

**VILLAGE OF NEW LEBANON
COUNCIL MEETING
December 3, 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 Charles Cooper, followed by the Pledge of Allegiance.

Special Activity – Swearing-in of Christopher Sands by Mayor Nickerson. Mayor Nickerson thanked Charles Cooper for his service on Council and encouraged him to stay involved with the Village in some capacity.

VERBAL ROLL CALL OF COUNCIL MEMBERS

Council Members:

Timothy L. Back	Present
Gale Joy	Present
Lyndon Perkins	Present
Chris Sands	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:

Interim Police Chief Wortman
Interim Law Director McNamee
Acting Village Manager Anderson
Interim Foreman Darryl Sorrell
Interim Zoning Admin Gary Long

APPROVAL OF MINUTES

Meeting minutes from the November 19, 2024, regular meeting will be approved at the next regular meeting on December 17, 2024.

UNFINISHED 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. (Second Reading & Public Hearing)

Acting Manager Anderson gave the council and the public a presentation on the proposed 2025 budget like the presentation from the November 18, 2024 Special Meeting.

Acting Manager Anderson asked Council to call a special meeting to discuss water and sewer rates on January 14, 2024, at 7:00 p.m.

Council member and public discussion regarding proposed 2025 budget and the proposed water and sewer rates.

Law Director McNamee reviewed and discussed with the council five items under old business:

1. Glenna Madden's case and the decision of the 2nd District Court of Appeals denying her claim. Mr. McNamee will look into the appropriateness of motions for sanctions and motions for attorney fees against Glenna Madden and Glenna Madden's counsel.
2. Mr. McNamee's response letter to attorney Arnold initiated by Council member Joy and former council member, Mrs. Loch, requesting an injunction claiming abuse of corporate power.
3. The remaining scope of his investigation. With the documentation back from the AG he will wrap up the seven remaining issues:
 - a. Alleged police misconduct (BCI).
 - b. Failure to properly post job openings.
 - c. Sunshine law violations, improper meetings called, improper discussions during meetings.
 - d. Improper payment of bonus incentives.
 - e. Falsification of timecards.
 - f. Falsification of comp time.
 - g. Removal of public records including records from employee files in order to avoid discovery.
4. Attorney fees and breakdown for Mr. McNamee and what we have already paid for the law director and special counsel and the subcategories under each.
5. Resolution he proposed to be added to the agenda regarding Interim Municipal Manager Anderson's contract.

Mayor Nickerson made a motion to add resolution 2024-27 to the agenda.

RESOLUTION 2024-27 – A Resolution to Retroactively Appoint Robert Anderson II as Acting Village Manager and to Approve the Village Manager Contract and Both Addendums.

The motion was seconded by Council member Back to add this resolution to the agenda.

Roll Call:

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

5 yes votes and 2 no votes, the motion passes and Resolution 2024-27 is added to the agenda under new business.

Council member Perkins stated he votes not because he wasn't able to read the resolution before being asked to vote.

Council member Sexton inquired about recovering our legal fees from Glenna Madden's case.

Vice-Mayor Adkins inquired about the legal fees costing the village money by Council member Joy and former council member, Mrs. Loch. She also asked Council member Joy why he knew about the issue with signing checks, when nobody else did, and why he didn't bring it to the council and let them know.

NEW BUSINESS

ORDINANCE 2024-06 - AN ORDINANCE: TO TRANSFER \$99,061.21 FROM THE STREET FUND, \$49,613.65 FROM THE WATER FUND, AND \$1,052.27 FROM THE GENERAL FUND TO THE CONSTRUCTION PROJECTS FUND AND DECLARING AN EMERGENCY.

Council member Joy asked why the ordinance was an emergency. Mr. Anderson explained after council approved the ordinance it then had to go to the State of Ohio to authorize the transfer and would like to get it done in 2024 so it is one less comment/finding we would get on the auditor's report.

Council member Perkins verified with Mr. Anderson it was the State Auditor that authorized this. Mr. Anderson discussed with Council member Perkins about fund transfers.

