

November 1

2022

The regular meeting of the Municipality of New Lebanon, Ohio was called to order on Tuesday, November 1, 2022, at 7:36 p.m. with Mayor Ray Arriola presiding.

Present

Municipal Manager Madden  
Police Chief Curtis Hensley  
Fire Chief J.C. Keyser  
Clerk of Council, Sandy Wright  
Chief Financial Officer Philip Hinson

Absent

Service Department Superintendent Scott Brock  
Code Enforcement Administrator Melody Davis  
Law Director Ronald Keener

**ROLL CALL**

A verbal roll call of Council Members present at the meeting for the record. The following members present were Nicole Adkins, Ray Arriola, Gale Joy, Tammy Loch, Carol Macmann, Lyndon Perkins, and Christopher Sands.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Pledge of Allegiance and Invocation was led by Pastor Stephen Betts from the New Lebanon First Baptist Church.

**MAYOR RAY ARRIOLA GAVE THE OATH OF OFFICE TO SAMANTHA RAE DUNN AS A PART-TIME POLICE OFFICER FOR THE VILLAGE OF NEW LEBANON.**

**APPROVAL OF MINUTES**

Mayor Arriola stated next is the approval of the October 18, 2022, Regular Meeting Minutes.

Mayor Arriola asked are there any corrections or changes that need to be made to these minutes?

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

VOICE VOTE. ALL IN FAVOR. MOTION CARRIED.

### **OLD BUSINESS**

Mayor Arriola stated the **THIRD READING ORDINANCE 2022-05. AN ORDINANCE AUTHORIZING MONTGOMERY COUNTY AUDITOR'S OFFICE, LIENS & ASSESSMENTS DIVISION TO PLACE LIENS ON THE ATTACHED LIST OF PARCELS IN THE AMOUNT OF \$7,155.00 WHICH DOES NOT INCLUDE THE AUDITOR FEE OF 5% FOR CURB AND GUTTER REPAIR INCURRED WITH THE GLORIA STREET PROJECT.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated do I have a motion to adopt Ordinance 2022-05. Motion by Council Member Macmann, second by Council Member Loch to adopt Ordinance 2022-05.

ROLL CALL ON ABOVE MOTION: Council Member Adkins, yes; Council Member Arriola, yes; Council Member Joy, yes; Council Member Loch, yes; Council Member Macmann, yes; Council Member Perkins, yes; Council Member Sands, yes; 7 yes 0 no.

All IN FAVOR. MOTION CARRIED.

### **NEW BUSINESS**

Mayor Arriola stated under new business we have the **FIRST READING ORDINANCE 2022-06. AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT BUDGET EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEW LEBANON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.**

Mayor Arriola stated any questions.

Municipal Manager stated I had a meeting with a council member who had some concerns about the police budget where there was \$8,000 sitting for drones. He felt that was excessive and unnecessary. That comes down for you to decide if that is necessary or unnecessary and if you want it somewhere else. We will have to make a

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motion to amend Ordinance 2022-06 and then Phil and I will amend it prior to the second reading.

Council Member Loch asked do you know how many drones that will cover?

Municipal Manager Madden stated it will cover 2 drones. It will cover an interior drone and an exterior thermal drone.

Vice Mayor Macmann asked is this possible that it will create more safety for our officers?

Police Chief Hensley stated it will absolutely create more safety for the officers but it can also help us locate anyone who has walked off from the nursing home. We do have children in the area if they walked off it is much easier to spot them from the air than it is from the ground. While we can call for air support from the Highway Patrol from Columbus which is about an hour away from the time of the call. If we had a couple of drone operators FFA trained we could probably get a drone in the air within 15 minutes.

Vice Mayor Macmann stated we would not have to replace these a lot.

Police Chief Hensley stated they are warranted but I think it is a three (3) year warranty. I do own a drone that is 5 years old and I have never had a problem with it.

