

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

**SPECIAL BOARD MEETING MINUTES  
November 26, 2019**

**1. OPENING**

The November 26, 2019 Special Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Hagy at 9:00 a.m. The pledge of allegiance was led by Mr. Platte. Mr. Platte, Mr. Kretzmann, and Mr. Hagy were present at roll call. Also present were CJ Gilcher, John Carlisle, Kathy Killen Josephine Carrelli, John Albers, and those members of the public who signed the November 26, 2019 sign in sheet.

Mr. Kretzmann provided a resignation letter for his position as secretary as of 11/26/19.

Mr. Platte made a motion, second by Mr. Kretzmann, to nominate Mr. Kretzmann as President.

Upon Roll call vote, Mr. Platte and Mr. Kretzmann voted yes. Mr. Hagy voted no. Motion carried. Agenda adopted.

Mr. Kretzmann made a motion, second by Mr. Platte, to nominate Mr. Platte as Secretary.

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

**2. ADOPTION OF AGENDA**

Mr. Platte asked Mr. Albers to clarify that nothing could be added to the agenda as it was a special meeting. Mr. Albers stated yes, that would be his opinion. Mr. Platte asked if the order of the items on the agenda could be changed at any time during the meeting. Mr. Albers stated yes, the chair could do so at any time.

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 to approve the minutes of the Special Board meeting of November 18, 2019. Motion died for a lack of second.

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**4. PAYMENT OF BILLS**

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

**5. COMMUNICATIONS**

Mr. Carlisle provided an email he received from a customer regarding deduct meters. The District does not offer deduct meters. Mr. Carlisle suggested adding a statement clarifying that deduct metes are not offered in the Rules and Regulations.

Mr. Kretzmann he would take that under advisement and review and stated this could be dealt with at a later meeting.

**6. PUBLIC COMMENTS**

Mr. Mike Fox stated he put in a public records request last week that has not been answered yet. He also stated he did receive a copy of a complaint that was submitted and since his name is listed in it he wants to discuss it. He stated the complaint was from Deb Moore who insisted illegal actions had taken place. He stated one of the items in the complaint was regarding Mr. Hagy and a real estate transaction. He stated Mr. Hagy's only role for the real estate transaction was to act as a go between so it was not publicly know that the District was purchasing property. Mr. Fox stated the Board offered two or three times to compensate Mr. Hagy for doing this and each time he refused. Mr. Fox stated another complaint was that Mr. Carlisle was hired as the GM with clear conflicts. He stated he had the ethics commission look into that to make sure there was no conflict. He stated he was not concerned about a conflict with himself but with Mr. Kretzmann since his son is married to Mr. Carlisle's daughter. He stated the Board, along with legal counsel determined there was no conflict so they moved ahead with the contract. He stated the change in the job description happened differently than how Ms. Moore's complaint stated it happened. He stated there was discussion and at least two board members felt the change was needed and as President of the Board, he chose to make that change. Mr. Fox also addressed the complaint that the special meeting on 11/4 was announced and held in less than 24 hours and that no interviews for the GM had taken place up until that time. Mr. Fox stated that was not true. He said he spent months contacting and talking to different candidates. Mr. Fox stated he has evidence proving the meeting was posted at least 24 hours before the special meeting. He has pictures on his phone showing the notice was posted on the door of the office and has phone records that will show the same. Mr. Fox stated he felt Mr. Carlisle was qualified for the position as he has been a licensed plumber for 40 years in the state of Ohio. He stated they did a lot of work as board members without having a General Manager. He stated he also sent a letter with a suggestion to Board members to make sure they know the rules and regulations

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and who has the right to call a special meeting and who does not. He stated there were emails that were sent directly to Mrs. Carrelli and should be going through the GM.

Mark Schaff was present to say how please he was with Mr. Carlisle being chosen as the GM. He feels the District is lucky to have him and he feels his skills and expertise are needed at the District now and into the future.

Mr. Jim Duffy stated he has attended a lot of meetings over the years and stated the previous Board is the smoothest running Board he has seen in a long time. He would like to see that continue. He stated Mr. Carlisle seems to have an idea of how businesses work and it is evident in the work he has accomplished at Etna Township.

