

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

**BOARD MEETING MINUTES  
October 12, 2023**

**1. OPENING**

The October 12, 2023, Regular Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Kretzmann at 4:00 p.m. The Pledge of Allegiance was led by Mr. Kretzmann. Mr. Kretzmann, Mr. Stepp, and Mrs. Carter were present at roll call. Also present were CJ Gilcher, Josephine Carrelli, Kathy Killen, Nick Eippert, James Roberts, and those members of the public who signed the sign in sheet. The meeting was also live streamed for public viewing.

**2. ADOPTION OF AGENDA**

Mr. Kretzmann removed the G8 executive session from the agenda.  
Mr. Gilcher added a RMP Development Update and a Bill of Sale Resolution to the agenda.

Mr. Kretzmann made a motion, second by Mr. Stepp, to approve the agenda as amended.  
Upon roll call vote, all voted aye. Motion carried. Agenda adopted.

**3. APPROVAL OF MINUTES**

Mr. Kretzmann made a motion, seconded by Mr. Stepp to approve the meeting minutes from the September 28, 2023, Regular Meeting.

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

**4. PAYMENT OF BILLS**

Mrs. Carter moved to approve payment of the bills as presented. Mr. Stepp seconded.  
Upon roll call vote, all voted aye. Motion carried.

**5. COMMUNICATIONS**

There were no communications.

**6. PUBLIC COMMENTS**

Gary Burkholder asked how the District was going to be paying back the \$85 million loan for the Wagram Wastewater Treatment Center. He said he has repeatedly asked the question and has not received an answer. He asked for the details, the revenue projections and what the

payments and interest rate will be on the loan. He said he does not support TIFS because they redirect future property taxes. He would support capital recovery fees and wants to see specifics. He also asked what the alternative options were to pay for it and said they have a right to know. He feels like he is being discounted when asking legitimate questions.

Mr. Kretzmann said he listened to the Etna Township meeting where Mr. Stepp and Mr. Platte presented information and said they did provide answers to those questions and said just because he didn't get the answer, he wanted doesn't mean he didn't get an answer. Mr. Kretzmann said there is a plan, but they do not have every detail figured out at this point. He said he is happy to answer all his questions once they have all the answers.

Mark Evans said he was concerned after the Etna Township meeting where Mr. Stepp and Mr. Platte presented information because he said there was no new information provided. He does not like TIFS either as he said they take money away from schools. He wanted to know what the payments would be on the loan and how much revenue is needed. He asked if there was a study completed that shows how much capacity is needed based on the current comp plan and zoning. He said he had an issue with Mr. Stepp asking to be reappointed to the Board early and wants to know if he will fulfill his term if he is elected as an Etna Township Trustee. He also wanted to know why there is a delay on archiving the meetings when it can be done on YouTube at no cost.

Nita Hansen wanted to thank the representatives from the Water District that came and spoke at the Etna Township Meeting. She said the District was well represented and what she heard from the meeting is that there are multiple mechanisms for funding for the facility, different ones that can be combined with others and different ones that would require the agreement and cooperation of various autonomous bodies and that none of the possible scenarios are yet set with enough detail that it would be efficient to talk about them yet. She said but it was clear that the goal of the District is not to burden the existing customers but to have the end users of the new facilities pay for those. She said she thought the information was very well presented and easy to understand and recognizes it is just a step in the direction of which way they might go.

## **7. GENERAL MANAGER'S REPORT**

### **RMP DEVELOPMENT UPDATE:**

Mr. Platte said he continues to work with Mr. Gilcher, Mr. Roberts and Mr. Eippert on the various projects. He said Kirkersville did have a meeting on October 4 and had an executive session that they indicated they would be talking about the agreement with the District but did not take any action. He said they did designate a couple of people to meet with the District so further discussions could be held. He said it looks like both entities are in a good place and the project should be coming to fruition pretty quickly. He said the funding would mirror the mechanisms used in Union Township so current customers of the District are not paying for

it. He also said he attended a MORPC meeting today and the commission authorized the Executive Director, Mr. Roberts, to enter into an agreement with the state and other state agencies to do a regional water and sewer study, including 15 counties. He said there was \$500,000 awarded to get the study started and there would be some good information coming out of that.

**WAGRAM WWTC PROJECT UPDATE:**

Mr. Gilcher said there was a pre-construction meeting today. There was a couple of small items to be cleaned up in the plans that the site civil engineer is going to take care of. He hopes they will be able to begin the tree clearing in the next week or so. He also said there is a preliminary approval of the loan pending the permit to install with the Ohio EPA. He expects to receive that in the next couple of weeks.

**SR 161 WATERLINE EXTENSION PROJECT UPDATE:**

Mr. Gilcher said the lines are in the ground. They have completed the hydrostatic testing and are now flushing the lines and doing the bacteriological testing. He anticipates the waterline being online within the next 2-3 weeks for use and hook up pending approval of the tests.

**RESOLUTION TO APPROVE-ENGINEERING AGREEMENT WITH ARCADIS US, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE RACCOON CREEK WASTEWATER TREATMENT CENTER PROJECT:**

Mr. Gilcher presented a resolution for the Board's consideration and approval. He said this would be for a wastewater facility near Outville Rd. and SR 161 in St Albans Township.

