



## MUNICIPALITY OF NEW LEBANON

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### MEMORANDUM

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

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

**Re:** Friday Update

**Date:** August 16, 2024

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Here are some brief updates on your agenda for Tuesday night:

- **Resolution 2024-17** – A resolution Allowing the Municipal Manager to List and Sell Surplus Police Items or Vehicles on GovDeals, 100 Capitol Commerce Blvd, Suite 110, Montgomery, Alabama 36117. The PD has two Ford Ranger trucks and some miscellaneous equipment they no longer need and would like to sell on GovDeals.
- **Resolution 2024-18** – A Resolution Authorizing the Acting Village Manager to Enter into an Agreement to Participate in the Kroger Settlement Regarding the Nation Opioids Litigation by Executing the National Opioids Settlement Participation Form. The Village is part of the OneOhio group that participated in the class-action lawsuits against the opioid manufacturers and distributors. Kroger has agreed to a settlement for their part in the crisis. With the passage of this resolution, New Lebanon is eligible to receive a portion of this settlement.

Here are some other items for your consideration:

- At your last meeting, Vice Mayor Adkins asked about the public meeting with the community that is specified in the charter. I am planning to have the 3<sup>rd</sup> quarter meeting at your September 3<sup>rd</sup> regular meeting. I will make sure to have all the department heads in attendance on Sept. 3.
- A Day at the Park was an unbelievable success! It is safe to say that the attendance exceeded our expectations. The weather was great, and the overall event went off without a problem. I need to say thanks to our Service Department, Police Department, and Fire Department who helped make the event such a success. The volunteer committee did an excellent job of coordinating a top-notch event in only a few months. This is an event of which the community can be proud. With a full year to plan, next year's event is sure to be even better.
- Interviews for the open staff positions will begin in the next couple of weeks. I am in the process of evaluating the resumes that I received and will contact applicants to set up interviews starting next week. Based on the resumes I have reviewed; we have some excellent candidates for all our open positions, and I am looking forward to interviewing before introducing them to the public.

Have a great weekend.

**MUNICIPALITY OF NEW LEBANON,  
REGULAR COUNCIL MEETING  
Tuesday August 20, 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 August 6, 2024, Regular Council Meeting
  - B. Approval of minutes from the August 6, 2024, Executive Session
- V. Unfinished Business
- VI. New Business
  - A. **RESOLUTION 2024-17 - A resolution Allowing the Municipal Manager to List and Sell Surplus Police Items or Vehicles on GovDeals, 100 Capitol Commerce Blvd, Suite 110, Montgomery, Alabama 36117.**
  - B. **RESOLUTION 2024-18 – A Resolution Authorizing the Acting Village Manager to Enter into an Agreement to Participate in the Kroger Settlement Regarding the Nation Opioids Litigation by Executing the National Opioids Settlement Participation Form.**
- 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)
- XIV. Adjournment

**VILLAGE OF NEW LEBANON  
COUNCIL MEETING  
August 6, 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 Mayor Nickerson, followed by the Pledge of Allegiance.

**VERBAL ROLL CALL OF COUNCIL MEMBERS**

**Council Members:**

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

**Others Present:**

Fire Chief Keyser
Acting Manager Anderson
Interim Law Director McNamee

**APPROVAL OF MINUTES**

- Approval of the July 15, 2024, special meeting minutes. Council Member Sexton made a motion to approve the minutes from the July 15, 2024, Special Meeting. Council Member Back seconded.

6 yes votes and 1 no vote, minutes were approved.

- Approval of the July 16, 2024, regular meeting minutes. Council Member Cooper made a motion to approve the minutes from the July 16, 2024, Regular Meeting. Council Member Sexton seconded.

6 yes votes and 1 no vote, minutes were approved.

## **UNFINISHED BUSINESS**

Council member Back confirmed with the Acting Village Manager that he was looking into time clocks and a work order system for the Service department.

## **NEW BUSINESS**

**PROCLAMATION** – A Proclamation Declaring August 6, 2024, as Firefighter Steve Kautz Day in the Village of New Lebanon.

Mayor Nickerson invited Firefighter Kautz to the podium to read the proclamation in its entirety, accompanied by Fire Chief Keyser.

## **PUBLIC COMMENTS**

Joshua Farley, 136 Bronwood, inquired into complaints he has filed against police officers and the process to investigate the complaints.

Natasha Farley, 136 Bronwood, congratulated new Council member Cooper and asked Council member Joy for clarification on the reason for his “no” vote on approving meeting minutes. Mrs. Farley expressed her frustration with Council member Joy for not responding to citizens, wanting him removed, and asked that he help move the town forward.

Shannon Bemis, 130 Bronwood, stated she emailed Council member Joy and did not receive a reply. Mrs. Bemis also asked for clarification on the reason for his “no” vote on approving meeting minutes. She expressed her disappointment with Council member Joy being paid and not participating as an elected official, stating it is a disservice.

## **ADMINISTRATIVE STAFF COMMENTS**

Fire Chief Keyser reminded everyone about the ceremony on August 24th at the fire department and wanting to utilize the parking lot at the court and municipal building. Chief Keyser stated there have been several fires during the week and a citizen wrote a thank you letter that he read to the council. Chief Keyser informed the council that all permits, and necessary paperwork, are complete for fireworks at Saturday’s event. Chief Keyser stated his department is ready and they will be helping with inspections of

rides, food vendors, and fireworks. The fire department will also have a tent at the event giving out free carbon monoxide detectors.

Law director, Mr. McNamee stated there will be an executive session at the end of the meeting.

