



# MUNICIPALITY OF NEW LEBANON

198 S. Clayton Rd  
New Lebanon, Ohio 45345-9636  
937-687-1341-Main Office  
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## MEMORANDUM

**To:** Mayor Nickerson and Village Council Members

**From:** Rob Anderson, Acting Village Manager

**Re:** Council Update

**Date:** December 12, 2024

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

- **Ordinance 2024-07 – An Emergency Ordinance to Adopt the 2025 Pay Scale for Non-Bargaining Unit Employees.** In the past, the pay scale has been approved as part of the budget ordinance. However, it is more appropriate to approve the proposed pay scale as its own stand-alone legislation. 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. Their wages, once agreed upon, will be approved in a separate ordinance at a later date.
- **Ordinance 2024-08 – An Emergency Ordinance to Make Supplemental Appropriations to the 2024 Expenditure Budget, and Repeal Ordinance 2024-02 and 2024-03.** This is the year-end supplemental appropriation that will allow us to balance our finances and close out the year. This is something that is necessary at the end of every year to allow our finance staff to close out 2024 and open 2025. As you recall, Council approved two emergency ordinances earlier this year. This action would repeal those ordinances since the accounts from which they were drawn (The Community Enrichment Fund) was not properly established and does not technically exist. Overall, we are reducing the total expenditures of the Village by \$434,519.52. Those monies will be returned to their respective funds to be reappropriated for future expenditures.
- **Ordinance 2024-09 – An Emergency Ordinance to Approve the Annual Budget, Adopt Appropriations for Current and Other Expenditures, and Authorize the Transfer of Monies of the Village of New Lebanon for the Fiscal Year Ending December 31, 2025.** This is the appropriations ordinance for 2025. As you know, Council has read this ordinance twice and held a public hearing to solicit input on the proposed budget. There is a need to pass this as an emergency ordinance so that it can take effect immediately and allow the Village to open the year with the proper appropriations. Otherwise, we would have to wait 30 days for the ordinance to become effective and we would miss the first two payroll periods of 2025.

Here are some other items for your consideration:

- I am going to be out of the office Friday, December 13 through Tuesday, December 17. In my absence, Chief Keyser will serve as the Acting Village Manager and will attend your Council

# PFS

## Public Financial Solutions, LLC

### Memorandum

To: Rob Anderson, Interim Village Manager  
From: Bryan Thurman & Tom Judy  
Date: December 9, 2024  
Re: Ordinance Amending the Annual Appropriations for the fiscal year ending December 31, 2024

Attached is a spreadsheet with recommendations for amendments to the Village's 2024 appropriations.

In conjunction with the recommended appropriation adjustments, we recommend the repeal of Ordinance 2024-02 and Ordinance 2024-03. The practical effect of these ordinances was to reduce the appropriations in the Community Enrichment Fund and increase appropriations in the General and American Rescue Funds; however, the language seems to suggest that appropriations are being transferred from the Community Enrichment Fund to the General Fund and the American Rescue Act Fund. Interfund appropriation transfers are not possible. Given the potential for confusion, we believe the best course would be simply to repeal them and reflect these ordinances' appropriation adjustments in the upcoming supplemental appropriation legislation.

Attached is a spreadsheet to support a supplemental appropriation ordinance that will accomplish the following:

1. Re-appropriate the increases in appropriations authorized by the two ordinances we recommended for repeal, as discussed above. These amounts are \$200,000 in the General Fund's Administration/Finance department for professional services, \$5,000 in the General Fund's Parks Department for camps and festivals, and \$37,976.18 for the American Rescue Act Fund.
2. Eliminate all appropriations in the Community Enrichment Fund. As we have discussed, the Village did not obtain the proper approval to establish this fund, so we recommended eliminating all its appropriations and reclassifying its year-to-date financial activity to the Montgomery County Municipal Court Fund. Accordingly, the supplemental appropriations shown in the spreadsheet establish additional appropriations for the Court Fund.
3. Establish appropriations for the interfund transfers approved by Village Council at their last meeting in order to cure the deficit fund balance in the Construction Projects Fund. The transfer amounts approved were \$99,061.21 from the Street Fund, \$1,052.27 from the General Fund, and \$49,613.65 from the Water Fund. As only Council approval is

necessary for transfers from the General Fund, that transfer can be done in 2024. The Street and Water transfers can be done in 2024 if State approval is received before yearend. If not, those amounts will need to be re-appropriated by ordinance in 2025.

4. The final purpose of these supplemental appropriations is to ensure that no appropriations have been overspent and/or encumbered at the “legal level of control.” Most of the recommended budget adjustments are due to this issue. A short explanation is necessary:
  - a. The level of detail at which Council approves its appropriations by ordinance is the “legal level of control.” Any amounts approved by Council at the legal level of control cannot be overspent/encumbered. Also, those amounts cannot be modified except by another ordinance of Council. Per State law (ORC 5705.38), the Council must, at a minimum, approve two appropriation amounts for each department: (1) personal services (salaries, wages, and employee benefits) and (2) all other expenditures. It is a common practice for administration to have the authority to transfer appropriations among the individual line item accounts that comprise those two categories.
  - b. Council may approve the budget at a more detailed legal level of control, however. For example, in the Village of New Lebanon’s 2024 annual appropriations ordinance (Ord. 2023-08), appropriations were allocated into **eight (8)** separate categories – rather than the minimum of two required by law. Appropriating at that high level of detail is rather restrictive as the fiscal officer has very limited ability to transfer appropriations without additional Council legislation. (Note that the 2025 appropriation ordinance was prepared at a less restrictive legal level of control which will lessen the need for supplemental appropriation ordinances and decrease the chance of budgetary non-compliance.)

Please let us know if you have any questions or concerns.

**MUNICIPALITY OF NEW LEBANON,  
REGULAR COUNCIL MEETING  
Tuesday December 17, 2024, 7:30 PM**

- I. Call to Order
- II. Invocation/Pledge of Allegiance
- III. Verbal Roll Call of Council Members Present for the Record
- IV. Approval of Minutes
  - A. Approval of Minutes from the November 18, 2024 Special Council Meeting
  - B. Approval of Minutes from the November 19, 2024 Regular Council Meeting
  - C. Approval of Minutes from the December 3, 2024 Regular Council Meeting
- V. Unfinished Business
- VI. New Business
  - A. Ordinance 2024-07 – EMERGENCY ORDINANCE – An Ordinance to Approve the 2025 Pay Scale for Non-Bargaining Unit Employees and Declaring an Emergency.**
  - B. Ordinance 2024-08 – EMERGENCY ORDINANCE – An Ordinance to Authorize Supplemental Appropriations to the 2024 Expenditure Budget, the Repeal of Ordinance 2024-02 and 2024-03, and Declaring an Emergency.**
  - C. Ordinance 2024-09 – EMERGENCY ORDINANCE – An Ordinance to approve the Annual Budget, Adopt Appropriations for Current and Other Expenditures and Authorize the Transfer of Monies of the Village of New Lebanon, Ohio for the Fiscal Year Ending December 31, 2025 and Declaring and Emergency.**
- VII. Public Comments or Questions (limit 3 minutes per citizen. No donation of time.)
- VIII. Administrative Staff Comments
- IX. Municipal Manager’s Comments
- X. Council Members’ Comments (limit 5 minutes per Council Member)
- XI. Vice-Mayor’s Comments
- XII. Mayor’s Comments
- XIII. Requested to be Added to Agenda (limit 5 minutes per presentation)
  - A. None
- XIV. Adjournment

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

**ORDINANCE NO: 2024-07**

**BY**

**VICE MAYOR NICOLE ADKINS**

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

**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 measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety. It is further necessary to ensure that the pay scales of Village employees are set prior to the start of the 2025 calendar year. Therefore, this measure shall take effect and be in full force from and after its passage.

**PASSED this 17<sup>th</sup> day of December, 2024.**

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Nicole Adkins, Vice Mayor

Attest:

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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	\$15.97	\$16.58	\$17.32	\$17.93	\$19.40	
20	Admin Asst, Service Worker(no CDL), Parks&Rec Coordinator/Executive Admin	Full-Time	Nonexempt	\$20.54	\$21.23	\$22.18	\$23.06	\$24.67	
30	Service Worker (CDL) Utility Clerk-General Office/Payroll Clerk-Admin Asst/Clerk of Council-Admin Asst/Admin Service Coordinator	Full-Time	Nonexempt	\$21.71	\$22.36	\$23.28	\$24.13	\$25.92	
35	Water/WWTP Licensed Technician	Full-Time	Nonexempt	\$29.91	\$30.51	\$30.97	\$31.91	\$33.65	
40	Foreman, Income Tax Admin, Utility Admin, Finance: payroll admin/clerk of council, Code Enforcement Administrator	Full-Time	Nonexempt	\$26.64	\$27.55	\$28.35	\$29.97	\$31.07	
41	SD Foreman with Water/WWTP plant License	Full-Time	Nonexempt	\$30.97	\$31.84	\$32.80	\$33.77	\$35.77	
45	SD Superintendent, Chief Financial Officer, CODE Enforcement Administrator	Full-Time	Nonexempt	\$33.08	\$33.94	\$34.80	\$35.65	\$37.58	
50	Finance Director, Service Director, Police Chief, Fire Chief	Full-Time	Exempt	\$37.27	\$38.57	\$39.73	\$40.88	\$43.34	
Part-Time	Administrative Assistant/Clerk of Council	Part-Time		\$15.06	\$15.63	\$16.32	\$16.91	\$18.29	
Part-Time	Laborer	Part-Time		\$13.00	\$13.31	\$13.81	\$14.31	\$14.81	
Part-Time	Recreation Coordinator/Executive Administrator	Part-Time		\$13.52	\$14.04	\$14.88	\$15.40	\$15.92	
Seasonal	Parks & Rec Coordinator	Seasonal		\$13.00	\$13.31	\$13.81	\$14.31	\$14.81	
Seasonal	Laborer(SD)/Recreation Staff (non-stipend)	Seasonal		\$11.00	\$11.50	\$12.00	\$12.50	\$13.00	
Contract	Water/WWTP Licensed Technician	Full-Time		Contract					
Contract	Municipal Manager	Full-Time		Contract					
PV	Patrol Officers, Auxiliary	Volunteer		One Dollar (\$1.00) per year					
Part-Time	Patrol Officers, Part-Time	Part-Time	Nonexempt	Hire \$23.00					
Contract	Patrol Officers, Full-Time	Full-Time	Nonexempt	Completion of Probation \$25.00					
P40	Police Sergeant	Full-Time	Nonexempt	Per OPBA Contract					
P45	Police Lieutenant	Full-Time	Nonexempt	\$30.85	\$31.84	\$32.80	\$33.77	\$35.77	
P50	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	
				Fire Response/Training (/hr)		Ambulance Duty (wkday per 12 hour shift)		Ambulance Run (/hr, min 2 hrs)	
FV	Fire Fighter EMT, Basic	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	\$10.00/\$20.00
FV	Fire Fighter, Advanced	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	\$11.00/\$24.00
FV	Fire Fighter/Paramedic	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	\$12.00/\$28.00
FV	Fire Lieutenant or EMS Coordinator	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	See Above
FV	Fire Captain	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	See Above
FV	Fire Chief or Assistant Chief	Volunteer		\$11.00/\$10.00	\$	25.00	\$	50.00	2 hr. call back -

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

**ORDINANCE NO: 2024-08  
BY  
VICE MAYOR NICOLE ADKINS**

**AN ORDINANCE: TO AUTHORIZE SUPPLEMENTAL APPROPRIATIONS TO THE 2024 EXPENDITURE BUDGET, THE REPEAL OF ORDINANCE 2024-02 AND 2024-03, AND DECLARING AN EMERGENCY.**

**WHEREAS**, it is necessary to repeal the appropriations set forth in Ordinances 2024-02 and 2024-03 that operate as interfund transfers; and

**WHEREAS**, the repeal of these appropriations also necessitate supplemental appropriations outlined below in Exhibit A; and

**WHEREAS**, the transfer amounts below are the recommended supplemental appropriations; and

**WHEREAS**, the transfer of money from one fund to another is authorized under Ohio Revised Code Section 5705.14 and Village of New Lebanon Charter.