**RESOLUTION:**

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

**R 2023-119**

**WHEREAS: THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT HAS DETERMINED THE NEED TO CONSTRUCT THE RACCOON CREEK WASTEWATER TREATMENT CENTER PROJECT TO SERVICE FUTURE CUSTOMERS WITH A HIGH QUALITY DEPENDABLE SANITARY SEWAGE TREATMENT SERVICES, AND;**

**WHEREAS: THE INTERIM GENERAL MANAGER RECOMMENDS THAT THE DISTRICT ENTER INTO AN ENGINEERING AGREEMENT WITH ARCADIS U.S., INC. TO PROVIDE DESIGN AND CONSTRUCTION**

**ADMINISTRATIVE SERVICES AS DESCRIBED IN THE SCOPE OF SERVICES, AND;**

**THEREFORE: THE BOARD OF TRUSTEES APPROVES THE CONTRACT WITH ARCADIS U.S., INC. IN AN AMOUNT NOT TO EXCEED \$5,071,089.00 AND HEREBY AUTHORIZES THE PRESIDENT OF THE BOARD OF TRUSTEES TO SIGN THE CONTRACT ATTACHED HERETO.**

**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. 2023-119 WAS APPROVED.**

**RESOLUTION TO APPROVE BILL OF SALE FOR THE SANITARY SEWER LINE FACILITIES IN THE KILLARNEY WOODS PROJECT:**

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

**RESOLUTION:**

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

**R 2023-120**

- 1. WHEREAS THE DISTRICT ENTERED INTO A DEVELOPMENT AGREEMENT WITH CP KILLARNEY, LLC. FOR THE KILLARNEY WOODS PROJECT ON SEPTEMBER 24, 2020, AND**
- 2. CP KILLARNEY, LLC. HAS COMPLETED ALL REMAINING PUNCH LIST ITEMS AND HAS FULLFILLED ITS CONTRACTUAL REQUIREMENTS REGARDING THE CONSTRUCTION OF THE SANITARY SEWER LINE INFRASTRUCTURE, AND**
- 3. THE BOARD OF TRUSTEES APPROVES OF SAID BILL OF SALE FOR THE SANITARY SEWER LINE FACILITIES IN THE KILLARNEY WOODS PROJECT, AND**
- 4. 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. 2023-120 WAS APPROVED.**

## INTERIM GENERAL MANAGERS MESSAGE:

Mr. Gilcher read the following statement:

Board of Trustees, fellow staff, and members of the public, I appreciate this opportunity to give a farewell message as one of my last acts as the Interim General Manager. First, I would like to ask a question. Does anyone know what the definition of “interim” is? It means the intervening time. I found this definition on my phone and found it humorous on how the dictionary utilized the word in a sentence. The sentence was “In the interim, I’ll just keep my fingers crossed.” I’m sure a few folks including myself thought that during this interim time frame.

Over four years ago, I was asked to fill this interim role as in the absence of the Districts previous General Manager Lee Conkel. It certainly has been a long four years with many ups and downs. Some folks may have thought that the District has been a ship without a captain. That it did not have a capable leadership. I say otherwise. This District has moved forward in an efficient and deliberate manner. **WE** have accomplished many things within the last four years. And when I say **WE**, it isn’t just the Board of Trustees or myself. The District staff is the biggest reason the District continues to make strides towards the future. Here is just a few of our accomplishments:

- **WE** commissioned the York Road Water Treatment Center
  - Staff stayed late, put in many hours, and even slept on the floor to ensure that the startup went off without a hitch.
- **WE** negotiated and executed a reasonable service agreement with the City of Pataskala
  - The City and the District worked diligently to come up with a common-sense approach to water and sanitary sewer service within the City of Pataskala and Harrison Township. As part of that agreement, the City and the District constructed a water interconnect which solidifies both water systems in the event of an emergency. Additionally, our staff transferred approximately 150 accounts within Harrison Township from the City water system to the District which is now saving those customers money on their monthly bills.
- **WE** made it through the COVID 19 pandemic.
  - Staff worked through the shutdowns, work schedule changes, equipment/chemical shortages, etc. At no point was the water and sanitary sewer service affected and public health was maintained. The water left the Water Treatment Center, was distributed and utilized by our customers, waste was collected and then treated at the Environmental Control Facility.
- **WE** added additional staffing and adjusted wages accordingly.
  - Additional staff has made the District operate more efficiently. The wage adjustments not only showed our staff that they are appreciated but also made the District competitive in a difficult job market.
- **WE** updated our antiquated billing software originally installed in 2002.
  - Office staff trained on the system, transferred all 7000 plus accounts, and began utilizing the new system with little effect on our customers.
- **WE** completed a rate study for the District and reduced the debt elimination fee.
  - Accounting and office staff worked diligently to provide our consultant with an abundance of billing and financial documents to ensure the rate study was as accurate as possible. This rate study showed the need to drop incrementally reduce the debt elimination fee which should save our customers money in the coming years.
- **WE** are on the cusp of completing two utility master planning documents.