Harold Rowand stated Mr. Carlisle does have the knowledge to do the job and feels he has put Etna on the map. He thinks Mr. Carlisle is an asset to the District.

John Carlisle stated he wanted to step out of the role as GM to make a public comment. He stated in regards to the complaint from Ms. Moore, it is up to Etna Township who they appoint to the board. He was upset that Ms. Moore was not present and he feels like he has a right to confront his accuser. He stated he and Karla Somar have been together for 10 years and there is no ethics violation and he has a copy of it. Mr. Carlisle was upset that Ms. Moore did not send the email to him but sent them to the other Etna Township trustees. He stated she said there was a land contract agreement between the District and Mr. Hagy and that is not true. Mr. Carlisle stated there is no ethics violations, no quid pro quo or corruption. He addressed the engineer requirement being removed from the posting. He stated there was an executive session where they reviewed all the applicants and there were none that anyone wanted to interview and nobody else had any idea of what to do. Mr. Carlisle stated that Mr. Kretzmann stated in executive session that he wanted an engineer. Mr. Carlisle stated he had both job postings and the only difference is the second one is removing the engineering requirement. Mr. Carlisle stated removing the requirement did not mean an engineer could not apply. He asked Mr. Kretzmann what job requirements warrant needing an engineer. Mr. Kretzmann stated he is not answering his questions, this is his public comment time.

Mr. Carlisle discussed land purchase conversations that occurred in executive session. Mr. Carlisle asked why when Mr. Kretzmann and Mr. Platte wanted to call a special meeting why was the GM not notified. Mr. Kretzmann again stated this was his public comment time. Mr. Carlisle asked Mr. Platte a question regarding when he applied to Etna Township. Mr. Platte stated he did not think this was a question answer session and he would not be answering any questions. Mr. Carlisle stated he got a deductible waived for the District, came in and went over employee wages and sat through numerous interviews that were not part of his job but he did it.

Karla Somar spoke and stated she and Mr. Carlisle has been together for 10 years and their relationship is personal and has nothing to do with Mr. Carlisle's ability to do

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the job. She stated he has 40 years of experience with plumbing and numerous years of working with the public as a trustee. She stated she feels he is an asset to the District.

Mr. Duffy wanted to make another comment. He stated it seems like there is a lot of animosity at this meeting and hopes to not see that moving forward.

Mr. Platte asked the Board President to move the first agenda under trustee comments to be discussed before the General Manager's Report. Mr. Kretzmann had no problem with that.

**DISCUSSION AND ANY ACTION RELATED TO A COMPLAINT  
RECEIVED BY THE BOARD:**

Mr. Platte stated this is an agenda item he wanted to add regarding the complaint. He apologized to the staff regarding the special meeting that was attempted to be set up last week as he was not aware at that time that the Board President would need to call for a special meeting. Mr. Platte stated a lot of the public comments were related to the complaint. He sees some of it and sees where some of it could cause confusion. He feels the Board should be transparent. He asked Mr. Albers if his recommendation was to seek outside legal counsel regarding the complaint. Mr. Albers stated if they were going to take action regarding the appointment, employment, dismissal of an employee or Mr. Carlisle's employment contract he would recommend outside legal counsel who specializes in employment law. He does not feel any special counsel would be needed regarding the other issues brought up in the complaint. Mr. Platte asked if the Board could seek outside counsel if they so choose. Mr. Albers stated they could but he had firsthand knowledge of a lot of the issues brought up. Mr. Platte asked Mr. Albers if he was a part of the drafting or recommendation of the employment contract with Mr. Carlisle. Mr. Albers stated he was not and he advised Mr. Fox to seek input from an employment attorney. Mr. Albers stated he believes Mr. Fox consulted with Stacy Pollock on the employment contract. Mr. Platte asked if Mrs. Pollock remained legal counsel throughout the entire process. Mr. Albers stated he did not believe so. He thought she had a conflict and recommended another employment attorney. Mr. Platte asked if any other counsel was engaged. Mr. Albers did not know. Mr. Kretzmann could not confirm this either as he was not included in that.

