

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

**BOARD MEETING MINUTES
December 27, 2019**

1. OPENING

The December 27, 2019 Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Kretzmann at 3:00 p.m. The pledge of allegiance was led by Mr. Kretzmann. Mr. Platte, Mr. Kretzmann, and Mr. Hagy were present at roll call. Also present were CJ Gilcher, Josephine Carrelli and those members of the public who signed the December 27, 2019 sign in sheet.

2. ADOPTION OF AGENDA

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

3. APPROVAL OF MINUTES

Mr. Kretzmann made a motion, second by Mr. Hagy to approve the minutes of the Special Board meeting of December 10, 2019. Upon Roll Call vote, all voted aye. Motion carried.

Mr. Kretzmann made a motion, second by Mr. Hagy to approve the minutes of the Special Board meeting of December 18, 2019. Upon Roll Call vote, all voted aye. Motion carried.

4. PAYMENT OF BILLS

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

5. COMMUNICATIONS

Mr. Gilcher provide an email from a customer, Mr. Coleman Forrestal, regarding deduct meters. Mr. Forrestal was present at the meeting and wanted to discuss the fact the District does not offer deduct meters for outside watering. Mr. Gilcher stated the rules and regulations state you will be charged for sewer for any water that goes through the meter. He stated it is not common practice for the District to offer deduct meters. He also stated the District does have a sod policy for new lawns that are being established and a pool policy but these are the only reductions offered. Mr. Forrestal stated he feels he is being charged for services not rendered and does not think it is right. The Board decided to look into the issue further.

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

6. PUBLIC COMMENTS

Mr. Jim Duffy wanted to make a comment on the deduct meters. He said he could see entire subdivisions requesting the deduct meters if it is allowed for one and wants the Board to think about that when determining the outcome.

Mr. Duffy also stated if the previous General Manager was a PE and the current General Manager is not a PE then the salary for the current General Manager should not be the same as it was for the prior General Manager.

Mr. Duffy asked if the rate structure studies would be made public at some point.

Mr. Kretzmann stated they are still sorting through the rate study but it is a public record.

Mr. Duffy asked if there was as much dead end flushing happening with the new RO process in the water plant. Mr. Gilcher stated a couple of the hydrants may have changed from being flushed every two weeks to once a month but he feels it is still a good practice to check those and flush them regularly.

Mr. Duffy asked if any of the information from the SCADA system can be incorporated into reports detailing water input and output.

Mr. Gilcher stated he currently does those reports and it is a public record if he would like to request them.

Mr. Duffy also asked if the date could be used to produce revenue reports for the billing. Mr. Gilcher stated again these types of reports are already being done and he can request what he wants to see. Mr. Duffy asked if the financial state of the District was ok. Mr. Kretzmann stated the District has an outside CPA that tracks this, the District staff tracks this and the District is audited every two years and all of those reports are public record as well.

Mr. Mark Schaff stated he received a copy of the agreement with the Taft Law Firm who is conducting the investigation and does not see a cap on the cost. He still feels like the investigation is unnecessary and costly. He feels like since there is no cost it is an invitation for the Law Firm to drive up the costs and feels like it is misdirection on the Board's part and bad management of District funds.

Mr. Schaff also asked if requests were sent to other law firms to compare costs and how this law firm was selected.

Mr. Schaff stated he believes the Board meetings should be held in the evening and on Saturdays so more members of the public can attend. He thinks a 6 month trial period of this schedule should happen to see what kind of public attendance there may be.

Mr. Schaff also stated he is very skeptical on exclusively hiring based on degrees. He believes all postings with a degree requirement should also say or equivalent education or experience.

Mr. Gary Burkholder stated he thinks the majority of the Board is doing the correct thing in investigating the practices and policies particularly related to the hiring process for the new General Manager. Mr. Burkholder stated the motion made by Mr.

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

Hagy to hire Mr. Carlisle was to be contingent upon a review and opinion from the Ohio Ethics Commission. He asked Mr. Hagy if he received an opinion from the Ohio Ethics Commission and if that played a role in his decision to hire Mr. Carlisle.