- All staff provided an abundance of information to each of the consultants. Staff assisted in flow monitoring so we can model both the water and sanitary sewer systems to discover where there are potential water/sanitary sewer capacity constraints. These documents will provide guidance on how the District needs to move forward with infrastructure projects in the near future.
- **WE** have designed, bid, and began construction on the Pataskala Corporate Park Sanitary Sewer Project
  - This much needed project will provide sanitary sewer to both the Pataskala and Etna Corporate Parks and will bolster both communities' economic development opportunities.
- **WE** procured land for, drilled, and completed six ground water production wells to allow expansion of the York Road Water Treatment Center
  - This allows the District to provide the needed water resource to continue controlled development within the area.
- **WE** designed, bid and will begin construction on the Wagram Wastewater Treatment Center
  - Staff provided numerous hours of time in the planning, review, design, etc. of a new 2.5 MGD wastewater treatment facility. Just like the Pataskala Corporate Park Sanitary Sewer, this treatment facility will bolster and provide all of the communities within the District to grow.

These are only a few of the many accomplishments that **WE** were able to complete. **WE** are a group of individuals that I wouldn't trade for the world.

I would like to thank our community leaders and elected officials that I have had the pleasure to work with while at the District. A special thanks to three the Districts previous General Managers Mike Frommer, Don Rector, Lee Conkle and previous Board of Trustees member Rob Platte. They were there to instill confidence, provide guidance, and answer questions the last four years.

I have had the pleasure with working directly with some of the past and the current Board of Trustees. Each of the Trustees have imparted some of their wisdom. I would like to reflect on a quick item that I have personally learned each of the current Trustees:

Trent Stepp – Not to take the judgement of others personally. Know that if your actions were in the best interest of the District and you can look yourself in the mirror at night, that is the best you can do.

Larry Kretzmann – Learn to delegate tasks. You can't do it all by yourself. Trust in your staff to accomplish the task in hand.

Melissa Carter – We are not going to agree with the decisions that have to be made. A healthy debate is good and while everyone may not always agree, we don't dwell on the decision, and we move forward with the task at hand.

Thank you, Board of Trustees, for your full support throughout this process.

I want to thank the staff and department supervisors. I asked you all to do more than you certainly required to do. You all put in the extra effort to ensure the operation of the District and to pick up my slack. I am truly grateful and appreciative of everything you have done.

I am looking forward to working with Jim Roberts to write the next chapter of the District. I have had the pleasure with working with Jim the last couple of days. I can tell that Jim is going to bring a true collaborative ideology with our community partners to ensure that cost effective water and sanitary sewer services are in place to meet the needs of Western Licking County.

In closing, I would like to summarize with a quote from the American military leader General Douglas MacArthur. MacArthur said that "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. They do not set out to be a leader,

but they become one by the equality of their actions and the integrity of their intent.” This District has 30 outstanding individuals who are leaders in their own right. They never wavered, they never questioned, and they placed the needs of this District and its customers before their own. The staff of this District are the true leaders.

**USDA LOAN RESOLUTION-SR 161 WATER TOWER PROJECT:**

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

**RESOLUTION:**

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

**R 2023-121**

**A RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.**

**WHEREAS, IT IS NECESSARY FOR THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT**

**(HEREIN AFTER CALLED ASSOCIATION) TO RAISE A PORTION OF THE COST OF SUCH UNDERTAKING BY ISSUANCE OF ITS BONDS IN THE PRINCIPAL AMOUNT OF FOUR MILLION FIFTY THREE THOUSAND & 00**

**PURSUANT TO THE PROVISIONS OF ORC 6119 ; AND**

**WHEREAS, THE ASSOCIATION INTENDS TO OBTAIN ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE,**

**(HEREIN CALLED THE GOVERNMENT) ACTING UNDER THE PROVISIONS OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT (7 U.S.C. 1921**

**ET SEQ.) IN THE PLANNING, FINANCING, AND SUPERVISION OF SUCH UNDERTAKING AND THE PURCHASING OF BONDS LAWFULLY ISSUED, IN THE EVENT**

**THAT NO OTHER ACCEPTABLE PURCHASER FOR SUCH BONDS IS FOUND BY THE ASSOCIATION:**

**NOW THEREFORE, IN CONSIDERATION OF THE PREMISES THE ASSOCIATION HEREBY RESOLVES:**

**1. TO HAVE PREPARED ON ITS BEHALF AND TO ADOPT AN ORDINANCE OR RESOLUTION FOR THE ISSUANCE OF ITS BONDS CONTAINING SUCH ITEMS AND IN SUCH FORMS AS ARE REQUIRED BY STATE STATUTES AND AS ARE AGREEABLE AND ACCEPTABLE TO THE GOVERNMENT.**

**2. TO REFINANCE THE UNPAID BALANCE, IN WHOLE OR IN PART, OF ITS BONDS UPON THE REQUEST OF THE GOVERNMENT IF AT ANY TIME IT SHALL APPEAR TO THE GOVERNMENT THAT THE ASSOCIATION IS ABLE TO REFINANCE ITS BONDS BY OBTAINING A LOAN FOR SUCH PURPOSES FROM RESPONSIBLE COOPERATIVE OR PRIVATE SOURCES AT REASONABLE RATES AND TERMS FOR LOANS FOR SIMILAR PURPOSES AND PERIODS OF TIME AS REQUIRED BY SECTION 333(C) OF SAID CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT (7 U.S.C. 1983(C)).**

3. TO PROVIDE FOR, EXECUTE, AND COMPLY WITH FORM RD 400-4, "ASSURANCE AGREEMENT," AND FORM RD 400-1, "EQUAL OPPORTUNITY AGREEMENT," INCLUDING AN "EQUAL OPPORTUNITY CLAUSE," WHICH CLAUSE IS TO BE INCORPORATED IN, OR ATTACHED AS A RIDER TO, EACH CONSTRUCTION CONTRACT AND SUBCONTRACT INVOLVING IN EXCESS OF \$10,000.