Mr. Platte stated being the new guy coming in he wants to make sure everything is on the up and up and feels transparency is important. He has some concerns regarding the complaint received and some other things that came up in public comments. Mr. Platte stated he believes the best course of action would be for the Board to appoint outside legal counsel to look at the complaint that was received and all things related thereto. He would also ask them to look at the things that have been brought up under public comment.

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He stated his recommendation to the Board to achieve transparency and protect not only the District but also Mr. Carlisle would be to appoint outside legal counsel to do so.

Mr. Platte made a motion, second by Mr. Kretzmann to retain Taft, Stettinius and Hollister as outside counsel to review the complaint and investigate the claims in the complaint and other issues that were brought up under public comment today.

Mr. Hagy stated he feels there may be a conflict as he has attorneys there. Mr. Albers stated that the law firm hired would likely determine if there is a conflict.

Mr. Platte made a motion to amend his motion to recommend Taft, Stettinius and Hollister as they determine there is no conflict. Second by Mr. Kretzmann.

Upon Roll call vote, Mr. Platte and Mr. Kretzmann voted yes. Mr. Hagy voted no. Amendment to the Motion carried.

Mr. Carlisle thanked Mr. Platte and said he appreciated the transparency and making sure he is protected as well.

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

Mr. Platte recommends the Board appoint a contact person for the legal counsel.

Mr. Kretzmann made a motion, second by Mr. Platte to appoint Mr. Platte as the contact person for the legal counsel investigating.

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

Mr. Kretzmann made a motion, second by Mr. Kretzmann to have Mr. Platte sign the engagement letter from Taft after review by Mr. Albers and approval by the board.

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

Mr. Platte stated there are 4 people named in the complaint, two board members, one prior board member and an employee. He said he was not aware of any action that could be taken regarding the board members but felt it was necessary to place Mr. Carlisle on paid administrative leave.

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Mr. Platte made a motion, second by Mr. Kretzmann, to place Mr. Carlisle on paid administrative leave effective immediately until further action from the Board.

Mr. Albers recommended the Board seek an opinion from an employment attorney before any action is taken to avoid potential liability. Mr. Platte stated Mr. Carlisle would be compensated and he feels this is necessary in order for the investigation to take place.

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

Mr. Kretzmann made a motion, second by Mr. Platte to nominate Mr. Gilcher as acting General Manager immediately.

Mr. Kretzmann asked Mr. Gilcher is he would be willing to assume that role. Mr. Gilcher said yes.

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

Mr. Kretzmann made a motion, second by Mr. Platte to appoint Mr. Platte as the liaison for the media in the official capacity should there be any calls or questions.

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

Mr. Platte stated he believes these actions protect all involved parties and allow for a complete and accurate investigation.

**7. GENERAL MANAGER'S REPORT**

**BROADMOORE COMMONS PHASE 3 USE & HOOK UP-RESOLUTION:**

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

**RESOLUTION:**

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

**R 2019-074**

**WHEREAS: THE DISTRICT ENTERED INTO A DEVELOPERS AGREEMENT WITH WESTPORT HOMES, INC FOR BROADMOORE COMMONS, PHASE 3, WATER AND SANITARY SEWER ON JULY 9, 2019; AND**

**WHEREAS: WESTPORT HOMES, INC HAS COMPLETED THE REQUIRED**

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**WATER AND SANITARY SEWER LINE IMPROVEMENTS TO THE SATISFACTION OF THE DISTRICT; AND**

**THE BOARD OF TRUSTEES APPROVES THE WATER AND SEWER INFRASTRUCTURE FOR USE AND HOOK UP IN BROADMOORE COMMONS, PHASE 3; AND**

**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. 2019-074 WAS APPROVED.**

**RESOLUTION RELEASING/APPROVING EASEMENT FOR F & F WILLIAMS:**

Mr. Gilcher stated there was an easement executed for the water concentrate line project that was never recorded. There was some changes after the easement was executed so he has a resolution to release the previous easement and approve the new easement.

