

**MUNICIPALITY OF NEW LEBANON
REGULAR COUNCIL MEETING
February 4, 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 Charles Cooper, followed by the Pledge of Allegiance.

Swearing-In of New Council Member

Law Director McNamee advised that the first item on the agenda was to appoint a new council member to replace former council member Perkins for failing to meet the criteria in the village charter section 2.09. The vacancy is to be filled according to section 7.07 of the village charter. Since the vacancy was open for more than 30 days, the Council seat will be filled by a mayoral appointment.

Mayor Nickerson stated he received quite a few people interested in the position, informed everyone that the seat would expire at the end of the year, and encouraged anyone interested in a seat at that time to pursue it. Mayor Nickerson appointed Charles Cooper to the vacant council seat and gave him the oath of office.

Verbal Roll Call of Council Members Present for the Record

Council Members:

Timothy L. Back	Present
Charles Cooper	Present
Gale Joy	Present
Chris Sands	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:

Acting Manager Anderson
Interim Police Chief Wortman
Fire Chief Keyser
Service Director Easom

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Approval of Minutes

- Approval of the January 21, 2025, regular council meeting minutes.

Vice-Mayor Adkins stated on page three regarding the resolution relating to Mr. Perkins, she would like more detailed information written, not just council member discussion on the topic, stating that she would like what she said in the minutes.

Council Member Back stated he would like what he said in the minutes as well.

Vice-Mayor Adkins stated on page four that Council Member Back did not abstain, but voted no. That she abstained and would like her reason put into the minutes. She also stated that for the executive session Council Member Sexton was present, and it showed her being absent.

Council Member Back asked for clarification regarding the resolution relating to Mr. Perkins' forfeiture of his position. He asked if his seat was vacated on the day that the resolution passed, instead of the 17th of December meeting, stating he was technically present for a meeting after the December 17th meeting. Council Member Back asked if that means his last day at that point wouldn't be December 17th, what would have been January 21st, and he believes would have been a council appointment. Council Member Back asked if he was wrong on that.

Law Director McNamee stated he was. Mr. McNamee stated a vote did not have to be taken on the resolution and it was more of an item of discussion. He referenced charter section 7.07 requiring council members to meet the 75% threshold per year and when he did not make the December 17th meeting, the threshold was not met, and the resignation goes into effect.

Council Member Sands stated he believes the meeting Council Member Back was talking about was the budget meeting and, not a regular meeting of Council, and there was no action taken so technically it was just a work session.

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

6 yes votes and 1 no vote, minutes approved as amended.

Vice-Mayor Adkins asked for a copy of the amended minutes when they are completed.

- Approval of the January 21, 2025, executive session meeting minutes.

Vice-Mayor Adkins stated that Council Member Sexton was not absent. Council Member Sands made a motion to approve the minutes as amended. Council Member Sexton seconded the motion.

7 yes votes, 0 no votes, minutes approved as amended.

Unfinished Business

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

Mayor Nickerson stated this is the first reading of the ordinance.

Council Member Joy asked why the previous ordinance was an emergency and this one is not.

Mr. Anderson stated he is presenting this as a traditional ordinance instead of an emergency because there were questions regarding that and decided to just put it on as a regular ordinance.

Council Member Sexton asked if they were supposed to have a work session on the pay scale. She also stated comparing the original pay scale with the one being presented shows an additional \$2.00 pay increase for the police chief, fire chief, and superintendent job on top of the 3%.

Mr. Anderson said we did some comparative studies of where we are in the region to help recruit and retain.

Council Member Sexton stated the code enforcement officer is now the code enforcement administrator and is making the same as a service worker that works on water main breaks.

Mr. Anderson stated there is a code enforcement administrator and a part-time code enforcement person in there as well. He said the code enforcement administrator was already in there and we added the part-time option because we currently don't have a part-time pay scale for the code enforcement.

Council Member Sexton asked about the full-time parks and rec coordinator and Mr. Anderson stated just because something is on there doesn't mean its going to be filled.

New Business

Resolution 2025-03 - 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.

Mr. Anderson explained that we had a three-year lease previously for this land located at the end of Access Road with Mr. Hora with Tukens and the lease expired. We went through a formal bidding process advertising for five weeks in a local paper and on our website and received a single bid from Mr. Hora and this price went up about \$5.00 per acre from the previous price. Mr. Anderson stated it is a fair and decent bid and is asking for authorization to accept the bid.

Council Member Back's motion to approve was seconded by Council Member Sexton.

Roll Call:

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

7 yes votes, 0 no votes, motion carries.

