

New Lebanon Regular Council Meeting, May 16, 2023, Meeting Minutes

The Meeting was called to order at 7:30pm by Mayor Arriola. The invocation given followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members:

Council Members:

Christopher Sands	Present
Carol Macmann	Present
Gale B. Joy	Present
Lyndon Perkins	Present
Nicole Adkins	Present
Tammy Loch	Present
Raymond Arriola	Present

Others Present:

Fire Chief Keyser
Police Chief Hensley
CFO/Clerk of Council Hinson
Municipal Manager Madden
Law Director Keener

Presentation by Joshua Farley.

Joshua Farley, 136 Bronwood Street, Chief Hensley, I had a couple questions for you tonight. Nothing major. I had a lot that happened this week. You guys at the Police Department, I guess that you would do your performance collections. I guess for your officers throughout the year like evaluations.

Police Chief, employee evaluations. Yes, we do those.

Joshua Farley, do you guys do those quarterly?

Police Chief, we do those yearly.

Joshua Farley, so do you guys do like a breakdown of like – I don't know – crimes?

Police Chief, a breakdown of crimes?

Joshua Farley, yeah, so like what's being policed, what's happening in the area, what's going on?

Police Chief, we try to do a monthly report that informs everyone of the basics that we are doing on a monthly basis. But I would say we do not do intense data collection.

Joshua Farley, do you have any of the figures this year on like domestic violence calls or missing persons, breaking and entering?

Police Chief, yes, I don't have them with me, but I can pull those from the files fairly easily.

Joshua Farley, so basically on anything like noise ordinance, dog bites, broken into cars, things like that.

Police Chief, Yes, I can pull those up. But I will tell you that sometimes, like for instance, if an officer completes security check, then they log that instead of as a radar because they're out

running radar. You may not get an accurate count because sometimes they do get entered differently, but I can give you a very good estimate of obviously the very major things as far as the more kind of minor things though sometimes get coded one way a fight can be dispatched when it may be a neighbor trouble or a noise disturbance. These things can get coded improperly sometimes. I can give you a general idea, yes.

Joshua Farley, did you by chance have a chance to look into state or county statute of the dog leash laws?

Police Chief, so there is no leash law as it's called.

Joshua Farley, there is for the state of Ohio. ORC Section 955.22.

Police Chief, it says the dog must be on a leash. We've understood that to mean that dog must either be on a leash or under control. However, I'll be happy to look at that.

Joshua Farley, it goes into the widths of leashes and types of leashes that are allowed. I was just asking if you had by chance looked into it.

Police Chief, well, not really, no, I mean 955.22. We've issued citations on that, but that's not really something that I go out and run citations on. The officers generally do that.

Joshua Farley, as far as the county, the county states that the municipality or city should already have that in place for themselves since the Ohio Statute has it in place that we probably should have already adopted that. That's the county statute standpoint. You guys can check out the Montgomery County website – check it out there. I think that's all I really had for Chief Hensley. I did do a couple of things, I pulled the street cost for repair, like analysis for what year to date was – what we had spent here in the city so far on repairs and I guess overall just road work. There were a couple of questions that I had on it; nothing popped out to me that was super strange, but I just wondered if the Blosser Street, the big repair that's happening on that, is that included in the breakdown?

Manager Madden, no, that's an OPWC project.

Joshua Farley, I don't understand.

Manager Madden, that's an OPWC Street project, that's not a street repair. Street repair, when you're talking about that, you're talking about potholes. If you're asking for projects, that's a different thing.

Joshua Farley, well then, I'll do a request of the projects as well. Do we have an estimate as far as that goes?

Manager Madden, that's around \$450,000 each section. And we're doing two phases on that. In fact, phase two is part grant part loan.

Joshua Farley, I'll make a request on that or do I need to since I'm asking here.

Manager Madden, I can write it down.

Joshua Farley, That would be great.

Manager Madden, so you want the Blosser Street?

Joshua Farley, no, I want all projects that have been done year to date. Or proposed for the year 2023 I guess.

Manager Madden, so all street projects for 2023.