Vice Mayor Macmann stated so is not like we would be spending \$8,000 every 3 years. And you put this in the budget because you felt like this would be something that would be advantageous to our community.

Police Chief Hensley stated absolutely.

Council Member Sands asked would there be any cost for any software upgrade.

Police Chief Hensley stated that is covered in the 3-year period. The real expense is the equipment. The next step up from this is about \$13,000 for one (1) drone.

Mayor Arriola stated so this is something that can be used in one of the schools if something were to happen.

Police Chief Hensley stated the thermal would be for outdoor use. It can go inside but that is not recommended use. The robots are heavy will have will go up and down steps but it is subject to fly by wire where as the drone uses radio frequency and are

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very easy to use. This would be more for if we have someone who has barricaded themselves in a home or if we are conducting a search warrant. Handlers have used canines for years but they don't really like to do that anymore because far too often people are likely to shoot a dog and agencies don't like to give up a police canine anymore. The cost of those animals is around \$1,000 before all the training and all the ongoing training. The drone is really something that we can devote more time to a controlled search.

Vice Mayor Macmann stated it could save someone's life.

Police Chief Hensley stated absolutely.

Council Member Adkins stated my question is basically how often do you think you would be able to use the drones. In the past two years do you any information to support it would have been beneficial for us to have had the drones instead of the other stuff we have been using already?

Police Chief Hensley stated I really only have about 10 months here but I can tell you I have served more search warrants in my 10 months here than I have in my entire career. We have more going on here that require that kind of thing and we could have used a drone to get into a house numerous times. With mutual aid if Jackson Township and Perry Township call our officers will respond and if we have a drone it would be utilized to help in the field.

Municipal Manager Madden stated how often do they have to be trained and what is the initial cost for the training?

Police Chief Hensley stated training can be done online through priority one drone training.

Council Member Joy stated one of my biggest concerns based on the reports we have received in the last 5 years I have not seen where it would have been beneficial for us which is one of the reasons I am so hesitant about this. It is not the fact that you want a drone. I just think you can do it for a lot cheaper than what you are asking, as well as, for some of the training and certification that is needed for it. I am not opposed to this. I am opposed to the \$8,000 for an unknown that I have not seen we have a use for.

Fire Chief Keyser stated we at the Fire Department Have been on searches from younger people to older people who have some type of memory impairment. I have just seen a drone who had to come all the way from Kettering Police Department a

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few weeks ago on a plane crash we had in the fire district to view the scene from above, take measurements, and take pictures. There was a search in town for a teenager in town for probably 5 or 6 hours within the last few years. They are there and it is very helpful. On one of the searches they did call for OSP and we waited for quite some time and it was in the winter. It was a teenager who was intoxicated outside in the elements for several hours before he could be located. We do experience these kind of things now. It does happen.

Municipal Manager Madden stated here is the other thing. We have three reads before we have to vote so you can think about the drone issue and bring it up at the next reading for it to be changed.

Mayor Arriola stated we will move on to **RESOLUTION 2022-17**. **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF THE PUBLIC DEFENDER, MONTGOMERY COUNTY, OHIO, 117 SOUTH MAIN STREET, FOURTH FLOOR, DAYTON, OHIO 45422 TO PROVIDE LEGAL SERVICES IN 2023 TO INDIGENT MUNICIPAL RESIDENTS CHARGED BY VILLAGE OFFICIALS WITH VIOLATIONS OF VILLAGE AND/OR STATE OF OHIO LAWS.**

Mayor Arriola stated any questions.

Council Member Sands asked how much did it go up?

Municipal Manager Madden stated it was \$183.50.

Council Member Sands stated so it went up \$5.00.

Mayor Arriola stated do I have a motion to adopt Resolution 2022-17.

Motion by Council Member Sands, second by Council Member Joy to adopt Resolution 2022-17.

ROLL CALL ON ABOVE MOTION: Council Member Arriola, yes; Council Member Joy, yes; Council Member Loch, yes; Council Member Macmann, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Adkins, yes; 7 yes 0 no.