Mr. Hagy stated it was part of the public record.

Mr. Burkholder stated he has the email that was sent to Mr. Fox. Mr. Burkholder stated that Mr. Fox said in previous meeting minutes that there was no ethics violation and he is the one who made contact with the Ohio Ethics Commission. Mr. Burkholder asked Mr. Hagy if he read the opinion from the Ethics Commission. Mr. Hagy stated it is part of the public record. Mr. Burkholder stated the email sent to Mr. Fox from the ethics commission states that this is not an advisory opinion and does not reach any conclusions to the specific facts you described. It goes on to say an advisory opinion from the commission is a written document based on a written request disclosing the relevant facts. The commission staff cannot provide verbal or written advisory opinions in response to questions posed on the telephone or in an email, questions involving the actions of someone other than the requestor, questions that involves matters outside the jurisdiction or questions involving events that have already occurred. Mr. Burkholder stated that employment was contingent upon an official advisory opinion from the Ohio Ethics Commission which was never done. He stated he does not know how that can be a valid action by the Board and yet it was sold as one. Mr. Burkholder stated the conflicts for the members of this Board were never addressed by the Ohio Ethics Commission. He stated there was no record of Mr. Fox sending an email to the Ethics Commission. He stated there is an actual process you have to follow to obtain on official opinion and wants to know why it was not followed. He feels it is important to do things properly and to follow the proper process. He stated the documents clearly prove the Board never received a valid opinion from the Ohio Ethics Commission. He questions the legality of the decision that was made and is glad the majority of the current Board has decided to look into it further.

Mr. Mark Schaff wanted to follow up and ask if his questions regarding the selection process for the Law Firm would be answered. Mr. Kretzmann stated the inquiry through the law firm is under the guidance of Mr. Platte and he will releasing any information from that at the appropriate time.

7. GENERAL MANAGER'S REPORT

BROOKSEDGE SUBDIVISION SANITARY SEWER BACKUP:

Mr. Gilcher stated there was a sanitary sewer back up on December 14 in the Brooksedge subdivision. He stated the lift station had a mechanical failure beyond the control of District staff. The computer of the lift station locked up and continue to send the same information showing everything was ok even though the pumps were not active. The District did not receive any alarms because the computer was showing everything was good. There were 4 homes affected by the backup. As per past

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

practice the District has offered to compensate the homeowners their insurance deductibles with the standard waiver to be signed. One of the homeowners is requesting a backwater valve be installed to prevent future backups. He stated this has not been policy or procedure in the past. He spoke with the utilities director for the City of Pataskala to see what their policies were for a sewer backup and he stated he is unaware of anytime where the City reimbursed any homeowner or installed a backwater valve. Mr. Gilcher stated per the rules and regulations the District shall not be liable for deficiency or failure regardless of cause in the supply of water or sanitary sewer service or for any damage therefrom, or breaking or bursting of any main, service lines or any damage caused thereby, or for failure of electric power supply or equipment failures or the failure of other facilities used by the District or for any damages caused thereby if the District is without willful fault and negligence on its part.

Mr. Gilcher states his opinion is the District has gone above and beyond and his recommendation is to not install a backwater valve for any property. He stated the valves need to be maintained and if it fails would the District be liable at that point. Mr. Kretzmann asked if any recommendations are made to customers connecting to our system. Mr. Gilcher stated it is not in the specifications but this is a rare occurrence.

Mr. Kretzmann stated as long as the time frame for the waiver to be signed and deductible to be reimbursed was open ended, he feels that is sufficient.

HOLLOW ROAD WATERLINE PROJECT-ALBIRINI EASEMENT:

Mr. Gilcher stated this was an easement the previous General Manager was working on. There was a verbal and written agreement to the easement. Mr. Gilcher stated he received an email last week and the homeowner has changed his mind and is not willing to provide the easement at this time. Mr. Gilcher spoke with legal counsel and their suggestion was to send a letter regarding imminent domain. The project was designed with the verbal and written agreement that the easement would be in place.