Joshua Farley, yes ma'am. I also pulled the report for the storm drain clean. To make sure the storm drains are cleaned up. And the report states that sections 1 and section 2 are completed. I have personally checked eight of those. And two of them were clean. I have pictures in my phone to the clogged nature of all the rest. I obviously didn't go around and check them all, just ones that I was standing by, so I figured I'd look at them. The streets are Lawson and Avon Oak. There's three right there. Right by the main break on 216 Lawson, where the main's been broke, you know, since like December. That one's really clogged. Brownwood and Yale, Estonia and Cain. Who is responsible for checking after these jobs? I got a report that says those sections were done. Is there a responsible party for checking and making sure that?

Manager Madden, the Superintendent in the service department. He's the one that creates that report, Scott Brock.

Joshua Farley, okay, I think that's all I have. Thank you guys so much.

Approval of the May 2, 2023 regular meeting minutes. Any corrections or changes?

Council Member Sands, yes, these minutes are incomplete. Mr. Back presented two pictures to us and we only have one. And I objected at the last time because he wanted to keep the second set. He has not emailed me; he has not emailed them to the Manager.

Manager Madden, so the minutes are incomplete?

Council Member Sands, no the minutes are not incomplete. The pictures that were presented to us are not present.

Manager Madden, so you can still approve the minutes.

Council Member Sands, we can still approve them but those pictures are not here. Anyone from the public can ask for those pictures and we couldn't give them to them. We are in violation of Sunshine law.

All in favor of accepting the minutes, say "I." All opposed?

7 I's and zero no, minutes approved.

Law Directors comments.

Law Director, none.

Old Business, none.

New Business.

Second reading of Ordinance 2023-05, An Ordinance directing the Board of Elections of Montgomery County, Ohio to place on the ballot at the election to be held on November 7, 2023 the question of whether the Municipality of New Lebanon, Ohio should effect a Governmental Electricity Aggregation Program with opt out provisions pursuant to Section 4928.20 and a Natural Gas Aggregation Program with opt out provisions pursuant to Section 4929.26 of the Ohio Revised Code.

Public Comments on this ordinance.

Michele Nadolsky, 301 Ledgewood Court, could you just explain what this is and what it's going to entail if we adopt this?

Manager Madden, if we adopt it, what can happen is we go into an aggregate and it helps us, basically, shop for better electric and gas rates with other municipalities that are also in the aggregation.

Michele Nadolsky, for my own home personal use?

Manager Madden, yes.

Michele Nadolsky, you can get a better rate than I can get by calling them?

Manager Madden, yes. And you have the option to opt out if you would have a better rate somewhere else.

Michele Nadolsky, and how would that be disseminated to the residents?

Manager Madden, once the ordinance is approved, it goes on the ballot. If everyone agrees to it, then we do two public hearing meetings so that you guys can all be aware of what's going on. But there's a couple different aggregation programs out there. So we'll look at who can give us the better deal.

Michele Nadolsky, okay, and you expect that to be less than what most of us are getting?

Manager Madden, the last one I saw was .005 for the gas rate. Again, it's going to change depending on how many people are in the aggregation, and it depends on what rate they can get it at.

Michele Nadolsky, I thought I was doing really good at .059. Wow. And will that be for the businesses as well? Anything that's a New Lebanon address.

Manager Madden, correct. Well, anything within the municipality, so outside of New Lebanon you still may have a New Lebanon address within the municipality.

Michele Nadolsky, so within the Village limits. Okay, thank you.

Public Comments.

Shannon Bemis, 130 Bronwood Street, quick questions, and I'm just going to say my questions first, are you allowed to have roosters? What's going on with the court building? What's going on with the tennis court? And let's start there.

Manager Madden, there's nothing in our code that says you can't have roosters.

Mayor Arriola, tennis courts. I haven't heard anything more.

Manager Madden, the tennis courts, I'm applying for a grant at this point in time. It's due June 1st, so hopefully we can get a grant and get those completely tore out and redone.

Shannon Bemis, okay. Just quickly. I guess a few weeks ago, the guys were there or a guy was there and gouged out a lot of the concrete pavement whatever it is. Left it in a pile at the entrance of the tennis courts. And there's still gouges where they took the cracks out. My step dad brought this up to me, so I don't know.

Manager Madden, this was when?

