

**VILLAGE OF NEW LEBANON
COUNCIL MEETING
March 19, 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 Mayor Nickerson, followed by the Pledge of Allegiance.

VERBAL ROLL CALL OF COUNCIL MEMBERS

Council Members:

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

Others Present:

Interim Police Chief Chambers
Fire Chief Keyser
Acting Municipal Manager Anderson
Interim Law Director Nate Rose

APPROVAL OF MINUTES

- Approval of the February 20, 2024 regular meeting minutes.

Council member Joy asked about the agenda order and if it had changed relating to the charter. He alleges that the Acting Municipal Manager violated Section 30.01(H)(2) by changing “old business” to “unfinished business” on the agenda. He further alleges that the acting legal counsel dismissed the violations and that the Mayor called him out of order for questioning the violations.

Council member Loch stated she thinks approval of the meeting minutes should be tabled because they were vague.

Council member Joy stated he had questions about the minutes.

4 yes and 3 no votes, minutes approved.

- Approval of the March 5, 2024 regular meeting minutes.

Council member Joy stated he had questions regarding the minutes and they were in violation.

4 yes votes and 3 no votes, minutes approved.

UNFINISHED BUSINESS

Mayor Nickerson motioned to allow special counsel to give a preliminary report on the ongoing investigation. Motion seconded by Council member Sexton.

Roll Call:

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

7 yes 0 no, motion carries.

ORDINANCE 2024-01 – AN ORDINANCE AMENDING PORTIONS OF CHAPTER 36 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES, TITLED “INCOME TAX” TO COMPLY WITH THE CHANGES ENUMERATED IN OHIO HOUSE BILL 33.

Mayor Nickerson stated there will be the third and final read of this ordinance at the next meeting and will be called for a vote.

Mr. McNamee made a presentation of his preliminary findings in the ongoing investigation. The report was distributed to all council members. Preliminary report and corresponding presentation slides are attached to these minutes.

NEW BUSINESS

Mayor Nickerson motioned to add **Resolution 2024-11 - A RESOLUTION: TO TERMINATE VILLAGE MANAGER, GLENA MADDEN FOR CAUSE AND IN THE ALTERNATIVE AS AN AT WILL EMPLOYEE.**

Motion seconded by council member Sexton.

Roll Call:

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

4 yes 3 no, motion carries.

Mayor Nickerson motioned to add **Resolution 2024-12 - A RESOLUTION: EXPRESSING THE COUNCIL'S CONCERNS OF VILLAGE EMPLOYEES, POLICE CHIEF CURTIS HENSLEY, SCOTT BROCK, AND PHIL HINSON.**

Motion seconded by council member Sexton.

Roll Call:

Council member Perkins	No
Council member Joy	No
Council member Back	Yes

Mayor Nickerson	Yes
Council member Sexton	Yes
Vice-Mayor Adkins	Yes
Council member Loch	No

4 yes 3 no, motion carries.

ORDINANCE 2024-02 – AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2024 APPROPRIATIONS BUDGET AND DECLARING AN EMERGENCY.

Council member Perkins asked questions for clarification on the ordinance, how special counsel was billing, and if the \$200,000 was included in the budget. Mr. Anderson stated that the money had already been budgeted and is being transferred from an existing line item to another and does not add to the total budget that was approved.

Council member Joy inquired if we were allowed to transfer budget amounts while we are under audit. Mr. Anderson stated yes.

Council member Sexton's motion received a second by Council member Back.

Roll Call:

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

4 yes 3 no, motion carries.

RESOLUTION 2024-10 – A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO A CONTRACT FOR THE BLOSSER STREET RECONSTRUCTION PHASE 3 PROJECT WITH COATE CONSTRUCTION LLC FOR A COST NOT TO EXCEED \$ 441,945.

Council member Adkins added that some of the cost of the project is covered by a grant.

Mr. Anderson stated that the Village must pay a small portion of the cost of the project out of our current budget and the remaining balance was split 50/50 between a grant and a loan from the Ohio Public Works Commission. The loan is a zero percent interest loan for 30 years.

Council member Adkins' motion received a second by Council member Back.

