

MUNICIPALITY OF NEW LEBANON

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

MEMORANDUM

To: Mayor Nickerson and Village Council Members

From: Rob Anderson, Acting Village Manager

Re: Friday Update

Date: July 12, 2024

Mayor Nickerson has called a special meeting for Monday, July 15 at 6 pm to interview applicants for the open Village Council seat. The meeting will be held in the Council room and is open to the public. The meeting notice is included in your packet. I will have a formal agenda for you at the meeting.

You have several items on your agenda for Tuesday's meeting. Here are some brief updates for your information:

- Resolution 2024-14 A resolution to appoint the new Village Council member. After your interviews on Monday, it is expected that the Council will vote to appoint one of the applicants to the open seat. Once the vote is taken, the mayor will administer the Oath of Office to swear in the new member and the meeting will continue.
- Resolution 2024-15 A resolution authorizing the Acting Village Manager to execute the required liquor license to allow beer for A Day at the Park. The owner of Snickers Bar and Grill, Donald Parrish, is working with The Foodbank, Inc to provide a beer garden for the Day at the Park event on August 10. Before the required temporary liquor license application can be submitted, the Village Manager needs to agree to the application because the event takes place at Don Rusk Park. Once Council approves this resolution, I can sign the application and have it submitted to the State of Ohio for approval.
- Resolution 2024-16 A resolution allowing the Acting Village Manager to list and sell surplus Fire
 department items on GovDeals. The Fire Department has some items that are no longer usable
 and would like to dispose of them through the online auction site, GovDeals. I have included a
 list of those items with the legislation if you would like to see the items that are to be sold.
- Pursuant to C.O. Section 30.03(B)(2)(c) There is a need for an executive session for the purpose
 of a conference with Interim Law Director for the municipality concerning a dispute involving
 the municipality that is the subject of a pending court action.

Here are some other items for your consideration:

- I have posted several job openings on the Village website and various external websites for the Village Manager, CFO, Police Chief, and Service Superintendent positions. I will hold these positions open until they are filled, but the initial deadline for applications is August 5. I will begin reviewing resumes and applications at that time and will conduct interviews to find permanent placements for these positions.
- As Chief Keyser mentioned at the last Council meeting, the Fire Department will be holding a
 ceremony to celebrate Firefighter Steve Kautz's 50 years of service to the New Lebanon Fire
 Department. The ceremony will be held at the fire station at 115 S. Clayton Road and will begin
 at 1 pm. Refreshments will be served, and the public is invited and encouraged to attend this
 celebration.

Have a great weekend.

MUNICIPALITY OF NEW LEBANON, REGULAR COUNCIL MEETING Tuesday July 16, 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 July 2 nd , 2024, Regular Council Meeting				
V.	Unfinished Business				
VI.	New Business A. Resolution 2024-14 A Resolution to Appoint as Village Council Member				
	B. Resolution 2024-15 A Resolution authorizing the Acting Village Manager to execute the required liquor license to allow beer sales for a Day at the Park.				
	C. Resolution 2024-16 A Resolution allowing the Acting Village Manager to list and sell surplus Fire items or vehicles on GovDeals, 100 Capitol Commerce Blvd, Suite 110, Montgomery, Alabama 36117.				
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. Shannon Bemis				
XIV.	Executive Session : Pursuant to C.O. Section 30.03(B)(2)(c) There is a need for an executive session for the purpose of a conference with the Interim Law Director for the municipality concerning a dispute involving the municipality that is the subject of a pending court action.				
XV.	Adjournment				

VILLAGE OF NEW LEBANON COUNCIL MEETING July 2, 2024, at 7:30 p.m. Council Chambers

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

VERBAL ROLL CALL OF COUNCIL MEMBERS

Council Members:

Timothy L. Back	Present
Gale B. Joy	Present
Lyndon Perkins	Absent
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:

Police Lieutenant Wortman
Fire Chief Keyser
Interim Law Director McNamee
Acting Village Manager Anderson

APPROVAL OF MINUTES

Approval of the June 18, 2024, regular meeting minutes.

