

**VILLAGE OF NEW LEBANON
COUNCIL MEETING
October 1, 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:

Others Present:

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

Interim Police Chief Wortman
Interim Law Director McNamee
Acting Village Manager Anderson
Interim Superintendent Darryl Sorrell

APPROVAL OF MINUTES

- Approval of the September 17, 2024, regular meeting minutes.

Vice-Mayor Adkins asked why they had executive session meeting minutes to approve because they have never done them in the past. Law Director McNamee replied that it is required.

Vice Mayor Adkins made a motion to approve the September 17 regular meeting minutes. Council Member Back seconded.

5 yes votes and 2 no votes, the motion passes.

- Approval of the September 17, 2024, executive session meeting minutes.

Council member Perkins stated he felt it was inappropriate that there were only three council members sitting in on the first round of municipal manager interviews.

Council member discussion regarding the initial interview process for the Village Manager candidates.

Council Member Back made a motion to approve the September 17, 2024, executive session meeting minutes. Council Member Cooper seconded the motion.

5 yes votes and 2 no votes, the motion passes.

UNFINISHED BUSINESS

Council member Joy wanted to read portions of the charter and make a point. He read sections of the Charter and Ordinances 2.06, 2.20, 30.03 (A, B), and 4.01 claiming there are multiple violations.

NEW BUSINESS

Council member Sexton recused herself and left the chambers.

RESOLUTION NO: 2024-20 – A RESOLUTION AUTHORIZING THE ACTING VILLAGE MANAGER TO NEGOTIATE AN EMPLOYMENT CONTRACT WITH PETER SEXTON FOR THE VILLAGE MANAGER POSITION.

Mayor Nickerson's motion was seconded by Council member Back.

Roll Call:

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

4 yes 2 no, motion passes.

PUBLIC COMMENTS

Don Baird, 107 Glenada Court, gave an update on the house across the street he has been having issues with. He said the owner removed the occupants from the house, changed the locks, and trespassed them. He thanked the council, the police department, and fire department for any assistance they had provided with the issue. Mr. Baird discussed drug addiction and mental health issues and asked that people pray for those impacted by these two issues. He also thanked Mr. Jones, the owner of the issues and for handling the situation.

Al Dennis, 407 Rosetta, thanked the police and fire department for the way they handled the gas leak the other day on Hazelhurst. Mr. Dennis thanked the council for opening the village building for people to evacuate to during the gas leak. He then thanked the police and fire department for handling the wind storm the other day. Mr. Dennis commented that by not having Council member Joy and Perkins on the committee it eliminated having to listen to two no votes and upsets him that council sits up there voting for what is best for the citizens except the two that vote no on everything. Mr. Dennis stated the two council members could at least say why they are voting no, or if they are always going to vote no, to just stay home.

Natasha Farley, 136 Bronwood, asked Mr. Anderson why background checks weren't done on the applicants considering Mr. Woolf made it so far in the hiring process with a million-dollar lawsuit against Jefferson Township, and multiple news articles about him misappropriating funds. Mrs. Farley addressed Council member Joy stating she went back through last year's meeting minutes where he encouraged citizens to express their grievances and now are only met with silence and stares. Mrs. Farley stated that many were unhappy with the one-way street on Comer Court and reminded everyone that the ordinance to change that was passed last year. She also stated there is no representation for the public comments in the meeting minutes with a summary of what was said. Mrs. Farley asked about our contract with Miami Valley Street Lighting and why Access Road wasn't included in that. She then stated she was on the charter review committee last year, which was a farce, all the changes were written up by Glenna Madden and Ronald Keener for their advantage, and that Glenna Madden lied at the 6/6/23 meeting to Shannon Bemis saying there would be three readings before that ordinance was passed. Instead, it was sent straight to the ballot where citizens didn't have the chance to come up and express their grievances about the changes and stated they would not have been passed through.