Vice-Mayor Adkins made a motion to approved Ordinance 2024-06 as proposed and declaring an emergency. Council member Sexton seconded the motion.

Roll Call:

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

6 yes voted and 1 no vote, the motion passes and Ordinance 2024-06 is approved as an emergency.

RESOLUTION 2024-27 – A Resolution to Retroactively Appoint Robert Anderson II as Acting Village Manager and to Approve the Village Manager Contract and Both Addendums.

Council member Perkins inquired about when this takes place and Mr. Anderson explained it is retroactively February 2024 through February 2025. Discussion between Mr. Anderson and Council member Perkins regarding pay and what happens when his contract is up.

Vice-Mayor Adkins made a motion to approve Resolution 2024-27 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	Yes
Council member Sands	Yes
Council member Back	Yes

6 yes votes and 1 no vote, the motion passes and Resolution 2024-27 is approved as presented.

PUBLIC COMMENTS

Shannon Bemis, 130 Bronwood Street, welcomed back Mr. Sands, asked about recovering the village's legal fees, and how we can stop the nonsense regarding other's actions causing harm to our community. Mrs. Bemis asked for clarification on the village's prosecutor fees and where any of that is written stating she feels bad Mr. McNamee is waiving such a large portion of his fees considering nothing was in Mr.

McNamee's or Mr. Keener's contracts addressing this. She also asked about prosecutors and what other communities do.

Mr. McNamee is looking into the recovery of village legal fees, there is nothing legal to stop the nonsense at this time, and stated he is waiving the prosecutor fees because it is the right thing to do. He also stated that we will have to look into the prosecutor situation for next year.

Michelle Nadolsky, 301 Ledgewood Court, thanked the police department for tagging a vehicle that has not been moved. She stated the homeowner at 106 Marilee parks their vehicle in the front yard and on the south side of Mills Place at the dead end there is a boat stored on the road. Mrs. Nadolsky also stated that behind the legion the people tore down their fence and left it all there surrounded by orange cones. She said there are lights out at Mills Pond and asked why the east end of town smells like feces every night.

Interim Foreman Sorrell stated that 90% of the smell is the retention pond having to hold more than normal because they are trying to ease up pushing the capacity of the plant from as hard as it can go because they are trying not to have a catastrophic break down.

ADMINISTRATIVE STAFF COMMENTS

Mayor Nickerson discussed a water main break on Lawson that the service department took care of.

Council member Back thanked the service department and appreciated all their work.

Mr. Anderson informed the council that the service department is getting another service worker, and they are just waiting on the drug screen and physical. Mr. Anderson stated this employee is a resident of New Lebanon, has his CDL, and is eager to come to work for the service department.

Council member Sexton asked Mr. Sorrell how many service vehicles we have and who takes them home.

Mr. Sorrell stated he would have to get back with her on a definite number but thinks there are 3 CDL dump trucks, 7 light to heavy trucks, and 3-4 inoperable trucks. He stated that he takes a vehicle home because he is on call as well as two other service workers for water shutoffs and water testing/plant checks.

Interim Police Chief Wortman stated he has two officers in training right now, and one part-time officer that is waiting for his approval from the Attorney General's Office before he can begin. He looks forward to working with BCI and getting that started, and reminded everyone to lock their vehicles stating the areas around us are getting hit very hard right now with overnight break-ins.

Council member Sexton asked Interim Police Chief Wortman how many police vehicles marked and unmarked that we have that are working and non-working. She also asked who takes them home.

Interim Police Chief Wortman stated we have 1 of the Tahoe cruisers that is out of service, 2 rangers to sell, the new marked Explorer that needs upfitting, the old Explorer, the Malibu that has a dead battery, and the white truck. He stated he is the only one that takes a vehicle home and that is currently functional.

Mayor Nickerson informed Interim Police Chief Wortman that he sees the officers moving around the community and appreciates it. He also stated he met one of the new officers and he was very courteous. He thanked Interim Police Chief Wortman and said he is doing a great job.

