



MUNICIPALITY OF NEW LEBANON

198 S. Clayton Rd
New Lebanon, Ohio 45345-9636
937-687-1341-Main Office
937-687-3700-Economic Development Office
937-687-1213-Fax

MEMORANDUM

To: Mayor Nickerson and Village Council Members

From: Rob Anderson, Acting Village Manager

Re: Council Update

Date: January 31, 2025

Here are some updates on your agenda for Tuesday night's meeting:

- **Ordinance 2025-01 – An Ordinance in first reading to Adopt the 2025 Pay Scale for Non-Bargaining Unit Employees.** The 2025 pay scale shows a 3% cost of living adjustment (COLA) for all full-time non-bargaining unit employees. This is consistent with the projections you were shown in the budget presentation. The Police bargaining unit is still in negotiations on a new contract. The OPBA wages will be approved in a separate ordinance once the new contract has been approved by the Council and the union.
- **Resolution 2025-03 - A Resolution authorizing the acting village manager to execute a lease with Tukens, LLC to farm 46 acres for a period of three years starting on 1/1/25 and ending on 12/31/27.** The Village has been contracting for the farming of our land on Access Road for the past 3 years. The lease for that land expired at the end of 2024. Staff solicited competitive bids for a new lease and had one bidder, Tukens LLC. Tukens held the lease the last three years and has done a nice job of farming the ground. This new lease has an increase from the previous lease and will generate a total of \$14,306 per year to the Village.
- **Resolution 2025-04 - A Resolution authorizing the temporary waiver of garage sale fees for May 1-4 and September 18-21.** This is our annual waiver of garage sale permit fees for the community wide garage sales. We will begin advertising for the May sale in April and will post the participating addresses on our website a few days leading up to the sale.
- **Resolution 2025-05 - A Resolution authoring the acting village manager to execute a settlement agreement and release of claims.** This is a settlement agreement that is part of the Hensley lawsuit against the Village of New Lebanon.

Have a great weekend!

**MUNICIPALITY OF NEW LEBANON,
REGULAR COUNCIL MEETING
January 21, 2025, 7:30 PM**

- I. Call to Order
- II. Invocation/Pledge of Allegiance
- III. Swearing-In of New Council Member
- IV. Verbal Roll Call of Council Members Present for the Record
- V. Approval of Minutes
 - A. January 21, 2025, Regular Council Meeting
 - B. January 21, 2025, Executive Session
- VI. Unfinished Business
 - A. **Ordinance 2025-01 - (First Reading) An Ordinance to Approve the 2025 Pay Scale for Non-Bargaining Unit Employees**
- VII. New Business
 - A. **Resolution 2025-03 - A Resolution Authorizing the Acting Village Manager to Execute a Lease with Tukens, LLC, Frank J. Hora President, to Farm Approximately 46 acres, more or less, for a Period of Three (3) Years Commencing January 1, 2025 and Ending December 31, 2027, in the Amount of \$311.00 per Acre, for a Total of \$14,306 per Year.**
 - B. **Resolution 2025-04 - A Resolution Authorizing the temporary waiver of garage sale fees for May 1, 2, 3, 4 and September 18, 19, 20, 21.**
 - C. **Resolution 2025-05 - A Resolution Approving the Settlement of Legal Claims and Authorizing the Acting Village Manager to Execute a Settlement Agreement and Full Release of all Claims and Demands and Indemnity Agreement.**
- VIII. Public Comments or Questions (limit 3 minutes per citizen. No donation of time.)
- IX. Administrative Staff Comments
- X. Municipal Manager's Comments
- XI. Council Members' Comments (limit 5 minutes per Council Member)
- XII. Vice-Mayor's Comments
- XIII. Mayor's Comments
- XIV. Request to be Added to the Agenda (limit 5 minutes per presentation)
- XV. Adjournment

**MUNICIPALITY OF NEW LEBANON
REGULAR COUNCIL MEETING
January 21, 2025, at 7:30 p.m.**

The meeting was called to order at 7:30 p.m. by Mayor Nickerson. The invocation was given by Mayor Nickerson, followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members Present for the Record

