SERVICES TO THE SR161/SR310 AREA, BETWEEN JERSEY TOWNSHIP (LICKING COUNTY, OHIO) AND THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT, AND AUTHORIZES LARRY KRETZMANN, BOARD PRESIDENT, TO EXECUTE THE MOU SIGNIFICANTLY IN THE FORM AS ATTACHED HERETO AS "EXHIBIT A"

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. 2020-036 WAS APPROVED.

RESOLUTION:

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

R 2020-037

WHEREAS THE BOARD OF TRUSTEES OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT HEREBY APPROVES A NON-BINDING MEMORANDUM OF UNDERSTANDING (THE "MOU") FOR THE EXTENSION OF SERVICES TO THE SR161/SR310 AREA, BETWEEN ST. ALBANS TOWNSHIP (LICKING COUNTY, OHIO) AND THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT, AND AUTHORIZES LARRY KRETZMANN, BOARD PRESIDENT, TO EXECUTE THE MOU SIGNIFICANTLY IN THE FORM AS ATTACHED HERETO AS "EXHIBIT A"

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. 2020-037 WAS APPROVED.

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Mr. Platte stated Mr. Albers has directed the Board many times to try and obtain an USDA loan.

Mr. Platte made a motion, second by Mr. Hagy to direct Mr. Gilcher to work with Mr. Albers on the process to obtain an USDA loan.

Upon roll call vote all voted aye. Motion carried.

Mr. Platte stated there was a gentleman at the last meeting by the name of Hank Smith who lives on Refugee Rd with concerns regarding flooding on his property. Mr. Platte stated he reviewed meetings from last year where Mr. Carlisle assured him it would be taken care of. He has talked to Mr. Gilcher about it a little bit as well. Mr. Platte feels like the District should not do a project and leave a resident's property in a different state than when it was started. Mr. Platte asked Mr. Gilcher to look into this issue again and make sure the District has done everything they can. Mr. Gilcher stated Mr. Smith's attorney did contact Mr. Albers and they were working through those issues. He thinks it was left with the owner needing to have some proof that a drain tile was damaged. The County has no record of anything there. Mr. Gilcher will get back with Mr. Albers and update the Board on what he finds out.

Mr. Platte stated the Board retained legal counsel on November 26, 2019 to investigate a complaint that was received on November 21, 2019 from Ms. Debra Moore. The Board received the report from Ms. Pierce Tucker. He stated it was a very thorough report and he thanked her for her work on it. Mr. Platte stated the report reveals a series of events that shows Mr. John Carlisle inappropriately interfered with the process in the District's desire to hire a General Manager. He stated the Board now has to decide how to proceed. Mr. Platte stated based on the information in the report he is presenting a resolution to the Board;

RESOLUTION:

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

R 2020-038

WHEREAS: BASED ON THE FINDINGS OF AN INVESTIGATION (THE INVESTIGATION REPORT AND ITS ATTACHMENTS ARE ATTACHED HERETO AS EXHIBIT A) AND THE BOARD DELIBERATIONS,

THEREFORE: THE BOARD HEREBY FINDS THAT THE EMPLOYMENT AGREEMENT OF JOHN CARLISLE, ENTERED ON NOVEMBER 15, 2019 BY RESOLUTION NO. 2019-073 IS NULL AND VOID AND ALL TERMS

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CONTAINED THERIN ARE INVALID AND UNENFORCEABLE.

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.

Mr. Kretzmann stated he also wanted to thank Ms. Pierce Tucker for her work. Mr. Platte stated he would also like to thank those who assisted in retrieving documents and speaking with Ms. Pierce Tucker during this investigation. He would also like to thank Ms. Moore for bringing this to the attention of the Board. Mr. Platte asked Mr. Gilcher to direct staff to cease all payments to Mr. Carlisle immediately if this resolution is adopted.

UPON ROLL CALL VOTE, MR. HAGY VOTED NO. MR. PLATTE AND MR. KRETZMANN VOTED YES. RESOLUTION NO. 2020-038 WAS APPROVED.

11. 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 6:11p.m.

ATTEST:


CHARLES HAGY, SECRETARY

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69 ZELLERS LANE, PATASKALA, OH 43062

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SPECIAL BOARD MEETING

March 26, 2020 4:00pm

SIGN BELOW:

NAME

ADDRESS

PHONE

Janice Perse J. J. J.

65 E. State St Suite 1000

614-
334-4122