Interim Municipal Manager Anderson stated he revised the minutes to include a change and notated it on the minutes that were in front of council.

5 yes and zero no votes, minutes approved.

<u>UNFINISHED BUSINESS</u>

Law Director McNamee presented the council and the public with a copy of the breakdown of invoices from his law firm and discussed the fees and how they were categorized.

Law Director McNamee also presented the council and the public with a copy of the complaint Council member Joy, previous Council member Loch, and ex Captain Chambers instigated with Montgomery County Sheriff's Office against Mr. McNamee with a copy of the detailed report with no findings investigated by the Sheriff's Office.

Law Director McNamee also presented the council and the public with a copy of his correspondence with previous Council member Loch's attorney regarding the forfeiture of her council position due to not being in compliance with New Lebanon's Village charter requirements.

NEW BUSINESS

None

PUBLIC COMMENTS

Craig Roberts, 1080 Saladin, apologized for his conduct after the last meeting, he stated that council has a thankless job, and even though people don't always agree, it's time to move forward with council and do the job they were elected to do.

Joshua Farley, 136 Bronwood Street, stated that what Mr. Roberts came forward and said were the things that would heal the community.

Natasha Farley, 136 Bronwood Street, asked about a hose that has been running for a couple of weeks at the street project on Comer and expressed gratitude to the council.

Shannon Bemis, 130 Bronwood Street, agreed with what Mr. Roberts and Mr. Farley said about moving forward and stated it can be hard when there is new leadership and change. Mrs. Bemis addressed Council member Joy regarding the educational incentives that were paid to employees that were not entitled to this and provided a copy to council of the pay stub showing each employee and the amount paid. Mrs. Bemis stated this was the evidence for Council member Joy related to one of the findings of the preliminary investigation and how we will save money by not paying this and no longer paying to have an empty courthouse cleaned.

ADMINISTRATIVE STAFF COMMENTS

Fire Chief Keyser stated on August 24th at 1:00 pm there will be a ceremony at the firehouse that is open to the public for one of the department's employees that will have fifty years of service recognizing his service to our community.

MUNICIPAL MANAGER'S COMMENTS

Interim Municipal Manager Anderson stated the village office would be closed on the 4th for the holiday with no interruption in trash service. Mr. Anderson informed the council that new invoices would be sent to homeowners on Homeway and Waite that were improperly assessed for curb repair. He also discussed his meeting he had with the school superintendent, Dr. Williams, that they are on board with the tennis court renovation program but asked that we hold off on construction so fall tennis could use the courts for practice.

Vice-Mayor Adkins informed Mr. Anderson there are tall weeds growing out of the sewers again down 35 on the roadway. She inquired into the water tower area that is enclosed and overgrown so badly that nobody could walk in if they had to.

Council member Back thanked the employee that is getting certified to spray weed killer and discussed how bad it is for the weeds to grow along our roads.

COUNCIL MEMBERS' COMMENTS

Council member Sexton reminded everyone of the next meeting for the event, A Day at the Park, would be on July 8th at 5:00 pm at the park and encouraged any volunteers to attend. She added we will also have fireworks at the event and planning has been going well.

Council member Back thanked Council member Sexton and all those helping with the event for the time they are putting in.

VICE-MAYOR'S COMMENTS

None

MAYOR'S COMMENTS

Mayor Nickerson reiterated the amount of work that is going into the event, A Day at the Park. Commented on how nice the pond looks and noticed more people using the pond. Mayor Nickerson also stated that a community member dropped off ten poles at the gazebo for anyone that wanted to use them to fish and how well the community garden is coming along. Mayor Nickerson stated he is proud to be sitting with council and see all the good things moving forward.

