

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

**BOARD MEETING MINUTES
JUNE 11, 2020**

1. OPENING

The June 11, 2020 Regular Board Meeting of the Southwest Licking Community Water and Sewer District was called to order by Mr. Kretzmann at 4:00p.m. Mr. Kretzmann, Mr. Platte and Mr. Hagy were present at roll call. Also present were Josephine Carrelli, Kathy Killen and CJ Gilcher. The meeting was live streamed for public viewing.

2. ADOPTION OF AGENDA

Mr. Kretzmann made a motion, second by Mr. Hagy, 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 Regular Board Meeting of May 28, 2020 as presented. Upon roll call vote, all voted aye. Motion Carried.

4. 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.

5. COMMUNICATIONS

There were no communications,

6. GENERAL MANAGER'S REPORT

WTC CONCENTRATE FORCE MAIN PROJECT:

Mr. Gilcher stated the contractor is currently filling the lines and will be testing them. They are also working on completing the reclaims and are working with the township to make sure they are done correctly.

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RESOLUTION TO APPROVE 2021 OPERATING BUDGET:

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

RESOLUTION:

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

R 2020-050

RESOLUTION TO APPROVE THE SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT BUDGET YEAR 2021 AS PRESENTED (INCLUDES SR 161 PROJECTS).

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. 2020-050 WAS APPROVED.

RESOLUTION TO APPROVE USE AND HOOK UP-VILLAS AT CUMBERLAND SECTION 2, PART 2:

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

RESOLUTION:

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

R 2020-051

WHEREAS: THE DISTRICT ENTERED INTO A DEVELOPERS AGREEMENT WITH CUMBERLAND ESTATES, LLC FOR THE VILLAS AT CUMBERLAND SECTION 2, PART 2 ON JULY 9, 2019; AND

WHEREAS: CUMBERLAND ESTATES, LLC HAS COMPLETED THE REQUIRED 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 THE VILLAS AT CUMBERLAND, SECTION 2, PART 2 PROJECT; AND

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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. 2020-051 WAS APPROVED.

RESOLUTION TO APPROVE DEVELOPMENT AGREEMENT-ELLINGTON VILLAGE SECTION 7, PART 1:

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

RESOLUTION:

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

R 2020-052

RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT WITH DR HORTON – INDIANA, LLC. DBA. WESTPORT HOMES, FOR THE ELLINGTON VILLAGE SECTION 7, PART 1 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. 2020-052 WAS APPROVED.

RESOLUTION TO APPROVE DEVELOPMENT AGREEMENT-ELLINGTON VILLAGE SECTION 7, PART 2:

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

RESOLUTION:

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

R 2020-053

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RESOLUTION TO APPROVE THE DEVELOPMENT AGREEMENT WITH DR HORTON – INDIANA, LLC. DBA. WESTPORT HOMES, FOR THE ELLINGTON VILLAGE SECTION 7, PART 2 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. 2020-053 WAS APPROVED.

RESOLUTION TO AUTHORIZE REQUEST FOR QUALIFICATIONS FOR THE SUMMIT ROAD FORCE MAIN PROJECT:

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

RESOLUTION:

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

R 2020-054

WHEREAS: the Southwest Licking Community Water and Sewer District has determined the need to design and extend the Summit Road Sanitary Sewer 10" Force Main within its service territory to service existing and future customers, and;

THEREFORE: the Board of Trustees hereby authorizes the General Manager to draft and administer a "Request for Qualifications" process for the design of the sanitary sewer force main as mentioned above.

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. 2020-054 WAS APPROVED.

RESOLUTION TO HIRE (COLLECTIONS SYSTEM OPERATOR) TYLER STOLTZ:

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

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RESOLUTION:

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

R 2020-055

RESOLUTION TO HIRE TYLER STOLTZ FOR THE COLLECTIONS SYSTEM OPERATOR POSITION AT \$20.00 PER HOUR.

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. 2020-055 WAS APPROVED.

RESOLUTION TO HIRE (CONSTRUCTION INSPECTOR) LESTER SHARP, JR.:

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

RESOLUTION:

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

R 2020-056

RESOLUTION TO HIRE LESTER SHARP JR. FOR THE CONSTRUCTION INSPECTOR POSITION AT \$20.00 PER HOUR.