Joshua Farley, 136 Bronwood, shared his agreement with Mrs. Farley that background checks should have been done sooner in the hiring process. Mr. Farley stated he would have liked more information on the candidates and information wasn't given out until they were down to two candidates. He stated he did some research, and

the one candidate has petitions against him for having illegal meetings and a million dollar lawsuit pending, that he would be a liability if he was hired, and referenced his frivolous lawsuit and how he maybe wanted to do that to us. Mr. Farley brought up the many broken down cars on the roads in the village, that one person has been targeted for his vehicle on the road, yet a car around the corner has been on jack stands for six months. He stated there are many vehicles that have flat tires and expired tags around town, and wanted to know why one specific person got a large orange sticker on their car and hopes it isn't targeting.

ADMINISTRATIVE STAFF COMMENTS

Interim Police Chief Wortman reminded everyone to lock their car doors at night, don't keep valuables in them, and to not leave keys in the vehicle. He stated we have only been hit twice this year, but areas around us are getting hit weekly. He said they are in and out in about a minute and asks that people call the police if they see anything. He said the suspects were juveniles.

Council member Back said he did see a video of juveniles attempting to pull on someone's car door handles and then run away, encouraged people to call the police if they see anything, and thanked the police for patrolling the area.

Council member Joy asked if they have identified the juveniles. Interim Police Chief Wortman stated they are working with other police departments to identify them.

Council member Sexton stated her daughter lives in Fairborn and in broad daylight young teens are coming into the area with guns attempting to steal cars or the contents inside. She said it is happening everywhere and thanked the police.

Mayor Nickerson discussed people being armed in their homes and for people to be careful if someone stumbled across an issue like this and how it could generate more issues.

Interim Police Chief Wortman reminded everyone that you cannot use deadly force to protect property or produce their weapon and to go inside, lock the doors, and call the police.

Mr. McNamee addressed Mrs. Farley's comments on her charter concerns and stated he would like to investigate creating or making changes to the charter at some point. Just for an example on the process for removing someone from a public meeting, consequences, and warnings.

Council member Joy asked Mr. McNamee who his client is and addressed section 4.07 of the charter regarding the law director being answerable to council. Mr. Joy questioned billing statements without the details listed. Mr. McNamee stated he has answered his question, and the answer remains the same. Mr. McNamee also shared he was holding two complaints Mr. Joy filed against him again with the Dayton Bar Association and stated he will not tolerate his continued commentary.

Council member Joy read code 1.07 of the charter, conflict of interest, stating Mr. McNamee should step down because he is not representing him.

MUNICIPAL MANAGER'S COMMENTS

Interim Municipal Manager Anderson stated the annual leaf pick-up starts October 21st and runs through November 15th. He asked for some grace with the service department being short-staffed and stated they are doing a great job with what they have. Mr. Anderson expressed appreciation for Glen Puterbaugh, who reads all the water meters. Mr. Anderson said the water replacement program was adopted in 2018 and to date approximately 650 meters have been replaced. Mr. Anderson thanked the police and fire department for their work on the gas leak on Hazelhurst, and thanked Mr. Dennis for helping transport people to the village building.

COUNCIL MEMBERS' COMMENTS

Council member Joy stated everyone is a witness to the blatant charter violations and the rule of law that occurred today by not being provided the detailed billing records from the special counsel/law director. Mr. Joy claimed this is fraud, and we have to have a checks and balance which was alleged we did not have with the previous council. Mr. Joy stated he has not been charged with a crime, has not been presented with facts of a crime by a court of law of his alleged activities. He wants to know why he is not receiving information that has been requested. He stated everyone campaigned on transparency and wants to know where the transparency is. Mr. Joy stated we should all be concerned with what is going on in New Lebanon, the current administration/management has made a mess of this village, our police department is at 50%, the service department is at 50% and hears rumbling of discontent in the fire department. We have three lawsuits against us and is sure to increase.