4. TO INDEMNIFY THE GOVERNMENT FOR ANY PAYMENTS MADE OR LOSSES SUFFERED BY THE GOVERNMENT ON BEHALF OF THE ASSOCIATION. SUCH INDEMNIFICATION SHALL BE PAYABLE FROM THE SAME SOURCE OF FUNDS PLEDGED TO PAY THE BONDS OR ANY OTHER LEGALLY PERMISSIBLE SOURCE.

5. THAT UPON DEFAULT IN THE PAYMENTS OF ANY PRINCIPAL AND ACCRUED INTEREST ON THE BONDS OR IN THE PERFORMANCE OF ANY COVENANT OR AGREEMENT CONTAINED HEREIN OR IN THE INSTRUMENTS INCIDENT TO MAKING OR INSURING THE LOAN, THE GOVERNMENT AT ITS OPTION MAY (A) DECLARE THE ENTIRE PRINCIPAL AMOUNT THEN OUTSTANDING AND ACCRUED INTEREST IMMEDIATELY DUE AND

PAYABLE, (B) FOR THE ACCOUNT OF THE ASSOCIATION (PAYABLE FROM THE SOURCE OF FUNDS PLEDGED TO PAY THE BONDS OR ANY OTHER LEGALLY PERMISSIBLE SOURCE), INCUR AND PAY REASONABLE EXPENSES FOR REPAIR, MAINTENANCE, AND OPERATION OF THE FACILITY AND SUCH OTHER REASONABLE EXPENSES AS MAY BE NECESSARY TO CURE THE CAUSE OF DEFAULT, AND/OR (C) TAKE POSSESSION OF THE FACILITY, REPAIR, MAINTAIN, AND OPERATE OR RENT IT. DEFAULT UNDER THE PROVISIONS OF THIS RESOLUTION OR ANY INSTRUMENT INCIDENT TO THE MAKING OR INSURING OF THE LOAN MAY BE CONSTRUED BY THE GOVERNMENT TO CONSTITUTE DEFAULT UNDER ANY OTHER INSTRUMENT HELD BY THE GOVERNMENT AND EXECUTED OR ASSUMED BY THE ASSOCIATION, AND DEFAULT UNDER ANY SUCH INSTRUMENT MAY BE CONSTRUED BY THE GOVERNMENT TO CONSTITUTE DEFAULT HEREUNDER.

6. NOT TO SELL, TRANSFER, LEASE, OR OTHERWISE ENCUMBER THE FACILITY OR ANY PORTION THEREOF, OR INTEREST THEREIN, OR PERMIT OTHERS TO DO SO, WITHOUT THE PRIOR WRITTEN CONSENT OF THE GOVERNMENT.

7. NOT TO DEFEASE THE BONDS, OR TO BORROW MONEY, ENTER INTO ANY CONTRACTOR AGREEMENT, OR OTHERWISE INCUR ANY LIABILITIES FOR ANY PURPOSE IN CONNECTION WITH THE FACILITY (EXCLUSIVE OF NORMAL MAINTENANCE) WITHOUT THE PRIOR WRITTEN CONSENT OF THE GOVERNMENT IF SUCH UNDERTAKING WOULD INVOLVE THE SOURCE OF FUNDS PLEDGED TO PAY THE BONDS.

8. TO PLACE THE PROCEEDS OF THE BONDS ON DEPOSIT IN AN ACCOUNT AND IN A MANNER APPROVED BY THE GOVERNMENT. FUNDS MAY BE DEPOSITED IN INSTITUTIONS INSURED BY THE STATE OR FEDERAL GOVERNMENT OR INVESTED IN READILY MARKETABLE SECURITIES BACKED BY THE FULL FAITH AND CREDIT OF THE UNITED STATES. ANY INCOME FROM THESE ACCOUNTS WILL BE CONSIDERED AS REVENUES OF THE SYSTEM.

9. TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS AND TO CONTINUALLY OPERATE AND MAINTAIN THE FACILITY IN GOOD CONDITION.

10. TO PROVIDE FOR THE RECEIPT OF ADEQUATE REVENUES TO MEET THE REQUIREMENTS OF DEBT SERVICE, OPERATION AND MAINTENANCE, AND THE ESTABLISHMENT OF ADEQUATE RESERVES. REVENUE ACCUMULATED OVER AND ABOVE THAT NEEDED TO PAY OPERATING AND MAINTENANCE, DEBT SERVICE AND RESERVES MAY ONLY BE RETAINED OR USED TO MAKE PREPAYMENTS ON THE LOAN. REVENUE CANNOT BE USED TO PAY ANY EXPENSES WHICH ARE NOT DIRECTLY INCURRED FOR THE FACILITY FINANCED BY USDA. NO FREE SERVICE OR USE OF THE FACILITY WILL BE PERMITTED.

