

New Lebanon Regular Council Meeting, March 7, 2023, Meeting Minutes

The Meeting was called to order at 7:30pm by Vice-Mayor Loch. 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	Absent
Lyndon Perkins	Present
Nicole Adkins	Present
Tammy Loch	Present
Raymond Arriola	Absent

Others Present:

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

Approval of the February 21st, 2023 regular meeting minutes. Any corrections or changes?

Council Member Adkins, I have a couple, I didn't say but, it was about on page 3. Add Williams on page 8 in reference to Mr. Timothy. On page 11, change three yes two no to four yes and one no.

Manager Madden, reminded our minutes aren't verbatim.

Vice-Mayor Loch, all those in favor of accepting the minutes with changes?

Five I's and zero no, minutes approved.

Law Director, the only comments I have that kind of relates to what has gone on so far, I want to thank the audience for the efforts that we've been making as far as only one person talking at a time. Allowing for the ability to get the records straight so that the records show the general meeting. We are making progress on not talking amongst ourselves where it overrides what someone else might be saying. So, we continue with one person at a time, recognized by the chair, we will have good minutes. Thank you for the progress that is being made so far.

Old Business—none

New Business

Resolution 2023-01 resolution authorizing the temporary fee waivers of garage sale permit fees for April 27th, 28th, 29th, and 30th in order to facilitate a spring reset program in the municipality of New Lebanon.

Any council questions, regarding Resolution 2023-01? None heard.

Anyone from the public wish to address the resolution? Please, raise your hand, step up to the podium and state your name and address for the record. You'll have three minutes and need to address the resolution only.

Shannon Bemis, 130 Bronwood Street. I appreciate you asking if anyone has anything regarding the proposed resolution.

Motion to approve resolution 2023-01 by Councilmember Adkins, seconded by Councilmember Sands.

Roll Call:

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

5 yes 0 no motion carries.

Public Comments, reminder you have three minutes:

Joshua Farley, 136 Bronwood Street, is there a time or place that the public can bring old business back to a discussion regarding ordinances that have passed?

Manager Madden, if you want to submit that in writing we can look at it.

Joshua Farley, the new 5G tower that was put in on the water tower. There is varying scientific opinions as far as high radio frequency and radiation that comes off cell phone towers, 5G towers and just normal radio towers. I do know that the FCC and EPA regulate the distance that you are allowed to have those things from, say water supplies or food supplies. Look into the EPA and FCC regulations on the tower being next to a water supply. There's a reason that they separate those things because of the high radio frequency waves that come off of those, they're called microwaves. Just Google it, the effects of microwaved water, drinking microwaved water. I don't let my kids, my dog, my house plants use the water. I am doing the water test right now, that's being sent out. My personal test has 983 parts per million in it, and a chlorinated level just under a pool. I used to be a pool man. The level is crazy what you have in your drinking water coming out of the tap. I do not drink this water, but I do have to bathe my children in it and your skin is the largest organ on the human body. Is there somebody maintaining our water? Is there a report that I can get on what the parts per million and the chemicals that are in my water released from the city?

Manager Madden, yes, you can find that online on our website under newsletters. It was in our July letter. EPA has us do the reports yearly. If you want to reach out to me tomorrow and let me know exactly what you want, I'll pull that information for you.

Joshua Farley, last week, I asked the mayor about the executive session and what was discussed. I would like to point out title three, chapter 3.01, where it states out loud that the council may meet in an executive session for the consideration of any item permitted under the charter of the municipality or the ordinance thereof. It goes on to continue, no action may be taken or business transacted in any executive session. Upon the return to an open meeting after an executive session, the presiding officer shall clarify or certify on record onto the meeting of the general nature of what that meeting was pertaining to. Now this council has been asked three times once by myself last week by the mayor twice told me that it was

against the law for him to tell me so. And your own charter states that it is. I would also like to point out the Ohio Constitution's home rule law states that if you write it down in your charter, it is in fact law and you have to follow it.

