

**VILLAGE OF NEW LEBANON
COUNCIL MEETING
October 15, 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
Charles Cooper	Present
Gale Joy	Present
Lyndon Perkins	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:

Acting Police Chief Wortman
Acting Foreman Darryl Sorrell
Interim Law Director Nate Rose
Acting Village Manager Anderson

APPROVAL OF MINUTES

- Approval of the October 1, 2024, regular meeting minutes.

Council member Joy discussed items he would like added to the previous meeting minutes and brought up that at the last meeting Council member Back stated he had been spewing lies on Facebook and wanted to know what the lies were and have them presented to him. Mr. Joy stated that Mr. McNamee said the Dayton Bar Association laughed at Mr. Joy’s grievance he filed against him, and Mr. Joy noted the grievance should have been confidential and will be contacting the Dayton Bar Association to find out who is lying. Mr. Joy stated he has read part of the charter and violations in meetings and said his statements can’t be said to hold no legal merit because it constitutes legal merit when he reads it out of the charter. He referenced rule 1.7

regarding professional conduct of an attorney which stipulates if there is a conflict of interest between the attorney and clients, then the attorney needs to step down.

Council member Sexton made a motion to approve the minutes as presented. Council member Cooper seconded the motion.

5 yes votes and 2 no votes, minutes were approved as presented.

UNFINISHED BUSINESS

Council member Joy stated that Mayor Nickerson has asked for decorum and professionalism in the meetings, and he has yet to see that. He stated Mayor Nickerson also advised if there were any violations to bring them to him, and Council member Joy stated he has, and nothing has been done. Mr. Joy discussed what constitutes a fake email and proton accounts.

Council member Back informed Council member Joy he would go back and get him the information as soon as he could. Mr. Back touched on the personal interest issue that Council member Joy brought up and asked Council member Joy if he voted on the budget when his daughter was an employee stating that it could be seen as having a personal interest voting on something dealing with his daughter's pay in the budget. Council member Joy stated he did not set the budget or raises and only voted on what was presented to him. Council member Back said it was brought up before relating to a question of ethics and asked if he had any paperwork from the state on that. Council member Back stated that he feels Council member Joy is aggravated and against the new council because of the things that have transpired with his daughter and that in and of itself feels like a conflict.

Council member Joy stated he didn't want his daughter to work at the Village to begin with, and didn't feel it was fair to terminate her without cause, and that was done as a way to intimidate her and she is much better off where she is.

NEW BUSINESS

Ordinance 2024-04 – An Ordinance Certifying the Municipality of New Lebanon Distribution Year 2025 and Tax Year 2024 Street Light Assessment to Montgomery County, Ohio in the Amount of \$60,000. (First Reading)

Interim Municipal Manager Anderson stated this is an annual renewal we do for the street light assessment, and it was the same amount as last year.

Resolution 2024-21 – A Resolution Approving an Employment Contract with Peter Sexton for the Village Manager Position.

Interim Municipal Manager Anderson stated he sent council the original contract noting that there could be some changes. He informed the council he provided them with an updated contract and reviewed the changes with them.

Council member Joy asked why the contract was for \$105,000 and Mr. Anderson told him that is the going rate and it is well below what the previous Municipal Manager was making.

Council member Perkins discussed wanting an updated copy of the contract so he could read the proposed changes. Mr. Anderson went through them and read them aloud. Mr. Anderson went through any changes and spelling corrections in the contract.

Council member Back asked that Mr. Anderson read out loud what the original writing was and what the change was.

Council member Back made a motion to approve Resolution 2024-21 with the changes to the contract that were read at the meeting. Vice-Mayor Adkins seconded the motion.

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
Council member Sexton	Abstain

4 yes votes, 2 no votes, and 1 abstention, motion is approved.

PUBLIC COMMENTS

Tammy Loch, 201 Bronwood, stated it has been requested that BCI be brought in and she asked if there is a reason we don't want BCI to come in since we just lost a long standing officer and wants to know how the village is being protected and why officers are leaving.