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.

Council Member Sexton asked for clarification of the fees being waived and Mr. Anderson stated it has been the practice of the council to waive the fees for just these days and any other time during the year they would have to pay the typical fee.

Vice-Mayor Adkins' motion to approve was seconded by Council Member Back.

Roll Call:

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

7 yes votes, 0 no votes, motion carries.

Resolution 2025-05 - 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.

Mr. Anderson stated council received the original agreement and there were some changes that were made that day, and he wanted to make sure everyone had them. He said there are very minor changes marked in red, and they have been reviewed by the attorney.

Mr. McNamee stated the edit that was made making it clear that Mr. Farley does not waive any of his claims that might be related to unlawful executive sessions in his federal case that he filed against the village.

Mr. Anderson stated the other change was where to send the check.

Mr. McNamee said this agreement was first presented to council in executive session and asked if anyone had any questions. He stated the litigation we are talking about right now is the litigation that former police chief Hensley has filed in state court through his attorney against various council members, Mr. Anderson, and himself. The claim that was made by Mr. Farley regarding unlawful executive sessions not under the current council's regime, but prior to that term, specifically the executive session it was unlawfully determined that he should be arrested should he get out of order. The agreement is for \$14,500.00.

Council Member Back's motion to approve was seconded by Council Member Sexton.

Roll Call:

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

6 yes votes, 1 no vote, motion carries.

Public Comments or Questions

Al Acker, Old Dayton Road, asked about a solar company that was going to build a solar farm on Access Road and if there was a status on this.

Mr. Anderson stated we do have an agreement with a solar company, and they pay us a small fee for the right to eventually put in a solar field and believes when that time comes, they will have to go through all the normal permit processes, but they have not done much with moving forward on anything.

Mayor Nickerson stated he sees a lot of the solar company signs driving around in other areas.

Mr. Acker stated he spoke with the solar company, and they thought they would be prepared to come to this immediate area and start building.

Council Member Sands asked for clarification on the solar company paying the village in advance.

Mr. Anderson stated the solar company pays the village one or two thousand dollars a year for the right to eventually do something.

Council Member Sexton asked when the agreement was made.

Mr. Anderson stated he believed it was around 2022.

Multiple council members stated they didn't know anything about the agreement and Mr. Anderson stated legislation was passed by council.

Mr. McNamee stated solar moves very slow and tries to tie up as much property as they can and a three-to-five-year turn is not unusual.

Council Member Back asked Mr. Anderson for documentation on that. Mr. Anderson stated he would pull up the resolution and the agreement.

Administrative Staff Comments

Interim Police Chief Wortman stated the new officers are working and getting acclimated. He hopes to start doing monthly stats again for council at one of the next upcoming meetings.

Council Member Back gave thanks and has seen a lot of the officers out moving around and being very visual to the public. Council Member Back asked that he pass along his thanks and appreciation to the officers as well.

Mayor Nickerson stated every morning when he goes to work at quarter to four in the morning, he sees a police officer and sometimes two and appreciates it.

Council Member Sexton stated she appreciated the police as well and shared that her son came home from college and asked if they hired twelve more officers because they were everywhere. She gave her thanks and appreciation.

Council Member Joy asked if the officers were all trained.

Interim Police Chief Wortman stated that everybody is up to staff right now as far as basic training goes and is looking into some advanced training.

Council Member Joy asked if they were local classes.

Interim Police Chief Wortman stated that most are local and the furthest one away is probably OPOTA or Columbus, but all are in state.

Council Member Joy asked what our staffing level was at.

Interim Police Chief Wortman stated we have five full-timers and six part-timers.

Mr. Anderson stated they had a resident come in today that was traveling out of town to Florida to visit her family and has a ring doorbell and noticed someone was trying to get into her house while she was away. She contacted a friend that lives down the street and her friend contacted the PD. When she returned from Florida, she was nervous to enter her home, so Officers Millman and Myers showed up and she was raving about the service she received from them. Mr. Anderson stated the one officer had to go on a call, but Officer Millman stayed with her and adjusted her doorbell cameras to help improve the amount of video time. She was very pleased and very happy.

Mr. Anderson stated that before the meeting Council Member Back had asked him a question and he wanted to give an update. He stated Lieutenant Wortman approached him late last year about purchasing some equipment to help with our speed enforcement. Mr. Anderson stated they purchased a radar system that could be deployed in neighborhoods to track the speed of vehicles traveling in the neighborhood. He stated it does not have video, but they are able to bring the device back to the PD to download helpful information like the average speed of the road, the maximum speed on the road, the time of day that has the most traffic, and traffic counts with speeds. He stated it is a useful tool to manage our patrols to be more effective.