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

**RESOLUTION RELEASING A PREVIOUSLY EXECUTED EASEMENT, AUTHORIZING THE PRESIDENT, BOARD OF TRUSTEES TO EXECUTE SAID RELEASE, AND ACCEPTING THE TERMS AND CONDITIONS OF A NEW EASEMENT WITH F & F WILLIAMS, LLC**

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

**R 2019-075**

**WHEREAS**, the District deems that an easement for sanitary sewer purposes is necessary between the District and F & F Williams, LLC for the Water Treatment Center Concentrate Discharge Project; and

**WHEREAS**, an easement has previously been executed by F & F Williams, LLC; however, the terms and conditions of that easement have since changed, requiring the District to release the easement and execute a new easement; and

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***BE IT RESOLVED*** by the Board of Trustees as follows:

1. That the Board hereby releases the easement with F & F Williams executed on September 25, 2019 and authorizes the Board President, to execute the same.
2. That the Board hereby approves the terms and conditions set forth in the Sanitary Sewer Easement with F & F Williams, LLC, as presented.
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. 2019-075 WAS APPROVED.**

**RESOLUTION TO APPROVE ADJUSTED CONTRACT AMOUNT ON YORK RD WATER TREATMENT CENTER PROJECT:**

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

**RESOLUTION:**

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

**R 2019-076**

1. **THE GENERAL MANAGER HAS REVIEWED AND RECOMMENDS APPROVAL OF CHANGE ORDER #1 THROUGH CHANGE ORDER #5 TO SHOOK CONSTRUCTION COMPANY FOR INCREASES IN QUANTITIES USED AND OTHER ITEMS UTILIZED IN THE CONSTRUCTION OF THE YORK ROAD WATER TREATMENT CENTER, AND**
2. **THE BOARD HEREBY APPROVES THE PROJECT CHANGE ORDERS IN THE AMOUNT OF \$78,892.52 FOR A TOTAL ADJUSTED CONTRACT PRICE OF \$13,900,829.52 WITH SHOOK CONSTRUCTION COMPANY, FOR THE YORK ROAD WATER TREATMENT CENTER PROJECT AND HEREBY AUTHORIZES THE PRESIDENT OF THE BOARD OF TRUSTEES TO SIGN THE CHANGE ORDER ATTACHED HERETO, AND**



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3. **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. 2019-076 WAS APPROVED.**

**LEAK ADJUSTMENT REQUEST-CUMBERLAND TRAILS CONDOS:**

Mr. Gilcher stated Cumberland Trails Condos had a large leak resulting in extremely high consumption. The leak was repaired within hours after discovering it and Cumberland Trails has requested a leak adjustment in the amount of \$11,408.52.

Mr. Platte made a motion, second by Mr. Hagy to approve the leak adjustment in the amount of \$11,408.52.

Mr. Platte asked Mr. Gilcher if he recommended the adjustment be approved. Mr. Gilcher stated yes. They did have a leak and it was repaired.

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

**RESOLUTION FOR SALE OF 2003 FORD F-550 CRANE TRUCK:**

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

**RESOLUTION:**

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

**R 2019-077**

**WHEREAS:** the District deems that the 2003 Ford F-550 Crane Truck (1FDAF57F03EA12579) is no longer of use for the District's operation; and

**THEREFORE:** the Board of Trustees hereby authorizes the General Manager to sell the asset to Jefferson Water & Sewer District for the price of \$15,000.00.

**THAT IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS BOARD**

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**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2019-077 WAS APPROVED.**

**BANK AUTHORIZATION SIGNATURES:**

Mrs. Killen stated there are new signature cards and authorization forms that need to be completed due to the new board members for Park National Bank.

Mr. Kretzmann made a motion, second by Mr. Hagy to sign the authorization bank forms.

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

**T & R PROPERTIES DEVELOPMENT AGREEMENT:**

Mr. Gilcher stated the developer submitted a proposed agreement regarding the installation of a lift station. Mr. Albers reviewed it, and revised the District's standard Development Agreement to incorporate the District's position regarding the construction of such lift station and provided it to the Board for review in August of 2019. He has received no response from the District since that time. The developer's attorney has asked for response to their proposed agreement. Mr. Gilcher asked Mr. Albers to send the Board another copy of the agreement. Mr. Albers stated he needs approval to send the agreement to the attorney representing the developer. Mr. Kretzmann asked Mr. Gilcher if he agreed with it and he stated yes.