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. 2020-056 WAS APPROVED.

7. OFFICE MANAGER'S REPORT

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Mrs. Carrelli stated Mr. Albers recommended the Board pass a resolution to officially address not charging late fees in May and June and removing April's late fees per customer request.

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

RESOLUTION

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

R 2020-057

WHEREAS, the Board recognizes the existence of the global pandemic known as COVID-19, and the substantial economic hardship which has resulted therefrom; and

WHEREAS, the Board further recognizes the significant job loss and diminution of income experienced by many customers of the District due to such pandemic; and

WHEREAS, the Board, as a result of such pandemic, hereby determines to eliminate the imposition of certain late fees for a limited period of time as hereafter set forth.

NOW THEREFORE, be it resolved as follows:

1. For only the months of May and June 2020, the District hereby eliminates the enforcement and collection of late fees imposed on delinquent customers by the District's Deposit Fee and Charge Schedule; and
2. Further, the District further agrees to remove said late fees from any customer account for the month of April 2020, or credit such amount paid, upon request of such customer due to financial hardship. The District office manager shall be authorized to grant such removal or credit; and
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. 2020-057 WAS APPROVED.

8. ATTORNEY'S REPORT

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Mr. Albers was not present at this meeting.

9. TRUSTEES' COMMENTS

Mr. Platte stated there was a request from the Taft Law Firm to speak with Mr. Albers related to the investigation. Mr. Albers said in order for him to do that he would need to the Board to approve and sign a waiver granting limited waiver of attorney client privilege for the stated purpose.

Mr. Platte made a motion, second by Mr. Kretzmann, to approve the waiver as presented.

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

Mr. Platte presented a resolution to the Board that Mr. Albers drafted to obtain legal counsel for the lawsuit filed by Mr. Carlisle against the District.

RESOLUTION:

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

R 2020-058

BE IT RESOLVED by the Board of Trustees as follows:

WHEREAS, Litigation has been initiated against the District, as referenced above;
and

WHEREAS, the District needs to employ special legal counsel with respect to the same.

NOW THEREFORE, be it resolved as follows:

That, due to the need to engage special legal counsel for litigation on an emergency basis, general counsel to the District, John B. Albers, on behalf of the Board, has engaged Carolyn Davis of the law firm of Taft, Stettinius, and Hollister as of 12:00 p.m. on June 11, 2020, to represent the District in the case of John Carlisle v. Southwest Licking Community Water and Sewer District Board of Trustees, et al,

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Case No. 2020 CV 00575, Licking County Court of Common Pleas, and other related matters; and

That the Board ratifies and approves the hiring of Carolyn Davis for such purpose as independent legal counsel, at an hourly rate and pursuant to a letter of engagement to be hereafter approved.

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, MR. HAGY VOTED NO. MR. KRETZMANN AND MR. PLATTE VOTED YES. RESOLUTION NO. 2020-058 WAS APPROVED.

Mr. Platte stated there was a water line break in the Brooksedge subdivision about a week ago. He stated he did receive a call from Mr. Gilcher regarding the break and wanted to commend the staff for getting it repaired quickly.

Mr. Platte stated there has been various discussions regarding sanitary sewer service for the Pataskala Job Ready Site. He stated in order for the District to move forward, there would need to be some studies done to figure everything out. He stated somebody has to take the first step to get that project going.

Mr. Platte stated he and Mr. Gilcher has had some discussions with the Montrose Group and has also spoke with the City of Pataskala about working together.

Mr. Albers recommended an agreement with the City. Mr. Platte stated he thinks the District should take the steps in funding that and made the following motion:

Mr. Platte made a motion, second by Mr. Kretzmann to authorize the General Manager to enter into a consulting agreement for financial and funding type analysis involved with the sanitary sewer service for the JRS corporate park for an amount not to exceed \$30,000 through the end of 2020 pending a final agreement with the City of Pataskala to be reviewed by the City at the next council meeting.

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

Mr. Kretzmann stated he would like to commend Mr. Gilcher on issues they have had in Harrison Township in the last 30 days. He stated he is always receptive to his requests and thanked him. Mr. Gilcher added that it takes a good staff.