Roll Call:

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

5 yes 2 no, motion carries.

RESOLUTION 2024-11 - A RESOLUTION: TO TERMINATE VILLAGE MANAGER, GLENA MADDEN FOR CAUSE AND IN THE ALTERNATIVE AS AN AT WILL EMPLOYEE.

Council member Back’s motion received a second by Council member Sexton.

Roll Call:

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

4 yes 3 no, motion carries.

Resolution 2024-12 - A RESOLUTION: EXPRESSING THE COUNCIL’S CONCERNS OF VILLAGE EMPLOYEES, POLICE CHIEF CURTIS HENSLEY, SCOTT BROCK, AND PHIL HINSON.

Council member Sexton’s motion received a second by Council member Back.

Roll Call:

Mayor Nickerson	Yes
Council member Sexton	Yes
Vice-Mayor Adkins	Yes
Council member Loch	No
Council member Joy	No
Council Member Perkins	No

Council member Back	Yes
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4 yes 3 no, motion carries.

PUBLIC COMMENTS

Tammy Joy, 35 Comer, stated her concerns with council and their oaths, questioned council member Adkins of her divorce attorney, and commented on Mr. Anderson's personal matters and work history.

Darla Edds, 670 Homeway Drive, expressed her displeasure with council relating to freedom of speech and discussed her son's employment with the village.

Paul Boggs, 138 Glenada Court, stated his concern with a council member having a conflict of interest and expressed gratitude for the four council members standing up for the community.

Natasha Farley, 136 Bronwood, discussed her appointment to boards and previous council not questioning things in the past.

Joshua Farley, 136 Bronwood, spoke on his arrest to the three original council members that were in office at the time and the issues surrounding the incident.

Shannon Bemis, 130 Bronwood, corrected a comment stated earlier, touched on negative fund balances, and apologized to Mr. Anderson on behalf of the community for his personal matters being pointed out earlier.

ADMINISTRATIVE STAFF COMMENTS

MUNICIPAL MANAGER'S COMMENTS

COUNCIL MEMBERS' COMMENTS

Council member Loch had questions relating to the clerk of council during a meeting, employees being paid accordingly, public records requests she submitted, key fobs/fob user access, if Mr. Anderson had accessed the building, employees under investigation or the one recently terminated, Camp Connect, and the garden.

Council member Perkins discussed a zoning issue, zoning inspector position, billing for Mr. McNamee, and how he was selected.

Council member Sexton followed-up on Council member Loch's question about the employee that was terminated, asking questions since she had not heard of her or her position.

Council member Joy asked about the questions he submitted.

VICE-MAYOR'S COMMENTS

Asked for a copy of what Council member Sexton had requested.

MAYOR'S COMMENTS

Discussed mental health, his PTSD in combat, and his displeasure with anyone's mental health being addressed, especially from a nurse.

ADDED TO AGENDA

Shannon Bemis, 130 Bronwood, discussed how previous board positions were filled by the previous council and issues with previous council members' inactivity. Mrs. Bemis relayed how impressed she was with Mr. Anderson and Mr. McNamee and asked for Mr. McNamee to look into a council member's actions relating to the last election, further stating three council members should be removed. Mrs. Bemis touched on HB 33 relating to income taxes, irresponsible spending over the years, lack of plans for the court building by the previous council, the Blosser Street project, OPWC debt, the preliminary report regarding the ongoing investigation, and clarifying facts to council.

Council member Back stated Council member Perkins was showing his notes to Mrs. Madden before the meeting and asked that it be looked into. Further questioning if Council member Perkins has had any contact with anyone on administrative leave.

Council member Loch questioned Mayor Nickerson on why he shook his head and made a gesture to shush Mrs. Bemis at the last meeting. Further asking if

Mayor Nickerson, Council member Back, Council member Adkins, and Council member Sexton have access to the investigation.

Discussion inaudible due to noise and multiple speakers

ADJOURNMENT

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

Roll Call:

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

6 yes 1 no, motion carries.

Meeting adjourned at 9:33 p.m.by Mayor Nickerson.

Approved:



Mayor

6/18/24

Date



Clerk of Council

6/18/24

Date