Council Member Adkins, when we first moved here, we had our water tested, and this is three years ago, but we almost lost one of our dogs because of the water and his kidneys shut down and it cost me almost \$1,500 to be able to save them. And we don't do anything with the water. (Audience noise) We had an independent test come in and they told us that the water was not safe for consumption. But that was three years ago. I have not tested it since because we don't drink it. My dogs get bottled water. They're spoiled now after what I went through, my chickens and everything. So, but I can relate about the dog because I went through it three years ago.

Timothy Back, 29 E. Main Street, just to quickly address the comment at the very beginning, yes, it was directed towards the law director. The only time I referenced, Mr. Timothy Williams was when I was in relation to where I was picking up from. So, I hope that clarifies and I would like that to be corrected as it was. So, I thank you for that. Can anybody tell me what is going on down at the water plant with all these vehicles? Are the workers storing their vehicles there? Are we getting rent for that?

Manager Madden, These are vehicles that the Police Chief has managed to get through the DOD.

Police Chief, we utilize those for various purposes. At the end for their service life, we have the ability to convert them to property of the Village or auction them.

Timothy Back, are we trying to flip vehicles here now?

Manager Madden and Police Chief, we didn't buy them.

Timothy Back, oh awesome, so no money was spent. The water quality here is actually crap. I lost \$4,000 worth of koi fish; I had imported from Japan directly by using New Lebanon water. I went out and had to purchase something that filters a ton of stuff out, which cost me an additional \$3,000. New Lebanon's water is terrible. When I questioned about it and asked prior questions, they told me everything met the speculations. They said everything was okay. They said it was right at the standard requirement for what they required and that, there was nothing that they could do that they were meeting the EPA qualifications for what's supposed to be in there for ammonia levels. I lost \$4,000 in fish and another \$3,000 for buying something to filter the water so that I wouldn't lose fish and this was for my landscaping company.

Shannon Bemis, 130 Bronwood Street, On the water thing since people started it, and it's been discussed in the previous years, we don't drink the water. It's bottled water. I give my dog bottled water. The mayor, at one point, had referenced that he's got a reverse osmosis through his house. I understand there's an obligation to do an annual test, but it would be nice maybe to publish some more recent water readings to maybe just make people feel a little bit better and alleviate some issues. After what Mr. Farley said, there are permissible discussion topics that you can have in an executive session, so I am not going to ask about details, but I'm going to ask on February 7th was it related to a specific personnel matter?

Manager Madden, it was personnel and a legal matter and meeting with our attorney.

Shannon Bemis, according to Sunshine Law it says on there you can't put on there what you wrote that is too vague. I have the line items of what's allowed, and it comes to like economic development, um, hospital trade secrets, security matters, uh, matters required by law to keep confidential, collective bargaining matters pending or imminent court action, purchase or sale of property, and certain

enforcement matters. And then it goes in and it's very specific as far as personnel and what it's entailing. And then legal matters really aren't on there as far as just if there's pending or imminent court action.

Manager Madden, Correct. That would be a legal matter. I think number five says to meet with our attorney.

Shannon Bemis, so it was a personnel matter and a legal matter regarding pending or imminent court action? Just wanting to clarify. It does make sense for everyone not speaking over each other. Even council, whispering and passing documents is disruptive. Chapter 8 section A line 3, duties of public body right to hear, but not to be heard or to disrupt whispering and passing documents among themselves constructively closed that portion of the meeting by intentionally providing the audience from hearing the business discussed. [Law Director] to reiterate that. I'm not saying it's intentional or it's malicious, I'm just saying, if we're trying to do things by the book, then this is something, because there's a lot of times, I'm like, wait, what'd you say? Public records request, I know the mayor referenced that you [Glena] have to transcribe the meeting minutes and pull records requests. I know before Sandy always pulled the public records requests.

Manager Madden, Others pull the records and then give them to me after for redactions and law review if needed.