ADDED TO AGENDA

Shannon Bemis, 130 Bronwood Street, used her time to ask Interim Municipal Manager Anderson to give an update on other things going on in the community. Mr. Anderson said our engineer is currently working on what road will be redone this year for our street levy project. He also stated he will be posting for multiple job opportunities in the upcoming week as well as the vacant council position.

Law Director McNamee added information regarding the vacant council position and the process for selecting a new council member.

ADJOURNMENT

Council member Sexton made a motion to adjourn, Council member Back seconded.

Roll Call:

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

5 yes 0 no, motion passes. Meeting adjourned at 8:04 p.m.by Mayor Nickerson.

Approved:	
Mayor	Date
Clerk of Council	 Date

VILLAGE OF NEW LEBANON MONTGOMERY COUNTY, OHIO

RESOLUTION NO: 2024-14 BY MAYOR DAVID NICKERSON

A RESOLUTION:	TO APPOINT	_ AS VILLAGE COUN	NCIL MEMBER.
WHEREAS, there is	currently a vacancy on the No	ew Lebanon Village Cou	ıncil.
WHEREAS, Village vacancy is filled, nam	e Charter Section 2.08 providenely:	es for the process by whi	ch a Council Member
vacancy in th	of Mayor becomes vacant, the de office of the Vice Mayor s ber made by majority vote of t	hall be filled by the app	pointment of a
majority vote	Council shall be filled by a e of remaining Council men f the vacancy. The appoint d elected, subject to the provis	nbers within thirty (30) tee shall serve until a) days of the successor is
	lage Council has held intervious appoint as Vil		ouncil position and by
NOW, THEREFOR that:	RE, BE IT RESOLVED by	the Village Council of	New Lebanon, Ohio,
	RE, BE IT RESOLVED BY MONTGOMERY COUNTY		
SECTION I	The Village Council hereb member for the remainder of		
SECTION II	It is hereby found and deter concerning and relating to the an open meeting of this Council and any of its common in meetings open to the publication, but not limited to	ne adoption of this Resolution, and that any and all nittees that resulted in suclic, in compliance with a	ution were adopted in il deliberations of this ch formal action were all legal requirements,
SECTION III	That this Resolution shall take	ce effect immediately upo	on adoption.

PASSED this 16th day of July, 2024.			
David Nickerson, Mayor			
Attest:			
Rob Anderson Acting Clerk of Council	Date		

VILLAGE OF NEW LEBANON MONTGOMERY COUNTY, OHIO

RESOLUTION NO: 2024-15 BY MAYOR DAVID NICKERSON

A RESOLUTION: AUTHORIZING THE ACTING VILLAGE MANAGER TO EXECUTE THE REQUIRED LIQUOR LICENSE TO ALLOW BEER SALES AT A DAY AT THE PARK.

WHEREAS, as part of A Day at the Park, Council desires to allow for the sale of beer during the event; and

WHEREAS, the sale of alcohol at Don Rusk Park requires that the Acting Village Manager submit and execute the required liquor license application; and

WHEREAS, Council seeks to authorize and direct the Acting Village Manager to submit the required documentation to obtain the liquor license for A Day at the Park;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of New Lebanon, Ohio, that:

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

SECTION I The Village Council hereby authorizes and directs the Acting Village

Manager to submit all required documentation to obtain the liquor license

for A Day at the Park.

SECTION II It is hereby found and determined that all formal actions of this Council

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

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

PASSED this 16th day of July, 2024.		
David Nickerson, Mayor		
Attest:		
Rob Anderson Acting Clerk of Council	Date	



Division Use Only:	
Permit #:	
Permit Type:	

TEMPORARY PERMIT TENANCY FORM				
Section A – Temporary Permit Event Inform	nation (Completed by Applicant)			
Applicant (as listed on the permit application): The Food bank, INC				
has applied for a temporary liquor permit 209 S Fuls Rd				
	(Street Address)	45045		
(Taumahin if annliashio)	New Lebanon	45345		
(Township, if applicable)	(City)	(Zip)		
between the dates listed below: Date Event BEGINS: (Month/ Day/ Year)	Date Event ENDS: 08/10/2024 (Month/ Day/ Year)	e e		
Section B – Real Property Owner Signature	and Acknowledgment (Completed by Pr	roperty Owner)		
By signing below, I				
(Signature of Real Property Own	er or Government Official)	(Title)		
(Email Address)	(Date)	(Telephone)		