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

**SECTION I** Council hereby authorized the following transfers in the amounts not to exceed the amounts set forth in Exhibit A.

**SECTION II** That Ordinances 2024-02 and 2024-03 are hereby repealed.

**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 measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety. Therefore, this measure shall take effect and be in full force from and after its passage.

**PASSED this 17<sup>th</sup> day of December, 2024.**

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Nicole Adkins, Vice Mayor

Attest:

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Robert Anderson II  
Acting Clerk of Council

Date:

**ORDINANCE 2024-08  
EXHIBIT A**

**General Fund**

Provide and Maintain Parks (A013B)

Salaries/Wages	(\$30,000.00)
Contractual Services	\$9,600.00
Supplies & Materials	\$2,000.00
Capital Outlay	(\$100,000.00)

Community Development

Salaries/Wages	(\$40,000.00)
Employee Benefits	(\$15,000.00)

Administrative/Finance (A017A)

Salaries/Wages	(\$80,000.00)
Contractual Services	\$259,150.00
Supplies & Materials	\$2,000.00

Legislative Activities (A017B)

Contractual Services	\$6,300.00
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General/Other (A017X)

Salaries/Wages	(\$25,000.00)
Employee Benefits	(\$15,000.00)
Refunds/Transfers/Other	\$151,100.00

**Total General Fund**

**\$125,150.00**

**Street Construction Maintenance Fund (B016B)**

Employee Benefits	\$2,000.00
Contractual Services	\$7,900.00
Supplies and Materials	\$17,750.00
Capital Outlay	(\$126,750.00)
Refunds/Transfers/Other	\$99,100.00

**Total Street Construction Maintenance Fund**

**\$0.00**

**State Highway Fund (B026B)**

Employee Benefits	\$400.00
Contractual Services	\$250.00
Capital Outlay	\$200.00

**Total State Highway Fund**

**\$850.00**



**Montgomery County Municipal Court (B057B)**

Contractual Services	\$84,000.00
Supplies & Materials	\$3,500.00
Capital Outlay	\$25,000.00
<b>Total Montgomery County Municipal Court Fund</b>	<b>\$112,500.00</b>

**American Rescue Plan Fund (B071A)**

Refunds/Transfers/Other	\$37,976.18
<b>Total American Rescue Plan Fund</b>	<b>\$37,976.18</b>

**Fire Fund (B081B)**

Salaries/Wages	(\$50,000.00)
Employee Benefits	(\$30,000.00)
Contractual Services	\$28,200.00
Supplies & Materials	\$3,000.00
Capital Outlay	\$360,000.00
<b>Total Fire Fund</b>	<b>\$311,200.00</b>

**Police Levy Fund (B101A)**

Salaries/Wages	(\$230,000.00)
Employee Benefits	(\$120,000.00)
Contractual Services	\$7,500.00
Supplies & Materials	(\$7,500.00)
Capital Outlay	(\$25,000.00)
<b>Total Police Levy Fund</b>	<b>(\$375,000.00)</b>

**Income Tax Fund (B117A)**

Salaries/Wages	(\$15,000.00)
Contractual Services	\$3,700.00
Refunds/Transfers	\$188,300.00
<b>Total Income Tax Fund</b>	<b>\$177,000.00</b>

**Community Enrichment Center Fund (C017B)**

Contractual Services	(\$99,148.00)
Supplies & Materials	(\$4,500.00)
Capital Outlay	(\$650,000.00)
<b>Total Community Enrichment Center Fund</b>	<b>(\$753,648.00)</b>

**Construction Projects Fund (D016B)**

Capital Outlay	\$452.30
<b>Total Construction Projects Fund</b>	<b>\$452.30</b>

**Water Fund (E015X)**

Salaries/Wages	(\$59,700.00)
Supplies & Materials	\$10,000.00
Refunds/Transfers	\$49,700.00
<b>Total Water Fund</b>	<b>\$0.00</b>

**Sewer Fund (E025X)**

Salaries/Wages	(\$75,000.00)
Employee Benefits	(\$30,000.00)
Capital Outlay	(\$10,000.00)
Supplies & Materials	\$9,000.00
<b>Total Sewer Fund</b>	<b>(\$106,000.00)</b>

**Garbage/Trash Fund (G067X)**

Contractual Services	\$35,000.00
<b>Total Garbage/Trash Fund</b>	<b>\$35,000.00</b>

**Total All Funds** **(\$434,519.52)**

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

**ORDINANCE NO: 2024-09**

**BY**

**VICE MAYOR NICOLE ADKINS**

**AN ORDINANCE: TO REPEAL ORDINANCE 2024-05, TO APPROVE THE ANNUAL BUDGET, ADOPT APPROPRIATION FOR CURRENT AND OTHER EXPENDITURES, AND AUTHORIZE THE TRANSFER OF MONIES OF THE VILLAGE OF NEW LEBANON, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the 2025 annual budget provides a financial plan for the fiscal year for all Village funds and activities, including estimates of revenues by source and proposed expenditures for current operations and capital equipment and improvements; and

**WHEREAS**, there exists balances and estimated revenues in the various funds available for appropriation; and

**WHEREAS**, appropriations are necessary to provide for current and other expenditures necessary for the services and operations of the Village departments; and

**WHEREAS**, the transfer of money from one fund to another is authorized under Ohio Revised Code Section 5705.14 and Village of New Lebanon charter provisions; and

**WHEREAS**, the Village Manager had previously submitted Ordinance 2024-05 containing the proposed budget for the fiscal year ending December 31, 2025, which was read twice before this Council but has yet to be approved; and

**WHEREAS**, due to the reading requirements and the 30-day delay in the proposed Ordinance 2024-05 taking effect, it is in the best interest of the Village not to vote on Ordinance 2024-05, but rather approve the herein Ordinance, and declare it an emergency to ensure the budget may be utilized starting January 1, 2025.

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

**SECTION I** Council will not vote to approve Ordinance 2024-05.

**SECTION I** That the 2025 annual budget is approved.

**SECTION II** That there are hereby appropriated for the following amounts to various funds and activities in the 2025 Appropriation Budget as set forth below:

**GENERAL FUND (A01)**

**ADMINISTRATION/FINANCE**

Personal Services	\$96,910.00
Other Expenditures	\$115,250.00
Debt Service	\$0.00
Total	\$212,160.00

**COMMUNITY DEVELOPMENT**

Personal Services	\$80,430.00
Other Expenditures	\$24,550.00
Debt Service	\$0.00
Total	\$104,980.00

**PARKS**

Personal Services	\$125,850.00
Other Expenditures	\$67,975.00
Debt Service	\$0.00
Total	\$193,825.00

**VILLAGE COUNCIL**

Personal Services	\$9,340.00
Other Expenditures	\$2,950.00
Debt Service	\$0.00
Total	\$12,290.00

**ENGINEER**

Personal Services	\$0.00
Other Expenditures	\$65,350.00
Debt Service	\$0.00
Total	\$65,350.00

**LAW DIRECTOR**

Personal Services	\$0.00
Other Expenditures	\$75,250.00
Debt Service	\$0.00
Total	\$75,250.00

**COUNTY AUDITOR & TREASURER FEES**

Personal Services	\$0.00
Other Expenditures	\$22,265.00
Debt Service	\$0.00
Total	\$22,265.00

GENERAL FUND - OTHER

Personal Services	\$0.00
Other Expenditures	\$32,300.00
Debt Service	\$0.00
Interfund Transfers	\$575,000.00
Total	\$607,300.00

**General Fund Total \$1,293,420.00**

STREET MAINTENANCE FUND (B01)

Personal Services	\$145,500.00
Other Expenditures	\$288,350.00
Debt Service	\$157,600.00

**Street Maintenance  
Fund Total \$591,450.00**

HIGHWAY MAINTENANCE FUND (B02)

Personal Services	\$3,270.00
Other Expenditures	\$3,150.00
Debt Service	\$0.00

**Highway Maintenance  
Fund Total \$6,420.00**

FIRE FUND (B08)

Personal Services	\$742,000.00
Other Expenditures	\$328,100.00
Debt Service	\$93,020.00

**Fire Fund Total \$1,163,120.00**

POLICE LEVY FUND (B10)

Personal Services	\$1,008,000.00
Other Expenditures	\$258,350.00
Debt Service	\$0.00

**Police Levy Fund Total \$1,266,350.00**

INCOME TAX FUND (B11)

Personal Services	\$176,020.00
Other Expenditures	\$55,100.00
Debt Service	\$0.00
Interfund Transfers	\$900,000.00

**Income Tax Fund Total \$1,131,120.00**

STREET LIGHTING FUND (B03)

Personal Services	\$0.00
Other Expenditures	\$63,700.00
Debt Service	\$0.00
<b>Street Lighting Fund Total</b>	<b>\$63,700.00</b>

MONTGOMERY CTY MUNI CT BLDG FUND (B05)

Personal Services	\$0.00
Other Expenditures	\$19,000.00
Debt Service	\$0.00
<b>Court Fund Total</b>	<b>\$19,000.00</b>

PARK DONATION FUND (B04)

Personal Services	\$0.00
Other Expenditures	\$4,000.00
Debt Service	\$0.00
<b>Park Donation Fund Total</b>	<b>\$4,000.00</b>

AMERICAN RESCUE ACT FUND (B07)

Personal Services	\$0.00
Other Expenditures	\$22,200.00
Debt Service	\$0.00
<b>American Rescue Act Fund Total</b>	<b>\$22,200.00</b>

PERMISSIVE TAX FUND (B09)

Personal Services	\$0.00
Other Expenditures	\$0.00
Debt Service	\$21,896.00
<b>Permissive Tax Fund Total</b>	<b>\$21,896.00</b>

CAPITAL IMPROVEMENT FUND (D03)

Personal Services	\$0.00
Other Expenditures	\$353,000.00
Debt Service	\$0.00
<b>Capital Improvement Fund Total</b>	<b>\$353,000.00</b>

CONSTRUCTION PROJECTS FUND (D01)

Personal Services	\$0.00
Other Expenditures	\$0.00
Debt Service	\$0.00

**Construction Projects**  
**Fund Total** \$0.00

WATER FUND (E01)

Personal Services	\$336,640.00
Other Expenditures	\$293,400.00
Debt Service	\$43,800.00

**Water Fund Total** \$673,840.00

SEWER FUND (E02)

Personal Services	\$336,640.00
Other Expenditures	\$332,255.00
Debt Service	\$62,400.00

**Sewer Fund Total** \$731,295.00

SEWER REHAB FUND (D02)

Personal Services	\$0.00
Other Expenditures	\$0.00
Debt Service	\$0.00

**Sewer Rehab Fund Total** \$0.00

TRASH & GARBAGE FUND (g06)

Personal Services	\$0.00
Other Expenditures	\$286,600.00
Debt Service	\$0.00

**Trash & Garbage Fund**  
**Total** \$286,600.00

**GRAND TOTAL APPROPRIATIONS - ALL FUNDS** \$7,627,411.00

**SECTION IV** It is recognized that the amount specified for certain objects or activities as contained in the Ordinance is only an estimate based on past experience and anticipated needs at this time and may be more or less in the future.

**SECTION V** 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 VI**

This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety. Further, it is necessary that the approved budget be available for use on January 1, 2025, to ensure that there are no interruptions in the Village's operations. Therefore, this measure shall take effect and be in full force from and after its passage.