Tim Williams addressed Council member Joy stating that the reason he is probably not getting the answer to his question is because what he has seen before and after Glenna is a complete 180. He stated he knows Mr. Joy feels like he's on a special mission, but he didn't have that before when everyone was coming up here with issues and doesn't have the same gumption then that he has now. Mr. Williams asked him why the change and said Mr. Joy did a complete 180 not standing up before and he is now.

Council member Back brought up transparency and accountability. Mr. Back stated that Mr. Joy only wants to speak on Facebook and create controversy in the town. Mr. Back said that for years people came up here and asked questions and Mr. Joy did nothing but sit there saying yes, no, yes, no. He stated he had a lot of respect for Mr. Joy and reminded Mr. Joy that he said nothing will get done around here because nobody up here wants to do anything, and now there are finally people up here that want to get stuff done, and now he just wants to complain. Mr. Back stated that Mr. Joy won't answer citizen questions that come up here but has no problem going on Facebook and spewing lies to make the new council look bad. Regarding transparency with the municipal manager hiring process Mr. Back stated there was nothing in writing that said they had to follow a specific process. Mr. Back asked where all his questions were back when it mattered, new council was elected to clean up the mess that has been going on for years, but now Mr. Joy wants to create chaos and have people against the new council and point the finger calling them the bad guys. Mr. Back stated if anyone knew him individually, they would know he would never do anything to jeopardize this town or anything to have it not succeed. He told Mr. Joy to check the charter regarding violations and conflict of interest and how Mr. Joy's family came up here and called the mayor a Nazi after he served in the military for 33 years and Mr. Joy is the reason the people elected them. Mr. Back said everyone knows they are waiting for the AG and Auditor to come back with their report, and he is tired of getting blasted for it. Mr. Back said he didn't need Mr. McNamee's report to know things weren't being done. He said the pond is clean, the lights at Access Road are being fixed, ODOT is paving 35, and things are getting done when it was nothing but excuses for years. He said he is defending himself because he has been taking blasts.

Council member Perkins stated this is going to cost the village a lot of money and has already cost insurance \$120,000. He said the prosecutor dismissed the case for Mr. Farley and he is suing the village for probably over \$100,000 and the same thing with Glenna and the ex-police chief. Mr. Perkins said we are looking at big money and it is the taxpayer money and he doesn't think they were put into office to spend this type of money. He said people have been subpoenaed and will go to court and what goes around comes around. Mr. Perkins also said it was inappropriate what the man said about him during public comments.

Mayor Nickerson advised Mr. Perkins that it is freedom of speech and reminded Council member Perkins that a few meetings ago he said "Jesus Christ", and that he quits, and got up and walked out of the meeting.

Council member Cooper said he lives on Hazelhurst, and the gas leak was across the street from him. He thanked the police and fire department for the way they handled the situation and said it could have been a very dangerous and catastrophic situation, but they handled it professionally and communicated well. He stated even though the leak

was repaired in an hour and a half, the gas company must monitor the area for 12 hours. Mr. Cooper stated he wasn't elected to this council; he was appointed to fill a vacancy that occurred. He said at no time was he drafted, encouraged, or spoken to about applying for the position. He applied on his own free will and was surprised he was selected. He said he is not on anybody's side, except for all the people. He said he is a very serious Christian, and his faith tells him to respect all human beings, and he can profoundly disagree with someone on a personal, moral, or political level, but he is his own man and makes up his own mind. He is going to do his best to do what he feels is right for the village. He stated he is 67 years old, has been in places of responsibility, has seen the good, bad, and ugly, been manipulated, and lied to. He said if anyone has any questions to email him or get a hold of him to have a cup of coffee. He said he believes in the village, or he wouldn't be here and believed in all of us, and to start trusting one another and believing they have the best in their hearts for the village.

Council member Sexton stated that people are speculating that the police department is at or below 50% staffing due to council.