Interim Zoning Administrator Long stated he received approval from Mr. McNamee's office for a zoning citation to be sent over to Montgomery County Courts for a property maintenance problem. Mr. Long stated this is the first citation he has been able to send over to the courts and hopes it will help since this house has received several letters and thousands of dollars in fines. He stated right now our zoning process is long and can take several months to get compliance and hopes this will help stop some of the issues and get them addressed more quickly.

Council member Sexton discussed our zoning process with Interim Zoning Administrator Long. She also asked how often he drives through the town and he said he drives around the three days a week that he works.

Council member Back reminded the public if they see zoning issues, they can call the office or bring pictures up and staff will do an inspection and issue any necessary notices.

Mayor Nickerson brought up the house on Cain Street that burned down stating he received phone calls about children playing in/around the house. Mr. Long stated he submitted a proposal to Mr. Anderson from an outside company to clean up the property and there is a significant cost to the village that we may not be able to assess to the property. Mayor Nickerson stated we need to focus on getting the building boarded up or taken down. Mr. Anderson stated we can look at a board-up company to secure the area or a company to clean out the property. Council member discussion regarding short- and long-term options for the house. Council member Sands asked who owns the house. Mr. Long stated the tax lien has been sold to a company in California and they said even though they bought the tax lien, the property belongs to the county and we need to go through them. Council member discussion regarding options for the house. Mr. Anderson stated he would reach out to Montgomery County Land Bank about their possible involvement in assisting with the cleanup.

MUNICIPAL MANAGER'S COMMENTS

Mr. Anderson gave an update for Fire Chief Keyser stating the Santa Parade is on December 7th at dusk (5:00-7:30 p.m.). The route is on the village website. Mr. Anderson stated that he hired a company to redo our website and a nice feature of it will be being able to report a concern with photos directly on the site. He said it will take about 6 months for them to transfer over all the information from our current site and be up and running. He stated we will have a new domain from the federal government that will be free and ours forever - newlebanonoh.gov. Mr. Anderson stated that Kelly Pinkerton, our tax administrator for over 11 years, will be retiring on Friday. She will be moving back home to be near her family, and they will be celebrating her on Friday during lunch and the village office will be closed for about an hour.

Council member Sexton asked Mr. Anderson about filling the village manager position with the residency requirement. Mr. Anderson stated council will have to decide and that it is a charter provision but there have been cases ruling against residency requirements. Mr. McNamee said he will look into this issue and report back.

Council member Sexton also asked about putting the courthouse up for sale. Mr. Anderson said it needs to be a competitive bidding process and can discuss the options after the first of the year.

COUNCIL MEMBERS' COMMENTS

Council member Back asked about the attorney Arnold letter and if the auditor received the 34 charter violations alleged by Council member Joy because he didn't see them addressed. Council member Joy stated he did not send that in. Council member Back also stated he would like to go after recovering our legal fees from Ms. Madden.

VICE-MAYOR'S COMMENTS

None

MAYOR'S COMMENTS

Mayor Nickerson stated he will not be at the next meeting. He and his wife are going to Alaska for the birth of their first grandchild. He also welcomed Mr. Sands and thanked Mr. Cooper for what he has done for the community.

ADDED TO AGENDA

None

ADJOURNMENT

Vice-Mayor Adkins made a motion to adjourn the meeting. Council member Sexton seconded.

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 Sands	Yes

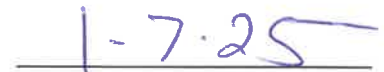
7 yes votes and zero no votes, the motion passes, and the meeting is adjourned.

Meeting adjourned at 9:31 p.m.by Mayor Nickerson.

Approved:



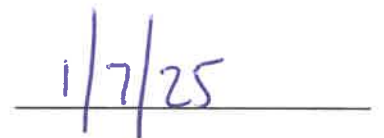
Mayor



Date



Clerk of Council



Date