ALL IN FAVOR. MOTION CARRIED.

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Mayor Arriola stated next is **RESOLUTION 2022-18.** **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT TO PURCHASE A NEW TANKER AT A STATE BID AMOUNT NOT TO EXCEED \$800,000 FOR THE USE AS A MARKED FIRE/EMS VEHICLE.**

Mayor Arriola stated any questions.

Council Member Perkins asked is this to replace the one they have now?

Municipal Manager Madden stated this will replace the 1985 tanker.

Council Member Joy asked what are we going to do with the 1985 tanker?

Fire Chief Keyser stated part of the conditions of the grant when you purchase a new vehicle like the brush truck we got a few years ago with the same grant the vehicle was not safe for fire service use at that point and cannot be sold to a fire department to at that point in the United States. We have a couple of options if we can figure out scrap metal value of the truck or it can sold on Gov Deals but it cannot be sold to a Fire Department in the United States. To the best of my knowledge, it does not preclude other countries from bidding on it and using it. Some money will be recovered in some fashion from that truck. That truck was refurbished in the late 90's and it has started to rust through to the point that you can see parts of the actual box. Anything we replace with a grant has to be sourced out of our organization because we were given federal money to replace that item. It has to go away.

Council Member Perkins asked is this going to be in this years budget?

Municipal Manager Madden stated the grant part will be in this years budget and the additional will be in 2024 budget.

Mayor Arriola stated do I have a motion to adopt Resolution 2022-18.

Motion by Council Member Loch, second by Council Member Adkins to adopt Resolution 2022-18.

ROLL CALL ON ABOVE MOTION: Council Member Joy, yes; Council Member Loch, yes; Council Member Macmann, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Adkins, yes; Council Member Arriola, yes; 7 yes 0 no.

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ALL IN FAVOR. MOTION CARRIED.

### **PUBLIC COMMENTS OR QUESTIONS**

Mayor Arriola stated Melissa Sexton, 180 Parkview Drive. Ms. Sexton stated the pet waste stations that I mentioned three (3) years ago. I have never heard anything back from that. Are we going to do that or not?

Municipal Manager Madden stated I think everything got lost during Covid. I will look into it but I will tell you that everything I was working on got pushed aside to work on covid. Let me investigate the Solid Waste District to see what they offer now.

Ms. Sexton stated back to the good old walking path. It is great to see the one side done. It is great to see that one from the parking lot to the concession has been added. I don't know why you did not do the other little spot by the bathrooms. I thought it would be in the plans to do the back side.

Municipal Manager Madden stated it is, but we have to get the water drain fixed. We can't have water standing.

Ms. Sexton asked about playground equipment. I know you had mentioned something for the smaller children it was my understanding that \$25,000 was set aside for playground equipment not adding a kiddie area.

Municipal Manager Madden stated my understanding was just to purchase more playground equipment. That was always my understanding for money for playground equipment. The plans are for what is there now to stay there and we be adding on with a tot area. To replace playground equipment will cost a lot more that \$25,000. I am looking at 5 pieces which will cost around \$31,000.

Ms. Sexton stated the bathrooms. I don't know if you have seen these.

Municipal Manager Madden stated all I can say is we have painted and repaired and the very next day the bathrooms are torn up again. It is the parents. So they will be locked again.

Ms. Sexton stated my next question is who is responsible for locking and unlocking the rest rooms and for cleaning them.

Municipal Manager Madden stated we are.

Tape not audible. Person looked away from the microphone.

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Ms. Sexton stated someone wanted me to ask when the water is read why is it an estimated and not an active reading. The person gets the water bill and it is the same gallon every month.

Municipal Manager Madden stated they would have to call the office and talk with Tammy about that. I really do not know.

Municipal Manager Madden stated Melissa you provided pictures of the stagecoach. I just want to let you know we are going to fix up the stagecoach and then we are going to move it to the front of the park as an entrance item as opposed to a playground item.