Interim Police Chief Wortman stated they are currently at 60% and expect that to drop to 50%, maybe even 40%. He said people have been leaving and taking positions at other departments and can't speak to why they are leaving. Interim Police Chief Wortman stated they are having a hard time getting applicants.

Council member Sexton stated that the council does not have a say on what goes on in the police department to clarify to the public and if you are reading things or listening to the chatter it is called rumors and speculation. If anyone has any questions, they can contact the manager or any of the council members. Mrs. Sexton stated people were saying the council was putting officers in unsafe conditions, which was not the case.

Interim Police Chief Wortman stated they were having two officers a shift and are now going to one officer a shift and people are working more hours. He said the best way to move forward, and he spoke with the manager, was to have BCI come in and look at all the allegations. He said with recruits he gets asked what is going on with the allegations and he replies that they are waiting to hear back from BCI.

VICE-MAYOR'S COMMENTS

Vice-Mayor Adkins stated she just received a text and read it out loud (inappropriate). She said they don't need those pictures, and it will not move the community forward. She stated she thinks people think they are all in cahoots and have something going on. She said she is her own person, does her own research, and votes on her own for the community. She said she wishes she knew what was going on with the investigation and what the outcome would be. She said the only thing she knows is they said they are

going to dig for a few months and if they don't find anything the investigation would have been over. She stated we are going on for 7 months and they are still digging so there is obviously something. She said it is nonsense that people are trying to get everyone against each other. Mrs. Adkins said if you don't want to be a part of helping the community then leave. She said anyone can get a hold of her and she will not go back and forth on Facebook. She stated transparency is being open and honest and if she had anything to hide she wouldn't be there. She said the first responder's work on the gas leak was phenomenal and she sees the service department out there working. She said the text is a high school child's game and we are not in high school. She asked that everyone work together and move forward to make things better.

Theresa Cooper spoke that everyone needs to start following the golden rule of due unto others, as you would have them do unto you. She said we all need to have forgiveness and kindness for one another, or we will all tear each other apart, tire each other out, and be destroyed.

Interim Superintendent Darryl Sorrell asked about the text that everyone received, Vice-Mayor Adkins showed him the texts, and stated it is not from anyone currently in his service department.

MAYOR'S COMMENTS

Mayor Nickerson thanked the police, fire, and service department for their work on the gas leak and thanked Mr. Dennis for his help. Mr. Nickerson stated when he arrived at the gas leak he spoke to the superintendent of AES, and he said he was very proud of our community and our response. He expressed appreciation for AES who assured him everything would be fixed, and everyone would be back home safely. Mayor Nickerson brought up a woman that works at the diner, Alyssa Toliver, that provided meals to 20-30 people in dark houses that lost power from the bad windstorm we had. He said that is what we need for the community, people like her, and how much she is appreciated. Mr. Nickerson said last night at the courthouse a water fountain broke, and Darryl, Gary, and his wife came out and they stopped the leak and cleaned up the area. He said the cleaning company was there doing their inspection and called it in luckily because if it had gone unnoticed, it could have been a catastrophe. Mayor Nickerson stated he wishes he knew the status of the AG report, but none of them have information. He said he has remained quiet until people start trying to discredit him or saying he is violating something. He said if he is violating something then bring it to him and let him see what he has done. He said it's getting old with fake emails, encrypted proton emails, and threats. He said don't threaten him, his family, his friends, or the council members. He said if anyone has a problem with him, come to him and he will talk to you. He said most of the people want this council up here to do good, and they are doing good.

ADDED TO AGENDA

None

ADJOURNMENT

Vice-Mayor Adkins motioned to adjourn, Council member Back seconded.

Roll Call:

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

7 yes 0 no, motion carries.

Meeting adjourned at 8:39 p.m.by Mayor Nickerson.

Approved:



Mayor

10/15/24

Date



Acting Clerk of Council

10/15/24

Date