Council Members:

| | |
|-----------------|---------|
| Timothy L. Back | Present |
| Gale Joy | Present |
| Chris Sands | Present |
| Melissa Sexton | Present |
| Nicole Adkins | Present |
| David Nickerson | Present |

Others Present:

| |
|-----------------------------|
| Acting Manager Anderson |
| Interim Law Director Rose |
| Fire Chief Keyser |
| Acting Police Chief Wortman |
| Service Director Easom |

Approval of Minutes

- Approval of the January 7, 2025, regular council meeting minutes.

Council Member Sands made a motion to approve the minutes as presented. Council Member Sexton seconded the motion.

5 yes votes and 1 no vote, minutes approved as presented.

- Approval of the January 14, 2025, special council meeting minutes.

Council Member Sands made a motion to approve the minutes as presented. Council Member Back seconded the motion.

5 yes votes, 0 no votes, and 1 abstention, minutes approved as presented.

Unfinished Business

Vice-Mayor Adkins discussed the food trailers parked at the business on Main Street stating that one of the trailers is parked in the grass. Mr. Anderson stated he would ask Mr. Long in zoning to call the owners to make sure they are parked properly.

Council Member Back asked if the blueprint for the salt barn was sent over to Montgomery County. Mr. Anderson stated he will need to contact an architect to do a footer drawing. Mr. Back then followed up on Mr. Bundy and Mr. Dunnigan's homes. Mr. Anderson stated that Mr. Bundy has been working with Mr. Long in zoning, and they are currently in the enforcement process. Mr. Anderson advised he will follow up with Mr. McNamee regarding Mr. Dunnigan's home, which is far more complex.

Council Member Sexton asked about the grant process for the tennis court renovation. Mr. Anderson advised the plans need to be ready and then goes out for bid for construction and the grant has already been approved.

Council Member Back asked what the plans were for the courthouse recommending that it be sold. Mr. Anderson stated he will look for a broker or real estate agent to move the process forward to solicit proposals if council would like to sell the building.

Council Member Sands asked about the N.L.Y.A. contract. Mr. Anderson advised there is a ninety-day extension in the current contract and that he sent the agreement to our attorney to simplify and fix the language and suggested the park board may want to review it as well.

New Business

Mayor Nickerson motioned to add resolution 2025-02 to the agenda:

A RESOLUTION: RECOGNIZING THE SELF-EXECUTING FORFEITURE OF COUNCIL MEMBER PERKINS' POSITION ON VILLAGE COUNCIL AND SETTING FORTH THE PROCEDURE TO FILL SAID VACANCY.

Council member discussion along with Mr. Anderson and attorney Mr. Rose.

Council Member Sexton seconded the motion.

Roll Call:

| | | | |
|-----------------------|-----|---------------------|-----|
| Council Member Sexton | Yes | Council Member Back | No |
| Council Member Joy | Yes | Mayor Nickerson | Yes |
| Council Member Sands | Yes | Vice-Mayor Adkins | No |

4 yes votes and 2 no votes, motion to add resolution 2025-02 to the agenda passes.

Council Member Joy asked if we should table this resolution to get a legal opinion since Council Member Back is concerned. Mr. Anderson replied that the legal opinion from the law director was sent to them and attorney Nate Rose was there to answer any questions.

Council member discussion along with Mr. Anderson and attorney Mr. Rose.

Ordinance 2025-01 - AN ORDINANCE TO APPROVE THE 2025 PAY SCALE FOR NON-BARGAINING UNIT EMPLOYEES AND DECLARING AN EMERGENCY.

Vice-Mayor Adkins motioned to table the ordinance due to council packets getting delivered late and no time to review, seconded by Council Member Joy.

Council Member Joy asked why this would be declared an emergency and Mr. Anderson stated it would become effective immediately and the employees could get their step increase.