Shannon Bemis, I appreciate that you have started adding public comments for ordinances and resolutions (tonight). Actually, asked tonight. Charter Review Committee?

Manager Madden, It is posted on the website under board opportunities. So, anybody that's interested, just like you do any other board, submit your interest. I think I have it through the 24th or something in this month. And then once I have all those, then I'll submit those to council, so they can pick the 11 or 12 or however many people they want to pick. And then we'll have meetings in April and May. I want to know if council can straw poll about putting a time clock in place.

Vice-Mayor Loch, that would be up to the village manager because she is over the administration. She can look into it. That would be her decision to do the research.

Shannon Bemis, in the charter, the council holds itself accountable to the citizens, me, us, of municipality and support policies and procedures needed to ensure fiscal integrity while maintaining necessary desired services. I'm not going to read it all, but you guys have every right to a resolution or whatever you need to do or ask for certain documentation or sheets. You have that ability to do that. It really upset and frustrated me with the mayor comments at the end of the last meeting, saying it's a hostile work environment for his employees.

Vice-Mayor Loch, can you submit the rest of this to an email because you are way over six minutes? Save it for next time. We'll have Glenna look into it. Same thing for timecards. Save it for next time, you're way over your minutes. Have a seat.

Audience noise heard

Glenn Hughes, 285 Yorkwood Drive, As far as the water is concerned, (inaudible, audience noise) I've lived in New Lebanon for a long time and as long as the water is treated with a softener or reverse osmosis it's not too bad. Maybe test it more often, put in newsletter, also do they go to different locations?

Manager Madden, they have different locations.

Glenn Hughes, The speaking part of this? If I didn't sign in then I can't ask a question if you bring something up. Maybe there should be a better way.

James Adkins, 1651 W. Main Street, I like to see a clock somewhere that shows our three minutes, so we can keep better control and know where we need to end ourself instead of being told you're already over time. We lost our water supply, six months ago. When the guy was cutting a tree down in his front yard and we was without water. We have a generator. We're on the pump side. We're not on the water tower side. We on the pump generator, correct?

Manager Madden, what do you mean by a generator? We have a generator at the water plant.

James Adkins, EPA says you should have a log of the generator tests done weekly.

Manager Madden, I can check on that.

James Adkins, the water really does suck here. I installed an RO system on our house after dog was sick. I would have never moved her had I tasted the water. I love this town, good people, good police officers they do what they do. Fire department the same way. You never hear anything bad. It's a good town. Here's the thing, this is a legal meeting. You were all sworn in when you took these seats. If someone sits up here and lies to us isn't that perjury? Punishable by arrest?

Police Chief, yes. Perjury is punishable by law but it is not something I've seen outside of the courts.

James Adkins, do you live in this town?

Police Chief, I do.

James Adkins, Have you checked your public records for where you are allowed to vote?

Police Chief, yes.

James Adkins, it's in Oregonia.

Police Chief, it isn't.

James Adkins, it was a month ago.

Police Chief, it was a month ago.

James Adkins, did your driver's license change?

Vice-Mayor, do you have anything else, because that is a personnel matter.

Vice-Mayor, Ms. Bemis you are out of order.

Inaudible

Vice-Mayor, is that all Mr. Adkins?

Next is Melissa Sexton, 180 Parkview Drive.

I see that the dog waste stations back there, they look very nice. The trash hands in the park. Are we going to continue to do the blue and white plastic barrels or have something in place for normal trash cans?

Manager Madden, we haven't looked into any other type of trash can, if that's what you're asking. So as of now, we'll continue to use the blue or white plastic barrels. That can be discussed at the park board.

Melissa Sexton, I'd like the information on the Mexican restaurant. The owner's name. Sands/Macmann are you running again?

Council Member Macmann, I haven't decided yet.

Council Member Sands, I haven't decided yet.

Administrative staff comments

Police Chief, first two drone pilots have been trained and certified. Working on drafting the drone policy with clear guidelines and expectations.