Shannon Bemis, like 3 weeks ago.

Manager Madden, I just flew aials over it last week and did not see that.

Shannon Bemis, maybe on the ground works better than the air. I don't know.

Manager Madden, I don't know. We did infrared. I can go out and check it.

Mayor Arriola, what was the other thing?

Shannon Bemis, the court building.

Manager Madden, the court building, they still have lease occupancy until the end of June. So until then it's kind of in limbo. But you know, the goal is still to use it as a community center.

Shannon Bemis, will you be asking for public input on what you use with the court building?

Manager Madden, as far as what would go into the community center?

Shannon Bemis, yes.

Manager Madden, we can ask for some, but a lot of it's going to be space prohibitive. So it's what we can fit in there.

Shannon Bemis, and then back to what Mr. Farley was saying, I know there's OPWC projects for streets. And then there's also the street levy that we pay on to do street projects. So I think his question, I may be wrong, was what street project do we have this year that's being paid by our tax levy.

Manager Madden, we haven't started the street project yet this year. We just had the engineers out to look at a couple things.

Shannon Bemis, so we don't know yet what's going to be the project for this year?

Manager Madden, correct.

Shannon Bemis, and then what did we do for 2022 for our street levy?

Manager Madden, I would have to go look. I think it was Gloria, wasn't it? I think I'd have to go look. I have a map with all of them marked on there.

Shannon Bemis, if you can let me know what was done last year and how much it was.

Manager Madden, the street levies usually run 200 to 230,000 dollars.

Mayor Arriola, can she email you?

Shannon Bemis, yeah, that's fine. And then my last question is to go back behind the office, is it the same key card for the Police Department and the office?

Manager Madden, well, yes and no. I mean the card has to be coded to get into each individual door.

Shannon Bemis, so you can't get into the Police Department?

Manager Madden, I can get into the police department. He (mayor) can't.

Shannon Bemis, the reason being is – it was brought to my attention and I did witness it tonight – is that there's non-employees, non-council using swipe cards to get into restricted areas. Where of course there's private personal information like my tax return I just filed. It would be appreciated as a taxpayer that only employees be allowed in restricted areas and not be given key cards to just do what you want. Have a great night.

Natasha Farley, 136 Bronwood Street, I just had a couple questions for Chief Hensley. First question is what do you consider your top 5 law enforcement priorities for this police department?

Mayor Arriola, can I step in here a second Chief?

Police Chief, certainly.

Mayor Arriola, is this something that Chief can write down and email the answers back to her?

Natasha Farley, if you would listen to what I said. I just said that I believe this is useful information that I want the public to be able to hear. I do not appreciate you interrupting me and discounting my questions. Thank you.

Police Chief, so you're asking me what my top five priorities for this Police Department are?

Natasha Farley, yes.

Police Chief, I honestly think that requires a little bit of thought. I mean, that's like an interview question. So like my top priority is preservation of life. Now if you want me to go from there, there are a lot of others, but I would prefer time to actually write that down and be thoughtful on that, but the preservation of life is number one for me.

Natasha Farley, sure, I would like to discuss it at the next meeting. Because I think that's something our community should hear from our Police Chief himself.

Police Chief, okay. So let me make sure I'm clear at the next meeting you would like me to have prepared for you what my top five priorities for this Police Department are so that we can discuss it. If I have the Council and the manager permission to do that, I would be happy to do that.

Natasha Farley, moving on next question, I know this has been mentioned before, but I'm not exactly sure on it. What are the arrangements that this Police Department currently has with other police departments for sharing and providing resources?

Police Chief, okay, for sharing and providing resources. If you're talking about mutual aid, which is what I think you're talking about, we have a mutual aid agreement with all agencies in the county and some neighboring counties that if they call for help, we will respond within our abilities to do so. So, for example, if I can use an example. If Jefferson Township's Sheriff's office calls and said we've got a missing child in the woods, would you send your drone over here. We absolutely would. The same thing goes if we call over Jefferson Township and say we've got an officer stop here, a female needs search and you have a female deputy on, would you send that deputy over to do the search. They would also do so as long as it doesn't materially affect their job.

Natasha Farley, so my next couple of questions involve the drone and just for a reminder, I don't know if maybe you would be able to guess this or maybe Glenna but what was the budget that we allowed for the drone?