Roll Call:

| | | | |
|--------------------|-----|-----------------------|-----|
| Mayor Nickerson | Yes | Council Member Sexton | No |
| Council Member Joy | Yes | Council Member Back | Yes |
| Vice-Mayor Adkins | Yes | Council Member Sands | No |

4 yes votes and 2 no votes, motion to table the ordinance passes.

Resolution 2025-02 - A RESOLUTION: RECOGNIZING THE SELF-EXECUTING FORFEITURE OF COUNCIL MEMBER PERKINS' POSITION ON VILLAGE COUNCIL AND SETTING FORTH THE PROCEDURE TO FILL SAID VACANCY.

Council Member Sands' motion to approve was seconded by Council Member Sexton.

Roll Call:

| | | | |
|-----------------------|---------|----------------------|-----|
| Vice-Mayor Adkins | Abstain | Council Member Joy | No |
| Council Member Back | Abstain | Mayor Nickerson | Yes |
| Council Member Sexton | Yes | Council Member Sands | Yes |

3 yes votes, 1 no vote, and 2 abstentions, motion to approve resolution 2025-02 passes.

Public Comments or Questions

None

Administrative Staff Comments

Interim Police Chief Wortman stated a lot of people have been asking about Officer Townsend and he confirmed he has been in working and is finishing working on policy information.

Fire Chief Keyser gave a public safety announcement regarding the cold weather and the electric grids and gas service being taxed, causing some overload issues on some equipment resulting in an increase in calls. He encouraged everyone to be mindful in their homes and asked if anyone was uncertain about something to call and they would come out and check things. Fire Chief Keyser also informed council about the fire at the American Legion where a fire started in the furnace and that is where most of the damage was. He stated the bulk of the damage beyond the fire was water damage from the sprinkler system.

Mayor Nickerson stated how cold it was the night of the fire and thanked the fire department for their good work as well as the other neighboring departments that responded.

Municipal Manager’s Comments

Mr. Anderson introduced council to Dennis Easom, our new Service Director. Dennis is taking over as operator of record for our water and sewer plant and will lead the service department.

Mr. Easom stated he has been doing water and wastewater since 2001 and has dual three certifications in each on the treatment side and has done everything from fixing main breaks at 3:00 in the morning to figuring out why the chlorine levels aren't correct anymore, from customer service to plant upgrades.

Council welcomed Mr. Easom.

Mr. Anderson stated he put information on the website regarding warming stations informing council that the village building is open 8:00-4:30 Monday through Friday and the Fire Chief has opened a portion of the fire department that is open 24 hours if anyone needs to get out of the cold. Mr. Anderson also put a list on the website of other warming centers in the region.

Mr. Anderson stated he is in the process of making an offer to one of the two police chief candidates and will update them with information at the next meeting. He also began review of the village manager applications and will begin interviews within the next couple of days with those candidates that have the best experience and are the best fit.

Mayor Nickerson asked if there had been any sign of the homeless gentleman that was brought up previously and the replies were that nobody had seen him.

Council Member Joy asked about the tax officer position and Mr. Anderson informed him there will be an advertisement going out for a full-time position for someone that would do some tax work as well as HR. Council Member Joy also asked about the CFO position. Mr. Anderson stated he has received applications and wanted to get a village manager in place and let that person do the hiring for that position. He added our consultants are doing a good job helping manage our finances, so it isn't as critical as finding a replacement manager.

Council Members' Comments

Council Member Back thanked the fire department and said the cold didn't make their jobs any easier.

Vice-Mayor's Comments

Vice-Mayor Adkins hoped everyone stays warm, has a good evening, and for the police and fire to stay safe.

MAYOR'S COMMENTS

None

Request to be Added to the Agenda

Theresa Cooper, 433 Hazelhurst, thanked Shannon for bringing accountability to our village and being a voice. She stated the charter is our bible for the village and we should go by that charter. Mrs. Cooper discussed her having questions about her water bill for about five months and the previous manager called her a liar and she didn't get any answers or help. She said a service worker was finally sent out and explained everything to her and he was very good. She thanked Shannon for the work she was doing. Mrs. Cooper stated you must go by the charter every single time.

