

June 16,

2020

The regular meeting of the Municipality of New Lebanon, Ohio was called to order on Tuesday, June 16, 2020 at 7:30 p.m. with Mayor Arriola presiding. Connected were Municipal Manager Madden, Police Chief Rick Daulton, Fire Chief J.C. Keyser, Law Director Ronald Keener, and Clerk of Council Sandy Wright. Code Enforcement Administrator Melody Davis, Service Department Superintendent Scott Brock, and Chief Financial Officer Brenda Etter were absent.

Mayor Arriola read the *Meeting Disclaimer: During this pandemic, we need to maintain social distancing and comply with the Stay-at-Home order. We also must meet the requirements of an open meeting. As such, the Ohio Attorney General is allowing for open meeting to be done by video conferencing or teleconferencing, at this time. Therefore, we are working hard to comply the open meeting act by using Zoom Conference Meeting open for the public to join, hear, see and participate just as the public would be able to do when attending a meeting in person. Accordingly, the public will be called upon to speak during the public comment portion of the meeting.*

INVOCATION/PLEDGE OF ALLEGIANCE

The invocation and Pledge of Allegiance was given by Mayor Arriola.

ROLL CALL

Clerk of Council Wright did a verbal roll call of Council Members present on the conference meeting for the record. The following members connected at the Roll Call were Raymond Arriola, Gale Joy, Susan Nickerson, Lyndon Perkins, and Christopher Sands. Carol Macmann and Douglas Thompson were absent.

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of the June 2, 2020 Regular Meeting minutes.

Mayor Arriola asked are there any corrections or changes that need to be made to these minutes? None voiced.

Mayor Arriola stated all in favor of these minutes please signify by saying aye, all opposed same sign.

VOICE VOTE. ALL IN FAVOR. MOTION CARRIED.

OLD BUSINESS

Mayor Arriola stated next is old business. Does anyone have any old business?

Municipal Manager Madden stated the only old business I have is the fact we have been doing our meetings by zoom and we were going to look at that again at the end of June to decide what we are going to do going in to July. They have not lifted groups of 10 at mass gatherings so more than likely going in to the month of July, at least for the first meeting we will still be doing Zoom, unless anyone truly has an objection to it. I don't have a wide enough angle and some of you would be on the dais and some will be down below. The open meeting law requires that everyone be visible.

Council Member Perkins stated I do, I hate it. Mayor Arriola stated me too. Council Member Joy stated I agree. Council Member Sands stated I am not a fan either.

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Mayor Arriola stated we still have to follow the guidelines of the State.

Municipal Manager Madden stated yes we do. We can look at setting up the council room to social distance everybody 6 ft apart but that kind of limits the public to only a few chairs here and there. That is our problem. I am not saying that 40 million people are going to come in to attend a meeting but we run the risk that we would not have the room for them. At my managers meeting I don't know how they are getting away with it but some of them are social distancing in their council chambers and they are doing an overflow in the lobby. I am not comfortable with doing an overflow in the lobby. I don't know what they have set up and I don't know if they can hear.

Mayor Arriola stated there is not much room in the lobby.

Municipal Manager Madden stated we can social distance in the council chambers. We have done that once. It is a little awkward. We don't have enough microphones so we would need to get more microphones so that everyone has one because the sharing of microphones is a clunky at best. That is why I am thinking the first meeting in July will be a zoom meeting and see where we go from there.

Mayor Arriola asked is there a way we could have a zoom meeting in the council chambers and include the public.

Municipal Manager Madden stated I am not sure how to set it up that way because I don't have a wide enough angle to get all of you because some of you will be up on the dais and some of you will be down below. With the open meeting law everyone has to be seen along with your name so that they know who is talking at all times. I don't know how to do that. I know some are doing that but what I have been told is they would have the zoom set up and show only one person so they are not seeing everybody. I don't know how they are doing that and stay in compliance. Staying in compliance is the other problem. I am trying to make sure we stay in compliance with the open meeting and that everyone stays within the 6 feet distance. I will be so glad when all of this is done and we can go back to some sense of normality.