**PASSED this 17<sup>th</sup> day of December, 2024.**

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Nicole Adkins, Vice Mayor

Attest:

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Robert Anderson II  
Acting Clerk of Council

Date:



**VILLAGE OF NEW LEBANON  
SPECIAL COUNCIL MEETING  
November 18, 2024, at 6:00 p.m.  
Council Chambers**

The meeting was called to order at 6:00 p.m. by Mayor Nickerson.

**VERBAL ROLL CALL OF COUNCIL MEMBERS**

**Council Members:**

Timothy L. Back	Present
Gale Joy	Present
Lyndon Perkins	Present
Charles Cooper	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

**Others Present:** Chris Sands, Council Member-elect, Rob Anderson, Acting Village Manager; Tom Judy and Bryan Thurman, Public Finance Solutions, LLC., William Wortman, Acting Police Chief, Darryl Sorrel, Acting Service Department Foreman.

**PRESENTATION OF THE 2025 APPROPRIATIONS BUDGET**

Acting Manager Anderson gave a PowerPoint presentation on the proposed 2025 appropriations budget. The slides presented are attached.

Mr. Anderson presented the fund balances from 2021 through 2025 for the various Village funds and talked about the fund balance trends and projections for 2025. Mr. Anderson explained that the Construction Projects Fund has had a negative fund balance in the last two biennial audits and needs to be addressed before the end of the year. The Sewer fund is also projected to be negative for 2024 and 2025 and needs to also be addressed.

There was some general discussion about the current water and sewer rates and the need to increase those rates to help offset the negative balance in the sewer fund and the depletion of the water fund. The Council suggested a follow-up public meeting to talk about the rates and solicit input from the public. Mr.

Anderson suggested Council look at a special meeting date in early 2025 to talk about these rates.

Mr. Anderson presented some financial irregularities that were discovered to have taken place in early January of 2024 where some money was transferred between funds without Council and State of Ohio approval. Money was transferred from the Water fund, which is an enterprise fund, to the Construction Projects fund, which is a special revenue fund, on 1/1/24 to cover the negative balance that was identified in the last two audits. This type of transfer is not permitted by Ohio law without prior approval of the Council and the State. x

Another issue that was discovered was the creation of the Community Enrichment Fund and the transfer of money from the Montgomery County Municipal Court Fund. Because the Court fund is a special revenue fund, the Council and the State of Ohio must approve the transfer of money from that fund. Staff has talked to our Auditor about these two issues and proposed a way to correct them before our next audit. The solution to resolve these two issues is to reverse both of the transactions and follow the appropriate procedures to address the fund balance issues.

Mr. Anderson presented some recommendations from our finance consultants to update and adopt some fiscal policies regarding cash management and acceptable fund balances, and to provide some additional finance training for staff and the Council.

Mr. Anderson stated that the public would have a chance to ask questions and make suggestions on the proposed budget at the December 3<sup>rd</sup> Regular Council meeting when the Ordinance is read for the second time and before it is adopted at the December 17 regular council meeting.

## **COUNCIL COMMENTS AND QUESTIONS**

Several council members asked questions about the 2025 Capital Budget and the proposed rate increases for water and sewer customers. There was some discussion about the negative balance shown in the sewer fund for 2025 and how staff can reduce the expenses in the fund to lower the proposed deficit.

**ADJOURNMENT**

Vice-Mayor Adkins motioned to adjourn, Council member Sexton seconded.

Roll Call:

Council member Sexton	Yes
Council member Joy	Yes
Council member Perkins	Yes
Vice-Mayor Adkins	Yes
Mayor Nickerson	Yes
Council member Back	Yes
Council member Cooper	Yes

7 yes votes and zero no votes, the motion carries.

Meeting adjourned at 7:41 p.m.by Mayor Nickerson.

Approved:

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Mayor

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Date

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Acting Clerk of Council

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Date



**Village of New Lebanon**  
**2025 Appropriations Budget (Proposed)**  
**November 18, 2024**

1

### Governmental Budgeting

- o **Fund Accounting** - Governments must utilize "fund" accounting. Fund accounting is an accounting system emphasizing accountability rather than profitability.
  - o *Each fund is treated as a distinct entity, with its own set of accounts to track inflows (revenues), outflows (expenses), and balances.*
  - o *This method allows for transparency so stakeholders can see how resources are allocated and spent.*
- o The Village currently maintains a total of 21 funds in the 2025 budget which are classified as "General", "Special Revenue", "Capital Project", and "Enterprise" funds.

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### Fund Types

- o **General Fund**
- o **Special Revenue Funds**
  - Street Fund
  - Fire Fund
  - Police Levy Fund
  - Income Tax Fund
  - Montgomery County Municipal Court Fund
  - Other

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### Fund Types, Cont'd

- o **Capital Project Funds**
  - Capital Improvement Fund
  - Construction Projects Fund
- o **Enterprise Funds**
  - Water Fund
  - Sewer Fund
  - Sewer Rehab Fund
  - Garbage and Trash Fund

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### Budget Preparation

- o Sources Used to prepare the budget:
  - o Historical financial records
  - o Payroll files
  - o Internal debt files
  - o Information directly from lenders
  - o Interviews with various Village staff
  - o 2025-2029 Capital Investment Plan
- o Realistically conservative assumptions were used to develop the 2025 budget to prevent overspending.
- o Appropriations are legal limits for spending that may not be exceeded by law.

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### 2025 Major Considerations/Assumptions

- o **Operating Funds Budgets**
  - COLA increase +3%, and merit increases
  - Health insurance +10%
  - OPBA Police contract expires this year. In the process of negotiating a new 3-year contract.
- o **Capital Funds Budgets**
  - 2025 projects from 5-year capital budget included

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### 2025 Staffing/Personnel Assumptions

- o Administration (6.45 FTE)
  - Village Manager
  - CFO
  - Tax Admin
  - Payroll Admin
  - Utility Admin
  - Admin Assistant
  - Code Enforcement Admin (PT)
- o Fire Department (8.64 FTE)
  - Chief
  - Firefighter – FT (3)
  - Firefighter – PT (4.64)
  - Equivalent of One FT Firefighter and 2 PT Firefighters per 24-hour shift

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### 2025 Staffing/Personnel Assumptions

- o Police (7.58 FTE)
  - Chief
  - Captain/Lieutenant
  - Sergeant
  - Patrol Officer – FT (4)
  - Patrol Officer – PT (5)
- o Service Department (7.5 FTE)
  - Superintendent
  - Foreman
  - Service Worker (5)
  - Seasonal (.5)

8

### General Fund

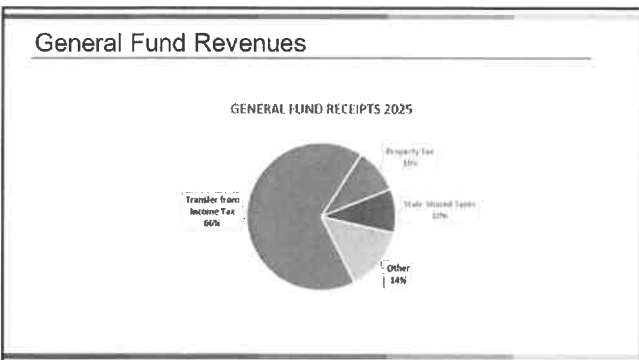
- o General Fund accounts for resources that are not legally restricted for a specific purpose and can be allocated at the discretion of Council.
  - o Administration and Finance
  - o Community Development
  - o Parks
  - o Law Director
  - o Village Council
  - o Engineering
  - o Police Levy Fund Subsidy

9

### General Fund Revenues

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Local Taxes	66,148	67,667	68,950	90,060	99,800
Assessments	0	0	0	0	0
State-shared taxes	95,377	105,110	103,773	104,650	97,800
Intergovernmental revenues	0	0	0	0	0
Charges for services	2,872	1,232	591	950	850
Fees, licenses & permits	49,206	47,379	45,714	41,500	39,770
Interest income	2,138	76,579	103,372	125,000	70,000
Miscellaneous revenue	17,230	15,558	19,622	26,850	25,500
Non-revenue transfers and reimb.	7,765	18,182	5,414	5,000	5,000
Transfer from Income Tax Fund	570,114	630,728	716,610	696,000	675,000
<b>Total Revenue</b>	<b>810,850</b>	<b>962,435</b>	<b>1,064,046</b>	<b>1,090,010</b>	<b>1,013,720</b>

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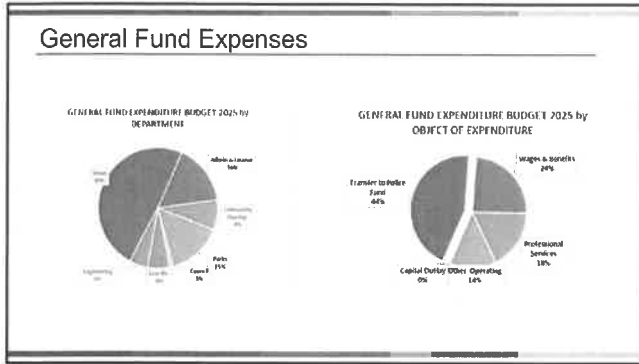


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### General Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	217,200	235,552	250,206	141,700	214,750
Employee benefits	79,299	89,269	104,890	94,560	97,780
<b>Subtotal - Personnel Services</b>	<b>296,498</b>	<b>324,821</b>	<b>365,097</b>	<b>236,260</b>	<b>312,530</b>
Professional services	60,347	69,529	52,862	319,700	227,750
Other operating expenditures	102,174	98,296	132,105	139,160	176,140
<b>Subtotal - Contractual &amp; Materials</b>	<b>162,520</b>	<b>167,825</b>	<b>184,967</b>	<b>458,860</b>	<b>403,890</b>
Capital outlay	25,181	21,933	66,717	2,220	2,000
Transfer to Police Levy Fund	250,713	426,863	595,463	575,000	575,000
<b>Total Expenditures</b>	<b>734,912</b>	<b>941,442</b>	<b>1,212,263</b>	<b>1,272,340</b>	<b>1,293,420</b>

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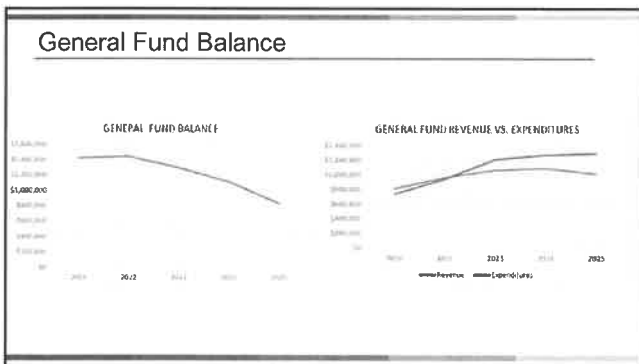


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### General Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
Total Revenue	810,850	962,435	1,064,046	1,090,010	1,013,720
Total Expenditures	734,912	941,442	1,212,263	1,272,340	1,259,420
Net	75,938	20,993	(148,217)	(182,330)	(279,700)
Cash Fund Balance, Jan. 1	1,342,169	1,418,107	1,439,100	1,290,883	1,108,553
Cash Fund Balance, Dec. 31	1,418,107	1,439,100	1,290,883	1,108,553	828,853
<b>Fund Balance as % of Revenue</b>	<b>175%</b>	<b>150%</b>	<b>121%</b>	<b>102%</b>	<b>82%</b>

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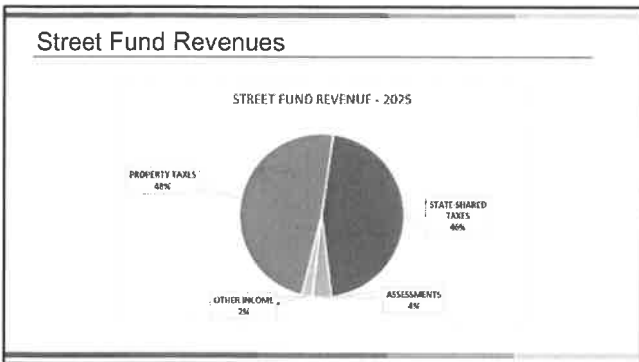
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### Street Fund Revenues

Street Fund accounts for income from a designated five-year property tax levy authorized by voters in 2023, state gas tax revenue, and vehicle license fees.

