

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

**SPECIAL BOARD MEETING MINUTES
December 10, 2019**

1. OPENING

The December 10, 2019 Special 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, Kathy Killen, Josephine Carrelli, and those members of the public who signed the December 10, 2019 sign in sheet.

2. GENERAL PURPOSES

Mr. Platte stated he had this item added to the agenda because per Mr. Albers, if it is listed on the agenda for a special meeting, you can use this time to add items to the agenda or discuss general purpose items not listed on the agenda.

3. ADOPTION OF AGENDA

Mr. Platte made a motion, second by Mr. Kretzmann, to approve the Agenda as presented but changing the order of the executive session to be between communications and public comments.
Upon Roll Call vote, Mr. Kretzmann and Mr. Platte voted aye. Mr. Hagy voted no. Motion carried. Agenda adopted.

4. APPROVAL OF MINUTES

Mr. Kretzmann made a motion, second by Mr. Hagy to approve the minutes of the Special Board meeting of November 18, 2019. Upon Roll Call vote, Mr. Kretzmann and Mr. Hagy voted aye. Mr. Platte abstained as he was not at the meeting. Motion carried.

Mr. Kretzmann made a motion, second by Mr. Platte to approve the minutes of the Special Board meeting of November 26, 2019. Upon Roll Call vote, Mr. Kretzmann and Mr. Platte voted aye. Mr. Hagy voted no. Motion carried.

5. PAYMENT OF BILLS

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

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6. COMMUNICATIONS

There were no communications to report at this meeting.

7. EXECUTIVE SESSION

Mr. Platte made a motion, second by Mr. Kretzmann to go into executive session pursuant to ORC 121.22 (G) (1)

- Item# 1- To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official and:
- Item# 2- The investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

Mr. Platte stated the Board and Mr. Gilcher would be included in the executive session for item# 1 and the Board and Mrs. Tucker would be included for item #2.

Platte.....yes
Hagy.....no
Kretzmann.....yes

MOTION CARRIED.

Entered executive session at 3:04 p.m.

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

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

Motion Carried.

Returned from Executive Session at 3:36 p.m.

Mr. Platte stated he requested Mrs. Carrelli prepare a resolution to accept the engagement letter with Taft. The Board and Mr. Albers have already received and reviewed a copy of the engagement letter and had no issues with it.

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

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RESOLUTION:

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

R 2019-079

WHEREAS: the Southwest Licking Community Water and Sewer District has determined the need to retain outside legal counsel to investigate a complaint.

THEREFORE: the Board of Trustees approves the contract with Taft Stettinius and Hollister LLP, and hereby authorizes Mr. Robert Platte, The Secretary of the Board, to act as the liaison and authorize Mr. Platte to sign the engagement letter 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, MR. KRETZMANN AND MR. PLATTE VOTED AYE. MR. HAGY VOTED NO. RESOLUTION NO. 2019-079 WAS APPROVED.

8. PUBLIC COMMENTS

Mr. Mike Fox stated he had a list of questions to ask the Board but didn't think it could be a question/answer session. Mr. Kretzmann told him the floor was his. Mr. Fox stated he would give the Board the questions is writing and went through the list. He had questions regarding the special meeting that Mr. Platte and Mr. Kretzmann attempted to set up. He asked if legal counsel was consulted before placing Mr. Carlisle on leave. He stated Mr. Kretzmann called him a fool at the last meeting and requested an apology. He made some statements regarding the property purchase referred to in the complaint and stated that Mr. Kretzmann was aware that everything was done properly. He stated the ethics board had no issue with him voting for Mr. Carlisle but would be an issue for Mr. Kretzmann to vote for Mr. Carlisle. He stated Mr. Kretzmann was on board with Mr. Gilcher being the GM and he is not an engineer so why the change of heart. Mr. Fox stated Mr. Platte did not let the City know that he was included in placing Mr. Carlisle on leave. He feels Mr. Platte and Mr. Kretzmann voting to investigate the complaint and place Mr. Carlisle on leave classifies as misfeasance. He also feels Mr. Kretzmann and Mr. Platte colluded to set up a special meeting for 11/22 when the Board President is the only one who can call the meeting. He feels the discussion to set up the meeting classifies as a special

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meeting and are evidence for a sunshine law violation. He feels the Board should stop playing games and bring Mr. Carlisle back to get the work done he was hired to do.