### **MUNICIPAL MANAGER'S COMMENTS**

Acting Village Manager Anderson informed the council that the Blosser Street curbing on Comer Court will be started within the next week and all property owners have been notified. The annual tire recycling event will be on Saturday, September 14, 2024, from 9 a.m-3:30 p.m. Mr. Anderson commended the service workers for replacing broken fence rails and updating the parking lot lighting at Don Rusk Park. He informed the council that carnival rides are starting to arrive for the upcoming event, A Day at the Park. Mr. Anderson informed the council that there are multiple vacant positions within the village and will be emailing them an update with the applicants. He also discussed his desire to rebuild trust by having a more public process in hiring.

### **COUNCIL MEMBERS' COMMENTS**

Council member Cooper stated he has been by the community garden, and it looks great, is excited for the event on Saturday, and expressed his appreciation for our first responders. Mr. Cooper also mentioned how nice the pond looks and it's nice to see improvements.

Council member Sexton asked who put on the fishing derby in the past and it was stated it was done by the Rotary club. Mrs. Sexton thanked the fire chief for everything he has done. She invited everyone to the event, A Day at the Park, on Saturday stating there has been overwhelming support from the community and volunteers that have reached out. Council member Sexton stated two more judges were needed for the pie baking contest.

Council member Joy thanked Steve Kautz for his impressive 50 years of service.

Council member Back congratulated Steve Kautz on his outstanding 50 years and was excited for the event on Saturday. Council member Back thanked the service department for helping get things ready at the park.

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

Vice-Mayor Adkins asked about department heads coming to council meetings and Mr. Anderson stated they would be at the next council meeting. She asked if the police and service department could start doing monthly reports like they used to do and thanked Steve Kautz for his 50 years of service.

## **MAYOR'S COMMENTS**

Mayor Nickerson discussed A Day at the Park and stated if you do the 5K there is a free pancake breakfast afterwards. Mr. Nickerson said it will be a great time, is very proud of the accomplishments that are being made, the garden is in full swing, appreciates the service department's work at the park, and his joy seeing all the people utilizing the pond. Mayor Nickerson discussed a couple of Halloween ideas and welcomed anyone that wanted to volunteer or be involved. Mr. Nickerson thanked Fire Chief Keyser and expressed his appreciation for Firefighter Kautz and his 50 years of service.

## **ADDED TO AGENDA**

None

## **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 disputes involving the municipality that are the subject of pending court actions.

Mayor Nickerson stated that the Council will not be taking any action after the Executive Session.

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

Roll Call:

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

7 yes votes and 0 no votes, the motion passes. The meeting adjourned to Executive Session at 8:07 pm.

Mayor Nickerson reconvened the Regular Council Meeting at 8:33 pm. Mayor Nickerson stated the topics discussed during the Executive Session were:

1. An update from the Interim Law Director on the 2<sup>nd</sup> District Court of Appeals case, Glenna Madden v. Rob Anderson et al.
2. An update from the Interim Law Director on the federal lawsuit filed by Joshua Farley against the Village of New Lebanon.

Council Member Perkins made a motion to adjourn the Executive Session. Vice Mayor Adkins seconded the motion.

Roll Call:

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

7 yes votes and 0 no votes, the motion passes. The Executive Session was adjourned at 8:34 pm.

**ADJOURNMENT**

Council member Back motioned to adjourn the regular meeting. Vice Mayor Adkins seconded.

Roll Call:

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

7 yes votes and 0 no votes, the motion passes. The regular meeting was adjourned at 8:35 p.m.

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



**MUNICIPALITY OF NEW LEBANON**  
**Village Council Executive Session**  
**August 6, 2024**

Mayor Nickerson called the executive session to order at 8:11pm.

**Council Members present:**

**Others Present:**

Council Member Back	Present
Council Member Joy	Present
Council Member Perkins	Present
Council Member Sexton	Present
Council Member Cooper	Present
Vice-Mayor Adkins	Present
Mayor Nickerson	Present

Acting Manager Anderson
Interim Law Director McNamee

Mr. McNamee explained the duty of confidentiality to those in attendance before the discussion began.

Topics discussed

1. Update on 2<sup>nd</sup> District Court of Appeals Case, Glenna Madden vs. Rob Anderson et al.
2. Update on federal lawsuit filed by Josh Farley against the Village of New Lebanon.

Council Member Perkins made a motion to adjourn the executive session, seconded by Vice Mayor Adkins.

Roll Call:

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

The executive session was adjourned at 8:34 pm.

Approved:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

Acting Clerk of Council

\_\_\_\_\_

Date

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

**RESOLUTION NO: 2024-17**

**BY**

**MAYOR DAVID NICKERSON**

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

**WHEREAS,** the Village of New Lebanon Police 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 Police 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 20th day of August 2024.**

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David Nickerson, Mayor

Attest:

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Rob Anderson  
Acting Clerk of Council

Date

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

**RESOLUTION NO: 2024-18  
BY  
MAYOR DAVID NICKERSON**

**A RESOLUTION: AUTHORIZING THE ACTING VILLAGE MANAGER TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE KROGER SETTLEMENT REGARDING THE NATIONAL OPIOIDS LITIGATION BY EXECUTING THE NATIONAL OPIOIDS SETTLEMENT PARTICIPATION FORM.**

**WHEREAS,** the Village Council received a National Opioid Settlement Participation Form which must be executed to allow for participation in the Kroger National Opioid Settlement. The Village wishes to participate in this settlement and is, therefore, electing to execute the Settlement Participation Form;

**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 Acting Village Manager is hereby authorized and directed to execute the Kroger National Opioid Settlement Participation Form, attached hereto as Exhibit A.

**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 20th day of August 2024.**

\_\_\_\_\_  
David Nickerson, Mayor

Attest:

\_\_\_\_\_  
Rob Anderson  
Acting Clerk of Council

\_\_\_\_\_  
Date