**WWTP EMPLOYEES:**

Mr. Gilcher asked if he could move forward with the interviews to fill the two open positions. Mr. Kretzmann stated yes it was ok to proceed.

**MEADOW DR CUSTOMER CONNECTION ISSUE:**

Mrs. Carrelli stated it was discovered that a resident on Meadow Dr. has been connected to the water system since 1999 and we have no inspection reports or meter information. She stated she spoke with Mr. Albers about it and his recommendation was to install a meter at this time and move forward with the correct billing. The customer has been paying a minimum sewer

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bill this whole time.

Mr. Hagy made a motion, second by Mr. Kretzmann to take Mr. Albers' recommendation and bill correctly from this point on.

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

**C-TEC:**

Mr. Gilcher stated that Mr. Carlisle was interested in trying to do some type of partnership with C-Tec for operators. He has not had any contact with C-Tec. Mr. Kretzmann asked if that was something he could take on and Mr. Gilcher stated yes, he would contact C-Tec.

**VEHICLE INVENTORY:**

Mr. Gilcher stated there was an updated vehicle inventory list in their packet for review.

**PORTABLE 100K GENERATOR REPLACEMENT:**

Mr. Gilcher stated the one they currently have is around 20 years old. It is still working at this time and Mr. Gilcher feels it can be budgeted for 2021.

Mr. Hagy asked if the generator does not run what would happen. Mr. Gilcher stated they have 3 or 4 backup pumps to keep everything running.

**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 2019-078 RESOLUTION TO CERTIFY DELINQUENT CUSTOMER ACCOUNTS TO THE LICKING COUNTY AUDITOR.**

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**UPON ROLL CALL VOTE, ALL VOTED AYE. RESOLUTION NO. 2019-078 WAS APPROVED.**

Mrs. Carrelli stated that due to the holiday the water shut offs would be delayed a week. The door tags will be left on 12/2/19 and shut offs will occur 12/4/19. There are currently 53 customers on the list to receive a door tag.

**9. ATTORNEY'S REPORT**

Mr. Albers requested all public records requests continue to be sent to him so they can make sure everything is correct before sending it out.

Mr. Kretzmann asked about privileged information in executive sessions. Mr. Albers stated some items were privileged and some were not. Attorney client communication is privileged and any items that may be breach fiduciary responsibility to the District but not everything is privileged.

**10. EXECUTIVE SESSION**

There was no executive session needed.

**11. TRUSTEES' COMMENTS**

Mr. Platte asked what meetings were left and what times they were. Mrs. Carrelli stated the December 10 meeting was also changed to 9am at the new WTP conference room. The last meeting in December is the 27<sup>th</sup> and still at 3pm. Mr. Platte asked if the December 10 meeting was changed back to 3pm would it still be considered a special meeting. Mr. Albers stated since the time was changed and changed back it would still be a special meeting.

Mr. Albers stated anytime a date or time is changed for a meeting it becomes a special meeting unless all meetings are changed for the duration of the year.

Mr. Platte asked if there was any reason the time was changed to begin with. Mr. Hagy stated he requested it to be moved. He also stated he could meet anytime, it didn't matter to him.

Mr. Platte made a motion, second by Mr. Kretzmann to change the December 10, 2019 meeting back to 3pm as it fits his schedule better.

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

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**12. ADJOURNMENT**

Mark Schaff asked to make another comment before the meeting is adjourned. He stated he felt the actions taken today were a travesty and he felt the Board did not think about the costs that would be involved before taking those actions.

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 10:28 a.m.

ATTEST:

  
\_\_\_\_\_  
**ROB PLATTE, SECRETARY**

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P.O. BOX 215, ETNA, OH 43018

8675 YORK RD., PATASKALA, OH 43062

740-927-0410

SPECIAL BOARD MEETING

November 26, 2019 9:00 AM

SIGN BELOW:

NAME

ADDRESS

PHONE

MILZE FOX	1570 E BROAD	614-554
HAROLD ROWAND	11438 PALMER SW	614-296-7132 3158
Jim Duffy	27 DAISY DR SW	
Mark J. Schaff	7461 National Rd.	(740) 919-9919
Mary Fox	124 Granville St	
Karla Somar	6767 Palmer Rd	