Mr. Jim Duffy asked if there was a cap on the fees for the attorney that was hired to investigate the claim.

He also stated he was glad to hear that Mr. Platte is a customer on the Board. He stated the meetings he was going through he saw where the Board was working on a wage survey and hopes that continues. He stated the wages need to be competitive in order to keep employees. He asked if someone gets shut off for non-payment is there a way to prevent them from hooking back up to a well. He heard this happens a lot and thought all wells had to be disconnected once the water was installed.

Mrs. Carrelli stated they are allowed to have a well but if they do they are required to have a backflow device to prevent any contamination in District water source.

Mr. Mark Schaff wanted to know the cost of the outside counsel that was hired. He stated he wanted the hourly rate and if there was cap on the charges.

Mr. Kretzmann stated the scope of the engagement would be in the letter which he could receive a copy of as soon as the meeting is over.

Mr. Schaff also stated he would like to see some evening and weekend board meetings so more members of the public are able to attend.

9. GENERAL MANAGER'S REPORT

OWDA LOAN CONFIRMATION-SIGNATURE REQUIRED:

Mrs. Killen stated she had a letter that need signed to confirm the loan amount as they are being audited by the state. Mr. Kretzmann signed the form.

WTP CONSTRUCTION UPDATE:

Mr. Gilcher stated they did a walk through with the contractor last week to get a list of final punch list items. They hope to be finished up with these by the end of the year.

PATASKALA CORPORATE PARK SANITARY SEWER UPDATE:

Mr. Gilcher stated he and Mr. Platte met with City of Pataskala to discuss the

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issues with the service. Mr. Gilcher stated the next step would be for himself, a board member, the City and the County to sit down and try to figure out a solution to get sanitary sewer service there.

Mr. Platte asked if the other Board members had any issues with him being the liaison for the Board to handle this issue. Mr. Kretzmann and Mr. Hagy stated they had no issue with it.

TO REVIEW, DISCUSS, AND TAKE POSSIBLE ACTION ON THE ACTING GENERAL MANAGER VACATION TIME:

Mr. Gilcher stated he is currently scheduled to be off from 12/18 through the end of the year for vacation. He has time he will lose if he does not take it but is also committed to the District and will be here when needed, he just does not want to lose his vacation time. He has put off taking vacation time this year due to the new plant and the interim GM position.

Mr. Hagy made a motion, second by Mr. Kretzmann for Mr. Gilcher to take off the time he is able to and any remaining time will carry over to 2020 instead of losing it.

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

TO REVIEW, DISCUSS, AND TAKE POSSIBLE ACTION ON A WATER AND SEWER CONTRACT WITH THE CITY OF PATASKALA:

Mr. Gilcher stated he and Mr. Platte met with City officials to discuss where they are with the contract. The District approved and signed a contract that the City has not taken action on and the City approved and signed a different version of the agreement that the District has not acted on. Mr. Gilcher stated he believes the issues can be worked through. Mr. Gilcher is to meet with the Utilities Director with the City and come up with some changes to get both parties to agree. This would then be reviewed by the City's legal counsel and the District's legal counsel.

Mr. Platte stated since we have two different signed agreements they are basically not usable. He stated it makes sense to him to rescind the current agreements and come up with one that both sides can agree on instead of trying to amend the existing agreements.

Mr. Platte made a motion, second by Mr. Kretzmann to rescind resolution # 2019-057, the approval of the water contract with City of Pataskala.

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

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Mr. Platte made a motion, second by Mr. Kretzmann, to rescind resolution# 2019-058, the approval of the sewer contract with the City of Pataskala.

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

RESOLUTION TO APPROVE ADJUSTED CONTRACT AMOUNT ON THE WATER TREATMENT CENTER REVERSE OSMOSIS CONCENTRATE DISCHARGE FORCE MAIN PROJECT:

Mr. Gilcher stated this change order is due to additional directional boring and a change in material cost.