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Local Taxes	212,926	218,106	222,703	224,040	225,000
Assessments	28,771	21,889	19,683	17,530	17,500
State-shared taxes	232,348	215,623	222,779	217,160	212,000
Interest income	154	5,555	8,693	17,000	8,000
Miscellaneous revenue	34,161	3,386	2,296	8,000	2,000
<b>Total Revenue</b>	<b>508,360</b>	<b>464,561</b>	<b>476,153</b>	<b>483,730</b>	<b>464,500</b>

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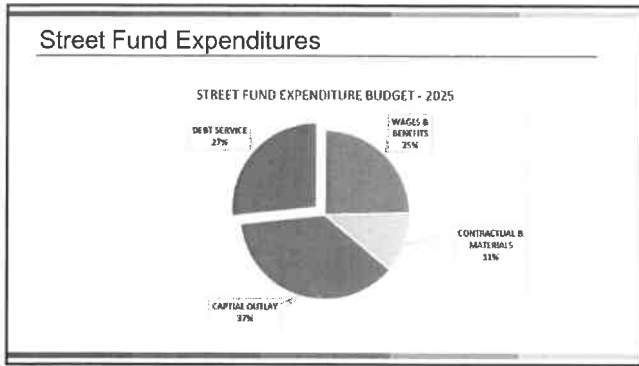


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### Street Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	76,263	72,564	82,645	73,100	100,000
Employee benefits	28,036	31,673	34,469	33,700	45,500
Subtotal - Personnel Services	104,899	104,237	117,114	106,800	145,500
Professional services	4,666	7,386	6,347	6,000	7,500
Other operating expenditures	63,025	46,343	45,552	40,750	60,850
Subtotal - Contractual & Materials	67,691	53,729	51,899	46,750	68,350
Capital outlay	224,289	174,910	179,602	22,250	220,000
Debt service	108,261	116,540	124,819	134,959	157,600
<b>Total Expenditures</b>	<b>505,141</b>	<b>449,416</b>	<b>473,434</b>	<b>310,759</b>	<b>591,450</b>

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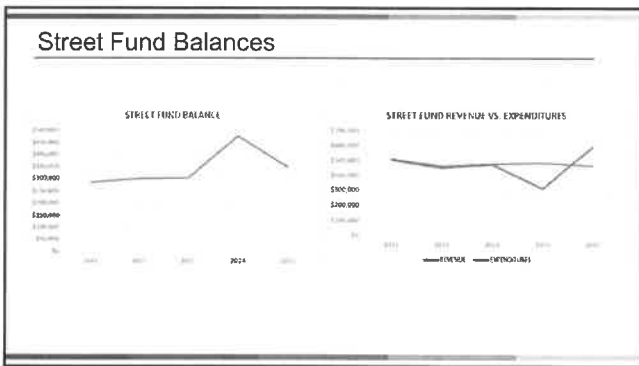


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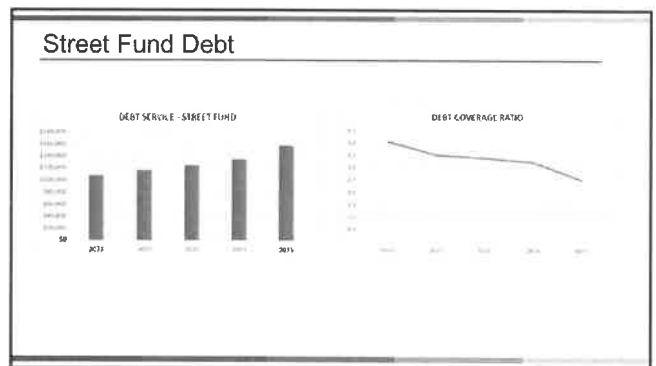
### Street Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
Total Revenue	508,360	464,561	476,153	483,730	464,500
Total Expenditures	505,141	449,416	473,434	310,759	591,450
Net	3,219	15,145	2,719	172,971	(126,950)
Cash Fund Balance, Jan. 1	281,419	284,638	299,783	302,503	475,474
Cash Fund Balance, Dec. 31	284,638	299,783	302,503	475,474	348,524
Fund Balance as % of Revenue	56%	65%	64%	98%	75%

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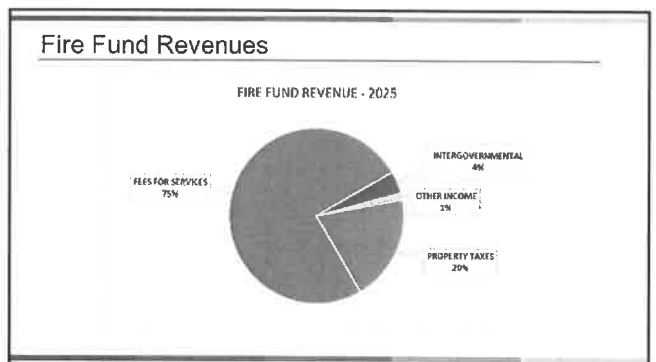
22

### Fire Fund Revenues

o Fire Fund accounts for income from fire and EMS fees, contractual services to neighboring townships and a single continuous fire levy.

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
REVENUE:					
Local Taxes	212,926	218,106	222,703	224,050	225,000
State-shared taxes	10,806	10,133	10,429	7,310	7,150
Intergovernmental revenues	3,629	0	382,874	358,000	47,500
Charges for services	450,572	639,539	900,635	926,000	859,000
Miscellaneous revenue	10,968	13,545	15,181	16,700	6,000
Total Revenue:	688,901	881,323	1,531,822	1,532,060	1,144,650

23

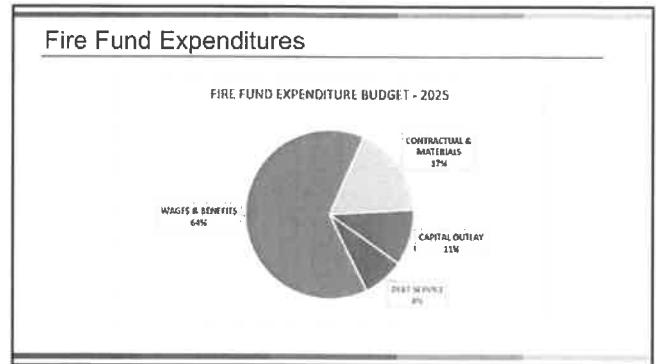


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### Fire Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	372,997	403,954	451,192	534,000	536,000
Employee benefits	91,170	136,315	174,035	181,500	206,000
Subtotal - Personnel Services	464,167	540,269	625,227	715,500	742,000
Professional services	28,191	69,620	31,036	20,000	25,000
Other operating expenditures	128,149	144,064	165,350	154,900	171,100
Subtotal - Contractual & Materials	156,340	213,684	196,386	174,900	203,100
Capital outlay	82,161	100,251	463,228	1,090,000	125,000
Debt service	97,620	97,619	97,619	97,630	93,020
<b>Total Expenditures</b>	<b>800,288</b>	<b>951,823</b>	<b>1,382,460</b>	<b>2,078,030</b>	<b>1,163,120</b>

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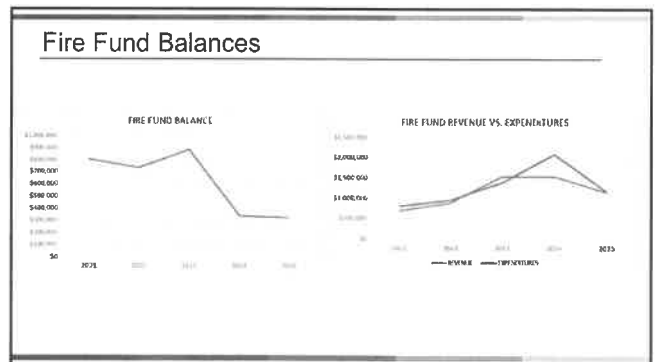


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### Fire Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>Total Revenue:</b>	<b>688,901</b>	<b>881,323</b>	<b>1,531,822</b>	<b>1,532,060</b>	<b>1,144,650</b>
<b>Total Expenditures</b>	<b>800,288</b>	<b>951,823</b>	<b>1,382,460</b>	<b>2,078,030</b>	<b>1,163,120</b>
<b>Net</b>	<b>(111,387)</b>	<b>(70,500)</b>	<b>149,362</b>	<b>(545,970)</b>	<b>(18,470)</b>
Cash Fund Balance, Jan. 1	917,206	805,819	735,319	884,681	338,711
Cash Fund Balance, Dec. 31	805,819	735,319	884,681	338,711	320,241
<b>Fund Balance as % of Revenue</b>	<b>117%</b>	<b>83%</b>	<b>58%</b>	<b>22%</b>	<b>28%</b>

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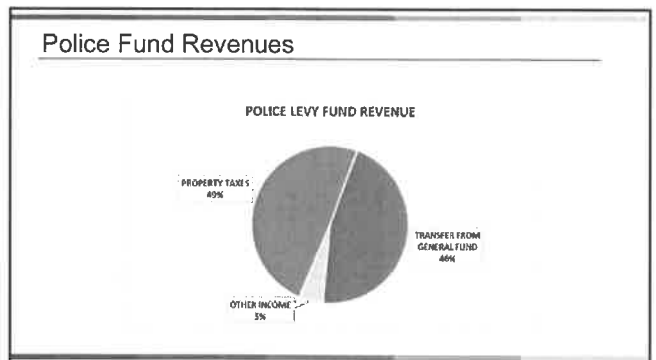
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### Police Fund Revenues

o Police Levy Fund accounts for the proceeds from three property tax levies designated for law enforcement purposes..

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Local Taxes	563,296	577,152	589,496	593,190	615,500
State-shared taxes	51,219	49,552	50,430	55,820	40,500
Intergovernmental revenues	0	19,754	9,844	4,110	4,000
Miscellaneous revenue	29,728	43,451	58,385	19,500	17,500
Transfer from General Fund	250,713	426,863	595,486	575,000	575,000
<b>Total Revenue</b>	<b>894,956</b>	<b>1,116,772</b>	<b>1,303,641</b>	<b>1,247,720</b>	<b>1,259,500</b>

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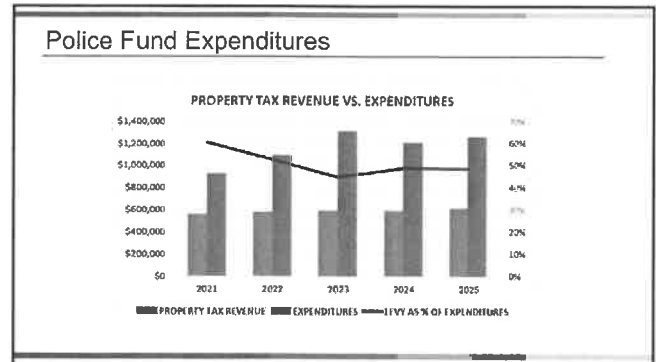
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### Police Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	491,060	600,527	730,813	633,500	643,000
Employee benefits	290,704	294,181	356,320	318,400	365,000
Subtotal - Personnel Services	781,764	894,708	1,087,133	951,900	1,008,000
Professional services	15,753	25,329	24,318	35,000	35,000
Other operating expenditures	125,871	154,411	185,011	181,600	223,350
Subtotal - Contractual & Materials	141,624	179,740	209,329	216,600	258,350
Capital outlay	9,196	20,416	14,480	40,000	0
<b>Total Expenditures</b>	<b>932,584</b>	<b>1,094,864</b>	<b>1,310,942</b>	<b>1,208,500</b>	<b>1,266,350</b>

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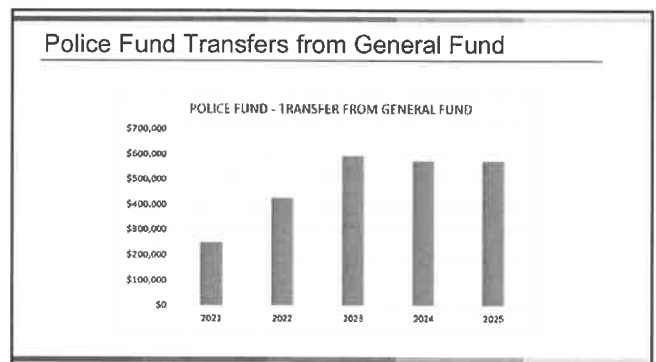


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### Police Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>Total Revenue</b>	<b>894,956</b>	<b>1,116,772</b>	<b>1,303,641</b>	<b>1,247,720</b>	<b>1,253,500</b>
<b>Total Expenditures</b>	<b>932,584</b>	<b>1,094,864</b>	<b>1,310,942</b>	<b>1,208,500</b>	<b>1,266,350</b>
<b>Net</b>	<b>(37,628)</b>	<b>21,908</b>	<b>(7,301)</b>	<b>39,220</b>	<b>(12,850)</b>
Cash Fund Balance, Jan. 1	37,628	0	21,908	14,607	53,827
Cash Fund Balance, Dec. 31	0	21,908	14,607	53,827	40,977
<b>Fund Balance as % of Revenue</b>	<b>0%</b>	<b>5%</b>	<b>2%</b>	<b>9%</b>	<b>7%</b>

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### Water Fund Revenues

o The Water Fund is an enterprise fund that relies on fees paid for the service.

