

**VILLAGE OF NEW LEBANON
COUNCIL MEETING
September 17, 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 Council member Cooper, 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
Nicole Adkins	Present
David Nickerson	Present

Others Present:

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

APPROVAL OF MINUTES

- Approval of the September 3, 2024, regular meeting minutes. Council Member Cooper made a motion to approve the September 3, 2024 minutes. Council Member Sexton seconded the motion.

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

UNFINISHED BUSINESS

Mayor Nickerson made a motion to adjourn to executive session to consider the employment of a public official, specifically the village manager, pursuant to Ohio Revised Code Section 121.22(G)(1) and New Lebanon Codified Ordinance 30.03(B)(1).

Council member Back seconded Mayor Nickerson's motion.

Roll Call:

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

5 yes votes and 2 no votes, the motion passes. The Council adjourned into an executive session.

Before the council adjourned to executive session, Council member Sexton recused herself from the executive session.

Mayor Nickerson stated the topic of the executive session was in regard to holding a special meeting on September 24 for council and the public to interview the final two candidates for village manager. The council also discussed a general timeline for the selection of the candidate and approval of an employment contract.

Vice-Mayor Adkins made a motion to adjourn the executive session, Council member Cooper seconded.

Roll Call:

Council member Perkins	Yes
Council member Back	Yes
Council member Cooper	Yes
Council member Joy	Yes

Vice-Mayor Adkins	Yes
Mayor Nickerson	Yes

6 yes votes and 0 no votes, the motion passes. The executive session was adjourned at 7:54 pm.

NEW BUSINESS

RESOLUTION NO: 2024-19 – A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO DONATE A 1985 FMC FIRE TANKER TO ENGINE 911 FUND LLC.

Council member asked if this was the same tanker truck the Fire Chief mentioned at the last Council Meeting. Mr. Anderson stated that it was the same truck.

Vice Mayor Adkins made a motion to approve Resolution 2024-19. Council Member Cooper seconded the motion.

Roll Call:

Council member Back	Yes
Council member Perkins	Yes
Council member Joy	Yes
Vice-Mayor Adkins	Yes
Mayor Nickerson	Yes
Council member Cooper	Yes

6 yes votes and 0 no votes, Resolution 2024-19 is approved.

PUBLIC COMMENTS

Peyton Perdue made a presentation to the council for a haunted trail he is conducting on October 26th during Halloween in the Village. He questioned if he could do a lifted and contained fire, a small path through the prairie at Don Rusk Park, and if he could park a stationary car along the walking path. Mr. Perdue gave the council a copy of the

map with his proposed ideas and stated all proceeds would go to the Alzheimer's Association.

Natasha Farley, 136 Bronwood, asked why the executive session was at the beginning of the meeting and suggested it be held later in the meeting.

ADMINISTRATIVE STAFF COMMENTS

Law Director McNamee gave an update on the timeline of the Glenna Madden case in the 2nd District Court of Appeals. Depositions are complete and Ms. Madden must have her next brief filed with the court within twenty days. The Village must file their response to that brief twenty days later, and Ms. Madden can file her response to that brief ten days after that date. Mr. McNamee said briefings will be done around November 1st and while the court does not have a timeline on when they must make a decision, he anticipates a ruling from the court around the middle of November.

Council member discussion was had with Mr. McNamee. Council member Perkins discussed Mr. McNamee's fees.

Council member Sexton asked Interim Police Chief Wortman about the large number of alarm calls on the police department stats report. Interim Police Chief Wortman said there are a few locations having issues and are working to get the problem solved.

MUNICIPAL MANAGER'S COMMENTS

Interim Municipal Manager Anderson updated the council that there is currently a burn ban in multiple counties in Ohio. Even though our county can currently burn, he advises residents to be careful and that we will likely be included in the burn ban in the next few days. The fire tanker will be delivered later in the week and there will be driver training done before the tanker is put into service, estimated around October. Pursuant to 6.09 of the charter, Mr. Anderson provided council with the capital budget for 2025-2029. He also informed council that ODOT will be doing the repair and resurface of US 35 from Fuls Road west to the village limits. October 19th is the projected completion date for this project. The fall community garage sale is next weekend. Mr. Anderson thanked Darryl, Kyle, and Gary for taking care of the hazardous overhanging tree on Bronwood. He also informed the council he received an estimate from Cunningham Electric to find the short in the electric to the lights on Access Road, fix the short, and switch the lights to LED for approximately \$5,400.