Executive Session

Pursuant to C.O. Section 30.03(B)(3) there is a need for an executive session for the purpose of a conference with the Interim Law Director and outside legal counsel concerning disputes involving the municipality that are subject to pending or imminent court action.

Council Member Back motioned to adjourn into executive session; Council Member Sexton seconded.

Roll Call:

| | | | |
|-----------------------|-----|--------------------|-----|
| Council Member Sands | Yes | Council Member Joy | Yes |
| Council Member Back | Yes | Mayor Nickerson | Yes |
| Council Member Sexton | Yes | Vice-Mayor Adkins | Yes |

6 yes votes and 0 no votes, the motion passes to enter into executive session.

The regular Council Meeting was reconvened at 8:53 pm. Mayor Nickerson stated that the topic discussed in the executive session was an update from our legal counsel regarding a pending lawsuit filed against the Village by Curtis Hensley.

Council Member Sexton motioned to adjourn the executive session; Council Member Sands seconded.

Roll Call:

| | | | |
|-----------------------|-----|--------------------|-----|
| Council Member Sands | Yes | Council Member Joy | Yes |
| Council Member Back | Yes | Mayor Nickerson | Yes |
| Council Member Sexton | Yes | Vice-Mayor Adkins | Yes |

6 yes votes and zero no votes, the motion passes, and the executive session is adjourned at 8:54 pm.

Adjournment

Council Member Back motioned to adjourn the regular meeting; Vice Mayor Adkins seconded.

Roll Call:

| | | | |
|----------------------|-----|-----------------------|-----|
| Mayor Nickerson | Yes | Council Member Joy | Yes |
| Council Member Sands | Yes | Vice-Mayor Adkins | Yes |
| Council Member Back | Yes | Council Member Sexton | Yes |

6 yes votes and zero no votes, the motion passes, and the regular meeting is adjourned at 8:55 pm.

Approved:

Mayor Nickerson

Date

Acting Clerk of Council

Date

MUNICIPALITY OF NEW LEBANON
Village Council Executive Session
January 21, 2025

Mayor Nickerson called the executive session to order at 8:22 pm.

Council Members present:

Others Present:

| | |
|-----------------------|---------|
| Council Member Back | Present |
| Council Member Sands | Present |
| Council Member Joy | Present |
| Council Member Sexton | Absent |
| Vice-Mayor Adkins | Present |
| Mayor Nickerson | Present |

| |
|------------------------------|
| Acting Manager Anderson |
| Interim Law Director Rose |
| Bob Stoffers - Legal Counsel |
| |
| |
| |

Topic discussed:

1. Update from legal counsel regarding a pending lawsuit filed against the Village by Curtis Hensley.

Council Member Sexton made a motion to adjourn the executive session, seconded by Council Member Sands.

Roll Call:

| | | | |
|-----------------------|-----|--------------------|-----|
| Council member Sands | Yes | Council member Joy | Yes |
| Council member Back | Yes | Mayor Nickerson | Yes |
| Council Member Sexton | Yes | Vice Mayor Adkins | Yes |

The executive session was adjourned at 8:54 pm.

Approved:

Mayor

Date

Acting Clerk of Council

Date

**VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO**

**ORDINANCE NO: 2025-01
BY
MAYOR DAVID NICKERSON**

AN ORDINANCE: AN ORDINANCE TO APPROVE THE 2025 PAY SCALE FOR NON-BARGAINING UNIT EMPLOYEES.

WHEREAS, it is necessary to approve the pay grade for non-bargaining unit employees each year; and

WHEREAS, Staff is recommending modifying and approving the pay grade allocation list in accordance with Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I That the new PGA attached hereto as Exhibit A, be and the same is hereby adopted to establish appropriate job classes, compensation, and job descriptions for the year 2025.

SECTION III It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV This Ordinance shall take effect and be in full force from and after its passage.

Reading 1: _____ Reading 2: _____ Reading 3: _____

PASSED this 4th day of March 2025.