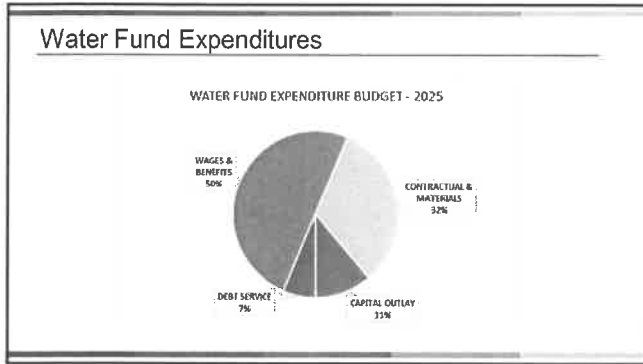
	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Local Taxes	0	0	0	0	0
State-shared taxes	0	0	0	0	0
Intergovernmental revenues	0	0	0	10,000	0
Charges for services	534,316	558,223	581,828	564,350	567,350
Fees, licenses & permits	0	0	0	0	0
Interest income	0	0	0	0	0
Miscellaneous revenue	15,941	19,394	22,003	5,600	4,000
Non-revenue transfers and reimb.	0	0	0	0	0
Transfer from General Fund	0	0	0	0	0
<b>Total Revenue</b>	<b>550,257</b>	<b>577,617</b>	<b>603,831</b>	<b>579,950</b>	<b>566,350</b>

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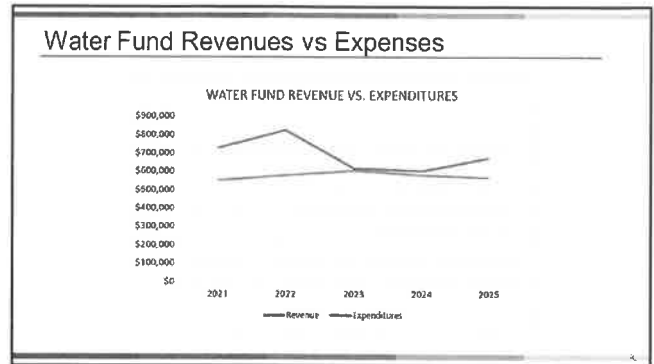
### Water Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	215,589	212,962	204,567	173,500	228,740
Employee benefits	82,432	88,494	90,985	83,825	107,900
Subtotal - Personnel Services	298,021	301,456	295,552	257,325	336,640
Professional services	48,030	37,852	27,665	35,000	40,000
Other operating expenditures	123,975	127,591	133,682	145,700	178,400
Subtotal - Operating Expenditures	172,005	165,443	161,347	180,700	218,400
Capital outlay	223,232	323,124	125,750	115,000	75,000
Debt service	34,051	34,051	34,051	49,316	43,800
Interfund transfers-out	0	0	0	0	0
<b>Total Expenditures</b>	<b>727,309</b>	<b>824,074</b>	<b>616,700</b>	<b>602,341</b>	<b>673,840</b>

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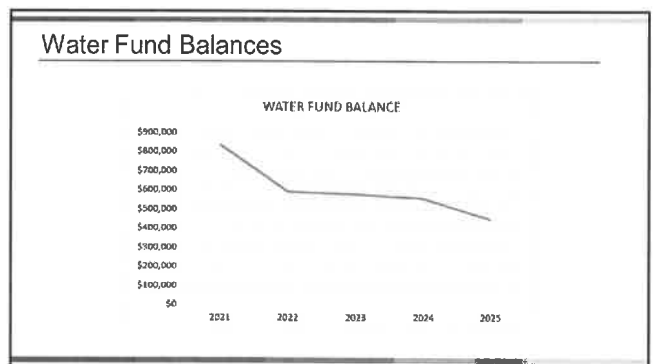


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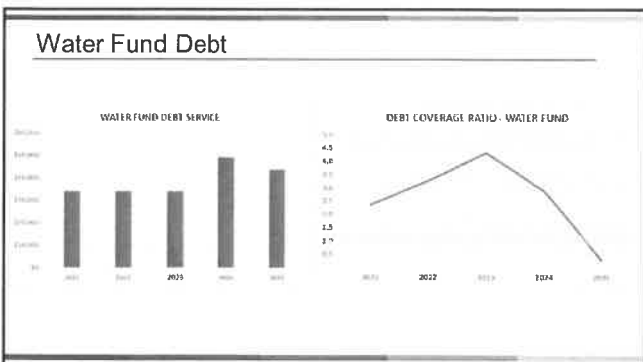
### Water Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
Total Revenue	550,257	577,817	603,831	579,950	566,150
Total Expenditures	727,309	824,074	616,700	602,341	673,840
Net	(177,052)	(246,457)	(12,869)	(22,391)	(107,490)
Cash Fund Balance, Jan. 1	1,014,954	837,902	591,445	578,576	556,185
Cash Fund Balance, Dec. 31	837,902	591,445	578,576	556,185	448,695
Fund Balance as % of Revenue	152%	102%	96%	96%	79%

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### Water Rate Discussion

- o New Lebanon has not increased the water rate since 2013.
- o Currently 17% below average and the 23<sup>rd</sup> lowest out of 69 jurisdictions surveyed in 2024.
- o Average water rates from all 69 jurisdictions in the area have increased 57% since the last rate increase.
  - New Lebanon - \$131.19
  - Englewood - \$140.07
  - West Alexandria - \$150.99
  - Germantown - \$164.82
  - Farmersville - \$170.31
  - Clayton (MC) - \$171.66
  - Brookville - \$183.36
  - Vandalia - \$186.33
  - Trotwood - \$190.64

\*\* Rates based on 3,000 cubic feet of water in a 3-month period. As of 3/1/24

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### Sewer Fund Revenues

o The Sewer Fund is an enterprise fund that relies on fees paid for the service.

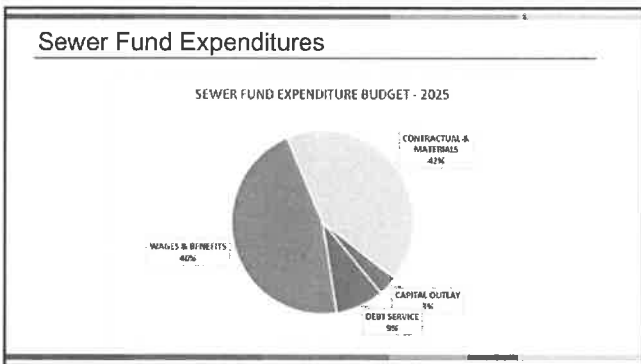
	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Local Taxes	0	0	0	0	0
State-shared taxes	0	0	0	0	0
Intergovernmental revenues	0	0	0	0	0
Charges for services	491,917	504,366	541,082	533,000	533,000
Fees, licenses & permits	0	0	0	0	0
Interest income	0	0	0	0	0
Miscellaneous revenue	115,921	5,318	5,145	5,000	4,000
Non-revenue transfers and reimb.	0	0	0	0	0
Transfer from General Fund	0	0	0	0	0
<b>Total Revenue:</b>	<b>607,838</b>	<b>509,684</b>	<b>546,227</b>	<b>538,000</b>	<b>537,000</b>

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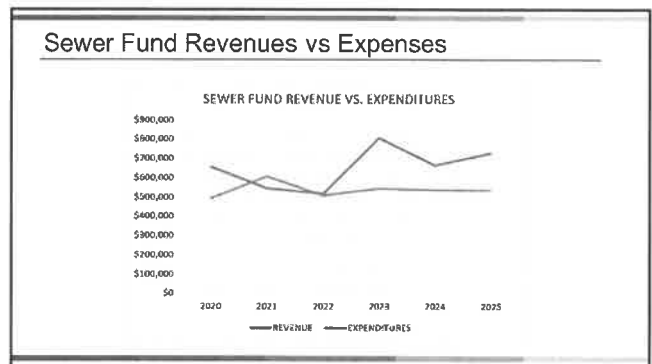
### Sewer Fund Expenditures

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>EXPENDITURES:</b>					
Salaries & wages	214,699	209,618	202,454	173,500	238,740
Employee benefits	82,278	87,929	90,468	83,825	107,900
Subtotal - Personnel Services	296,977	297,547	292,922	256,325	336,640
Professional services	26,541	40,115	108,265	110,000	115,000
Other operating expenditures	145,485	136,312	152,670	185,755	192,255
Subtotal - Operating Expenditures	172,026	176,327	260,935	295,755	307,255
Capital outlay	40,939	3,782	209,832	59,000	25,000
Debt service	36,094	41,341	45,677	55,439	62,400
Interfund transfers-out	0	0	0	0	0
<b>Total Expenditures</b>	<b>546,036</b>	<b>518,997</b>	<b>809,366</b>	<b>666,519</b>	<b>731,295</b>

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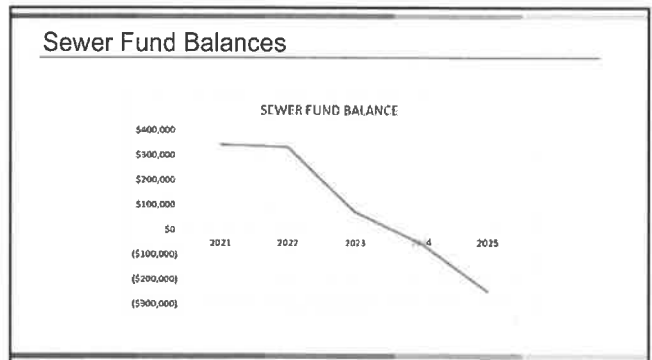


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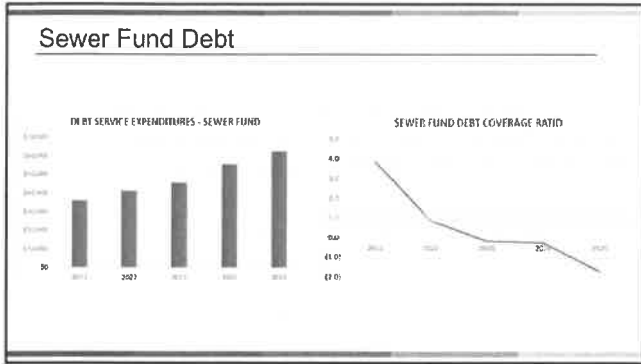
### Sewer Fund Balances

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
Total Revenue:	607,838	509,684	546,227	538,000	537,000
Total Expenditures	546,036	518,997	809,366	666,519	731,295
Net	61,802	(9,313)	(263,139)	(128,519)	(194,295)
Cash Fund Balance, Jan. 1	282,383	344,185	334,872	71,733	(56,786)
Cash Fund Balance, Dec. 31	344,185	334,872	71,733	(56,786)	(251,081)
<b>Fund Balance as % of Revenue</b>	<b>57%</b>	<b>66%</b>	<b>13%</b>	<b>-11%</b>	<b>-47%</b>

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### Sewer Rate Discussion

- o New Lebanon has not increased the sewer rate since 2018.
- o Currently 22% below the average and the 16<sup>th</sup> lowest out of 66 jurisdictions surveyed in 2024.
- o Average water rates from all 66 jurisdictions in the area have increased 26% since the last rate increase.
  - New Lebanon - \$132.30
  - Englewood - \$109.17
  - West Alexandria - \$314.28
  - Germantown - \$234.78
  - Farmersville - \$194.41
  - Clayton (MC) - \$190.50
  - Brookville - \$121.75
  - Vandalia - \$204.33
  - Trotwood - \$154.25

\*\* Rates based on 3,000 cubic feet of water in a 3-month period. As of 3/1/24

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### Sewer Rehab Fund

o The Sewer Rehab Fund accounts for sanitary sewer capital projects and draws upon the sewer fund revenues.