Interim Municipal Manager Anderson stated that BCI has been asked to come in as requested, two officers are in the process of being hired and are just waiting on their physicals to get started, they are actively recruiting, he can't say why officers are leaving, but given the environment in policing there are a lot of opportunities to make more money elsewhere. Mr. Anderson stated that employees shouldn't be afraid of what is going on in the village if they focus on doing their jobs as they should, and not letting themselves get involved in the political conversation.

Mrs. Loch asked how current litigation could affect Mr. Sexton's contract.

Interim Municipal Manager Anderson stated he is not an attorney, but in his opinion, should Ms. Madden prevail she would still not have an employment contract and would likely be terminated again.

Attorney Nate Rose spoke on the question stating that given his knowledge of the case, in his opinion, he has high certainty that she will not be village manager.

Mrs. Loch stated she was just wondering because there were changes made to the contract for Mr. Sexton from the previous contract of Ms. Madden.

Attorney Rose stated there were a lot of things that were changed in the contract, he has done many contracts, and the contract she had was unconscionable stating most manager's if they are terminated get a 6-12 month severance, whereas her contract called for 8 years of severance, along with all other benefits.

Tammy Joy, 35 Comer Court, stated at the 4/2 meeting she discussed the people of Germany speaking out against the Third Reich, gave the definitions of bullying and narcissism, and spoke out against tyranny. She stated at multiple meetings Mayor Nickerson referenced how he was called a Nazi, Council member Back brought it up at the last meeting, and she stated she never used that word. Mrs. Joy presented a copy of what she said and wants it added to the minutes verbatim. She expressed her displeasure with council members at the 10/1 meeting checking their phone and reading the text out loud that had vulgar language. She stated Council members Loch, Joy, and Perkins were called out of order many times, council members were given time limits, and that is a violation of her civil rights stating the public is entitled to answers. She

stated Mr. Joy goes on Facebook to answer questions if people cannot go to the meetings. She stated she asked where the money was coming from for the special investigation, Mr. Anderson then stated he didn't know, and she stated that is a violation. She stated money was taken out of the fund for the community center fund to pay for the Acting Manager and Special Counsel. She stated Mr. Back asked for charter violations, received them, and has disregarded them. She further stated it was inappropriate verbiage for Council member Back to talk about proverbial taking off the gloves to Council member Joy. At the 2/20 meeting it was said things were not being done properly and Council member Joy was called out of order by Mr. McNamee, which is a violation, along with other violations. (4/2/24 comments attached)

Natasha Farley, 136 Bronwood, agreed that Council member Joy voting on a budget that included his daughter's pay is a conflict of interest. She brought up Glenna's contract being handled 3 months before it expired and stated employers have the right to terminate employment at any time. Mrs. Farley asked Council member Joy to move forward and do things that actually help our village. She said there is an electric pole behind Mary's Drive-thru that needs to be looked at that is falling over. She asked what was in the Parks and Recreation budget asking if the village could pay for some pumpkins for the upcoming Halloween event, Boo Fest. Mrs. Farley also asked if the police department and fire department could come to the event and hand out candy.

Ashlee Holloway and Brittany Talley, Brittany stated the Chamber canceled the Boo Fest, but she wants to continue with it. Brittany asked if the village could provide cornhole boards and asked about permits. Acting Municipal Manager Anderson asked her to send him a list of what she needs. Ashlee asked if the council could waive the permit fee since it is a free event for the community. Ashlee verified she will send over the information with the event details and discussed cones on the road for people to park across the street. Ashlee asked about the big blinking sign, Interim Police Chief Wortman stated the sign isn't working at this time. Ashlee discussed having a fire at the event. Brittany invited all the council to come to the event and discussed the events of the day.

Mayor Nickerson told them if the weather is bad, they can come to the village building and use the facility and he will open it up.