Police Chief, okay, I was told \$8,000 was where I should be. And I think we came in a touch over that maybe around \$8,100 was rough. Again, I don't have that in front of me, but it was very, very close.

Natasha Farley, has there been any training that has been done on the use of the drone?

Police Chief, yes, I just sent three people last week for their certifications and they all, thankfully they all passed their tests. Prior to that, I sent two others and for everyone's information, that training was \$1,100 per officer. So the math there is \$5,500. That was all paid through a grant. So it's it was all grant money.

Natasha Farley, has the drone had any uses? Any flight hours?

Police Chief, yes, so far we have not used it any real world scenarios for missing or anything like that. However, we did recently use it on the tennis courts to get a good overview of that because again the grants in the process of being written felt like that would be really good to do. We also utilized it to get some really great pictures of the parade that we just had the other day, and they've also been conducting training on them so that they stay sharp.

Natasha Farley, do you or are you going to keep logs of all of your flight hours?

Police Chief, yes.

Natasha Farley, do you have a policy for the drone, and if so, what is the policy?

Police Chief, we do have a policy for the drone. If you like. I can e-mail you what that policy is, but it's the Lexipol approved policy who is our policy management company and it's pretty much

standard for most, it basically just says what the drone will be used for and what it won't be used for. And it'll comply with FAA regulations, and it will also comply with regulations set out for the United States Constitution.

Natasha Farley, I'll get you my e-mail. I would actually like to read over that if you wouldn't mind email it to me and then I just had one more question about the drone. Since it is a police drone, it does that put it under the same regard as like a police body cam?

Police Chief, do you mean with regard to public records?

Natasha Farley, yes.

Police Chief, I would expect that it does, but I don't know that. I'm not our drone coordinator. Captain Chambers is. And I've directed him to stay abreast of all of those things, but my guess is it would apply just like the police body camera or just like a cruiser camera. Or anything like that as long as it doesn't reveal any sensitive information or show something that wouldn't be permissible to release through anything else, I would expect that it would be available.

Natasha Farley, okay, I think that's all the questions that I have,

Police Chief, make sure I have your email address.

Manager Madden, Natasha, I can forward it to him if that's okay.

Natasha Farley, yeah, absolutely. That works perfect.

Melissa Sexton, 180 Parkview Drive, I have a few pictures. Can I approach and show you?

Mayor Arriola, They'll be public record. You'll have to send them.

Melissa Sexton, that's fine. So this is the park. The pictures that I'm showing you of the ditch. It's pretty clogged. The water's backing up. [inaudible] I know they're doing work over there. I'm just asking if they can come back and clear that out so the water can drain properly because once it starts to fill up and the water sits stagnant in there. Draws bugs and so on and so forth. I don't know why they would have left that the way it is. Secondly, do you have any intentions on taking over Perry Township? Is there any more discussion about that whatsoever?

Manager Madden, there was never a discussion about taking over Perry Township. The discussion was contracting their Police Department. That's the only discussion that was ever on the table.

Melissa Sexton, that's all I have.

David Powell, 216 Lawson Ave, good evening, you heard my address you know that I live at that location of Perpetual Creek. And I was just wondering what the time limit or timeline is for repairing, but it's obviously a water main leak in the road.

Manager Madden, well, we're not sure where the leak is. That's part of the problem. So we were hoping that it would come to the surface and we'd be able to find it. I think we're going to reach

out to Ohio Rural Water. I think they have something that maybe can help us find that leak. They don't want to just start digging up the street.

David Powell, you don't have cameras that can snake through the pipe?

Manager Madden, we don't, they might. But yeah, we don't have an ETA for you.

David Powell, any idea how much water is literally going into this sewer as far as cost to the village?

Manager Madden, no.

David Powell, does it cost the village as much for water as it cost us?

Manager Madden, no.

David Powell, thank God. Thank you.

Administrative staff comments

Police Chief, we did do the NLYA parade on Saturday and the Opening Day. Everything went very, very smoothly. It was complete success.