David Nickerson, Mayor

Attest:

Robert Anderson II
Acting Clerk of Council

Date:

Village of New Lebanon Pay Schedule 2025

| 2023 Pay Grade | Council-Approved Positions | Status | Classification | Level | | | | |
|-------------------|--|-----------|----------------|------------------------------|--|--|--------------------------------|---------------------------------|
| | | | | A | B | C | D | E |
| 10 | Secretary, Receptionist; General Office | Full-Time | Nonexempt | \$16.50 | \$17.33 | \$18.19 | \$19.10 | \$20.06 |
| 20 | Admin Asst, Service Worker (no CDL), Parks&Rec Coordinator/Executive Admin | Full-Time | Nonexempt | \$21.00 | \$22.05 | \$22.93 | \$23.85 | \$24.80 |
| 30 | Service Worker (CDL) Utility Clerk-General Office/Payroll Clerk-Admin Assst/Clerk of Council-Admin Assst/Admin Service Coordinator | Full-Time | Nonexempt | \$22.50 | \$23.40 | \$24.34 | \$25.31 | \$26.32 |
| 35 | Water/WWTWP Licensed Technician | Full-Time | Nonexempt | \$29.91 | \$31.10 | \$32.35 | \$33.64 | \$34.99 |
| 40 | SD Foreman (no WWTWP plant license), Income Tax Admin, Utility Admin, Finance; payroll admin/clerk of council | Full-Time | Nonexempt | \$26.64 | \$27.71 | \$28.82 | \$29.97 | \$31.17 |
| 41 | SD Foreman with Water/WWTWP plant License | Full-Time | Nonexempt | \$30.97 | \$32.21 | \$33.49 | \$34.83 | \$36.23 |
| 45 | SD Superintendent, Chief Financial Officer | Full-Time | Nonexempt | \$33.08 | \$34.40 | \$35.78 | \$37.21 | \$38.70 |
| 50 | Finance Director, Service Director, Police Chief, Fire Chief | Full-Time | Exempt | \$39.45 | \$41.03 | \$42.67 | \$44.38 | \$46.15 |
| Part-Time | Administrative Assistant/Clerk of Council | Part-Time | | \$17.00 | \$17.50 | \$18.00 | \$18.50 | \$19.00 |
| Part-Time | Laborer | Part-Time | | \$15.00 | \$15.50 | \$16.00 | \$16.50 | \$17.00 |
| Part-Time | Code Enforcement Administrator, Payroll Clerk, Tax Clerk | Part-Time | | \$21.71 | \$22.36 | \$23.28 | \$24.13 | \$25.92 |
| Part-Time | Recreation Coordinator/Executive Administrator | Part-Time | | \$13.52 | \$14.04 | \$14.88 | \$15.40 | \$15.92 |
| Seasonal | Parks & Rec Coordinator | Seasonal | | \$14.00 | \$14.50 | \$15.00 | \$15.50 | \$16.00 |
| Seasonal | Laborer(SD)/Recreation Staff (non-stipend) | Seasonal | | \$15.00 | \$15.50 | \$16.00 | \$16.50 | \$17.00 |
| Contract | Water/WWTWP Licensed Technician | Full-Time | | | | | | |
| Contract | Municipal Manager | Full-Time | | | | | | |
| PV | Patrol Officers, Auxiliary | Volunteer | | | | | | |
| Part-Time | Patrol Officers, Part-Time | Part-Time | Nonexempt | | | | | |