Permit #:	
Permit Type:	

TEMPORARY LIC	DUOR PERMIT	DIAGRAM OF	PROPOSED F	PERMIT PE	REMISES
	E				

Please note that the APPLICANT MUST give a copy of the "Diagram of Permit Premises" to	the law
enforcement agency that will sign-off on the "Chief Peace Officer Notification" form.	

Temporary permit applicant Name: The Food bank, INC

Event Start Date: 08/10/2024

Event End Date: 08/10/2024

ALL temporary liquor permit applicants MUST submit a detailed diagram/drawing of the event's permit premises describing where alcoholic beverages will be stored, sold, and consumed. Include approximate dimensions like 10 x 10. We CANNOT process this application if the diagram is not included. If using a picture or image, please write "image included" below and make sure the image is clear and shows things like streets, barrier locations, etc.

rence
Eence Beer Garden Temporary fence
temporary fence
Walking Dath Entrance
Durch fearl OWNER
(Signature of person who prepared diagram or applicant) (Title)
Dava D ARRISH 7/8/2024 937-941-9444 (Phone)



Division Use Only:	
Permit #:	
Permit Type:	

TEMPORARY PERMIT CHIEF PEACE OFFICER NOTIFICATION FORM						
SECTION A - TEMPO	ORARY PERMIT INFO	PRMATION (Completed	by applicant)			
The temporary pe	ermit applicant The F	ood bank, INC			has	
an event planned						
209 S Fuls Rd						
8		(Street Address)			_	
		New Lebanon		45345	for	
(Towns	hip, if applicable)		(City)	(Zip)		
the following date	(s) and time(s) specific	ed below:				
Date Event BEGI	NS: 08/10/2024 (Month/ Day/ Year	Date Event	ENDS: 08/10/2024 (Month/ Day/ Yea	ar)		
□ YES - Includ	e a completed Street !	Notification Acknowledg	ment Form (LIQ 17-0006) with your applicat	ion.	
Name	Address	Phone	Email	Contact Type	9	
Donald Parrish	9372 W. Third St. Dayton OH 45417	937-941-9444	Snickers.bar.grill @gmail.com	Corresponden Compliance	ice,	



Section B - CHIEF PEACE OFFICER SIGNATURE (Completed by City/Township/Univ. Police or County Sheriff)

This portion **MUST** be signed by the Chief Peace Officer, or their designee, who has jurisdiction over the location where this function will be held, indicating that they have been notified of the:

- Applicant name, date range of event, and event location, including a copy of the premises diagram; and
- Any street, alley, or public sidewalk closures for the event via the "Street Closure Notification" form.

I, being the Chief Peace Officer, or their designee, acknowledge that the organization listed above in Section A notified our office that it will hold an event at the applied for location on the specified date(s) and, if applicable, that the listed street, alley, or sidewalk closures will take place. If the township does not have a Chief Peace Officer, the County Sheriff's Office must sign-off.

The state of the s	
Adly (Nict W. Working #382 (Peace Officer Signature)	Adin Chief
(Print Name) 7/11/24 (Date)	☐ University Police☐ County Sheriff
(Email Address)	☐ County Sheriff ☐ Township Police ☐ City Police



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/8/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