Shannon Bemis, 130 Bronwood Street stated I do remember there was money for the playground equipment because there were some safety issues with it. There was rusted spots sticking out which is a tetnus issue waiting to happen; when the kids walk the plastic is slit so you are going to get your foot caught and cut. That is sharp fiber glass. There is a lot on the playground equipment. At one point Scott had actually blocked off some of the equipment until it was repaired if you remember so there was no talk of tot equipment. But before you spend money on an additional tot playground we need to go out and check on the playground that it there. I don't have small kids so it does not affect me, but I will tell you my niece ran around barefoot I immediately found it disgusting. Rubber would have been so much healthier. So maybe look at what is there and try to make some necessary repairs to what is there.

I think the rubber would be safer and we have less liability as the Village goes. Secondly the drone \$8,000 is a great idea. \$8,000 is nothing. There has been a lot of spending. Come on \$8,000 is nothing. Another thing it can help with is the homeless problem in our community. I am asking Council to maybe set up a committee I would even volunteer to be part of it, to have some type of protocol in place to help these people. We have multiple lost people in our community. Whether it be at Don Rusk Park, Mills Park, the man in the Gazebo on Main Street who almost died and no one stopped to help him but me. He waved at the police officers to borrow their phone but no offered, he had COPD, he was off his meds, I brought him food. I did some investigating on my own and found he had family in Indiana and got him home within at hour after spending a week with this man. He left me with his bike that was his pride and his joy because I saved his life, not trying to take any credit. We need to identify these things in the community. This is the second homeless person I have had contact with and has required medical attention and has just been left out there on their own.

Police Chief Hensley stated we do have a procedure in place. It is an app on our phone called Local Help Now. Montgomery County is the only county to have



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this and it covers everything. If you see anyone again please call me. I will get the officer to them. Some of these people do not want our help. I also know that Goad has bought clothing for one person so he did not get sun burned getting to Indiana.

Chief Keyser do we have mutual aid with other surrounding areas. It depends on who is on that line.

Ms. Bemis stated I know if I call for an ambulance because I am a New Lebanon resident I don't have to pay for the ambulance fee. Say if you guys are unavailable and Jefferson Township or Farmersville medic comes out.

Chief Keyser stated we have an agreement with Farmersville that if they come into New Lebanon they bill our residents as Farmersville Resident and we do the same for them. If we go to Farmersville we bill their resident as residents and the same way as Brookville.

Ms. Bemis stated when you say that as a resident of Brookville what happens if you go to Brookville and you charge \$1,500 and your insurance pays \$750.00 of it, are you going to wipe off.

Chief Keyser stated we would not Jefferson Township.

Ms. Bemis stated some of these towns say there is no agreement with New Lebanon and they don't give that forgiven to their residents.

Chief Keyser stated anytime there is an issue I call the chief and he calls the company and it is resolved.

Ms. Bemis stated the development behind me (cornfield). Is it sold.

Municipal Manager Madden stated I have no idea.

Ms. Bemis stated I heard there is a development going in there. Behind my house I have a fence. Then there is a tree and then there is a field who owns behind the back of my fence to the field.

Council Member Loch asked why do ask about the easement?

Ms. Bemis stated there is a toilet and all kinds of stuff thrown back there.

Municipal Manager Madden stated I can look it up on the county website and find out.

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Ms. Bemis stated please. I know we did small street levy projects. Then we have the OPWC Projects we do.

Municipal Manager Madden stated 2021 was the small street of Yale and Capri Place 2022 was Gloria.

Ms. Bemis stated I have asked before about having email addresses for everyone. I know you don't want your personal email addresses out there but it would be nice if we could contact them if we have a concern.

Municipal Manager Madden stated I can look into it.

Ms. Bemis asked can you post the agenda on line before the meetings.

Municipal Manager Madden stated I do.