SANITARY COLLECTIONS DEPARTMENT CRANE TRUCK:

Mr. Gilcher stated they accepted delivery of the truck a couple of weeks ago and it is currently being outfitted to be sent out to be utilized in the system.

Mr. Gilcher also stated the gate on Zellers Lane will be closed on January 6, 2020 so all traffic will be out of the subdivision and the York Rd entrance will be the only entrance utilized.

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

8. OFFICE MANAGER'S REPORT

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

RESOLUTION:

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

R 2019-082 RESOLUTION TO CERTIFY DELINQUENT CUSTOMER ACCOUNTS TO THE LICKING COUNTY AUDITOR.

UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2019-082 WAS APPROVED.

Mrs. Carrelli stated due to the Holiday, the shut offs would be delayed. The door tags will be delivered on 12/30/19 and the shut offs will be 1/2/20.

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

RESOLUTION:

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

R 2019-083

1. That the Board hereby removed the deferred sanitary sewer assessment, as it has been paid in full, as to the following property: Parcel #025-067872-00.000, Project #8013
2. That the Board hereby removed the deferred water assessment, as it has been paid in full, as to the following property: Parcel #025-067872-00.000, Project #8023-B
3. That the Board hereby authorizes Albers & Albers to record an updated affidavit of fact with the Licking County Recorder's Office indicating that the assessment has been paid in full.
4. 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

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

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. 2019-083 WAS APPROVED.

9. ATTORNEY'S REPORT

Mr. Albers was not present at this meeting.

10. EXECUTIVE SESSION

Mr. Kretzmann moved to adjourn into executive session pursuant to Ohio Revised Code 121.22 (G) (1), to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official Seconded by Mr. Hagy.

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

MOTION CARRIED.

The Board, Mr. Gilcher and Mrs. Carrelli entered executive session at 3:33 p.m.

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

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

Motion Carried.

Returned from Executive Session at 3:53 p.m.

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

RESOLUTION:

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

R 2019-084

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

RESOLUTION TO HIRE JAMES BOVING FOR THE FULL TIME WASTEWATER/COLLECTIONS PLANT OPERATOR POSITION AT \$19.00 PER HOUR PENDING SUCCESSFUL BACKGROUND CHECK AND PRE-EMPLOYMENT DRUG SCREENING. RATE OF PAY WILL INCREASE FROM \$19.00 PER HOUR TO \$20.00 PER HOUR UPON COMPLETION OF CLASS I WASTEWATER OPERATOR CERTIFICATION LICENSING.

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. 2019-084 WAS APPROVED.

11. TRUSTEES' COMMENTS

Mr. Platte asked if there was an annual review of the handbook or bylaws. Mrs. Carrelli stated there is not an annual review, it is done on an as needed basis.

Mr. Platte stated two meetings ago they discussed he and Mr. Gilcher were to meet with the City of Pataskala and the County. He stated it has been difficult to set up due to the Holidays. He will be taking the lead in setting up the meeting. He will keep Mr. Gilcher informed.

Mr. Platte also would like to congratulate the staff. He stated in his short time here he is impressed and has heard nothing but good things and wanted to share that.

Mr. Kretzmann stated the last special meeting was done to get a gentleman access to water. He stated he received a call from Dan Allen and Mr. Booker thanking the District profusely for calling the special meeting on such short notice as he now has water.

Mr. Platte asked what the meeting schedule was moving forward. Mr. Kretzmann stated the organizational meeting will need to set.

Mr. Platte made a motion, second by Kretzmann to schedule the organizational meeting for Thursday January 9, 2020 at 4:00pm.
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

12. 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 4:00 p.m.

ATTEST:


ROB PLATTE, SECRETARY

CHARLES HAY

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

December 27, 2019

SIGN BELOW:

NAME

ADDRESS

PHONE

Jim Ditty

27 Daisy Dr

Column Forester 1

121 Manassah Dr. W

CRAIG McDERMOTT

PATASKALA STANDARD NEWSPAPER

Jerry Burkholder

254 Trail East

ETNA.

MARK SHAFF

7461 National Rd.
Etna, Ohio 43062

(740) 919-9919