Council Member Perkins stated Mayor is there any way you or the Village Manager could call the governor and ask if we can have 10 to 15 people and do social distancing.

Municipal Manager Madden stated we can do that as long as we do the social distancing. The problem is we have 13 people right now on this call without Carol and Doug which would be 15 and if you add any public in then you run the risk of limiting the number of people public wise that you can have in the room. Then we disenfranchise the public to their open meeting law. That is the problem.

Council Member Perkins stated I just thought I would give it a shot.

Municipal Manager Madden stated I can try to call him but I don't know if he is going to do anything for me.

Council Member Perkins stated being the kind person that you are DeWine would probably do it.

Municipal Manager Madden stated I doubt it.

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NEW BUSINESS

Mayor Arriola stated under new business we have the **FIRST READING OF ORDINANCE 2020-01. AN ORDINANCE AMENDING CHAPER 35.307 AND 35.308 OF THE PERSONNEL RULES AND REGULATIONS OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON.**

Mayor Arriola stated anyone have any questions.

Council Member Joy asked why are we doing this?

Municipal Manager Madden stated we are doing this because especially with the police force when they take their sergeant's exam or any exam that is a required to be promoted. The way this is worded that exam technically only puts them on a list for six months and we would like to extend so that if they are fire or police because it is costly for them to take the exam and this will leave them on that list for one year, so that they don't have to retake the exam after six months because the position may not be available. One position may be available in the first six months and another might be available in the second six months and rather than having to retest and it is very costly. It is only the police and fire that leaves on the list for the one year break.

Council Member Joy asked who pays the test fee?

Police Chief Daulton stated we have to pay the testing fees plus all of the study guides. We supply all of that for whoever is taking the test. Anyone that is eligible and meets all of the requirements is supplied with study guides for the test. I think this last test there were six different books that were used as the study guides for the test. We had three take the test and all three passed which is a good thing.

Council Member Joy stated so they change the test every six months. Do you have to get different books every six months?

Police Chief Daulton stated they do change the test. I don't know if it changes every six months but what we did rather than buying the books themselves we did the online rental on the books because each book was a couple hundred bucks a piece. It would have been well over a thousand dollars to just buy the books and then to turn around and six months or a year from now they may change. It seems like every time we give the test the study guides have all changed. I am sure they would not do that so they can sell more and maybe they do.

Council Member Sands asked is this typical of other municipalities if they are on for a year or more?

Police Chief Daulton stated most places do run a year on their list for promotions.

Council Member Nickerson asked is it customary that where they are taking the test for pay for the test or is that normally left up to the individual?

Police Chief Daulton stated for promotions I think just about everyplace pays for the test once it is a promotion. Not only do we have to buy the study guides that are fairly expensive then we turn around and the test itself is sent off to Illinois. The company there that does the scoring on the test is the same company we use for our entrance exam for when anybody applies for the police department and it's the same company we use for our psychological testing.

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Mayor Arriola stated anybody else. Nothing was heard.

Mayor Arriola stated **RESOLUTION 2020-08. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO (hereinafter referred to as "County").**

Mayor Arriola stated anyone have any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2020-08.

Motion by Council Member Nickerson, second by Council Member Sands to adopt Resolution 2020-08.

ROLL CALL ON ABOVE MOTION: Council Member Joy, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2020-09. A RESOLUTION ADOPTING THE CARES ACT FUNDING REQUIREMENTS EXPENDING FUNDS ONLY TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF THE CARES ACT HOUSE BILL 481 AS DESCRIBED IN 42 U.S.C.601(d)**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2020-09.

Motion by Council Member Perkins, second by Council Member Nickerson to adopt Resolution 2020-09.

ROLL CALL ON ABOVE MOTION;; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Joy, no; Council Member Arriola, yes; 4 yes 1 no

MOTION CARRIED.

Mayor Arriola stated next is Public Comments.

PUBLIC COMMENTS OR QUESTIONS

Municipal Manager Madden we do not have any.