Council member Sexton thanked Ashlee and Brittany for stepping up and taking this on.

Council member Back made a motion to waive the event permit fees for vendors for Boo Fest on 10/26/24. Council member Sexton seconded the motion.

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

Shannon Bemis, 130 Bronwood, stated she was not at the last meeting and wanted to touch on a few things that were discussed. She said a council member stated the hiring process for the municipal manager was not done by the charter and stated you are doing exactly what should be done. Mrs. Bemis stated the previous municipal manager (GM) forwarded council 4 resumes that he narrowed down, made his recommendation on who to hire, and council voted to approve. She stated anything above and beyond does not mean it is against the charter. With Mr. Anderson asking for a few council members to sit in on interviews below a level for a quorum and to hold a public meeting for council and the public to meet and question the candidates is above and beyond the process, and not against the charter. She personally felt this was a more in-depth way of hiring than just forwarding 4 resumes and having council vote on a recommendation. Mrs. Bemis stated that Mr. Perkins confuses her, that on the 9/17 meeting minutes he voted yes to approve, but on the 10/1 meeting minutes he voted no to approve. She asked if Council member Joy is hearing rumblings from the fire department that he passes that along to the municipal manager or the fire chief. Mrs. Bemis also wanted to address an incorrect statement that someone made that Glenna Madden made \$85,000 a year. Mrs. Bemis stated her last W2 was over \$115,000. Mrs. Bemis also stated that she appreciated that the Council is not giving Mr. Sexton a car allowance and they are having him pay his share of the Public Employee Retirement System pension, unlike the previous manager who we were paying all of that and some additional perks. Mrs. Bemis stated the village was taking her portion of her retirement out of her check and then reimbursing her along with paying the village share.

ADMINISTRATIVE STAFF COMMENTS

Acting Police Chief Wortman stated he has an award for Detective Weir where she was dispatched to an infant choking where she was the first responder and took over lifesaving care, was able to clear the obstruction, and get the infant awake and breathing. She was able to keep everyone calm waiting for the fire department to show up. He issued Detective Weir the Life Saving award. He then gave an update on cruisers saying they have car 15 back from the dealership after two months, had it back a week and then car 16 went down. The dealership said the car appears to have the same issues as car 15. The dealership is behind, so he anticipates the car will be down another 2-3 months. He is still waiting for quotes to get the new cruiser upfitted. Staffing update, he had two officers give their two-week notice, with Detective Weir's last day being October 22nd and Officer Gingry's last workday was Monday, and he will use vacation time for his two week notice. This takes us down to 4 full-time officers and 5 part-time officers. He stated his wife is pregnant and due soon and that they are changing the schedules to 12-hour shifts to help with coverage, but when he is off after the baby is born, we will not be able to provide 24-hour coverage. He is talking with the

county to get the open shifts covered by the Sheriff's Department, but they are having overtime issues as well, so he is waiting to hear back. He said generally the county will respond to all in-process calls, and if it is low priority, it could be put on hold until a New Lebanon officer is on duty. He said this will last 4 weeks after his baby is born. He said he is the only FTO training officer but will possibly send our experienced officers for the FTO class to get certified. He said we also have mutual aid with Perry Township and Jackson Township. He stated Perry and Jackson typically have one car on the road at a time in each township.

Mayor Nickerson asked that Acting Police Chief Wortman update everyone on the car thefts in the surrounding areas.

Acting Police Chief Wortman stated the car thefts are still going on and Brookville was just hit Monday night. Two juveniles were caught and because they are juveniles they are let right out and do it all over again. He said our night guys are staying busy, but they are quick and are in and out.

Mayor Nickerson said that Chris Sands advised him that there was a hometown heroes banner down going west on 35 and Mr. Nickerson found one as well and would hand it over to the service department.