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Intergovernmental revenues	138,687	14,200	0	0	0
<b>Total Revenue</b>	<b>138,687</b>	<b>14,200</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>EXPENDITURES:</b>					
Capital outlay	198,676	20,103	15,260	750	0
<b>Total Expenditures</b>	<b>198,676</b>	<b>20,103</b>	<b>15,260</b>	<b>750</b>	<b>0</b>
<b>Net</b>	<b>(59,989)</b>	<b>(5,903)</b>	<b>(15,260)</b>	<b>(750)</b>	<b>0</b>
Cash Fund Balance, Jan. 1	94,422	154,411	160,314	175,574	176,324
Cash Fund Balance, Dec. 31	154,411	160,314	175,574	176,324	176,324

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### Construction Projects Fund

o The Construction Projects Fund has been used in previous years to account for various public works projects.

	Actual 2021	Actual 2022	Actual 2023	Estimated 2024	Budget 2025
<b>REVENUE:</b>					
Intergovernmental revenues	460,511	25,622	0	0	0
<b>Total Revenue</b>	<b>460,511</b>	<b>25,622</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>EXPENDITURES:</b>					
Capital outlay	452,533	77,692	44,214	17,000	0
Debt service	0	0	0	0	0
<b>Total Expenditures</b>	<b>452,533</b>	<b>77,692</b>	<b>44,214</b>	<b>17,000</b>	<b>0</b>
<b>Net</b>	<b>7,978</b>	<b>(52,070)</b>	<b>(44,214)</b>	<b>(17,000)</b>	<b>0</b>
Cash Fund Balance, Jan. 1	44,429	136,451	88,521	132,735	149,735
Cash Fund Balance, Dec. 31	136,451	88,521	132,735	149,735	149,735

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### Finance Irregularities

Through the course of the preparation of the 2025 budget, several finance irregularities were discovered. The Village's audit firm has been contacted about ways to remedy these issues.

- Water Fund transfer to Construction Projects (CP) Fund**
  - CP Fund had a negative balance of \$132,000 on 12/31/23
  - \$149,000 transferred from Water Fund (enterprise fund) to the CP Fund (capital fund) on 1/1/24 to remove the negative balance.
    - CP Fund balance on 1/1/24 - \$16,000
    - No entries to revenue or expenditure accounts
    - Not approved by Council or State of Ohio
  - Solution – reverse the transaction
  - Solution to negative fund balance – appropriate reimbursements from Street and Water fund from Blosser St Improvements to CP fund

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### Finance Irregularities

- Creation of Community Enrichment (CE) Fund & Transfer from Mont. Co. Muni Court Fund**
  - Court Fund balance was \$253,000 on 12/31/23
  - CE Fund balance went from \$0 to \$253k
  - Creation of new fund and transfer of resources appear to have been administrative-only actions.
    - Court Fund money can only be spent on Court related expenses unless approved by the State of Ohio.
    - New funds must be approved by City Council and State of Ohio
    - Transfer from Court Fund (Special Revenue Fund) to Community Enrichment Fund must be approved by Council and State of Ohio.
  - Solution – reverse transaction and restore the balance to Court Fund.

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### Finance Irregularities

#### 3. Sewer Fund and Sewer Rehab Fund Negative Balances

- Ohio law does not allow municipalities to carry negative fund balances.
- General Fund is not healthy enough for a transfer or advance.
- Solution – no easy or quick answers. This is a multi-year Sewer rate increase to cover the sewer fund and sewer rehab fund balances and debt is needed.
- This problem was avoidable if action would have been taken sooner.

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### Recommendations

Based on the information presented, the following recommendations are suggested:

#### 1. Fund Balance Reserve Policy

- Set minimum fund balance requirements (e.g., 25%)
- If fund balance is forecast to go below the minimum balance, a corrective action process is triggered.

#### 2. Budgeting Policy

- Establish practices to ensure compliance with Ohio budgetary law.
- Define 'balanced budget' and 'legal level of control'
- Distinguish between operating and capital expenditures
- Determine the level of forecasting conservatism
- Define process to amend appropriations and the Certificate of Estimated Resources

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### Recommendations Cont'd

#### 3. Long-Term Financial Planning Policy

- Long-term financial forecast (5-year period) to create an organizational approach to efficient allocation of resources to align with the organization's strategies and initiatives.

#### 4. Review and Update Investment Policy

- Emphasizes the investment objectives of safety, liquidity, and yield (in that order)
- Establishes roles and responsibilities of those involved in the investment of funds
- Identifies permissible investments, safekeeping and custody guidelines
- Defines internal controls processes over the investment activity
- Establishes standards for reporting and disclosure

#### 5. Debt Policy

- Define the debt limits for the government – both those defined by law and stricter local limits
- Sets debt structuring and issuance practices and financial disclosure guidelines.

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### Recommendations Cont'd

#### 6. Revenue Policies

- Use of one-time revenues
- Internal controls over collection of revenues
- Use of unpredicted revenues
- Establishing charges and fees.

#### 7. Local Government Finance Training

- Finance and Administrative Staff members
- Village Council
- Training can be tailored to each group's respective roles and responsibilities.

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Questions?

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**VILLAGE OF NEW LEBANON  
COUNCIL MEETING  
November 19, 2024, at 7:30 p.m.  
Council Chambers**

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

**VERBAL ROLL CALL OF COUNCIL MEMBERS**

**Council Members:**

Timothy L. Back	Present
Charles Cooper	Present
Gale Joy	Present
Lyndon Perkins	Present
Melissa Sexton	Present
Vice Mayor Nicole Adkins	Present
Mayor David Nickerson	Present

**Others Present:**

Council Member-elect Sands
Acting Police Chief Wortman
Fire Chief Keyser
Interim Law Director McNamee
Acting Village Manager Anderson
Interim Foreman Darryl Sorrell
Interim Zoning Admin. Gary Long

**APPROVAL OF MINUTES**

- Approval of the November 5, 2024, regular meeting minutes. Council Member Cooper made a motion to approve the November 5, 2024, minutes as presented. Council Member Back seconded the motion.

5 yes votes and 2 no votes, minutes approved.

**UNFINISHED BUSINESS**

**ORDINANCE 2024-04 – AN ORDINANCE CERTIFYING THE MUNICIPALITY OF NEW LEBANON DISTRIBUTION YEAR 2025 AND TAX YEAR 2024 STREET LIGHT ASSESSMENT TO MONTGOMERY COUNTY, OHIO IN THE AMOUNT OF \$60,000. (Third Reading)**

Council member Back made a motion to approve Ordinance 2024-04 as presented. Council Member Sexton seconded the motion.

Roll Call:

Council member Perkins	Yes
Council member Back	Yes
Council member Cooper	Yes
Council member Sexton	Yes
Council member Joy	Yes
Mayor Nickerson	Yes
Vice-Mayor Adkins	Yes

7 yes votes and zero no votes, the motion passes, and Ordinance 2024-04 is approved.

Interim Municipal Manager Anderson clarified a notation in the auditor’s report about the fire chief’s comp time and stated it was not a question of whether he was entitled to the pay or not, but did the village calculate it properly.

Fire Chief Keyser thanked Mr. Anderson for clarifying to the public.

**NEW BUSINESS**

**ORDINANCE 2024-05 - AN ORDINANCE: TO APPROVE THE ANNUAL BUDGET, ADOPT APPROPRIATION FOR CURRENT AND OTHER EXPENDITURES, AND AUTHORIZE THE TRANSFER OF MONIES OF THE VILLAGE OF NEW LEBANON, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025. (First Reading)**

Mr. Anderson thanked everyone that came out to the budget work session the previous night. He summarized that the trends were concerning, and if they continued, the village would be in a severe situation. He stated that we have not been properly planning with

our revenue staying flat and our expenses going up. Mr. Anderson said there are a couple of funds in the negative, with the main concern being the sewer fund. He stated the rates have not been raised since 2018 for the sewer and 2013 for the water, and we are one of the lowest in the region. In order to address the negative balance and keep it from getting larger he advised the need for a sewer rate increase. Mr. Anderson said there are a lot of repairs to be made and maintenance that has been deferred for our sewer plant. He said our water fund is where our sewer fund was three years ago. Mr. Anderson said the financial consultants found some irregularities in the books, some things that were done contrary to Ohio law. One was transferring money from the water fund to the construction projects fund that's had a negative balance for years. They did this without approval from council and the State of Ohio, both of which are illegal. Luckily, they caught this in the same year and were able to reverse the transaction, so we do not need to worry about an audit finding. Now they are working on fixing the construction projects fund that has had a negative balance for years. Next, a fund was created without approval from council and the State of Ohio, and on January 1, 2024, money that was in the Montgomery County Court fund was transferred to the Community Enrichment fund totaling over \$250,000. The Community Enrichment fund must be closed, and the transaction be reversed to avoid an audit finding. The money will go back into the Montgomery County Court fund and the auditor was notified. They are also working on how to address several funds that are in the negative, which were addressed with our last two biennial audits. Mr. Anderson advised that the second reading of the budget will be at the next meeting and the floor will be opened to the public if they have any questions or comments.

**RESOLUTION 2024-25 – A RESOLUTION: AUTHORIZING THE REQUEST FOR AN ADVANCED PAYMENT OF TAXES COLLECTED FOR THE YEAR 2024 (COLLECTION YEAR 2025).**

Vice-Mayor Adkins' made a motion to approve Resolution 2024-25 as presented. Council member Sexton seconded the motion.

Roll Call:

Council member Cooper	Yes
Council member Joy	Yes
Council member Perkins	Yes
Council member Back	Yes



Mayor Nickerson	Yes
Vice-Mayor Adkins	Yes
Council member Sexton	Yes

7 yes votes and zero no votes, the motion passes, and Resolution 2024-25 is approved.

**RESOLUTION 2024-26 – A RESOLUTION: A RESOLUTION AUTHORIZING THE PAYROLL ADMINISTRATOR TO RETROACTIVELY SIGN AND APPROVE CHECKS WRITTEN BETWEEN MARCH 1, 2024; AND NOVEMBER 15, 2024.**

Vice-Mayor Adkins stated that council did not know there was an issue with the signers on the account.