*ACCORDING TO THE PAPERWORK REDUCTION ACT OF 1995, AN AGENCY MAY NOT CONDUCT OR SPONSOR, AND A PERSON IS NOT REQUIRED TO RESPOND TO, A COLLECTION OF INFORMATION UNLESS*



***IT DISPLAYS A VALID OMB CONTROL NUMBER. THE VALID OMB CONTROL NUMBER FOR THIS INFORMATION COLLECTION IS 0572-0121. THE TIME REQUIRED TO COMPLETE THIS INFORMATION COLLECTION IS ESTIMATED TO AVERAGE 1 HOUR PER RESPONSE, INCLUDING THE TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION.***

**11. TO ACQUIRE AND MAINTAIN SUCH INSURANCE AND FIDELITY BOND COVERAGE AS MAY BE REQUIRED BY THE GOVERNMENT.**

**12. TO ESTABLISH AND MAINTAIN SUCH BOOKS AND RECORDS RELATING TO THE OPERATION OF THE FACILITY AND ITS FINANCIAL AFFAIRS AND TO PROVIDE FOR REQUIRED AUDIT THEREOF AS REQUIRED BY THE GOVERNMENT, TO PROVIDE THE GOVERNMENT A COPY OF EACH SUCH AUDIT WITHOUT ITS REQUEST, AND TO FORWARD TO THE GOVERNMENT SUCH ADDITIONAL INFORMATION AND REPORTS AS IT MAY FROM TIME TO TIME REQUIRE.**

**13. TO PROVIDE THE GOVERNMENT AT ALL REASONABLE TIMES ACCESS TO ALL BOOKS AND RECORDS RELATING TO THE FACILITY AND ACCESS TO THE PROPERTY OF THE SYSTEM SO THAT THE GOVERNMENT MAY ASCERTAIN THAT THE ASSOCIATION IS COMPLYING WITH THE PROVISIONS HEREOF AND OF THE INSTRUMENTS INCIDENT TO THE MAKING OR INSURING OF THE LOAN.**

**14. THAT IF THE GOVERNMENT REQUIRES THAT A RESERVE ACCOUNT BE ESTABLISHED, DISBURSEMENTS FROM THAT ACCOUNT(S) MAY BE USED WHEN NECESSARY FOR PAYMENTS DUE ON THE BOND IF SUFFICIENT FUNDS ARE NOT OTHERWISE AVAILABLE AND PRIOR APPROVAL OF THE GOVERNMENT IS OBTAINED. ALSO, WITH THE PRIOR WRITTEN APPROVAL OF THE GOVERNMENT, FUNDS MAY BE WITHDRAWN AND USED FOR SUCH THINGS AS EMERGENCY MAINTENANCE, EXTENSIONS TO FACILITIES AND REPLACEMENT OF SHORT-LIVED ASSETS.**

**15. TO PROVIDE ADEQUATE SERVICE TO ALL PERSONS WITHIN THE SERVICE AREA WHO CAN FEASIBLY AND LEGALLY BE SERVED AND TO OBTAIN USDA'S CONCURRENCE PRIOR TO REFUSING NEW OR ADEQUATE SERVICES TO SUCH PERSONS. UPON FAILURE TO PROVIDE SERVICES WHICH ARE FEASIBLE AND LEGAL, SUCH PERSON SHALL HAVE A DIRECT RIGHT OF ACTION AGAINST THE ASSOCIATION OR PUBLIC BODY.**

**16. TO COMPLY WITH THE MEASURES IDENTIFIED IN THE GOVERNMENT'S ENVIRONMENTAL IMPACT ANALYSIS FOR THIS FACILITY FOR THE PURPOSE OF AVOIDING OR REDUCING THE ADVERSE ENVIRONMENTAL IMPACTS OF THE FACILITY'S CONSTRUCTION OR OPERATION.**

**17. TO ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$        UNDER THE TERMS OFFERED BY THE GOVERNMENT; THAT THE        AND OF THE ASSOCIATION ARE HEREBY AUTHORIZED AND EMPOWERED TO TAKE ALL ACTION NECESSARY OR APPROPRIATE IN THE EXECUTION OF ALL WRITTEN INSTRUMENTS AS MAY BE REQUIRED IN REGARD TO OR AS EVIDENCE OF SUCH GRANT; AND TO OPERATE THE FACILITY UNDER THE TERMS OFFERED IN SAID GRANT AGREEMENT(S).**