Ms. Bemis stated I sent you an email on June 7th with pictures of the dead of Yale and Bronwood. It looks as if someone took dynamite and threw it. It holds water for weeks and four months later we still have dynamite holes in the street with 3inches of water standing in it. Can we put political yard signs in our yard

Municipal Manager Madden stated the people who are responsible for the signs need to file a paper with the office saying they are putting political signs up and the Board of Election knows that.

Ms. Bemis stated this goes back to pre covid I printed information on time clocks and information on work orders.

Municipal Manager Madden stated we have the Assess Management in place and we are working on it for the work orders.

Ms. Bemis stated that would be amazing. But what about the time clock.

Municipal Manager Madden stated we have said all along we are not going to do time clocks.

Ms. Bemis asked why not?

Municipal Manager Madden stated they are not cost effective. We end up paying a ton more for overtime because everyone is staying to do paperwork.

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Ms. Bemis stated on the same when I get a public records request for an entire year it looks like someone sat down for 12 hour and literally just wrote them for 8 employees. Here in this building and the service department I want a time clock and if I have to purchase it I want a time clock. I have been coming here for years. This is a big expense. I don't even care about the lunch break. When are you here and when do you leave. It is not hard.

Council Member Adkins stated when I was at the County they actually did it on the computer you had to go in and sign in and you clocked out on that computer system. It wasn't that hard.

Municipal Manager Madden stated I never saw a time clock the entire I was employed at Montgomery County.

Ms. Bemis stated if you want me to pursue this I will with video and audio. I will pay for the time clock or let it continue. They come it at 10:00 and they are getting paid from 8:00. I shouldn't have to. I will just leave it there. Thank you.

Tim Back, 29 East Main Street stated there are a few things I would like to address. I would like to add on to what Ms. Bemis had to say. Every job I have ever had has used time clocks. There might be some people who don't, but it keeps people held accountable. I believe we as the village pay people very well to do a job and eases our minds to know and we go back and check their time clock to see what time they were in. On Ordinance 2022-05 for the amount of \$7,155 that was for the curb. I have another question. I noticed driving around town there are a lot of weeds grown up around the curbs. Who did you have take care of that?

Municipal Manager Madden stated a few years ago we had a street sweeper. Council voted to remove street sweeping from the budget. We don't have anyone spray.

Council Member Adkins asked do we have anyone certified to spray?

Mr. Back stated yes the test is given in Columbus. I have to go get mine this winter so I do not know the current price right now. When a street sweeper is used all that does is knock the head off of the weed and it comes back. The sidewalk deteriorates after a while.

Council Member Adkins stated we have some trees growing in the sewer. I have asked about it before and it still has not been addressed. Is that because no one has a spray license to kill it?

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Mayor Arriola asked what kind of chemicals are you talking about using.

Mr. Back stated you typically spray round up. You have to go to class to understand the EPA Rules on what to use.

Mayor Arriola stated I would not use Round Up in my yard or around my curb.

Mr. Back stated it is an 8 hour class. It is super simple.

Mr. Back stated I think the drone is a good idea. Is there a way to get a cheaper one and what is the cost to train someone to use it.

Police Chief Hensley stated you come by my office any time I will be more than happy to discuss this with you.

Mr. Back asked what is the stipulation of family members riding in service vehicles of the village?

Municipal Manager Madden stated they shouldn't unless they have prior approval from their supervisor.

Mr. Back asked does the Municipal Manager work for the Council or does the Council work for the Municipal Manager?

Mayor Arriola stated the Municipal Manager works for the Council.

Council Member Joy stated to be clear the employees do not work for the Council.

Mayor Arriola stated the Charter states all the responsibilities.

#### **ADMINISTRATIVE STAFF COMMENTS**

Mayor Arriola stated Police Chief.

Police Chief Hensley stated I have nothing this evening.

Mayor Arriola asked anything for the Police Chief. Nothing voiced.

Mayor Arriola stated anything from Fire Chief Keyser.

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Fire Chief Keyser stated call volume is still up and we did back-to-back fires Friday and Saturday night. I am grateful for the crew.

