

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

**SPECIAL BOARD MEETING MINUTES
March 21, 2024**

1. OPENING

The March 21, 2024, Special 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 Jim Roberts, CJ Gilcher, Nick Eippert, Josephine Carrelli, Kathy Killen, 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. Stepp made a motion, second by Mrs. Carter, to approve the agenda as presented. Upon roll call vote, all voted aye. Motion carried. Agenda adopted.

3. 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.

4. COMMUNICATIONS

There were no communications to report.

5. PUBLIC COMMENTS

There were no public comments.

6. EXECUTIVE DIRECTOR'S REPORT

GENERAL UPDATES:

Mr. Roberts updated the Board on some public presentations they have been doing. Tuesday

He and Mr. Eippert presented to the Newark Rotary and Thursday he and Mr. Gilcher presented to the Newark/Heath Rotary. He said both presentations went well and were well received.

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. Roberts also said he and Mr. Eippert had a meeting with Union Township last night. He said most of the discussion happened during Executive Session so he can't share much but said he felt like it was a positive discussion and thinks the partnership with them will continue to be a positive thing for the District.

AUDIT FINANCE MEETING:

Mrs. Killen said Paul Rennick, the CPA, would like to schedule an Audit Finance Meeting And wanted to know if April 25, 224 at 3:00pm would be possible. The Board was agreeable to that time and proper notice will be made.

7. OFFICE MANAGER'S REPORT

RESOLUTION TO CERTIFY DELINQUENT CHARGES TO THE LICKING COUNTY AUDITOR:

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

RESOLUTION:

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

R 2024-037

RESOLUTION TO CERTIFY DELINQUENTS 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. 2024-037 WAS APPROVED.

8. ATTORNEY'S REPORT:

MOTION TO APPROVE MUTUAL RELEASE AND AUTHORIZE SIGNATURE:

Mr. Eippert said we are seeking to finalize the settlement in the pending Carlisle litigation. The insurance company has settled this on the District's behalf, and they negotiated the terms of the settlement. He said we are now required to dismiss the charges on our end. He said the outside counsel has drafted a mutual release that will be signed by the District and by the plaintiff and this will be the final step in the dismissal of the cases pending before the court.

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 made a motion, seconded by Mr. Stepp to accept the terms of the mutual release as follows:

MUTUAL RELEASE

For the payment of One Hundred Twenty-Five Thousand Dollars and zero cents (\$125,000.00) and other valuable consideration payable by Selective Insurance Company of America or by one of its affiliates or subsidiaries, and payable in the form of \$50,000 payable to John J. Carlisle and \$75,000 payable to Zashin and Rich Co., L.P.A, the receipt and sufficiency of which is hereby acknowledged, the undersigned, John J. Carlisle, unmarried, hereby releases and forever discharges the Southwest Licking Community Water and Sewer District Board of Trustees, along with all past and current employees, agents, officers, directors, executors, insurers, trustees, administrators, affiliates, successors, attorneys, and assigns, none of whom admit any liability to the undersigned but all of whom expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all damages, known and unknown, both to person and property, from the beginning of time to the present. This release includes, but is not limited to, all claims which were made or could have been made in the cases filed in the Licking County Court or Common Pleas, Case Numbers 2020 CV 00575; 2022 CV 00336; and 2022 CV 00973 (the "Lawsuits").

The Southwest Licking Community Water and Sewer District Board of Trustees, on behalf of the current Board and the former Board members named in the Lawsuits, hereby releases John L. Carlisle, along with his agents, insurers, attorneys, successors, and assigns, who do not admit any liability to the undersigned but who expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all damages, known

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

and unknown, both to person and property, from the beginning of time to the present.

This release includes, but is not limited to, all claims which were made or could have been made in the Lawsuits. The parties hereto represent that they have not assigned, sold, transferred, and/or encumbered to anyone else any of their rights, claims, and causes of action being released.

The undersigned hereby declare that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, based in tort or contract or any other theory of recovery, including but not limited to all claims for injunction, employment, breach of contract, tortious interference, detrimental reliance, Open Meetings Act violations, attorneys' fees, and damages or equitable relief of any kind, and for the express purpose of precluding forever any further claims presently existing between the parties.

As further consideration, the undersigned warrant that no promise or agreement not herein expressed has been made; that in executing this Release, neither is relying upon any statement or representation made by the party or parties hereby released or said party or parties' agents, servants, or attorneys concerning the nature, extent or duration of the injuries or damages, or concerning any other thing or matter, but is relying solely upon his or its own judgment and knowledge; that the above-mentioned sum is paid and in full settlement and satisfaction of all the aforesaid claims and demands; that the undersigned are of legal age and competent to execute this Release; and that before signing and sealing this Release the undersigned have fully informed themselves of its contents and meaning and has had the opportunity to review the same with counsel of their choosing.

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

The parties agree to jointly dismiss all three of the aforesaid Lawsuits with prejudice.

The provisions of this Agreement shall be governed by, and construed in accordance with, the laws of the State of Ohio.

UPON ROLL CALL VOTE, MR. STEPP AND MRS. CARTER VOTED AYE. MR. KRETZMANN ABSTAINED. MOTION PASSED.

Mr. Kretzmann made a motion, seconded by Mr. Stepp to authorize Mr. Eippert to sign the release on the Board's behalf.

UPON ROLL CALL VOTE, ALL VOTED AYE. MOTION PASSED.

9. TRUSTEES' COMMENTS

Mr. Stepp made a motion, second by Mr. Kretzmann to cancel the regular meeting Scheduled for March 28, 2024, and make proper notice to the public as necessary.

Upon roll call vote all voted aye. Motion passed. Meeting has been cancelled.

Mrs. Carter wanted to apologize for not being able to attend the meeting last week. She also wanted to thank Mr. Gilcher and the crew for coming to the Job Fair at Licking Heights this week. She said it was the first time they have done something like that and She appreciated them being there and hopes to see them again in the future.

Mr. Stepp said he appreciates the flexibility of the Board for the meeting this week and cancelling the meeting next week as he will be out of town and now does not have to miss a meeting.

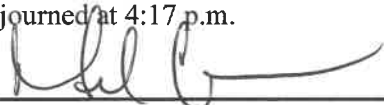
He also wanted to say that this is his 4th year as a Board Member, and he was appointed into a position that was being sued. He said he is happy to move beyond that and to focus on the things that are important to the future of the District as opposed to focusing on the past. He said he hopes they have every opportunity to do the great things they plan for the future for the District.

10. 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 4:17 p.m.

ATTEST:



Melissa Carter, Secretary