Fire Chief, we did our ISO inspection in November. I did not get a report back from them yet. So I reached out to the examiner that came out and went through all our files and everything, and we should be dropping another classification when that comes back. Basically that's what home owners insurance premiums are based off of, and the lower you go, that should lower homeowners insurance as well. So I think last time I brought it down two points roughly, and I think this time it's come down another point. So I think we're going to fall like mid two now or mid 3. Somewhere in there. But once I get the final report back from them, I'll provide you guys with that.

Mayor Arriola, for the public, how would that get passed on to them as far as their insurance? How's the insurance company going to know?

Fire Chief, because they provide all that. ISO provides those fire classifications to the insurance companies and then they take those numbers and that's part of what they used to come up with the premium cost for a community.

Zoning and Compliance Officer

Manager Madden, you guys have her report in your packet. She's got 40 zoning permits that have been issued and 67 zoning violations have been cited to date. The biggest item right now is the CBDG grant that we're working on for some demolition of some nuisance properties.

Chief Financial Officer, I have the report.

Motion to adopt in April 2023 financial report, by Council Member Sands, seconded by Vice Mayor Loch.

Roll Call:

Council Member Perkins	yes
Council Member Adkins	yes
Vice-Mayor Loch	yes
Council Member Sands	yes
Council Member Macmann	yes
Council Member Joy	yes
Mayor Arriola	yes

7 yes 0 no motion carries.

Service department, nothing.

Comments for service.

Council Member Joy, can you ask about the activity where he said “pump dry well on S Johnsville and locally tile.”

Manager Madden, yeah, on South Johnsville there was an issue with the neighbors right there on South Johnsville, their backyards all of a sudden started flooding. And the only thing we can figure is the farmer to the South tiled his field and tapped into something. So we have a dry well there. We're pumping out every so often in order to prevent that water in those neighbors' yards. And they're working the Soil and Water on what's going on with that tile.

Council Member Joy, so we put that pump there?

Manager Madden, the dry well we built, but the pump we put in.

Municipal Manager's comments.

Manager Madden, charter review is still going on. We're supposed to have a meeting tomorrow. We're not going to need that meeting. I will send out the final tally to all of the Charter review members, and I would thank them for their time. So at the next Council meeting, it will be the ordinance to put it on the ballot. I'm working on some historical information for a Historical Society that we're trying to bring back to New Lebanon. I'm working on a grant for the tennis court area. The garden is underway. We received I believe \$400.00 for plants for the garden. And our OPWC Phase 3 Blosser Street was awarded for a small government grant. So that will save us some money there. Gale just brought up the issues. We're working with Soil and Water on a couple different issues. One being the green space at the park and two being that area down there on Johnsville. I believe the paving at Don Rusk has started or it may be done – I haven't been out there, at least the prep. And we're working on getting the playground equipment – getting on the schedule for the install.

Council Member Comments.

Council Member Macmann, just to remind everybody, the Friday Night Out at the Library, 6 to 8. We'll have live music, food trucks. Come and have family fun.

Motion to go into an execution session, pursuant to the Ohio Revised Code §121.22 (G) (1), (2), (3), (5) to discuss personnel matters and legal matters, by Vice Mayor Loch, seconded by Council Member Adkins.

Roll Call:

Council Member Joy	yes
Mayor Arriola	yes
Council Member Adkins	yes
Vice Mayor Loch	yes
Council Member Sands	yes
Council Member Macmann	yes
Council Member Perkins	yes

7 yes 0 no motion carries.

Reminder given by Mayor; no additional business will take place when we return from executive session.

Motion to return from executive session by Vice Mayor Loch seconded by Council Member Sands.

Roll Call:

Vice Mayor Loch	yes
Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes
Council Member Macmann	yes
Council Member Perkins	yes
Council Member Adkins	yes

7 yes 0 no motion carries.

Motion to adjourn by Vice Mayor Loch. Seconded by Council Member Joy.

Roll Call:

Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes
Council Member Macmann	yes
Council Member Perkins	yes
Council Member Adkins	yes
Vice Mayor Loch	yes

7 yes 0 no motion carries.

Meeting adjourned at 8:30pm by Mayor Arriola.

Approved:

Ray Amin
Mayor

6 June 2023
Date

[Signature]
CFO/Clerk of Council

6/6/2023
Date