1	f SU	DRTANT: If the certificate holder in BROGATION IS WAIVED, subject certificate does not confer rights to	to th	e ter	ms and conditions of the	policy	, certain poli	cies may red	AL INSURED provisions quire an endorsement.	or be	endorsed. ement on
PR	DUC	ER				CONTA NAME:	CT Josh	ua Peters			
1		Southard & Trusty Insura	ance	Gr	guo	PHONE	(0.07)	637-9449	FAX	(027)	855-7343
1		1217 W Market St				(A/C, No	in sta			(931)	555-7545
1		Germantown, OH 45327				ADDRESS: JPeters@trustyins.com					
ı		33							RDING COVERAGE		NAIC#
						INSURE	RA: Erie i	nsurance	Company		26263
INS	URED					INSURE	RB:				
L		Kim Reeder				INSURE	RC:				
ı		4875 Farmersville Rd				INSURE	RD:				
ı		Farmersville, OH 45325-8	241			INSURE	RE:				
						INSURE	RF:				
CC	VEF	RAGES CER	TIFI	CATI	E NUMBER: 00027546-2				REVISION NUMBER:	1	
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INSF		TYPE OF INSURANCE	INSD	SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	s	
A	X	COMMERCIAL GENERAL LIABILITY	Y		Q61-0343190		12/1/2023	12/1/2024	EACH OCCURRENCE	\$	1,000,000
		CLAIMS-MADE X OCCUR							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	1,000,000
									MED EXP (Any one person)	\$	5,000
		-							PERSONAL & ADV INJURY		
1	CE	N'L AGGREGATE LIMIT APPLIES PER:								\$	1,000,000
l		T DDO C							GENERAL AGGREGATE	\$	2,000,000
	X	POLICY JECT LOC OTHER:							PRODUCTS - COMP/OP AGG	\$	2,000,000
	AU	TOMOBILE LIABILITY							COMBINED SINGLE LIMIT	\$	
1		ANY AUTO							(Ea accident) BODILY INJURY (Per person)	\$	
		OWNED SCHEDULED							BODILY INJURY (Per accident)		
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	AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE								E.L. EACH ACCIDENT	\$	
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	If ve	s, describe under SCRIPTION OF OPERATIONS below									
	1	QUOT		1		_			E.L. DISEASE - POLICY LIMIT Liability	\$	200 000
	-"	quoi							Liability		600,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)											
CF	CERTIFICATE HOLDER CANCELLATION										
Village of New Lebanon 198 S Clayton Rd				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.				LED BEFORE N			
	New Lebanon, OH 45345				AUTHOR	RIZED REPRESE	NIATIVE				
1	te de la constant de										

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VILLAGE OF NEW LEBANON MONTGOMERY COUNTY, OHIO

RESOLUTION NO: 2024-16 BY MAYOR DAVID NICKERSON

A RESOLUTION: ALLOWING THE ACTING VILLAGE MANAGER TO LIST AND SELL SURPLUS FIRE ITEMS OR VEHICLES ON GOVDEALS, 100 CAPITOL COMMERCE BLVD, SUITE 110, MONTGOMERY, ALABAMA 36117.

WHEREAS, the Village of New Lebanon Fire Department possesses items after the replacement of items by grants; and

WHEREAS, the Village of New Lebanon is now in possession of surplus properties from the Fire Department that are currently of no use to the Village;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of New Lebanon, Ohio, that:

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

SECTION I That the Acting Village Manager is hereby authorized and directed to enter into a Gov Deals Inc. on-line seller's agreement and dispose of the

surplus property through their on-line auction.

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

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

PASSED this 16th day of July, 2024.

David Nickerson, Mayor

Attest:

Rob Anderson

Date

Acting Clerk of Council

Rob Anderson

Rob Anderson	ROD Anderson					
From: Sent: To: Subject:	JC KEYSER Tuesday, May 21, 2024 3:14 PM Rob Anderson Gov Deal List					
Sir						
Here is the list of items for G	Pov Deals:					
Motorola P25 Radio XLT 2500 (cannot be upgraded for the 2025 requirements)						
13 sets of expired bunker gear						
2002 Ford Medic unit						
Kenwood low band radio taken out of 2002 medic unit						
2 Stair chairs that were replaced by BWC Grant						
Thank you.						
Chief Keyser						