ADMINISTRATIVE STAFF COMMENTS

Mayor Arriola stated Police Chief Daulton.

Police Chief Daulton stated the only thing I have tonight is that we have 2 new cruisers up and running. We are getting a lot of good comments from the public. They like the black and white and the new simple scheme on the cars.

Mayor Arriola stated any questions for Chief Daulton. Nothing was heard.

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Mayor Arriola stated Fire Chief Keyser.

Fire Chief Keyser stated I have nothing tonight.

Mayor Arriola stated anything for the Fire Chief.

Council Member Sands stated on your report 2020 445 sheet it reads *assisted invalid*. Does that mean the call was cancelled?

Municipal Manager Madden stated it does look like invalid on the report.

Fire Chief Keyser stated elderly disabled person.

Council Member Sands stated I thought they had cancelled the call after you were sent out.

Fire Chief Keyser stated it usually if they don't give the nature of the call, what the call is whether it's a fire, a wreck, a medic call with chest pains, shortness of breath, typically you will never see except on a very rare exception dispatch cancelled in route.

Council Member Sands stated thank you.

Mayor Arriola stated Code Enforcement Administrator Melody is not with us.

Mayor Arriola stated does she have anything for us.

Municipal Manager Madden stated she has been very busy and she just wants to remind everyone that cars, trucks campers and trailers must be parked on concrete or black top and not in the side yards or back yards. If you are unsure you can give Melody a call at the office.

Mayor Arriola stated anything for Melody.

Council Member Nickerson stated I drove through where the new houses are being built. Have they been cited for the grass? It is like waist high and looks really bad.

Municipal Manager Madden stated they have changed companies several times so it is keeping up with which company is building or not building back there. She has talked to them several times now and if don't mow it then we go in and mow it.

Mayor Arriola stated anyone else. Nothing was heard.

Mayor Arriola stated Chief Financial Officer is not here tonight. Does she have anything for us?

Municipal Manager Madden stated just the motion to adopt the May 2020 financial report.

Mayor Arriola stated do I have a motion to adopt the May 2020 financial report.

Motion by Council Member Sands, second by Council Member Nickerson to adopt May 2020 Financial Report.

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ROLL CALL ON ABOVE MOTION: Council Member Perkins, yes; Council Member Sands, yes; Council Member Joy, yes; Council Member Nickerson, yes; Council Member Arriola, yes;

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated Service Department Superintendent Scott Brock is not with us. Does he have anything for us?

Municipal Manager Madden stated he doesn't have anything tonight.

Mayor Arriola stated any questions for Scott.

Council Member Nickerson stated the cold patch listed on the work sheet you gave us I see that Homeway Drive is on the list that it was done. They only patched 2 and there is still like 17 holes on Homeway.

Municipal Manager Madden stated they will be moving into asphalt as soon as everything is up and running. Everything is very slow with this covid stuff.

Council Member Nickerson asked are we seriously cold patching brand new asphalt?

Municipal Manager Madden stated no, this is on down the hill. I asked the same question.

Council Member Nickerson stated I know that Scott coming to meetings in the winter was to save on overtime. I have had several people ask me if there is a way that he can start coming to the meetings and maybe do comp time or something because there are people who would like to ask him questions directly rather than asking you and you having to get back with them.

Municipal Manager Madden stated I will probably have him attend one meeting rather than multiple meetings over time. He gets overtime for every meeting he attends. I can have him to start coming to one meeting a month or one meeting every two months.

Council Member Nickerson stated I just had a couple of people ask me and wanted to pass it along.

Mayor Arriola asked when are the asphalt plants going to open?

Municipal Manager Madden stated I think they are starting to open now. It is just a matter of going to get it. They are working on some concrete right now.

Mayor Arriola stated Parks & Rec Department.

Municipal Manager Madden stated she does have anything right now.

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated Municipal Managers comments.

