

**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:



Mayor



Date



Clerk of Council



Date