Mr. Anderson explained that the municipal manager is an approved signer on Village checks and there needs to be a second signature on every check. Per the Codified Ordinances, the CFO and the Mayor are also authorized to be signers of checks. When Mr. Anderson took over as Acting Village Manager, the village did not have a Finance Director/CFO. The most logical signer to him was the payroll administrator.

Mr. McNamee clarified a question from Council member Perkins regarding signers on the account relating to checks and balances.

Council member Joy stated that he was the one that reported this to the auditor and asked if charges were going to be pressed for fraud. Mr. McNamee stated no and that there was no fraud and that this was an oversight with no impropriety. All checks were signed by two people and each one had the required documentation to approve the payment.

Council member Cooper asked if we would note this to the auditor.

Mr. Anderson stated the auditor would be given the information showing this has been corrected.

Council member Back made a motion to approve Resolution 2024-26 as presented. Council member Sexton seconded the motion.

**Roll Call:**

Mayor Nickerson	Yes
Council member Sexton	Yes
Vice-Mayor Adkins	Yes
Council member Joy	No
Council member Perkins	No
Council member Cooper	Yes
Council member Back	Yes

5 yes votes and 2 no votes, the motion passes and Resolution 2024-26 is approved.

**PUBLIC COMMENTS**

Shannon Bemis, 130 Bronwood Street, defined fraud and expressed appreciation for council acting and rectifying issues they were made aware of. Mrs. Bemis spoke on professional service fees not just being for Mr. McNamee, but also the financial consultants and Mr. Anderson, that would usually be paid out of the administration fund.

Jim Logsdon, 337 W. Main, discussed council's oaths and shared a story about a man in power in 1933 that oppressed freedom of speech. He expressed his displeasure with the last meeting where people were called out of order and felt they were being silenced. Mr. Logsdon stated the only way forward is to have solutions. He expressed his displeasure with Mr. McNamee.

Theresa Cooper, 443 Hazelhurst, thanked council for bringing in professional services for our finances and stated she learned a lot at the meeting the night before. She appreciates that council will look into our zoning ordinance because what we have now is limited. Mrs. Cooper asked what the status is with the salt barn. Mr. Anderson replied that he submitted the permits to the county and was waiting to hear back to see what needed to be done to make it legal. Mrs. Cooper gave thanks for the presentation, stated she has been coming to meetings for three years and was concerned with the way the village was blowing money previously.

Collin Kenney, 418 Rosetta, discussed individuals that were dedicated to their careers here, some for almost 18 years, leaving or being terminated. He feels council is doing

way worse with our tax money than anyone before. Mr. Kenney said money spent on cruisers and cleaning the court building are community investments. He discussed sewer lines being replaced, grant money, and money spent in professional services. Mr. Kenney expressed his displeasure with Mr. McNamee, stating we are just a part-time job to him and his money doesn't go back into our community. He expressed his displeasure with council and addressed Council member Sexton asking if she is stepping down when Mr. Sexton takes his position. Council member Sexton replied no.

Michelle Nadolsky, 301 Ledgewood Court, gave thanks for the information from last night and stated the report was easy to read and understand the finances of the village. Thanked the person responsible for helping with the property behind the legion taking care of the issues to look better. Mrs. Nadolsky had pictures for council and asked council to let her know if there are not zoning requirements that apply such as flat tires, vehicles that have not been moved, and motor homes.

Ronald Fohl, 361 Shock Drive, stated it is hard to speak and ask questions in 3 minutes. He feels Mayor Nickerson is a bully and it felt like a Gestapo at the last meeting when he was declaring the meeting out of order when Mr. Fohl didn't see that. He stated things come up during the meeting and people raised their hand and should be allowed to speak because if they have to wait until the next meeting then they will forget what they wanted to say. Mr. Fohl addressed Council member Back's comment where he stated if any police officers had issues they could have come and spoken with council. Mr. Fohl said he heard that council did meet with a couple of officers, and one was let go the next day and another left. Mr. Fohl asked what the plan is for the empty court building and stated we should sell anything we can to get caught up.

Council member Back addressed Mr. Fohl's comment and stated there was never a meeting with council and officers and he has never received anything relating to this.

Mr. Anderson addressed Mr. Fohl's comment about the empty court building and said one of the recommendations from the financial consultants was to sell the court building to generate some revenue from the sale of the building and some long-term revenue from income taxes.

Tina Bell, 301 Blosser, asked if the lights at the court building parking lot could be turned on when there are Council meetings because people park there and walk over. She also asked if the path to the garden parking area could be kept clear when there are meetings because there is additional parking back there. Ms. Bell encouraged everyone to go to the village website and watch the meeting from the previous night regarding the village's finances. She said the meeting was great and very easy to

understand and that professional services would not have been needed if there weren't so many things that needed addressed within our village. Ms. Bell stated it is the previous 2 mayors, subsequent council, and manager that are responsible for the decisions that got us to this moment by poor planning or not planning. She encouraged everyone to come up with ideas or even donate time and resources to help the village. Ms. Bell expressed her displeasure with Council member Joy stating he talks about fraud, but he sat up on council while fraud was happening.

### **ADMINISTRATIVE STAFF COMMENTS**

Interim Foreman Sorrell stated they are having a hard time picking up leaves on Comer being a one-way street and said council may need to do something like having people rake their leaves to the other side of the road.

Interim Zoning Administrator Long stated he has been in contact with the property owner behind the legion and he is working on it and will take him a couple of weeks to get it all cleaned up.

Fire Chief Keyser stated the Santa Parade is on December 7th at dusk. The route is on the village website. He stated there were streets that are not on the route due to access issues. On December 14th from 11 am-1 pm there will be Cookies with a Cop at the firehouse. Chief Keyser said Santa will also be there from 11 am-1 pm and can take pictures. At 2:00 pm he will have a push-in dedication ceremony for the new tanker. He advised the new tanker will be in service within the next week since his staff has had enough training with it. He advised that the new medic is currently at International and has had recurring issues with the chassis. Chief Keyser stated this is the third time they have had issues with the brakes and stated if they cannot fix the issue, he will get with our law director to see what our options are. Chief Keyser thanked everyone in the community that had reached out and provided meals, gift cards, and thoughts for his family while they recuperate from the crash. He appreciates all the support.

Interim Police Chief Wortman shared we have two new fulltime police officers, and they are currently being trained.

Law Director McNamee addressed the procedures for public meetings, and they fall under Robert's Rules of Order. He stated these rules have been used since the 1800's and are used around the country to maintain an orderly meeting.

## **MUNICIPAL MANAGER'S COMMENTS**

Mr. Anderson informed the council that Mr. Sexton has withdrawn from the process and will not be our new village manager. Mr. Anderson agreed to stay on month to month to fill positions until a new Village Manager can be hired.

Council member Perkins asked him if he could come up with a list of candidates with village manager experience.

Council member Cooper asked if he was still under contract.

Mr. Anderson stated it has been extended on a month-to-month basis.

## **COUNCIL MEMBERS' COMMENTS**

Council member Joy addressed a comment Mr. Adkins made at the meeting the night before where he spoke about our water and sewer engineer making \$9,000 per month. Mr. Joy stated he works 30 minutes a day/3 days a week on water and 20 hours a week on sewer. Mr. Joy said there are not many with the certification and there is supply and demand. He stated Mr. Edds had experience and was an operator and just had to take the test and he left.

Council member Back explained that they are going by the same rules as previous council for meeting order such as nobody speaking out and having to sign in on the sheet to speak. Mr. Back stated there are a lot of tough tasks ahead and he hopes everyone comes together to come up with solutions and get things done correctly. He wished that more people had attended the meeting the night before to see where we are financially and how we got here.

Council member Perkins had questioned who had asked the acting manager to come work here and Mr. Anderson stated it was the attorney. He said there is a breakdown of fees you can get a copy of if you call the office. Mr. Perkins stated they all took oaths and to get a copy of the charter to see some aren't being followed. For example, he didn't approve the minutes because there wasn't an answer on there. Mr. Perkins asked if we had a payment plan. Mr. Anderson stated the tax administrator stated we do not. Mr. Perkins asked what the count was to terminate the manager. Mr. Anderson stated 4-3.

Council member Sexton addressed the comment about taking oaths of office and why some Council members are suddenly concerned about the oaths of office. She stated

that we wouldn't be sitting here having to raise everyone's rates by such a large amount but the council members that have been on here for many years, and could have mentioned all of this before now, but said nothing. Mrs. Sexton said they have been up here for 8 months having to make tough decisions and thinks the mayor is doing a fine job.

### **VICE-MAYOR'S COMMENTS**

Vice-Mayor Adkins questioned the \$130,000 invoice from Mr. McNamee and asked if there was a breakdown. Mr. Anderson explained the invoice is for 3 different services provided to the village. One, the law director where he is charging the same fee as Mr. Keener did. Two, the village prosecutor. Three, as special counsel where the bulk of the charges are from defending the case in the second district court of appeals. Mr. Anderson explained that if the village is sued for monetary damages, we have insurance that picks up the case and defends the village, but since Ms. Madden's case was to get her job back and not for monetary damages, insurance doesn't apply and Mr. McNamee had to defend the village.

Vice-Mayor Adkins addressed accusations against the council that they were firing police officers and employees. Mrs. Adkins verified that the only termination council had participated in was Glenna Madden. She stated they had no other say in other employees' terminations, that is the village manager. She said for example she didn't know Hensley was terminated until days later and it was by email. Mrs. Adkins stated she is an open book and would talk to anyone but will not do it on social media.

Council member Back asked Acting Police Chief Wortman if he did anything to try to retain officers when he found out they were leaving.

Wortman stated he spoke with the officers and tried working with them.

Council member Back asked if he knew what the issues were like money or allegations.

Acting Chief Wortman stated he couldn't speak as to why they left, but the allegations against the police department need to be investigated by BCI to determine if stuff was done improperly. He stated he has good officers that want to come over but until BCI comes in it limits who he brings in.

Council member Sexton asked if the council could fill PRR. Mr. Anderson stated if the council has something that is public record and not attorney-client privilege then they

can share, but official requests should come through him. Mrs. Sexton also asked if salary employees receive comp time and Mr. Anderson stated no.

Council member Back asked about salary employees being paid out for comp time and Mr. Anderson said no.

**MAYOR’S COMMENTS**

Mayor Nickerson read what he called the mayor’s address. He thanked Mr. Anderson, Mr. McNamee and council. He stated Mr. Anderson has been instrumental in determining where we are as a village, how we got here, and what tasks we must overcome to move forward. Mayor Nickerson stated he served our country, our community, and was a volunteer FF/EMT for over 16 years in New Lebanon and loves our community. He thanked everyone for coming to the meeting, even if not everyone sees eye to eye. He said the dust needs to settle and is asking that we all come together pushing for the future of New Lebanon. He is asking for a plea for unity. He is asking for the council, administration, citizens, and our community to come together to move forward because nothing can be fixed if we are stuck in the past.

**ADDED TO AGENDA**

None

**ADJOURNMENT**

Vice-Mayor Adkins made a motion to adjourn, Council member Back seconded the motion.

Roll Call:

Council member Sexton	Yes
Council member Joy	Yes
Council member Perkins	Yes
Vice-Mayor Adkins	Yes
Mayor Nickerson	Yes
Council member Back	Yes
Council member Cooper	Yes

7 yes votes and zero no votes, the motion passes.

Meeting adjourned at 8:50 p.m. by Mayor Nickerson.

Approved:

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Mayor

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Date

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Clerk of Council

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Date



**VILLAGE OF NEW LEBANON  
COUNCIL MEETING  
December 3, 2024, at 7:30 p.m.  
Council Chambers**

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

Special Activity – Swearing-in of Christopher Sands by Mayor Nickerson. Mayor Nickerson thanked Charles Cooper for his service on Council and encouraged him to stay involved with the Village in some capacity.