Interim Chief Wortman stated it is a completely sold black case and there are no cameras. He said the first week he put it up at Main and Gloria and it registered 48,000 cars with an average speed of 31 or 34 mph, and out of those cars 2% were at enforceable speeds. He said the radar will also give hour time blocks when most of the violations are occurring so they can have officers present. He stated it is currently on Perry Street and will be moving it around to different hot spots in town.

Mr. Anderson stated if anyone thinks there is a speeding issue on their street to pass along the information and they can set up the radar.

Council Member Sands verified it was 48,000 cars.

Interim Police Chief stated that it was correct, and it was between the 23rd to the 28th or 29th.

Service Director Easom stated it was his second week, and he is still getting acclimated. He said there have been four water main breaks in town since he started and the guys are very efficient at getting them fixed. He said they have done a lot of maintenance to the wastewater plant and the water plant. Mr. Easom stated there was a bad valve at the water plant the guys fixed and a gear box on one of the clarifiers went out at the wastewater facility that had to be taken out, rebuilt, and the guys were able to get it back in and operating correctly again. Mr. Easom stated they are making progress.

Mayor Nickerson stated it is appreciated that Mr. Easom is here and doing an awesome job.

Council Member Back stated he saw the water main break by Speedway and he appreciated his guys and the hard work put in during the cold weather.

Mr. McNamee stated he had nothing else for the night but at the next meeting he will discuss two large projects, one pertaining to trailer park legislation and the other being the charter review commission.

Municipal Manager's Comments

Council Member Sands asked about the N.L.Y.A. contract.

Mr. Anderson replied that he just received the contract back from Mr. Rose and will have it on the agenda for the next meeting.

Council Member Sands asked if we found out who owns the home on Cain Street.

Mr. Anderson replied that we know who owns the property, the problem was how to get in touch with them. He stated there was good news from the county today and was informed there was Community Development Block Grant money that was submitted and granted prior to 2024, and they wanted to know if we were still going to use that money, and it was specifically to tear down 218 Cain Street. Mr. Anderson stated he believed most of the paperwork is done and will hopefully be done this summer.

Council Member Sands stated there was an email from Taylor Butler about an annual report that needed to be put into the system for 2023.

Mr. Anderson stated it is the Hinkle filing which is a very detailed financial report that is being completed by our finance consultants and will get that turned in quickly.

Vice-Mayor Adkins asked if there was an update about the new police chief.

Mr. Anderson stated he made an offer to Chief Krznarich, and he accepted and is going to go through the physical and hiring process. He is hoping to have all this done by the next meeting for him to be sworn in.

Council Member Sexton asked if there was any progress with Mr. Dunnigan.

Mr. McNamee stated that is going to need to be a collaboration among multiple property owners and will discuss it with Mr. Anderson.

Council Members' Comments

Council Member Joy asked for more information on the courthouse.

Mr. Anderson stated with the cold weather the HVAC system failed, and it got cold in there and the wet sprinkler system pipe which has water in it all the time froze. He

stated when we had that warmup about a week ago it expanded the pipe when the ice melts and the pipe broke. He stated luckily the fire department personnel heard the alarm go off and went over and were able to shut the water off. Mr. Anderson stated a claim has been filed with our insurance carrier, had an adjuster out last week, had a cleanup company out, and got the heat going. He said he is waiting to hear back from the adjuster and stated luckily there wasn't anything in the courtrooms, so he is hoping it is just some carpet and drywall that needs to be replaced.

Council Member Joy asked what happened to the HVAC.

Mr. Anderson stated that with the building being empty they keep the temperature lower around 60 degrees to keep the bill down. He stated the units are old and haven't had great preventative maintenance done over the years and gave out in the cold.

Council Member Joy asked when they were maintained last.

Mr. Anderson stated he didn't know.

Council Member Back asked if there was a way to get a record of that.

Mr. Anderson stated he did not know if they kept records of that.

Vice-Mayor's Comments

None

MAYOR'S COMMENTS

None

Request to be Added to the Agenda

None

Adjournment

Council Member Back motioned to adjourn; Council Member Sexton seconded.

Roll Call:

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

7 yes votes, 0 no votes, the motion passes and the meeting is adjourned.

Meeting adjourned at 8:13 p.m. by Mayor Nickerson.

Approved:



Mayor Nickerson

2/18/25

Date



Clerk of Council

2/18/25

Date