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

- 1. THE GENERAL MANAGER HAS REVIEWED AND RECOMMENDS APPROVAL OF CHANGE ORDER #1 TO AMERICAN BORING, INC. FOR INCREASES IN QUANTITIES USED AND OTHER ITEMS UTILIZED IN THE CONSTRUCTION OF THE WATER TREATMENT CENTER REVERSE OSMOSIS CONCENTRATE DISCHARGE FORCE MAIN PROJECT, AND**
- 2. THE BOARD HEREBY APPROVES THE PROJECT CHANGE ORDER #1 IN THE AMOUNT OF \$53,087.03 FOR A TOTAL ADJUSTED CONTRACT PRICE OF \$878,780.75 WITH AMERICAN BORING, INC., FOR THE WATER TREATMENT CENTER REVERSE OSMOSIS CONCENTRATE DISCHARGE FORCE MAIN PROJECT AND HEREBY AUTHORIZES THE PRESIDENT OF THE BOARD OF TRUSTEES TO SIGN THE CHANGE ORDER ATTACHED HERETO, AND**
- 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. 2019-077 WAS APPROVED.

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EMPLOYEE EVALUATIONS:

Mr. Gilcher stated we have started the process and he hopes to have the completed evaluations to the Board at the December 27, 2019 meeting. He asked who would be completing his evaluation. Mr. Hagy suggested it be done in executive session on the 27th. Mrs. Carrelli will send the evaluation form and the last evaluation Mr. Gilcher had done to the Board members.

10. OFFICE MANAGER'S REPORT

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

**RESOLUTION OF ASSESSMENT PURSUANT TO OHIO REVISED SECTION
6119.52 FOR THE SUMMIT ROAD AND CABLE ROAD WATERLINE
PROJECT**

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

R 2019-081

WHEREAS, the Board of Trustees has heretofore established the Summit Road and Cable Road Waterline Project (herein, the "Project"); and,

WHEREAS, the Plans, Specifications, Profiles, and Estimates of Cost of the Project have been prepared and submitted for the Project, and are on file in the office of the Secretary of this Board of Trustees; and,

WHEREAS, the Board passed Resolution 2019-004, passed and effective on January 29, 2019, declaring the necessity to construct the Project; now, therefore,

BE IT RESOLVED by the Board of Trustees as follows:

1. That the actual cost of the Summit Road and Cable Road Waterline Project has been ascertained and all assessments have been adjusted accordingly, as required by R.C. 6119.52, and as set forth on **Exhibit A**, which is attached hereto and incorporated herein.
2. That the Board of Trustees hereby assesses, in the manner provided in the Resolution of Necessity adopted pursuant R.C. 6119.46, upon the lots of lands enumerated in the estimated assessments adopted pursuant to R.C. 6119.51, as established by the Resolution of Necessity, passed and effective on January 29, 2019.

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3. That all assessments shall be payable as provided in the Resolution of Necessity, and shall be final upon adoption of this Resolution of Assessment.
4. That the assessments made pursuant to this Resolution shall be filed with the Secretary of this Board of Trustees and shall be open to public inspection.
5. That all assessments levied hereunder shall be a lien, from the date of the passage of this Resolution, upon the respective lots or parcels of land assessed, pursuant to Chapter 6119.
6. That the Board authorizes the certification to the Licking County Auditor of the Assessments as delineated and set forth on **Exhibit A**, in the total sum of \$155,142.00.
7. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution 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. 2019-081 WAS APPROVED.

11. ATTORNEY'S REPORT

There was no attorney report given at this meeting.

12. TRUSTEES' COMMENTS

Mr. Hagy provided a list of questions from Mr. Fox he wanted added to the record. Mr. Kretzmann asked to make sure all board members receive a copy of the questions.

Mr. Platte asked the next Board member. It is a regular meeting scheduled for 12/27 at 3:00pm at the Zellers Rd administration building.

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Mr. Kretzmann stated he would like to take the opportunity to apologize to Mr. Fox for anything he said that was offensive. He stated the emotions at the time may have lead him astray and he is very sorry for saying what he said. Mr. Fox thanked him for the apology.

Mr. Schaff stated he had another question. He asked if he could receive a base line of the legal fees paid over the last 5 years. Mr. Platte suggested he submit a public records request for the information he is requesting.

13. 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 4:19 p.m.

ATTEST:



ROB PLATTE, SECRETARY

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SPECIAL BOARD MEETING

December 10, 2019 3:00PM

SIGN BELOW:

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
• Kent Mallett	22 N. 1st St. Newark	740-328-8545
• MIKE FOX	The Advocate 11540 E. BROAD ST	740-927-3991
• Jim Duffy	27 DAISY DR	
• Janca Pierce Tucker	65 E. state st. SUTCLIFF	614-334-6182
• Mark Schaff	7461 National Rd	(740) 919-9919