**VERBAL ROLL CALL OF COUNCIL MEMBERS**

**Council Members:**

Timothy L. Back	Present
Gale Joy	Present
Lyndon Perkins	Present
Chris Sands	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

**Others Present:**

Interim Police Chief Wortman
Interim Law Director McNamee
Acting Village Manager Anderson
Interim Foreman Darryl Sorrell
Interim Zoning Admin Gary Long

**APPROVAL OF MINUTES**

Meeting minutes from the November 19, 2024, regular meeting will be approved at the next regular meeting on December 17, 2024.

**UNFINISHED BUSINESS**

**ORDINANCE 2024-05 - AN ORDINANCE: TO APPROVE THE ANNUAL BUDGET, ADOPT APPROPRIATION FOR CURRENT AND OTHER EXPENDITURES, AND AUTHORIZE THE TRANSFER OF MONIES OF THE VILLAGE OF NEW LEBANON,**

## **OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025. (Second Reading & Public Hearing)**

Acting Manager Anderson gave the council and the public a presentation on the proposed 2025 budget like the presentation from the November 18, 2024 Special Meeting.

Acting Manager Anderson asked Council to call a special meeting to discuss water and sewer rates on January 14, 2024, at 7:00 p.m.

Council member and public discussion regarding proposed 2025 budget and the proposed water and sewer rates.

Law Director McNamee reviewed and discussed with the council five items under old business:

1. Glenna Madden's case and the decision of the 2<sup>nd</sup> District Court of Appeals denying her claim. Mr. McNamee will look into the appropriateness of motions for sanctions and motions for attorney fees against Glenna Madden and Glenna Madden's counsel.
2. Mr. McNamee's response letter to attorney Arnold initiated by Council member Joy and former council member, Mrs. Loch, requesting an injunction claiming abuse of corporate power.
3. The remaining scope of his investigation. With the documentation back from the AG he will wrap up the seven remaining issues:
  - a. Alleged police misconduct (BCI).
  - b. Failure to properly post job openings.
  - c. Sunshine law violations, improper meetings called, improper discussions during meetings.
  - d. Improper payment of bonus incentives.
  - e. Falsification of timecards.
  - f. Falsification of comp time.
  - g. Removal of public records including records from employee files in order to avoid discovery.
4. Attorney fees and breakdown for Mr. McNamee and what we have already paid for the law director and special counsel and the subcategories under each.
5. Resolution he proposed to be added to the agenda regarding Interim Municipal Manager Anderson's contract.

Mayor Nickerson made a motion to add resolution 2024-27 to the agenda.

**RESOLUTION 2024-27 – A Resolution to Retroactively Appoint Robert Anderson II as Acting Village Manager and to Approve the Village Manager Contract and Both Addendums.**

The motion was seconded by Council member Back to add this resolution to the agenda.

Roll Call:

Council member Sexton	Yes
Council member Joy	No
Council member Perkins	No
Council member Back	Yes
Mayor Nickerson	Yes
Vice-Mayor Adkins	Yes
Council member Sands	Yes

5 yes votes and 2 no votes, the motion passes and Resolution 2024-27 is added to the agenda under new business.

Council member Perkins stated he votes not because he wasn't able to read the resolution before being asked to vote.

Council member Sexton inquired about recovering our legal fees from Glenna Madden's case.

Vice-Mayor Adkins inquired about the legal fees costing the village money by Council member Joy and former council member, Mrs. Loch. She also asked Council member Joy why he knew about the issue with signing checks, when nobody else did, and why he didn't bring it to the council and let them know.

**NEW BUSINESS**

**ORDINANCE 2024-06 - AN ORDINANCE: TO TRANSFER \$99,061.21 FROM THE STREET FUND, \$49,613.65 FROM THE WATER FUND, AND \$1,052.27 FROM THE GENERAL FUND TO THE CONSTRUCTION PROJECTS FUND AND DECLARING AN EMERGENCY.**

Council member Joy asked why the ordinance was an emergency. Mr. Anderson explained after council approved the ordinance it then had to go to the State of Ohio to authorize the transfer and would like to get it done in 2024 so it is one less comment/finding we would get on the auditor's report.

Council member Perkins verified with Mr. Anderson it was the State Auditor that authorized this. Mr. Anderson discussed with Council member Perkins about fund transfers.

Vice-Mayor Adkins made a motion to approved Ordinance 2024-06 as proposed and declaring an emergency. Council member Sexton seconded the motion.

Roll Call:

Council member Perkins	Yes
Council member Sands	Yes
Council member Joy	No
Council member Sexton	Yes
Vice-Mayor Adkins	Yes
Mayor Nickerson	Yes
Council member Back	Yes

6 yes voted and 1 no vote, the motion passes and Ordinance 2024-06 is approved as an emergency.

**RESOLUTION 2024-27 – A Resolution to Retroactively Appoint Robert Anderson II as Acting Village Manager and to Approve the Village Manager Contract and Both Addendums.**

Council member Perkins inquired about when this takes place and Mr. Anderson explained it is retroactively February 2024 through February 2025. Discussion between Mr. Anderson and Council member Perkins regarding pay and what happens when his contract is up.

Vice-Mayor Adkins made a motion to approve Resolution 2024-27 as presented. Council member Sexton seconded the motion.

Roll Call:

Mayor Nickerson	Yes
Council member Sexton	Yes
Vice-Mayor Adkins	Yes
Council member Joy	No
Council member Perkins	Yes
Council member Sands	Yes
Council member Back	Yes

6 yes votes and 1 no vote, the motion passes and Resolution 2024-27 is approved as presented.

**PUBLIC COMMENTS**

Shannon Bemis, 130 Bronwood Street, welcomed back Mr. Sands, asked about recovering the village’s legal fees, and how we can stop the nonsense regarding other’s actions causing harm to our community. Mrs. Bemis asked for clarification on the village’s prosecutor fees and where any of that is written stating she feels bad Mr. McNamee is waiving such a large portion of his fees considering nothing was in Mr.

McNamee's or Mr. Keener's contracts addressing this. She also asked about prosecutors and what other communities do.

Mr. McNamee is looking into the recovery of village legal fees, there is nothing legal to stop the nonsense at this time, and stated he is waiving the prosecutor fees because it is the right thing to do. He also stated that we will have to look into the prosecutor situation for next year.

Michelle Nadolsky, 301 Ledgewood Court, thanked the police department for tagging a vehicle that has not been moved. She stated the homeowner at 106 Marilee parks their vehicle in the front yard and on the south side of Mills Place at the dead end there is a boat stored on the road. Mrs. Nadolsky also stated that behind the legion the people tore down their fence and left it all there surrounded by orange cones. She said there are lights out at Mills Pond and asked why the east end of town smells like feces every night.

Interim Foreman Sorrell stated that 90% of the smell is the retention pond having to hold more than normal because they are trying to ease up pushing the capacity of the plant from as hard as it can go because they are trying not to have a catastrophic break down.

### **ADMINISTRATIVE STAFF COMMENTS**

Mayor Nickerson discussed a water main break on Lawson that the service department took care of.

Council member Back thanked the service department and appreciated all their work.

Mr. Anderson informed the council that the service department is getting another service worker, and they are just waiting on the drug screen and physical. Mr. Anderson stated this employee is a resident of New Lebanon, has his CDL, and is eager to come to work for the service department.

Council member Sexton asked Mr. Sorrell how many service vehicles we have and who takes them home.

Mr. Sorrell stated he would have to get back with her on a definite number but thinks there are 3 CDL dump trucks, 7 light to heavy trucks, and 3-4 inoperable trucks. He stated that he takes a vehicle home because he is on call as well as two other service workers for water shutoffs and water testing/plant checks.

Interim Police Chief Wortman stated he has two officers in training right now, and one part-time officer that is waiting for his approval from the Attorney General's Office before he can begin. He looks forward to working with BCI and getting that started, and reminded everyone to lock their vehicles stating the areas around us are getting hit very hard right now with overnight break-ins.

Council member Sexton asked Interim Police Chief Wortman how many police vehicles marked and unmarked that we have that are working and non-working. She also asked who takes them home.

Interim Police Chief Wortman stated we have 1 of the Tahoe cruisers that is out of service, 2 rangers to sell, the new marked Explorer that needs upfitting, the old Explorer, the Malibu that has a dead battery, and the white truck. He stated he is the only one that takes a vehicle home and that is currently functional.

Mayor Nickerson informed Interim Police Chief Wortman that he sees the officers moving around the community and appreciates it. He also stated he met one of the new officers and he was very courteous. He thanked Interim Police Chief Wortman and said he is doing a great job.

Interim Zoning Administrator Long stated he received approval from Mr. McNamee's office for a zoning citation to be sent over to Montgomery County Courts for a property maintenance problem. Mr. Long stated this is the first citation he has been able to send over to the courts and hopes it will help since this house has received several letters and thousands of dollars in fines. He stated right now our zoning process is long and can take several months to get compliance and hopes this will help stop some of the issues and get them addressed more quickly.

Council member Sexton discussed our zoning process with Interim Zoning Administrator Long. She also asked how often he drives through the town and he said he drives around the three days a week that he works.

Council member Back reminded the public if they see zoning issues, they can call the office or bring pictures up and staff will do an inspection and issue any necessary notices.

Mayor Nickerson brought up the house on Cain Street that burned down stating he received phone calls about children playing in/around the house. Mr. Long stated he submitted a proposal to Mr. Anderson from an outside company to clean up the property and there is a significant cost to the village that we may not be able to assess to the property. Mayor Nickerson stated we need to focus on getting the building boarded up or taken down. Mr. Anderson stated we can look at a board-up company to secure the area or a company to clean out the property. Council member discussion regarding short- and long-term options for the house. Council member Sands asked who owns the house. Mr. Long stated the tax lien has been sold to a company in California and they said even though they bought the tax lien, the property belongs to the county and we need to go through them. Council member discussion regarding options for the house. Mr. Anderson stated he would reach out to Montgomery County Land Bank about their possible involvement in assisting with the cleanup.

## **MUNICIPAL MANAGER'S COMMENTS**

Mr. Anderson gave an update for Fire Chief Keyser stating the Santa Parade is on December 7th at dusk (5:00-7:30 p.m.). The route is on the village website. Mr. Anderson stated that he hired a company to redo our website and a nice feature of it will be being able to report a concern with photos directly on the site. He said it will take about 6 months for them to transfer over all the information from our current site and be up and running. He stated we will have a new domain from the federal government that will be free and ours forever - newlebanonoh.gov. Mr. Anderson stated that Kelly Pinkerton, our tax administrator for over 11 years, will be retiring on Friday. She will be moving back home to be near her family, and they will be celebrating her on Friday during lunch and the village office will be closed for about an hour.

Council member Sexton asked Mr. Anderson about filling the village manager position with the residency requirement. Mr. Anderson stated council will have to decide and that it is a charter provision but there have been cases ruling against residency requirements. Mr. McNamee said he will look into this issue and report back.

Council member Sexton also asked about putting the courthouse up for sale. Mr. Anderson said it needs to be a competitive bidding process and can discuss the options after the first of the year.

## **COUNCIL MEMBERS' COMMENTS**

Council member Back asked about the attorney Arnold letter and if the auditor received the 34 charter violations alleged by Council member Joy because he didn't see them addressed. Council member Joy stated he did not send that in. Council member Back also stated he would like to go after recovering our legal fees from Ms. Madden.

## **VICE-MAYOR'S COMMENTS**

None

## **MAYOR'S COMMENTS**

Mayor Nickerson stated he will not be at the next meeting. He and his wife are going to Alaska for the birth of their first grandchild. He also welcomed Mr. Sands and thanked Mr. Cooper for what he has done for the community.

## **ADDED TO AGENDA**

None

**ADJOURNMENT**

Vice-Mayor Adkins made a motion to adjourn the meeting. Council member Sexton seconded.

Roll Call:

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

7 yes votes and zero no votes, the motion passes, and the meeting is adjourned.

Meeting adjourned at 9:31 p.m.by Mayor Nickerson.

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date