Mayor Arriola stated anyone have anything for the Fire Chief. Nothing voiced.

Mayor Arriola stated anything from Code Enforcement Administrator Melody this evening.

Municipal Manager Madden stated nothing this evening.

Mayor Arriola stated anything to pass on the Melody. Nothing voiced.

Mayor Arriola stated Chief Financial Officer Phil.

Chief Financial Officer Phil stated I have nothing tonight.

Mayor Arriola stated anything from Service Department Superintendent Scott.

Mayor Arriola stated anything to pass on to Scott. Nothing voiced.

Mayor Arriola stated Municipal Managers comments.

#### **MANAGER'S COMMENTS**

Municipal Manager Madden stated the City of West Carrollton sent a nice letter thanking Fire Chief Keyser and our Fire Department for helping with the fire at Cohen Recycling on October 9<sup>th</sup>.

Request for an Executive Session pursuant to the Ohio Revised Code §121.22 (G) (1) and (G) (3) to discuss personnel matters and legal matters.

#### **COUNCIL MEMBER COMMENTS**

Mayor Arriola stated Nicole.

Council Member Adkins stated I have a couple. I asked about the water meters, the schedule of the installation. Did you get the total of the new meters and the time-line. Municipal Manager Madden stated that was presented at the Budget Workshop so I will have to get that for you. There are 1790 water customers and about a quarter of those have been installed. It is a 10-year project that started in 2015. It is an on-going

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budget item. Why can't we put the meetings on the message board? Municipal Manager stated we just got the message board. Good idea.

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing.

Mayor Arriola stated Gale.

Council Member Joy stated thank you to everyone for coming.

Mayor Arriola stated Tammy.

Council Member Loch stated thank you to everyone for coming.

Mayor Arriola stated Lyndon.

Council Member Perkins stated thanks to everyone for coming because we usually only have one person.

Mayor Arriola stated Vice Mayor

#### **VICE MAYOR'S COMMENTS**

Vice Mayor Macmann stated thank you for coming

#### **MAYOR'S COMMENTS**

Mayor Arriola stated thank you for coming tonight. Anything we can do to save an officer I am going to do it.

#### **EXECUTIVE SESSION**

Mayor Arriola stated I have a request for an Executive Session pursuant to the Ohio Revised Code §121.22 (G) (1) and (G) (3) to discuss personnel matters and legal matters.

Mayor Arriola stated do I have a motion to adjourn to Executive Session.

Motion by Council Member Loch, second by Council Member Adkins to adjourn to Executive Session.

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ROLL CALL ON ABOVE MOTION: Council Member Loch, yes; Council Member Macmann, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Adkins, yes; Council Member Arriola, yes; Council Member Joy, yes; 7 yes 0 no.

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola then thanked everyone for coming to the meeting. Council has a request for an Executive Session. No action will be taken following the Executive Session.

Council retired to Executive Session at 9:15 p.m.

Motion by Council Member Sands, second by Council Member Adkins to return to regular Session.

ROLL CALL ON ABOVE MOTION: Council Member Macmann, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Adkins, yes; Council Member Arriola, yes; Council Member Joy, yes; Council Member Loch, yes; 7 yes 0 no.

ALL IN FAVOR. MOTION CARRIED.

Council returned to regular session at 9:38 pm.

#### **ADJOURNMENT**

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

Motion by Council Member Loch second by Council Member Adkins to adjourn the meeting.

ROLL CALL ON ABOVE MOTION. Council Member Perkins, yes; Council Member Sands, yes; Council Member Adkins, yes; Council Member Arriola, yes; Council Member Joy, yes; Council Member Loch, yes; Council Member Macmann, yes; 7 yes 0 no.

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 9:50 p.m.

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Approved:

*R. J. [Signature]* *Nov 15, 2022*  
Mayor Date

*Andrew A. Wagner* *Nov 15, 2022*  
Clerk of Council Date