| Contract | Patrol Officers, Full-Time | Full-Time | Nonexempt | Hire \$23.00 | | | | Completion of Probation \$25.00 |
| P40 | Police Sergeant | Full-Time | Nonexempt | | | | | |
| P45 | Police Lieutenant | Full-Time | Nonexempt | \$30.85 | \$31.84 | \$32.80 | \$33.77 | \$35.77 |
| P60 | Police Captains | Full-Time | Nonexempt | \$33.08 | \$33.94 | \$34.80 | \$35.65 | \$37.58 |
| Part-Time | Fire Fighter, Paramedic (Shifted) | Part-Time | | Hire \$17.50 | | | | Completion of Probation \$18.00 |
| Part-Time | Fire Fighter, Advanced (Shifted) | Part-Time | | Hire \$16.00 | | | | Completion of Probation \$16.50 |
| Part-Time | Fire Fighter, EMT Basic (Shifted) | Part-Time | | Hire \$15.50 | | | | Completion of Probation \$16.00 |
| Part-Time | Paramedic (Shifted) | Part-Time | | Hire \$16.50 | | | | Completion of Probation \$17.00 |
| Part-Time | Emergency Medical Technician (Shifted) | Part-Time | | Hire \$14.50 | | | | Completion of Probation \$15.00 |
| Part-Time | Fire Fighter (Shifted) | Part-Time | | Hire \$14.50 | | | | Completion of Probation \$15.00 |
| Part-Time | Lieutenants | Part-Time | | | | \$50 an hour additional | | |
| F20 | Fire Fighter EMT (Shifted) | Full-Time | Nonexempt | \$16.94 | \$17.20 | \$17.72 | \$18.49 | \$19.52 |
| F25 | Fire Fighter/Advanced | Full-Time | Nonexempt | \$17.97 | \$18.23 | \$18.75 | \$19.52 | \$20.55 |
| F30 | Fire Fighter ALS (Shifted) | Full-Time | Nonexempt | \$19.06 | \$19.31 | \$19.83 | \$20.60 | \$21.63 |
| F40 | Captain/Paramedic (Shifted) | Full-Time | Nonexempt | \$26.64 | \$27.55 | \$28.35 | \$29.97 | \$31.07 |
| F45 | Assistant Fire Chief (Shifted) | Full-Time | Nonexempt | \$33.08 | \$33.94 | \$34.80 | \$35.65 | \$37.58 |
| FV | Fire Fighter EMT, Basic | Volunteer | | Fire Response/Training (/hr) | Ambulance Duty (wkday per 12 hour shift) | Ambulance Duty (weekend/per 12 hour shift) | Ambulance Run (/hr, min 2 hrs) | Yearly Stipend |
| FV | Fire Fighter, Advanced | Volunteer | | \$11.00/\$10.00 \$ | 25.00 \$ | 50.00 \$ | \$10.00/\$20.00 | 0 |
| FV | Fire Fighter/Paramedic | Volunteer | | \$11.00/\$10.00 \$ | 25.00 \$ | 50.00 \$ | \$11.00/\$24.00 | 0 |
| FV | Fire Lieutenant or EMS Coordinator | Volunteer | | \$11.00/\$10.00 \$ | 25.00 \$ | 50.00 \$ | \$12.00/\$28.00 | 1200 |
| FV | Fire Captain | Volunteer | | \$11.00/\$10.00 \$ | 25.00 \$ | 50.00 \$ | See Above | 0 |
| FV | Fire Chief or Assistant Chief | Volunteer | | \$11.00/\$10.00 \$ | 25.00 \$ | 50.00 \$ | See Above | 0 |
| | | | | | | | 2 hr. call back - | |

**VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO: 2025-03
BY
MAYOR DAVID NICKERSON**

A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO EXECUTE A LEASE WITH TUKENS LLC., FRANK J. HORA SR., PRESIDENT TO FARM APPROXIMATELY FORTY-SIX (46) ACRES, MORE OR LESS, FOR A PERIOD OF THREE (3) YEARS COMMENCING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2027, IN THE AMOUNT OF \$311.00 AN ACRE, FOR A TOTAL OF \$14,306.00 PER YEAR.

WHEREAS, the Village of New Lebanon owns 118+ acres of land formerly known as the Hounshell farm; and

WHEREAS, the Village of New Lebanon owns approximately forty-six (46) acres to lease for farming; and

WHEREAS, it is in the Village's best interest to lease the forty-six (46) acres for farming.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I The Acting Village Manager is authorized to execute a lease agreement with Frank J. Hora Sr to farm approximately forty-six (46) acres, more or less, for a period of three (3) years commencing January 1, 2025 and ending December 31, 2027, in the amount of \$311.00 an acre, for a total of \$14,306.00 per year.

SECTION II It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION III That this Resolution shall take effect immediately upon adoption.

PASSED this 4th day of February 2025.

David Nickerson, Mayor

Attest:

Robert Anderson II
Acting Clerk of Council

Date:

**VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO: 2025-04
BY
MAYOR DAVID NICKERSON**

A RESOLUTION AUTHORIZING THE TEMPORARY WAIVER OF GARAGE SALE FEES FOR MAY 1, 2, 3, 4 AND SEPTEMBER 18, 19, 20, 21.

WHEREAS, the Village has determined it will allow a community wide garage sale in May and September; and

WHEREAS, the Village shall waive all permitting fees for a garage sale including the application process set forth in Chapter 114 of the Codified Ordinances; and

WHEREAS, the signage rules set forth in Section 114.03(G) of the Codified Ordinances shall still apply; and

WHEREAS, because of the waiver of the fees and application, all residents shall notify the Village of their intent to participate in the community wide garage sale; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I That the Village of New Lebanon hereby waives the permitting fees and application process for May 1, 2, 3, 4 and September 18,19, 20, 21.

SECTION II It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION III That this Resolution shall take effect immediately upon adoption.

PASSED this 4th day of February 2025.

David Nickerson, Mayor

Attest:

Robert Anderson II
Acting Clerk of Council

Date:

**VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO: 2025-05
BY
MAYOR DAVID NICKERSON**

**A RESOLUTION APPROVING THE SETTLEMENT OF LEGAL CLAIMS AND
AUTHORIZING THE ACTING VILLAGE MANAGER TO EXECUTE A
SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS AND
DEMANDS AND INDEMNITY AGREEMENT.**

WHEREAS, the Village of New Lebanon is a Defendant to a crossclaim brought by Co-Defendant Josh Farley in a lawsuit initially filed by former Police Chief Hensley in the Montgomery County Court of Common Pleas; and

WHEREAS, the parties to the litigation wish to avoid the time and expense of further litigation and have reached a resolution of all matters in dispute, pending approval of this Council; and

WHEREAS, the parties have reached a proposed settlement in the amount of fourteen thousand five hundred dollars (\$14,500), which would include the dismissal of all claims asserted by Joshua Farley; and

WHEREAS, this settlement is in no way an admission of liability on the part of the Village of New Lebanon; and

WHEREAS, the parties have agreed upon a Settlement Agreement and Full Release of All Claims and Demands and Indemnity Agreement document, attached to this Resolution, prepared and approved as to form by the Village's appointed legal counsel to memorialize and finalize the settlement; and

WHEREAS, the above described proposed settlement, recommended by the Village's appointed legal counsel would be in the best interest of the Village of New Lebanon.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS
FOLLOWS:**

SECTION I That Village of New Lebanon Council hereby approves the attached Settlement Agreement and Full Release of All Claims and Demands and Indemnity Agreement and authorize the acting Village Manager to execute the Settlement Agreement and Full Release of All Claims and Demands and Indemnity Agreement in the total amount of fourteen thousand five hundred dollars (\$14,500).

SECTION II That the Village of New Lebanon Council hereby finds that the settlement is in the best interest of the Village.

SECTION III It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV That this Resolution shall take effect immediately upon adoption.

PASSED this 4th day of February 2025.