**THE PROVISIONS HEREOF AND THE PROVISIONS OF ALL INSTRUMENTS INCIDENT TO THE MAKING OR THE INSURING OF THE LOAN, UNLESS OTHERWISE SPECIFICALLY PROVIDED BY THE TERMS OF SUCH INSTRUMENT, SHALL BE BINDING UPON THE ASSOCIATION AS LONG AS THE BONDS ARE HELD OR INSURED BY THE GOVERNMENT OR ASSIGNEE. THE PROVISIONS OF SECTIONS 6 THROUGH 17 HEREOF MAY BE PROVIDED FOR IN MORE SPECIFIC DETAIL IN THE BOND RESOLUTION OR ORDINANCE; TO THE EXTENT THAT THE PROVISIONS CONTAINED IN SUCH BOND RESOLUTION OR ORDINANCE SHOULD BE FOUND TO BE INCONSISTENT WITH THE PROVISIONS HEREOF, THESE PROVISIONS SHALL BE CONSTRUED AS CONTROLLING BETWEEN THE ASSOCIATION AND THE GOVERNMENT OR ASSIGNEE.**

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. 2023-121 WAS APPROVED

## **8. OFFICE MANAGER'S REPORT**

### **RESOLUTION TO REMOVE DEFERRED WATER AND SEWER ASSESSMENT AS IT HAS BEEN PAID IN FULL**

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

#### **RESOLUTION:**

Mr. Kretzmann made a motion, second by Mrs. Carter

**R 2023-122**

***BE IT RESOLVED BY THE BOARD OF TRUSTEES AS FOLLOWS:***

1. **THAT THE BOARD HEREBY REMOVED THE DEFERRED WATER AND SEWER ASSESSMENTS, AS THEY HAVE BEEN PAID IN FULL, AS TO THE FOLLOWING PROPERTY: PARCEL # 11-026616-00.000**

WATER PROJECT # 10079 -	\$74,837.47
SEWER PROJECT # 8011 -	<u>\$62,450.25</u>
TOTAL	\$137,287.72 (SEE ATTACHED FOR DETAILS)
2. **THAT THE BOARD HEREBY AUTHORIZES THE FILING OF AN UPDATED AFFIDAVIT OF FACT WITH THE LICKING COUNTY RECORDER'S OFFICE INDICATING THAT THE ASSESSMENT HAS BEEN PAID IN FULL.**
3. **IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD CONCERNING AND RELATING TO THE PASSAGE OF THIS ORDINANCE WERE PASSED IN AN OPEN MEETING OF THIS BOARD AND THAT ALL DELIBERATIONS OF THIS BOARD AND OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTION WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH ALL LEGAL REQUIREMENTS, INCLUDING SECTION 121.22 OF THE OHIO REVISED CODE.**

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-122 WAS APPROVED.

Mr. Kretzmann asked how many deferrals were left. Mrs. Carrelli said she would have to get that information. Mr. Kretzmann asked to have that information at the next meeting.

**9. ATTORNEY'S REPORT**

**COUNTY ARPA GRANT AGREEMENT FOR 161 WATER TOWER:**

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

**RESOLUTION:**

Mr. Stepp made a motion, second by Mrs. Carter

**R 2023-123**

**RESOLUTION TO APPROVE THE ARPA GRANT AGREEMENT WITH LICKING COUNTY COMMISSIONERS FOR THE STATE ROUTE 161 WATER TOWER PROJECT.**

**THE BOARD AUTHORIZES THE BOARD PRESIDENT TO EXECUTE THE AGREEMENT.**

**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. 2023-123 WAS APPROVED.**

**DISCUSS SCRIVENER'S ERRORS:**

Mr. Eippert asked for some guidance in the event there is a typo or non-substantive error on A resolution that is caught by himself or the Office Manager after it has been adopted. He Asked if there was any preference by the Board for him to make those non substantive changes such as typos.

Mr. Stepp made a motion, seconded by Mr. Kretzmann to allow the Chief Legal Counsel to correct scriveners in conjunction with the staff and for anything questionable to be brought back to the Board for approval.

Upon roll call vote, all voted aye. 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. Jim Roberts wanted to say that he is excited to officially start on October 23. He said he hopes that 4 years from now he can have a list of accomplishments comparable to what we just heard from Mr. Gilcher. He said CJ was put in a difficult and almost impossible situation and he was thinking about if he was in the role when covid hit what a challenge that would be. He said under CJ's leadership and the Board's leadership and the rest of the staff it is amazing what has been accomplished and he is excited to become a part of the team. He said he and CJ have found that they work together pretty well and he hopes everybody realizes the ability and talent and effort of the staff here as he finds it impressive and looks forward to becoming a part of it.

**10. EXECUTIVE SESSION**

Mr. Kretzmann made a motion, second by Mrs. Carter, to enter into executive session pursuant to section 121.22 (G)(1) of the Ohio Revised Code, to consider the appointment, employment, or compensation of a public employee or official.

The three board members, Mr. Eippert and Mr. Roberts were included in the executive session.

Upon roll call vote, all voted aye.

Entered executive session at 4:39 p.m.

Mr. Kretzmann made a motion, second by Mrs. Carter to return from executive session.

Upon roll call vote, all voted aye.

Returned from executive session at 5:26 p.m.

Mr. Kretzmann stated No resolution, rule, or formal action was taken during the executive sessions.

**11. TRUSTEES' COMMENTS**

Mr. Stepp made a motion, seconded by Mr. Kretzmann to accept the resignation of Timothy Louis and to authorize the Interim General Manager to advertise the open wastewater Treatment system position.