COUNCIL MEMBERS' COMMENTS

Council member Back thanked Interim Municipal Manager Anderson for the work on getting the lights on Access Road repaired, stating he has been asking for years for this. He also gave thanks for removing the overhanging tree on Bronwood.

Council member Perkins asked if there was a new invoice from the Acting Law Director.

Council member Sexton said she will forward emails from Mr. Whitaker, the AD at Dixie High School, asking to move the shot put and disc area to Don Rusk Park by the bathrooms in the spring.

Council member Cooper stated he received an email from someone that has a nuisance neighbor and asked how we can enforce zoning issues for those that don't comply.

VICE-MAYOR'S COMMENTS

Vice-Mayor Adkins thanked the service department for cutting the trees on Main Street, so they are no longer an obstruction trying to turn onto the road.

MAYOR'S COMMENTS

Mayor Nickerson has been in discussion with Walgreens. He stated all Rite Aid prescriptions are transferred to Walgreens on 2710 Salem Road. Mr. Nickerson had literature for residents regarding filling prescriptions, home health care, and other services they offer. He also spoke with the corporate office last week regarding putting a Walgreens in the current Rite Aid building, and they said there was a good chance of that happening, but they will need to conduct a demographic and traffic study. Mayor Nickerson said he will stay on top of the situation and notify everyone if there is any news. Mr. Nickerson also thanked the service department for their work. Mayor Nickerson stated things are moving forward, progress is being made, and the state investigation is still ongoing, and they have no information as to the status.

Vice-Mayor Adkins added that nobody is given any information as to the investigation and asked that everyone please be patient.

ADDED TO AGENDA

Bonnie Bertelson, Brookville, said she asked to come speak because her name was brought up at the 9/3 meeting and she felt like she had triggered some by her postings on Facebook. Ms. Bertelson advised the council she now unblocked them all on Facebook. She discussed the Village Voice newsletter, that she did not write it, and it

follows the footsteps of American Revolution era journalists expressing freedom of speech/press. She fears the first amendment clause regarding defamation with the unfounded accusations being made. Ms. Bertelson is concerned with lawsuits and the direction things are going. She said everyone has freedom of speech unless it is something that is not protected.

Josh Farley, 136 Bronwood, reiterated he made statements at the last council meeting for which people have been asking for documentation. He has two complaints against officers and has been in contact with BCI and the AG informing him that the complaints need to be handed over by the village. Mr. Farley gave council a memorandum he prepared and filed a formal complaint to Mr. Anderson. He stated they are not baseless accusations, he has time stamps, and digital evidence. Mr. Farley reviewed the memorandum with the council regarding the allegations he has made against the New Lebanon Police Department to include body cam issues, legal compliance issues, and suggested actions to move forward. The allegations he has made are potential violations of the holding and retention of body cam footage, tampering with evidence, and obstruction of official business. Mr. Farley stated there is a serious issue related to the legal compliance and public trust regarding the police department. He also stated he is compiling all the information and will post on his YouTube Channel under Joshua Farley.

Council member Back stated if he has all this evidence that the council should consider sending it to BCI.

Shannon Bemis, 130 Bronwood Street, addressed the newsletter that advertises it is the truth and facts, stating it is not truth and facts, just a biased timeline of rumors. Mrs. Bemis addressed a few false statements printed stating she had a key to the village building and the village doesn't have a background check on her. She confirmed with Mr. Anderson that none of that was true. Mrs. Bemis also stated she does not access personnel files or any personal files such as taxes with social security numbers on them. She explained that Mr. McNamee is getting paid the exact amount Mr. Keener was getting paid as our law director and Mr. Anderson is costing us less money than the previous administration. She discussed the village's financial status, the legal fees stating they are legal consulting fees for many problems we have that didn't happen overnight, and asked that Mr. McNamee be looked at as a consultant someone would bring into their business to make sure there are processes in place, risk management, and we are operating the way we should. Mrs. Bemis showed documents of a memorandum and paystubs she was denied with previous administration showing unlawful payments to employees. She then discussed the lost revenue and continued expenses for the court building that has been empty and we knew it would be vacant in

2019 but made no plans. She stated she doesn't go off opinion, but the black and white, and these issues have been going on for years and she will continue to stand up for the village.

ADJOURNMENT

Vice-Mayor Adkins made a motion to adjourn, Council member Cooper seconded.

Roll Call:

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

7 yes votes and 0 no votes, the motion passes.

The meeting was adjourned at 8:44 p.m. by Mayor Nickerson.

Approved:



Mayor

10/1/24
Date



Acting Clerk of Council

10/1/24
Date