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Mr. Platte made a motion, second by Mr. Kretzmann, to recess the meeting for 4 minutes to return at 4:40pm.

Upon roll call vote all voted aye. Motion carried.

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

Upon roll call vote, all voted aye. Returned at 4:40pm

10. EXECUTIVE SESSION

Mr. Platte made a motion, second by Mr. Kretzmann, to enter into executive session pursuant to Ohio Revised Code 121.22 (G)(1)- To consider the appointment, employment, dismissal, discipline, promotion, or compensation of a public employee or official.

This is to conduct GM interviews. The first one scheduled with CJ Gilcher and the second with Don Sherman.

Upon roll call vote, all voted aye.

Enter executive session at 4:41pm.

Mr. Kretzmann made a motion, second by Mr. Platte to return from executive session. Upon roll call vote, all voted aye.

Return from executive session at 5:46pm

Mr. Platte stated, "No resolution, rule, or formal action was taken during executive session."

Mr. Kretzmann wanted to remind everyone there is a special meeting scheduled for tomorrow, June 12, 2020 at 1:00pm.

11. ADJOURNMENT

Mr. Platte made a motion, second by Mr. Hagy that the meeting would be adjourned. Upon Roll Call vote, all voted aye. The meeting was adjourned at 5:47 p.m.

ATTEST:


CHARLES HAGY, SECRETARY

SOUTHWEST LICKING COMMUNITY WATER AND SEWER DISTRICT

P.O. BOX 215, ETNA, OH 43018

69 ZELLERS LANE, PATASKALA, OH 43062

740-927-0410

BOARD MEETING

June 11, 2020 4:00pm (Streamed online for public viewing)

SIGN BELOW:

NAME

ADDRESS

PHONE

**SWLCWSD
OFFICE REPORT
06/11/20**

1) Connection Fees Collected

	2018	2019	1st Qtr. 2020	2nd Qtr. 2020	3rd Qtr. 2020	4th Qtr. 2020	Total 2020
Water	\$875,871.45	\$1,475,649.52	\$253,173.97	\$338,648.16	\$0.00	\$0.00	\$591,822.13
Sewer	\$946,372.18	\$1,320,917.88	\$150,738.00	\$265,581.38	\$0.00	\$0.00	\$416,319.38
Total	\$1,822,243.63	\$2,796,567.40	\$403,911.97	\$604,229.54	\$0.00	\$0.00	\$1,008,141.51

2) Billing Charges

	2018	2019	1st Qtr 2020	2nd Qtr. 2020	3rd Qtr. 2020	4th Qtr. 2020	Total 2020
Water	\$2,688,381.03	\$2,723,072.58	\$648,839.33	\$439,573.08	\$0.00	\$0.00	\$1,088,412.41
Sewer	\$5,996,518.12	\$6,085,751.09	\$1,489,128.68	\$1,003,977.66	\$0.00	\$0.00	\$2,493,106.34
Total	\$8,684,899.15	\$8,808,823.67	\$2,137,968.01	\$1,443,550.74	\$0.00	\$0.00	\$3,581,518.75

3) Capacity Fees

	2018	2019	1st Qtr. 2020	2nd Qtr. 2020	3rd Qtr. 2020	4th Qtr. 2020	Total 2020
Water	\$40,310.00	\$99,555.30	\$66,165.00	\$0.00	\$0.00	\$0.00	\$66,165.00
Sewer	\$73,670.00	\$109,980.30	\$77,145.00	\$0.00	\$0.00	\$0.00	\$77,145.00
Total	\$113,980.00	\$209,535.60	\$143,310.00	\$0.00	\$0.00	\$0.00	\$143,310.00

4) Assessment Revenue

	2018	2019	2020	Total 2020
1st Half	\$744,583.96	\$695,562.52	\$472,378.86	\$472,378.86
2nd Half	\$655,144.64	\$547,574.19	\$0.00	\$0.00
Total	\$1,399,728.60	\$1,243,136.71	\$472,378.86	\$472,378.86

Cash in Bank	As of 06/09/20	As of 06/08/19
	\$14,987,325.77	\$13,179,827.68
*Does not allow for future expenses		
Loan Payment Due 01/01/21	\$3,200,000.00	\$3,200,000.00
Balance Available	\$11,787,325.77	\$9,979,827.68