Upon Roll Call vote, all voted aye. Motion carried.

Mr. Stepp made a motion, seconded by Mr. Kretzmann

**R 2023-124**

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

P.O.Box 215 Etna, Ohio 43018  
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**RESOLUTION TO CONCLUDE THE TEMPORARY APPOINTMENT OF MR. GILCHER AS ACTING GENERAL MANAGER, TO ELIMINATE THE POSITION OF GENERAL MANAGER, TO REPLACE VARIOUS REFERENCES TO GENERAL MANAGER IN OFFICIAL DOCUMENTATION WITH EXECUTIVE DIRECTOR, TO CREATE THE POSITION OF OPERATIONS DIRECTOR AND ADOPT THE POSITION DESCRIPTION, TO REPLACE VARIOUS REFERENCES TO UTILITIES SUPERINTENDENT IN OFFICIAL DOCUMENTATION WITH OPERATIONS DIRECTOR TO PROMOTE MR. GILCHER TO OPERATIONS DIRECTOR, AND TO APPROVE THE MEMORANDUM OF UNDERSTANDING WITH MR. GILCHER.**

**WHEREAS, ON NOVEMBER 19, 2019, THE BOARD OF TRUSTEES MOVED TO APPOINT MR. CHRISTOPHER GILCHER AS ACTING GENERAL MANAGER OF THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT (THE "DISTRICT");**

**WHEREAS, MR. GILCHER HAS CONTINUED TO PERFORM THE DUTIES OF THE ACTING GENERAL MANAGER, IN ADDITION TO THE DUTIES OF UTILITIES SUPERINTENDENT;**

**WHEREAS, ON JUNE 27, 2023, THE BOARD OF TRUSTEES MOVED TO CREATE THE POSITION OF EXECUTIVE DIRECTOR;**

**WHEREAS, ON AUGUST 24, 2023, THE BOARD OF TRUSTEES ADOPTED RESOLUTION 2023-092 APPROVING THE HIRING OF JAMES ROBERTS AS EXECUTIVE DIRECTOR;**

**WHEREAS, ON OCTOBER 23, 2023, MR. ROBERTS WILL ASSUME THE ROLE OF EXECUTIVE DIRECTOR; AND**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES AS FOLLOWS:**

- 1. THE TEMPORARY APPOINTMENT OF MR. GILCHER TO THE ROLE OF ACTING GENERAL MANAGER SHALL BE CONCLUDED AT 11:59 P.M. ON OCTOBER 22, 2023.**
- 2. THE POSITION OF GENERAL MANAGER SHALL BE ELIMINATED AS OF 11:59 P.M. ON OCTOBER 22, 2023.**
  - A. THEREAFTER, ALL REFERENCES TO "GENERAL MANAGER" IN THE EMPLOYEE HANDBOOK SHALL BE CONSIDERED TO STATE "EXECUTIVE DIRECTOR". THE EMPLOYEE HANDBOOK SHALL BE REVISED TO REFLECT THIS ACTION AS SOON AS PRACTICABLE.**
  - B. THEREAFTER, ALL REFERENCES TO "GENERAL MANAGER" IN THE DISTRICT'S RULES AND REGULATIONS, DEPOSIT CHARGE, AND FEE SCHEDULE, CONSTRUCTION AND MATERIAL SPECIFICATIONS, AND STANDARD DRAWINGS SHALL BE CONSIDERED TO STATE "EXECUTIVE DIRECTOR OR DESIGNEE".**
  - C. ALL OTHER OFFICIAL REFERENCES TO "GENERAL MANAGER" SHALL BE HEREAFTER CONSIDERED TO BE A REFERENCE TO "EXECUTIVE DIRECTOR."**

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3. **THE POSITION OF OPERATIONS DIRECTOR SHALL BE CREATED, EFFECTIVE OCTOBER 23, 2023, AND THE ATTACHED POSITION DESCRIPTION SHALL BE HEREBY ADOPTED.**
  - A. **THEREAFTER, ALL REFERENCES TO “UTILITIES SUPERINTENDENT” IN THE EMPLOYEE HANDBOOK SHALL BE CONSIDERED TO STATE “OPERATIONS DIRECTOR”. THE EMPLOYEE HANDBOOK SHALL BE REVISED TO REFLECT THIS ACTION AS SOON AS PRACTICABLE.**
  - B. **THEREAFTER, ALL REFERENCES TO “UTILITIES SUPERINTENDENT” IN THE DISTRICT’S RULES AND REGULATIONS, DEPOSIT CHARGE, AND FEE SCHEDULE, CONSTRUCTION AND MATERIAL SPECIFICATIONS, AND STANDARD DRAWINGS SHALL BE CONSIDERED TO STATE “OPERATIONS DIRECTOR”.**
  - C. **ALL OTHER OFFICIAL REFERENCES TO “UTILITIES SUPERINTENDENT” SHALL HEREAFTER BE CONSIDERED TO BE A REFERENCE TO “OPERATIONS DIRECTOR.”**
4. **MR. GILCHER SHALL BE PROMOTED TO THE POSITION OF OPERATIONS DIRECTOR, AND SHALL ASSUME SUCH DUTIES AS OF 12:00 A.M. ON OCTOBER 23, 2023.**
5. **THE BOARD PRESIDENT IS AUTHORIZED TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR MR. GILCHER, SUBJECT TO FINAL LEGAL REVIEW BY THE DISTRICT.**
6. **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 OHIO REVISED CODE.**