MUNICIPAL MANAGER'S COMMENTS

Acting Village Manager Anderson stated the utility aggregation company from a year ago (Energy Harbor) was just purchased by Dynegy. There will be no changes other than the name of the provider. Vice-Mayor Adkins asked for their phone number because she said she knows a lot of people that never opted into that, including herself. Mr. Anderson clarified he thought that 35 from Fuls to the west end would be repaved, but they are coming in and repairing all the bad spots. Mr. Anderson stated he gave the council information on the budget process coming up for the 2025 budget and would like to have the budget work session on November 19th. He stated Montgomery County has a program called EDGE (Economic Development/Government Equity) that is an economic development program to help villages/municipalities and New Lebanon was selected to have a representative on the panel, so Mayor Nickerson will serve on the EDGE committee.

Council member Sexton asked about the walking path being paved and Mr. Anderson said it is still in the budget and will be carried forward to 2025.

COUNCIL MEMBERS' COMMENTS

Council member Cooper reminded everyone that November 5th is election day and encouraged everyone to vote and if you aren't registered to vote he believes there is still time to register.

Council member Sexton wants to look into having a newspaper and she knows there is one floating around by someone anonymous but would like it to be a newspaper with information for all of the community and not speculation, not factual, and not someone's opinion.

VICE-MAYOR'S COMMENTS

None

MAYOR'S COMMENTS

None

ADDED TO AGENDA

Shannon Bemis, 130 Bronwood, congratulated Interim Police Chief Wortman on the news of his upcoming baby and gave well wishes for the mother and baby. Mrs. Bemis stated she met with Glenna and Chief Hensley before the proposal to take over Perry Township police and the staffing level was raised in anticipation of the takeover. Interim Police Chief Wortman stated they were raised before that. He advised that last November they went to 10 full time officers including the chief. Mrs. Bemis asked if his reference to the Sheriff's Office issues with overtime having meant they were short staffed, and he said yes. She asked if the officers from New Lebanon left or if they were terminated. Mrs. Bemis agreed with Mrs. Joy that council members should be allowed to speak but stated that she also believes council members should answer questions at meetings and not just their followers on Facebook. Mrs. Bemis brought up the community center, that the village knew in 2019 that the court would be moving out of the village, and it wasn't until just this past January that Glenna had submitted for a cost analysis to be done on the building to see what we can do with the building, bring it, and costs. She stated here we are still, with the empty building, years later. Addressing the question of where Mr. McNamee is paid out of, and she stated there is a fund for legal fees. Mrs. Bemis addressed the alleged charter violations and stated she has been bringing charter violations to council for years and nobody was fighting to fix those, and the violations that are currently alleged, aren't even charter violations. She addressed false information in the anonymous paper that has circulated correcting that she has never filed a complaint against Mr. Joy and commented on one section stating Mr. Sexton has no experience running a village. Mrs. Bemis' reply to that is that none of our previous municipal managers did. It was also stated that he didn't even hold an elected

seat, which gave him the knowledge of how local government works. Mrs. Bemis stated that there have been council members up there for decades that still don't know how local government works. Mrs. Bemis stated in elementary and middle school we learned about credible sources and anytime something is written anonymous, it is not a credible source further stating that The Voice is nothing but a biased interpretation, is not factual, and is intended for a specific audience for the shock factor. Mrs. Bemis stated that Mr. Sands is coming back as a council member in January, and she is going to go into it with an open mind and hopes they will give Mr. Sexton a chance because the one thing she can promise he will bring is honesty. She said everything can be learned, everything can be taught, but you can't teach honesty and integrity.

Interim Police Chief Wortman stated yes a lot of places are having a hard time hiring and getting people into law enforcement, but in January they were fully staffed and holding an eligibility list of people wanting to apply and all of that has changed since February when all the accusations started. He stated the most common question he is asked is what the status is of the investigation. He stated that is why he wants BCI to come in and get everything sorted out. He said the amount of turnover we have had is unprecedented and can't speak as to why people are leaving but in their resignation letters they are taking employment opportunities in other places. He stated it is the climate and there is a lot going on. He said that is why he is pushing for BCI to come in. The faster they come in the faster it will be to get back to our staffing levels. He stated there was an officer on a call with an older couple and a car drove by cussing him out and he had to apologize to the couple for their conduct. He stated an officer went into Dollar General and got cussed out with his kids there.