MANAGER'S COMMENTS

Municipal Manager Madden stated I know we postponed garage sales and left it out there hanging. I don't know where you are with adding the community garage sale in

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July or do you want to put one out even further. Last year we had the tire drive last year and it was a huge success. I would like to have another tire drive again. I would like to do that on Saturday July 18th. I thought if we were comfortable with having the community garage sale again, they would have to register and follow the guidelines. There is a whole list of garage sale rules put out by the State that they would have to follow. We could do the garage sale that same weekend. So we do the garage sale on July 16th, 17th, 18th, and 19th if they want to do a Sunday and then do the tire drive on Saturday July 18th. Again the tire drive is pretty easy to do with social distancing. On July 18th the canister would be put in place. I just need some directive on that if we are comfortable with the garage sale or do we want to postpone it until the fall and if we are comfortable with doing a tire drive again. What is everyone's thoughts?

Council Member Sands stated I saw several garage sales this weekend. Did they get permits for those?

Municipal Manager Madden state as far as I know they did. I don't have a record of it.

Council Member Sands stated I don't have a problem with having the community wide garage sale in July.

Council Member Joy stated I am in favor as well. If we can maybe we can contact some of those mobile food trucks and get them out here that weekend.

Council Member Nickerson asked is there a cost to the village for the tire pickup?

Municipal Manager Madden stated no, it is included in our Rumpke contract. They provide us with 2 of those big dumpsters. They roll them out early in the morning, we fill them up and they haul them out. The only cost that we would have is someone has to be out there the entire time because they can't put anything but tires in the containers. There are a few things I have to get done in order to get ready to get the tire drive ready. We have to let Rumpke know and let Montgomery County Solid Waste District know that we are going to have the giant dumpsters. Are we all good with the tires on the 18th?

Mayor Arroila stated sounds good.

Municipal Manager Madden stated I will get things started with the tire pickup and I will things started on the community garage sale to get it posted make everyone aware no permits are needed.

Municipal Manager Madden stated the next thing I have is last Thursday Montgomery County opened up applications for small businesses and apply for some cares grant funds. I believe they received about \$200 million set aside. They have set aside about \$40 million for these small businesses. The grants are about \$10,000 for small businesses. I made sure that I let everyone in chamber know about the grants for the small businesses around town know and to know where they can apply. I am doing my best to get the word out to any small business so if you know a small business let them know they are eligible for this grant and they will need to apply pretty quickly and move fast because it is first come first serve. When the money is gone, it's gone. They have to be a Montgomery County business is one of the criteria. There is another criteria but that's probably the most prevalent one. So I am working with small businesses to make sure they are aware of it so if they are struggling or they were struggling during the covid19 stop they have an opportunity to apply. There is another one coming out for residential or for home owners they have some other education and agricultural.

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Mayor Arriola stated any questions for the manager.

Council Member Nickerson asked is that posted on the website for small businesses?

Municipal Manager Madden stated not yet.

Mayor Arriola stated any other questions for the manager.

Council Member Perkins asked what does GIS mean?

Municipal Manager Madden stated GIS is a mapping system. The county uses it to map all the properties. GIS stands for Geographic Information System. We have the Esri system in the service department that has not been utilized as well as it should be so I have been working on trying to get it up and running in a better capacity.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing else this evening.

Mayor Arriola stated Lyndon.

Council Member Perkins stated I am good. She answered my question.

Mayor Arriola stated Susan.

Council Member Nickerson stated I have nothing this evening.

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing this evening.

VICE MAYOR'S COMMENTS

Council Member Macmann was absent

MAYOR'S COMMENTS

Mayor Arriola stated I have nothing further.

ADJOURNMENT

Mayor Arriola stated do I a motion to adjourn the meeting.

Motion by Council Member Joy, second by Council Member Perkins to adjourn the meeting.

ROLL CALL ON ABOVE MOTION: Council Member Sands, yes; Council Member Joy, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:08 p.m.

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Approved:

Raymond L. ...

Mayor Date July 7, 2020

Andrew J. Wright

Clerk of Council Date July 7, 2020