**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2023-124 WAS APPROVED.**

Mr. Stepp wanted to state that from his perspective there is no funding mechanism that he is aware of or that he would support that would burden the existing customers with the cost of future capacity. He said he has been saying that pretty consistently, meeting after meeting for the last almost 3 years. He said as a Board they have had a number of consultants, a number of reports and a number of different things they have talked about. He said they have presented information to Etna Township and hopes to present information to Harrison Township and City of Pataskala to find additional funding mechanisms to help with the infrastructure cost but said he can't give specific information that hasn't been voted on, reviewed or accepted by the Board. He said until the Board actually decides, makes a decision and has all of those details available, he cannot personally hand that information out. He said he is not avoiding it, he is just not able to provide information that hasn't been voted on. He also said from his standpoint, any capacity increases that have been talked about are all directly related to current projects and the cost will have to adequately cover the debt over

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the life of the debt. He said that has been the direction of the board over the last 3 years and does not believe that it is going to change.

Mrs. Carter wanted to thank CJ Gilcher. She said she appreciates all of the accomplishments and although she has only been here a short time of a lot of the things on that list but what she has experienced in that time is that we have a very capable staff that works well together and does a fantastic job and that each and everyone of them are appreciated. She said Mr. Gilcher has done a phenomenal job in the role that he stepped into. She has appreciated his support and his willingness to answer all of her questions. She said she thinks the support of Mr. Roberts now continues to grow our team and make it that much stronger and maybe help lift some burdens off of some people so they can have a little work/life balance.

Mr. Kretzmann said when he started 11 years ago, he asked CJ what we needed and he said more water and he has been unwavering in that search since then. He said to be that consistent and that honest and open and factual is a real blessing and everyone should have someone like him.

**12. ADJOURNMENT**

Mr. Stepp made a motion, second by Mrs. Carter that the meeting would be adjourned.

Upon Roll Call vote, all voted aye. The meeting was adjourned at 5:34 p.m.

ATTEST:

  
\_\_\_\_\_  
**Melissa Carter, Secretary**

**SWLCWSD  
OFFICE REPORT  
10/12/23**

**1) Connection Fees Collected**

	2021	2022	1st Qtr. 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$3,302,569.87	\$1,509,126.87	\$57,750.97	\$636,596.80	\$504,426.90	\$28,760.00	\$1,227,534.67
Sewer	\$2,160,023.93	\$1,127,636.52	\$28,712.00	\$304,699.36	\$247,396.00	\$28,712.00	\$609,519.36
<b>Total</b>	<b>\$5,462,593.80</b>	<b>\$2,636,763.39</b>	<b>\$86,462.97</b>	<b>\$941,296.16</b>	<b>\$751,822.90</b>	<b>\$57,472.00</b>	<b>\$1,837,054.03</b>

**2) Billing Charges**

	2021	2022	1st Qtr 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$3,020,543.16	\$3,083,747.26	\$796,260.94	\$899,147.47	\$622,714.10		\$2,318,122.51
Sewer	\$6,596,057.67	\$6,661,980.99	\$1,645,164.51	\$1,745,700.12	\$1,188,576.86		\$4,579,441.49
<b>Total</b>	<b>\$9,616,600.83</b>	<b>\$9,745,728.25</b>	<b>\$2,441,425.45</b>	<b>\$2,644,847.59</b>	<b>\$1,811,290.96</b>	<b>\$0.00</b>	<b>\$6,897,564.00</b>

**3) Capacity Fees**

	2021	2022	1st Qtr. 2023	2nd Qtr. 2023	3rd Qtr. 2023	4th Qtr. 2023	Total 2023
Water	\$91,740.00	\$41,133.13	\$0.00	\$18,765.00	\$19,460.00		\$38,225.00
Sewer	\$84,095.00	\$40,438.12	\$0.00	\$96,075.50	\$19,460.00		\$115,535.50
<b>Total</b>	<b>\$175,835.00</b>	<b>\$81,571.25</b>	<b>\$0.00</b>	<b>\$114,840.50</b>	<b>\$38,920.00</b>	<b>\$0.00</b>	<b>\$153,760.50</b>

**4) Assessment Revenue**

	2021	2022	2023	Total 2023
1st Half	\$302,195.30	\$164,451.34	\$109,578.58	\$109,578.58
2nd Half	\$249,139.14	\$141,199.87	\$84,707.87	\$84,707.87
<b>Total</b>	<b>\$551,334.44</b>	<b>\$305,651.21</b>	<b>\$194,286.45</b>	<b>\$194,286.45</b>

Cash in Bank	As of 10/11/23	As of 10/10/22
	\$21,772,387.04	\$24,731,687.32
*Does not allow for future expenses		
Loan Payment Due 01/01/24	\$2,000,000.00	\$3,200,000.00
<b>Balance Available</b>	<b>\$19,772,387.04</b>	<b>\$21,531,687.32</b>