David Nickerson, Mayor

Attest:

Robert Anderson II
Acting Clerk of Council

Date:

SETTLEMENT AGREEMENT
FULL RELEASE OF ALL CLAIMS AND DEMANDS
AND INDEMNITY AGREEMENT

KNOW ALL BY THESE PRESENT:

That, JOSHUA FARLEY (“FARLEY”) in consideration of the payment of Fourteen Thousand Five Hundred Dollars (\$14,500), being paid to FARLEY receipt and sufficiency of which is hereby acknowledged and releases and discharged, and by these presents does for himself, his spouse, children, heirs, executors, administrators, representatives, beneficiaries, attorneys, agents and assigns, release and forever discharge any lawsuit, cause of action or suit in law or in equity against VILLAGE OF NEW LEBANON, its mayor, members of council, all officials of the Village (including but not limited to Acting Village Manager Robert Anderson, II AND Michael P. McNamee Law Director and Special Counsel), its employees, officers, directors, owners, shareholders, partners, members, trustees, attorneys, volunteers, predecessors, affiliates, parents, divisions, subsidiaries, subscribing underwriters, claim managers, insurers, reinsurers, contract employees, independent contractors, agents, heirs, executors, administrators, representatives, successors, assigns and beneficiaries (“VILLAGE”), who are or may ever become liable, as a result of any and all executive sessions of the Village Council concerning any and all alleged Open Meetings Act violations and any and all claims and damages which were asserted by FARLEY against the VILLAGE in the case captioned Curtis Hensley v. David Nickerson, et al., Montgomery County Common Pleas Case No. 2024-CV-04329; Montgomery County, Ohio.

The aforementioned payment of Fourteen Thousand Five Hundred Dollars (\$14,500) [Twelve Thousand Five Hundred Dollars (\$12,500) shall be paid subject to the approval by the Village Council within thirty (30) days of the executed Settlement Agreement, Full Release of All Claims and Demands and Indemnity Agreement being delivered to Robert H. Stoffers, the attorney for the VILLAGE. No interest will accrue on the settlement.

As a further consideration for said sum, FARLEY warrants that no promise or agreement not herein expressed has been made; that in executing this Settlement Agreement, Full Release of all Claims and Demands and Indemnity Agreement FARLEY is not relying upon any statement or representation made by the VILLAGE hereby released or the VILLAGE 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 own judgment and knowledge and that of any legal counsel he has consulted; that the above-mentioned sum is received by FARLEY, in full settlement and satisfaction of all the aforesaid claims and demands; that FARLEY is of legal age and competent to execute this Settlement Agreement, Full Release of all Claims and Demands and Indemnity Agreement, and FARLEY has fully informed himself of its contents and meaning and has consulted with his attorney.

It is understood that FARLEY shall be responsible for any applicable taxes, if any, due relative to the payment received hereunder.

FARLEY hereby warrants and represents to the VILLAGE that he presently holds all rights, title, and interest in his claims and that he has not previously assigned his interests to any party. In the event that FARLEY has assigned his rights or claims to any party, then FARLEY hereby agrees to indemnify the VILLAGE, and agrees to hold it harmless from any claims brought by any party, to recover for the cost of any expense incurred on behalf of FARLEY in connection with the claims described hereinabove.

FARLEY agrees to dismiss with prejudice all claims against the VILLAGE in Curtis Hensley v. David Nickerson, et al., Montgomery County Common Pleas Case No. 2024-CV-04329; Montgomery County, Ohio.

It is expressly understood and agreed by FARLEY that the acceptance of the aforementioned Fourteen Thousand Five Hundred Dollars (\$14,500), being paid to FARLEY and

other consideration referenced herein is a full accord and satisfaction of disputed claims and that the payment of the consideration is not an admission of liability.

FARLEY declares that he has read this Settlement Agreement, Full Release of All Claims and Demands and Indemnity Agreement, that he fully understands the terms contained therein, and voluntarily accepts the aforementioned Fourteen Thousand Five Hundred Dollars (\$14,500), being paid to FARLEY and other consideration contained herein for the purpose of making a full and complete compromise, adjustment and settlement of all claims, damages and causes of action referenced herein against the VILLAGE.

WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of February, 2025.

I HAVE READ AND UNDERSTAND THIS SETTLEMENT AGREEMENT, FULL RELEASE OF ALL CLAIMS AND DEMANDS AND INDEMNITY AGREEMENT.

JOSHUA FARLEY

Sworn to before me and subscribed in my presence this ____ day of February, 2025.

Notary Public