Police Chief was thanked by Council Member Adkins for putting the sign out on Sunday announcing the monthly meeting.

Police Chief, reported repairs to the digital sign have been completed the supports are now in place. The sign was put out before the repairs, but they were able to anchor, as the problem was transporting it. The supports are installed and look great, as one of our service persons was able to take care of it for us by welding new mounts to the bases. The batteries, which we also got from the government, turned out to be all good. The recharging issues were lack of sunlight and it won't charge while it is in use, when we pull it back to the station, we are able to put it on a charger.

Fire Chief, we did get a thank you from the basketball team. Says, thank you so much for your support. What great memories these boys, coaches, cheerleaders, and parents made with the escort and support you gave them. This included a picture of the team. I believe the PD also received something similar.

Manager Madden, the thank you is in reference to when the team left town for their tournament. The fire department and police department gave them an escort out of town.

Zoning and Compliance Officer, nothing tonight.

Chief Financial Officer, I have nothing for tonight.

Service department Superintendent, question asked about fire lanes/curbs being painted at fire hydrants.

Manager Madden, Painting the curbs won't get done in the spring. It's a summer project. I think last time we tried to get the prisoners out to paint.

Municipal managers comments, February 28th, we did a public meeting for Blosser Street and we had, I believe, around 10 members from the public. Most of them lived on the street as they received letters. Additionally, the notice was posted. I wanted to thank the mayor, the vice mayor, and council member Macmann for their attendance. The meeting was very informal in nature. The public, the staff, the elected officials, and the engineers were able to gather around the map and just ask questions about project area. The project should be starting fairly soon, and the completion date is October of 2023. The other thing I have is income taxes are due April 17th. Reminder, we are using the Ohio Attorney General's office to collect our delinquencies. We started doing that last year. We've had 66 delinquencies turned in. They were sent in December. We've been able to collect \$37,757, including penalties and interest, and we've had three payments that were received this month and we're anticipating more as refunds are being processed for 2022. So, it's just a reminder as there's another batch of delinquent taxes that'll be sent this month to the attorney General. Also, a request for an executive session.

Do I have a motion to go to, into executive session pursuant to the Ohio Revised Code §121.22 (G) (1), (2), (3), (5) to discuss personnel matters and legal matters.

Motion to go into executive session made by Council Member Sands, seconded by Council Member Macmann.

Roll Call began, question asked by Council Member Perkins, are you going to come back and do the council member comments after the executive session?

Vice-Mayor Loch, we can do them now.

Council Member comments:

Council Member Perkins, I've been drinking water since 1962. And I took a shower, as I usually do, before I came here. Water is fine and your choice. The police chief is my neighbor. For the Law Director, is there an ordinance where the council can vote on time clocks or not?

Law Director, this question is to whether, it's a matter of legislation, but certainly the council can consult with the manager.

Council member Adkins, my question is about we got Covid money back in Covid. How much did we get? This is before my time. Do you know what we used the covid money for? Can you provide me that information.

Manager Madden, there were two tranches of Covid money. You had the first set of money, and then you had the second set of money, which was the ARPA money. The ARPA money was used mostly on the sewer plant. The Covid money was used on multiple different things. I'd have to pull that and get that information.

Vice-Mayor Loch, thank you to everyone who came tonight.

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 Council Member Macmann seconded by Council Member Sands.

Roll Call:

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

5 yes 0 no motion carries.

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

Motion to return from executive session by Council Member Perkins seconded by Council Member Adkins.

Roll Call:

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

5 yes 0 no motion carries.

Motion to adjourn Council Member Sands Seconded by Council Member Adkins.

Roll Call:

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

5 yes 0 no motion carries.

Meeting adjourned at 8:44pm by Vice-Mayor Loch.

Approved:



Mayor

21 Mar 2023
Date



CFO/Clerk of Council

MARCH 21, 2023
Date