Mrs. Bemis said it is unfortunate that these officers are getting cussed out, even though it is an unfortunate part of the job. She stated she has also been a witness to uniformed officers in public spaces speaking ill of citizens in our community to the citizens. This is on duty, paid, and in uniform. She asked if having a more approachable council has led to more people coming forward with complaints, not having to fear retaliation. He said if anyone has a complaint to come in and speak to Rob or the special counsel, that is what they are there for. Mrs. Bemis clarified the issue is with all the complaints and not necessarily anything council or Mr. Anderson has done to them. He stated it is hard when allegations come in that are false and nothing is done like bringing in BCI. Mrs. Bemis asked whose fault it is for BCI not coming in. Mr. Wortman stated special counsel must call and request them, that BCI will not take his request. Mrs. Bemis asked Mr. Anderson to let her know if/when BCI was requested.

ADJOURNMENT

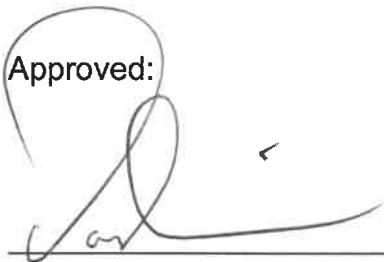
Council member Back motioned to adjourn; Vice-Mayor Adkins seconded.

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.

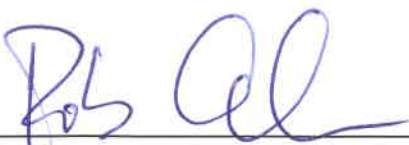
Meeting adjourned at 8:49 p.m.by Mayor Nickerson.

Approved:


Mayor

11/5/24

Date



Clerk of Council

11/5/24

Date

Deitrich Bonhoeffer, a pastor who bravely opposed Hitler and the Third Reich, rightly noted that “The ultimate question for a responsible man to ask is not how he is to extricate himself heroically from the affair, but how the coming generation shall continue to live.” He stated, “silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak, No to act is to act.” Refusing to fight when your homeland is under attack from an invading enemy force is not a Christian position. Pacifism, while popular with many Christians is not actually biblical at all. As for me and my family, we will continue to fight this Hostile takeover of the village of New Lebanon.

Now, I want to start out today by giving a couple of definitions. The first is the definition of narcissism. Psychology Today describes traits of a narcissist:

1. grandiose sense of self-importance
2. preoccupation with of unlimited success, power, brilliance, beauty, or ideal of love
3. belief that he or she is special & unique and can only be understood by or should associate with special or high-status people or institutions
4. need for excessive admiration
5. sense of entitlement
6. interpersonally exploitive behavior
7. Lack of empathy
8. Envy of others or belief that others are envious of them
9. Demonstration of arrogant & haughty behaviors or attitudes

Narcissism is a self-centered personality style characterized as having as excessive preoccupation with oneself & one’s own needs, often at the expense of others.

Secondly the definition of a bully. A bully is someone who uses one’s title, a perceived position of power to leverage or intimidate or badger others.

Hitler was a narcissist and a bully.

Last council meeting, Mr Nickerson, you allowed an audience member to bully me during my 3 minutes and then you took several opportunities to bully me from the dais. You sir embody both narcissism and bullying!!

Let me end with reading Proverbs 6:16-19

There are six things that the Lord hates, Yes, seven which are an abomination to Him, haughty eyes, a lying tongue, and hands that shed innocent blood, a heart that devises wicked plans, feet that run rapidly to evil, a false witness who utters lies, and one who spreads strife among brothers.